

FAREHAM

BOROUGH COUNCIL

AGENDA PLANNING COMMITTEE

Date: Wednesday, 14 June 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 - 8)

To confirm as a correct record the minutes of the Planning Committee meeting held on 24 May 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 9)

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/22/1829/FP - LAND REAR OF 274 BOTLEY ROAD BURRIDGE SO31 1BQ**
(Pages 11 - 28)

ZONE 2 - FAREHAM

- (2) **P/22/1477/OA - 64 & 66 THE AVENUE FAREHAM** (Pages 30 - 54)

ZONE 3 - EASTERN WARDS

- (3) **P/22/1655/FP - LAND WEST OF DOWNEND ROAD FAREHAM** (Pages 56 - 66)

- (4) **Planning Appeals** (Pages 67 - 73)

7. Tree Preservation Order No. 779 2023 - 3 Chiltern Walk (Pages 74 - 85)

To consider a report by the Director of Planning and Regeneration on TPO No.779 to which an objection has been received.



A WANNELL

Chief Executive Officer

Civic Offices

www.fareham.gov.uk

07 June 2023

**For further information please contact:
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FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Wednesday, 24 May 2023

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

Councillors: Miss J Burton, D G Foot, S Ingram, P Nother, Mrs S M Walker and S Dugan (deputising for M J Ford, JP)

Also

Present: Councillor Mrs K K Trott (Item 6 (3))



1. APOLOGIES FOR ABSENCE

Apologies of absence we received from Councillors M J Ford, JP and Mrs C L A Hockley.

2. MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee meeting held on 12 April 2023 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman’s announcements made at this meeting.

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	Item No/ Application No/Page No	Dep Type
ZONE 1 – 2.30pm					
Ms Laura Mills (Agent)		LAND OFF ROOKERY AVENUE – RESIDENTIAL DEVELOPMENT OF 32 DWELLINGS, PARKING, AND A MEANS OF ACCESS FROM ROOKERY AVENUE FOLLOWING DEMOLITION OF 2 DWELLINGS, GLASSHOUSES AND ASSOCIATED OUTBUILDINGS	Supporting	6(1) P/19/0870/FP Pg 21	In Person 3 mins
Steven Brown (Agent)		LAND BETWEEN AND TO THE REAR OF 56-66 GREENAWAY LANE – CONSTRUCTION	Supporting	6(2) P/22/1629/RM Pg 46	In Person 3 mins

		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)			
ZONE 2 – 3.00pm					
Ms Jess McGregor (Agent)		OSBORN ROAD MULTI-STOREY CAR PARK, OSBORN ROAD – 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	Supporting	6 (3) P/23/0083/FP Pg 65	In Person 3 mins
ZONE 3 – 3.30pm					

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 on new appeals and decisions.

(1) P/19/0870/FP - LAND OFF ROOKERY AVENUE

The received the deputation referred to in Minute 5 above.

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

Incorrect plans listed on Condition 2.

- *Site Plan (Drawing: 19.014.02 ~~Rev Z~~) – Should be Rev AA*
- *Plots 23-24 (I) – Floor Plans and Elevations (Drawing: 19.014.26 Rev A) – Should be Rev B*
- *Plots 29-32 (Block C) Floor Plans and Elevations (Drawing 19.014.26 Rev A) – Should be Rev B*

The Planning Officer also advised the Committee that there was a typo in Section 7 of the Officer report where the Recycling Co-Ordinator's comments had been recorded twice.

Upon being proposed and seconded, the officer recommendation to: -

- (i) 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; and
 - 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.
- (ii) GRANT planning permission subject to the conditions in the report.

And then:

- (iii) 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.

Was voted on and CARRIED.

(Voting: 8 in favour; 0 against)

RESOLVED that: -

- (i) 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 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.
- (ii) GRANT PLANNING PERMISSION, subject to the conditions in the report.

And then:

- (iii) AUTHORITY be DELEGATED 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.

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

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

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

A number of minor errors on the submitted plans were identified, and these have now been corrected as follows:

- i) House Type S.2.1 (2 Block) Floor Plans (Drawing HT.S.2.1(2blk).p Rev C)
- j) House Type S.2.1 (2 Block) Elevations (Drawing: HT.S.2.1(2blk).e Rev D)
- o) House Type S.3.2 (2 Block) Floor Plans (Drawing: HT.S.3.2(2blk).p Rev C)

- p) *House Type S.3.2 (2 Block) Elevations (Drawing: HT.S.3.2(2blk).e Rev D)*
- w) *House Type 4.2 Variation B Elevations (Drawing: HT.4.2B.e Rev B)*
- x) *House Type 4.3 Floor Plans (Drawing: HT.4.3.p Rev C)*
- y) *House Type 4.3 Elevations (Drawing: HT.4.3.e Rev C)*
- bb) *Plots 9-10 Floor Plans (Drawing: P.9-10.p Rev B)*
- cc) *Plots 9-10 Elevations (Drawing: P.9-10.e Rev C)*
- ff) *Plots 21-23 – Floor Plans Sheet 2 of 2 (Drawing: P.21-23.p2 Rev C)*
- gg) *Plots 21-23 – Elevations Sheet 1 of 2 (Drawing: P.21-23.e1 Rev D)*

Upon being proposed and seconded, the Officer recommendation: -

- (i) 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.

- (ii) APPROVE the reserved matters, subject to the conditions in the report.

And then:

- (iii) DELEGATE authority to the Head of Development Management to 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) 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.

- (ii) RESERVED MATTERS be APPROVED, subject to the conditions in the report.

And then:

- (iii) AUTHORITY be DELEGATED to the Head of Development Management to make any necessary modification, deletion or addition to the proposed conditions.

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

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

At the invitation of the Chairman, Councillor Mrs K K Trott addressed the Committee on this item.

Upon being proposed and seconded the officer recommendation to: -

- (i) GRANT planning permission, subject to the conditions in the report.

And then:

- (ii) DELEGATE authority to the Head of Development Management to 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 then:

- (ii) AUTHORITY be DELEGATED to the Head of Development Management to make any necessary modification, deletion or addition to the proposed conditions.

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

Upon being proposed and seconded the officer recommendation: -

- (i) 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;
- (ii) GRANT planning permission, subject to the conditions in the report.

And then:

- (iii) DELEGATE authority to the Head of Development Management to 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) 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;
- (ii) PLANNING PERMISSION be granted, subject to the conditions in the report.

And then:

- (iii) AUTHORITY be DELEGATED to the Head of Development Management to make any necessary modification, deletion or addition to the proposed conditions.

(5) Planning Appeals

The Committee noted the information in the report.

(6) UPDATE REPORT

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

7. TREE PRESERVATION ORDERS

The Committee considered the confirmation of the following provisional Fareham Tree Preservation Order(s), which have been made under delegated powers and to which no formal objection has been received.

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

Order served on 22 March 2023 and covers 2 individual oaks trees and one group of 5 oak trees, to which no formal objection has been received.

RESOLVED that Fareham TPO 776 be confirmed, without modification, as made and served.

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

Order served on 2 March 2023 and covers for individual trees (2x horse chestnut, 1 x lime and 1 x cedar), to which no formal objection has been received.

RESOLVED that Fareham TPO 777 be confirmed, without modification, as made and served.

(The meeting started at 2.30 pm
and ended at 3.59 pm).



**Report to
Planning Committee**

Date:

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 take place in the Collingwood Room, Civic Offices, Civic Way, Fareham, PO16 7AZ. All items will be heard from 2.30pm.

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/22/1829/FP SARISBURY	274 BOTLEY ROAD - REAR OF BURRIDGE SO31 1BQ ERECTION OF 1NO. 3-BEDROOM DWELLING, TOGETHER WITH CAR PARKING, ACCESS AND LANDSCAPING. ALTERNATIVE PROPOSAL TO EXTANT SCHEME APPROVED UNDER P/20/0507/RM	1 PERMISSION

OFFICER REPORT FOR COMMITTEE

DATE: 12/04/2023

P/22/1829/FP
MR & MRS CLACK

SARISBURY WARD
AGENT: PMG LTD

ERECTION OF 1NO. 3-BEDROOM DWELLING, TOGETHER WITH CAR PARKING, ACCESS AND LANDSCAPING (ALTERNATIVE PROPOSAL TO SCHEME APPROVED UNDER P/20/0507/RM)

LAND REAR OF 274 BOTLEY ROAD, BURRIDGE

Report By

Peter Kneen – direct dial 01329 824363

1.0 Introduction

1.1 The application is presented to the planning committee due to the number of third party letters of objection received.

2.0 Site Description

2.1 The application site is located beyond the defined urban area and is defined as countryside for the purposes of planning determinations. It is triangular in shape, bounded on two sides by garden areas of dwellings fronting Botley Road and by a metalled, but overgrown public footpath (No. 21) along its southern boundary. The site itself is largely overgrown and a tree preservation order (TPO) protected oak tree is growing towards the eastern end of the site.

2.2 Included within the red-edged area of the submitted plans is the stretch of footpath (No. 21) from the proposed property to Botley Road. A row of TPO protected poplar trees runs adjacent to the southern edge of the footpath close to the development site.

3.0 Description of Proposal

3.1 The site benefits from outline planning permission granted on appeal in 2018, and reserved matters approval for a three-bedroomed dwelling permitted in January 2022. The permissions remain extant until January 2024.

3.2 This application seeks planning permission for an amended dwelling design to that approved at reserved matters stage in January 2022. In light of the amount of time which has passed since outline planning permission was granted, it has been necessary for the applicant to submit a full detailed planning application.

- 3.3 Compared to the extant scheme, the proposal makes some minor changes to the footprint of the building and includes an increase in the height of the building. The proposal maintains the property as a three bedroomed dwelling, with access unchanged from that allowed on appeal in 2018.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Local Plan 2037

- DS1: Development in the Countryside
- HP1: New Residential Development
- HP2: New Small-Scale Residential Development Outside the Urban Areas
- 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
- 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 (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:

P/17/0257/OA	Erection of One Chalet Bungalow together with associated car parking and landscaping
REFUSED	20 July 2017
APPEAL	
ALLOWED	5 October 2018
P/20/0507/RM	Reserved Matters Application in respect of P/17/0257/OA regarding appearance, landscaping and scale
APPROVED	20 January 2022

P/17/0257/DP/A Discharge of planning conditions (construction method plan for providing services along access track and Arboricultural impact assessment)

APPROVED 20 January 2022

P/23/0158/TO Fell 2x Poplars protected by TPO409 (G2)

APPROVED 23 February 2023

6.0 Representations

6.1 Eleven letters of objection from six households have been received regarding this application. In addition, the Burrige and Swanwick Residents Association has also objected to the application. The key issues raised regarding the application are:

- Overdevelopment of the site
- Visual Impact on neighbouring properties
- Study could be used as a fourth bedroom
- EV charging taking up the turning space
- No longer a chalet bungalow
- Highway safety concerns
- Impact on Public Right of Way
- Noise disturbance
- Potential Flood Risk/Drainage Issues
- Impact on existing trees

7.0 Consultations

EXTERNAL

Hampshire County Council – Countryside Services

7.1 An objection was raised by Countryside Services owing to an outstanding matter regarding the completion of a Section 278 agreement for works to the public right of way. The objection was raised as they were concerned that works on site had commenced without the S278 agreement being completed. No works on site regarding the extant planning permission have commenced. No works should obstruct the public right of way.

Hampshire County Council – Highway Authority

7.2 No objection, subject to condition regarding the alterations to the access track.

Hampshire County Council – Ecologist

- 7.3 Development will result in a 14% reduction in biodiversity on the site. Appropriate mitigation to secure 24% increase required to ensure a 10% biodiversity net gain.

Natural England

- 7.4 No objection in respect of the Council's Appropriate Assessment.

INTERNAL

Principal Tree Officer

- 7.3 No objection to the proposed landscaping scheme or relationship to protected trees.

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) Design and appearance of the proposed dwelling
- b) Living conditions of neighbouring occupiers
- c) Highway Safety, Access and Car parking provision
- d) Landscaping and Trees
- e) Ecology and Biodiversity Net Gain
- f) Habitat Impact and Mitigation; and
- g) Other Matters

a) Design and Appearance of the proposed dwelling

- 8.2 The outline planning permission, granted on appeal, established the principle of the development, layout of the site and the access arrangements to Botley Road. A reserved matters application was approved by the Planning Committee in January 2022 for a predominantly similar dwelling to that being considered, with the main changes taking place on the rear elevation.
- 8.3 The siting of the property is largely unaltered from that permitted under the outline planning permission and would result in the construction of a three bedroomed dwelling. The change from the approval is that one of the bedrooms was located on the ground floor, and the current proposal seeks to put all bedrooms at first floor, with a study provided at ground floor. To achieve this the overall height of the dwelling has increased slightly with more 'two storey' accommodation provided at the rear (on the east side) of the dwelling.

- 8.4 Policy D1 (High Quality Design and Placemaking) seeks to ensure that the design of developments respond to the positive characteristics of the area. The property would be constructed with red brick and timber clad elevations under a grey concrete tiled roof. The property, whilst larger than the approved scheme would not appear out of keeping in the context of the mixed style of properties along Botley Road, and the adjacent development at Caigers Green.
- 8.5 The rear elevation now features a fuller, two storey element, but given the level of separation to neighbouring properties, and overall width of the public right of way and proposed boundary planting, it is considered that the design and appearance would sit comfortably within the site. The property would retain the appearance of a chalet bungalow from the front elevation. The site would provide a good level of private amenity space, with a 26 metre long rear garden (with almost 10.5 metres between the house and TPO Oak tree), and space around the building to ensure it does not appear cramped.
- 8.6 It is therefore considered that the proposal would represent a development of high quality, having regard to design principles, in accordance with policy D1 of the Fareham Local Plan 2037.

b) Living Conditions of Neighbouring Occupiers

- 8.7 The design and siting of fenestration has been carefully considered by the applicant, having regard to the criteria of the Design Guidance (excluding Welborne) Supplementary Planning Document (Design SPD). The first floor front facing window (west elevation) serves the main family bathroom and would be obscure glazed. The window would in any event be over 10 metres from the boundary with the rear garden of 274 Botley Road, and over 23 metres from the property itself. The three front facing rooflight windows are all set over 1.7 metres above internal finished floor level, with two of the windows located over the stairwell. No unacceptable adverse impact from overlooking would be created.
- 8.8 On the northern elevation there are two first floor windows, serving a bathroom and dressing room. Both windows would be obscure glazed and fixed shut to a height of at least 1.7 metres above internal finished floor level. The rear (east) elevation comprises the three main bedroom windows. None are in a direct line of sight of neighbouring properties, orientated towards the rear garden and heavily landscaped Burridge to Whiteley buffer.
- 8.9 The southern elevation (towards the public right of way) comprises no first floor windows, and at its closest point, would be situated almost 16 metres away from the nearest property at 30 Caigers Green. There are a number of

trees situated between the properties further softening the appearance of the proposed dwelling from the private amenity space of this property.

- 8.10 The effect on neighbouring occupiers is therefore considered to be acceptable, in accordance with the advice in the Design SPD, and compliant with the provisions of Policy D2. The development would not result in an unacceptable adverse impact on the living conditions or living environment of neighbouring occupiers in respect of outlook, ventilation, daylight, sunlight and privacy.
- 8.11 In terms of internal space standards, the proposed property complies with the Nationally Described Space Standards and is therefore in conformity with Policy D5 of the Fareham Local Plan 2037.

c) Highway Safety, Access and Car Parking Provision

- 8.12 The safety of the access onto and from Botley Road has been a key planning consideration when considering earlier applications. The proposal is to erect a 3-bedroom dwelling served by a private track that also forms a public footpath. The track has a priority junction with the A3051 Botley Road. Whilst access is a material consideration in the determination of this application, the same means of access was approved on appeal under the original outline planning permission. The decision of the Appeal Inspector represents a significant material consideration for the determination of this application, particularly as the outline planning permission and subsequent reserved matters application remain extant and can still be implemented.
- 8.13 The proposals include the widening of the track to 5 metres within 10 metres of its junction with Botley Road. This will encroach upon a small bank and grass verge on the south side. The ownership of the track is unknown, and previous attempts to trace any owner over the past 10 years have not identified any ownership. The Land Registry records do not name an owner. Whilst therefore the applicant does not own or control the track it is considered unlikely that an owner would come forward at a later date to prevent the proposed access improvements from being carried out. It is therefore reasonable to expect that the access improvements shown on the submitted drawings are capable of being implemented.
- 8.14 Consistent with advice in the Department of Transport's document 'Manual for Streets' and the Chartered Institution of Highways and Transportation's document 'Manual for Streets 2', visibility splays of 2 metres by 59 metres can be provided to the north and south of the centreline of the proposed junction according to an independent topographical survey. The Planning Inspector

concurred with this position in his determination of the outline planning application.

- 8.15 The Planning Appeal Inspector also commented that the access is currently used as a vehicle access for an existing dwelling, and the additional use of the access by one further dwelling would be limited and not therefore be materially harmful to highway safety.
- 8.16 The current application and planning history relating to the development of the site has also been carefully considered by Hampshire County Council as Highway Authority. Subject to compliance with the submitted highway drawing which includes the widening of the track to 5 metres and the visibility splays being achieved, given the limited number of trips likely to be generated by the proposed development, the Highway Authority does not consider the development would be of material detriment to the safety and operation of the local highway network. An appropriately worded condition ensuring compliance with the access plans has been applied, and therefore it is considered the proposed development complies with Policy TIN2 of the Fareham Local Plan 2037.
- 8.17 The development proposal comprises a three bedroomed dwelling. In accordance with the Council's adopted Residential Car Parking Standards, three bedroomed houses should make provision for two off-street car parking spaces. The proposed driveway makes provision for at least two off-street spaces, whilst also being large enough to accommodate a visitor. It is considered that the proposed car parking arrangement is acceptable.
- 8.18 Further, as required by the Appeal Inspector, and as demonstrated on the proposed Site Plan, there is sufficient space within the site for the two cars to turn on the site so no reversing onto the public right of way would be required. It is acknowledged that the EV charging point lies within the turning space, but as is evidenced on the submitted Site Plan, there remains suitable turning for the other vehicle in the event that a car is charging at the same time. It is therefore considered to be an acceptable arrangement.

d) Landscaping and Trees

- 8.19 A detailed landscaping plan has been submitted with the planning application setting out the hedgerow planting for the boundary of the rear and front gardens, comprising a native beech hedge. Other more traditional garden planting has been shown on the submitted Landscaping details for the borders within the front garden.

- 8.20 Some concerns have been raised by residents regarding the suitability of the site to plant a native beech hedge, which can become waterlogged at present. Surface water on the site will need to be adequately addressed to ensure the property and garden area are usable, and the applicant has confirmed that an appropriate soakaway will be provided to deal with surface water from the dwelling. In the event that the garden remains waterlogged, resulting in the failure of the hedgerow planting, within 5 years of first planting the applicant would be required by a planning condition to replace it with the same type of planting (or an alternative agreed with the Council). Other more traditional garden plants are proposed to the frontage of the property. It is considered that the proposed landscaping details are acceptable.
- 8.21 A large Oak tree, protected by a Tree Preservation Order, is located within the eastern end of the site. In addition, along the access track, there are a number of other trees subject to Preservation Orders; Poplar trees, Cypress trees, and other individual Box Elder trees and Oak trees. Appropriate details have been provided to demonstrate that there would be no impact created by the development on the Oak tree within the rear garden and the two Box Elder trees within the rear garden of 274 Botley Road.
- 8.22 The other trees are located along the access track. In respect of the group of protected Poplar trees, a number of those trees were brought down during Storm Eunice in 2022, and two others needed to be removed as they had been left unsafe (consent was granted for their removal under P/23/0158/TO). Therefore, the only remaining trees along the southern side of the track are those to the immediate south of the proposed dwelling. These would not be impacted by the development proposal.
- 8.23 Due to the need for services and utilities to be provided to the site from Botley Road, it requires the excavation of a trench along the access track, which is a designated Public Right of Way. These works will be subject to a separate S278 application to the County Council as the Highway Authority, which is currently being considered. Concern has been raised regarding the impact on a number of protected trees along the route of the access track. However, as set out above, a number of those trees have now been removed, and subsequently no other trees would be impacted by the required trenching along the access track to lay the services or to provide the finished surface along the track.
- 8.24 The Arboricultural Assessment and Tree Report has been considered by the Council's Principal Tree Officer, and no objections have been raised.

e) Ecology and Biodiversity Net Gain

- 8.25 The application has been supported by an up-to-date ecological assessment and the DEFRA Metric for calculating Biodiversity Net Gain. No objection is raised from the Council's Ecologist regarding impact on protected species. An appropriate worded condition will ensure compliance with the recommendations of the submitted Ecological Appraisal. In that regard, the development is compliant with Policy NE1 of the adopted Fareham Local Plan 2037.
- 8.26 In respect of Biodiversity Net Gain (BNG), the Metric assessment has been provided and the Council's Ecologist considers the submitted Metric represents an accurate result for the site having regard to existing and proposed ground conditions. Due to the scale of the development, BNG can only be achieved through the use of off-site enhancements as potential on-site enhancements, within private gardens cannot be secured for a minimum of 30 years. The resultant development will see a 14.95% reduction in biodiversity on the site. The applicant has expressed a willingness to provide off-site mitigation to compensate for the loss and to ensure a 10% gain. This would be secured by an appropriately worded condition which will ensure a 10% net gain in biodiversity before development commences on site. Subject to this condition, the development would be compliant with Policy NE2 of the adopted Fareham Local Plan 2037.

f) Habitat Impact and Mitigation

- 8.27 The Solent is internationally important for its wildlife. Each winter it hosts over 90,000 waders and wildfowl including 10 percent 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.
- 8.28 In light of their importance, areas within The Solent have been specifically designated under UK law. The site is located within 5.6km of The Solent, and therefore the development is likely to have a significant effect on the Protected Sites around The Solent (Solent and Southampton Water Special Protection Area and Ramsar site, Portsmouth Harbour Special Protection Area and Ramsar site, Solent and Dorset Coast Special Protection Area, Chichester and Langstone Harbour Special Protection Area and Ramsar site, the Solent Maritime Special Areas of Conservation and the Solent and Isle of Wight Special Area of Conservation).
- 8.29 Policies NE1, NE3, NE4 of the adopted Fareham Local Plan 2037 have regard to nature conservation, biodiversity, recreational distance and water quality. They seek to ensure that new development secures appropriate

habitat mitigation to address the impact on water and air quality (nitrates) and recreational disturbance.

- 8.30 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 the designated Habitat 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 Habitat 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 in this case is the Local Planning Authority. To fulfil the requirement under the Habitat Regulations, Officers have carried out an Appropriate Assessment to consider the likely significant effects on the protected Habitat Sites (HS) around The Solent.
- 8.31 The impact of increased recreational disturbance as a result of new residential developments has long been established, and the Solent Recreational Mitigation Strategy, sets out how developers can mitigate the impact of their development on the likely significant effect on the Habitat Sites.
- 8.32 Natural England has also 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 Habitat Sites.
- 8.33 Natural England has further advised that the effects of emissions from increased traffic along roads within 200 metres of the Habitat Sites also have the potential to cause a likely significant effect. The Council's Air Quality Habitat Regulations Assessment undertaken as part of the Local Plan Review highlights that developments in the Borough would not, in combination with other plans and proposals, have a likely significant effect on air quality on the Habitat Sites up to 2037.
- 8.34 The key considerations of the Appropriate Assessment of the likely significant effects are set out below.
- 8.35 Firstly, in respect of Recreational Disturbance of the Solent, the development is within 5.6km of the Solent and Southampton Water SPA and is therefore considered to contribute towards an impact of the Habitat Sites as a result of increased recreational disturbance in combination with other development around The Solent area. The applicant has paid the appropriate financial

contribution in accordance with the adopted Solent Recreational Mitigation Strategy, which has been secured via a Section 111 agreement. The Appropriate Assessment concludes since the payment has been made to the Solent Recreation Mitigation Strategy, the proposals would not have an adverse effect on the integrity of the Habitat Sites around The Solent as a result of recreational disturbance either in isolation, or in combination with other plans or projects.

- 8.36 Secondly, Natural England has also advised that the development's location within a 13.8km radius of the New Forest designated sites requires consideration in order to mitigate the impact of increased recreational disturbance in combination with other development on the New Forest designated sites. The applicant has paid the appropriate financial contribution in accordance with the Council's adopted Interim Mitigation Solution, which has been secured via a Section 111 agreement.
- 8.37 Finally, in respect of the impact of the development on water quality, a nitrogen budget has been calculated in accordance with Natural England's '*National Generic Nutrient Neutrality Methodology*' (Feb 2022) ('the NE Advice') and the updated Solent Nitrates Calculator (20 April 2022) which confirms that the development will generate 2.3kg TN/year. Due to the uncertainty of the effect of the nitrogen from the development on the Habitat Sites, 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.
- 8.38 The nitrogen budget assumes an occupancy rate for the new development of 2.4 people. Natural England recommends that, as a starting point, local planning authorities should consider using the average national occupancy rate of 2.4 persons per dwelling as calculated by the Office for National Statistics (ONS), as this can be consistently applied across all affected areas. However competent authorities may choose to adopt bespoke calculations where they are satisfied that there is sufficient evidence to support this approach. In this case, there is no evidence to justify adopting a bespoke occupancy rate, nor have there been any representations suggesting that an alternative rate should be used, and therefore a rate of 2.4 persons is appropriate.
- 8.39 The previous use of the land has been classified in the nitrogen budget as an area of open space/greenfield, as it comprises an area of undeveloped land.
- 8.40 The nitrogen budget shows a surplus of 2.3kg TN/yr that would enter The Solent via the wastewater treatment works. The applicant has entered into a contract and purchased 2.5kg of nitrate mitigation 'credits' from the Hampshire

and Isle of Wight Wildlife Trust (HIWWT). 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 in perpetuity, and therefore providing a corresponding reduction in nitrogen entering The Solent marine environment on an annual basis.

- 8.41 In addition to the above mitigation, and in order to ensure compliance with the Natural England methodology, a condition would be required to ensure the development meets the Building Regulations optional requirement of a water consumption limit of a maximum of 110 litres per person per day. With these mitigation measures secured, the Council has carried out an appropriate assessment and concluded that the proposed mitigation and condition will ensure no adverse effect on the integrity of the Habitat Sites either alone or in combination with other plans or projects.
- 8.42 Natural England was consulted on the Council's Appropriate Assessment in May 2023. No objection was raised by Natural England to the mitigation package presented.
- 8.43 The proposal is considered to accord with the Habitat Regulations and complies with Policies NE1, NE3 and NE4 of the adopted Fareham Local Plan 2037.

g) Other Matters raised by Third Parties

- 8.44 A number of other matters have been raised by local residents regarding the application, including concern that the increased size of the property would lead to increased noise disturbance and larger construction vehicles needed to implement the proposal. The site remains a proposal for a single family, as per the original scheme. The current applicant intends to occupy the property as their main residence, and as such the change in size is not considered to result in any further environmental impacts beyond that of the extant reserved matters proposal.
- 8.45 The concern regarding impact on trees along the access track was also raised; this matter was addressed by the Discharge of Condition application regarding the provision of works to the public right of way. Those concerns had been addressed to the satisfaction of Officers. That information has been re-submitted to support this application and is considered acceptable.
- 8.46 The final additional concern relates to the use of the study as a fourth bedroom. The room has been labelled as a study on the proposed plans and

is not dissimilar to numerous other application proposals where studies are provided. Whilst the Council cannot control the internal layout of the property, it is being proposed as a three bedroomed property for which the required provision of on-site car parking has been accommodated.

- 8.47 Notwithstanding the objections received, Officers consider that subject to the imposition of appropriate conditions, the proposal is acceptable and complies with the Council's adopted Local Plan policies and Guidance.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development hereby permitted shall be begun within 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 undertaken in accordance with the following approved documents:

- a) Proposed Plans (Drawing: 001 Rev A)
- b) Proposed Site Plans and Landscaping Plans (Drawing: 002 Rev D)
- c) Proposed Services Plan and Tree Protection Plan (Drawing: 003 Rev C)
- d) Comparison with Previously Approved Scheme (Drawing: 007 Rev A)
- e) Existing and Proposed Utilities (Drawing: A111842-101)
- f) Tree Protection Plan
- g) Landscaping Details
- h) External Materials Schedule

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

3. The materials to be used in the construction of the development hereby permitted shall accord with details submitted under the External Materials Schedule. There shall be no deviation from the approved materials unless otherwise agreed in writing with the Local Planning Authority.

REASON: To secure the satisfactory appearance of the development.

4. The first floor windows proposed to be inserted into the North Elevation and the bathroom window to be inserted into the West Elevation of the approved development 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.

REASON: To prevent overlooking and to protect the privacy of the occupiers of the adjacent properties.

5. The dwelling hereby permitted shall not be first occupied until the secure bicycle store has provided in accordance with the approved drawings. The secure cycle store shall thereafter be retained and kept available at all times.

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

6. The Electric Vehicle (EV) charging point shall be provided prior to first occupation of the dwelling as shown on the approved plans. The approved EV charging point shall be retained and therefore kept available at all times.

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.

7. The development hereby permitted shall be undertaken in accordance with the Recommendations in Section 6.0 of the Preliminary Ecological Appraisal (prepared by Ecosupport, dated 25th April 2023). Once implemented, the on-site ecological enhancements shall be retained for the lifetime of the development.

REASON: To ensure that protected species are not harmed and that habitat is enhanced as a result of the proposed development.

8. No works shall take place (including demolition, site clearance and ground preparations) until a Biodiversity Gain Plan, setting out the measures that will provide net gains for biodiversity of at least 10% has first been submitted to and approved by the Local Planning Authority in writing. The submitted plan shall:

- a. Demonstrate that the habitat is on a 'like for like' basis and avoids 'trading down' (i.e. replacing rare habitat with much more common habitat).
- b. Demonstrate that proposals have followed the 'mitigation hierarchy': avoiding habitat loss where possible; minimising the extent of negative impacts that cannot be avoided; restoring degraded ecosystems where negative impacts cannot be avoided or minimised; and as a last resort compensating for any residual negative impacts.
- c. Demonstrate that proposals maximise the connectivity of the proposed habitat with habitat in the wider area to avoid fragmented or isolated habitat, and
- d. Confirm how the proposed measures to secure 10% biodiversity net gain will be managed, maintained, monitored and funded for a minimum of 30 years.

The development shall be carried out in accordance with the approved details and the biodiversity net gain measures in the approved plan shall be provided prior to the first occupation of the development hereby permitted.

REASON: To secure at least 10% net gains for biodiversity.

9. The landscaping scheme, detailed under Drawing: 002 rev D, and as set out on the Landscaping Details provided 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.

10. Notwithstanding the Water Consumption Calculation details provided, the dwelling hereby permitted shall not be occupied until details of water efficiency measures to be installed has been submitted to and approved in writing by the Local Planning Authority. The 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

11. 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 Botley Road 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.

12. 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.

13. The development hereby approved shall be undertaken having full regard to the submitted Tree Survey and Impact Assessment (prepared by Mark Hinsley Arboricultural Consultants Ltd, dated 18 April 2023 (ref: MH/BotleyRoadR/o274/2603/Tres)) and Tree Protection Plan and Tree Protection Driveway drawing. There shall be no deviation from this approved assessment unless otherwise agreed 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.

14. The construction of the dwelling hereby approved shall not be commenced until the works required to widen the access track at its junction with Botley Road, in accordance with the details shown on drawings C.075/11 Rev C

within the submitted Transport Assessment (prepared by DMMason Engineering Consultants Ltd, dated 17 April 2023 (ref: DMM/AJB/C.107)) have been completed and the widened access is available for use. Thereafter the dwelling shall not be occupied until the access track for its entire length between Botley Road and the vehicular access point for the dwelling has been improved and resurfaced in the approved details.
REASON: In the interests of highway safety.

15. The dwelling hereby approved shall not be occupied until the car parking and turning area shown on drawing 002 Rev D have been constructed in accordance with the approved drawing. Thereafter the driveway, parking and turning area shall be retained and shall be used for no purpose other than the parking and manoeuvring of vehicles and no permanent development, whether permitted by the Town and County Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), or not shall be undertaken on the land so shown or in such a position as to preclude vehicular access thereto.

REASON: In the interests of highway safety and reduce the need for on-street car parking.

16. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no development permitted by Classes A, B, C, and E of Part 1 of the Second Schedule of the 2015 Order shall be undertaken.

REASON: To enable the Local Planning Authority to retain control over development on the site.

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

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 Rear of 274 Botley Road
Burridge
Scale 1:1,250



<p style="text-align: center;">ZONE 2 – FAREHAM Fareham North-West Fareham West Fareham North Fareham East Fareham South</p>
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REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/22/1477/OA FAREHAM WEST	64 & 66 THE AVENUE FAREHAM OUTLINE APPLICATION (ACCESS, APPEARANCE, LAYOUT & SCALE TO BE CONSIDERED WITH LANDSCAPING RESERVED) FOR THE DEMOLITION OF THE EXISTING DWELLINGS AND THE ERECTION OF A 60-BED CARE HOME (CLASS C2) FOR THE ELDERLY	2 OUTLINE PERMISSION

Agenda Item 6(2)

OFFICER REPORT FOR COMMITTEE

DATE: 14/06/2023

P/22/1477/OA
ASPIRE LPP

FAREHAM WEST
AGENT: ASPIRE LPP

DEMOLITION OF THE EXISTING DWELLINGS AND THE ERECTION OF A 60-BED CARE HOME (CLASS C2) FOR THE ELDERLY (OUTLINE APPLICATION (ACCESS, APPEARANCE, LAYOUT & SCALE TO BE CONSIDERED WITH LANDSCAPING RESERVED)

64 & 66 THE AVENUE, FAREHAM

Report By

Susannah Emery – direct dial 01329 824526

1.0 Introduction

1.1 The application is reported to the Planning Committee due to the number of third party letters of objection received.

2.0 Site Description

- 2.1 The application site is located within the urban area to the north of The Avenue (A27) positioned midway between the junctions with Catisfield Road and Bishopsfield Road.
- 2.2 The site is currently occupied by two detached dwellings with substantial rear gardens and frontages.
- 2.3 The site abuts residential dwellings to either side on The Avenue and Heath Lawns to the rear.
- 2.4 The site is well screened from the road frontage and existing development is set back from the road. There are a number of trees on the site protected by a Tree Preservation Order (TPO) including a prominent Corsican Pine on the site frontage.
- 2.5 The site slopes gently upwards from the road to the rear of the site rising by approximately 2m over the 90m length.

3.0 Description of Proposal

3.1 Outline Planning permission is sought for the demolition of the existing dwellings and the construction of a 60-bed residential care home for the elderly (Use Class C2).

- 3.2 The matters being considered include the means of access to the site, the layout, appearance and scale of the building with only landscaping forming the 'Reserved Matter'. An illustrative landscape proposal has nonetheless been submitted.
- 3.3 The footprint of the proposed care home is a 'T' shape. The main bulk of the building would extend east to west across the site frontage presenting a primary elevation to the Avenue. A centrally positioned rear wing would extend to the north into the rear garden at a reduced height.
- 3.4 The front section of the Care Home would consist of a basement, ground, first and second floor accommodation. The eaves height of the building would be maintained at two storey height to maintain a domestic appearance with second floor accommodation primarily accommodated within the roofspace. The basement would contain a cinema for residents, staff areas and other servicing facilities. The rear wing projecting the length of the rear garden would contain only ground and first floor accommodation.
- 3.5 The finished floor level of the care home would be determined by the existing ground levels towards the front of the site. Due to the natural slope of the site towards the northern boundary, the finished floor level of the ground floor would be set approximately 1.25m below the existing ground level at the rear (north) boundary which abuts properties on Heath Lawns. The finished ground levels adjacent to the building would be reduced to create a level amenity space. A 0.6m retaining wall would be constructed wrapping around the rear of the building and the amenity space which would be set in from the boundaries enabling a landscaped embankment to be retained adjacent to neighbouring properties.
- 3.6 A traditionally led design approach has been taken and the building would be finished with red multi brick and red clay roof and hanging tiles. The front elevation of the building is designed to appear like two large dwellings which would be connected by a centrally positioned recessive link finished with timber style cladding and grey slates to create a visual break in the front elevation.
- 3.7 Two 4.8m wide vehicular access points are proposed to be retained to the site as at present, both of which would enable 'In' and 'Out' vehicle movements. Visibility in excess of 120m along The Avenue for drivers exiting from either point is achievable in both directions.
- 3.8 A total of 17 car parking spaces are proposed for staff and visitors. The car park is designed with two separate areas of parking that are also linked by an area outside of the entrance to the building which would be available for use by larger vehicles/ambulance for drop-off/pick-up ensuring they are able to

enter and leave the site in forward gear. Cycle parking would also be provided for staff.

- 3.9 A low 0.6m high wall is proposed to enclose the site frontage and the indicative landscaping proposal suggests additional landscaping and tree planting would be provided but this would be the subject of a reserved matters application.
- 3.10 A bin store would be provided to the western side of the building. It is indicated that the care home would be served by a private refuse contractor due to the requirements for disposal of medical waste.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Local Plan 2037

- H1 Housing Provision
- HP1 New Residential Development
- HP8 Older Persons & Specialist Housing Provision
- NE1 Protection of Nature Conservation, Biodiversity and the Local Ecological Network
- NE2 Biodiversity Net Gain
- NE3 Recreational Disturbance on the Solent Special Protection Area (SPA's)
- NE4 Water Quality Effects on the SPA/SAC and Ramsar Sites of the Solent
- NE6 Trees, Woodlands and Hedgerows
- NE9 Green Infrastructure
- TIN1 Sustainable Transport
- TIN2 Highway Safety & Road Network
- TIN4 Infrastructure Delivery
- CC1 Climate Change
- CC2 Managing Flood Risk and Sustainable Drainage Systems
- D1 High Quality Design & Placemaking
- D2 Ensuring Good Environmental Conditions
- D4 Water Quality & Resources

Other Documents:

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

5.0 Relevant Planning History

- 5.1 None relevant

6.0 Representations

6.1 Eight representations have been received (including one from the Fareham Society) raising the following concerns;

- The scale of the building is out of character with the area
- The depth of development extending beyond the built-up frontage
- Three storey development is not appropriate
- Loss of light and outlook
- Minimum separation distance requirements are only just met
- Residents should be consulted on proposed boundary treatments and landscaping to ensure adequate privacy
- Increased noise levels from use of building and external areas
- External lighting may be intrusive
- Impact on trees, loss of Weeping Willow and future pressure to fell/prune retained trees
- Swift bricks should be included within the fabric of the building
- Insufficient car parking
- Visitors may attempt to park on The Avenue
- Disruption, noise & dust during construction
- Increased vehicle movements leading to late night disturbance/light pollution
- Loss of property value
- The construction of the basement will require removal of significant material from site and increased noise
- Neighbours would like to be informed of the proposed programme of construction activity
- Access to/from neighbouring properties should not be blocked during build
- Obstruction of the highway on this busy road causes traffic chaos

7.0 Consultations

EXTERNAL

Natural England

7.1 *Recreational Impacts to Solent Special Protection Areas and to the New Forest Designated Sites* – We note that contributions to mitigate recreational disturbance have been ruled out during the Appropriate Assessment (AA) to account for the nature of the development as a care home for both Solent SPA's and New Forest Designated Sites. It is for you as competent authority to be satisfied that the justification for the discount outlined within the AA is enough to remove all reasonable scientific doubt that an adverse impact on integrity on Solent SPAs and the New Forest is removed.

7.2 *Deterioration of the water environment* – We note that the nutrient budget for this application has been calculated in line with the updated Nutrient Neutrality

Methodology. Provided the competent authority is assured and satisfied that the site areas used in the calculation are correct and that the existing land uses are appropriately precautionary, then Natural England raises no concerns with regard to the nutrient budget.

- 7.3 We note that an alternative occupancy figure for the proposed development has been used in the calculation due to the nature of the development as a residential care home. Natural England's view is that competent authorities may choose to adopt bespoke calculations for detailed planning applications, if sound evidence is available. These are matters for each competent authority. Natural England's advice is to take a precautionary approach that recognises any uncertainty.
- 7.4 This appropriate assessment relies on the purchase of nitrogen credits from the Colman's Lane mitigation site on the Isle of Wight. We note that this mitigation scheme has calculated its total credit provision based on the use of bespoke rainfall data, which differ from those within Natural England's published nutrient methodology.
- 7.5 It is our view that competent authorities may choose to adopt bespoke calculations for detailed planning applications, if sound evidence is available. These are matters for each competent authority. We would advise that it is for your authority to determine whether the bespoke rainfall datasets are suitably precautionary and robust.

Hampshire County Council – Highways

- 7.6 Site access plan no. 2022/6392/001 Rev P5 shows both existing access points to be amended or widened to allow the two way in and out movements of a vehicle. On the same drawing swept path analysis supports the fact two cars have the ability to access and egress the site simultaneously if they were to meet at the access points.
- 7.7 Visibility is shown on drawing no. 2022/6392/003 Rev P2 at both accesses and measured at 2.4 metres by 120 metres commensurate with the 40mph speed limit on the A27. These have been drawn to the nearside wheel track. In this instance the Highway Authority consider the visibility splays to be acceptable.
- 7.8 In terms of trips generated by the site, the development will produce trips well over and above the existing use. Nine two way trips will be generated in the AM peak and 5 two way trips generated in the PM peak, with 76 two way daily trips. The Highway Authority agree that the trip generation figures presented are acceptable.
- 7.9 The applicant has conducted a parking accumulation survey based on the typical weekday and weekend movements generated by the care home and

the parking spaces provided appear to be adequate in meeting the needs of both staff and visitors of the site.

Hampshire County Council – Lead Local Flood Authority

- 7.10 We consider that the information provided is sufficient to address our comments and as such we have no objection to this application subject to water company approval of the surface water sewer connection.

Southern Water

- 7.11 Our investigations indicate that Southern Water can facilitate foul sewerage and surface water run off disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

INTERNAL

Environmental Health

- 7.12 Request that in line with the Noise report conclusions, conditions are added to any permission granted, to limit the hours of deliveries and also to provide alternative ventilation to those accommodations with an outlook onto the main road.

Ecology

- 7.13 The measures detailed within the submitted Ecological Appraisal by Ecology Solutions (September 2022) are acceptable and will ensure the safeguarding of protected and notable species, provided that the measures in Section 5. 'Ecological Evaluation' of the report are secured via a Planning Condition. The only amendment required however is that the number and type of the proposed bat and bird features should be specified in the ecology report to ensure they can be secured via a Planning Condition. Due to the urban location of the application site, only bat and bird features integrated into the fabric of the new building will be acceptable.

Principal Tree Officer

- 7.14 Of concern initially were the implications of the proposal on the three retained TPO trees. The proposed layout does seek to improve the rooting environment of the Corsican Pine (T3) tree on the site frontage by removing a significant proportion of the existing driveway. However, this is a large mature tree and this species could make the four proposed parking spaces beneath the tree within the root protection area (RPA) virtually unusable.

- 7.15 The close proximity of the building to the west and south of the Scots pine trees within the rear garden (T4 & T5) would leave them within an enclosed area, which they will dominate to the detriment of the use of that space and to some degree negatively impact on habitable rooms that face out onto that area. The elevation will effectively screen the two trees from public view and therefore denude them of their public amenity benefit.
- 7.16 Initial concerns have been allayed following discussions between Officers clarifying the intended use of the parking spaces beneath the Corsican Pine as visitor parking spaces and in light of the wider planning context, therefore no objection is raised to the proposal on arboricultural grounds.

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) Unmet need for housing for the elderly
- c) Design & effect on the character of the area
- d) Effect on neighbouring properties
- e) Highways and car parking
- f) Ecology and trees
- g) Impact on habitat sites

a) Principle of Development

- 8.2 Policy HP1 of the adopted Fareham Local Plan 2037 states that residential development within the Urban Area boundary, as shown on the Policies map, will be supported in principle.
- 8.3 Policy HP8 of the Fareham Local Plan 2037 concerns the provision of older persons and specialist housing provision and states;

Development will be permitted for new, or extensions and additions to existing, older persons' and specialist housing in the Urban Area boundary where:

- a) Sufficient parking and services are available to fulfil the needs of residents, visitors and any care and servicing intended to be provided on site; and*
- b) Accommodation is provided in sustainable locations having regard to accessibility, local services, community integration and safety, and to the need for staff and services to access the accommodation; and*
- c) An appropriate provision of amenity space is provided having regard to the needs of the potential users.*

8.4 The proposed provision of a care home in this location would be in accordance with policy HP1 of the Fareham Local Plan 2037. The proposal is considered acceptable in principle subject to satisfying the requirements of the remaining relevant local plan policies, including HP8, which are discussed in more detail later within this report.

b) Unmet need for housing for the elderly

8.5 A specific assessment of the level of need for housing for older people is set out in the evidence studies for the Fareham Local Plan 2037 in the Specialist Housing Background Paper September 2020. This report represents the most up to date assessment of the demand and the need for specialist accommodation for older people in Fareham. It separates the different types of specialist accommodation such as sheltered housing, extra care housing, residential care and nursing care provision. The application is for a Care Home but is likely to have dual registration as a Care and Nursing Home to enable people to remain in accommodation if their needs change from general care needs to more specific nursing needs. (For planning purposes Care Homes and Nursing Homes both fall within the same C2 use class.)

8.6 The report concludes that at present there is a shortfall in residential and nursing care accommodation being provided and there is likely to be considerable unmet demand for this type of housing in the future. This unmet need weighs heavily in favour of granting planning permission as a means of boosting the Council's housing supply in this particular specialist area.

8.7 The applicants have commissioned their own planning need assessment (Carterwood ,July 2022) which demonstrates a need for 386 en-suite bed spaces within the market catchment area (5 mile radius of the site) using a base date of 2025.

c) Design and Effect on the Character of the Area

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

8.9 The design and scale of buildings along The Avenue varies within the vicinity of the application site as does the use of materials, with a wide palette that includes brick, hanging tiles, render and timber. Due to the presence of mature landscaping on the road frontage and the set back of buildings from the road, existing development has reduced visibility within the streetscene.

8.10 It is acknowledged that the proposed care home is significantly larger in scale and footprint than some of the surrounding dwellings, however it would not be

the only large building within the area. A three storey flat roofed block of flats (Willow Court) stands directly opposite the site, whilst three storey new build flats are seen to the east of the site at Chalford Grange and to west on the south side of the Avenue (York House). Approximately 50m to the east of the application site on the same side of the road there is an existing residential care home (Whiteoaks, No.56-58 The Avenue) which has evolved through the amalgamation and extension of two residential dwellings. The height and scale of the proposed care home would not result in the building appearing out of keeping within the urban environment in which it would stand. The site is positioned within close proximity to, and on a main vehicular route leading into and out of, Fareham town centre, and also within an area where other large buildings are visible intermixed with more modest residential properties.

- 8.11 The application site lies amid a row of only five dwellings which have very large long rear gardens, however a denser form of development is evident at Heath Lawns extending immediately to the north of the application site and at Veryan to the east. Development which extends behind the built up frontage of the Avenue is evident at Chalford Grange to the west of the application site. The dwellings on Chalford Grange were constructed within the rear gardens of the dwellings fronting The Avenue and the final dwelling at the eastern end of Chalford Grange lies within the original rear garden of No.70 The Avenue, only two doors to the east of the application site.
- 8.12 The approach taken to the design of the Care Home aims to maintain the general character of the area, whilst recognising and delivering the physical requirements of a care home. The proposed building follows the existing building line along The Avenue. The front elevation is designed to appear like two large detached dwelling with a central link between the buildings, set back from the principal frontage elevations, such that they would read as separate units when seen from oblique angles from the road. Such an arrangement would also be strengthened by the retention of mature trees in the front gardens and landscaping.
- 8.13 It is considered that the elevations and footprint of the building are well articulated avoiding long unbroken spans that would be visually bland. Due to the proximity of adjacent dwellings, the distance from the road and the central position of the rear 'wing' it is considered that this element of the building would not be visible to any meaningful degree other than by occupants of surrounding properties. As such, the visual appearance of the proposal would not be of an imposing and out of character scale and mass. The retention of the prominent pine tree on the site frontage together with the provision of additional landscaping along the frontage, and the retention of two accesses would contribute towards the integration of the scheme within the character of The Avenue.

- 8.14 The size of the site provides for ample amenity space wrapping around the building providing pleasant external views and useable external space for residents. It is therefore considered the proposal would comply with the requirements of Policy HP8 (c) of the Local Plan in terms of the provision of amenity space.
- 8.15 The proposed care home building needs to be large in order to meet the operational requirements of a commercial care home, however it is considered it has been well designed to provide both an accessible and pleasant living environment that meets the specific needs of the future occupiers and a high quality building that would be well integrated with the context of the surrounding area as required by Policy D1 of the adopted Fareham Local Plan 2037.

d) Effect on Neighbouring Properties

- 8.16 Policy D2 (Ensuring Good Environmental Conditions) of the Fareham Local Plan 2037 states that;

Development must ensure good environmental conditions for all new and existing users of buildings and external space. Development proposals, including changes of use, will be permitted where they:

- a) 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*
- b) Do not, individually, or cumulatively, have an unacceptable adverse environmental impact, either on neighbouring occupants, adjoining land, or the wider environment*

- 8.17 With regards to the concerns raised in respect of overlooking and loss of privacy, the Councils adopted Design SPD states that new first floor windows should be at least 11m from boundaries they look towards and no less than 22m from facing windows in neighbouring houses to protect privacy. In the case of more spacious areas a greater distance is likely to be required.
- 8.18 Following pre-application discussions the design of the building was amended to reduce the number of openings and balconies proposed within the east and west facing elevations facing towards the neighbouring residential properties (Nos. 62 & 68 The Avenue). Second floor accommodation was also removed from the wing extending north into the garden.
- 8.19 The proposed first floor windows within the east and west elevations would be positioned in excess of 11m from the garden boundaries which they face towards. On the east elevation these windows would vary between 14.5m-16.7m from the boundary and there is also significant vegetation screening on

this boundary which limits views. A first floor balcony is proposed to the north-east corner of the building. This would be sited over 11m from the boundaries of the site and would also be enclosed with an obscure glazed screen (1.7m in height) which would protect the privacy of neighbouring properties but also provide protection from the weather to residents.

- 8.20 On the west elevation the first floor windows would be 14.4m-16m from the boundary. Additional vegetation screening would be sought as well as an increase to the height of the existing fencing which currently allows views over into the adjacent garden to 1.8m in height. Details of boundary treatment would be subject of a planning condition.
- 8.21 The nearest properties to the rear are No.36 Heath Lawns which backs on to No.66 The Avenue and No.38 Heath Lawns which is positioned to the rear of No.64 The Avenue. The dwelling at No.38 Heath Lawns is positioned at a 90 degree angle with its south flank wall presented to the application site and primary outlook to the east and west. The proposed Care Home would be set below existing ground level towards the rear of the site. The floor level would be approximately 1.25m below the ground level at the boundary with properties on Heath Lawns as can be seen on the submitted section. This serves to reduce the height and subsequent bulk of the building when viewed from Heath Lawns. A raised embankment would be retained extending along the northern boundary and wrapping around to the eastern and western boundaries. A level area of amenity space would be provided immediately to the rear of the Care Home with a 0.6m retaining wall built to retain the raised embankment. It is proposed to landscape along the embankment to offer additional vegetation screening although this would be subject to a reserved matters application.
- 8.22 The nearest first floor bedroom window within the north elevation of the care home would be 14.5m from the northern boundary and would be a minimum of 23m from the facing windows within the rear of No.36 Heath Lawns. The orientation of No.36 Heath Lawns is such that it faces slightly to the south-west so there would also not be a direct facing relationship. The remainder of the first floor windows on the northern elevation of the care home would be a minimum of 13.3m from the boundary of Nos 36 and 38 Heath Lawns and therefore it is not considered that the proposal would have an unacceptable impact in terms of loss of privacy. Whilst concerns have been raised in respect of the potential for noise and light disturbance it is not considered that these matters would have an unacceptable impact on the living conditions within neighbouring properties. A planning condition would be imposed to secure the submission of further details of any external lighting.
- 8.23 The occupants of the property on the opposite side of The Avenue have raised concerns in respect of loss of privacy. There would be in excess of 55m between the front elevation of the proposed care home and the front

elevation of No.53 The Avenue and there would be intervening vegetation which would offer screening of the Care Home. In light of the level of separation it is not considered that the proposal would have an adverse impact on the living conditions of the properties opposite in terms of loss of privacy. Given the highly trafficked nature of the Avenue it is not considered that the additional vehicle movements generated by the Care Home would have an adverse impact on the living conditions of neighbouring properties. The proposal is considered to comply with Policy D2 of the adopted Fareham Local Plan 2037.

e) Highways and Car Parking

8.24 Policy TIN2 (Highway Safety and Road Network) of the Fareham Local Plan 2037 states;

Development will be permitted where;

a) There is no unacceptable impact on highway safety, and the residual cumulative impact on the road networks is not severe...

8.25 Policy HP8 (a) of the adopted Local Plan requires development for older persons housing to provide sufficient parking and seeks to ensure that services are available to fulfil the needs of residents and visitors. Policy HP8(b) sets out a requirement for older persons specialist housing provision to be provided in sustainable locations having regard to accessibility, local services, community integration and safety, and to the need for staff and services to access the accommodation.

8.26 The proposed site layout includes a total of 17 car parking bays for staff/visitors, including 2 disabled bays. The Council's non-residential car parking SPD requires care homes to provide 0.3 spaces per non-residential member of staff and 0.25 spaces per resident bedroom. The operational requirements include the provision of a larger parking space for an ambulance.

8.27 The submitted transport statement calculates parking requirements against the Local Planning Authority standards. However, this has been calculated against the total number of staff due to work on a single day shift in a regular week. Parking should be calculated based on the total number of staff for the care home which results in 21 spaces being required which indicates there will be a shortfall in 4 spaces against Fareham Borough Council standards.

8.28 The applicant has accordingly conducted a parking accumulation survey based on the typical weekday and weekend movements generated by a care home analysing TRICs data. The parking accumulation profile suggests that during a typical weekday, peak demand would be between 12:00 and 14:00

hours, with a maximum of 10 vehicles parked on the site. During a typical weekend period, the car park would accumulate up to 14 vehicles on site.

- 8.29 The site is considered to be sustainably located within the settlement boundary and is considered to offer easy access to community facilities and amenities although residents will also be provided with on-site facilities. There is a bus stop on the Avenue close to the application site which will provide access to local buses (X4, X5 and 28A bus routes) for staff/visitors and Fareham Train station is also within walking distance 950m to the east of the site which is served by additional bus routes.
- 8.30 The Highway Authority does not consider that the under provision of parking will onwards become a significant issue to the operation and safety of the local highway network. The site is in an accessible location and the proposed level of car parking would satisfy the anticipated peak demand. The provision of 17 spaces is therefore considered to be appropriate and not anticipated to have a significant adverse impact on the safety of the highway. The proposal is considered to comply with TIN2 (Highway Safety and Road Network) and Policy HP8(a)(b) of the Fareham Local Plan 2037.

f) Ecology & Trees

- 8.31 An ecological appraisal is submitted in support of the application which establishes the general ecological value of the site. The habitat types present that would be lost to some extent include amenity grassland, hedgerow, scrub and scattered trees. The initial Phase 1 habitat surveys identified that the two dwellinghouses had moderate/low potential to support roosting bats although no evidence of bats was recorded internally. Both buildings were subject to Phase II emergence and re-entry surveys, whereby no roosting bats were recorded. As such, it is not considered that any buildings within the site support roosting bats and no mitigation is required for their removal. A sensitive lighting scheme would be required for any proposed external lighting and this would be subject to planning condition.
- 8.32 The retention of the boundary hedgerow and scattered trees would continue to provide foraging and nesting opportunities for birds. The recommended creation of any areas of species-rich flowering lawns, new native hedgerows and new native tree planting would provide new opportunities for a range of birds, while the erection of bird boxes would also provide new nesting opportunities and would be secured by planning condition. Safeguards for nesting birds during vegetation clearance have also been recommended. Whilst an indicative landscape proposal has been presented this would be the subject of a reserved matters application.

- 8.33 There was no evidence of badgers or reptiles on site although the ecological appraisal includes for a precautionary approach to vegetation clearance.
- 8.34 In line with paragraph 175 of the National Planning Policy Framework, the Council expects development proposals to achieve demonstrable net gains in biodiversity. Policy NE2 of the adopted Fareham Local Plan 2037 concerns biodiversity net gain (BNG) and states;

‘The development of one or more dwelling or a new commercial/leisure building should provide at least 10% net gains for biodiversity from the existing baseline value of the site and should be maintained for a minimum of 30 years’

- 8.35 The application is supported by a BNG assessment which has been calculated for the proposed development by the applicant’s ecologist using the biodiversity metric. The baseline habitat score of the site at present is relatively low and the results of the BNG calculation indicate an increase in habitat units of 19.5% and an increase in hedgerow units of 24.6%, which exceeds the minimum requirement for 10% BNG. Proposed habitats include amenity grassland and planting, mixed scrub, and native hedgerows. It is suggested that a number of additional enhancements including bat and bird boxes have not been accounted for within the net gain calculation. Since this is an outline application, with the landscaping of the site forming a reserved matter, the inputs of the BNG calculation are based to an extent on assumptions. The calculation is nonetheless considered to be acceptable by Officers having regard to the existing and proposed habitats on-site. The nature of the use of the site as a commercial enterprise would enable those habitats within the grounds of the care home to be managed and maintained in the longer term. The submission of a final biodiversity net gain plan with the Reserved Matters application would be secured by planning condition 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 to accord with Policy NE2.
- 8.36 Policy NE6 of the adopted Fareham Local Plan 2037 concerns trees, woodland and hedgerows. It states that development will be permitted which retains both protected and non-protected trees, hedgerows and woodland, particularly those which have high amenity value and also provides for replacement and additional trees and hedgerows. There are currently four trees on the application site which are the subject of a Tree Preservation Order (TPO). The proposed development would result in the removal of one of these trees, a Norway Spruce which is positioned on the site frontage within the south-east corner of the site. The tree was found to be exhibiting signs of decline and it is estimated that it has limited lifespan remaining. The Weeping Willow on the site frontage which is not protected would be felled,

not to facilitate development but because it is considered to be hazardous. A number of less significant trees within the footprint of the building would also be felled but these are of limited public amenity value. The most valuable trees protected by TPO would be retained and protected during the construction works, the dominant Corsican pine centrally positioned on the site frontage and two Scots Pine located within the rear garden to the east of the proposed Care Home. A number of replacement trees are shown on the indicative landscape proposal.

- 8.37 Much of the root protection area (RPA) of the Corsican Pine is currently occupied by the existing tarmac and gravel driveways, and by the garage to No. 66 The Avenue. The proportion of its RPA to be occupied by new hard surfacing under the proposals would be less than at present. The proposed parking bays on the tree's eastern side and the access roadway on its north side would be constructed using a cellular confinement system for the new sub-base to avoid harm to the rooting system. The Council's Principal Tree Officer initially raised concerns regarding the proximity of these parking spaces to the Corsican Pine tree due to the potential pressure to prune the tree in future as a result of falling debris. It has however been clarified that residents would not own vehicles and these car parking spaces can be allocated as visitor spaces so that they would only be in short term use, the tree officer was satisfied this would be an acceptable approach.
- 8.38 In addition the relationship of the Care home to the retained Scots Pine trees within the rear garden has been further discussed and it was agreed that it would be unlikely that the proximity of the building to these trees would lead to pressure to prune given the intended use of the building. The area of the amenity space that may be affected by shading from these trees would not provide the primary sitting out area for residents and would be shaded by the building in any event. It would not appear that there would be any immediate need to fell the trees and they would make a valuable contribution to the setting of the building for residents.

g) Impact on Habitat Sites

- 8.39 Policy NE1 sets out the strategic approach to the protection of nature conservation, biodiversity and the local ecological network. The policy confirms the requirement to ensure that designated international, national and local sites of conservation value and protected and priority habitats and species, including breeding and foraging areas are protected and enhanced.
- 8.40 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.

- 8.41 In light of their importance, areas within The Solent have been specially designated under UK 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).
- 8.42 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 protected 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.
- 8.43 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.
- 8.44 Firstly, in respect of Recreational Disturbance, the development is within 5.6km of the Solent SPAs and within the 13.8km radius of the New Forest Habitat Sites referred to as the 'Zone of Influence' (ZOI).
- 8.45 The proposed Care Home will provide accommodation for people who require a level of care that means it will be 'highly unlikely' that they will own a car and would not own a dog. Given the proposed tenure and the anticipated capabilities of residents the proposed care home is not likely to contribute towards an impact on the integrity of the Solent/New Forest SPAs as a result of increased recreational disturbance in combination with other development. A planning condition is proposed to prevent residents from keeping a vehicle at the Care Home. 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.
- 8.46 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.
- 8.47 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 18.56 kgTN/yr. Officers have accepted the use of a bespoke occupancy figure of 1 person per single room as the care home rooms are designed for single occupancy. The existing use of the land for the purposes of the nitrogen budget is considered to be residential urban land as it forms part of the curtilage of the existing dwellings. 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.

- 8.48 The applicant has secured 18.6Kg/TNyr of nitrate mitigation 'credits' from Heaton Farms Ltd. Through the operation of a legal agreement between Fareham Borough Council, Isle of Wight Council and Heaton Farms Ltd dated 25 June 2021, the purchase of the credits will result in a parcel of agricultural land at Coleman's Lane in Porchfield, Isle of Wight being taken out of production therefore providing a corresponding reduction in nitrogen entering The Solent marine environment on an annual basis, to mitigate the impact of the development.
- 8.49 The Council has concluded within an Appropriate Assessment 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. Natural England has been consulted on the Council's Appropriate Assessment and have not raised any specific concerns or objections to its findings. In response to their comments, Officers are satisfied that the figures used within the nitrate budget calculation are appropriate and suitably precautionary. It is considered that the development accords with the Habitat Regulations and complies with Policies NE1, NE2, NE3 and NE4 of the Fareham Local Plan 2037.

Summary

- 8.50 The proposed Care Home has been sensitively designed to provide a high quality living environment for future occupiers while responding positively to the character of the area. The proposed development is considered to comply with the requirements of the relevant local planning policies and the Council's adopted guidance. Notwithstanding the representations received, Officers consider the proposal to be acceptable.

9.0 Recommendation

- 9.1 GRANT OUTLINE PLANNING PERMISSION, subject to the following Conditions:

1. Application for approval of the landscaping of the site (hereinafter called "the reserved matters") shall be made to the Local Planning Authority before the

expiration of three years from the date of this permission. The development hereby permitted shall be commenced in pursuance of this permission either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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:

- i) Location plan – drwg No. 0100 P3
- ii) Topographical Survey – drwg No. Geo21-084
- iii) Block Plan – drwg No.0102 P6
- iv) Site Plan – drwg No. 0101 P10
- v) Existing Site Plan – drwg No. 0110 P3
- vi) General Arrangement Ground Floor Plan – drwg No. 0201 P9
- vii) General Arrangement First Floor Plan – drwg No. 0211 P9
- viii) General Arrangement Second Floor Plan – drwg No. 0221 P10
- ix) General Arrangement Basement – drwg No. 0231 P3
- x) General Arrangement Roof Plan – drwg No. 2701 P6
- xi) General Arrangement Elevation Sheet 1/3 – drwg No. 0301 P7
- xii) General Arrangement Elevation Sheet 2/3 – drwg No. 0302 P5
- xiii) General Arrangement Elevation Sheet 3/3 – drwg No. 0303 P5
- xiv) Proposed Streetscene – drwg No.0304 P7
- xv) Proposed Site Sections – drwg No.0305 P6
- xvi) Transport Statement (RGP, September 2022)
- xvii) Travel Plan (RGP, November 2022)
- xviii) Drainage Strategy 4.0 (Patrick Parsons, October 2022)
- xix) Strategic Drainage Layout – drwg No. TAF-PPC-00-XX-DR-C-0200 Rev P5
- xx) Flood Risk Assessment (Patrick Parsons, October 2022)
- xxi) Environmental Noise Report (Sharps Redmore, October 2022)
- xxii) Ecological Appraisal (Ecology Solutions, September 2022).
- xxiii) AIA (David Archer Associates, September 2022)

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that order with or without modification), the development hereby approved shall only be used as a Care Home for purposes within Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) (as amended) or in any provision equivalent to

that class in any statutory instrument revoking and re-enacting that order with or without modification, and for no other use.

REASON: To protect the occupiers of the nearby residential properties from possible disturbance from permitted uses other than that specifically granted through this permission and to ensure sufficient car parking is provided.

4. No development hereby permitted shall proceed beyond damp proof course level until details and samples 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.

5. 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 (including for a 1.8m high screen along the western site boundary adjacent to the rear garden of No.68 The Avenue) 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.

6. The recommended travel plan measures and actions contained within the Travel Plan (RGP, November 2022) shall be implemented in accordance with the identified timescales of the action plan and shall be adhered to for the five years of the plan unless agreed otherwise in writing with the Local Planning Authority

REASON: To encourage sustainable means of transport.

7. No development shall commence on site until the two access points, including the footway and/or verge crossing, have been constructed and lines of sight of 2.4 metres by 120 metres provided in accordance with the approved plans (Transport Statement, September 2022). The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 0.6 metre

in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

REASON: To provide satisfactory access and in the interests of highway safety.

8. The Care Home hereby approved shall not be occupied until the car parking spaces marked on the approved plan (drwg No. 0101 P10) have been provided on site. The four parking spaces numbered 7-10 shall be clearly marked as visitor parking spaces and the two disabled bays shall also be clearly marked as such. These spaces shall be subsequently retained for their respective purposes at all times.

REASON: To ensure sufficient car parking is provided.

9. Residents of the care home shall not be permitted to keep a car at the site.

REASON: To ensure adequate car parking provision; In the interest of avoiding recreational pressure on habitat sites.

10. The Electric Vehicle (EV) charging points shown on the approved site plan (drwg No. 0101 P10) shall be provided prior to first use of the development hereby permitted and shall thereafter be retained in working order.

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.

11. The three first floor corridor windows proposed to be inserted into the east and west flank elevations of the approved development (as indicated on the approved plans) 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.

REASON: To prevent overlooking and to protect the privacy of the occupiers of the adjacent properties.

12. The first floor stairwell/landing window proposed to be inserted into the rear elevation (north) of the approved development 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.

REASON: To prevent overlooking and to protect the privacy of the occupiers of the adjacent properties.

13. The development hereby approved shall not be brought into use until a 1.7 metre high obscure glazed privacy screen, as indicated on the approved

plans, has been installed to the first floor balcony at the north-east corner of the building. The screen shall subsequently be retained at all times.

REASON: To protect the privacy of the occupiers of the neighbouring properties and to prevent overlooking.

14. The landscaping scheme approved pursuant to condition 1 shall be implemented and completed within the first planting season following the completion 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.

15. No external lighting (including floodlighting, security lighting or other means of external illumination) shall be installed on the building or land unless otherwise first approved in writing by the Local Planning Authority.

REASON: In order to prevent light disturbance to occupiers of nearby residential properties and control light pollution; In order to minimise impacts of lighting on the ecological interests of the site.

16. The Care Home hereby approved shall not be occupied until details of all extraction, air-conditioning or refrigeration systems, including all associated external works to be installed, have been submitted to and approved in writing by the Local Planning Authority. This shall include details of mechanical ventilation to be installed to all bedrooms with windows in the south elevation of the building hereby permitted. The details shall include the positions of any external works (including its shielding or screening), its purpose, any noise levels which its use would generate and how this would be measured. The development shall be carried out in accordance with the approved details and maintained in a satisfactory working order.

REASON: To ensure an acceptable living environment for residents; In order to protect neighbours from avoidable disturbance by noise and smells.

17. The Care Home hereby approved shall not be occupied until details of water efficiency measures to be installed 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.

18. 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 Heaton Farms Limited dated 25 June 2021 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 Sites around The Solent.
19. The Care Home hereby approved shall not be first occupied until the bin storage area marked on the approved site plan (drwg No. 0101 P10) has been provided on site. This storage shall be subsequently retained for the purpose of storing bins at all times. REASON: To ensure sufficient and appropriate bin storage is provided.
20. The care home shall not be occupied until the bicycle storage for staff and visitors, as shown on the approved site plan (drwg No. 0101 P10), has been made available. This storage shall thereafter be retained and kept available at all times for the purpose of storing bicycles. REASON: To encourage cycling as an alternative mode of transport.
21. No deliveries shall be taken at or despatched from the site outside the hours of 07:00-23:00. REASON: To protect the occupiers of the nearby residential properties from possible disturbance.
22. The development hereby approved shall be undertaken in accordance with the mitigation measures detailed within Section 5 'Ecological Evaluation' of the submitted Ecological Appraisal (Ecology Solutions, September 2022). REASON: To ensure that protected species are not harmed and that habitat is enhanced as a result of the proposed development.
23. Prior to the commencement of development a detailed scheme of biodiversity enhancements to be incorporated into the development in accordance with Section 5 'Ecological Evaluation' of the submitted Ecological Appraisal (Ecology Solutions, September 2022) shall be submitted for written approval to the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details. REASON: to enhance biodiversity.
24. The Reserved Matters application shall be accompanied by an updated biodiversity net gain plan 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. REASON: to enhance biodiversity.

25. The development shall be carried out in accordance with the Arboricultural Implications Assessment (David Archer Associates, September 2022) unless otherwise agreed in writing with the Local Planning Authority. The tree/hedgerow protection 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.

26. 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 The Avenue to ensure that it is 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.

Notes to applicant

A highway license will be required in order to construct the access. More information can be found at the following link:

<https://www.hants.gov.uk/transport/parking/droppedkerbs>

THEN

9.2 DELEGATE authority to the Head of Development Management to:

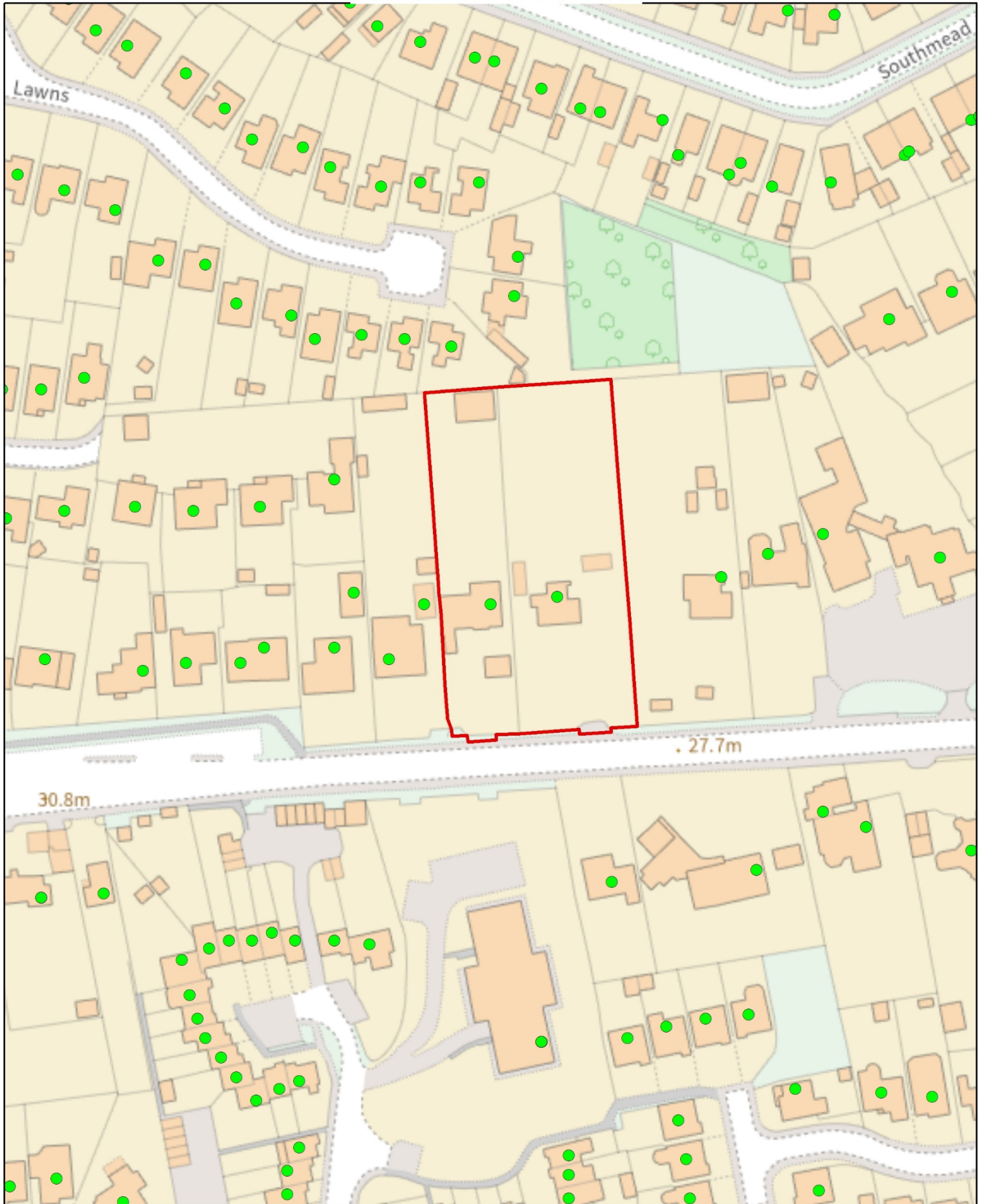
Make any necessary modification, deletion or addition to the proposed conditions.

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



64 & 66 The Avenue
Fareham
Scale 1:1,250



ZONE 3 – EASTERN WARDS

Portchester West

Hill Head

Stubbington

Portchester East

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/22/1655/FP PORTCHESTER WEST	LAND WEST OF DOWNEND ROAD FAREHAM HAMPSHIRE AGRICULTURAL BUILDING TO BE USED AS A GRAIN STORE.	3 PERMISSION

Agenda Item 6(3)

OFFICER REPORT FOR COMMITTEE

DATE: 14/06/2023

P/22/1655/FP
MESSRS T & J HAMBLÉN

PORTCHESTER WEST WARD
IAN JUDD AND PARTNERS

AGRICULTURAL BUILDING TO BE USED AS A GRAIN STORE

LAND WEST OF DOWNEND ROAD, FAREHAM, PO16 8PX

Report By

Charlotte Fleming – direct dial 01329 824 702

1.0 Introduction

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

2.0 Site Description

- 2.1. This application relates to the corner of a 1 hectare agricultural field.
- 2.2. The parcel of land where the development is proposed is a triangular parcel of land, with hedgerow boundaries. The site lies to the immediate west of Downend Road, to the northern side of the M27 motorway and to the south of the private haul road used by waste transfer vehicles.
- 2.3. At the times the Planning Case Officer conducted their site visits it appeared the site was used as a grazing paddock, but no animals were in the field.
- 2.4. The surrounding area is predominantly rural in character. The site slopes down to the south, however remains approximately 1.5metres (m) higher than Downend Road, which is situated immediately to the east.
- 2.5. There are horse grazing fields on the eastern side of Downend Road with a waste transfer station beyond. To the north there is a private haul road which carries commercial vehicles from Junction 11 through to the waste transfer station. To the north and west of the haul road are further agricultural fields. The southern boundary abuts the tree lined M27 embankment. To the south of the M27 is a field which has been safeguarded in the Fareham Local Plan 2037 as a housing allocation site for approximately 550 houses (Policy HA56).
- 2.6. The eastern boundary of the site is a non-statutory designated site (Down End Road Verge Site of Importance for Nature Conservation and Road Verge of Ecological Importance) for supporting chalk grassland.

- 2.7. There is a general footpath along part of Downend Road, and the long-distance walking route of The Allan King Way footpath runs adjacent to the site (linking Portchester to Winchester) no other public rights of way look over the site.

3.0 Description of Proposal

- 3.1. The application is to construct an agricultural barn to be used as a grain store. The proposal would replace the existing grain store on the applicant's holding at Winnham Farm to the east of Downend Road, which is due to be demolished, to enable the erection of 350 dwellings (granted outline planning permission under P/20/0912/OA).
- 3.2. The farm uses approximately 121 hectares of land for arable farming, rotating winter wheat, spring wheat, winter oats and field beans. There are approximately 69 hectares (170 acres) of land in Fareham and 65 hectares (160 acres) of land in Wickham. In 2023, the applicant has forecast a harvest of 775 tonnes of wheat and 600 tonnes of barley. The land indicated on the submitted occupation plan at Wickham is not suitable for HGVs to access to unload the grain. The application site is the most appropriate site central to the farming operation.
- 3.3. The proposed agricultural building would be a steel portal frame construction with fibre cement roof sheets and used to store grain.
- 3.4. The building would measure 24.38m (80ft.) in length by 18.28m (60ft.) in width with an eaves height of 6.1m (20ft.) and a ridge height of 8.98m (29.5ft.). The gross floor area of the building will be 446msq (4,800 sqft).
- 3.5. The finish will be pre-cast concrete panel grain walling to 3m above ground level (on three sides of the building) with juniper green box profile cladding from the top of the concrete panel walling to the underside of the roof. There will be two galvanised roller shutter doors in the north-east elevation with a central steel pedestrian door. The concrete panel grain walling on this elevation will be to a height of 2m above ground level with box profile cladding above.
- 3.6. The grain store would be located approximately 25 metres from the side of Downend Road. The entrance to the site is in the highest corner of the site, the north-east corner where there is an existing field gate. A 75m stoned access track, topped with road planings would be constructed across the field to access the barn, along with an 18.2m by 6.1m concrete apron in front of the barn to allow for grain to be unloaded.

- 3.7. The application includes a Landscape and Biodiversity Implementation and Management Plan. The Plan demonstrated that the scheme will provide an extensive 15m deep landscape buffer along the length of the field boundary with Downend Road, screening the barn, both in the short term and long term and also to help improve biodiversity and habitats on the site. The first 5m depth (adjacent to the existing field boundary hedge with Downend Road) will be a mix of native hedging planting (hawthorn, blackthorn, hornbeam, field maple, crab apple, dog rose and hazel), the other 10m depth will be native trees, including whitebeam, horse chestnut, hornbeam, cherry, and hornbeam. Trees will be a standard size, planted at 5m spacing, with a girth of 8-10cm being 2.5-3m in height. In addition to the landscape planting a Barn Owl box, four small bird boxes and 4 bat boxes will also be installed.

4.0 Policies

- 4.1. The following policies apply to this application:

Fareham Local Plan 2037

DS1: Development in the Countryside

DS3: Landscape – Areas of Special Landscape Quality

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

NE2: Biodiversity Net Gain

NE6: Trees Woodland and Hedgerows

TIN2: Highway Safety and Road Network

D1: High Quality Design and Placemaking

D2: Ensuring Good Environmental Conditions.

HE1: Historic Environment and Heritage Assets

HE4: Archaeology

Other Documents:

National Planning Policy Framework (NPPF) 2021

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

5.0 Relevant Planning History

- 5.1. The following planning history is relevant:

P/21/1865/PA	Agricultural Barn (Grain store)
Prior Approval Refused	16 December 2021

P/22/0825/PA	Agricultural barn
Prior Approval Refused	06 July 2022

5.2. The previous Agricultural Prior Approval applications were refused due to the proposed not complying with the General Permitted Development Order requirements for Agricultural Development. Additionally under the Prior Approval procedure Officers were not satisfied with the information submitted, in terms of the siting, design and external appearance of the building. The screening was not substantial enough for the proposed to not have an adverse impact on the character and appearance of the area in terms of the siting, design and external appearance of the building. Therefore Prior Approval was refused, and an application was required to fully assess and control the impact of the proposed.

6.0 Representations

6.1. During the consultation period, 11 letters of objection were received from 7 different addresses, raising the following points:

- Out of keeping with the surrounding area
- Rural countryside site with long views over the landscape
- Scale of the barn is huge – colour and planting will not disguise it
- Computer images of landscape make it appear idealistic
- Planting should be native and suit chalk soil
- Planting will take years to develop
- Already significant traffic and accidents on Downend Road
- Does application have access rights over the private road
- Third attempt to building on this site
- Other land holdings elsewhere more suitable
- Should have considered implication of selling Winnham Farm site, and longer term other land will be built on so no need for the barn
- Grain storage creates noise
- A lot of concrete on a greenfield site

7.0 Consultations

EXTERNAL

Ecology – Hampshire County Council

7.1 Planting needs to be suited for chalk soils and not impact notable habitats or protected species. Planting measures and wildlife features are positive and if there is a planning requirement due to visual impact, then no further comments to make.

County Archaeologist – Hampshire County Council

7.2 Concerns about the setting of Fort Nelson a Scheduled Ancient Monument, however no comments raised on archaeology.

Hampshire Highways – Hampshire County Council

7.3 Satisfied that the development would have no detrimental impact on highway safety or operation. A recommendation of no objection is given.

INTERNAL

Tree Officer

- 7.4 Raise no objections or reason for refusal on arboricultural grounds.

Conservation Planner

- 7.5 Maintaining the visibility between the different forts is an intrinsic part of their original design and forms an important part of their overall function. The proposed does not interrupt the current visual relationship between the forts or further erode the character, setting and understanding of them, therefore no objections raised on these grounds.
- 7.6 As there are no other listed properties within the vicinity of the application site and as the site is not located within a Conservation Area, there are no other objections to the current proposals in Historic Environment policy terms.

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 upon character and appearance of the area
 - c) Ecology and Biodiversity Net Gain
 - d) Historic environment
 - e) Highways
- 8.2. a) Principle of development
The NPPF states that planning should recognise the wider benefits from the countryside including the economic and other benefits of the best and most versatile agricultural land. Further, footnote 58 in the NPPF outlines that 'where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality'.
- 8.3. The application site is located within the designated Countryside as identified by Policy DS1 (Development Outside Settlements) which states that development in the countryside will be supported where the proposal can demonstrate a requirement for a location outside of the urban area (i). In addition, proposals need to demonstrate that they protect and enhance the landscape (j) recognise the intrinsic character of the countryside and do not significantly affect the integrity of a Strategic Gap (k) and demonstrate the preference of the development of poorer quality agricultural land (m).

- 8.4. The principle of farming and its supporting infrastructure is considered rural in nature and typically located outside of the urban area. Due to the scale of space required for arable farming and the type and scale of agricultural vehicles required to access the proposed barn, a countryside location would be appropriate for this development.
- 8.5. The proposal is for the construction of a large barn which will provide a central, well accessed grain storage for the agricultural holding, between the 65 hectares farmed in Fareham and 65 hectares in Wickham. It is noted on the farm occupation plan that the applicant does not own all the land they are farming, however all tenanted fields have a Farm Business Tenancies, Agricultural Holding Act Tenancies and contract farming arrangements on, with rolling 12month tenancies and the applicant has farmed these fields for over 20 years. It is also noted that some of the fields farmed under this agricultural holding are allocated sites within the Fareham Local Plan 2037 or have outline planning permission. However, it will be several years until development commences on the allocated sites (if at all) and the land needs to be farmed in the interim.
- 8.6. Having regard to the countryside location any alternative use other than agricultural would be subject to further consideration through the formal planning application process. It is accepted that the 1-hectare field and its topography is too small to suit modern crop farming and alternative fields owned in Wickham are unsuitable for a grain store due to unsuitable access for the HGVs required to load the grain. This central unusable site in the farms portfolio, along with the loss of the existing barn site as a result of the residential development east of Downend Road, means that this site is considered a suitable location and complies with points (i) and (m) of Policy DS1. A planning condition will be imposed to ensure that the barn is solely used for purposes associated with the agricultural holding.
- b) Impact to character and appearance of the area
- 8.7. Policy D1 (High Quality Design and Place Making) states that all new development should be of high quality, based on the principles of urban design and sustainability to ensure the creation of well designed, beautiful and safe quality places.
- 8.8. Policy DS3 (Landscape) highlights that in locations designated as Areas of Special Landscape Quality, such as this site, development proposals shall only be permitted where the landscape will be protected and enhanced. Natural landscape features and visual setting (including key views) should be carefully considered.

- 8.9. The barn would be large in scale however, it would be similar in appearance to other agricultural style buildings and is coloured green to help blend in with the backdrop of the trees along the motorway. The proposed landscaping buffer is 15m deep and wraps around the natural curvature of the field boundary and road, helping to screen the proposed building from the north of the site and coming down Downend Road/Portsdown Hill. Existing vegetation on the eastern side of Downend Road limit views of the site until in close proximity. Further, having regard for its intended use, to provide a central storage barn for the farm, it is considered to be of a suitable scale and appearance given the edge of settlement location and the character of the surrounding area with other large buildings outside settlement boundaries and adjacent to the motorway.
- 8.10. Officers have carefully considered the short and long term visual impacts of the proposed building, and in particular any views looking southwest as you travel along Portsdown Hill/Downend Road. Similarly, the applicant has prepared landscape cross sections demonstrating the extent of the impact, assuming a number of years of growth. Walking down from Fort Nelson on the footpath on the other side of the road to the field, the corner of the field where the barn is proposed does not become visible until rounding the bend with the small copse of trees and private access road. Additionally, walking up the hill from the south the site is screened by the motorway embankment and vegetation. When passing the site on the only footpath on the eastern side of the road to the site, the barn will be situated behind a 15m landscape buffer and set above the footpath.
- 8.11. The site is set approximately 1.5m above Downend Road, however naturally the land (site and road) slopes down to the south. The proposal is set into the lowest corner of the site, closest to the motorway and away from the historic forts. The proposed building will be set off the eastern ridge and screened by semi-mature landscaping and planting which are being secured by conditions. The buffer of proposed planting is 10m deep with standard 2.5-3m high trees which will grow and mature significantly taller, behind an additional 5m deep dense hedgerow proposed (growing up to 6m high) and set 1.5m above the road and behind the existing hedgerow and bank. In the immediate and short term there will be interrupted views through this vegetation to the barn, which will have an acknowledged visual impact. However, in the longer term when the vegetation matures the views will be minimal. The proposed planting will help supplement the existing boundary planting on the site and complies with part (j) and (k) of Policy DS1. The development proposal is therefore considered by Officers to comply with Policy DS1 of the Fareham Local Plan 2037.

8.12. Therefore, it is considered that the proposal would not have an unacceptable adverse impact on the character and appearance of the area, in terms of scale, design and materials. The proposal for an agricultural building in a rural setting along with the enhanced landscaping buffer would no longer negatively affect any key views in the area. Officers therefore consider that the development proposal therefore complies with Policies D1 and DS3 of the Fareham Local Plan 2037.

c) Ecology and Biodiversity Net Gain

8.13. The site is considered agricultural and rural in nature, not a new commercial use, so there is no requirement to provide a 10% net gain in biodiversity for the site (Policy NE2). Nevertheless, with the significant amount of landscape buffer planting proposed to the east of the building, together with bird and bat boxes on the site, it is considered that the proposal does carry significant ecological benefits to the site.

8.14. The planting on the site was not solely suitable for chalk soil, the landscaping plan has been amended to add more localised plants and more mature planting, which will help screen the barn's visual impact. The Council's Ecologist has commented on the proposals and raises no concerns with the proposed landscaping.

8.15. Although not protected, the natural boundary planting on the site is being retained and enhanced, details are protected by condition, which is supported by Policy NE6 of the Fareham Local Plan 2037.

d) Historic environment

8.16. Officers have assessed the impact the barn will have on the views between the historic forts (Fort Nelson and Fort Wallington), which as part of the historic forts chain, it is important that visual links between them are retained. The proposed barn would be outside the desired view lines between the two historic forts. The development has been carefully considered by the Council's Conservation Planner, who has raised no objection to the proposals. The proposal is considered to comply with Policy HE1 of the Fareham Local Plan 2037.

8.17. In addition, it has been noted that the site lies close to significant archaeological sites for the area. Although the works are to the surface and the field has historically been used, an appropriately worded condition would be imposed to cease development if any evidence is found during construction.

e) Highways

- 8.18. There is an existing field gate into the site which will be used, vehicles will first turn onto the private haulage road before joining Downend Road, which has already been established as suitable for lorries.
- 8.19. The proposed barn would only be used for the applicant and would not be used for a separate commercial business. Therefore, there would not be an increased demand for parking. The Highway Authority at Hampshire County Council has been consulted on the proposals and no objections were received. The proposal therefore complies with Policy TIN2 of the Fareham Local Plan 2037

Summary

- 8.20. The principle of development and its need in a rural location has been accepted and the visual impact of the proposed has been mitigated against along with biodiversity enhancements. The development is therefore considered by Officers to comply with the relevant policies of the Fareham Local Plan 2037.

9.0 Recommendation

- 9.1. GRANT PLANNING PERMISSION, subject to the following Conditions:

- 1) The development hereby permitted shall be begun within three years of 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 retained only in accordance with the following approved plans:

- a) Location Plan
- b) Site Plan – HERB
- c) Proposed Floor, Roof and Elevation Plan - HERB
- d) Proposed Views and Site Section - 51346-P7-01 A
- e) Design and Access Statement

REASON: To avoid any doubt over what is permitted

- 3) The development shall be undertaken in accordance with the materials schedule as set out in the submitted detail unless otherwise agreed in writing with the Local Planning Authority.

REASON: To secure the satisfactory appearance of the development.

- 4) The landscaping scheme submitted 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 ten 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.

- 5) No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated at the site unless otherwise agreed in writing with the Local Planning Authority following submission of a planning application for that purpose.

REASON: In order to control light pollution.

- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that order with or without modification), the development hereby approved shall only be used as a grain store and for no other use permitted by Schedule 2, Part 3, Classes Q, R and S.

REASON: To enable the Local Planning Authority to retain control over its use.

- 7) Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential archaeology are encountered. Works shall not recommence before an investigation and assessment of the identified archaeology has 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 site 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 archaeology found during construction is adequately investigated and remediated where required.

10.0 Notes for Information

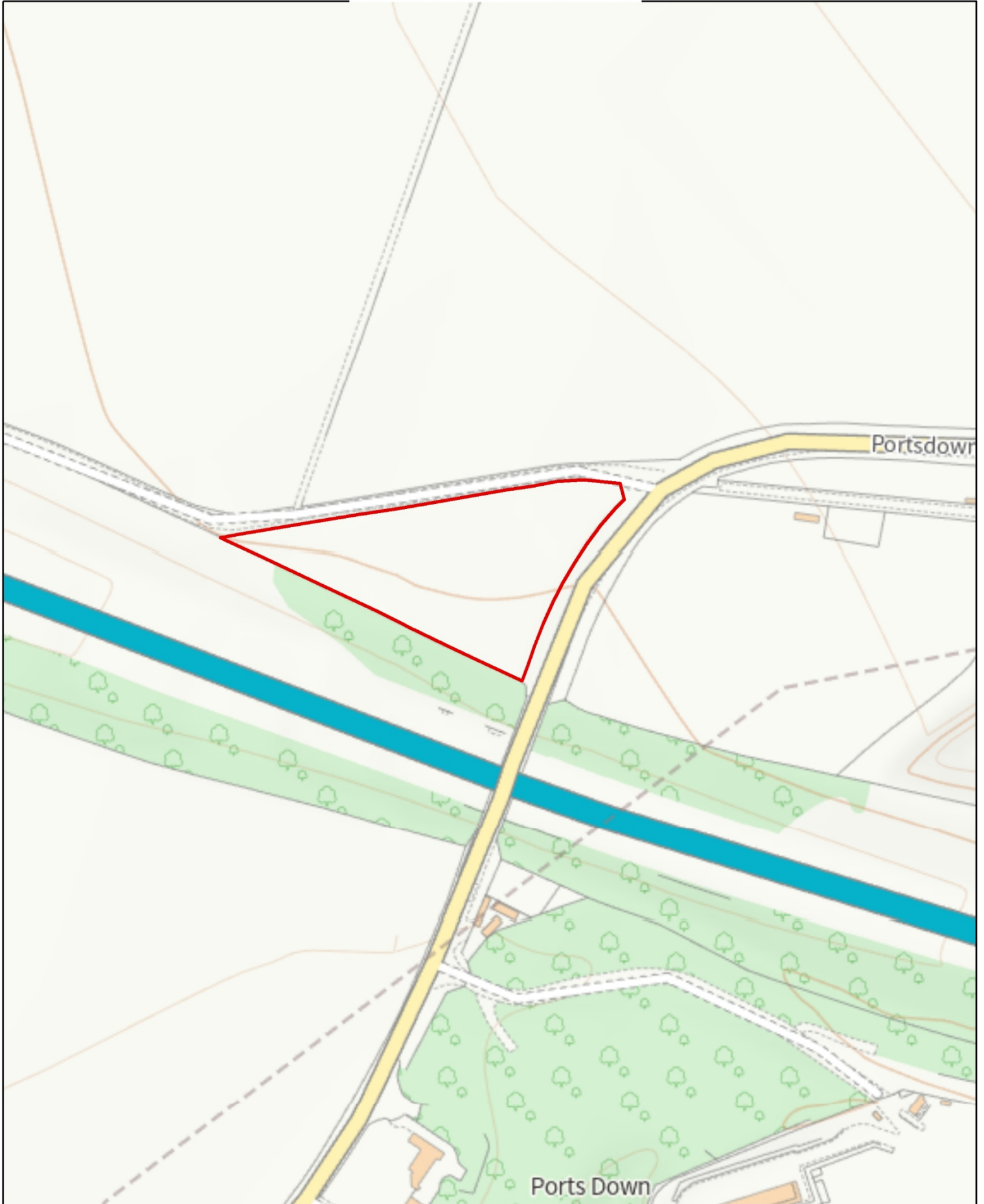
- 10.1. P/22/1655/FP

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 West of Downend Road
Fareham
Scale 1:2,500



**Report to
Planning Committee**

Date 25/05/2023
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 of planning permission

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/22/0550/FP](#)

Appeal site address: Land adjacent to No 8 Northway Titchfield Fareham PO15 5EE

Ward: Titchfield

The appellant: Amey Defence Service

Description of proposal: Retrospective Retention of six piece Locally Equipped area of Play

Council decision: REFUSE

Decision maker: Committee

Date appeal lodged: 16/05/2023

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/22/1046/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

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/22/1071/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

DECIDED PLANNING APPEALS

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

Reason for Appeal: Appeal against refusal of planning permission

Appeal decision: DISMISSED

Appeal decision date: 18/05/2023

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](#)

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date 14 June 2023
Report of: Director of Planning and Regeneration
Subject: TPO NO. 779 2023 – 3 CHILTERN WALK, FAREHAM

SUMMARY

The report details one objection to the making of a provisional order in April 2023 and provides officer comment on the points raised.

RECOMMENDATION

That Tree Preservation Order 779 is confirmed as originally made and served.

BACKGROUND

1. Section 198 of the Town and Country Planning Act 1990 gives local planning authorities the power to make tree preservation orders [TPOs]:

(1) If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.

2. Fareham Borough Council's Tree Strategy seeks to:

Policy TP7 - Protect significant trees not under Council ownership through the making of Tree Preservation Orders.

Policy TP8 - Where necessary protect private trees of high amenity value with Tree Preservation Orders.

3. Following reports from concerned residents that an oak tree was being lopped in Chiltern Walk, Fareham. A tree preservation order was made to protect one pedunculate oak at 3 Chiltern Walk, Fareham.

INTRODUCTION

4. On 6 April 2023 a provisional order was made in respect of one pedunculate oak tree situated in the rear garden of 3 Chiltern Walk. The tree is a large mature specimen, which is clearly visible from several public vantage points and makes a significant contribution to the visual amenity of the area (Site plan at Appendix A).

OBJECTIONS

5. Six objections have been received following the serving of the tree preservation order from adjacent and nearby householders. The main grounds of objection are as follows:
 - The tree is an eyesore and is dangerous in high winds.
 - The tree has never been maintained and allowed to grow to an inappropriate size for its location.
 - The tree blocks sunlight from the gardens ruining their use and enjoyment.
 - The tree obstructs the streetlamp and is damaging overhead phone lines.
 - The tree continually sheds debris over the access path, garages and parking area making these areas slippery and dangerous.
 - The tree drops sticky sap over vehicles and garden spaces.
 - The acorns and leaves are poisonous to dogs.
 - The tree does not have any landscape value due to its location in a service area.
 - Adjacent residents are unable to have solar panels because of the shading.

PUBLIC AMENITY

6. The oak tree is visible from several public vantage points – Chiltern Walk to the north, St Annes Grove to the southwest and Service Area 1 – Fairfield Avenue to the southeast. The tree by virtue of its size and prominence, makes a significant contribution

to the public amenity of the area (Photographs at Appendix B).

MANAGEMENT AND MAINTENANCE

7. The property at 3 Chiltern Walk and the oak tree are the responsibility of the Hyde Housing Group. No objection or correspondence has been received from either Hyde Housing or their tenants, since the TPO was made.
8. There has been some misconception amongst residents, both before and after the TPO was made, that the Council is responsible for the care and maintenance of the oak tree. The tree is not owned or maintained by Fareham Borough Council and protecting the tree does not transfer any management responsibility to the Council. The tree remains privately owned.
9. During a meeting with residents on 26 April, officers clarified the situation in terms of the responsibility for this tree and the implications of it being protected. Some remedial tree works were discussed, that can be supported, subject to the submission of a tree work application (detailed at Appendix C).

TREE RELATED DEBRIS

10. It is to be expected that large, mature trees will produce amounts of tree related debris and the periodic clearing of such material is, albeit an inconvenience, part of routine household maintenance when living near trees.
11. Officers acknowledge that for some residents, trees can be a source of frustration. However, these very same trees contribute to the pleasant appearance of Fareham and provide multiple benefits to the area.

TREE HEALTH AND RISK OF FAILURE

12. An informal visual inspection of the oak was undertaken from ground level. At the time of inspection, the tree was observed to be healthy and free from any significant defects or abnormalities that would give rise to concerns about the health and safety of the tree.
13. The tree was observed to be in good physical condition and exhibiting normal growth characteristics for a mature oak in terms of bud and twig density, colour and annual shoot extension growth for a tree of its age.
14. Trees are living organisms and their condition and vitality can alter quickly depending on environmental and physical factors. It is acknowledged that trees have a natural failure rate as a natural evolutionary process leading to the optimisation of structural strength verses efficient use of resources. Some species have adapted more effectively than others, and some are naturally more prone to failure than others. Therefore, no tree can be considered completely safe.
15. The amount of noise and movement associated with trees during high winds can be unnerving. However, the perceived threat of failure is not a basis for tree pruning or indeed removal. There are no guarantees of absolute safety in the event of severe adverse weather conditions, since all assessments should be undertaken for normal conditions and not try to speculate about what might happen in the event of severe or abnormal weather events.
16. It is not possible to eliminate all risk associated with trees because even those

apparently free from defects can fail when the forces acting upon them exceed their inherent strength; some risk must be accepted to experience the multiple benefits trees provide.

17. The oak is not considered to be in a dangerous condition and officers conclude there is no evidence available to demonstrate that it poses a hazard sufficient to outweigh its public amenity value and thereby justify any significant pruning or removal.
18. If a protected tree presents an immediate risk of harm to people or property, any urgent works necessary to make the tree safe, such as removing dead or broken branches, can be undertaken without consent. If a protected tree is either dead or dangerous five days' written notice needs be given to the local authority of any necessary tree works.
19. The responsibility for street cleaning falls to the Council's cleansing teams, which includes periodic clearing of fallen leaves and other tree related debris from Service Area 1 and the interconnecting paths.

DOGS AND ACORNS

20. Acorns are a common sight on the ground during the autumn months. Curious dogs may be interested in these unfamiliar objects while sniffing around in the grass. Acorns are poisonous if eaten by dogs. They contain tannins and other compounds, which can cause stomach upset and in very severe cases, kidney failure and death. Acorn poisoning is also known as Quercus poisoning, which can also occur after a dog eats oak leaves.
21. Dogs are most at risk if they eat a large number of acorns, however, what constitutes a large amount is relative to the size of the dog. Curious dogs with a tendency to pick up and eat unsuitable items are most likely to ingest acorns and are therefore particularly at risk of acorn poisoning.
22. Limiting a dog's exposure to acorns is vital. Avoiding areas with a lot of oak trees during the autumn and winter would be ideal, but if this isn't possible owners need to be sure to keep a close eye on their dog. If trees are on or adjacent to dog owner's property, precautions need to be taken to either clear acorns regularly or fence off areas where acorns fall during the autumn.
23. Officers acknowledge that acorns can be harmful to dogs and other pets, but if appropriate precautions are taken the risk can be minimised. Oak trees are common and widespread throughout Fareham, in gardens, parks, open spaces and woodlands where people live and walk their dogs. To remove oak trees or not make them subject to tree preservation orders would have a significant adverse impact on the value and character of Fareham's urban and rural landscapes.

SOLAR PANELS AND TREES

24. Modern solar panels have inbuilt technology, power inverters, that takes care of partial shading from trees. Most quality solar systems come with a technology that allows the inverter to get the most energy possible out of a group of solar panels, even if they are shaded. A power tracker helps to reduce the amount of electricity lost when some panels are in the shade or not producing as much power as others.

25. Therefore partial shading or part day shading from trees does not prevent the installation of an appropriately specified solar system.

TREE WORK APPLICATIONS

26. In dealing with applications to carry out works to protected trees the Council will consider whether the reasons given in support of an application outweigh the amenity reasons for protecting them. The Council is unlikely to support unnecessary or unsympathetic pruning that would harm a protected tree by adversely affecting its condition and appearance. Permission to prune and maintain protected trees in the context of their surroundings, species, and previous management history will not be unreasonably withheld by the Council.

27. The existence of a TPO does not preclude pruning works to, or indeed the felling of, any tree if such a course of action is warranted by the facts. There is currently no charge for making an application to carry out works to protected trees, and applications are normally determined quickly.

RISK ASSESSMENT

28. Based on the submitted information the Council will not be exposed to any risk associated with the confirmation of TPO 779 as made and served. Only where an application is made for consent to carry out work on trees subject to a TPO and subsequently refused does the question of compensation payable by the Council arise.

CONCLUSION

29. When making tree preservation orders the Council endeavours to consider the rights of those affected and use their powers responsibly. The rights of the individual must be balanced against public expectation that the planning system will protect trees when their amenity value justifies such protection.

30. Tree preservation orders seek to protect trees in the interest of public amenity; therefore, it follows that the exclusion of a tree from an order should only be sanctioned where its public amenity value is outweighed by other considerations. In this instance Officers consider the reasons put forward for objecting to the protection of this oak tree are not sufficient to outweigh its public amenity value.

31. Officers therefore recommend that Tree Preservation Order 779 is confirmed as originally made and served.

Background Papers: TPO 779.

Reference Papers: Forestry Commission: The Case for Trees – 2010. Planning Practice Guidance - Tree Preservation Orders (2014) and The Law of Trees, Forests and Hedges (second edition) – *Charles Mynors*.

Enquiries: For further information on this report please contact Paul Johnston. (Ext 4451).

FAREHAM

BOROUGH COUNCIL



TOWN & COUNTRY PLANNING ACT 1990
 FAREHAM BOROUGH COUNCIL TREE PRESERVATION ORDER NUMBER 779
 3 Chiltern Walk, Fareham South

Title: FTPO 779

Ref: 1

Date: 6 April 2023

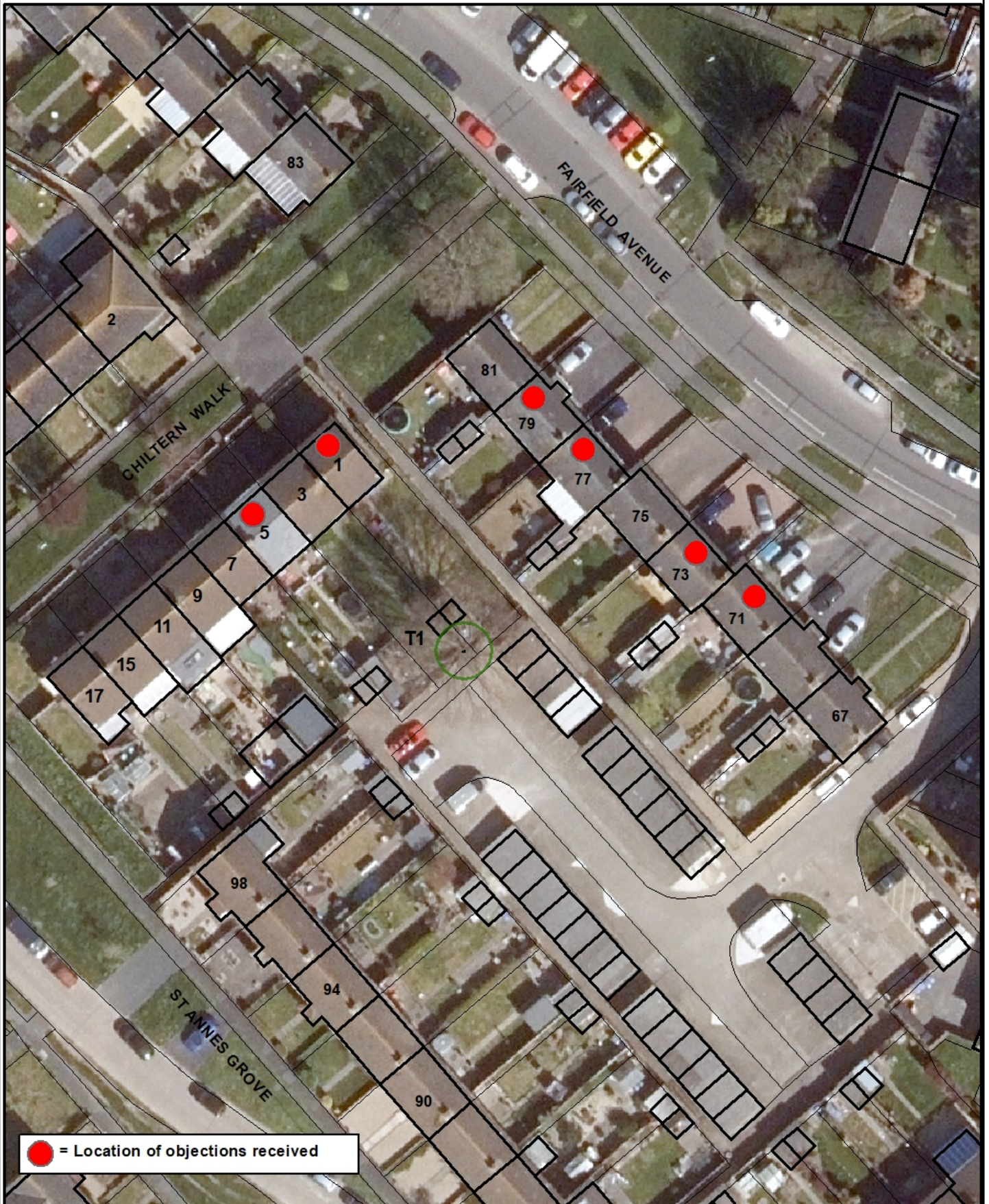
Scale: 1:500


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FAREHAM

BOROUGH COUNCIL



<p>TOWN & COUNTRY PLANNING ACT 1990 FAREHAM BOROUGH COUNCIL TREE PRE PRESERVATION ORDER NUMBER 779 3 Chiltern Walk, Fareham South</p>	<p>Title: FTPO 779 Date: 6 April 2023</p>	<p>Ref: 1 Scale: 1:500</p>	<p>Reproduced from Ordnance Survey material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction in any form is prohibited and may lead to prosecution or civil proceedings. Licence Number 100019110, 2023</p> 
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APPENDIX B – Oak T1 viewed from Chiltern Walk



T1 viewed from St Annes Grove



T1 viewed from Service Area 1



T1 viewed from Service Area 1



Lopping of lower branches over service area



Public streetlamp in service area (6 metre column)



Appendix C - Proposed pruning subject to an application for tree works

Oak tree protected by TPO 779 – T1:

- Localised reduction by 3.5m on north and south side of crown back to natural target pruning points (see illustrative photo below)
- Crown lift to 6 metres above ground level
- Tidy up / remove stub cuts back to branch collar
- Maximum diameter of all live pruning wounds < 75 - 100 mm
- *Remove dead wood (application not required)*



Enquiries:

For further information on this report please contact Paul Johnston. (Ext 4451).