

**SUPPLEMENTARY AGENDA  
PLANNING COMMITTEE**

**Date:** Wednesday, 23 April 2014

**Time:** 2:30 pm

**Venue:** Collingwood Room - Civic Offices

**6. Planning applications and Miscellaneous Matters including an update on Planning Appeals**

**(17) Update Report (Pages 1 - 5)**

P GRIMWOOD  
Chief Executive Officer

Civic Offices  
[www.fareham.gov.uk](http://www.fareham.gov.uk)  
23 April 2014

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for Committee Meeting to be held on 23 April 2014

### ZONE 1 - WESTERN WARDS

- (3) **P/14/0141/TO** **WARSASH**  
**269 WARSASH ROAD LOCKS HEATH SOUTHAMPTON SO31 9NU**

The site address for the cedar is 2 Jesmond Grove not 269 Warsash Road. The applicant is Mr Jordan of 269 Warsash Road.

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- (4) **P/14/0144/TO** **PARK GATE**  
**10 BOTLEY ROAD PARK GATE SO31 1AJ**

Please note that the reference to estimated potential repairs will cost £15,000 not £1500.

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### ZONE 2 - FAREHAM

- (8) **P/14/0171/CU** **FAREHAM EAST**  
**6 HIGH STREET FAREHAM HAMPSHIRE PO16 7AN**

References to P/07/0880/LB, P/07/0880/DP/A and P/07/0880/DP/B in the History section of the report are to be deleted.

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- (9) **P/14/0174/LB** **FAREHAM EAST**  
**6 HIGH STREET FAREHAM HAMPSHIRE PO16 7AN**

References to P/07/0880/LB, P/07/0880/DP/A and P/07/0880/DP/B in the History section of the report are to be deleted.

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- (10) **P/14/0203/FP** **FAREHAM SOUTH**  
**23 THE AVENUE FAREHAM PO14 1NT**

The applicant has submitted further information in support of the application which include a Design and Access Statement, Ecological Report and Tree Report. These documents were submitted with the application but do not appear to have arrived with the Council from the Planning Portal. These are important documents and whilst the case made does not alter the recommendation, nonetheless Members should be aware of the main points raised in considering the case for the application. The salient points are:

- That the Inspector who dismissed the previous appeal at the site considered the ex-orchard to be suitable for redevelopment on a limited scale;

- The site is currently disused and maintained as a paddock;
- English Heritage previously indicated that a reduced development could be accommodated; the costs of providing services mitigates against a single dwelling;
- The Existing Dwelling has too much ground to be maintained; the proposed development would generate funds for the future maintenance of the Listed Building;
- English Heritage have previously stated that the grounds are not worthy of inclusion in the Historic Parks and Gardens Register;
- The author of the history and gazetteer for the Listed Building has confirmed that its setting would not be adversely affected by the development of the ex-orchard;
- The development would form a buffer to the proposed development on the Fareham College Site;
- The design, scale and quality of the proposed dwellings would reflect the setting of the Listed Building and are in keeping with surrounding development;
- The proposed layout maintains distance to the Listed Building;
- The dwellings will be sustainable and meet the requirements for Code 4;
- The development would lead to less than substantial harm to the setting of the grade II\* listed building where the harm should be weighed against the public benefits of the proposal including securing its optimal use; the listed building is costly to maintain and the development will secure private funding for its future mainenance;

The following are further comments from consultees in light of the additional information:

English Heritage - Thank you for sending through the Design and Access Statement for the proposed two new dwellings at Blackbrook Grove. I have read the document and would like to comment on a few of the points made.

On page 2 of the Design and Access Statement (D&A) there is the suggestion that the development site 'does not form an essential part of the setting to the house'. English Heritage has published guidance on the issue of setting: The Setting of Heritage Assets. Within this document is a definition of setting:

'Setting is the surroundings in which an asset is experienced. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral'. (p.5)

The former orchard area is an integral part of the garden to Blackbrook Grove and it was created to serve the house. Although the orchard area is diminished in character there can be no doubt that it is part of the setting of the house.

The D&A suggests that this development is needed to fund the upkeep of the listed house and its garden (see page 3) and goes onto say that funding the maintenance of the house etc through generating funds via the development would be a 'public benefit' (p.8). While I do not doubt that it is expensive to repair and maintain a large house and garden I cannot see evidence that this is currently a difficulty (the house is well maintained and the garden well cared for and is a credit to the owners). If this proposed development is considered to be contrary to normal planning policy, but

that it might be justified on the grounds that it could fund the repair of Blackbrook Grove then this should be considered as a case for 'enabling development'.

Enabling development is an effective solution in special circumstances. However, there are criteria set out by English Heritage which must be satisfied. One is that the development "...will not materially harm the heritage values of the place or its setting", and another is that the development is necessary to 'resolve the problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid' (Enabling Development and the Conservation of Significant Places p.5). I have already submitted comments which conclude that in my view the proposal would be harmful to the setting of the listed house. To prove the second point the applicant would have to demonstrate that they have been through a market testing exercise (i.e. that there is not an alternative owner with the necessary funds to maintain the house and garden). In addition, if the development is seriously proposed as a means to provide a public benefit then this benefit must be secured through a legal agreement which would ensure that the profits of the development are reinvested in the repairs and maintenance of the listed building. There is no suggestion in the application that this is being proposed.

In my view there is no public benefit in this proposal and that any difficulty in funding ongoing repairs could be resolved through finding a new owner.

The D&A notes that the garden is not on the national Register of Parks and Gardens (p.3). This is correct. However, the garden is on the local Hampshire register and is therefore considered to be a 'non designated heritage asset' and is therefore afforded protection through the National Planning Policy Framework: 'In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of harm or loss and the significance of the heritage asset.' (para.135).

The D&A suggests that because extensive development is proposed to the south of this site within the college grounds this somehow justifies a low density development within the grounds of Blackbrook Grove and this would be a 'buffer zone' (p.3). Any consideration of development within the college grounds would also have to take into account the setting of the listed house. In any case I am not sure that any development has been agreed and therefore this cannot be a relevant issue. Whether this bigger development goes ahead or not taking into account the setting of Blackbrook Grove remains a material planning consideration and would be, in itself, an effective 'buffer'.

These comments are in addition to those previously sent in relation to this proposed development.

Director of Planning and Development (Conservation) - I have the following additional comments having read the design access statement.

The design and access statement implies that the development is required to generate funds for maintenance to ensure the upkeep of Blackbrook Grove for the future. In planning terms this would be 'enabling development'. Enabling development is development that would otherwise be unacceptable in policy terms but which might be justified in special circumstances on the grounds that it is necessary to secure the future of a heritage asset. It can be used where 'conservation deficit' exists. Conservation deficit occurs where the cost of maintenance, major repair or conversion that is necessary to secure the future of an asset is greater than its resulting value to its owner or in the property market. Enabling development must be related to the viability of the historic asset and not to the circumstances of the owner. If a case for enabling development were to be put forward evidence to demonstrate that the criteria set out in the English Heritage guidance are met would need to be provided ('Enabling Development and the Conservation of Significant Places', 2001), including a comprehensive financial and marketing assessment. There is no evidence that Blackbrook Grove suffers from a conservation deficit, it appears to be in good repair and is not included on the English Heritage Buildings at Risk Register.

Director of Planning and Development (Ecology) - An amended report (June 2013 - updated February 2014) has been submitted. Some further information has been provided, however there are still points that require clarification as the ecological impact is unclear. It is suggested that the reason for refusal be amended to reflect the fact that the insufficient information relates to more than just protected species.

The ecological report acknowledges that measures will be required to address the Solent 5.6 km disturbance impact. However if the applicant is unwilling to enter into an agreement then this reason for refusal should remain. Suggest omission of the reference to an Appropriate Assessment as this is to be undertaken by the Planning Authority.

The outstanding issues are:

- What is the impact on the orchard habitat and how will this be mitigated?
- How will the boundaries be protected operationally?
- Which trees are to be removed?
- What is the impact upon the ditch along the southern boundary? (plans show this being culverted).

These are not necessarily issues that cannot be overcome, if the necessary information is provided.

Further third party representations have been received:

2 representations object to the development on the following grounds:

- Impact on foraging for bats;
- Objection to large 'trophy' houses when need is for everyday homes;
- Impact of more people on Brent Goose habitat;
- Impact of extra traffic on Redlands Lane/Avenue junction;
- Out of keeping with the rest of the site of the listed building;
- Designs are out of keeping;
- Access close to bus stops;
- Impact on wildlife.

1 representation supports the application for the following reasons:

- This unique house will be protected from inappropriate development by this low density proposal;
- The development will not affect the adjacent woodland.

Fareham Society objects -

- Dwellings should be low profile and sympathetic to the listed building setting and estate;
- Proposed dwellings are unsympathetic in design;
- The approach to the site should be soft but it is unclear from the plans what screening will line the drive.

**AMENDED REASON FOR REFUSAL:**

The proposed development would be contrary to the guidance set out in the National Planning Policy Framework, to Policies CS6 and CS17 of the Fareham Borough Core Strategy, Policies DG4, C18 and HE10 of the Fareham Borough Local Plan Review and Policies DSP2, DSP6, DSP13 and DSP15 of the draft Fareham Borough Local Plan Part 2: Development Sites and Policies and is otherwise unacceptable in that:

(i) by reason of the form of layout and the bulk and design of the proposed dwellings, the development would be harmful to the setting of this important Grade II\* Listed Building;

(ii) the development would result in additional dwellings and therefore additional recreational pressure upon the nationally and internationally designated nature conservation sites including the Portsmouth Harbour Site Site of Special Scientific Interest (SSSI), the Portsmouth Harbour Special Protection Area (SPA) and RAMSAR site. The Ecological Report attached to the Planning Application acknowledges that measures will be required to address this issue but in the absence of specific mitigation measures being secured it is considered that the proposed development would result in significant harm to the nature conservation interests of these important sites.

(iii) insufficient information has been submitted to demonstrate that the ecological impacts are known and can be adequately mitigated.

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