

# FAREHAM

BOROUGH COUNCIL

## AGENDA PLANNING COMMITTEE

**Date:** Wednesday, 24 May 2023

**Time:** 2.30 pm

**Venue:** Collingwood Room - Civic Offices

**Members:**

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

Councillors Miss J Burton  
D G Foot  
M J Ford, JP  
Mrs C L A Hockley  
S Ingram  
P Nother  
Mrs S M Walker

**Deputies:** Ms C Bainbridge  
F Birkett  
S Dugan  
Mrs K K Trott



**1. Apologies for Absence**

**2. Minutes of Previous Meeting (Pages 1 - 18)**

To confirm as a correct record the minutes of the Planning Committee meeting held on 12 April 2023.

**3. Chairman's Announcements**

**4. Declarations of Interest**

To receive any declarations of interest from members in accordance with Standing Orders and the Council's Code of Conduct.

**5. Deputations**

To receive any deputations of which notice has been lodged.

**6. Planning applications and Miscellaneous Matters including an update on Planning Appeals (Page 19)**

To consider a report by the Director of Planning and Regeneration on development control matters, including information regarding new planning appeals and decisions.

**ZONE 1 - WESTERN WARDS**

(1) **P/19/0870/FP - LAND OFF ROOKERY AVENUE (Pages 21 - 45)**

(2) **P/22/1629/RM - LAND BETWEEN AND TO THE REAR OF 56-66 GREENAWAY LANE (Pages 46 - 63)**

**ZONE 2 - FAREHAM**

(3) **P/23/0083/FP - OSBORN ROAD MULTI-STOREY CAR PARK, OSBORN ROAD (Pages 65 - 77)**

(4) **P/23/0389/VC - LAND TO THE REAR OF 82 THE AVENUE, FAREHAM (Pages 78 - 89)**

**ZONE 3 - EASTERN WARDS**

(5) **Planning Appeals (Pages 91 - 97)**

**7. Tree Preservation Orders**

To consider the confirmation of the following Tree Preservation Order(s) which have been made to officers under delegated powers and to which no formal objections have been received.

**Fareham Tree Preservation Order 776: Avon Park, 66 Southampton Road, Titchfield Common**

A provisional order was made on 22 March 2023 in respect of 2 individual oak trees and one group of 5 oak trees. No formal objections have been received and it is recommended for TPO 776 to be confirmed as originally made and served.

**Fareham Tree Preservation Order 777: 10 Barn Close & Great Posbrook, Titchfield**

A provisional order was made on 2 March 2023 in respect of 4 individual trees (2x horse chestnut, 1 x lime and 1 x cedar). No formal objections have been received and it is recommended for TPO 777 to be confirmed as originally made and served.



A WANNELL  
Chief Executive Officer  
Civic Offices  
[www.fareham.gov.uk](http://www.fareham.gov.uk)  
16 May 2023

**For further information please contact:  
Democratic Services, Civic Offices, Fareham, PO16 7AZ  
Tel:01329 236100  
[democraticservices@fareham.gov.uk](mailto:democraticservices@fareham.gov.uk)**

# FAREHAM

BOROUGH COUNCIL

## Minutes of the Planning Committee

(to be confirmed at the next meeting)

**Date:** Wednesday, 12 April 2023

**Venue:** Collingwood Room - Civic Offices

**PRESENT:**

**Councillor** N J Walker (Chairman)

**Councillor** I Bastable (Vice-Chairman)

**Councillors:** Miss J Burton, D G Foot, M J Ford, JP, Mrs C L A Hockley,  
P Nother and Mrs S M Walker

**Also  
Present:**



**1. APOLOGIES FOR ABSENCE**

An apology of absence was received from Councillor S Ingram.

**2. MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the Planning Committee meeting held on 15 March 2023 be confirmed and signed as a correct record.

**3. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcement:

“I am pleased to confirm that last week this Council formally adopted its new Local Plan, called the Fareham Local Plan 2037. It replaces the Core Strategy 2011 and the Local Plan Part 2: Development Sites and Policies, along with the policies contained within those two plans.

The Fareham Local Plan 2037 now provides the planning policy basis for making decisions on planning applications. Officers have provided updates for each of the planning applications on today’s agenda to reflect this.”

**4. DECLARATIONS OF INTEREST**

There were no declarations of interest made at this meeting.

**5. DEPUTATIONS**

The Committee received a deputation from the following in respect of the applications indicated and were thanked accordingly.

Name	Spokesperson representing the persons listed	Subject	Supporting or Opposing the Application	Minute No/ Application No/Page No	Dep Type
<b>ZONE 1 – 2.30pm</b>					
Mr Michael Knappett (Agent)		LAND WEST OF LOCKSWOOD ROAD – OUTLINE APPLICATION FOR UP TO 27 DWELLINGS WITH ACCESS FROM LOCKSWOOD ROAD, ASSOCIATED OPEN SPACE, SUSTAINABLE	<b>Supporting</b>	6(1) P/21/1334/OA Pg 16	<b>In Person 3 minutes</b>

		DRAINAGE & LANDSCAPING			
Mr Michael Knappett (Agent)		LAND WEST OF LOCKSWOOD ROAD – OUTLINE APPLICATION FOR UP TO 11 SELF/CUSTOM BUILD DWELLINGS WITH ACCESS FROM LOCKSWOOD ROAD, ASSOCIATED OPEN SPACE, SUSTAINABLE DRAINAGE & LANDSCAPING	Supporting	6 (2) P/21/1335/OA Pg 50	In Person 3 minutes
Mr Darryl Howells (Agent)		35 BURRIDGE ROAD – PARTIAL DEMOLITION OF THE EXISTING HOUSE, MAKING GOOD THE SIDE ELEVATION, SEVER LAND AND THE ERECTION OF FOUR 4-BED DETACHED HOUSED WITH SHARED ACCESS	Supporting	6(3) P/23/0008/FP Pg 84	In Person 3 minutes
Mr Carl Freeman		-DITTO-	Supporting	-Ditto-	Written
Mr Vivian Holt	Burridge and Swanwick Residents Association	-DITTO-	Opposing	-Ditto-	Written
<b>ZONE 2 – 3.30pm</b>					
Mr Andrew Munton		LAND SOUTH OF FUNTLEY ROAD – DEED OF VARIATION OF SECTION 106 UNILATERAL UNDERTAKING REGARDING PUBLIC RIGHT OF WAY AND AFFORDABLE HOUSING OBLIGATIONS	Supporting	6 (5) Q/0495/23 Pg 111	In Person 3 minutes

<b>ZONE 3 – 3.30pm</b>					
Mr Philip Whinray		SOLENT AIRPORT DAEDALUS DRIVE – INSTALLATION OF AN AIRFIELD GROUND LIGHTING SYSTEM AND ASSOCIATED WORKS INCLUDING RUNWAY APPROACH LIGHTING, TAXIWAY LIGHTING AND SIGNAGE FORMING PART OF WIDER AIRFIELD GROUND LIGHTING SYSTEM EXTENDING INTO AIRPORT LAND WITHIN GOSPORT BOROUGH (SEPARATE GOSPORT PLANNING APPLICATION REF. 22/00524/FULL).	<b>Opposing</b>	6 (6) P/22/1865/D3 Pg 117	<b>In Person 2 minutes</b>
Mr Rob Megginson		-DITTO-	<b>-Ditto-</b>	-Ditto-	<b>In Person 2 minutes</b>
Mr Gareth Jones		-DITTO-	<b>-Ditto-</b>	-Ditto-	<b>Written</b>
Mrs Rose Christophersen	Ranvilles Residents Community Group	-DITTO-	<b>-Ditto-</b>	-Ditto-	<b>In Person 3 minutes</b>
Mr Charles McClea (Agent)		-DITTO-	<b>Supporting</b>	-Ditto-	<b>In Person 3 minutes</b>

## **6. PLANNING APPLICATIONS AND MISCELLANEOUS MATTERS INCLUDING AN UPDATE ON PLANNING APPEALS**

The Committee noted a report by the Director of Planning and Regeneration on the development control matters, including information regarding new appeals and decisions.

### **(1) P/21/1334/OA - LAND WEST OF LOCKSWOOD ROAD**

The Committee received the deputation referred to in Minute 5 above.

The Committee's attention was drawn to the Update Report which contained the following information: -

*The Council's Ecologist has reviewed the Biodiversity Net Gain (BNG) assessments and it is considered likely that a 10% BNG is achievable. The submission of a BNG plan with the Reserved Matters application would be secured through the Section 106 agreement confirming that the minimum 10% net gain would be achieved and providing further detail of how the habitat would be managed and maintained for a minimum of 30 years.*

*Following the adoption of the Fareham Local Plan 2037 on 5 April 2023 there are some changes to the relevant material planning considerations set out within section 8.0 'Planning Consideration' of the Officer Report as follows;*

#### **b) Fareham Local Plan 2037 policy position (para 8.15 – 8.16)**

*The Fareham Local Plan 2037 was adopted by the Council on 5 April 2023 and the policies of the plan should now be afforded full weight.*

#### **c) Residential development in the countryside (para 8.17 – 8.21)**

*Policies CS2, CS4 and DSP6 of the Fareham Core Strategy 2011 and the Fareham Local Plan Part 2: Development Sites & Policies have been superseded and are no longer relevant.*

*Policies DS1 and HA1 of the Fareham Local Plan 20337 now carry full weight and indicate that development of the site is acceptable in principle.*

#### **i) The Planning Balance**

*Conflict with Policies CS2, CS14 and DSP6 of the Fareham Core Strategy 2011 and the Fareham Local Plan Part 2: Development Sites & Policies (set out at para 8.70) should be removed from the planning balance.*

*The proposal accords with Policies HA1 and DS1 of the adopted Fareham Local Plan 2037.*

*Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications:*

*"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be*



*made in accordance with the plan unless material considerations indicate otherwise.”*

*Paragraph 11 of the NNPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay.*

*The recommendation remains as set out at section 9.0 in the Officer report.*

Upon being proposed and seconded the officer recommendation to: -

- (i) GRANT outline planning permission, subject to: -
  - (a) The consideration of any comments received from Natural England in response to consultation on the Council’s Appropriate Assessment;
  - (b) The applicant/owner first entering into a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council in respect of the following:
    - a) To secure 40% of the proposed dwellings as on-site affordable housing; the type, size, mix and tenure to be agreed to the satisfaction of Officers;
    - b) To secure vehicular and pedestrian access and cycle connectivity to adjoining land to the north and west right up to the party boundary in perpetuity;
    - c) To secure a financial contribution towards the Solent Recreation Mitigation Partnership (SRMP);
    - d) To secure a financial contribution in accordance with the Council’s New Forest Recreational Disturbance Interim Mitigation Solution;
    - e) To secure the retention of specified areas of the site for habitat retention/creation in accordance with the illustrative masterplan (those areas indicated for ‘retained trees/ecology’ and ‘new native planting’);
    - f) To secure the provision of 3m wide ecological corridors as shown on the submitted plan;
    - g) To secure the submission of a biodiversity net gain plan demonstrating that a minimum 10% BNG is achievable and confirm how the proposed BNG habitats will be implemented, managed, maintained, monitored and funded for a minimum of 30-years;
    - h) To secure the preparation and provision of the off-site reptile translocation area and a contribution towards the future management/maintenance; and
  - (c) The conditions in the report.

And then:

(d) DELEGATE authority to the Head of Development Management to:

- a) Make any necessary modification, deletion or addition to the proposed conditions or heads of terms for the section 106 legal agreement; and
- b) Make any necessary changes arising out of detailed negotiations with the applicant which may necessitate the variation, addition or deletion of the conditions and heads of terms as drafted to ensure consistency between the two sets of provisions.

Was voted on and CARRIED.

(Voting: 8 in favour; 0 against)

RESOLVED that: -

(i) OUTLINE PLANNING PERMISSION be granted, subject to: -

- a) The consideration of any comments received from Natural England in response to consultation on the Council's Appropriate Assessment:
- b) The applicant/owner first entering into a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council in respect of the following:
  - a) To secure 40% of the proposed dwellings as on-site affordable housing; the type, size, mix and tenure to be agreed to the satisfaction of Officers;
  - b) To secure vehicular and pedestrian access and cycle connectivity to adjoining land to the north and west right up to the party boundary in perpetuity;
  - c) To secure a financial contribution towards the Solent Recreation Mitigation Partnership (SRMP);
  - d) To secure a financial contribution in accordance with the Council's New Forest Recreational Disturbance Interim Mitigation Solution;
  - e) To secure the retention of specified areas of the site for habitat retention/creation in accordance with the illustrative masterplan (those areas indicated for 'retained tress/ecology' and 'new native planting');
  - f) To secure the provision of 3m wide ecological corridors as shown on the submitted plan;
  - g) To secure the submission of a biodiversity net gain plan demonstrating that a minimum 10% BNG is achievable and confirm how the proposed BNG habitats will be implemented, managed, maintained, monitored and funded for a minimum of 30-years;

- h) To secure the preparation and provision of the off-site reptile translocation area and a contribution towards the future management/maintenance; and
- (ii) The conditions in the report; and
- (iii) AUTHORITY BE DELEGATED to the Head of Development Management to:
  - a) Make any necessary modification, deletion or addition to the proposed conditions or heads of terms for the section 106 legal agreement; and
  - b) Make any necessary changes arising out of detailed negotiations with the applicant which may necessitate the variation, addition or deletion of the conditions and heads of terms as drafted to ensure consistency between the two sets of provisions.

**(2) P/21/1335/OA - LAND WEST OF LOCKSWOOD ROAD**

The Committee received the deputation referred to in Minute 5 above.

The Committee's attention was drawn to the Update Report which contained the following information: -

*The Council's Ecologist has reviewed the Biodiversity Net Gain (BNG) assessments and it is considered likely that a 10% net gain is achievable. The submission of a biodiversity net gain plan with the Reserved Matters application would be secured through the Section 106 agreement confirming that the minimum 10% net gain would be achieved providing further detail of how the habitat would be managed and maintained for a minimum of 30 years.*

*Following the adoption of the Fareham Local Plan 2037 on 5 April 2023 there are some changes to the relevant material planning considerations set out within section 8.0 'Planning Consideration' of the Officer Report as follows:*

*b) Fareham Local Plan 2037 policy position (paras 8.15 – 8.16)*

*The Fareham Local Plan 2037 was adopted by the Council on 5 April 2023 and the policies of the plan should now be afforded full weight.*

*c) Residential development in the countryside (paras 8.17 – 8.21)*

*Policies CS2, CS14 and DSP6 of the Fareham Core Strategy 2011 and the Fareham Local Plan Part 2: Development Sites & Policies (set out at para 8.69) should be removed from the planning balance.*

*The proposal accords with Policies HA1 and DS1 of the Adopted Fareham Local Plan 2037.*

*Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications:*

*“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts determination must be made in accordance with the plan unless material considerations indicate otherwise.”*

*Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay.*

*The recommendation remains as set out in section 9.0 of the Officer report which the exception of condition 7 which is hereby amended to read as follows:*

*“The dwellings hereby permitted shall not be built or completed and first occupied other than by*

*(a) individuals,*

*(b) associations of individuals or*

*(c) persons working with or for individuals or associations of individuals who have had primary input into the design of the dwelling.*

*REASON: To ensure that the development is carried out and occupied as a self-build or custom build development for which permission was granted.”*

Upon being proposed and seconded the officer recommendation to: -

- (i) GRANT outline planning permission, subject to: -
  - (a) The consideration of any comments received from Natural England in response to consultation on the Council’s Appropriate Assessment;
  - (b) The applicant/owner first entering into a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council in respect of the following:
    - a) To secure vehicular and pedestrian access and cycle connectivity to adjoining land to the north and west right up to the party boundary in perpetuity;
    - b) To secure a financial contribution towards the Solent Recreation Mitigation Partnership (SRMP);
    - c) To secure a financial contribution in accordance with the Council’s New Forest Recreational Disturbance Interim Mitigation Solution;
    - d) To secure the retention of specified areas of the site for habitat retention/creation in accordance with the land uses plan (those areas indicated fir ‘retained trees/ecology’);

- e) To secure the provision of 3m wide ecological corridors as shown on the submitted plan;
  - f) To secure the submission of a biodiversity net gain plan demonstrating that a minimum 10% BNG is achievable and confirm how the proposed BNG habitats will be implemented, managed, maintained, monitored and funded for a minimum of 30-years;
  - g) To secure the preparation and provision of the off-site reptile translocation area and a contribution towards the future management/maintenance;
- (ii) The conditions in the report; and
  - (iii) Amended Condition 7 as set out in the Update Report.

And THEN:

- (iv) DELEGATE authority to the Head of Development Management to:
  - (a) Make any necessary modification, deletion or addition to the proposed conditions or heads of terms for the section 106 legal agreement; and
  - (b) Make any necessary changes arising out of detailed negotiations with the applicant which may necessitate the variation, addition or deletion of the conditions and heads of terms as drafted to ensure consistency between the two sets of provisions.

Was voted on and CARRIED.

(Voting: 7 in favour; 1 against)

RESOLVED that: -

- (i) OUTLINE PLANNING PERMISSION be granted, subject to: -
  - (a) The consideration of any comments received from Natural England in response to consultation on the Council's Appropriate Assessment;
  - (b) The applicant/owner first entering into a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council in respect of the following:
    - a) To secure vehicular and pedestrian access and cycle connectivity to adjoining land to the north and west right up to the party boundary in perpetuity;
    - b) To secure a financial contribution towards the Solent Recreation Mitigation Partnership (SRMP);
    - c) To secure a financial contribution in accordance with the Council's New Forest Recreational Disturbance Interim Mitigation Solution;

- d) To secure the retention of specified areas of the site for habitat retention/creation in accordance with the land uses plan (those areas indicated for 'retained trees/ecology');
  - e) To secure the provision of 3m wide ecological corridors as shown on the submitted plan;
  - f) To secure the submission of a biodiversity net gain plan demonstrating that a minimum 10% BNG is achievable and confirm how the proposed BNG habitats will be implemented, managed, maintained, monitored and funded for a minimum of 30-years;
  - g) To secure the preparation and provision of the off-site reptile translocation area and a contribution towards the future management/maintenance;
- (ii) The conditions in the report; and
  - (iii) Amended Condition 7 as set out in the Update Report;
  - (iv) **AUTHORITY BE DELEGATED** to the Head of Development Management to:
    - (a) Make any necessary modification, deletion or addition to the proposed conditions or heads of terms for the section 106 legal agreement; and
    - (b) Make any necessary changes arising out of detailed negotiations with the applicant which may necessitate the variation, addition or deletion of the conditions and heads of terms as drafted to ensure consistency between the two sets of provisions.

### **(3) P/23/0008/FP - 35 BURRIDGE ROAD**

The Committee received the deputations referred to in Minute 5 above.

The Committee's attention was drawn to the Update Report which contained the following information: -

*Following the adoption of the Fareham Local Plan 2037 on 5 April 2023 there are some changes to the relevant material planning considerations set out within section 8.0 'Planning Consideration' of the Officer Report as follows;*

#### ***b) Residential development in the countryside (paras 8.13 – 8.37)***

*Policies CS14 and DSP6 of the Fareham Core Strategy 2011 and the Fareham Local Plan Part 2: Development Sites & Policies have been superseded and are no longer relevant.*

*Policies HP1 and HP2 of the Fareham Local Plan 2037 now carry full weight and indicate that development fails to accord with both these policies.*

#### ***d) Impact on Residential Amenity (8.41 – 8.45)***

*Policies DSP3 of the Local Plan Part 2: Development Sites & Policies has been superseded and is no longer relevant.*

*Policy D2 now carries full weight and the development complies with this policy.*

**f) Ecology (8.53 – 8.57)**

*Policy NE1 and NE2 now carry full weight and the proposal fails to comply with these policies.*

**h) Impact on Habitat Sites (8.59 – 8.71)**

*Policies CS4 of the Core Strategy has been superseded and is no longer relevant.*

*Policies NE1, NE2 and NE4 now carry full weight and the development fails to comply with these policies.*

**j) The Planning Balance (8.77 – 8.84)**

*Conflict with Policies Cs2, CS14 and DSP6 of the Fareham Core Strategy 2011 and the Fareham Local Plan Part 2: Development Sites & Policies (set out at para 8.81) should be removed from the planning balance.*

*The proposal fails to accord with Policies H1, HP1 and HP2 adopted Fareham Local Plan 2037.*

*Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications:*

*“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”*

*Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date granting planning permission unless:*

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or*
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

*Having carefully considered all material planning matters and assessing the proposal against the new development plan and the tilted balance, Officers consider that planning permission should be refused as the adverse impacts set out in the Officer report would significantly and demonstrably outweigh the benefits of granting permission.*

*The recommendation remains as set out in section 9.0 of the Committee report.*

Upon being proposed and seconded the officer recommendation to refuse planning permission was voted on and CARRIED.  
(Voting: 8 in favour; 0 against)

RESOLVED that :

- (i) PLANNING PERMISSION be REFUSED.

#### Reasons for Refusal

The development would be contrary to Policies DS1, DS3, H1, HP2, NE1, NE2, NE3, NE4, NE6, D1 and D2 of the Fareham Local Plan 2037 and is unacceptable in that:

- i) The provision of dwellings in his location would be contrary to adopted Local Plan policies which seek to prevent residential development in the countryside. Furthermore, the development would not be sustainably located adjacent to or well-integrated with the neighbouring settlement area.
- ii) The introduction of dwellings in this location would fail to respond positively to and be respectful of the key characteristics of the area, particularly its predominantly undeveloped, backland location which would be out of character with the prevailing pattern of development in the area.
- iii) Insufficient information has been provided to adequately demonstrate that no harm would be caused to features of ecological importance on the surrounding sites and protected species.
- iv) Insufficient information has been provided to adequately demonstrate that no harm would be caused to existing trees on and adjacent to the site.
- v) No information has been provided to demonstrate that the proposal would provide at least 10% net gain for biodiversity for the lifetime of the development and would therefore be contrary to Policy NE2.
- vi) The proposal would have likely adverse effects on the integrity of protected Habitat Sites in combination with other developments due to the additional generation of nutrients entering the water environment and the lack of appropriate and appropriately secured mitigation.



- vii) The site lies within 5.6km of The Solent Waters Special Protection Areas. The proposal fails to provide appropriate mitigation against the impact of increased recreational disturbance created from the provision of additional residential accommodation within this area.
- viii) The site lies within 13.8km of the New Forest Special Protection Area, Special Area of Conservation and Ramsar site. The proposal fails to provide appropriate mitigation against the impact of increased recreational disturbance created from the provision of additional residential accommodation.
- (ii) AUTHORITY BE DELEGATED to the Head of Development Management to:
  - (a) make any necessary modifications, deletions or additions to the proposed reasons for refusal.

**(4) P/23/0333/FP - 53 NICHOLAS CRESCENT**

The Committee's attention was drawn to the Update Report which contained the following information: -

Planning Policy & Guidance:

*The Fareham Local Plan 2037 was adopted by the Council on 5<sup>th</sup> April 2023 and the policies of the plan should now be afforded full weight.*

*The policies referenced within the report to the Fareham Borough Core Strategy 2011 (Local Plan Part 1) and the Fareham Local Plan Part 2: Development Sites & Policies 2015 have been superseded and are no longer relevant.*

Upon being proposed and seconded the officer recommendation to: -

- (i) GRANT planning permission, subject to the conditions in the report; and
- (ii) DELEGATE authority to the Head of Development Management to:
  - (a) Make any necessary modification, deletion or addition to the proposed conditions.

Was voted on and CARRIED.  
(Voting: 8 in favour; 0 against)

RESOLVED that: -

- (i) PLANNING PERMISSION be granted, subject to the conditions in the report; and
- (ii) AUTHORITY BE DELEGATED to the Head of Development Management to:

- (a) Make any necessary modification, deletion or addition to the proposed conditions.

**(5) Q/0495/23 - LAND TO THE SOUTH OF FUNTLEY ROAD**

The Committee received the deputation referred to in Minute 5 above.

Upon being proposed and seconded the officer recommendation for Members to authorise the completion of a Deed of Variation to the Section 106 along the following lines:

- a) To vary the wording of certain definitions and obligations relating to delivery of the Public Right of Way to:
  - i. Separate the definition of the Public Right of Way into Northern and Southern sections to enable the respective sections to come forward independently;
  - ii. Require the submission of a Northern Public Right of Way Scheme and a Southern Public Right of Way Scheme, including details of their laying out and construction, to the Council;
  - iii. Include the construction of the Southern Public Right of Way within the definition of a Preparatory Operation meaning its construction would not trigger the commencement of the development for the purposes of the planning obligation;
  - iv. Simplify the process for discharging obligations under Section 228 of the Highways Act 1980 in relation to unregistered land;
  - v. Amend the meaning of Deed of Dedication accordingly.
  
- b) To vary the wording of certain definitions and obligations relating to Affordable Housing provision regarding:
  - i. The minimum term of shared ownership lease increasing from 125 to 999 years;
  - ii. The minimum equity stake for shared ownership dwellings reducing from 25% to 10%;
  - iii. The protections applying to purchasers/occupiers of individual dwellings also applying to mortgagees, charges and successors in title of those purchasers/occupiers.

Was voted on and CARRIED.  
(Voting: 8 in favour; 0 against)

RESOLVED that Members to AUTHORISE the completion of a DEED OF VARIATION to the Section 106 along the following lines:

- a) To vary the wording of certain definitions and obligations relating to delivery of the Public Right of Way to:

- i. Separate the definition of the Public Right of Way into Northern and Southern sections to enable the respective sections to come forward independently;
  - ii. Require the submission of a Northern Public Right of Way Scheme and a Southern Public Right of Way Scheme, including details of their laying out and construction, to the Council;
  - iii. Include the construction of the Southern Public Right of Way within the definition of a Preparatory Operation meaning its construction would not trigger the commencement of the development for the purposes of the planning obligation;
  - iv. Simplify the process for discharging obligations under Section 228 of the Highways Act 1980 in relation to unregistered land;
  - v. Amend the meaning of Deed of Dedication accordingly.
- b) To vary the wording of certain definitions and obligations relating to Affordable Housing provision regarding:
- i. The minimum term of shared ownership lease increasing from 125 to 999 years;
  - ii. The minimum equity stake for shared ownership dwellings reducing from 25% to 10%;
  - iii. The protections applying to purchasers/occupiers of individual dwellings also applying to mortgagees, charges and successors in title of those purchasers/occupiers.

**(6) P/22/1865/D3 - SOLENT AIRPORT DAEDALUS DRIVE**

The Committee received the deputations referred to in Minute 5 above.

The Committee's attention was drawn to the Update Report which contained the following information: -

Planning Policy & Guidance:

*The Fareham Local Plan 2037 was adopted by the Council on 5<sup>th</sup> April 2023 and the policies of the plan should be afforded full weight.*

*The policies referenced within the report to the Fareham Borough Core Strategy 2011 (Local Plan Part 1) and the Fareham Local Plan Part 2: Development Sites & Policies 2015 have been superseded and are no longer relevant.*

Consultations:

**Gosport Borough Council:** No comment

Representations:

One further letter has been received making the following points:

- Reasonable consideration needs to be given of how/whether lighting will affect those with houses immediately on the airfield very near to where a significant amount of the lighting is sited.
- Can the application be modified to include that the lighting will not be switched on outside of airfield operating hours AND will not be on at night?
- Residents would certainly like to avoid being dazzled by any lights which are not shone solely on the ground, and deserve the right to avoid circadian disruption from receiving light in the blue part of the light spectrum when it's dark outside.

Further to the Update Report the Planning Case Officer also provided the following verbal update: -

Members were advised that a formal request to defer the determination of the application has been received. The request stated that deferral should be until the outcome of a request for confidential information that has been exempted from disclosure under the FOIA is concluded.

Members were informed that the document in question, a business case study, is not a material consideration for determination of this application and therefore there is no reason why the Committee cannot determine the application today. Members were advised that they should take a formal vote on the deferral request prior to taking any other vote on this application.

The Chairman asked the Committee for a show of hands for those in support of the request to deferral and those against.

(Voting: 0 in favour; 8 against). As the motion to defer was declared LOST the Committee continued to determine the application.

Upon being proposed and seconded the officer recommendation to grant planning permission, subject to: -

- (a) Receipt from the Applicant of a completed unilateral undertaking pursuant to Section 106 of the Town and Country Planning Act 1990, on terms acceptable to The Solicitor to the Council, to secure a financial contribution payable prior to the commencement of the development to mitigate the loss of Brent Geese and Wading Bird secondary support area habitat; and
- (b) In consultation with the Solicitor to the Council, consider any comments received from Natural England relating to the consultation on the Appropriate Assessment and to make any minor modifications to the proposed conditions, addition of conditions, or any other subsequent minor changes arising; and

(c) The conditions in the report.

Was voted on and CARRIED.

(Voting: 8 in favour; 0 against)

RESOLVED that PLANNING PERMISSION be granted, subject to: -

- (a) Receipt from the Applicant of a completed unilateral undertaking pursuant to Section 106 of the Town and Country Planning Act 1990, on terms acceptable to The Solicitor to the Council, to secure a financial contribution payable prior to the commencement of the development to mitigate the loss of Brent Geese and Wading Bird secondary support area habitat;
- (b) In consultation with the Solicitor to the Council, consider any comments received from Natural England relating to the consultation on the Appropriate Assessment and to make any minor modifications to the proposed conditions, addition of conditions, or any other subsequent minor changes arising; and
- (c) The conditions in the report.

**(7) P/23/0243/FP - 85 HILL HEAD ROAD**

The Committee's attention was drawn to the Update Report which contained the following information: -

Planning Policy & Guidance:

*The Fareham Local Plan 2037 was adopted by the Council on 5<sup>th</sup> April 2023 and the policies of the plan should now be afforded full weight.*

*The policies referenced within the report to the Fareham Borough Core Strategy 2011 (Local Plan Part 1) and the Fareham Local Plan Part 2: Development Sites & Polices 2015 have been superseded and are no longer relevant.*

Upon being proposed and seconded the officer recommendation to grant planning permission, subject to the conditions in the report, was voted on and CARRIED.

(Voting: 8 in favour; 0 against)

RESOLVED that, subject to the conditions in the report, PLANNING PERMISSION be granted.

**(8) Planning Appeals**

The Committee noted the information in the report.

**(9) UPDATE REPORT**

The Update Report was circulated prior to the meeting and considered along with the relevant agenda item.

(The meeting started at 2.30 pm  
and ended at 4.30 pm).



**Report to  
Planning Committee**

**Date:** 24 May 2023

**Report of:** Director of Planning and Regeneration

**Subject:** PLANNING APPLICATIONS AND MISCELLANEOUS MATTERS

**SUMMARY**

This report recommends action on various planning applications.

**RECOMMENDATION**

The recommendations are detailed individually at the end of the report on each planning application.

**AGENDA**

The meeting will be held in the Collingwood Room, Civic Offices, Civic Way, Fareham, PO16 7AZ at 2.30pm.

Items for Zone 1 (Sarisbury, Warsash, Park Gate, Titchfield, Titchfield Common and Locks Heath wards) will start at 2.30pm.

Items for Zone 2 (Fareham South, Fareham North, Fareham North-West, Fareham East and Fareham West wards) will start no earlier than 3pm.

# Agenda Annex

## ZONE 1 – WESTERN WARDS

**Park Gate**

**Titchfield**

**Sarisbury**

**Locks Heath**

**Warsash**

**Titchfield Common**

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/19/0870/FP SARISBURY	LAND OFF ROOKERY AVENUE WHITELEY FAREHAM  RESIDENTIAL DEVELOPMENT OF 32 DWELLINGS, PARKING, AND A MEANS OF ACCESS FROM ROOKERY AVENUE FOLLOWING DEMOLITION OF 2 DWELLINGS, GLASSHOUSES AND ASSOCIATED OUTBUILDINGS	1  PERMISSION
P/22/1629/RM WARSASH	LAND BETWEEN AND TO THE REAR OF 56-66 GREENAWAY LANE WARSASH SO31 9HS  RESERVED MATTERS APPLICATION FOR P/18/0756/OA. CONSTRUCTION OF 28 DWELLINGS TOGETHER WITH ASSOCIATED LANDSCAPING, AMENITY SPACE, PARKING AND A MEANS OF ACCESS FROM GREENAWAY LANE	2  APPROVE

## OFFICER REPORT FOR COMMITTEE

DATE: 24/05/2023

P/19/0870/FP  
FOREMAN HOMES LTD

WARD: SARISBURY GREEN  
AGENT: FOREMAN HOMES LTD

RESIDENTIAL DEVELOPMENT OF 32 DWELLINGS, PARKING, AND A MEANS OF ACCESS FROM ROOKERY AVENUE FOLLOWING DEMOLITION OF 2 DWELLINGS, GLASSHOUSES AND ASSOCIATED OUTBUILDINGS

LAND OFF ROOKERY AVENUE, WHITELEY

### **Report By**

Peter Kneen – direct dial 01329 824363

### **1.0 Introduction**

- 1.1 This application has been considered by the Planning Committee on two previous occasions. The first time it was reported to the Planning Committee was in March 2022. At that meeting Members resolved to grant planning permission for the development subject to conditions and the prior completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990.
- 1.2 Since Members first resolved to grant planning permission, there were some material changes in circumstances which required further consideration by the Planning Committee in December 2022. Those changes in circumstance are set out below.
- 1.3 The advice provided by Natural England in respect of the likely significant effects of residential development on Habitat Sites had changed. As a result, and as set out within the relevant section of the report below, additional nitrate mitigation was required to mitigate the impact of the development on water quality and Habitat Sites within The Solent. It was also necessary to secure an additional financial contribution to mitigate the likely significant effect of the development on The Solent SPAs and the New Forest Habitat Sites by virtue of recreational disturbance.
- 1.4 At the Planning Committee in December 2022, Members resolved again to grant planning permission for the development subject to conditions and the prior completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990.
- 1.5 The Section 106 was not completed by the time the Fareham Local Plan 2037 was formally adopted, and therefore the application now needs to be



determined against the policies of the newly adopted Local Plan. There have been no changes to the planning application itself since it was considered by the Planning Committee in December 2022.

## **2.0 Site Description**

- 2.1 The application site is located to the southern side of Rookery Avenue, to the east of Botley Road and comprises an area of 2.2 hectares of land, currently forming the residential curtilages of two dwellings (a dwelling known as 'Wind Ruff' and 114 Botley Road), their gardens and a collection of redundant glasshouses and other former horticultural buildings. The site is within the designated countryside for planning purposes. The site slopes gently down to the south and east and is bounded by the M27 to the south, woodland to the east and north and the curtilage of 112 Botley Road to the west.
- 2.2 This part of Rookery Avenue (known as Rookery Avenue West) is a cul-de-sac road also serving residential estates at Caspian Close, Shetland Rise and Castilian Way, which are all located on the northern site of Rookery Avenue. The woodland to the east of the site is a designated Ancient Woodland known as Gull Coppice. The site would be connected to Rookery Avenue at the northwest corner, across the existing highway verge. The site is classified as Grade 4 agricultural land.
- 2.3 Botley Road (A3051) is located approximately 220 metres to the west of the site and provides direct access to Swanwick Railway Station and Park Gate, which provides a wide range of services and facilities.

## **3.0 Description of Proposal**

- 3.1 Full planning permission is sought for the construction of 32 dwellings together with associated car parking, landscaping and means of vehicular access from Rookery Avenue. The application has been modified significantly since its original submission, resulting in a reduction in the number of residential units from 36 to 32, the removal of a B1 office building and the relocation of the development area southwards, in order to protect the existing woodland area between the site and Shetland Rise/Castilian Way to the north.
- 3.2 The dwellings comprise a mix of residential units, including detached, semi-detached, terraced and flats, set within a landscaped environment.
- 3.3 The application has been supported by a number of technical reports including a Planning Statement, Design and Access Statement, Ecological Surveys and Mitigation Reports, Arboricultural Impact Assessment, Transport Statement and Travel Plan, Contaminated Land Assessment, Economic Viability Assessments, Flood Risk and Drainage Strategy, Air Quality Assessment and Noise Impact Assessment.

#### **4.0 Policies**

4.1 The following policies apply to this application:

##### **Adopted Fareham Local Plan 2037**

DS1:	Development in the Countryside
DS3:	Landscape
H1:	Housing Provision
HA27:	Housing Allocation Policy – Rookery Avenue
HP1:	New Residential Development
HP4:	Five Year Housing Land Supply
NE1:	Protection of Nature Conservation, Biodiversity and the Local Ecological Network
NE2:	Biodiversity Net Gain
NE3:	Recreational Disturbance on the Solent SPAs
NE4:	Water Quality Effects on the Special Protection Area (SPAs), Special Areas of Conservation (SACs) and Ramsar Sites of The Solent
NE6:	Trees, Woodland and Hedgerows
NE9:	Green Infrastructure
TIN2:	Highway Safety and Road Network
D1:	High Quality Design and Placemaking
D2:	Ensuring Good Environmental Conditions
D4:	Water Quality and Resources
D5:	Internal Space Standards

##### **Other Documents:**

National Planning Policy Framework 2021  
Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015  
Residential Car Parking Standards 2009

#### **5.0 Relevant Planning History**

5.1 There is no recent planning history related to this site. Planning permission was granted on the land immediately to the west of the site for 6 dwellings in October 2018. That planning permission has however lapsed/not been implemented. A new planning application is currently being considered by Officers for the site, under application P/23/0020/FP.

#### **6.0 Representations**

6.1 There have been 134 representations received regarding this application, including two from The Fareham Society.

- 6.2 Fifty-nine letters from 55 households were submitted following the publicising of the planning application as first submitted for 36 dwellings along with an office building. A further 75 letters were received from 66 households following the re-publishing of the amended 32 dwelling scheme, although at this stage the proposed office building was retained.
- 6.3 Comments were also received from the Southampton Hospitals NHS Trust, and consideration of those comments are set out in paragraphs 8.66-8.73 of the report below.
- 6.4 The main issues raised within the representations can be summarised as follows:
- Loss of woodland trees;
  - Impact on adjacent ancient woodland;
  - Impact on wildlife and ecology;
  - Nitrates issue;
  - Parking and access issues;
  - Highway safety concerns;
  - Pedestrians in road causing highway issues;
  - Poor streetlighting in Rookery Avenue;
  - Increased congestion on Botley Road;
  - No improvement to cycle network;
  - No consideration of smart motorway works;
  - Health risks for future occupiers due to proximity to M27;
  - Impact on local services;
  - Impact on the character of the area;
  - Loss of privacy;
  - Increase in crime;
  - Noise impact for existing occupiers;
  - Office in residential area is unacceptable.

## **7.0 Consultations**

EXTERNAL

### **Hampshire County Council (HCC) Highways**

- 7.1 No objection, subject to planning condition.

### **Natural England**

- 7.2 No objection, subject to comments from the Council's Ecologist. No objection to the Council's Appropriate Assessment.

### **Southern Water**

- 7.3 No objection, subject to planning condition.

**Hampshire County Council (HCC) Lead Local Flood Authority**

7.4 No objection, subject to planning condition.

**Hampshire County Council (HCC) Archaeology**

7.5 No objection.

**Hampshire County Council (HCC) Children's Services**

7.6 No objection – forecasts suggest pupil yield from development can be accommodated within proposed schools being built in Whiteley.

**Hampshire Fire and Rescue Services**

7.7 No objection, subject to compliance with Building Regulations.

INTERNAL

**Ecology**

7.8 No objection, subject to conditions.

**Affordable Housing Strategic Lead**

7.9 No objection, subject to the affordable housing being secured through a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990.

**Recycling Co-ordinator**

7.10 Comments regarding provision of bin collection points and confirmation from the Transport Planner on access for refuse vehicles.

**Urban Designer**

7.11 No objection.

**Environmental Health (Noise/Pollution)**

7.12 No objection regarding air quality or noise, subject to conditions regarding compliance with the recommendations and conclusions of the submitted Noise Impact Assessment.

**Environmental Health (Contaminated Land)**

7.13 No objection, subject to conditions.

**Recycling Co-ordinator**

7.14 No objection.

**8.0 Planning Considerations**

8.1 The following matters represent the key material planning considerations which need to be assessed to determine the suitability of the development proposal. The key issues comprise:

- a) Principle of development
- b) Impact on Residential Amenity
- c) Design and Layout
- d) Protected Species, Ecology and Biodiversity Net Gain
- e) Habitat Sites
- f) Highways and Parking
- g) Other Matters

**a) Principle of development**

8.2 The application site comprises the adopted Housing Allocation Policy: HA27 – Rookery Avenue within the Fareham Local Plan 2037. The allocation sets out an indicative yield of 32 dwellings, and site-specific requirements include that the development should front the woodland and have a primary vehicular access from Rookery Avenue, be limited to two storeys and have regard to its siting adjacent to Sites of Importance for Nature Conservation, and Ancient Woodland designations (Gull Coppice).

8.3 The development proposal is fully compliant with the adopted Local Plan policy in this respect and is therefore considered to be acceptable in principle, subject to compliance with the other relevant policies of the adopted development plan.

**b) Impact on Residential Amenity**

8.4 Policy D2: Ensuring Good Environmental Conditions of the adopted Fareham Local Plan 2037 states that development must ensure good environmental conditions for all new and existing users of buildings and external spaces. The Policy continues to state that:

*‘Development proposals...will be permitted where they...do not have an unacceptable adverse impact on the environmental conditions of future occupiers and users or on adjacent/nearby occupants and users through ensuring appropriate outlook and ventilation and providing adequate daylight, sunlight and privacy; and, do not individually, or cumulatively, have an unacceptable adverse environmental impact, either on neighbouring occupiers, adjoining land, or the wider environment...’.*

8.5 In respect of ensuring the development accords with the provisions of Policy D2, it is important to have regard to the advice in the Council’s adopted Fareham Borough Design Guidance: Supplementary Planning Document

(excluding Welborne) December 2015 (hereafter referred to as the Design SPD).

- 8.6 There are no residential properties within the immediate vicinity of the application site. The closest existing property is located approximately 50 metres to the north of the site, at 21 Shetland Rise. This property, like the other nearby properties along Shetland Rise and Castilian Way are separated from the development site by existing woodland, which would be retained and enhanced as part of the development proposal. Whilst there would be an increase in vehicle movements along Rookery Avenue, in light of the low speed of the road, the background noise of the M27 motorway and the distance from nearby houses, this would not cause any unacceptable adverse harm. The proposed development would not result in an unacceptable adverse impact on the living conditions of existing occupiers of the nearby residential estates.
- 8.7 In terms of the living conditions of future occupiers, the development, submitted in full detail has been carefully designed to have regard to its position adjacent to the M27 motorway, including factoring in the alterations which have led to the 'Smart' motorway.
- 8.8 The application has also been supported by a detailed Noise Impact Assessment, which has influenced the orientation of the properties, and the means of noise attenuation within the buildings. These measures include a 5 metre high acoustic fence along the southern boundary of the site, which would have a significant landscaping belt, measuring between 16 metres and 24 metres in depth, between the acoustic fence and the housing. The nearest houses would be located approximately 26 metres from the fence. Additionally, a number of the boundary fences for the rear gardens would incorporate 2 metre high acoustic fencing to reduce noise levels to acceptable levels within rear garden areas.
- 8.9 The Noise Impact Assessment has been considered by the Council's Environmental Health Officers, who have raised no objection. The comments of the Environmental Health Officer are subject to the development being undertaken in compliance with the recommendations of the Noise Impact Assessment, which would ensure a living environment suitable for future residents.
- 8.10 All the properties would have gardens of at least 11 metres in length, and first floor to first floor direct lines of sight achieve a minimum 22 metres levels of separation for habitable room windows. Policy D5 sets out that new dwellings should meet specific internal space standards. The houses and flats all meet minimum sizes as set out by the Nationally Described Space Standards.

8.11 It is therefore considered that the proposal complies with Policies D2 and D5 of the Fareham Local Plan, and the guidance in the Design SPD.

**c) Design and Layout**

8.12 Policy D1: High Quality Design and Place Making of the adopted Fareham Local Plan 2037 seeks to ensure that development proposals and spaces will be of a high quality, based on the principles of urban design and sustainability to ensure the creation of well designed, beautiful and safe quality places.

8.13 The Policy continues to highlight 10 key characteristics of high quality design, comprising context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and lifespan. Developments should appropriately respond to the positive elements of local character, ecology, history, culture and heritage.

8.14 The site comprises 32 dwellings, of which the majority are detached, with additional semi-detached and terraced properties further into the site, and a single block of four flats. The adjoining residential streets to the north of Rookery Avenue, Shetland Rise and Castillian Way comprise a mixture of detached (principally along Shetland Rise) with semi-detached and terraced houses along Castillian Way, and blocks of flats to the northeast corner of the site.

8.15 The application proposal includes a similar design approach, with the main entrance to the site largely comprising the detached dwellings with the semi-detached and terraced proposed further into the site.

8.16 The site is bounded to the north by urban development, and the M27 motorway to the south. To the east of the site lies Gull Coppice, a Site of Importance for Natural Conservation (SINC) and Ancient Woodland, which as a woodland is a priority habitat, is unlikely to be acceptable as a site for built development.

8.17 Much of the layout of the site has been designed to have regard to the adjacent physical features, namely the Ancient Woodland to the east of the site and the proximity to the M27 to the south of the site. Further, in accordance with the considerations of the Housing Allocations criteria, the proposals layout carefully addresses these matters and provides a good relationship with the Ancient Woodland and buffer to the eastern part of the site. As set out above, the properties to the southern part of the site are orientated with private garden areas away from the motorway, so the buildings provide some shielding from the motorway noise. These properties, at their closest will also be over 26 metres from the proposed acoustic fencing.

8.18 It is considered that the scheme has been carefully designed and laid out having regard to its location, whilst ensuring a high quality living environment for future occupiers. The development is considered to accord with Policy D1 of the adopted Fareham Local Plan 2037.

**d) Protected Species, Ecology and Biodiversity Net Gain**

8.19 A Preliminary Ecological Assessment, Bat Survey and Mitigation Strategy, Dormouse Mitigation Strategy and a Reptile Survey and Mitigation Strategy have been provided to support the application. The Council's Ecologist and Natural England have reviewed the proposals and are satisfied that subject to the imposition of appropriate planning conditions and appropriate mitigation, the scheme would not have an unacceptable adverse impact on protected species or designated sites.

8.20 Due to the need to translocate a population of reptiles from the site, the applicant has secured an off-site location for the safe translocation of the reptiles. The off-site location will be secured through the Section 106 legal agreement pursuant to the Town and Country Planning Act 1990 (as amended).

***Trees / Woodland***

8.21 The proximity of the site and the proposed houses to neighbouring woodland and trees have been considered by the Council's Tree Officer, who has reviewed the submitted Arboricultural Method Statement and tree report. Policy NE6: Trees, Woodland and Hedgerows confirms that appropriate measures are in place to ensure the unnecessary loss of non-protected trees and woodland, but where lost, suitable replacements are considered. The adjacent woodland to the east of the site is also designated Ancient Woodland and is therefore subject to additional protection, including the need to provide a suitable 15 metre buffer from the nearest residential properties. This has been achieved, and will be suitably planted, and fenced off to prevent access, to preserve the national importance of this designation. The Tree Officer has raised no objection to the proposal, subject to condition for detailed landscaping and tree planting, and compliance with the recommendations of the submitted supporting documents.

***Agricultural Land***

8.22 The site is identified as Grade 4 Agricultural Land and is therefore of limited agricultural value. Policy DS1 confirms that development proposals are located on poorer quality agricultural land.

8.23 It is therefore considered that the proposal complies with Policy NE1 and DS1 of the Fareham Local Plan 2037.



### ***Biodiversity Net Gain***

- 8.24 Policy NE2 sets out that new developments should incorporate a net gain of 10% in biodiversity on the site following the completion of the development. The application has been supported with an Eco Areas Plan highlighting areas which would remain common land managed and maintained by the Management Company on the site. The Eco Areas Plan demonstrates that new enhanced habitat will be created on the site to ensure a net gain in biodiversity. A condition will be imposed to ensure the delivery of a 10% net gain in compliance with the latest DEFRA metric, details of which will need to be provided prior to the commencement of the development.

### **e) Habitat Sites**

- 8.25 Policy NE1: Protection of Nature Conservation, Biodiversity and the Local Ecological Network confirms that development will only be permitted where international, national and local sites of nature conservation value, priority habitats and the Ecological Network are protected and enhanced.
- 8.26 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 per cent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within The Solent which are of both national and international importance.
- 8.27 In light of their importance, areas within The Solent have been specially designated under UK/ European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'Habitat Sites' (HS).
- 8.28 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' if it can be shown that the proposed development will either not have a likely significant effect on designated HS or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated HS. This is done following a process known as an Appropriate Assessment (AA). The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority.
- 8.29 To fulfil the requirements under the Habitat Regulations, Officers have carried out an AA in relation to the likely significant effects on the HS which concludes that there would be no adverse effects on the integrity of protected sites

subject to mitigation measures. The key considerations for the assessment of the likely significant effects are set out below.

- 8.30 In respect of Recreational Disturbance, the development is within 5.6km of The Solent SPAs and is therefore considered to contribute towards an impact on the integrity of The Solent SPAs as a result of increased recreational disturbance in combination with other development in The Solent area. Policy NE3: Recreational Disturbance on the Solent SPAs confirms that development will only be permitted where the financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMP) has been made. The applicant has agreed to make the appropriate financial contribution towards the SRMP and therefore, the Appropriate Assessment concludes that the proposals would not have an adverse effect on the integrity of the HS as a result of recreational disturbance in combination with other plans or projects on the Solent SPAs. The mitigation contribution will be secured by a section 106 legal agreement.
- 8.31 In addition, the development lies within 13.8km of the New Forest Special Protection Area (SPA), New Forest Special Area of Conservation (SAC) and the New Forest Ramsar site. Research undertaken by Footprint Ecology has identified that planned increases in housing around the New Forest's designated sites will result in a marked increase in use of the sites and exacerbate recreational impacts. It was found that the majority of visitors to the New Forest designated sites on short visits/day trips from home originated from within a 13.8km radius of the sites referred to as the 'Zone of Influence' (ZOI).
- 8.32 The Council has produced an Interim Mitigation Solution to address this newly identified likely significant effect of development in Fareham within the ZOI. The Interim Mitigation Solution was approved by the Council's Executive on 7th December 2021. The Interim Mitigation Solution was prepared in consultation with Natural England. The mitigation comprises a financial contribution from the developer to mitigate against impacts through improvements to open spaces within Fareham Borough and a small financial contribution to the New Forest National Park Authority. The applicant has made this contribution, which has been secured by an agreement pursuant to Section 111 of the Local Government Act 1972.
- 8.33 In respect of the impact of the development on water quality as a result of surface water and foul water drainage, Natural England has highlighted that there is existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted those increased levels of nitrates entering The Solent (because of increased amounts of wastewater from new dwellings) will have a likely

significant effect upon the HS. Policy NE4: Water Quality Effects on the SPAs, SACs and Ramsar Sites of The Solent confirms that permission will only be granted where the integrity of the designated sites maintained.

- 8.34 A nitrogen budget has been calculated in accordance with Natural England's '*National Generic Nutrient Neutrality Methodology*' (February 2022) ('the NE Advice') and the updated calculator (20 April 2022) which confirms that the development will generate 25.53 kg TN/year. This represents an increase in nitrate credits of 4.28kg TN/year as considered at the March 2022 planning committee (2020 NE Advice). In the absence of sufficient evidence to support a bespoke occupancy rate, Officers have accepted the use of an average occupancy of the proposed dwellings of 2.4 persons in line with the NE Advice. The existing use of the land for the purposes of the nitrogen budget is considered to be a mixture of urban land and open space. Due to the uncertainty of the effect of the nitrogen from the development on the HS, adopting a precautionary approach, and having regard to NE advice, the Council will need to be certain that the output will be effectively mitigated to ensure at least nitrogen neutrality before it can grant planning permission.
- 8.35 The applicant has purchased 25.75 kg of nitrate mitigation 'credits' from the Hampshire and Isle of Wight Wildlife Trust (HIWWT) as evidenced by the submission of a notice of purchase. Through the operation of a legal agreement between the HIWWT, Isle of Wight Council and Fareham Borough Council dated 30 September 2020, the purchase of the credits will result in a corresponding parcel of agricultural land at Little Duxmore Farm on the Isle of Wight being removed from intensive agricultural use, and therefore providing a corresponding reduction in nitrogen entering The Solent marine environment.
- 8.36 The Council's Appropriate Assessment concludes that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the HS either alone or in combination with other plans or projects.
- 8.37 Natural England was consulted on the Council's updated Appropriate Assessment in October 2022 and raised no objection in respect of recreational disturbance on The Solent SPAs, New Forest SPA, SAC and Ramsar Site or on water or air quality implications. It is therefore considered that the development accords with the Habitat Regulations and complies with Policies NE1, NE3 and NE4 of the Fareham Local Plan 2037.

**f) Highways and Parking**

- 8.38 Hampshire County Council as Highway Authority has considered the application and has raised no objection to the proposed works to create the access onto Rookery Avenue and that the internal road layout is acceptable.

The scheme would also require the provision of a Traffic Regulation Order, to be secured via a Section 106 Legal Agreement, to include restrictive parking around the site entrance and at the corner with Shetland Rise in the interests of highway safety.

- 8.39 A number of third party comments have commented that the proposed development, and the inclusion of the office will exacerbate the existing situation with access along Rookery Avenue, particularly at the junction with Botley Road. The office element of the proposal has since been removed from the planning application.
- 8.40 The design of the junction was laid out to accommodate a future linking of Rookery Avenue (west) with Rookery Avenue (east) in Whiteley, however this is no longer being considered by the Highway Authority and the safeguarding of this route is not included in the Fareham Local Plan 2037. The route would have cut through a large swathe of woodland, which is priority habitat. With the new links created elsewhere along Botley Road at Yew Tree Drive and through the North Whiteley development in Winchester District, the Rookery Avenue link is no longer considered to be necessary.
- 8.41 Other concerns raised by third parties relates to the number of pedestrians walking in the road along Rookery Avenue, rather than using the pavement. The former access into the application site would be retained for use by pedestrians, enabling them to keep off Rookery Avenue for the majority of its length. There is also a new pedestrian link proposed to enable occupiers of this site to link directly to the pavement on the northern side of Rookery Avenue.
- 8.42 The new residential dwellings will provide allocated car parking provisions for each property in accordance with the Council's adopted Residential Car Parking Standards, and comprise a mix of both side-by-side and tandem spaces. Additionally, eight visitors' spaces are proposed, which exceeds the minimum standard sought (6.4 spaces).
- 8.43 In summary, it is therefore considered given the above assessment that the proposal fully accords with Policy TIN2 of the Fareham Local Plan 2037.

**g) Other Matters**

- 8.44 **Affordable Housing:** The development proposal requires the provision of 12.8 dwellings to be affordable homes in order to comply with the 40% requirement of Policy HP5 of the Fareham Local Plan 2037. The applicant has provided an Economic Viability Assessment, which has been independently verified by the Council's consultants and has agreed that 12 dwellings will be provided on site under a shared ownership tenure, with the

remaining 0.8 dwellings provided as an off-site financial contribution. This approach has the support of the Council's Affordable Housing Strategic Lead Officer.

- 8.45 The provision of affordable housing would be secured through the completion of a Section 106 legal agreement.
- 8.46 ***Effect on Local Infrastructure:*** The University Hospital Southampton NHS Foundation Trust wrote to the Council to make representations about the application. The Trust is commissioned to provide acute healthcare services to a number of Clinical Commissioning Groups (CCGs) including Fareham and Gosport CCG. The CCGs commission planned and emergency acute healthcare from the Trust.
- 8.47 The Trust commented that they are currently operating at full capacity, and although they have plans to cater for the known population growth, it cannot plan for unanticipated additional growth in the short to medium term. The Trust has requested a financial contribution of £6,779 to provide services needed by occupants of the proposal. They consider that without it the development is not sustainable and should be refused.
- 8.48 The tests for obligations are set out in paragraph 57 of the NPPF and reflect those in Regulation 122 of the Community Infrastructure Levy Regulations 2010. The tests for an obligation are whether they are:
1. *Necessary to make the development acceptable in planning terms;*
  2. *Directly related to the development; and,*
  3. *Fairly and reasonably related in scale and kind to the development.*
- 8.49 There is no specific policy in the adopted Local Plan that relates to hospital infrastructure or contributions towards hospital services. The comments from the Trust refer to Part 8 of the NPPF which seeks to promote healthy and safe communities. The NPPF identifies that decisions should “...enable and support healthy lifestyles, especially where this would address identified local health and well-being needs” and “...take into account and support the delivery of local strategies to improve health...of the community”.
- 8.50 The first point to note in relation to the Trust's comments is that the UK provides its citizens with healthcare on a national basis regardless of district or county boundaries. The funding is collected via central government taxation and distributed locally to provide healthcare. Whilst delivered locally the service is a National Health Service and as such the government has a system to ensure that each area of the country has enough funds to provide

the service on the basis of the population it serves. Regardless of where someone lives, they are entitled to receive healthcare on a national basis.

- 8.51 The Trust's comments explain the way in which the hospitals are currently funded. The Trust indicate that the residents who will be living in the development at Rookery Avenue are likely to use the hospitals and increase pressure on the hospital service as a result. A formula is provided with an estimated number of the proposed population predicted as being likely to need to use the hospital services. From this estimated number of hospital visits, a cost is attributed and multiplied to provide the suggested contribution.
- 8.52 In considering the request it is noted that the construction of houses does not itself lead to population growth. Officers consider that the need for housing is a consequence of population growth. Further, there is no account in the representations, it seems, for the potential for the residents of the new development to be moving locally around the Borough or adjoining boroughs such that their residence locally is already accounted for by the current services and funding commissioned by the hospital. In addition, the cost attributed to the proposed patient trip to the hospital is not considered to be clearly calculated or justified.
- 8.53 For the reasons set out above, Officers do not consider that the contribution sought by the trust is necessary to make the development acceptable in planning terms and thus the tests for planning obligations as set out above are not considered to have been met. Further, given the adopted policy framework it is considered that in the absence of the contribution, the application does not fail as a consequence as this issue alone would not justify a reason for refusal, which it must do in order to make the contribution necessary to make the development acceptable in planning terms and meet the tests for a planning obligation.

### **Summary**

- 8.54 Members have resolved to grant planning permission for this development on two previous occasions. The application is being presented to the Planning Committee for a decision for a third time due to the adoption of the Fareham Local Plan 2037 and the need to determine the proposal against the policies of the most up-to-date Development Plan. There have been no changes with the application proposal itself.
- 8.55 The delays in the determination of the application have been largely as a result of on-going discussions regarding the Section 106 legal agreement, although those matters, pertaining to the off-site reptile translocation provision have now been addressed.

- 8.56 The site lies within the defined urban settlement boundary as it forms a housing allocation within the adopted Fareham Local Plan, Policy HA27, and the proposal is fully compliant with the provisions of this policy.
- 8.57 Having assessed the proposal against the policies of the adopted Fareham Local Plan 2037, and following careful consideration of all material planning considerations, Officers recommend that planning permission be granted subject to the imposition of appropriate planning conditions, and subject to the prior completion of a Section 106 legal agreement.

## **9.0 Recommendation**

- 9.1 Subject to the applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council to secure:
- a. Financial contributions to provide for satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance on the Solent and Southampton Water and Portsmouth Harbour Special Protection Areas;
  - b. Securing off-site translocation of reptiles
  - c. Traffic Regulation Order (TRO) for parking restriction works to junction of site with Rookery Avenue and Shetland Rise
  - d. The delivery of 40% of the permitted dwellings as a mixture of 12 on-site affordable houses and an off-site financial contribution equivalent to 0.8 of a unit.

### **GRANT PLANNING PERMISSION**, subject to the following Conditions:

1. The development hereby permitted shall begin within 18 months from the date of this decision.  
REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.
2. The development shall be carried out in accordance with the following approved documents:
  - a) Location Plan (Drawing: 19.014.01 Rev E)
  - b) Site Plan (Drawing: 19.014.02 Rev Z)
  - c) Plot 14 (A) Plans and Elevations (Drawing: 19.014.03 Rev D)

- d) Plots 1, 3, 8 & 10 (B) – Plans and Elevations (Drawing: 19.014.04 Rev F)
  - e) Plots 12 & 20 (Bh) Plans and Elevations (Drawing: 19.014.05 Rev F)
  - f) Single Garage – Floor Plan and Elevations (Drawing: 19.014.11 Rev A)
  - g) Oversized Double Garage – Floor Plan and Elevations (Drawing: 19.014.12 Rev D)
  - h) Parking Schedule and House Type Key Plan (Drawing: 19.014.13 Rev M)
  - i) Boundary Treatment Plan (Drawing: 19.014.14 Rev N)
  - j) Street Scenes (Drawing: 19.014.17 Rev D)
  - k) Eco Areas Plan (Drawing: 19.014.19 Rev E)
  - l) Site Setup Plan (Drawing: 19.014.24)
  - m) Plots 29-32 (Block C) Floor Plans and Elevations (Drawing: 19.014.26 Rev A)
  - n) Plots 16-17 (D) – Floor Plans & Elevations (Drawing: 19.014.27 Rev A)
  - o) Plots 4-5 (E) – Floor Plans and Elevations (Drawing 19.014.28 Rev B)
  - p) Plots 6-7 & 21-22 (Eh) – Floor Plans and Elevations (Drawing: 19.014.29 Rev B)
  - q) Plots 25-28 (F) – Plans and Elevations (Drawing: 19.014.30 Rev C)
  - r) Plots 2, 9 & 11 (H) – Floor Plans and Elevations (Drawing: 19.014.32 Rev A)
  - s) Plots 23-24 (I) – Floor Plans and Elevations (Drawing: 19.014.34 Rev A)
  - t) Plot 15 (Ah) – Plans and Elevations (Drawing: 19.014.35 Rev A)
  - u) Plots 13, 18 & 19 (Gh) – Plans and Elevations (Drawing: 19.014.36 Rev D)
  - v) Bin & Bike Store – Plan and Elevations (Drawing: 19.014.37)
  - w) Topographical Survey (Drawing: ENC/130818/3U1A – 1 of 2)
  - x) Topographical Survey (Drawing: ENC/130818/3U1A – 2 of 2)
- REASON: To avoid any doubt over what has been permitted.

3. No development above damp proof course (dpc) level shall commence until details of all proposed external facing and hardsurfacing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
REASON: To secure the satisfactory appearance of the development.

4. The garage buildings hereby permitted, shall not be used for any purpose other than as private and domestic garages, incidental to the enjoyment of the associated house.  
REASON: To accord with the terms of the application and to safeguard proper planning of the area.



5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting or amending that Order) there shall be no alterations or amendments to the permitted car ports, including the provision of doors to the front elevation, without the grant of a separate planning permission from the Local Planning Authority.

REASON: To ensure adequate off-street car parking is retained on the site.

6. Notwithstanding the approved drawings, the following permitted windows proposed to be inserted into the development hereby approved shall be:
  - a. Obscure-glazed; and
  - b. Of a non-opening design and construction to a height of 1.7 metres above internal finished floor level;

and shall thereafter be retained in that condition at all times.

- a. Stairwell windows for Plots 13, 18, 19 and 20;
- b. First floor East Side Elevation of Plot 14;
- c. First floor South Elevation (Bedroom 2) of Plot 28;
- d. First and ground floor windows on the North Elevation (western end) of the 2 one-bedroom flats

REASON: To prevent overlooking and to protect the privacy of the occupiers of the adjacent property(ies).

7. The first floor window proposed to be inserted into the north elevation of Plot 2 of the approved development shall be both obscure-glazed; and of a non-opening design, and shall thereafter be retained in that condition at all times.  
REASON: To prevent overlooking and to protect the privacy of the occupiers of the adjacent property at Plot 1.

8. None of the development hereby approved shall be occupied until a plan of the position, design, materials and type of boundary treatment to be erected to all boundaries has been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatment has been fully implemented. It shall thereafter be retained at all times unless otherwise agreed in writing with the Local Planning Authority.

If boundary hedge planting is proposed details shall be provided of planting sizes, planting distances, density, and numbers and provisions for future maintenance. Any plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next

available planting season, with others of the same species, size and number as originally approved.

REASON: To protect the privacy of the occupiers of the neighbouring property, to prevent overlooking, and to ensure that the development harmonises well with its surroundings.

9. Prior to the occupation of the development hereby approve, the highway improvements works shown of Drawing: ITB14574-GA-008 as shown in the Transport Statement (prepared by i-Transport, dated May 2020) shall have been completed in accordance with these drawings.

REASON: To ensure adequate access provision for new and existing residents.

10. No dwelling, hereby approved, shall be first occupied until the approved parking and turning areas (where appropriate) for that property have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking and turning of vehicles at all times unless otherwise agreed in writing by the Local Planning Authority following the submission of a planning application for that purpose.

REASON: In the interests of highway safety.

11. None of the development hereby approved shall be occupied until details of the proposed bin storage areas [including bin collection points if necessary] for those plots without garages have been submitted to and approved by the Local Planning Authority and the approved areas fully implemented. The details shall include the siting, design and the materials to be used in construction. The areas shall be subsequently retained for bin storage or collection at all times.

REASON: To ensure that the character and appearance of the development and the locality are not harmed.

12. None of the dwellings hereby permitted shall be first occupied until the bicycle storage relating to them, as shown on the approved plan, has been constructed and made available. This storage shall thereafter be retained and kept available at all times.

REASON: To encourage cycling as an alternative mode of transport.

13. None of the dwellings hereby permitted shall be first occupied unless and until details have been submitted to and approved in writing by the Local Planning Authority confirming that the development has been fully implemented in accordance with the Noise Impact Assessment (prepared by ensafe consultants, dated 12 January 2022 (ref: AC107077-1R5). Once

implemented, the noise attenuation measures shall be subsequently retained in that condition for the lifetime of the development.

REASON: In the interests of the amenities of future occupiers.

14. No development above damp proof course (dpc) level shall be implemented until detailed elevational drawings showing the finished appearance of the 5 metre high acoustic fence to be erected along the southern boundary has been submitted to and approved in writing by the Local Planning Authority. Once implemented, the acoustic fence shall be subsequently retained in that condition for the lifetime of the development.

REASON: In the interests of visual amenity.

15. The surface water drainage system (SuDS) for the development hereby approved shall be constructed in accordance with the Flood Risk Assessment and Drainage Strategy (ref: 18-321). Details of the long-term maintenance arrangements of the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the dwellings hereby approved. Once implemented, the drainage system shall be subsequently retained in that condition for the lifetime of the development.

REASON: In order to ensure satisfactory disposal of surface water.

16. No development hereby permitted shall commence until details of the means of foul water drainage from the site have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details unless otherwise agreed with the local planning authority in writing.

REASON: To ensure satisfactory disposal of foul water. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid adverse impacts of inadequate drainage.

17. The development hereby permitted shall be implemented in accordance with the submitted 'Dormouse Mitigation Strategy' (prepared by EcoSupport, dated February 2022), 'Bat Survey and Mitigation Strategy' (prepared by EcoSupport, dated June 2020), 'Reptile Survey and Mitigation Strategy' (prepared by EcoSupport, dated November 2020), 'Eco Areas Plan' (Drawing: 19.014.19 Rev E) and 'Outline Planting Schedule' (DD324X01 – prepared by Deacon Design). Thereafter, the replacement protected species measures outlined in the above reports shall be permanently retained in accordance with the approved details.

REASON: To ensure the favourable conservation status of bats, and the protection of dormice on the site.

18. A detailed scheme of biodiversity enhancements and a long-term management strategy to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The measures detailed within this strategy shall be in line with the DEFRA Biodiversity Metric 4.0 calculations (or any subsequent Metric in the event Version 4.0 is replaced) and as outlined in the 'Eco Areas Plan' (Drawing: 19.014.19 Rev E). Development shall subsequently proceed in accordance with any such approved details.  
REASON: To enhance biodiversity in accordance with the NPPF and the Natural Environment and Rural Communities Act 2006. The details secured by this condition are considered essential to be agreed prior to the commencement of the development on the site so that appropriate measures are in place to secure a biodiversity net gain.
19. No development shall commence until the measures of tree and hedgerow protection as stated in the Arboricultural Method Statement included within the Tree Report (prepared by Sapling Arboriculture (ref: J937.07.4, dated May 2020) submitted and approved as part of the planning permission have been implemented and these shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site.  
REASON: To ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period.
20. No development shall proceed beyond damp proof course level until a landscaping scheme identifying all existing trees, shrubs and hedges to be retained, together with the species, planting sizes, planting distances, density, numbers, surfacing materials and provisions for future maintenance of all new planting, including all areas to be grass seeded and turfed and hardsurfaced, has been submitted to and approved by the Local Planning Authority in writing.  
REASON: In order to secure the satisfactory appearance of the development; in the interests of the visual amenities of the locality.
21. The landscaping scheme, submitted under Condition 20, shall be implemented and completed within the first planting season following the commencement of the development or as otherwise agreed in writing with the Local Planning Authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within

the next available planting season, with others of the same species, size and number as originally approved.

REASON: To ensure the provision, establishment and maintenance of a standard of landscaping.

22. No development shall commence until an intrusive site investigation and an assessment of the risks posed to human health, the building fabric and the wider environment including water resources shall be carried out. Details of the site investigation to be undertaken shall be submitted to and approved in writing by the Local Planning Authority (LPA). Should contamination be found at the site a scheme for remediation and detailed method statement shall be submitted to and approved by the LPA in writing and the scheme as approved shall be fully implemented and completed before any dwelling hereby permitted is first occupied.

REASON: To ensure that any potential contamination of the site is properly taken into account before development takes place. The details secured by this condition are considered essential to be agreed prior to the commencement of the development on the site to ensure adequate mitigation against land contamination on human health.

23. No development shall take place beyond damp proof course (dpc) level until details have been submitted to and approved in writing by the Local Planning Authority of how and where Electric Vehicle (EV) charging points will be provided with at least one Electric Vehicle (EV) charging point per dwelling with allocated parking provision. The development shall be carried out in accordance with the approved details with the charging point(s) provided prior to first occupation of the dwelling to which it serves.

REASON: To promote sustainable modes of transport, to reduce impacts on air quality arising from the use of motorcars and in the interests of addressing climate change.

24. None of the residential units hereby permitted shall be occupied until details of water efficiency measures to be installed in each dwelling have been submitted to and approved in writing by the Local Planning Authority. These water efficiency measures should be designed to ensure potable water consumption does not exceed a maximum of 110 litres per person per day. The development shall be carried out in accordance with the approved details.

REASON: In the interests of preserving water quality and resources.

25. The development hereby permitted shall not commence unless the Council has received the Notice of Purchase in accordance with the legal agreement between FBC, IWC and HIWWT dated 30 September 2020 in respect of the Credits Linked Land identified in the Nitrates Mitigation Proposals Pack.

REASON: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on the protected Habitat Sites around The Solent.

26. Notwithstanding the details provided on the Site Setup Plan (Drawing: 19.014.24), no development shall commence on site until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). The Construction Management Plan shall address the following matters:
- a. How provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;
  - b. the measures the developer will be implementing to ensure that operatives'/contractors/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;
  - c. the measures for cleaning the wheels and underside of all vehicles leaving the site;
  - d. a scheme for the suppression of any dust arising during construction or clearance works;
  - e. the measures for cleaning Rookery Avenue to ensure that they are kept clear of any mud or other debris falling from construction vehicles, and
  - f. the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development.

The development shall be carried out in accordance with the approved CMP and areas identified in the approved CMP for specified purposes shall thereafter be kept available for those uses at all times during the construction period, unless otherwise agreed in writing with the LPA. No construction vehicles shall leave the site unless the measures for cleaning the wheels and underside of construction vehicles are in place and operational, and the wheels and undersides of vehicles have been cleaned.

REASON: In the interests of highway safety and to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

27. No work on site relating to the construction of any of the development hereby permitted (Including works of demolition or preparation prior to operations) shall take place before the hours of 0800 or after 1800 Monday to Friday, before the hours of 0800 or after 1300 Saturdays or at all on Sundays or recognised bank and public holidays, unless otherwise first agreed in writing with the Local Planning Authority.

REASON: To protect the occupiers of nearby residential properties against noise and disturbance during the construction period.

Then:

**DELEGATE** authority to the Head of Development Management to

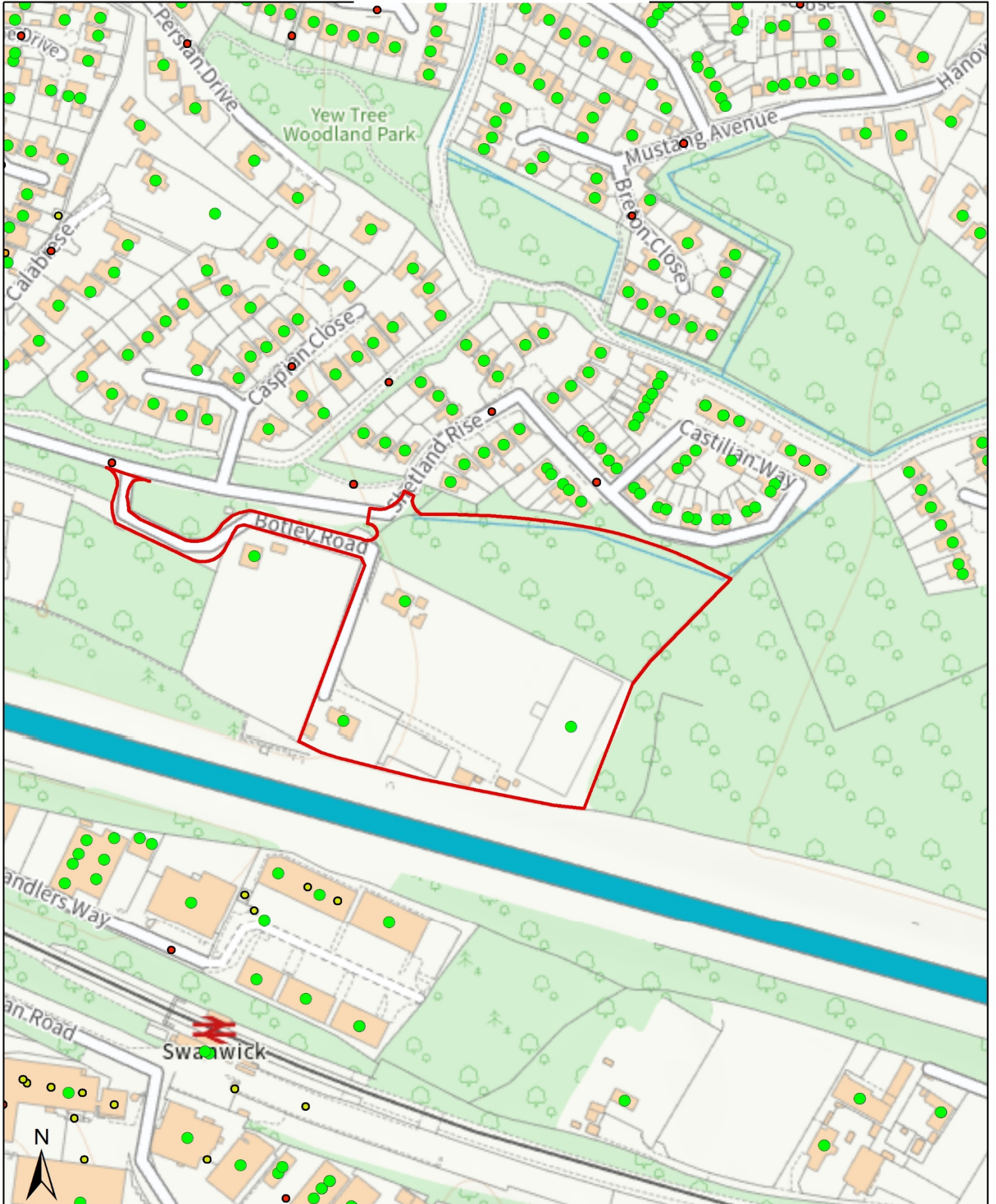
- (a) make any necessary modification, deletion or additions to the proposed conditions or heads of terms for the section 106 legal agreement; and
- (b) make any necessary changes arising out of detailed negotiations with the applicant which may necessitate the variation, addition or deletion of the conditions and heads of terms as drafted to ensure consistency between the two sets of provisions.

#### **10.0 *Background Papers***

Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

# FAREHAM

## BOROUGH COUNCIL



Land off Rookery Avenue

Scale 1:2,500

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# Agenda Item 6(2)

## OFFICER REPORT FOR COMMITTEE

DATE: 24/05/2023

P/22/1629/RM

BARGATE HOMES (AND VIVID HOMES)

WARSASH WARD

AGENT: WOOLF BOND PLANNING

CONSTRUCTION OF 28 DWELLINGS TOGETHER WITH ASSOCIATED LANDSCAPING, AMENITY SPACE, PARKING AND A MEANS OF ACCESS FROM GREENAWAY LANE (RESERVED MATTERS APPLICATION PURSUANT TO P/18/0756/OA)

LAND BETWEEN AND TO THE REAR OF 56-66 GREENAWAY LANE, WARSASH

### **Report By**

Peter Kneen – direct dial: 01329 824363

### **1.0 Introduction**

1.1 The application is being reported to the Planning Committee for a decision due to the number of third party comments received.

### **2.0 Site Description**

2.1 The application site is located to the north side of Greenaway Lane and comprises 1.29 hectares of land. The site comprises an unmade field, formerly used as a paddock. The site is generally flat with mature woodlands located to the northern and eastern boundaries. The western boundary comprises existing paddocks, which whilst still in use have planning permission for the erection of 6 self-build houses. The site also wraps around the side and rear boundaries of 56 Greenaway Lane (to the eastern boundary) and 66 Greenaway Lane (to the western boundary).

2.2 The site has a 45 metre long frontage with Greenaway Lane, comprising a mature laurel hedgerow, with an existing gated field entrance located approximately midway along the road frontage. The site is classified as Grade 2 agricultural land.

2.3 Greenaway Lane is a predominantly low density residential lane which is a cul-de-sac having been closed off when Lockswood Road was constructed. Greenaway Lane connects to Brook Lane, located approximately 350 metres to the west of the site.

2.4 The application site is situated within the Housing Allocation HA1 within the adopted Fareham Local Plan 2037.

### **3.0 Description of Proposal**

- 3.1 This reserved matters application seeks approval for the appearance, layout, landscaping and scale of the proposed development. The principle of the development and access were considered under the outline application in 2021. That outline planning permission was granted on appeal by the Planning Inspectorate in December 2021.
- 3.2 The development proposal comprises a scheme of 28 dwellings, including detached, semi-detached and terraced properties set within a landscaped estate. All properties are two storeys with a mixture of architectural styles reflecting the character and appearance of the wider Greenaway Lane area. The proposal includes ecology buffers to the boundaries, a small area of public open space and pedestrian and cycle path which will link to further residential developments within the Housing Allocation HA1 to the north of the site.

#### **4.0 Policies**

- 4.1 The following policies apply to this application:

##### **Adopted Fareham Local Plan 2037**

- H1: Housing Provision
- HA1: North and South of Greenaway Lane
- HP1: New Residential Development
- HP5: Provision of Affordable Housing
- HP7: Adaptable and Accessible Dwellings
- CC2: Managing Flood Risk and Sustainable Drainage Systems
- NE1: Protection of Nature Conservation, Biodiversity and the Local Ecological Network
- NE3: Recreational Disturbance on the Solent Special Protection Areas (SPA)
- NE4: Water Quality Effects on the Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar Sites of The Solent
- NE6: Trees, Woodlands and Hedgerows
- NE9: Green Infrastructure
- TIN1: Sustainable Transport
- TIN2: Highway Safety and Road Network
- D1: High Quality Design and Place Making
- D2: Ensuring Good Environmental Conditions
- D3: Coordination of Development and Piecemeal Proposals
- D5: Internal Space Standards

##### **Other Documents:**

- National Planning Policy Framework (NPPF) 2021
- Fareham Borough Design Guidance (excluding Welborne): Supplementary Planning Document December 2015
- Residential Car Parking Standards 2009

## **5.0 Relevant Planning History**

5.1 The following planning history is relevant:

<b>P/18/0756/OA</b>	Outline application for up to 28 dwellings together with associated landscaping, amenity space, parking and a means of access from Greenaway Lane
<b>REFUSED</b>	18 March 2021
<b>APPEAL</b>	
<b>ALLOWED</b>	2 December 2021

## **6.0 Representations**

6.1 Seventeen letters of objection have been received from 13 households regarding the current application, including comments from The Fareham Society who fully endorse the comments made by the Council's Urban Designer on the proposals.

6.2 In addition to the seventeen letters, a petition was also provided, comprising signatures from 37 individuals from 23 households. The issues raised by the objection letters and by the petition comprise:

- Overdevelopment of the site
- Inappropriate access arrangement onto Greenaway Lane and Brook Lane
- Out of keeping with the character and appearance of Greenaway Lane
- Impact on pedestrian safety for users of Greenaway Lane
- Impact on highway safety generally
- Insufficient car parking provision provided on site
- Loss of undeveloped green space
- Overlooking and loss of privacy
- Impact from noise during construction period
- Impact on protected species and biodiversity

6.3 Other matters raised by residents are that they would want to see a great palette of materials used for the construction of the houses, including rendered and tile hung elevations, and they wanted to see as much of the laurel hedgerow along the site's frontage retained.

6.4 Following the submission of amended plans, further comments were received from The Fareham Society highlighting the improvements to the scheme overall but raising a number of specific concerns regarding the access design and ensuring suitable surveillance of the open space.

## **7.0 Consultations**

EXTERNAL

### **Hampshire Police**

7.1 No objection subject to condition requiring the provision of streetlighting.

### **Lead Local Flood Authority – Hampshire County Council**

7.2 Further information awaited

### **Highway Authority – Hampshire County Council**

7.3 No objection.

### **Ecology – Hampshire County Council**

7.4 No objection, subject to works being in accordance with submitted technical reports and a condition regarding a sensitive lighting strategy.

### **Natural England**

7.5 No objection.

INTERNAL

### **Principal Tree Officer**

7.3 No objection, subject to conformity with recommendations of the tree reports.

### **Recycling Co-ordinator and Policy Officer**

7.4 No objection, subject to sweep diagram showing suitable access for refuse vehicles and bin collection points.

### **Fareham Housing**

7.5 No objection in respect of provision and type of affordable units. Some concern raised regarding the clustering of properties.

## **8.0 Planning Considerations**

8.1 The following matters represent the key material planning considerations which need to be assessed to determine the suitability of the development proposal. The key issues comprise:

- a) Principle of the development
- b) Design and layout
- c) Living conditions of neighbours and future occupants
- d) Highways and parking
- e) Protected species
- f) Habitat Sites
- g) Landscaping and Trees

h) Other matters

**a) Principle of the development**

8.2 Outline planning permission was granted for this site on appeal in December 2021, and therefore the principle of the development and the means of access to it was established following the grant of that permission. Furthermore, the site falls within the adopted Housing Allocation HA1 (Land North and South of Greenaway Lane), and therefore complies with the relevant in principle policy of the adopted Fareham Local Plan 2037.

8.3 Policy HA1 sets out a number of criteria that need to apply to all the various development proposals for the sites within the housing allocation. These include Green Infrastructure, including provision of pedestrian and cycle connectivity between parcels, limiting building heights and protection of existing trees. The application proposals accord with these principles, and therefore the proposal complies with Policy HA1.

**b) Design and Layout**

8.4 Policy D1: High Quality Design and Place Making of the adopted Fareham Local Plan 2037 seeks to ensure that development proposals and spaces will be of a high quality, based on the principles of urban design and sustainability to ensure the creation of well designed, beautiful and safe quality places.

8.5 The Policy continues to highlight 10 key characteristics of high quality design, comprising context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and lifespan. Developments should appropriately respond to the positive elements of local character, ecology, history, culture and heritage.

8.6 The layout of the proposed development remains broadly unchanged from that submitted at Outline planning application stage. The development comprises a single central road running north from Greenaway Lane, making use of the existing gated entrance to the site. This will need to be widened to accommodate the additional access width required to ensure compliance with the access details approved by the Planning Appeal Inspector. The majority of the laurel hedgerow along the site's frontage would be retained to minimise the impact of the development on the character of this part of the Lane.

8.7 The frontage of the site comprises two detached dwellings fronting Greenaway Lane, set in well landscaped plots to reflect the lower density character of the street. Moving further into the site is a mixture of detached, semi-detached and terraced properties fronting the new access road, or branching off to the east and west in small cul-de-sacs. The northern end of the site comprises a small area of public open space, which would be

transferred to Fareham Borough Council, and a pedestrian and cycle link leading to other parts of the broader housing allocation to the north.

The properties sited adjacent to the area of public open space to the northwest corner of the site have been designed to overlook the area ensuring an open and welcoming appearance to the area of open space. All the properties have been designed to reflect the mixed character of the local area, including bricked and tile hung elevations under tiled roofs. All the properties benefit from gardens of 11 metres in length or greater, and levels of separation meet the advice in the Fareham Borough Design Guidance (excluding Welborne): Supplementary Planning Document December 2015.

- 8.8 Whilst the development is of a higher density than the prevailing density development along Greenaway Lane, the proposal represents a modest density of 21 dwellings per hectare. This is considered to represent an appropriate level of development for the site, and comparable with other such developments elsewhere in the wider housing allocation.
- 8.9 It is therefore considered that the design of the properties and the layout of the scheme is acceptable. The development accords with the principles of urban design in accordance with Policy D1 of the Fareham Local Plan 2037.

**c) Living conditions of neighbours and future occupants**

- 8.10 Policy D2: Ensuring Good Environmental Conditions of the adopted Fareham Local Plan 2037 states that development must ensure good environmental conditions for all new and existing users of buildings and external spaces. The Policy continues to state that:

*‘Development proposals...will be permitted where they...do not have an unacceptable adverse impact on the environmental conditions of future occupiers and users or on adjacent/nearby occupants and users through ensuring appropriate outlook and ventilation and providing adequate daylight, sunlight and privacy; and, do not individually, or cumulatively, have an unacceptable adverse environmental impact, either on neighbouring occupiers, adjoining land, or the wider environment...’.*

In respect of ensuring the development accords with the provisions of Policy D2, it is important to have regard to the advice in the Fareham Borough Design Guidance (excluding Welborne): Supplementary Planning Document December 2015.

- 8.11 The development proposal has been assessed against the guidance in this Supplementary Design Guidance, and it is considered that the development

proposal is fully in compliance with it in terms of levels of separation for privacy and overlooking, and garden lengths for provision of suitable external spaces and outlook.

- 8.12 Concern has been raised by the occupiers of both 56 Greenaway Lane and 66 Greenaway Lane about the degree of overlooking to their properties; both occupiers will see development taking place along one side and the rear of their properties.
- 8.13 Number 56 Greenaway Lane (to the east of the site's entrance), benefits from a large, landscaped plot with a rear garden of approximately 26 metres in length. To the side of the property will be a single detached dwelling (Plot 28) orientated north-south to align with this neighbour. A pair of semi-detached dwellings (Plots 26-27) will be located beyond this orientated east-west towards the bottom of the garden of 56 Greenaway Lane. They have rear gardens of 11 metres and 12 metres respectively, with a detached garage building with a pitched roof situated between the rear of these dwellings and the rear elevation of 56 Greenaway Lane.
- 8.14 To the rear boundary of 56 Greenaway Lane lies two further terraced dwellings (Plots 21-22), both of which benefit from gardens marginally in excess of 11 metres in length. Windows serving the first floor level of these properties would be located over 37 metres from the first floor of 56 Greenaway Lane. There are also trees within the rear garden of number 56 that further defuse any overlooking.
- 8.15 The Fareham Borough Design Guidance (excluding Welborne): Supplementary Planning Document December, seeks a minimum of 22 metres between facing windows. It also states that in the case of 'more spacious areas a greater distance is likely to be required'. In this instance a distance somewhat greater than 22 metres will be achieved.
- 8.16 The proposal therefore fully complies with the advice within the Supplementary Planning Document and would not therefore result in an unacceptable adverse impact on the environmental conditions of existing or future occupiers.
- 8.17 Number 66 Greenaway Lane is located to the western side of the access and is a detached two storey dwelling in a large plot with a 28 metre long rear garden. Like 56 Greenaway Lane, there will be a single, detached two storey dwelling (Plot 1) located adjacent to this property, orientated north-south.
- 8.18 Behind Plot 1 are two detached dwellings (Plots 2 and 3), both of which benefit from rear gardens marginally in excess of 11 metres in length. To the

rear of 66 Greenaway Lane are two pairs of semi-detached dwellings (Plot 5-8), all provided with rear gardens of 11 metres in length.

- 8.19 In order to reduce the visual massing along the rear boundary, the roofs of Plots 5-8 have been amended to fully hipped rather than gable ended, to reduce the size of the roofs. Conditions are also recommended to remove permitted development rights to prevent future alterations to the roof forms unless first agreed with the Council.
- 8.20 The first floor windows within Plots 5-8 would be situated 39 metres away from the first floor windows of 66 Greenaway Lane. A large pitched roof outbuilding within the rear garden on their northern boundary would also contribute in reducing any overlooking.
- 8.21 Officers consider that the proposal fully complies with the advice within the Supplementary Planning Document and would not therefore result in an unacceptable adverse impact on the environmental conditions of existing or future occupiers. The proposal is also considered to fully accord with the provisions of Policy D2 of the adopted Fareham Local Plan 2037.
- 8.22 In addition, Policy D5 requires new dwellings to adhere to the minimum standards set out within the Nationally Described Space Standards. All the proposed dwellings accord with these standards and would therefore comply with the provisions of Policy D5.

#### **d) Highways and Parking**

- 8.23 Access arrangements and the consideration regarding the suitability of Greenaway Lane to accommodate the development proposal were approved on appeal by the Planning Inspector. The access is therefore not being considered under this Reserved Matters application. However, the internal road layout and suitability for users and refuse vehicles is to be considered. Appropriate vehicle tracking diagrams have been submitted with the application demonstrating that the Council's refuse vehicles are able to enter and exit the site in a forward gear without an unacceptable impact to other road users.
- 8.24 In respect of car parking, this has been provided in accordance with the Council's Residential Car Parking Standards SPD and comprises a mix of side-by-side, tandem and car port parking. Where garages on plots have been provided, they are either in addition to the car parking standard or exceed the minimum size threshold required by the Council's Residential Car Parking Standards SPD. All properties will be provided with electric car charging facilities.



8.25 In addition to the on site provision of car parking spaces, five visitors' car parking spaces have been provided. Officers consider that the development accords with Policy TIN2 of the Fareham Local Plan 2037.

**e) Protected Species**

8.26 The application has been supported by an Ecology Addendum to update the original Ecology Reports that supported the outline planning application. Five-metre-wide ecology buffers have been provided to the northern parts of the site on the northern, eastern and western boundaries. Whilst a small section has been removed to accommodate the development, this is not considered to affect the delivery of the ecology mitigation proposed or the overall functionality of the buffers.

8.27 The approach has been considered by the Council's Ecologist who has confirmed that the overall approach is sound and would ensure no harm to protected species on the site. The development therefore accords with Policy NE1 of the Fareham Local Plan 2037.

**f) Habitat Sites**

8.28 Policy NE1 of the Fareham Local Plan 2037 sets out the strategic approach to Nature Conservation and Biodiversity and confirms that development will be permitted where designated sites are protected and enhanced. Policy NE3 requires that development that result in a net increase in residential units will be permitted subject to compliance with the Solent Recreation Mitigation Strategy. Policy NE4 confirms the requirement to ensure the integrity of the designated sites is maintained having regard to the effect of nutrients.

8.29 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 per cent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within the Solent which are of both national and international importance.

8.30 In light of their importance, areas within The Solent have been specially designated under UK/ European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'Habitat Sites' (HS).

8.31 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' if it can be shown that the proposed development will either not have a likely significant effect on designated sites or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the

integrity of the designated sites. This is done following a process known as an Appropriate Assessment. The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority.

- 8.32 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the HS. The key considerations for the assessment of the likely significant effects are set out below.
- 8.33 Firstly, in respect of Recreational Disturbance, the development is within 5.6km of the Solent SPAs and is therefore considered to contribute towards an impact on the integrity of the Solent SPAs as a result of increased recreational disturbance in combination with other development in The Solent area. The applicant has confirmed that the appropriate financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMP) will be paid prior to the commencement of the development. The contribution has been secured by Section 106 planning obligation.
- 8.34 Additionally, research undertaken by Footprint Ecology has identified that planned increased in housing around the New Forest designated sites will result in a marked increase in use of the sites and exacerbated recreational impacts. It was found that the majority of visitors to the New Forest designated sites on short visits/day trips from home originated from within a 13.8km radius of the sites referred to as the 'Zone of Influence' (ZOI). The Council's Interim Mitigation Solution to address this likely significant effect was approved by the Council's Executive Committee on 7<sup>th</sup> December 2021 and was prepared in consultation with Natural England. The mitigation comprises a financial contribution from the developer to mitigate against this impact through improvements to open spaces within Fareham Borough and a small contribution to the New Forest National Park Authority. The applicant has made the appropriate financial contribution.
- 8.35 Secondly in respect of the impact of the development on water quality as a result of surface water and foul water drainage, Natural England has highlighted that there is existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted that increased levels of nitrates entering The Solent (because of increased amounts of wastewater from new dwellings) will have a likely significant effect upon the HS.
- 8.36 A nitrogen budget has been calculated in accordance with Natural England's *Nutrient Neutrality Generic Methodology* (Feb 2022) ('the NE Advice') and updated calculator (April 2022) which confirms that the development will

generate 33.70kg TN/year. In the absence of sufficient evidence to support a bespoke occupancy rate, Officers have accepted the use of an average occupancy of the proposed dwellings of 2.4 persons in line with the NE Advice. The existing use of the land for the purposes of the nitrogen budget is considered to be a mix of residential urban land and commercial/industrial urban land. Due to the uncertainty of the effect of the nitrogen from the development on the HS, adopting a precautionary approach, and having regard to NE advice, the Council will need to be certain that the output will be effectively mitigated to ensure at least nitrogen neutrality before it can grant planning permission.

- 8.37 The applicant has purchased 33.75kg of nitrate mitigation 'credits' from the scheme at Little Duxmore Farm on the Isle of Wight, which will see the farm taken out of agricultural land and would be managed and maintained by the Hampshire and Isle of Wight Wildlife Trust (HIWWT). Through the operation of a legal agreement between the landowners (HIWWT), Fareham Borough Council and the Isle of Wight Council dated 30 September 2020, the purchase of the credits will result in a corresponding reduction in nitrogen entering the Solent marine environment.
- 8.38 The third aspect is impact on air quality, where the designated sites can be adversely affected through airborne pollution from development sites generated either during construction or operation / occupation. The Council's recent Air Quality Habitat Regulations Assessment (HRA) for Short-Term Development in Fareham Borough by Ricardo Energy and Environment (2020) has undertaken an assessment which avoids the need for relying on the assumption of a 200-metre zone of influence by including dispersion modelling of emissions from all roads with modelled traffic flows within the Fareham study area, whether or not they are located within 200m of a designated site. The Study concluded no likely significant effect alone or in combination with other plans and projects for all qualifying features of the protected HS.
- 8.39 The Council's Appropriate Assessment concludes that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the HS either alone or in combination with other plans or projects. The difference between the credits and the output will result in a small annual net reduction of nitrogen entering The Solent. Natural England has been consulted on the Council's Appropriate Assessment and raised no objection. It is considered that the development accords with the Habitat Regulations and complies with Policies NE1, NE3 and NE4 of the adopted Fareham Local Plan 2037.

#### **g) Landscaping and Trees**

- 8.40 The site does not comprise any trees within it and has only one tree subject to a preservation order (a Sweet Chestnut), in the southwest corner, on the boundary with 66 Greenaway Lane. The protected tree would be unaffected by the development proposals.
- 8.41 The northern and eastern boundary comprises wooded areas, which would be unaffected by the scheme. The layout of the development has been carefully considered to ensure sufficient space between the boundary woodland, aided by the 5 metre wide ecology buffer, and adjacent dwellings.
- 8.42 The submitted site plan shows a number of trees would be planted throughout the development proposal and a detailed landscaping scheme has been prepared by the applicant's landscape architects.
- 8.43 The proposals have been considered by the Council's Principal Tree Officer who has raised no concerns, subject to compliance with the submitted information. The development is therefore considered to comply with Policy NE6 of the Fareham Local Plan 2037.

#### **h) Other Matters**

- 8.44 **Foul and Surface Water Drainage:** The application has been supported by detailed foul and surface water drainage strategies, which have been considered by Hampshire County Council as Lead Local Flood Authority. The drainage ditch at the frontage of the site does not connect to any other ditch along Greenaway Lane and therefore only serves to deal with surface water disposal from this section of Greenaway Lane. This would be culverted and the surface water calculations have incorporated the additional run-off likely from this section of the public highway.
- 8.45 **Affordable Housing:** The application proposes the provision of a policy compliant level of affordable housing, having regard to Policy HP5 (Affordable Housing Provision). The provision and type of affordable housing has been considered by the Council's Housing Development Officer, who has raised no overriding objection to the scheme. Some concern regarding the clustering of the dwellings, and discussions regarding re-positioning them was considered by the applicant but discounted owing to inadequate space. Given the modest number of affordable units being provided, it is considered by Officers to represent an appropriate solution and would provide 11 much needed affordable units within the Western Wards.
- 8.46 **Biodiversity Net Gain:** There is no requirement for Reserved Matters applications to achieve the 10% increase in Biodiversity Net Gain on the site, and therefore the development is not subject to the provisions of Policy NE2: Biodiversity Net Gain. Despite this, the outline planning application did

provide a Biodiversity Mitigation and Enhancement report which sought to provide suitable net gains in biodiversity despite no formal metric calculation being provided.

### **Summary**

8.47 The reserved matters proposal is broadly reflective of the layout set out at outline planning application stage, which was allowed on appeal. The development proposals accord with the relevant policies of the adopted Fareham Local Plan 2037 and other relevant supplementary planning documents.

8.48 Notwithstanding the representations received, Officers consider that the proposals are acceptable, and that approval should be granted for these reserved matters.

### **9.0 Recommendation**

9.1 Subject to the receipt and consideration of the comments of the Lead Local Flood Authority relating to surface water disposal and any additional conditions, or modifications to the proposed conditions, they may recommend:

9.2 **APPROVE** the reserved matters subject to the following Conditions:

1. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:
  - a) Location Plan (Drawing: LP.01 Rev A)
  - b) Coloured Site Layout (Drawing: CSL.01 Rev E)
  - c) Site Layout (Drawing: SL.01 Rev E)
  - d) Boundary Materials Layout (Drawing: BML.01 Rev C)
  - e) Dwelling Materials Layout (Drawing: DML.01 Rev D)
  - f) Parking Strategy Layout (Drawing: PSL.01 Rev C)
  - g) Landscaping – General Arrangement (Drawing: 2305-TFC-00-00-DR-L-1001)
  - h) Landscaping – General Arrangement (Drawing: 2305-TFC-00-00-DR-L-1002)
  - i) House Type S.2.1 (2 Block) Floor Plans (Drawing: HT.S.2.1(2blk).p Rev A)
  - j) House Type S.2.1 (2 Block) Elevations (Drawing: HTS.2.1(2blk).e Rev D)
  - k) House Type 3.1 Variation A Floor Plans and Elevations (Drawing: HT.3.1A.pe Rev A)
  - l) House Type 3.1 (Option 1) Floor Plans and Elevations (Drawing: HT.3.1.pe Rev A)

- m) House Type 3.2 (2 Block) Floor Plans (Drawing: HT.3.2(2Blk).p Rev A)
- n) House Type 3.2 (2 Block) Elevations (Drawing: HT.3.2(2Blk).e Rev C)
- o) House Type S.3.2 (2 Block) Floor Plans (Drawing: HT.S.3.2(2blk).p Rev A)
- p) House Type S.3.2 (2 Block) Elevations (Drawing: HT.S.3.2(2blk).e Rev D)
- q) House Type 2XS.1M – Maisonettes Floor Plans (Drawing: HT.2xS.1M.p Rev A)
- r) House Type 2XS.1M – Maisonettes Elevations (Drawing: HT.2xS.1M.e Rev C)
- s) House Type 4.1. Option 1. Floor Plans and Elevations (Drawing: HT.4.1.pe.1 Rev A)
- t) House Type 4.2 Variation A Floor Plans (Drawing: HT.4.2A.p Rev A)
- u) House Type 4.2 Variation A Elevations (Drawing: HT.4.2A.e Rev A)
- v) House Type 4.2 Variation B Floor Plans (Drawing: HT.4.2B.p Rev A)
- w) House Type 4.2 Variation B Elevations (Drawing: HT.4.2B.e Rev A)
- x) House Type 4.3 Floor Plans (Drawing: HT.4.3.p Rev B)
- y) House Type 4.3 Elevations (Drawing: HT.4.3.e Rev B)
- z) House Type 4.4 – Floor Plans and Elevations (Drawing: HT.4.4.pe Rev A)
- aa) House Type 4.4 Variation A – Floor Plans and Elevations (Drawing: HT.4.4A.pe Rev D)
- bb) Plots 9-10 – Floor Plans (Drawing: P.9-10.p Rev A)
- cc) Plots 9-10 – Elevations (Drawing: P.9-10.e Rev C)
- dd) Plot 17 – Floor Plans and Elevations (Drawing: P.17.pe Rev A)
- ee) Plots 21-23 – Floor Plans Sheet 1 of 2 (Drawing: P.21-23.p1 Rev A)
- ff) Plots 21-23 – Floor Plans Sheet 2 of 2 (Drawing: P.21-23.p2 Rev A)
- gg) Plots 21-23 – Elevations Sheet 1 of 2 (Drawing: P.21-23.e1 Rev D)
- hh) Plots 21-23 – Elevations Sheet 2 of 2 (Drawing: P.21-23.e2 Rev A)
- ii) Coloured Street Elevations (Drawing: SE.01 Rev C)
- jj) Street Elevations (Drawing: SE.01 Rev C)
- kk) Lytch Gate – Floor Plans and Elevations (Drawing: LG.01.pe Rev A)
- ll) Twin Garage – Floor Plans and Elevations (Drawing: GAR.03.pe Rev A)
- mm) Double Garage – Floor Plans and Elevations (Drawing: GAR.02.pe Rev B)
- nn) Double Car Barn – Floor Plans and Elevations (Drawing: CB.02.pe Rev A)
- oo) Single Car Barn – Floor Plans and Elevations (Drawing: CB.01.pe Rev A)
- pp) Single Garage – Floor Plans and Elevations (Drawing: GAR.05.pe Rev C)

- qq) Drainage Layout (On-site) (Drawing: 6826-MJA-SW-XX-DR-C-001 Rev P7)
- rr) Levels Layout (Drawing: 6826-MJA-SW-XX-DR-C-005 Rev P5)
- ss) External Works (Drawing: 6826-MJA-SW-XX-DR-C-400 Rev P5)
- tt) Refuse Vehicle Tracking Layout (Drawing: 6826-MJA-SW-XX-DR-C-500 Rev P5)
- uu) Fire Tender Tracking Layout (Drawing: 6826-MJA-SW-XX-DR-C501 Rev P5)
- vv) Estate Car Tracking Layout (Drawing: 6826-MJA-SW-XX-DR-C-502 Rev P3)
- ww) Visibility Layout (Drawing: 6826-MJA-SW-XX-DR-C-510 Rev P5)
- xx) Longitudinal Sections (Drawing: 6826-MJA-SW-XX-DR-C-100 Rev P2)

REASON: To avoid any doubt over what has been permitted.

2. No development hereby permitted shall proceed beyond damp proof course level until details (including samples where requested by the Local Planning Authority) of all proposed external facing (and hardsurfacing) materials have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting or amending that Order) there shall be no alterations or amendments to the permitted car barns, including the provision of garage doors to the front elevations, without the grant of a separate planning permission from the Local Planning Authority.

REASON: To ensure adequate off-street car parking is retained on site.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting or amending that Order), there shall no alterations or amendments to the roof forms of Plots 5 – 8 (inclusive), without the grant of a separate planning permission from the Local Planning Authority.

REASON: To protect the amenities of neighbouring occupiers.

5. The landscaping scheme, submitted on Drawings 2305-TFC-00-00-DR-L-1001 and 2305-TFC-00-00-DR-L-1002, shall be implemented and completed within the first planting season following the commencement of the development or as otherwise agreed in writing with the Local Planning Authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years

from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

REASON: To ensure the provision, establishment and maintenance of a standard of landscaping.

6. No work on site relating to the construction of any of the development hereby permitted (Including works of demolition or preparation prior to operations) shall take place before the hours of 0800 or after 1800 Monday to Friday, before the hours of 0800 or after 1300 Saturdays or at all on Sundays or recognised bank and public holidays, unless otherwise first agreed in writing with the Local Planning Authority.

REASON: To protect the occupiers of nearby residential properties against noise and disturbance during the construction period.

7. The development hereby permitted shall be undertaken in accordance with the details set out on the Tree Protection Plan, Drawing 22163-3 and the recommendations in the submitted Tree Report prepared by Barrell Tree Consultancy (Ref 22163-AA3 dated March 2023). There shall be no deviation from these documents unless otherwise approved in writing by the Local Planning Authority.

REASON: To ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period.

8. No development shall proceed beyond damp proof course level until details of any proposed external illumination, including streetlighting have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and any lighting thereafter retained in the approved form.

REASON: In order to prevent light disturbance to occupiers of nearby residential properties and control light pollution.

Then:

**DELEGATE** authority to the Head of Development Management to make any necessary modification, deletion or addition to the proposed conditions.

## **10.0 Notes for Information**

P/22/1629/RM, P/18/0756/OA and APP/A1720/W/21/3279162

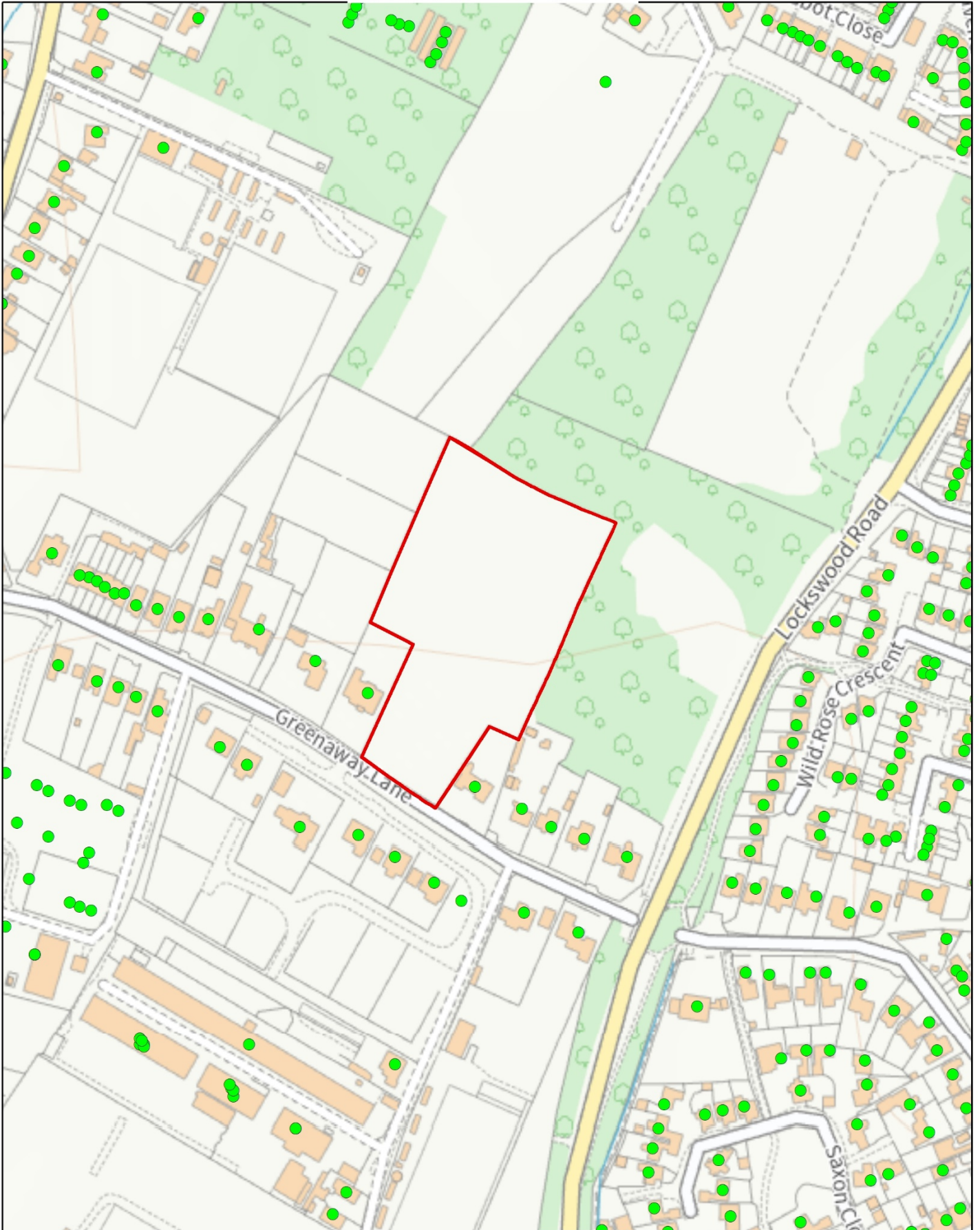


## **11.0 Background Papers**

- 11.1 Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

# FAREHAM

BOROUGH COUNCIL



Land Between and to Rear of  
56-66 Greenaway Lane, Warsash  
Scale 1:2,500



# Agenda Annex

## **ZONE 2 – FAREHAM**

**Fareham North-West**

**Fareham West**

**Fareham North**

**Fareham East**

**Fareham South**

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/23/0083/FP FAREHAM EAST	OSBORN ROAD MULTI-STOREY CAR PARK OSBORN ROAD FAREHAM PO17 7DS  DEMOLITION OF EXISTING MULTI-STOREY CAR PARK AND THE CONSTRUCTION OF A SURFACE CAR PARK FOR 139 CARS INCLUDING TWO CANOPY STRUCTURES FOR PHOTOVOLTAIC SOLAR PANELS AND BATTERY STORAGE, AMENDED ACCESS ARRANGEMENTS AND LANDSCAPING.	3  PERMISSION
P/23/0389/VC FAREHAM WEST	LAND TO THE REAR OF 82 THE AVENUE FAREHAM PO14 1PB  VARIATION OF CONDITION 2 OF P/19/0946/FP (ERECTION OF 3-BED BUNGALOW TO REAR WITH ACCESS FROM CHALFORD GRANGE) - INCREASE ROOF PITCH AND DESIGN TO ALLOW FOR ACCOMMODATION WITHIN THE ROOF SPACE	4  PERMISSION

## OFFICER REPORT FOR COMMITTEE

DATE: 24/05/2023

P/23/0083/FP

FAREHAM EAST

FAREHAM BOROUGH COUNCIL

DEMOLITION OF EXISTING MULTI-STOREY CAR PARK AND THE CONSTRUCTION OF A SURFACE CAR PARK FOR 139 CARS INCLUDING TWO CANOPY STRUCTURES FOR PHOTOVOLTAIC SOLAR PANELS AND BATTERY STORAGE, ALTERED ACCESS ARRANGEMENTS AND LANDSCAPING

OSBORN ROAD MULTI-STOREY CAR PARK, OSBORN ROAD, FAREHAM

### **Report By**

Richard Wright – direct dial: 01329 824758

#### **1.0 Introduction**

1.1 The application is presented to the planning committee due to the nature and importance of the development proposal to Fareham Town Centre.

#### **2.0 Site Description**

- 2.1 The application site lies on the south side of Osborn Road in Fareham Town Centre and within the defined urban area boundary. On the site currently stands a multi-storey car park which was constructed in the 1970s, serving the northern side of the town centre.
- 2.2 The car park is spread over six levels and has a capacity of 621 spaces not including spaces on the top floor which are closed to the public. The car park operates on a 'pay on foot' basis with pay machines at ground floor level and barrier controlled vehicular access and egress.
- 2.3 At the lower level of the building is Fareham Shopmobility. The Shopmobility services provides mobility scooters, electric and manual wheelchairs to people with limited mobility, enabling them to access Fareham town centre and shop independently. There is little else other than the car park building within the application site except for an area of landscaping to the north of the building which contains several mature trees none of which are subject of a tree preservation order. The levels on the site drop down from north to south.
- 2.4 To the north of the site on the opposite side of Osborn Road lies The Vicarage at 30 Osborn Road which is a Grade II Listed Building. The adjacent 'villa' to the west of The Vicarage and the four villas to the east are all 'locally listed' buildings. The front boundary walls of all these buildings however are Grade II Listed Buildings. The buildings on the north side of the road all fall within the

Osborn Road Conservation Area. The Osborn Road Conservation Area is situated immediately to the north of the Osborn Road carriageway.

- 2.5 To the east of the site is a road which leads to the accessible parking spaces outside the library and the library building itself as well as the construction site for Fareham Live. To the south is Fareham Shopping Centre and to the west of the site is a service road leading to the shopping centre.

### **3.0 *Description of Proposal***

- 3.1 The applicant explains that the existing multi-storey car park was built in the 1970s using a construction method that is now considered flawed and no longer used. The building is at the end of its working life and this application proposes the demolition of the multi-storey car park building and the construction of a surface car park in its place. The submitted plans show that the new car park would occupy a very similar footprint on the site to the existing multi-storey building.
- 3.2 Vehicular access into the car park from Osborn Road would be simplified compared to the existing arrangement with one route in and one route out being provided, and associated changes made to the road layout on Osborn Road itself.
- 3.3 The car park would be split across two levels (Deck A and Deck B) stepping down from north to south to account for the change in levels across the site. A retaining wall would divide the car park separating the two decks. In total there would be 139 parking spaces of which 7 would be accessible parking spaces and 18 would offer electrical vehicle (EV) charging facilities.
- 3.4 Two large canopy structures would be constructed across the car park and these would be made of galvanised steel with grey PVC roof panels. On top of the roofs of the canopies, solar photovoltaic (PV) panels would be fitted. A dark green coloured glass reinforced plastic (GRP) battery enclosure building would be constructed in the north-eastern corner of Deck A to house the batteries used for the PV panels and EV charging points. A height restriction barrier would be constructed at the entrance to the car park constructed of grey powder coated steel with a red and white 'nudge bar'.
- 3.5 Pedestrian access into and out of the car park would be provided at three points – two at the southern end of the site to provide access to Fareham Shopping Centre and one at the north-eastern corner of the car park to link into the northern entrance to the Fareham Live venue.
- 3.6 Along the western and eastern boundaries of the car park areas, new planting would be created. Between the car park and the highway boundary of Osborn

Road to the north, areas of the site which are currently hardsurfaced but would no longer be needed as vehicular or pedestrian access, would be planted as part of the soft landscaping proposals.

- 3.7 Three existing trees (a cypress, cherry and lime) would be removed due to their proximity to the northern edge of the car park where the land would be graded to accommodate the level changes and then landscaped accordingly with five new trees in this area. Along the eastern side of the car park a further six trees would be planted in the landscaping strip along with other shrubs.
- 3.8 The applicant has advised that the existing Shopmobility facility will be relocated to a vacant unit within Fareham Shopping Centre.

#### **4.0 Policies**

- 4.1 The following policies apply to this application:

##### **Adopted Fareham Local Plan 2037**

NE6: Trees, Woodland and Hedgerows

R1: Retail Hierarchy and Protecting the Vitality and Viability of Centres

TIN2: Highway Safety and Road Network

D1: High Quality Design and Place Making

D2: Ensuring Good Environmental Conditions

HE1: Historic Environment and Heritage Assets

HE2: Conservation Areas

HE3: Listed Buildings and Structures and/or their Settings

HE5: Locally Listed Buildings and Non-designated Heritage Assets

##### **Other Documents:**

National Planning Policy Framework (NPPF) 2021

#### **5.0 Relevant Planning History**

- 5.1 None.

#### **6.0 Representations**

- 6.1 Four residents have commented on the application including two objecting to the proposals. The following material planning considerations were raised.

- Removal of unsightly multi-storey car park is a benefit
- Reduction in light pollution at night welcome
- What will happen to users of Shopmobility?
- Car park should be barrier controlled to prevent unwelcome visitors and noise nuisance

- PV panels would be overshadowed and not effective in winter months
- Reduction in number of disabled parking spaces for shoppers and visitors to new venue

6.2 In addition, a consultation exercise was carried out by the Council between 11<sup>th</sup> January – 7<sup>th</sup> February 2023. A total of 307 responses were received raising the following general comments:

- The design/layout looks good
- Introduction of solar panels and electric charging is a good idea
- The provision of larger spaces is good
- There is not enough parking to meet the needs of the area or Fareham Live.
- There are not enough Disabled, or Parent/Child spaces proposed
- The reduction in spaces will have negative implications for the town centre
- There needs to be more electric charging points
- Concern regarding Shopmobility
- The main attraction of ORMSCP is the covering it provides in bad weather
- There is nothing wrong with the existing car park, why not upgrade rather than replace it?
- What about bikes, e-bikes, and motorcycle spaces?
- Suggestion of greenery and tree planting
- Concern of vandalism

## **7.0 Consultations**

EXTERNAL

### **Hampshire County Council Highways**

7.1 No objection.

### **Hampshire County Council Flood and Water Management Team**

7.2 No objection.

### **Hampshire County Council Ecology**

7.3 No objection.

INTERNAL

### **Principal Tree Officer**

7.3 No objection. The impact on trees and the effect of tree loss, pruning and other site operations on local tree cover, public amenity and local character have all been considered. Provided the recommendations of tree report are implemented and the construction methods, as detailed within the

arboricultural method statement, are followed when working near retained trees, then it is considered that the impact would be minimal and acceptable.

### **Environmental Health**

7.4 No adverse comments. The following measures should be implemented to deter anti-social behaviour and noise nuisance and protect the amenity of the area:

- An appropriate number of CCTV cameras should be installed to deter anti-social behaviour;
- Consideration should be taken to implementing a way to secure the car park and the future installation of speed bumps or speed restriction should the need arise.

### **Contaminated Land**

7.5 No objection.

### **Conservation Planner**

7.5 In terms of the impact on the adjacent heritage assets, by removing the existing car park, the proposed new ground floor car park will significantly enhance the setting of and the views both into and out of the Conservation Area. The proposals will also improve the setting of the adjacent listed buildings by removing the unsightly existing car park and significantly reducing the built form on the site. Additionally, as long as the proposed landscaping is agreed and implemented (and continues to be maintained) the proposals will enhance the overall street scape and result in no visual harm and would therefore preserve the and enhance character and appearance of the surrounding area. Consequently, there are no objections to the current application in Historic Environment terms, subject the finalisation and approval (and future maintenance of) the landscaping scheme.

### ***Planning Considerations***

8.1 The proposal is to demolish the existing multi-storey car park and construct a replacement car parking facility on the site. The site is located within the Town Centre and designated urban area. The principle of such a reuse of the land is acceptable in principle having regard to the aims of objectives of local and national planning policy to make effective and efficient reuse of brownfield land in urban areas.

8.2 A number of further planning considerations which need to be assessed to determine the suitability of the development proposal are set out below. The key issues comprise:

- a) Reduction of parking within the Town Centre
- b) Character and appearance of surrounding area



a) Reduction of parking within the Town Centre

- 8.3 Fareham town centre is served by a number of public car parks which are available seven days a week. To the immediate east and west of the Osborn Road multi-storey facility are car parks at Palmerston Avenue and north of the new Fareham Live venue (previously known as the Ferneham Hall car parks). A short distance eastwards are surface car parks in Civic Way including the multi-storey car park serving Fareham Shopping Centre and further to the east lies Lysses Car Park. To the west are Osborn Road West, Trinity Street and Malthouse Lane surface car parks. On the southern side of the town centre is the Market Quay car park. The public car parks in the town centre provide for a total of 1,931 spaces when fully available for use (including the existing Osborn Road multi-storey car park).
- 8.4 The existing Osborn Road multi-storey car park currently has a capacity of 621 car parking spaces (not including the top floor which has been closed for use for some period of time). The new proposed surface car park would have 139 spaces meaning after the development has taken place there would be reduction on site of 482 parking spaces.
- 8.5 The application is accompanied by a Transport Statement and an Addendum Car Parking Appraisal which includes a car parking survey carried out during peak times in March 2023. The survey recorded how well used the sixteen different car parks in the Town Centre were (including the multi-storey car park itself, but not including the car parks at the former Ferneham Hall as these were closed to public use).
- 8.6 The surveys showed that during the busiest period (which was on a Monday morning), 931 of the available 1833 car parking spaces in the town centre car parks were occupied (51%). This means that 902 car parking spaces were unoccupied (49%). The Osborn Road multi-storey car park itself had 239 of its 621 spaces occupied (38%) meaning 382 spaces were unoccupied (61%). This shows that, on that given occasion, the proposed 139 space car park would not have been capable of accommodating the same number of cars meaning 100 cars would have been displaced to other Town Centre car parks. There would however have been plenty of unoccupied space in those other car parks to meet the demand.
- 8.7 The car parking appraisal explains that, compared to car parking data from 2018, the 2023 survey shows a significant reduction in the take up of parking spaces in the town centre post the COVID-19 pandemic. The appraisal also suggests that the Osborn Road multi-storey car park is not as popular or

attractive to users as other public car parks in the town centre based on the data from both surveys. It says that the loss of spaces resulting from the proposed redevelopment of the multi-storey car park would be accommodated within the remaining Town Centre public car parks. Having reviewed the evidence available Officers would agree with these observations.

- 8.8 Finally, it is acknowledged that car parking demand varies in type and level at different times of the day, throughout a typical week, weekend and subject to specific events taking place in the town centre. With the new Fareham Live venue due to open in Spring 2024 Officers are mindful of the need for town centre car parks to make appropriate provision for when performances are held at the new venue. The largest and most popular performances are unlikely to be held during the morning time so would not coincide with the peak observed in the March 2023 parking survey. Shows at the new venue are likely to be held mostly during the evening when there would be far lower demands for car parking spaces at the new Osborn Road car park proposed, other car parks in the immediate vicinity of the venue and elsewhere in the Town Centre.
- 8.9 The proposals include 8 accessible car parking spaces which represents 5.75% of the total number of spaces being provided. The Council's adopted Non-residential Parking Standards Supplementary Planning Document (SPD) typically expects disabled car parking provision at 6% of total provision.
- 8.10 In summary, Officers are satisfied that the proposal, combined with other Town Centre car parks, will provide appropriate levels of public car parking to serve Shopping Centre and surrounding facilities. Officers consider the redevelopment of the site and the consequential reduction in car parking spaces in the Town Centre to be acceptable having regard to the aims of Strategic Policy R1, which serves to protect the town centre and other areas from development which would significantly harm its vitality and viability, and Strategic Policy TIN1, which aims to ensure development has acceptable parking and servicing provision.

b) Character and appearance of surrounding area

- 8.11 The existing multi-storey car park was constructed during the 1970s and is a monolithic and functional building made of red-brick and concrete. The building lacks architectural merit and Officers consider its demolition would have a significant beneficial effect on the visual appearance of the area.
- 8.12 The adjacent Osborn Road Conservation Area was designated in 1979 after the multi-storey car park was constructed. The existing car park is visually very dominant and its demolition would enhance the character and

appearance of the conservation area. Similarly, the removal of the car park would enhance the setting of the Grade II Listed Vicarage building, the Grade II listed front boundaries walls and locally listed buildings on the north side of Osborn Road. The introduction of additional new planting as part of the development between the new surface car park and Osborn Road would further enhance the setting of these heritage assets. In forming these views Officers have undertaken the statutory duties placed on decision makers under Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies HE1, HE2, HE3 & HE5 of the adopted Fareham Local Plan 2037.

- 8.13 The new car park would be appropriately set into the gradient of the land as it slopes down from Osborn Road to the south. The removal of areas of hardsurfacing to the north of the car park and the introduction and enhancement of soft landscaping in this location would soften views of the car park and the shopping centre beyond it when viewed from Osborn Road. Three of the existing mature trees to the north of the car park would need to be removed as part of the works to construct the new car park. There are other substantial mature trees in the same location and the loss of the trees would not harm the character and appearance of the area. Notwithstanding, five more trees are proposed to be planted in more appropriate locations in the same area of the site along with a further six more trees along the eastern boundary. The proposed planting would help to soften the visual appearance of the car park surfacing, retaining walls and structures such as the PV canopies and battery enclosure as well as the presence of parked cars themselves.
- 8.14 In summary, the proposal is considered to accord with Policy D1 of the adopted Fareham Local Plan 2037 in that the construction of the new car park would be a high quality development and, combined with the visual benefits of the demolition of the existing imposing multi-storey building, would create a well-designed, safe and attractive facility which would contribute positively to the character and appearance of the town centre.

### Conclusion

- 8.15 The proposed demolition of the existing multi-storey car park and its replacement with a surface car park, complete with canopy structures, battery storage and amended access and landscaping, is considered acceptable in planning terms. The development would have no unacceptable implications in terms of parking provision within the town centre and would enhance the character and appearance of the area including the setting of the adjacent Osborn Road Conservation Area and its statutorily and locally listed buildings.

- 8.16 The proposal accords with the relevant policies of the adopted Fareham Local Plan 2037. Officers have taken into account other material planning considerations and have concluded there are none which suggest taking a decision other than in accordance with the policies of the adopted development plan. Officers have also undertaken the statutory tests required by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and concluded that the proposals would enhance the character and appearance of the Osborn Road Conservation Area and the settings of nearby listed buildings.
- 8.17 Officers recommend that planning permission should be granted subject to the imposition of appropriate planning conditions.

## **9.0 Recommendation**

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development hereby permitted shall be begun before the expiration of a period of three years from the date of this decision.  
REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.
2. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:
  - a) Location Plan - J1731-STRIPE-XX-00-DR-AX-1002-P02
  - b) Proposed Site Plan - J1731-STRIPE-XX-00-DR-AX-3003-P09
  - c) Short Section - South - J1731-STRIPE-ZZ-ZZ-DR-AX-1602-P03
  - d) Short Section - North - J1731-STRIPE-ZZ-ZZ-DR-AX-1601-P03
  - e) Long Section - J1731-STRIPE-ZZ-ZZ-DR-AX-1600-P03
  - f) Carport Design - J1731-DES-ZZ-XX-DR-E-2100
  - g) PV Frame Details - J1731-STRIPE-XX-XX-DR-AX-3765-T01
  - h) Proposed North & South Elevations - J1731-STRIPE-XX-ZZ-DR-AX-3511-P03
  - i) Proposed East & West Elevations - J1731-STRIPE-XX-ZZ-DR-AX-3510-P03
  - j) Existing North & South Elevations - J1731-STRIPE-XX-XX-DR-AX-3501-P02
  - k) Existing East & West Elevations - J1731-STRIPE-XX-XX-DR-AX-3500-P02
  - l) Preliminary Ecological Appraisal (December 2022, Updated January 2023)
  - m) Arboricultural Impact Assessment and Method Statement
  - n) General Access Layout - 5886-001 Rev J
  - o) Proposed Materials Schedule

- p) Lighting Layout - EVO20015935-LD-001-B
- q) Planting Plan 1 of 4 - 2398-TFC-00-00-DR-L-3002\_P04
- r) Planting Plan 2 of 4 - 2398-TFC-00-00-DR-L-3003\_P05
- s) Planting Plan 3 of 4 - 2398-TFC-00-00-DR-L-3004 Rev P03
- t) Planting Plan 4 of 4 - 2398-TFC-00-00-DR-L-3005\_P04
- u) Landscape Management Plan - 2398-TFC-00-00-RE-L-8001

REASON: To avoid any doubt over what has been permitted.

3. The photovoltaic panels hereby permitted shall not be installed until details of their finished appearance and their means of installation on the canopy structures have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To ensure a high quality, well-designed development.

4. No development relating to the battery storage enclosure hereby permitted shall commence until details of the enclosure have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To ensure a high quality, well-designed development.

5. The development hereby approved shall be carried out in full accordance with the measures detailed in Section 4 (Mitigation) and 5 (Enhancement) of the Preliminary Ecological Appraisal by Environmental Assessment Services Ltd (December 2022, Updated January 2023). The installed bird and invertebrate boxes shall be retained at all times thereafter.

REASON: To ensure protection of nesting birds in line with the Wildlife and Countryside Act 1981 (as amended) and an overall net gain in biodiversity.

6. The planting scheme hereby approved shall be implemented and completed within the first planting season following the commencement of the development or as otherwise agreed in writing with the Local Planning Authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

REASON: To ensure the provision, establishment and maintenance of a standard of landscaping.

7. No development shall commence on site until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall address the following matters:
- a) How provision is to be made near to the site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;
  - b) the measures the developer will be implementing to ensure that operatives'/contractors/sub-contractors' vehicles and/or construction vehicles are parked near to the site in accordance with the details submitted in relation to a) above;
  - c) the arrangements for receiving deliveries relating to the development during the construction period;
  - d) the measures for cleaning the wheels and underside of all vehicles leaving the site;
  - e) how pedestrian routes through the site will be protected or alternative routes provided or signposted during construction;
  - f) a scheme for the suppression of any dust arising during construction or clearance works;
  - g) the measures for Osborn Road to ensure that it is kept clear of any mud or other debris falling from construction vehicles, and
  - h) the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development.

The development shall be carried out in accordance with the approved CMP and areas identified in the approved CMP for specified purposes shall thereafter be kept available for those uses at all times during the construction period, unless otherwise agreed in writing with the local planning authority. No construction vehicles shall leave the site unless the measures for cleaning the wheels and underside of construction vehicles are in place and operational, and the wheels and undersides of vehicles have been cleaned.

REASON: In the interests of highway safety and to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

8. Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential

contamination are encountered. Works shall not recommence before an investigation and risk assessment of the identified ground conditions have been undertaken and details of the findings, along with a detailed remedial scheme, if required, have been submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of the building hereby permitted the remediation scheme shall be fully implemented and shall be validated in writing to the Local Planning Authority by an independent competent person.

REASON: To ensure any potential contamination found during construction is properly taken into account and remediated where required.

Then:

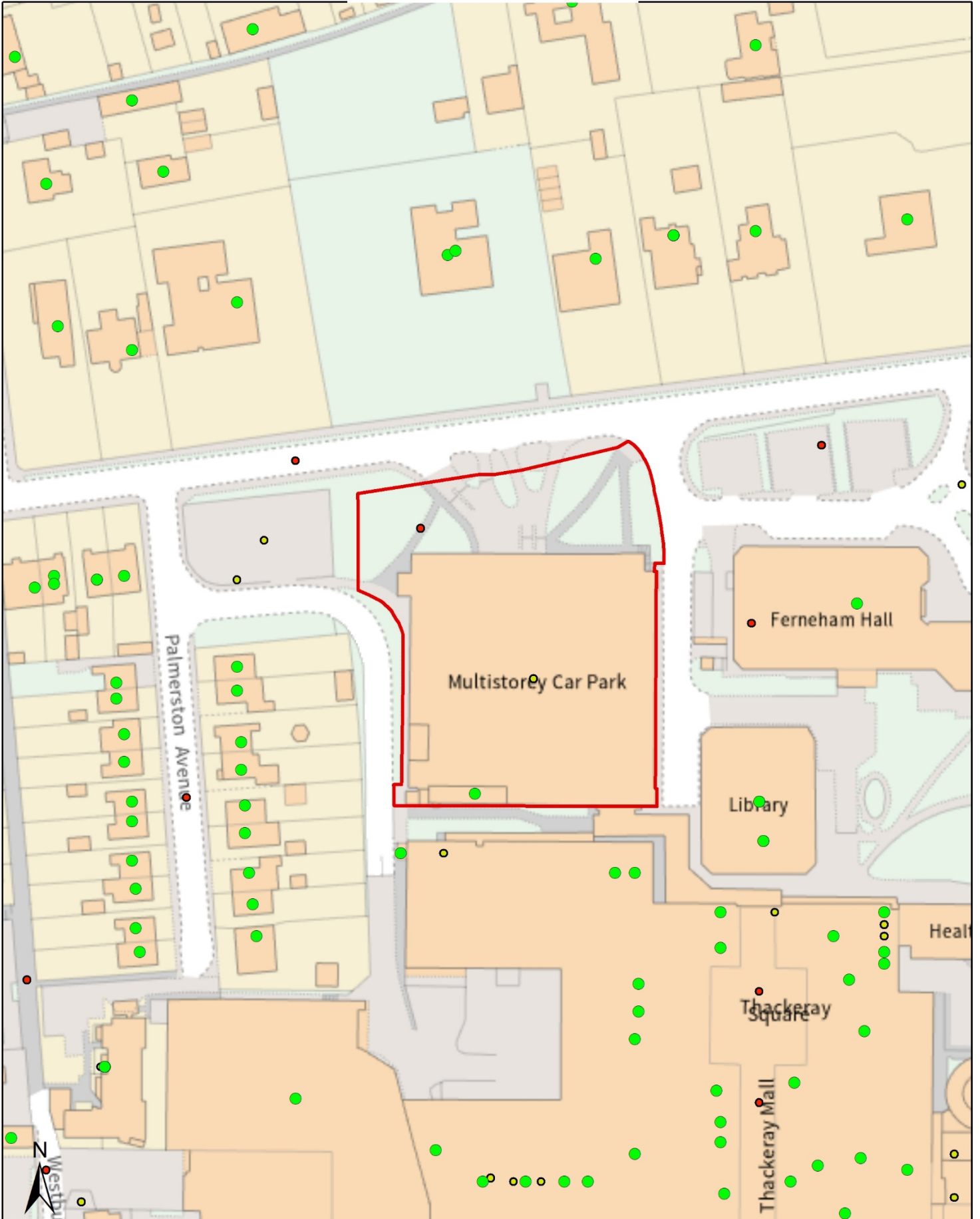
**DELEGATE** authority to the Head of Development Management to make any necessary modification, deletion or addition to the proposed conditions.

## **10.0 *Background Papers***

- 10.1 Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

# FAREHAM

BOROUGH COUNCIL



Osborn Road Multi-Storey Car Park

Scale 1:1,250



# Agenda Item 6(4)

## OFFICER REPORT FOR COMMITTEE

DATE: 24 May 2023

P/23/0389/VC

MR KEITH GEORGE

AGENT: C&L MANAGEMENT

ERECTION OF 3-BED BUNGALOW WITH ACCESS FROM CHALFORD GRANGE  
- INCREASE ROOF PITCH AND ROOF DESIGN TO ALLOW FOR  
ACCOMMODATION WITHIN THE ROOF SPACE (VARIATION OF CONDITION 2  
OF P/19/0946/FP)

LAND REAR OF 82 THE AVENUE FAREHAM

### **Report By**

Kim Hayler - 01329 824688

#### **1.0 Introduction**

1.1 This application is reported to the Planning Committee for determination due to the number of third-party representations received.

#### **2.0 Site Description**

2.1 The application relates to a site within the urban settlement boundary, to the rear of 82 The Avenue.

2.2 Chalford Grange, which lies to the north of the site, has been developed in various stages since 2004. To the west of the site is a flatted development which has a detached bin/cycle store located on the boundary with the application site.

2.3 A Scots Pine and Sycamore tree (which are subject to tree preservation order 543) are located along the south-western/ western boundary of the site.

2.4 Planning permission was granted on 5 July 2022 for the erection of a detached 3-bed bungalow fronting Chalford Grange with a detached single garage on the frontage. Work is well advanced on site in relation to this permitted scheme.

#### **3.0 Description of Proposal**

3.1 The application is an alternative to that approved by the Planning Committee under P/19/0946/FP. The application proposes an increase in the height of the roof by one metre and alterations to the roof design from a fully hipped roof to a barn hip style roof. The footprint and eaves height are identical to those approved under P/19/0946/FP.

3.2 The amended roof design and height will facilitate a bedroom, walk-in wardrobe and en-suite within the roof space. The smallest ground floor third

bedroom shown on the original application will be used as a study. There is no proposed increase in the number of bedrooms.

- 3.2 The proposed first floor bedroom would have a Juliet balcony window within its western elevation and high level roof lights within the rear, south elevation. A number of solar panels are proposed on the southern facing roof plane.

#### **4.0 Policies**

- 4.1 The following policies apply to this application:

##### **Adopted Fareham Local Plan 2037**

H1 – Housing provision

HP1 – New residential housing development

NE1 – Protection of Nature Conservation, Biodiversity and the Local Ecological Network

NE2 – Biodiversity Net Gain

NE3 – Recreational Disturbance on the Solent Special Protection Areas (SPAS)

NE4 – Water Quality Effects on the Special Protection Areas (SPAS) Special Areas of Conservation (SACS) and Ramsar Sites of the Solent

TIN1 – Sustainable Transport

D1 – High Quality Design and Placemaking

D2 – Ensuring Good Environmental Conditions

##### **Other Documents:**

National Planning Policy Framework (NPPF) 2021

Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015

Residential Car Parking Standards 2009

#### **5.0 Relevant Planning History**

- 5.1 The following planning history is relevant:

<b>P/19/0946/FP</b>	Erection of 3-bed bungalow to rear of 82 The Avenue with access from Chalford Grange
<b>PERMISSION</b>	25 July 2022
<b>P/16/1016/FP</b>	Construction of two storey detached house with associated landscaping and car parking to the rear of existing dwelling
<b>REFUSED</b>	22 April 2017 – Appeal dismissed 9 January 2018

#### **6.0 Representations**

- 6.1 Six third party representations have been received; two from the adjoining neighbours 80 and 82 The Avenue and four from residents in Chalford Grange, raising the following concerns:
- The additional height will shade and reduce light to the usable garden of 80 The Avenue and the new property will sit very close to the boundary;
  - The proposal is now for a house;
  - The system is being manipulated; it is moving back towards a house;
  - Impact on car parking in Chalford Grange; the turning head should be kept clear;
  - Number 82 The Avenue was purchased on the understanding the building behind was a bungalow;
  - A house on this site was previously refused and dismissed on appeal.

## **7.0 Consultations**

EXTERNAL

### **Highways (Hampshire County Council)**

- 7.1 No objection

INTERNAL

### **Trees**

- 7.2 No objection

## **8.0 Planning Considerations**

- 8.1 The following matters represent the key material planning considerations which need to be assessed to determine the suitability of the development proposal. The key issues comprise:

- a) Principle of development
- b) Character and appearance of the area
- c) Living conditions of neighbouring residential properties
- d) Highways
- e) Trees
- f) Habitat Sites

- a) Principle of development

- 8.2 The principle of a dwelling on this site has been established previously by the grant of planning permission (P/19/0946/FP refers) and work is progressing on site to build out the permitted bungalow. This application seeks variation of planning condition 2 of the previous planning permission, seeking approval for changes to the plans.

- b) Character and appearance of the area

- 8.3 Policy D1 of the Fareham Plan 2037 states that proposals should be of high-quality design and respond to the positive elements of local character.
- 8.4 The current application differs to the previously permitted application in that the bungalow would have accommodation within the roof, with the eaves remaining at single storey level. The roof would measure one metre higher than that previously approved and would be a barn-hip style rather than fully hipped roof. The roof form is considered to be sympathetic with the character of the area with hipped roofs, gabled roofs and barn-hipped roofs all being visible from Chalford Grange. Access to the dwelling will be from Chalford Grange as previously approved.
- 8.5 The proposed dwelling has been designed to replicate the style of the existing dwellings on Chalford Grange incorporating the characteristic feature buff stone lintels and sills to the front elevation. Whilst the proposed dwelling is not an exact replica of the existing two storey dwellings on Chalford Grange it is not considered that it would be harmful to the appearance of the street scene or the character of the area.

c) Living conditions of neighbouring residential properties

- 8.6 Policy D2 of the Fareham Local Plan 2037 states development proposals should not have an unacceptable adverse impact on the environmental conditions of future occupiers and users or on adjacent/nearby occupants and users through ensuring appropriate outlook, daylight, sunlight and privacy.
- 8.7 A previous application for the erection of a detached two storey dwelling to the rear of 82 The Avenue was refused in April 2017 (planning reference P/16/1016/FP). A subsequent appeal was dismissed. The reason for dismissal of the appeal related solely to the impact of the development on the neighbouring property to the east (14 Chalford Grange). The Inspector concluded the two storey dwelling, close to the boundary would have an adverse impact upon the living conditions of the occupiers of 14 Chalford Grange.
- 8.8 The bungalow previously approved and under construction, addressed the Inspector's concerns by reducing the height of the building and also by re-positioning the dwelling so that it did not sit 'hard up' to the boundaries with 14 Chalford Grange.
- 8.9 The current proposal raises the height of the permitted roof by one metre and changes the roof design from fully hipped to a barn-hip style. The extended bungalow will measure 11.5 – 15 metres from the rear of 14 Chalford Grange at an oblique angle and will have no windows facing northeast towards its rear garden. The principal windows in 14 Chalford Grange face directly west and

south away from the site. Given these separation distances and the orientation of the plot relative to neighbouring property, the additional height and bulk of the roof are not considered to result in an unacceptable adverse impact upon light, outlook and privacy.

- 8.10 The dwelling will be sited to the northwest of the rear garden of 80 The Avenue. This garden measures approximately 23m in length and 18.5 metres wide. In light of the size of the garden and the distance from the extended dwelling, the additional height and bulk of the roof is not considered to result in an unacceptable adverse loss of light or outlook. Furthermore, rooflights proposed in the rear roof plane would be high level in order to safeguard the privacy of the neighbouring property.
- 8.11 The garden length of 82 The Avenue varies between 10 – 16.5m and the plot is wide, measuring in excess of 23 metres. Due to its positioning on the plot, the dwelling would extend across approximately half of the width of the rear garden of 82, but at an angle raking away. The views from the Juliet balcony would be principally southwest across the proposed bungalow's private garden area and the access, parking and bike store of the adjacent flats to the west. Any views towards 82 The Avenue would be oblique. Furthermore, the rooflights proposed in the rear roof plane would be high level in order to safeguard the privacy of 82 The Avenue. The extended bungalow is not considered to result in an unacceptable adverse loss of privacy, light and outlook.

#### d) Highways

- 8.12 The proposed bungalow will be accessed via an existing turning head in Chalford Grange. The turning head has 'Keep Clear' markings on the road; in order to ensure that the turning head is not used as an extended driveway to the proposed dwelling by residents and visitors, a contribution was secured via a Section 106 legal agreement for the provision of a traffic regulation order (TRO) within the turning head. The TRO seeks the provision of double yellow lines and would formalise the existing keep clear markings and would be enforceable ensuring that the turning head would be kept clear for emergency services and refuse vehicles. The contribution for the TRO pursuant to the permitted scheme has been paid.
- 8.13 The proposal makes provision for the parking of two vehicles on the driveway which would accord with the requirements for a 3-bed dwelling as set out within the Council's Residential Car & Cycle Parking SPD. The provision of a garage would be in addition to this which would also provide secure cycle storage.

#### e) Trees

8.14 There are three mature trees approximately 10 – 12 metres in height close to the western boundary of the site; a Scots Pine positioned within the south-west corner of the site and two Sycamore trees which sit both centrally and within the north-west corner. The Scots Pine and the centrally positioned Sycamore tree are protected by a Tree Preservation Order. It is not considered the proposal would have any adverse impact on the health of these trees and an arboricultural impact assessment and tree protection plan was approved previously.

f) Habitats Sites

8.15 The impact of the development on Habitat Sites has previously been considered and mitigation was secured to address the likely significant effects in terms of increased recreational disturbance (Solent & New Forest) and the impact on water quality (nitrates).

8.16 The land owner purchased 0.91 kg/TN nitrate mitigation 'credits' from the Hampshire and Isle of Wight Wildlife Trust. Through the operation of a legal agreement between the HIWWT, Isle of Wight Council and Fareham Borough Council dated 30 September 2020, the purchase of the credits will result in a corresponding parcel of agricultural land at Little Duxmore Farm on the Isle of Wight being removed from intensive agricultural use, and therefore providing a corresponding reduction in nitrogen entering The Solent marine environment.

8.17 The applicant has sought an amendment, whereby the Agreement refers to the current application reference. The Council has completed an Appropriate Assessment and re-consulted with Natural England.

8.18 The new Local Plan was adopted after the current application had been submitted and after the permitted development had commenced on site. Policy NE2: Biodiversity Net Gain requires at least 10% net gain for biodiversity for the lifetime of the development on proposals for new dwellings.

8.19 Officers are mindful of Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states that ' 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.' In this instance officers consider there are material considerations which should be given weight when applying the requirements of Policy NE2 to this specific site and scheme.

8.20 The plot originally formed part of a grassed residential garden and is currently completely cleared (with the exception of the protected trees which are untouched), which means it has little or no meaningful biodiversity value. Furthermore, the original planning application (under which there was no such policy requirement) has been implemented and the bungalow built up to eaves level.

- 8.21 Within the supporting text to policy NE2, paragraph 9.37 of the Local Plan states *'In some instances where it has been agreed that Biodiversity Metric calculations and the requirement for 10% net biodiversity gain will not be applied due to very low ecological baseline value (such as proposals for a single dwelling), it will still be expected to demonstrate general biodiversity enhancements by provision of, for example, integral bat roosting features and integral bird nesting features.'*
- 8.22 Bat roosting features and bird nesting features were secured through a planning condition on the original planning application and conditions are recommended to secure the same with this proposal.
- 8.23 In this case it is considered that as a result of the site being formed from a domestic garden it would have had a low biodiversity value; the fact that the site benefits from a planning permission already which was granted prior to the adoption of policy NE2; the site is under construction and at an advanced stage; and the narrative offered for small single dwelling proposals in the supporting text to policy NE2 are all material considerations that, in the view of Officers, weigh in favour of granting planning permission without requiring full compliance with policy NE2.
- 8.24 If Members do not agree with the suggested approach in relation to biodiversity net gain, the developer has indicated that the project would halt until the necessary calculations are undertaken and the appropriate level of biodiversity net gain achieved off-site. If Members were minded to take this particular approach, Officers recommend that a suitable biodiversity net gain condition is imposed on any permission granted, requiring details of the off site biodiversity net gain to be subsequently submitted and approved by the Council.

#### Summary

- 8.25 In summary, Officers do not consider that the proposal will have any materially harmful impact on the character or appearance of the surrounding area, the living conditions of neighbouring residential properties, or highway safety. The proposal will not have an adverse effect on the integrity of Habitat Sites as appropriate mitigation has been secured.
- 8.26 Officers consider that the development accords with the relevant policies of the adopted Fareham Local Plan 2037, with the exception of Policy NE2. In the case of Policy NE2, Officers consider that the specific material considerations relating to this site outweigh the requirements of Policy NE2.
- 8.27 Notwithstanding the objections received, Officers consider that planning permission should be granted subject to the imposition of appropriate planning conditions.

#### **9.0 Recommendation**

Subject to:

The consideration of any comments received from Natural England in relation to the Appropriate Assessment and the imposition of any conditions they may recommend;

GRANT PLANNING PERMISSION, subject to the following conditions:

1. The development shall be carried out in accordance with the following approved documents:
  - a) Location Plan – drwg no. 1262 – 100 rev B
  - b) Existing site plan – drwg no. 1262 – 101 rev A
  - c) Proposed site plan – drwg no. 1262 – 102 rev C
  - d) Proposed Ground Floor Plan – drwg No. 1262 – 300 rev C
  - e) Proposed first floor plan – drwg no. 1262 – 301 rev C
  - f) Proposed Elevations – drwg No. 1262 – 302 rev C
  - g) Detailed Boundary Treatment – drwg No. A107 V3.1
  - h) Arboricultural Impact Assessment & Tree Protection Plan (Gifford Tree Service 22 October 2019)
  - i) Tree Protection Plan – drwg No. A101 V3.1

REASON: To avoid any doubt over what has been permitted.
2. The development shall be carried out in accordance with the materials schedule approved under planning reference P/19/0946/DP/B on 23 March 2023.

REASON: To secure the satisfactory appearance of the development.
3. The high level rooflight windows shown on the rear elevation of the development hereby approved shall be constructed so as to have a lower internal sill height of not less than 1.7 metres above internal finished floor level. The windows shall thereafter be retained in this condition at all times.

REASON: To prevent overlooking and to protect the privacy of the occupiers of the adjacent properties.
4. The approved scheme of boundary treatment (drwg No. A107 V3.1) shall be completed before the dwelling is first occupied or in accordance with a timetable agreed in writing with the local planning authority and shall thereafter be retained at all times unless otherwise agreed in writing with the local planning authority.

REASON: In the interests of residential amenity; in the interests of the visual amenity of the area.
5. The approved landscaping scheme (drwg No. A101 V3.1) shall be implemented and completed within the first planting season following first occupation or as otherwise agreed in writing with the Local Planning Authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed,



die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

REASON: To ensure the provision, establishment and maintenance of a standard of landscaping.

6. The development shall be undertaken in accordance with the Arboricultural Impact Assessment & Tree Protection Plan (Gifford Tree Service 22 October 2019) and Tree Protection Plan (drwg No. A101 V3.1) unless otherwise first agreed with the Local Planning Authority in writing.

REASON: In the interests of the appearance of the area; to ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period.

7. The development shall be carried out in accordance with the biodiversity enhancements shown on Biodiversity Site Plan drawing number 1262 – 105 rev B and soft landscape proposals drawing number 10710a, approved under planning reference P/19/0946/DP/A on 24 March 2023.

REASON: To enhance biodiversity in accordance with the Natural Environment and Rural Communities Act 2006 and the National Planning Policy Framework.

8. The dwelling, hereby approved, shall not be first occupied until the approved parking and turning areas have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking and turning of vehicles at all times unless otherwise agreed in writing by the Local Planning Authority following the submission of a planning application for that purpose.

REASON: In the interests of highway safety.

9. The Electric Vehicle (EV) charging point shown on drawing number 1262 – 16 approved under planning reference P/19/0946/DP/B on 23 March 2023 shall be provided prior to first occupation of the dwelling.

REASON: To promote sustainable modes of transport, to reduce impacts on air quality arising from the use of motorcars and in the interests of addressing climate change.

10. Notwithstanding the provisions of Classes A and B of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no extensions shall be constructed within the curtilage of the dwelling house and no roof additions/alterations shall be carried out unless first agreed in writing with the Local Planning Authority following the submission of a planning application.

REASON: To protect the outlook and privacy of the adjacent residents; to protect the character and appearance of the locality; to ensure the retention of adequate garden area.

11. The development shall be carried out in accordance with the water efficiency measures (Stroma calculator) approved under planning reference P/19/0946/DP/B 23 March 2023.

REASON: In the interests of preserving water quality and resources.

12. The development shall be carried out in accordance with the Construction Management Plan dated 26 January 2023 and Construction Site Plan drawing number 1262 – 103 rev A, approved under planning reference P/19/0946/DP/A on 24 March 2023 and areas identified in the approved CMP for specified purposes shall thereafter be kept available for those uses at all times during the construction period, unless otherwise agreed in writing with the LPA. No construction vehicles shall leave the site unless the measures for cleaning the wheels and underside of construction vehicles are in place and operational, and the wheels and undersides of vehicles have been cleaned.

REASON: In the interests of highway safety and to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

13. No work relating to any of the development hereby permitted (Including works of demolition or preparation prior to operations) shall take place before the hours of 0800 or after 1800 Monday to Friday, before the hours of 0800 or after 1300 Saturdays or at all on Sundays or recognised public holidays, unless otherwise first agreed in writing with the Local planning authority.

REASON: To protect the amenities of the occupiers of nearby residential properties; in accordance Policy DSP3 of the Development Sites and Policies Plan.

Then:

**DELEGATE** authority to the Head of Development Management to make any necessary modification, deletion or addition to the proposed conditions.

#### **10.0 Notes for Information**

The proposal includes the formation of a new or altered access onto the highway, which will include works within the highway, these works will be required to be undertaken in accordance with standards laid down by, and

under a license agreement with, the Highway Authority. Full details of how to apply can be found at:

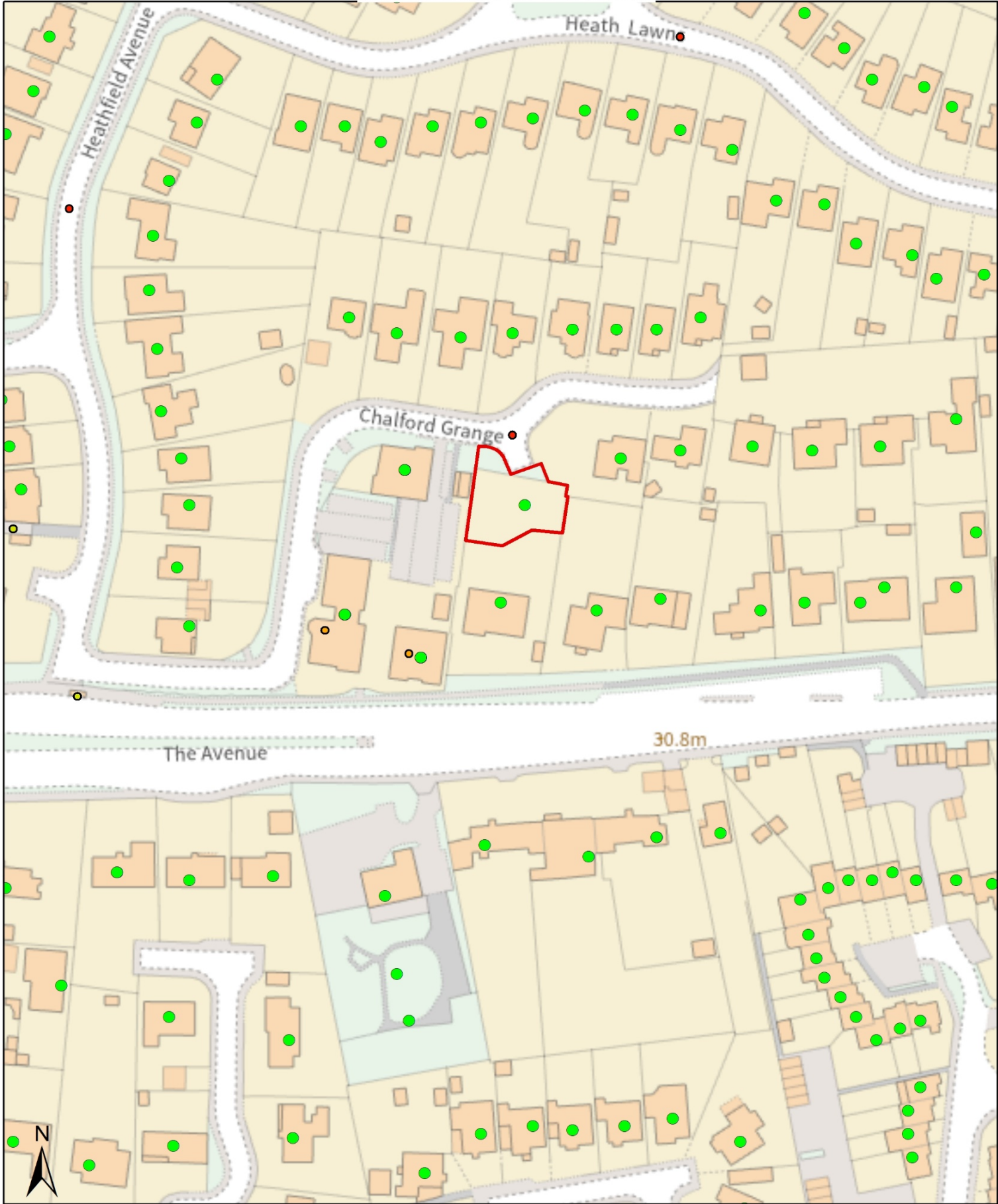
<https://www.hants.gov.uk/transport/licencesandpermits/roadopening>.

## **11.0 Background Papers**

- 11.1 Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

# FAREHAM

BOROUGH COUNCIL



Land to the rear of  
82 The Avenue  
Scale 1:1,250

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# Agenda Annex

## **ZONE 3 – EASTERN WARDS**

**Portchester West**

**Hill Head**

**Stubbington**

**Portchester East**

REFERENCE    SITE ADDRESS & PROPOSAL  
NUMBER &  
WARD

ITEM NUMBER &  
RECOMMENDATION

No items in this Zone

**Report to  
Planning Committee**

**Date** 12/05/2023  
**Report of** Director of Planning and Regeneration  
**Subject** PLANNING APPEALS

**SUMMARY**

The following report provides details of all current planning appeals, in particular the procedures under which the appeal will be considered and details of any planning appeal decisions received since the previous Planning Committee meeting.

**RECOMMENDATION**

That the Committee note the content of the report.

## CURRENT PLANNING APPEALS

The following details set out all current planning related appeals and the procedures under which they will be dealt with

### WRITTEN REPRESENTATIONS & HOUSEHOLDER

Fareham Borough Council Reference: [P/21/0994/FP](#)

**Appeal site address:** 56 West Street Portchester Fareham PO16 9UN

**Ward:** Portchester East

**The appellant:** Mr Bill Seager

**Description of proposal:** Demolition of existing single storey launderette and replacement with 3 storey 5 apartment block (4x1 bed and 1x2 bed) (revised submission of P/21/0319/FP)

**Council decision:** REFUSE

**Decision maker:** Officer Delegated Powers

**Date appeal lodged:** 03/10/2022

**Reason for Appeal:** Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/21/1458/FP](#)

**Appeal site address:** Kingfishers Fishers Hill Fareham PO15 5QT

**Ward:** Titchfield

**The appellant:** Mr K Smith - Principal Estates (Southern) Ltd

**Description of proposal:** Construction of three detached homes with associated garage and carports, access and landscaping following demolition of the existing swimming pool structure.

**Council decision:** REFUSE

**Decision maker:** Committee

**Date appeal lodged:** 02/02/2023

**Reason for Appeal:** Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/21/1919/LU](#)

**Appeal site address:** Lake Cabin Oslands Lane Lower Swanwick SO31 7EG

**Ward:** Sarisbury

**The appellant:** Mr Andrew Goddard

**Description of proposal:** Lawful Development Certificate for construction of building and occupation as a residential dwellinghouse

**Council decision:** REFUSED

**Decision maker:** Officer Delegated Powers

**Date appeal lodged:** 02/08/2022

**Reason for Appeal:** Appeal against refusal to grant certificate

Fareham Borough Council Reference: [P/22/0295/OA](#)

**Appeal site address:** 50 Paxton Road Fareham PO14 1AD

**Ward:** Fareham South

**The appellant:** Mr George Bell

**Description of proposal:** Outline application for 1 x 3 bedroom dwelling (with all matters reserved)

**Council decision:** REFUSE

**Decision maker:** Officer Delegated Powers

**Date appeal lodged:** 21/02/2023

**Reason for Appeal:** Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/22/0338/FP](#)

**Appeal site address:** Turret House Hospital Lane Portchester Fareham PO16 9LT

**Ward:** Portchester East

**The appellant:** Mr Anthony Lawrence

**Description of proposal:** New detached dwelling (self build)

**Council decision:** REFUSE

**Decision maker:** Committee

**Date appeal lodged:** 27/02/2023

**Reason for Appeal:** Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/22/0615/FP](#)

**Appeal site address:** 93 The Hillway Portchester Fareham PO16 8BP

**Ward:** Portchester West

**The appellant:** Mrs K. Bennett

**Description of proposal:** Use of annexe as an independent dwelling

**Council decision:** REFUSE

**Decision maker:** Committee

**Date appeal lodged:** 23/11/2022

**Reason for Appeal:** Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/22/1071/DA](#)

**Appeal site address:** Land adjacent to 83 Swanwick Lane Swanwick Fareham

**Ward:** Sarisbury

**The appellant:** Mr N Assar

**Description of proposal:** Without planning permission, the erection of a wooden building on the Land

**Date appeal lodged:** 02/08/2022

**Reason for Appeal:** Against serving of planning enforcement notice

Fareham Borough Council Reference: [P/22/1656/FP](#)

**Appeal site address:** 18 Grove Road Fareham PO16 7TE

**Ward:** Fareham North

**The appellant:** Mr James Beale

**Description of proposal:** Raise the ridge height, reinstatement of chimney, second floor rear extension with parapet roof, two roof lights to front roof slope and side window

**Council decision:** REFUSE

**Decision maker:** Officer Delegated Powers



**Date appeal lodged:** 11/04/2023

**Reason for Appeal:** Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/22/1771/DA](#)

**Appeal site address:** 106 Funtley Road Funtley Fareham PO17 5EF

**Ward:** Fareham North

**The appellant:** Mr P Macdonald

**Description of proposal:** Erection of Detached Timber Garage

**Date appeal lodged:** 06/12/2022

**Reason for Appeal:** Against serving of planning enforcement notice

Fareham Borough Council Reference: [P/22/1046/FP](#)

**Appeal site address:** 106 Funtley Road Fareham PO17 5EF

**Ward:** Fareham North

**The appellant:** Mr Paul MacDonald

**Description of proposal:** Timber garage for use as ancillary storage for the existing dwelling Council decision: REFUSE

**Decision maker:** Committee

**Date appeal lodged:** 06/12/2022

**Reason for Appeal:** Appeal against refusal of planning permission

## DECIDED PLANNING APPEALS

Fareham Borough Council Reference: [P/22/0706/FP](#)

**Appeal site address:** 40 Portsview Avenue Portchester Hampshire PO16 8LU

**Ward:** Portchester East

**The appellant:** Mr B Kendall

**Description of proposal:** Construction of 2 No. 3 bed Semi-Detached chalet bungalows following demolition of existing bungalow and garage

**Council decision:** REFUSE

**Decision maker:** Officer Delegated Powers

**Reason for Appeal:** Appeal against refusal of planning permission

**Appeal decision:** DISMISSED

**Appeal decision date:** 09/05/2023

Fareham Borough Council Reference: [P/23/0077/DA](#)

**Appeal site address:** Land at Oaklea Farm 155 Fareham Park Road Fareham PO15 6LW

**Ward:** Fareham North-West

**The appellant:** Ms Cathryn Bowman-Wise

**Description of proposal:** Material change of use of the land to use for the storage of scaffolding equipment

**Reason for Appeal:** Against serving of planning enforcement notice

**Appeal decision:** DISMISSED

**Appeal decision date:** 20/04/2023

## Further information about Planning Appeals

### Introduction

Under the English planning system, only the applicant has a right of appeal. There is currently no right of appeal for third parties. Planning decisions can only be challenged by third parties through the Courts. The Courts can examine whether the decision was lawfully made- the Courts' role is not to consider whether they agree with the decision itself.

### When are planning appeals lodged?

A very small proportion of all planning decisions made by this Council end up being considered through the planning appeal system. When planning applications are refused, Government advice is that applicants should firstly contact the Council to see if their proposal can be modified to address the Council's concerns.

The most common type of planning appeal is against the refusal of a planning application. Planning appeals can also be made against specific conditions that have been imposed on a planning permission or where a Council has not made a decision within prescribed time periods.

### Who decides planning appeals?

Planning appeals are handled and decided by the Planning Inspectorate. The Planning Inspectorate is an executive agency of the Ministry of Housing, Communities and Local Government.

Nearly all appeals are decided by Planning Inspectors from the Planning Inspectorate and in each case the Inspectors are solely responsible for their decisions. A very small percentage are decided by the Secretary of State - these tend to be the very largest or most contentious schemes.

### The different types of appeal procedures

There are different types of procedures for different types of planning appeals, often depending on the complexity of the issues. The Planning Inspectorate decide which type of procedure will be used for any given appeal.

There is an 'expedited procedure' for Householder appeals, with most other appeals being determined through the written representations' procedure. Larger scale and/ or more controversial planning appeals may be dealt with by way of an Informal Hearing or by a Public Local Inquiry.

With all planning appeals, the Planning Inspector will visit the site and will notify the outcome of the planning appeal by way of a written decision. A summary of the three main procedures are set out below:

### Appeal by Written Representations

Under this procedure, the Planning Inspector will decide the appeal on the basis of the written material provided by all interested parties and following a visit to the appeal site.

The key aspect of this procedure is that submissions made by the Council, the applicant or interested parties, can only be made in writing for the Planning Inspector to consider.

### Appeal by Informal Hearing

The hearing is an inquisitorial process led by the Planning Inspector who identifies the issues for discussion based on the evidence received and any representations made. The hearing may include a discussion at the site.

Interested parties including residents, amenity groups and councillors can normally attend and take part in the discussion. Most hearings last a day, but more complex cases may continue over several days.

### Appeal by Public Local Inquiry

Public Local inquiries are the most formal procedure and are used for complex cases where legal issues may need to be considered, or evidence needs to be taken under oath.

An Inquiry is open to the public and provides for the investigation into, and formal testing of, evidence, usually through the questioning ("cross examination") of expert witnesses and other witnesses. Parties may be formally represented by advocates.

Interested parties including residents, amenity groups and councillors can normally attend and speak if they would like to do so.

The length of an inquiry depends on the complexity of the case and can range between a day and several weeks.

### Further reading

You can find out more details about the planning appeal process on the [Planning Portal](#)

A [detailed procedural guide on planning appeals](#) can be viewed on the Government website.

You can look at planning appeal decisions made by the Planning Inspectorate across England [via their website](#)