

# FAREHAM

BOROUGH COUNCIL

4

## AGENDA PLANNING COMMITTEE

**Date:** Wednesday, 27 February 2013

**Time:** 2:30 pm

**Venue:** Collingwood Room - Civic Offices

**Members:**

Councillor N J Walker (Chairman)

Councillor A Mandry (Vice-Chairman)

Councillors B Bayford  
P J Davies  
M J Ford, JP  
R H Price, JP  
D C S Swanbrow  
D M Whittingham  
P W Whittle, JP

**Deputies:** T M Cartwright

J M Englefield

K D Evans

J S Forrest

Mrs K K Trott



**1. Apologies for Absence**

**2. Minutes of Previous Meeting (Pages 1 - 12)**

To confirm as a correct record the minutes of the meeting of the Planning Committee held on 30 January 2013.

**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. Development Control - Planning Applications and Miscellaneous Matters including an update on Planning Appeals**

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

**ZONE 1 - WESTERN WARDS**

*Park Gate, Titchfield, Sarisbury, Locks Heath, Warsash and Titchfield Common*

**(1) N/13/0001 - PROPOSED CINEMA SITE - WHITELEY WAY - WHITELEY HAMPSHIRE (Pages 13 - 18)**

**(2) P/12/0936/VC - LOCKS HEATH SPORTS & SOCIAL CLUB 419 WARSASH ROAD FAREHAM (Pages 19 - 28)**

**(3) P/12/0974 /FP - LAND AT PETERS ROAD LOCKS HEATH (Pages 29 - 40)**

**(4) P/12/0994/FP - EASTLANDS BOATYARD - EASTLANDS - COAL PARK LANE SWANWICK (Pages 41 - 48)**

**(5) P/13/0006/FP - 18 FRIARS POND ROAD FAREHAM (Pages 49 - 52)**

**(6) P/13/0051/FP - 12 LAWSON CLOSE SWANWICK (Pages 53 - 56)**

**(7) P/13/0060/OA - 18 LOCKS HEATH PARK ROAD LOCKS HEATH (Pages 57 - 62)**

**ZONE 2 - FAREHAM**

*Fareham North-West, Fareham West, Fareham North, Fareham East and Fareham South*

**(8) P/12/1017/VC - MANOR LODGE 3 CHURCH PATH FAREHAM (Pages 63 - 68)**

- (9) **P/12/1040/TO - 17 PEAK DRIVE FAREHAM** (Pages 69 - 72)
- (10) **P/12/1056/FP - UNITY BUILDINGS FORT FAREHAM INDUSTRIAL SITE FAREHAM** (Pages 73 - 76)
- (11) **P/13/0038/FP - 52 BLACKBROOK PARK AVENUE FAREHAM** (Pages 77 - 80)

### **ZONE 3 - EASTERN WARDS**

*Portchester West, Hill Head, Stubbington and Portchester East*

There were no applications for consideration in Zone 3.

- (12) **Planning Appeals** (Pages 81 - 88)

#### **7. Urgent Matters**

To consider any late development control matters which are deemed to be urgent and cannot await the next scheduled meeting of the Committee.

*(Note: Members will be informed prior to the meeting of any such matters)*

#### **8. Planning Appeals** (Pages 89 - 94)

To consider a report by the Director of Planning and Environment which provides a summary of the appeal decisions received during the period 1 April 2012 to 31 January 2013

P GRIMWOOD  
Chief Executive Officer

Civic Offices  
[www.fareham.gov.uk](http://www.fareham.gov.uk)  
19 February 2013

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

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# FAREHAM

BOROUGH COUNCIL

## Minutes of the Planning Committee

(to be confirmed at the next meeting)

**Date:** Wednesday, 30 January 2013

**Venue:** Collingwood Room - Civic Offices

**PRESENT:**

N J Walker (Chairman)

A Mandry (Vice-Chairman)

**Councillors:** P J Davies, M J Ford, JP, R H Price, JP, D M Whittingham and  
P W Whittle, JP

**Also  
Present:**



**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors B Bayford and D C S Swanbrow.

**2. MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the meeting of the Planning Committee held on 19 December 2012 be confirmed and signed as a correct record.

**3. CHAIRMAN'S ANNOUNCEMENTS**

None

**4. DECLARATIONS OF INTEREST**

There were no declarations of interest made at the meeting.

**5. DEPUTATIONS**

The Committee received deputations from the following in respect of the applications indicated and the deputees were thanked accordingly:-

Name	Spokesperson representing the persons listed	Subject	Supporting or Opposing the Application	Minute No/ Application No
<b>ZONE 1</b>				
Mr R Reay		Land rear of 397-409 Hunts Pond Road, Fareham – Erection of 29 dwellings, access and parking (outline application)	<b>Supporting</b>	3 P/12/0843/OA
Ms Y Strange		51 Pound Gate Drive, Titchfield Common – Rebuild car port with addition of pitched roof	<b>Opposing</b>	4 P/12/0901/FP

DECISIONS UNDER DELEGATED POWERS

AT THE REQUEST OF THE CHAIRMAN AND WITH THE CONSENT OF THE COMMITTEE, IT WAS AGREED THAT AGENDA ITEM 6 BE CONSIDERED LATER IN THE MEETING

**6. DEVELOPMENT CONTROL - PLANNING APPLICATIONS AND MISCELLANEOUS MATTERS INCLUDING AN UPDATE ON PLANNING APPEALS**

The Committee noted a report by the Director of Planning and Environment on development control applications and miscellaneous matters, including the current situation regarding planning appeals. An Update Report was tabled at the meeting.

**(1) N/12/0010 - LAND OFF LADY BETTY'S DRIVE WHITELEY**

Councillor Price declared an interest in this application as a County Councillor. Upon being proposed and seconded, the officer recommendation to raise no objection, subject to:-

- (i) the comments of The Director of Regulatory and Democratic Services (Environmental Health)
- (ii) a request for sprinklers to be provided in the temporary units

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

RESOLVED that subject to:-

- (i) the comments of The Director of Regulatory and Democratic Services (Environmental Health)
- (ii) a request for sprinklers to be provided in the temporary units

NO OBJECTION be raised.

**(2) P/12/0778/CU - LAND TO SOUTH WEST - BURRIDGE ROAD**

The Committee was referred to an amendment in the report which updated all references to the Race Relations Act to read the Equalities Act.

Upon being proposed and seconded, the officer recommendation that planning permission would have been refused for the reasons set out in the report, was voted on and CARRIED  
(Voting 8 in favour; 0 against).

RESOLVED that, if the Council could have determined the application it would have REFUSED PERMISSION for the reasons set out in the report.

Policies: -Approved Fareham Borough Core Strategy: CS4 - Green Infrastructure, Biodiversity and Geological Conservation CS14 - Development Outside Settlements CS15 - Sustainable Development and Climate Change CS16 - Natural Resources and Renewable Energy CS17 - High Quality Design CS19 - Gypsies, Travellers and Travelling Show People CS20 - Infrastructure and Development Contributions.

**(3) P/12/0843/OA - LAND TO REAR FAREHAM, 397-409 HUNTS POND ROAD**

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

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

- (i) the comments of the Director of Planning and Environment (Ecology) and the Director of Community (Strategic Housing) and any conditions they may recommend;
- (ii) the applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 with the Council on terms drafted by the Solicitor to the Council to secure a financial contribution towards off-site public open space and/ or facilities, retention of open space, transfer of open space together with suitable maintenance figure, secure access to land to the south.
- (iii) the applicant/owner first entering into a planning obligation pursuant to section 106 of the Town and Country Planning Act 1990 with Hampshire County Council to secure the transfer of the ecological exclusion zone and associated maintenance figure and a highway contribution towards the signalisation/capacity improvements at the A27/St Margaret's roundabout, capacity improvements on the remainder of the A27 corridor within Fareham, highway improvements in Hunts Pond Road and improved pedestrian and cycle linages to the wider network by 31 March 2013.
- (iv) the conditions in the report and
- (v) an affordable housing condition to secure: 4 x 2 bedroom flats and 2 x 3 bedroom houses as affordable homes.

was voted on and CARRIED  
(Voting 6 in favour; 2 against).

RESOLVED that subject to:-

- (i) the applicant/owner first entering into a planning obligation with the Council under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council to secure a financial contribution towards off-site public open space and/ or facilities, retention of open space, transfer of open space together with suitable maintenance figure, secure access to land to the south.
- (ii) the applicant/owner first entering into a planning obligation pursuant to section 106 of the Town and Country Planning Act 1990 with Hampshire County Council to secure the transfer of the ecological exclusion zone and associated maintenance figure and a highway contribution towards the signalisation/capacity improvements at the A27/St Margaret's roundabout, capacity improvements on the remainder of the A27 corridor within Fareham, highway improvements in Hunts Pond Road and improved pedestrian and cycle linages to the wider network by 31 March 2013.



(iii) the conditions in the report and

(iv) affordable housing condition to secure 4 x 2 bedroom flats and 2 x 3 bedroom houses as affordable homes.

OUTLINE PLANNING PERMISSION be granted.

Reasons for the Decision - The development is acceptable taking into account the above policies and proposals of the Development Plan. The proposal is not considered to result in unacceptable impacts upon the streetscene or character of the area, the amenities of neighbouring properties, highway safety or have ecological implications. Other material considerations being judged not to have sufficient weight to justify a refusal of the application, and, where applicable, conditions having been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - Approved Fareham Borough Core Strategy - CS2 - Housing Provision, CS5 - Transport Strategy and Infrastructure, CS6 - The Development Strategy, CS15 - Sustainable Development and Climate Change, CS17 - High Quality Design, CS18 - Provision of Affordable Housing, CS20 - Infrastructure and Development Contributions and Protection and Provision of Open Space.

**(4) P/12/0901/FP - 51 POUND GATE DRIVE TITCHFIELD COMMON**

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

A motion was proposed and duly seconded that the application be refused. Upon being put to the vote the motion was CARRIED.  
(Voting 8 for refusal; 0 against refusal).

RESOLVED that planning permission be REFUSED

Reasons for the Decision - The proposed development is contrary to Policy CS17 of the adopted Fareham Borough Core Strategy and is unacceptable in that by virtue of its height and bulk, in particular that of its roof, the proposed car port would further enclose the rear garden of the adjacent dwelling 5 The Farthings and reduce the light available to that property to the detriment of the living conditions of the occupiers.

Policies - Approved Fareham Borough Core Strategy - CS17 - High Quality Design.

**(5) P/12/0993/TO - LAND SOUTH OF MONTEREY DRIVE, LOCKS HEATH**

Upon being proposed and seconded, the officer recommendation to grant planning permission, subject to conditions in the report, was voted on and CARRIED  
(Voting 7 in favour; 1 against).

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

**(6) P/12/0996/FP - SPRINGFIELDS BROWNWICH LANE FAREHAM**

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

(Voting 8 in favour; 0 against).

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

Reasons for the Decision - The development is acceptable taking into account the policies of the Local Plan as set out in this report. The proposal is not considered likely to result in an impact on the amenity of adjoining occupiers and the character of the area. There are no other material considerations that are judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - Approved Fareham Borough Core Strategy - CS14 - Development Outside Settlements, CS15 - Sustainable Development and Climate Change, CS17 - High Quality Design and CS22 - Development in Strategic Gaps.

**(7) P/12/0901/CU -UNIT 18A FAREHAM FORT FAREHAM INDUSTRIAL ESTATE**

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

(Voting 8 in favour; 0 against).

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

Reasons for the Decision - The development is acceptable taking into account the policies and proposals of the Development Plan as set out above. The proposal is not considered to result in unacceptable impacts upon the streetscene or character of the area, or upon the living conditions of neighbouring properties, or on the local highway network, other material considerations being judged not to have sufficient weight or direction to justify a refusal of the application, and, where applicable, conditions having been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - Approved Fareham Borough Core Strategy - CS17 - High Quality Design and CS5 - Transport Strategy and Infrastructure

**(8) P/12/0927/FP - 82 HIGHLANDS ROAD FAREHAM**

Upon being proposed and seconded, the officer recommendation to grant planning permission, subject 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 contribution towards off-site public open space facilities and highway infrastructure by 28 February 2013
- (ii) the conditions in the report

was voted on and CARRIED  
(Voting 5 in favour; 3 against).

RESOLVED that subject 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 contribution towards off-site public open space facilities and highway infrastructure by 28 February 2013
- (ii) the conditions in the report

PLANNING PERMISSION be granted.

Reasons for the Decision - The development is acceptable taking into account the policies of the Development Plan as set out in this report. The proposal is not considered likely to result in any significant impact on the amenity of adjoining occupiers, the character of the area, highway safety or ecology. There are no other material considerations that are judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - Approved Fareham Borough Core Strategy - CS2 - Housing Provision, CS5 - Transport Strategy and Infrastructure, CS6 - The Development Strategy, CS7 - Development in Fareham, CS15 - Sustainable Development and Climate Change, CS17 - High Quality Design and CS20 - Infrastructure and Development Contributions.

**(9) P/12/0968/FP - 80 ABBEYFIELD DRIVE FAREHAM**

Upon being proposed and seconded, the officer recommendation to grant planning permission, subject to conditions in the report, was voted on and CARRIED  
(Voting 8 in favour; 0 against).

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

Reasons for the Decision - The development is acceptable taking into account the policies and proposals of the Development Plan as set out above. The proposed extension would not harm the amenities of neighbours, the appearance of the dwelling or the character of the streetscene. There would be no implications for parking provision on the site which would remain at an acceptable level. Other material considerations are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - Approved Fareham Borough Core Strategy - CS17 - High Quality Design.

**(10) P/12/1039/TO - 67 THE AVENUE FAREHAM**

The Committee was referred to the Update Report which provided the following information – *One further letter has been received within the public consultation period. The letter raises an objection to the application with the following additional points to those summarised in the Officer report:*

- *The tree has had its crown considerably reduced two years ago and has recovered and is in full leaf each summer.*
- *Healthy mature trees can withstand an attack of honey fungus and continue to grow satisfactorily for many years*
- *The tree could be fenced off and an alternative area in the existing fenced off portion of the site used by nursery children.*

The Committee were also advised that the officers report under the heading “Planning Considerations –Key Issues” should read: *The public amenity value of the tree is not outweighed by the need for action to address the health and safety threat posed as a result of the tree’s poor condition.*

Upon being proposed and seconded, the officer recommendation to grant consent, subject to conditions in the report, was voted on and CARRIED (Voting 5 in favour; 2 against, 1 abstention).

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

Reason for the Decision - The public amenity value of the tree is not outweighed by the need for action to address the health and safety threat posed as a result of the tree’s poor condition.

**(11) P/12/0964/ FP -60 NEWGATE LANE FAREHAM**

Upon being proposed and seconded, the officer recommendation to grant planning permission, subject to conditions in the report, was voted on and CARRIED (Voting 8 in favour; 0 against).

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

Reasons for the Decision - The development is acceptable taking into account the policies of the Local Plan as set out in this report. The proposal is not considered likely to result in an impact on the amenity of adjoining occupiers and the character of the area. There are no other material considerations that are judged to have sufficient weight to justify a refusal of the application and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - Approved Fareham Borough Core Strategy - CS17 - High Quality Design, CS14 - Development Outside Settlements and CS22 - Development in Strategic Gaps.

#### **(12) P/12/0984/FP - 64 CASTLE STREET PORTCHESTER**

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

(Voting 8 in favour; 0 against).

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

Reasons for the Decision - The development is acceptable taking into account the policies of the Local Plan as set out in this report. The proposal is not considered likely to result in an impact on the amenity of adjoining occupiers and the character of the area. There are no other material considerations that are judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - Approved Fareham Borough Core Strategy - CS17 - High Quality Design.

#### **(13) Planning Appeals**

The Committee noted the information in the report.

#### **(14) UPDATE REPORT**

The update report was tabled at the meeting and considered with the relevant agenda items.

### **7. URGENT MATTERS**

There were no urgent matters for consideration.

### **8. TREE PRESERVATION ORDERS**

**(1) TPO 650 - Danehurst Place & Monterey Drive, Locks Heath**

Order made on 23 November 2012 covering 17 No. individual trees (15 No. Oak & 2 No. Pine), three groups (G1 - 6 No. Oak trees; G2 - 11 No. Oak trees & 1 No. Lime tree; G3 - 7 No. Oak trees) and one woodland (W1 comprising mixed broadleaves).

RESOLVED that:-

- (a) Fareham Tree Preservation Order (FTPO) 650 with modification to the description for G2, which should read '*Rear gardens of 7 & 8 Danehurst Place and west boundary of 36 Monterey Drive*'. The description for T16 to e modified to read "Rear garden of 5 Monterey Drive".
- (b) Fareham Tree Preservation Order No 650 be confirmed; and
- (c) Fareham Tree Preservation Orders No. TPOs No.35, No.158, No.164 and No. 246 be revoked, as all the trees in the older Orders have, where appropriate, been included in the new Order and in TPOs No.657 and No.674 which were made recently.

**(2) TPO 653 - 36 & 38 Burnt House Lane and 11, 12, 15 & 17 Ennerdale Road, Stubbington**

Order made on 16 November 2012 covering 9 No. individual oak trees.

RESOLVED that:-

- (a) Fareham Tree Preservation Order (FTPO) 653 with modification to the description for T2, which should read '*Rear garden of 38 Burnt House Lane*'.
- (b) Fareham Tree Preservation Order No 653 be confirmed; and
- (c) Fareham Tree Preservation Order No. 36 be revoked, as all the trees in the older Order have, where appropriate, been included in the new Order.

**(3) TPO 676 - Grosvenor Court, Gosport Road, Stubbington**

Order made on 9 November 2012 covering 2 No, individual oak trees.

RESOLVED that:-

- (a) Fareham Tree Preservation Order No 676 be confirmed; and
- (b) Fareham Tree Preservation Order No. 85 be revoked, as all the trees in the older Order have, where appropriate, been included in the new Order.

(The meeting started at 2.30 pm  
and ended at 4.00 pm).

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**N/13/0001**

**WINCHESTER**

WHITELEY CO--OWNERSHIP

AGENT: TERENCE O'ROURKE

DEVELOPMENT COMPRISING 9 SCREEN MULTIPLEX CINEMA AND 2633SQ METRES OF SUPPORTING GROUND FLOOR UNITS WITHIN USE CLASSES A3, A4, D1 AND D2; ADJUSTMENTS TO THE LANDSCAPING AND CAR PARKING PROVISION, INTRODUCTION OF AN ACOUSTIC FENCE AND ASSOCIATED ANCILLARY WORKS AT WHITELEY TOWN CENTRE

PROPOSED CINEMA SITE - WHITELEY WAY - WHITELEY HAMPSHIRE

### ***Report By***

Susannah Emery Ext 2412

### ***Introduction***

This authority has been consulted on a planning application comprising a nine screen multiplex cinema and 2633sq metres of supporting ground floor units within use classes A3, A4, D1 and D2; adjustments to the landscaping and car parking provision, introduction of an acoustic fence and associated ancillary works at Whiteley Town Centre. The site lies outside the Borough of Fareham within the administrative area of Winchester City Council.

### ***Site Description***

This application relates to an area of land immediately to the north west of the Whiteley Town Centre site. The site is currently partially laid out as car parking which would be brought into use when the centre reopens. The existing Tesco store and associated car park lies to the east of the application site, the petrol filling station to the north, with an area of public open space and the Meadows Leisure Centre to the south and west. There are residential properties to the north of the application site accessed via Bluebell Way which are located a minimum of 62.5 metres from the proposed building.

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

This application comprises a second phase to the redevelopment of Whiteley Town Centre which is currently under construction and due to open in May 2013. The town centre includes a mix of retail and restaurant operators and this application seeks to expand the leisure component in the town centre through the provision of a nine screen multiplex cinema and additional restaurant space together with the option of other associated uses.

The ground floor units would provide 2633 square metres of leisure space within use classes A3 (Restaurants/Cafe), A4 (Drinking Establishments), D1 (Non residential Institutions) and D2 (Assembly & Leisure). This could include a creche, health club or childrens indoor play facility. There would also be scope for alfresco dining associated with the cafes and restaurants to the front of the building. The cinema would be located above at first floor level.

The building has been designed as a continuation of the retail frontage of the main street of the town centre. It would provide an active frontage overlooking the car park to the north making it clearly visible when entering the site from the existing access off Bluebell Way. It is suggested that the building has been designed with regard to the scale and mass of the surrounding town centre buildings and that it would not be out of context with the permitted scheme.

The site was included within the permitted scheme (10/02481/FUL) as surface level car parking to serve the town centre redevelopment. This proposal would reduce the number of parking spaces by 183, leaving 1,356 spaces to serve the town centre. The Transport Assessment submitted with the application concludes that the proposed parking provision would still be more than capable of accommodating the vehicle trips forecast to be generated by the entire site, suggesting that demand will typically only reach 70% at peak times.

Existing boundary planting would be retained and additional on site planting would be introduced immediately to the front and western side of the cinema. A new 3 metre high acoustic fence is proposed to screen noise impact from the development to residential properties to the west of the site. The existing western boundary is marked by hedgerow planting approx 3.5m in height which would be retained.

It is likely that the ground floor uses would have similar opening hours to the commercial and retail uses within Whiteley town centre. The cinema operator is seeking the flexibility to open the cinema between 8.30am and 00.30am on Sunday to Thursday; and on Fridays & Saturdays between 8.30am - 2 am.

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

10/02481/FUL

Redevelopment of Whiteley town centre to provide:

1. 22,489 square metres of A1 retail shops, 5,000 square metres of a mixture of A2/A3/A4/A5 (financial and professional services, food and drink, public houses/wine bars/other drinking establishments and takeaways), D1/ D2 (non residential institutions/ assembly and leisure) uses, town centre managers office, public conveniences, associated public squares, plazas, car and cycle parking, servicing areas and landscaping;
2. Improvements to Whiteley Way to include a new roundabout, 2 x 2 bay bus laybys, bus shelter, pedestrian crossing point, footpath and cycleway; part provision of cycleway along Bluebell Way to link to facility to be provided by adjacent residential development;
3. Alterations and extensions to Meadowside recreation centre, including new entrance foyer and canopy

Permission 1 February 2011

### ***Representations***

Carried out by Winchester City Council

### ***Consultations***

Director of Planning and Environment (Planning Policy) - The main issues with this proposal is the impact it will have on Fareham Town Centre, and whether or not the proposal is of a suitable scale for its proposed location.

### ***Impact***

The supporting "Cinema Statement" agrees that there will be significant overlap with the catchment area of the cinema in Fareham Town Centre (80% is stated in appendix 2), but argues that the NPPF supports healthy competition. The statement quotes that cinema's can co-exist, offering Southampton as an example, but the city of Southampton is of a totally different scale with a much larger population and with far better public transport links that Whiteley and Fareham. It is also important to note that all three of the cinema's in

Southampton are located within easy walking distance of the City Centre, and therefore all three offer a supplementary offer to that Centre. The difference here is that Whiteley now offers a completely different draw from Fareham, and people will now visit the cinema here instead of Fareham thus lowering overall visitor numbers to Fareham Town Centre.

In terms of its impact on Fareham; the previously permitted scheme was purely retail led, and whilst it would undoubtedly impact upon footfall in Fareham Town Centre, there was little evidence that any "evening" or "night-time" economy would be present. This new proposal changes this position significantly and Whiteley will now not only compete for daytime shoppers, but will become a serious competitor in terms both leisure provision and an evening venue in the sub-region. The recent GVA Retail Study shows that the catchment area of Fareham Town Centre is not just Fareham, but the Western Wards, Portchester and the rural area north of Fareham as well. Given the location of Whiteley's new Centre so close to Junction 9, and that it offers free parking, the additional screens at the proposed cinema and the scale of "supporting uses" will unquestionably eat into Fareham's catchment area in terms of leisure provision in the short-term. In the medium-long term this could potentially have a detrimental effect on the viability of the cinema in Fareham, but also the vitality of the evening economy and the ability to attract new A3 uses in the Henry Cort area, as set out as an objective in Fareham's draft Development Sites & Policies Plan.

The new uses will turn Whiteley into an "all-day" attraction, similar in offer to Gunwharf, and will give more reason to visit it over and above other the Centres in the Borough as well. Whilst Locks Heath does not currently have much of an evening economy, the proposals at Whiteley may directly influence the viability of any future plans for Locks Heath to compete in this market, and to attract potential occupiers. This is also true of the new District Centre in the New Community North of Fareham, where any plans for including evening or leisure uses may become unviable in the face of such strong competition that is so close via the M27.

## Scale

Whilst it is conceded that Winchester is designated as a "Town Centre" in the Winchester Local Plan Review, however it cannot be considered to be of similar significance in the sub-region as Fareham Town Centre. Fareham Town Centre has around 90,000sq.m of commercial floorspace within its boundary and holds a 5 screen cinema, it is difficult, therefore, to argue that 29,000sq.m of commercial floorspace at Whiteley merits a 9 screen cinema. In essence this proposal is of a "city-scale" and will inevitably draw cinema goers from everywhere between Portsmouth and Southampton due to the variety of films it can show at one time, coupled with the attraction of free parking and adjacent restaurant facilities. This new proposal will make Whiteley even more of a draw to people, and will extend its "core" business hours into the evenings with people coming (or staying) to eat or watch a film.

The capacity analysis in the "Cinema Statement" is questioned as all the necessary data is not available. The "capacity for new screens" has been derived from the indicative catchment area, but there is no map of what this will actually be. This is important as the defined catchment area will show which areas (and cinemas) have been included and which have not, widening the catchment area to include Southampton and Portsmouth may show a reduced need due to increased numbers of screens, whilst reducing the catchment area will also reduce the need due to a smaller population base. Until a map of the catchment area used to create this table is produced it is difficult to attach any merit to the figures it

produces.

Whilst it is conceded that there is likely to be a need for some new screens in the general western part of Fareham/Whiteley/Bursledon/Hamble area it is considered unlikely that 9 screens will be necessary to serve this catchment area. Therefore the proposal is looking specifically to maximum trade draw from neighbouring centres, most noticeably Fareham Town Centre.

## Conclusion

Overall, this proposal significantly changes the offer of Whiteley, changing it from purely a shopping venue, to an "all-day" attraction. This poses a very real threat to the vitality and viability of the leisure offer and evening economy in Fareham Town Centre, but also any future plans to provide such uses in both Locks Heath and the New Community North of Fareham.

The supporting evidence submitted with the application makes it clear that the majority of the catchment area of this city scale proposal is the current catchment area of the cinema in Fareham. Given the larger number of screens available this proposal, over the long term, raises serious questions of the viability of the cinema in Fareham. This, in turn, has wider implications for the Centre as a whole. The evidence used to support the reasons behind the scale of development is considered incomplete as no visual representation of the catchment area used to define the need has been submitted.

In conclusion this proposal is considered to be out of scale with a settlement and Centre of the size of Whiteley and is based on incomplete evidence. Were this to be permitted it is likely to have a seriously detrimental impact on the long term viability of Fareham Town Centre's existing cinema and will have further ramifications on the night time economy of Fareham as well as any likely future proposals in all of the Borough's Centres.

### ***Planning Considerations - Key Issues***

Fareham Borough Council previously raised objection to the redevelopment of Whiteley Centre into a more traditional town centre on the following grounds:

- i) Would have a serious adverse impact upon the vitality and viability of Fareham Town Centre and undermine its ability to function as a Sub- Regional Centre in accordance with the South Hampshire strategy for main town centre uses.
- ii) Would severely undermine the delivery of an appropriately scaled and diverse district centre for the future North of Fareham Strategic Development Area as identified in the South Hampshire strategy for main town centre uses.
- iii) Was over-scaled with regard to the purpose and function of the centre to serve the needs of the local Whiteley population and is therefore contrary to the South Hampshire strategy for main town centre uses.

On two occasions the Council formally requested that the application be called in for a decision by the Secretary of State. Both requests were declined. This came as a considerable disappointment to this Council, in light of the likely significant harm which would arise from the scale of the redevelopment proposed at Whiteley Village.

It is considered that the current proposal to erect a 9-screen cinema together with additional leisure space will further undermine Fareham Town Centre and that it is not appropriate to serve the needs of the local Whiteley population.

Taking the above into account, Officers recommend that this Authority should object to the proposal as it is considered to be out of scale with a settlement and Centre of the size of Whiteley and is based on incomplete evidence. Were this to be permitted it is likely to have a seriously detrimental impact on the long term viability of Fareham Town Centre's existing cinema and will have further ramifications on the night time economy of Fareham as well as any likely future proposals in all of the Borough's Centres.

### ***Recommendation***

Fareham Borough Council objects to a nine screen multiplex cinema and 2633sq metres of supporting ground floor units within use classes A3, A4, D1 and D2; adjustments to the landscaping and car parking provision, introduction of an acoustic fence and associated ancillary works at Whiteley Town Centre, on the following grounds:

i) the proposal is considered to be out of scale with a settlement and Centre of the size of Whiteley and is based on incomplete evidence. Were this to be permitted it is likely to have a seriously detrimental impact on the long term viability of Fareham Town Centre's existing cinema and will have further ramifications on the night time economy of Fareham as well as any likely future proposals in all of the Borough's Centres.

In addition to the above recommendation, Officers recommend that in the event that Winchester City Council resolves to grant planning permission, Fareham Borough Council requests the Secretary of State to direct Winchester City Council to refer the application to him for decision.

### ***Background Papers***

N/13/0001

### ***Updates***

Typing mistake: Page 7, first line of paragraph entitled 'Scale' - should read, 'Whilst it is conceded that Whiteley is designated as a .....



# FAREHAM

## BOROUGH COUNCIL



Proposed Cinema Site  
Whiteley  
Scale 1:2500

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**P/12/0936/VC**

LOCKS HEATH FOOTBALL CLUB

**TITCHFIELD COMMON**

AGENT: LOCKS HEATH  
FOOTBALL CLUB

VARIATION OF CONDITIONS 1 & 2 APPLIED TO P/01/01387/VC TO ALLOW USE OF FLOODLIGHTS FOR TRAINING AS WELL AS MATCHES AND ON 72 OCCASIONS PER ANNUM

LOCKS HEATH SPORTS & SOCIAL CLUB 419 WARSASH ROAD FAREHAM  
HAMPSHIRE PO14 4JX

### ***Report By***

Richard Wright x2356

### ***Site Description***

The application site comprises the northern half of the recreation ground located between Hunts Pond Road and Warsash Road. The recreation ground, together with the allotments along Hunts Pond Road to the immediate north, is designated within the borough proposals map as being Existing Open Space whilst also being within the urban area.

The northern half of the recreation ground includes a football pitch which is surrounded by low level barriers. A total of eight flood lights mounted on 15 metre high poles are located at points with two on each side of the pitch.

Immediately adjacent to the application site to the north are allotments and to the south the remainder of the recreation ground, including a cricket square, a sports and social club building, pavillion and small hall as well as a car park. A public footpath runs around the north and eastern sides of the recreation ground.

To the immediate west of the recreation ground lie a number of residential properties within The Farthings and Poundgate Drive. To the east of the ground are houses on Warsash Road and Hunts Pond Road as well as infill development at the rear of those dwellings.

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

Permission is sought to vary conditions 1 & 2 of planning permission P/01/1387/VC to allow the use of the flood lights at the ground for training as well as matches and on up to 72 occasions each year.

### ***Policies***

The following policies apply to this application:

#### **Approved Fareham Borough Core Strategy**

CS21 - Protection and Provision of Open Space

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

The following planning history is relevant:

**P/11/0980/VC**

**VARIATION OF CONDITIONS APPLIED BY REF P/01/1387/VC TO  
FACILITATE INCREASED HOURS OF FLOODLIGHT OPERATION  
WITHDRAWN 06/12/2011**

**P/01/1387/VC**      **Variation of Condition 4 of P/99/0298/FP (Hours and Occasions when Floodlights may be Used)**

PERMISSION      19/02/2002

**P/99/0298/FP**      **Erection of Eight 15 metre high Floodlighting Columns.**

PERMISSION      07/03/2000

***Representations***

Fifteen letters have been received, predominantly from residents living near to the recreation ground, objecting to the application on the following grounds:

- Light and noise nuisance
- Use of offensive language
- Vehicle nuisance from car park
- Inconsiderate parking in nearby roads
- Increased traffic
- Litter
- Poor condition of pitch
- Will make the ground unavailable to other users

Twenty-six letters have been received from elsewhere in the borough and the wider area in support of the application with the following comments:

- Benefit to whole community
- Positive effect of football on health and providing activities for young people
- Necessary for the club's future success and development
- Will help prevent anti-social behaviour in the car park
- Football pitch was there before nearby houses

***Consultations***

Director of Planning & Environment (Highways) -

As there are no implications for transport or highways, no highway objection is raised to this proposal.

Director of Regulatory & Democratic Services (Environmental Health) -

Until very recently the use of the flood lights has not been a source of nuisance complaint to this department. However, a current complaint relates to the flood lights being left on after a match for the purposes of pitch maintenance. This case will be closed shortly as nuisance monitoring forms have not been returned.

There is no objection to the use of the flood lights for training. However, to increase the permitted number of times threefold to 72 occasions may result in complaints particularly in respect of noise. Complaints may arise associated with the entry and exit of cars, referees/training whistles, voices, cheering, etc. and possibly the lighting levels. From experience the types of noise mentioned are less able to be defined as a statutory nuisance enforceable by local authorities than say loud amplified music but they may cause similar annoyance and distress to local residents. The increased intensity of use may well stretch the tolerance of local residents who up until now have not complained.

Director of Community (Leisure) -



The Leisure & Community Team have been involved in ongoing dialogue with the Locks Heath football Club Chairman with regards to the clubs ambition to progress to a higher league. The main issue being that the league regulations require development of the infrastructure to create a more formal football stadium facility.

While the Council is seeking to support the club with their ambitions, the problem has been that as public open space, there is limited opportunity to redevelop the Locks Heath Recreation Ground without compromising public access to the site and inconveniencing local residents.

It is understood that the original planning application for floodlighting on the site was granted with restrictions to take account of the fact that the site was public open space and had adjacent residential neighbours.

It is not unreasonable that the club should have the opportunity to extend the number of occasions that the floodlighting can be used, however it would be appropriate to have conditions that specified the extent of the use permitted. This would allow residents to understand the extent of the use and help to manage the more intensive use of the pitches, the maintenance of which remains a Council responsibility.

With this in mind a temporary permission would be supported which would enable a trial period after which any issues and concerns could be considered and addressed accordingly.

### ***Planning Considerations - Key Issues***

#### **i) Existing terms of use of flood lights**

Planning permission was originally granted in March 2000 for the erection of the eight 15 metre high columns and flood lights (ref P/99/0298/FP). Subsequent permission was granted in February 2002 for an increase in usage of the lights from 15 to 25 occasions per calendar year, the conditions imposed at the time still being in effect today (ref P/01/1387/VC).

Condition 1 restricts usage of the flood lights for football matches only (and explicitly states that they shall not be used for training or any other purpose).

Condition 2 limits the number of occasions the lights can be used during any one calendar year to 25.

Condition 3 gives the permitted hours of operation of the lights to be between 1530 - 2200 hours.

Condition 4 caps the use of the lights to three and a half hours at a time.

Condition 5 states that the luminance levels from the flood lights should not exceed that set out in the original planning permission.

The comments received from the Council's Environmental Health Officer above note that, with the exception of a recent complaint relating to the flood lights being left on after a match for the purposes of pitch maintenance, the lights have not been a source of nuisance complaints to the Council.

## ii) Proposed flood light usage

This planning application has been submitted on behalf of Locks Heath Football Club. The planning statement submitted by the club in support of their application explains that, following the clubs development and expansion to four teams in recent years, the restrictions placed on the use of the flood lights are making it increasingly difficult for the club to function properly.

The proposal is to increase the use of the flood lights so it can be used for training purposes as well as football matches. It is understood that, due to the restrictions in place, the teams currently use alternative facilities nearby. To be able to use the flood lit ground at Warsash Road for training sessions would be of obvious financial and practical benefit to the club.

It is also proposed to increase the number of times the lights may be used from 25 occasions a year to 72. This is in part due to the desire to use the pitch and lights for training purposes. It is also a result of issues to do with the number of matches each of the four teams play throughout the year and the occasional need to reschedule matches to be replayed of an evening, for example due to bad weather or pitch conditions.

The club have not submitted details of the exact dates and times when they intend to use the flood lights as this would obviously vary from season to season and cannot be anticipated far in advance. Instead the club's proposal is intended to offer flexibility in order to be able to respond to the changing needs of the club in the future. However, as an example the proposed usage would equate to the flood lights being used on 2 - 3 occasions per week through the months of October to March inclusive. The club's website indicates that matches played on Saturdays typically begin at 1330, 1400 or 1500 meaning that over the course of a 90 minute match the flood lights would most likely be needed at certain times of the year. It is therefore not anticipated that the flood lights would only be used in the evenings during the mid-week.

## iii) Recreational function of the site

The site forms part of the designated open space of the recreation ground and adjacent allotments. Policy CS21 (Protection and Provision of Open Space) of the adopted Fareham Borough Core Strategy sets out the Council's position to "safeguard and enhance existing open spaces... to add value to their recreational functions". The proposal therefore is considered to accord with this policy in that the flood lights at the recreation ground allow it to be used more intensively and at times when ordinarily such use would not be possible. It is acknowledged that football is just one of the many types of activity which could take place on the recreation ground. Notwithstanding, the proposal itself aims to bring the ground into use when it is too dark for most other uses to occur in any case and so Officers do not see that there is necessarily any conflict between the various uses of the application site and wider designated open space.

The application has received twenty-six letters of support from members of the local and wider community. The comments made have been noted by Officers and clearly the benefit of enhanced recreational facilities to residents of the borough is an important material consideration which should be given weight accordingly.

## iv) Effect on living conditions of neighbours

The proposed increase in usage of the flood lights must be considered carefully with

regards to the potential impact on those residents living nearby.

The planning conditions subject of this application refer directly to Policy DG1 of the Fareham Borough Local Plan Review which was not saved following the introduction of the Fareham Borough Core Strategy. Nonetheless, matters of noise and light pollution are still important material planning considerations as emphasised in paras 123 & 125 respectively of the National Planning Policy Framework (NPPF).

It is noted that the majority of the letters of objection received have come from those residents living closest to the recreation ground. The main concerns were over increased disturbance through the luminance of the flood lights and noise from vehicles and footballers themselves. As already noted, the Council's Environmental Health Officer has reported that to date the use of the flood lights has not resulted in any complaints to their office. Notwithstanding the letters of objection received and reports of some of the problems currently encountered, there would appear to be agreement amongst those closest that the current controls in place are "tolerable", "reasonable" and have "generally worked well in striking a fair balance". It would also appear that, with perhaps the exception of one or two properties immediately adjacent to the ground, the principal amenity issue is not light but noise. The nature of the proposal means that the lights would be used principally in the evening time at low sunlight during the late autumn/winter/early spring months. It is unlikely that residents would wish to spend a protracted amount of time in their gardens in such conditions and so would more likely be indoors.

Taking the above points into account Officers consider on balance that, subject to conditions being imposed in mitigation, the effect of the increased usage of the lights would not be materially harmful to the living conditions of residents over and above the level of disturbance already being experienced. Full details of the conditions suggested by Officers are given below. By restricting certain aspects of the increased use other than the number of occasions and type of use, the effect on residents nearby can be reduced to the extent that it would still be unlikely to result in any complaints to the Council which could be identified as relating to a statutory nuisance.

#### v) Parking congestion

A number of neighbours living close to the recreation ground have raised the issue of parking congestion with the suggestion being that people attending football matches have used nearby roads to park in to the inconvenience of residents.

The recreation ground has a car park available for use. The car park is of a reasonable size and the Council's Highways adviser has not raised any concerns over its capacity. It is noted that residents claim that on some occasions the car park has not been made available during football matches as the barrier has been in place however Officers consider there is no reason why it should not be used to its full extent which would consequently reduce any pressure for street parking in the vicinity. It is acknowledged that the car park is used by others however it is unlikely that the times when the football club are making use of the flood lights in the evening would frequently coincide with other uses which themselves would attract large numbers of vehicles. Furthermore, it is anticipated that the use of the pitch for training sessions would be less likely to generate large numbers of vehicles than matches.

#### vi) Other issues

Several other issues raised in the representations received are worthy of explanation.

One such matter related to the illumination of the car park which was said to help deter anti-social behaviour. Whilst this may be an unintended consequence of usage of the flood lights it cannot in this instance be taken to be a positive one. The lights are intended to illuminate only the football pitch and any light spillage has potentially adverse implications for the living conditions of nearby residents.

Numerous letters received made reference to the use of offensive language, shouting and swearing by footballers. Whilst noise nuisance is a material planning consideration which is examined above, it is beyond the planning system to be able to deal with the issue of bad language.

#### vii) Conclusion and suggested conditions

On balance Officers consider that the proposed increase in usage of the flood lights is acceptable subject to further conditions being imposed to mitigate the effect on the living conditions of neighbours. Officers have discussed with the applicant what conditions would be reasonable for the club to be expected to work within.

The following draft conditions are put forward for members to consider imposing on any forthcoming permission:

1) The flood lights shall be used on no more than 72 occasions during any one calendar year, of which no more than 46 occasions shall be matches with the remainder being for training sessions.

Officers consider it is important to make the distinction between matches and training sessions since it is held that training sessions would have fewer implications in terms of neighbour amenity and parking congestion simply because they would usually involve less people and cars. The condition is worded so that whilst 46 matches a year would be permitted the club can choose instead to use some of those occasions for training sessions instead.

2) The flood lights shall not be used on more than two occasions from Monday to Friday during any one week.

This condition is to ensure that the clustering of occasions when the flood lights are used does not occur since such frequent usage within a short space of time would have an unacceptable cumulative effect on neighbouring amenity.

3) The flood lights shall not be used at any time on a Sunday or recognised public holiday.

This condition is also designed to ensure that the clustering of occasions when the flood lights are in use does not happen, for example on occasions each day from Thursday one week through to Tuesday the next. It is also acknowledged that on such days it would be reasonable that residents could expect some respite from the effects of the flood lights.

4) The flood lights shall not be switched on before 1530 hours and, with the exception of matches, when the flood lights shall be switched off by 2200 hours, they shall be switched off by 2115 hours on that same day.

It is understood that there is no need for training sessions to go on as late as matches. With this condition in place the flood lights would be turned off by 2115 hours on at least 26 of the 72 occasions.

5) No grounds maintenance machinery, including lawnmowers shall be used whilst the flood lights are in use.

There is no need for such maintenance to be carried out under flood lit conditions when such noise would be harmful to the amenities of neighbours.

It is also suggested that amended versions of conditions 4 & 5 of the 2002 permission be reimposed:

- During the permitted occasions and hours referred to in conditions 1, 2, 3 & 4 the flood lights shall not remain illuminated for a cumulative period in excess of three and a half hours.

- The luminance levels arising from the use of the flood lights shall not exceed those set out in the plan received 24th February 2000 in association with P/99/0298/FP.

In order to ascertain the effectiveness of these conditions and to fully assess the suggested balance between the needs of the football club and the amenities of neighbours, Officers consider a temporary period of one year would be suitable. A twelve month period would be sufficient in which to monitor the increased usage of the flood lights and take into account any complaints received during this time should the club wish to then apply for the arrangements to be made permanent.

### ***Reasons For Granting Permission***

The development is acceptable taking into account the policies and proposals of the Development Plan as set out above. Subject to the imposition of conditions, the proposed increase in usage of the flood lights would not materially harm the amenities of residents living nearby nor would it have any adverse implications on the availability of street parking nearby. The proposal is considered to make a positive contribution towards enhancing the recreational value of the site. There are no other material considerations judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

### ***Recommendation***

PERMISSION: flood lights used on up 72 occasions (46 matches) per calendar year; flood lights used no more than two occasions mid-week; no use of flood lights on Sundays/public holidays; operating hours of flood lights 1530 - 2115 (2200 for matches); no grounds maintenance machinery whilst flood lights in use; maximum cumulative period of flood lights use 3.5 hours; luminance levels in accordance with details of P/99/0298/FP; temporary period of one year

### ***Background Papers***

P/12/0936/VC

### ***Updates***

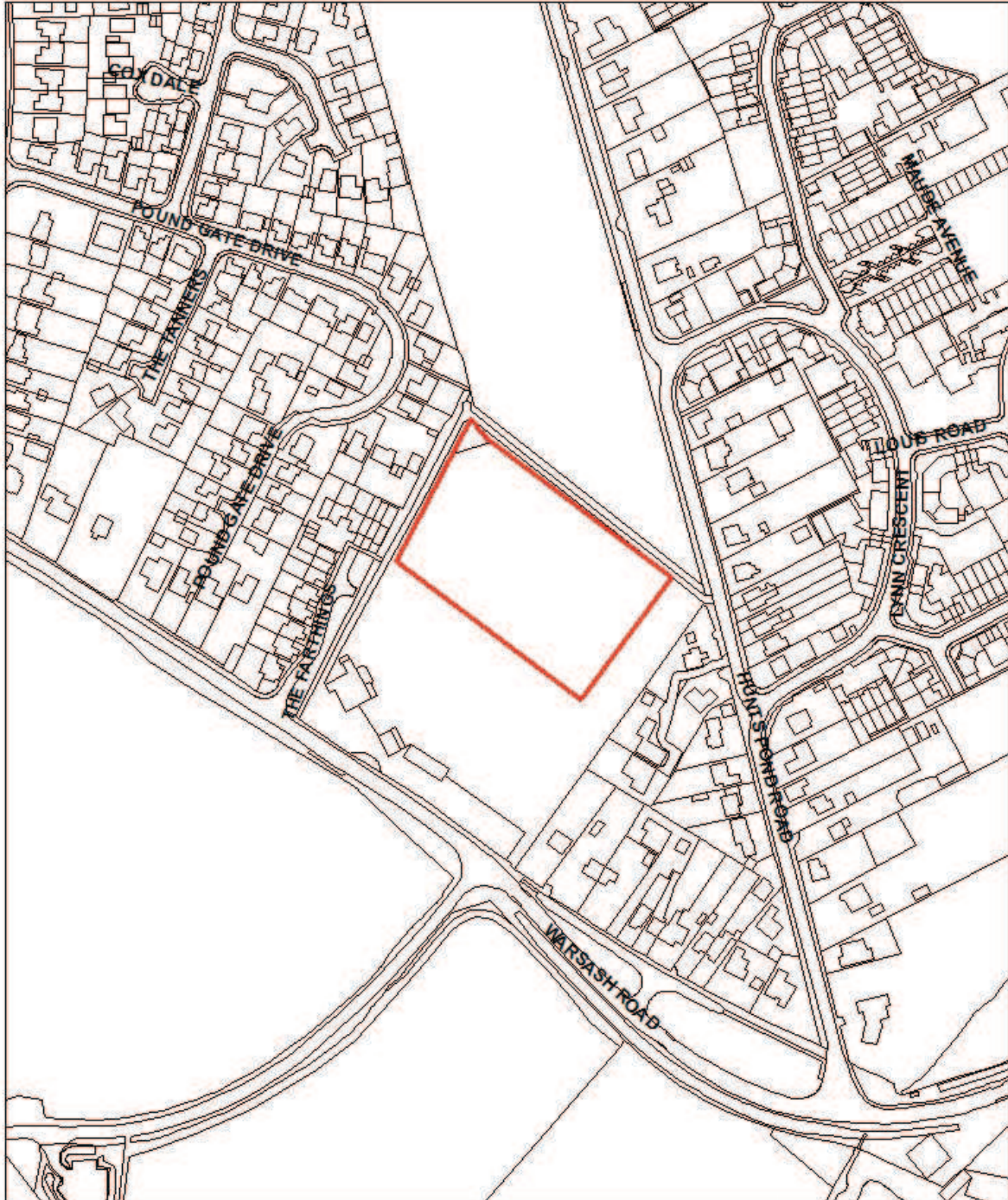
Members are asked to note that at paragraph 3 of section iv) of the Officer report reference

is made to no complaints having been received by the Council's Environmental Health office in relation to the use of the lights. For the avoidance of doubt it should be clarified that this is with the exception of a recent complaint relating to the flood lights being left on after a match for the purposes of pitch maintenance. This complaint is mentioned in the comments received from the Environmental Health officer.



# FAREHAM

## BOROUGH COUNCIL



Locks Heath Sports & Social Club  
Scale 1:2500

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**P/12/0974/FP**

TAYLOR WIMPEY

**LOCKS HEATH**

AGENT: WOOLF BOND  
PLANNING

RESIDENTIAL DEVELOPMENT COMPRISING ERECTION OF 49 DWELLINGS WITH  
NEW ACCESS, ASSOCIATED CAR PARKING AND OPEN SPACE

LAND AT PETERS ROAD LOCKS HEATH

### ***Report By***

Alex Sebbinger (Ext 2526)

### ***Amendments***

As amended by plans received on 1 and 5 February 2013

### ***Introduction***

Planning permission (P/07/1515/OA) was granted in 2008 for a total of 307 dwellings on the whole of the Peters Road allocated housing site (8.2Ha). That planning application was a hybrid consent including full permission for a first phase of 54 dwellings with the remainder granted approval in outline.

The application was submitted by a consortium of three housebuilding companies, Taylor Wimpey, Bovis Homes and Barratt Homes. Barratt Homes subsequently withdrew from the consortium arrangement and their land was acquired by Highwood Homes. Highwood Homes received planning permission (P/11/0125/FP) for 49 houses on this site in 2012 and subsequently transferred the site to Taylor Wimpey.

The greater part of the broader Peters Road site is subject to a separate current full planning application jointly made by both Taylor Wimpey and Bovis Homes.

### ***Site Description***

The site covers an area of approximately 1.35 hectares and is bounded by Peters Road to the north east, existing properties fronting on Chichester Close and Brook Lane to the west and by land forming Taylor Wimpey/Bovis Homes' portion of the wider site to the south and east.

The site comprises areas of derelict glasshouses and a number of abandoned outbuildings. This particular site is largely devoid of mature trees with only a few poorer specimens on the boundaries of existing development and a conifer plantation within the site. The boundaries internal to the main site are not formally defined with the boundaries to adjacent residential properties being principally fencing with some hedging.

The adjoining, existing residential dwellings are generally chalet bungalows presenting, in most cases, rear elevations to the development site.

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

The application is a revised proposal for a development of a total of 49 detached, semi-detached, linked and flatted dwellings, ranging from two to three storeys in height.

The dwelling mix comprises 5 x four bed, 33 x three bed and 1 x two bed houses together with nine x 2 bed and one x 1 bed flats. A total of 16 will be affordable comprising 9 x three

bed houses, 6 x two bed and 1 x one bed flats.

The application is made to amend the design of the properties as a result in the change in ownership of the site. The broad pattern and layout of the development remains as previously approved.

### ***Policies***

The following policies apply to this application:

#### **Approved Fareham Borough Core Strategy**

CS2 - Housing Provision

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS9 - Development in Western Wards and Whiteley

CS15 - Sustainable Development and Climate Change

CS16 - Natural Resources and Renewable Energy

CS17 - High Quality Design

CS18 - Provision of Affordable Housing

CS20 - Infrastructure and Development Contributions

CS21 - Protection and Provision of Open Space

#### **Fareham Borough Local Plan Review**

C18 - Protected Species

DG4 - Site Characteristics

H1 - Housing Allocations

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

The following planning history, which relates to the broader Peters Road development site, is relevant:

P/97/0067/OA - Residential Development, access and open space undetermined -Appeal lodged and dismissed in May 1998.

P/00/1251/FP - Erection of 241 dwellings, open space and associated infrastructure (Affecting Public Right of Way) - Dismissed by The Secretary of State in October 2002.

P/02/0164/OA - Erection of 288 dwellings with associated infrastructure, open space and landscaping (outline application) Dismissed by The Secretary of State in October 2002.

P/02/0165/OA - Erection of 288 dwellings with associated infrastructure open space and landscaping Withdrawn July 2002.

P/07/1515/OA - Outline application for the erection of 307 dwellings, the provision of associated open space and recreational facilities, new vehicular access from Lockwood Road and Peters Road, transport and drainage infrastructure and landscaping of the 307 dwellings. The application includes the submission of full details for Phase 1 of the

development, which will involve the erection of 54 dwellings - approved November 2008.

P/07/1655/FP - Layout and specification of internal roads, footpaths, cycleways and drainage in association with P/07/1515/OA Approved November 2008.

P/11/0124/FP - Erection of 9 dwellings (7 three-bed houses and 2 four-bed houses) with associated parking and new access from Peters Road - withdrawn November 2011

P/11/0125/FP - Erection of 49 Dwellings with associated Parking, Open Space and Landscaping and New Access from Peters Road - Permission 18 July 2012

P/11/0126/FP - Erection of 14 dwellings (1 one-bed flat and 13 three-bed houses) with associated parking and new access from Lockwood Road - withdrawn November 2011

P/11/0195/FP - Erection of 215 dwellings (including affordable housing) together with new vehicle and pedestrian access, associated car parking, landscaping and open space - Refused 3 May 2012

P/11/0730/FR - Layout and specification of internal roads, footpaths, cycleways and drainage in association with P/07/1515/OA (full renewal of P/07/1655/FP - decision pending

P/11/0731/FR - Outline application for the erection of 307 dwellings, the provision of associated open space and recreational facilities, new vehicular access from Lockwood Road and Peters Road, transport and drainage infrastructure and landscaping of the 307 dwellings. The application includes the submission of full details for Phase 1 of the development, which will involve the erection of 54 dwellings - decision pending

P/12/0717/FP - Residential Development, Erection of 207 No. Dwellings (Including Affordable Housing) With New Vehicle & Pedestrian Access, Associated Parking, Landscaping & Open Space - Decision Pending

### **Representations**

Eight representations have been received raising the following issues:-

- Overlooking and loss of privacy
- 10 Chichester Close is shown without extension and conservatory therefore Plot A21 appears to be further from existing property
- Plot A12 garage too close to 7 Chichester Close
- Conditions from approved development should be made applicable to this application
- Car ports appear to be just garages without doors
- There must be assurance that the end of Chichester Close will be blocked off
- Soakaways are unlikely to work for surface water drainage - flooding has increased
- No need for primary access on to Peters Road now that there is one developer
- Inadequate parking for Plot 3

### **Consultations**

Director of Planning & Environment (Highways -

Following the receipt of revised plans the following matters remain to be resolved:

- Whilst the principle of access to Peters Road is acceptable, the 6m radii proposed should be drawn properly so that the tangent points align with the straight sections of kerb.
- The alignment of the 3m pedestrian/cyclist link should be arranged to reflect the natural

desire line in a form I have advised to the applicant's representative.

- It appears that Units A1, A23 and A24 now have car ports in the place of garages, which is acceptable.
- The lay-by parking for units A2 and A3 is unacceptable.
- As units A7, A8, A13, A28 and A38 are 4 bedroom or equivalent, three car parking spaces should be provided for each.
- Whilst several track plots have been submitted, there is no evidence that a 10.8m long refuse vehicle will be able to turn within the proposed layout at the southern end of the site."

Hampshire County Council (Strategic Environmental Delivery Group, Economy, Transport and Environment Department - Archaeologist) - No Objections subject to conditions

Director of Community & Streetscene (Refuse/Recycling) - Developers must have regard to the Planning Advice Note on The Provision of Refuse Storage Facilities in New Residential Developments, available from the Planning department.

On this particular development, houses will need to put their bins out on the kerbside at the edge of their property, unless there is a bin collection point. Purchasers will need to be advised if they are required to use a bin collection point. All bin collection points must be installed with a suitable hard surface, not grass.

Director of Regulatory and Democratic Services (Pollution and Suitability) - No objections

Director of Regulatory and Democratic Services (Contaminated Land) - No objection subject to condition

Director of Planning & Environment (Ecology) -

Comments remain as previous permitted application:

The information includes an Information for Habitats Regulations Assessment report (Aluco Ecology, January 2012). On the basis of the report and some further information within the Solent Mitigation and Disturbance Project study documents, the Local Planning Authority (LPA) can conclude no likely significant effects upon European designated sites. In satisfying itself the LPA has also addressed the previous comments and advice of Natural England, which relate to potential recreational disturbance impacts on the interest features of the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site. Impacts on other European sites are not considered to be likely.

The Aluco report concludes that the effect of an additional 49 dwellings at Site A is de minimus and would not contribute to any in-combination effect. On the basis of the report and information within the Solent Mitigation and Disturbance Project study documents, it is advised that there would be no likely significant effects upon European designated sites.

Survey work has indicated the presence of badger sett entrances along the southern boundary, which are very likely to be an outlying sett to the main sett located off the site and to the south. A finalised detailed reptile mitigation strategy based on the submitted Reptile Mitigation Strategy (Ecosupport Ltd, August 2011) with specific timescale should be secured by condition of any consent. The long term management and monitoring of the receptor site is proposed to be carried out by the landowner of the receptor site with financial contribution by the developer, which should be secured through a legal agreement.

Any consent will need to secure the following matters by condition: adherence to the mitigation measures set out within the Ecology Survey and addendum, submission of up to date badger surveys and mitigation strategy prior to commencement, submission of a Construction Environment Management Plan, submission of a management plan for the areas of ecological mitigation and enhancement and submission of a lighting scheme designed to avoid and minimise impacts to wildlife.

Natural England -

Comments remain as previous permitted application:

Confirm that it is unlikely that the proposal would have a significant effect upon the interest features of Solent and Southampton Water Special Protection Area (SPA) and RAMSAR site so that an Appropriate Assessment is not required. Ongoing research is being carried out concerning the extent of the recreational impacts that may be occurring within the Solent, so that the LPA in conducting their Habitats Regulations Assessment may wish to consider whether the provision of open space in line with Public Open Space Standard is sufficient or whether further green space provision is necessary to be certain of avoiding a significant effect on European designated sites. The LPA should consider these proposals in combination with other applications on the wider development site as well as others in the area with regard to their potential impact on European Sites.

Hampshire Constabulary (Crime Prevention Design Advisor) - A number of recommendations/suggestions relating to providing security by the design of the scheme have either been dealt within the scheme or can be addressed by planning condition.

Southern Water - Formal application is required for a connection to the public sewer. If planning permission is granted this should be conditional upon agreement of details of foul and surface water sewage disposal and upon an informative drawing attention to the need for a formal public sewer connection application.

Environment Agency - No objection raised in principle, subject to conditions.

Director of Planning and Environment (Tree Officer) -

In general terms the layout and proposed landscaping are broadly supportable, however, further detailed information will be required before a fully informed decision can be made:

- Protection, remediation or creation of sufficient soil rooting volumes for amenity planting in hard surfacing
- Boundary treatment for residential gardens adjacent to naturalised areas, tree belts and woodlands etc
- Below ground service runs in relation to root protection areas
- Finished levels/cross sections for construction in relation to retained trees and landscape features
- Section 106 agreement to formalise management of landscaping and frontage areas in perpetuity

Director of Community & Streetscene (Strategic Housing) -

It is noted that the number, type and location of the proposed affordable housing units remain as previously permitted. Issue was raised over the floorspaces of the units in respect

of normal affordable housing standards.

Following discussion it has been agreed that all the affordable dwellings as proposed are acceptable with the exception of plot A46 (a one bedroom flat over garage) that is oversized. (Amended plans have been submitted)

### ***Planning Considerations - Key Issues***

#### Principle of Development

The site is identified as part of a housing allocation within the Fareham Borough Local Plan Review (2000) under Policy H1.

The site is proposed for development independently from the remainder of the site and care has been taken to ensure that the proposed development not only functions in its own right, but that it does not compromise the development of the remainder of the allocated site and that it complies with the aims and objectives set out in the Peters Road Development Brief, adopted as a Supplementary Planning Document in November 2007. The Development Brief provides detailed guidance for the residential development, expanding on the residential allocation in the Local Plan Review.

The principle of residential development on this site together with the broad layout has previously been established by approval of a detailed scheme P/11/0125/FP for 49 dwellings.

In view of the above, the proposed residential development of the site accords with the Core Strategy, the Local Plan Review and the adopted Development Brief and is acceptable in principle.

#### Layout Design

The adopted Peters Road Development Brief provides guidelines for the layout of the residential development of the site.

The development layout generally follows the requirements of the Design Code of the Development Brief. The layout follows closely that already approved with the major changes being to the dwelling designs. The layout follows closely that already approved with the major changes being to the dwelling designs.

The variations of the latest proposals from the previous approved layout include:

- minor footprint changes, insufficient to result in harm to adjacent existing or proposed dwellings
- Changes to a number of car port positions, again, not in locations where harm would arise
- Strengthening of the built form of the street corner units to create a greater degree of physical enclosure
- Connection of flat units with dwelling units to the north to again provide visual enclosure and to visually close the proposed car parking court.

Officers consider that the changes to the layout retain the important features set out in the Development Brief and achieved through the planning permission.

#### Impact on neighbouring residential properties



Building heights of the proposed dwellings on plots adjacent existing residential properties in Brook Lane, Chichester Close and Peters Road have been arranged to ensure that the potential for overlooking and loss of light is minimised and in any event the separation distances are at least those indicated within the design guidelines of the Local Plan Review, as are the proposed depths of garden areas. It is considered that the proposal will not result in any material impact on the amenities of neighbouring properties. Similarly, there would be no significant impacts resulting from the scheme on the amenity of future occupiers of Taylor Wimpey/Bovis Homes' proposed scheme.

Adjoining occupiers have raised concerns about drainage and flooding. The applicant has submitted Flood Risk Assessment and Drainage Strategy documents to address these issues. The Environment Agency has analysed these documents and has no objection to the proposal, subject to conditions.

Proposed dwellings having a relationship to existing properties are all standard two storey with separation distances being to all intents and purposes the same as before. Relationships to existing adjacent developments remain acceptable.

At the committee meeting approving the previous application members resolved that they did not wish to see any access between the development site and Chichester Close. The current application does not propose any access through to Chichester Close and the applicants have agreed that they are happy with a condition being imposed to secure this in perpetuity.

#### Dwellings/units Design

The changes to the proposed layout and the resubmission of this application have in essence been design led to the extent that as an established building company the applicants aim to construct the development within or as close as possible to their own established portfolio of building styles.

In some respects this will enable a cohesive visual style to be established over the majority of the wider development site although due to the more individual 'homezone' form of the layout of this application site it does lend itself to more bespoke design. Nonetheless, the applicants have retained the individuality of the layout whilst also using more generic building designs.

Some variations to the detailing of the designs have been submitted, which include chimneys on some plots, and it is the Officers' opinion that, whilst, as a point of judgement, they do not result in such a site specific and unique development as that already approved, nonetheless, they cannot be considered unacceptable.

The applicants have submitted a palette of materials which include a mix of three brick types, render, and timber boarding and three roofing materials. The quality of the materials is considered to be acceptable

#### Access, Highways and Transportation

This application proposes access via the secondary access point for site as a whole. The form of access arrangement follows the principles set out in the Brief. Potential access linkages to the remainder of the site and the route of the cycle path have been taken into account. The scheme complies with the requirements of the Development Brief to allow

access to no more than 50 dwellings from Peters Road.

The majority of units within the wider site will be accessed from Lockswood Road, though an emergency access link between the two access arrangements will permit emergency vehicles to travel through the site from either entrance, which will be ensured by a legal agreement.

In response to the reported Highway comments amendments have been sought to cover the issues raised including:

- Redrafting of the access to Peters Road to provide 6m radii - This can be achieved without harm or alteration to the dwelling layout;
- Revision of layby parking adjacent plot A3 - This can be achieved by allocating the southern space to Plot A3 and identifying the northern space for visitors. Plot A2 already has sufficient parking;
- Providing addition car parking spaces for plots A7, A8, A13, A28 and A38 - Plots A7, A8, and A38 can be addressed by creating 'through' car ports which will allow triple tandem parking. Plot 13 can be provided with a tandem space. Plot A28 can be resolved with the provision of a space alongside those for A26 which requires adjustment under the final point below;
- Provision of adequate turning for a refuse vehicle - On the previously approved Highwood development part of the access to (what is now) Plot 26 was shown to be available for refuse vehicle manoeuvring. The current layout has moved the proposed dwelling further to the west, reducing the access area to that plot to its parking spaces only. Officers are advised that the highway would not be adoptable on this basis. The solution is to move the boundary of Plot 26 further to the east to allow a widening of the access/parking area sufficient to accommodate a manoeuvring refuse vehicle. The same area can also provide for the third space to Plot A28. Vehicle swing diagrams are sought to demonstrate the achievement of this aim. Members should note that the changes will result in a reduction of the open space area, however, the open space is larger on the current plan than on the approved Highwood Scheme.

#### Nature Conservation

Comments from the County Ecologist and Natural England remain unchanged.

Although no part of the development site is designated as an area of any significance for nature conservation, the current nature of this former horticultural land indicates the likely presence of a variety of wildlife habitats.

Nature Conservation issues arise from two areas:

- (i) Offsite impact of increased recreational pressure upon designated SPA/RAMSAR sites resulting from the increase in local residents represented by the new development;
- (ii) On site assessment and mitigation of species extent on the land.

Off-site - it has been concluded that the limited number of dwellings involved in this case would be de minimus and would not result in any significant impact upon these sites.

On-site - Survey work has indicated the presence of badger sett entrances along the southern boundary, which are very likely to be an outlying sett to the main sett located off



the site and to the south. It is proposed to maintain the hedge along the southern boundary and a continuation 'wildlife corridor' is proposed around the remainder of the southern/western and northern boundaries through to Chichester Close. The Director of Planning and Environment (Ecology) advises that the survey of badger setts and activity and mitigation will be required by condition.

Similarly, reptiles have been identified as present at the site. A mitigation report has been submitted identifying a suitable receptor site for any translocated reptiles. Again, the detailed strategy should be secured by condition. It is suggested that the long term management, monitoring and funding of the reptile receptor site be ensured through a Section 106 agreement. A Construction Environment Management Plan will also be a requirement before commencement of works.

#### Contributions and affordable housing

The level and type of development remains unaltered from that previously approved. As a consequence, contributions required would remain the same. The applicants have confirmed that they will offer the same level of contributions previously agreed. This involved a 30% affordable housing contribution together with a total of £300,000 contribution towards highways, education and open space. It is expected that the contributions would be secured through a deed of variation on the previous agreements.

The affordable housing as now proposed has been agreed with the Strategic Housing Manager and in fact amounts to 16 dwellings resulting in a 32.6% contribution and includes a mix of housing for rent and shared ownership.

#### Policy CS15 and Code for Sustainable Homes

From the beginning of 2012, Policy CS15 of the Core Strategy has sought to achieve Code Level 4 of the Code for Sustainable Homes for new residential proposals. This issue was raised under the previously approved development where the applicants pointed out that the development would achieve Code Level 3, but that a Level 4 requirement would cause viability issues, in the order of an additional £270,000 burden which would have required reassessment of the package of affordable housing/contributions that the development could support. Members agreed that under the circumstances it would be appropriate to allow the achievement of Code level 3 only.

The current application which incurs the same viability constraints as the previous permission proposes the same Code Level 3. Officers advise that this should again be accepted.

#### Conclusion

The application site forms part of the Peters Road residential development area as allocated in the Core Strategy and the Fareham Borough Local Plan Review. The proposed development of the site would bring forward new residential properties helping to meet the current levels of housing demand and in particular the need for affordable dwellings. The applicant has demonstrated that development of this site may successfully be achieved, without prejudice to the development of the wider site or to meeting the aims and objectives of the Development Brief.

The form and layout of the development is broadly similar to the development already approved and there are no significant differences in impact which might lead to a different recommendation in this case.

Notwithstanding the representations presented, subject to appropriate legal agreements and planning conditions, officers consider the proposal to be acceptable.

### ***Reasons For Granting Permission***

The development is acceptable taking into account the policies of the Development Plan and adopted Development Brief for the site. The built form of the proposal is well related to existing development to the north and west and development of this portion of the allocated site, in isolation, would not prejudice development of the wider site. The proposal is not considered likely to result in any significant impact on the amenity of adjoining occupiers, the character of the area, nature conservation interests or on highway safety. The proposal has justified provision for infrastructure enhancements in respect of affordable housing, open space, highways/transport and education. There are no other material considerations that are judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

### ***Recommendation***

Subject to:

- (i) amended plans to cover the outstanding highway matters set out in the report;
- (ii) the applicant/owner first entering into a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council or a deed of variation to the same effect to secure:
  - a) a financial contribution towards off-site public open space and/or facilities;
  - b) the provision and maintenance of the on-site open space and play area;
  - c) to secure the long term management, monitoring and funding of the reptile receptor site;
  - d) secure access to the adjoining site;

by the 30th May 2013;

- (iii) the applicant/owner first entering into a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to Hampshire County Council to secure a financial contribution towards education facilities and transport infrastructure improvements by the 30th May 2013;

### **PERMISSION:**

time limit, approved plans, materials; levels; boundary treatments; parking; hard surfacing; vehicular access restriction through site, full closure of access from site to Chichester Close, landscaping implementation and management; in highway tree planting; removal of permitted development rights (specified plots); no windows (pd rights) specified elevations; retention of carports without doors; open space management plan and implementation; site contamination survey and remediation details; archaeological investigation and evaluation; details of street furniture/signage/lighting; adherence to ecological survey and mitigation measures (reptiles); badger survey and mitigation; Construction Environment Management Plan; surface water drainage strategy; Code for Sustainable Homes; measures to prevent

mud on roads; no burning; construction hours; construction traffic; details of foul sewage disposal; implementation of off-site highway works; provision of LAP and affordable housing provision.

Informatives:

In-highway tree planting schedule to be agreed by Hampshire County Council as Highway Authority before submission of scheme to comply with specific landscape condition to identify how planting will be undertaken to provide for future tree growth; formal public sewer connection application to Southern Water will be required; attention drawn to Hampshire Constabulary letter regarding the achievement of Secure by Design Status

OR

In the event that the applicant fails to complete the necessary Agreements by 30th May 2013;

REFUSE: Contrary to policy: open space provision; impact on local educational facilities; impact on local highway network, impact on nature conservation interest

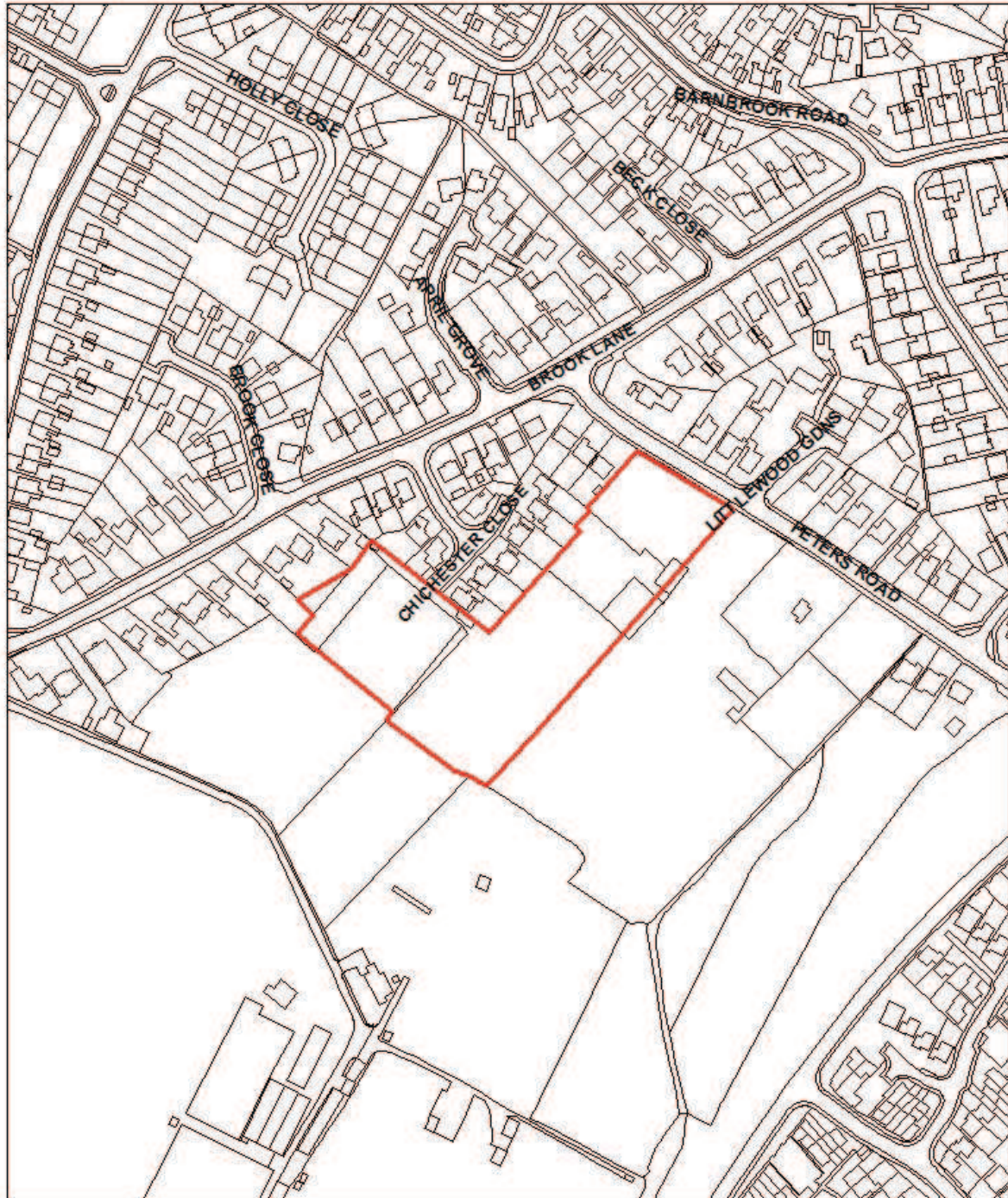
***Background Papers***

File: P/07/1515/OA, P/11/0125/FP, P/11/0195/FP and P/12/0974/FP



# FAREHAM

## BOROUGH COUNCIL



Land at Peters Road  
Scale 1:2500

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**P/12/0994/FP**

MR TIM HISCOCK

**SARISBURY**

AGENT: MISS HEATHER  
MCCRUDDEN

CONSTRUCTION OF EIGHT TWIN CARAVANS PROVIDING SHORT TERM HOLIDAY RENTAL ACCOMMODATION AND ASSOCIATED SERVICE BUILDING, IN CONJUNCTION WITH RECREATIONAL WATER ACTIVITIES.

EASTLANDS BOATYARD - EASTLANDS - COAL PARK LANE SWANWICK  
SOUTHAMPTON SO31 7GW

### ***Report By***

Alex Sebinger (Ext 2526)

### ***Site Description***

The application site consists of a grassland field lying at the northern end of Coal Park Lane on the edge of the upper River Hamble. The site area is approximately 0.74 hectares.

The site boundary is determined by physical features, including an embankment that extends along the north-west edge, mature trees to the northeast and southeast, industrial buildings to the southeast, a field and access way to the Eastlands Boatyard to the south. The field currently separates the developed land of Eastlands Boatyard from the industrial units to the south east.

Other than the development form mentioned above, the nearby area, surrounding the application site, is mainly woodland and grassland. Moreover, the application site is in a sensitive position, within 100 metres of European sites associated with the River Hamble and also designated SINC habitat.

The site area lies just outside of the Eastlands Boatyard boundary within a countryside location, as identified on the Fareham Borough Proposals Map.

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

This application is for rental holiday accommodation consisting of eight detached chalet mobile homes. Each unit would provide two bedrooms and provide 70 square metres of living accommodation. The size of a chalet mobile home would measure 12.2 metres in length and 6.02 metres in width. The mobile homes would also be served by a separate outbuilding, to the south-west of the site, providing a services area, including water pumps, laundry and storage area.

The application site would be accessed from a private road leading from Coal Park Lane towards the adjacent Business Park and Eastlands Boatyard. The lane is narrow in places (just over 3 metres wide) and has very limited provision for pedestrians. The applicant has stated in the Design and Access Statement that the accommodation will be rented to customers who want to book a boating holiday through Eastlands Boatyard and who already own a trailer boat or canoes/kayaks and require overnight accommodation.

### ***Policies***

The following policies apply to this application:

### **Approved Fareham Borough Core Strategy**

E11 - Boatyards

CS15 - Sustainable Development and Climate Change

CS16 - Natural Resources and Renewable Energy

CS17 - High Quality Design

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

### **Fareham Borough Local Plan Review**

C17 - Sites of Nature Conservation Value

C18 - Protected Species

DG4 - Site Characteristics

R9 - Camping and Caravanning

E11 - Boatyards

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

The most relevant history relates to the previous planning application for a similar form of development proposal:

P/12/0072/FP - Erection of eight chalet holiday homes for providing short term holiday rental accommodation and associated service building.

Refused planning permission on 19/5/2012 for the following reason:

The development would be contrary to Policy CS14 (Development Outside Settlements) of the Adopted Core Strategy 2011 and is unacceptable in that:

i) the erection of eight chalet holiday homes in this location would be contrary to countryside policy which seeks to prevent residential development in the countryside for which there is no justification or overriding need. Furthermore the proposed holiday accommodation by virtue of its size, scale and associated activity would result in a visually intrusive form of development that would diminish the character and appearance of the countryside location.

### ***Representations***

One representation has been received supporting the proposed development, on the basis that the development would not have a major impact on the surrounding areas due to the small number of units. Consider it will be beneficial to the local economy and businesses and there is nothing similar in the area.

### ***Consultations***

Director of Regulatory and Democratic Services (Contaminated Land): no objection subject to conditions.

Director of Regulatory and Democratic Services (Environmental Protection): Recommendations of acoustic report must be implemented and conditions applied. Recommend conditions regarding size of caravans and informative regarding site licensing.



Director of Planning & Environment (Ecology): Application is accompanied by an Ecological Appraisal. The report does not identify and address any impacts of the proposals and gives no certainty there will be no impacts. Proposal plan as part of the report refers to the previous planning application, and the report needs refer to the current scheme and make clear what habitats and species will be impacted, and protected. Insufficient information provided pertaining to reptiles. Report should set out how boundary features/habitats will need to be protected throughout the works. No information has been provided. Report should address any proposed lighting and works to the overhead power lines. Report must also cover what enhancement measures will form part of the proposals in line with the National Planning Policy Framework and the NERC Act. Natural England must be consulted.

Natural England: Comments as per previous application (no significant impact on the interest features of the SPA/Ramsar/SAC sites, no objection subject to conditions and informatives).

Director of Planning & Environment (Highways): Concerned that the standard of Coal Park Lane is unsuitable for the likely level of vehicular, pedestrian and cyclist traffic that the development would be expected to generate. Of concern is the narrow hump-back bridge located some 150m north of the junction with Swanwick Lane, which has been identified as being in need of improvement. Proposal will be expected to contribute, proportionate to the multi-modal trips likely to be generated which will mitigate the impact of the development in transport terms. Subject to the securing of a transport contribution and the provision of adequate parking, no highway objection would be raised.

Director of Planning & Environment (Strategic Planning): Comments made pertaining to application of Planning Policies, and how the development fails to comply with Policies CS14 and R9 of the Core strategy. This will be amplified within the key issues below.

### ***Planning Considerations - Key Issues***

The main issues with this application relate to the following:

- Principle of development and planning policy considerations
- Design, appearance and visual impact
- Impact on surrounding properties
- Ecology
- Highway and transportation issues

Principle of development and planning policy considerations:

The application site is located within an area outside of a development boundary in a countryside location. Policy CS14 of the Core Strategy sets out that outside of settlements, development will be strictly controlled:

"Built development on land outside the defined settlements will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function. Acceptable forms of development will include that essential for agriculture, forestry, horticulture and required infrastructure. The conversion of existing buildings will be favoured. Replacement buildings must reduce the impact of development and be grouped with other existing buildings, where possible. In coastal locations, development should not have an adverse impact on the special character of the coast when viewed from land or water."

The proposed use does not fall under any of the above categories and therefore is contrary to this Policy. It is noted that the National Planning Policy Framework is broadly supportive of rural tourism, however within the core planning principles set out in that document it is made clear how Local Planning Authorities must consider "the different roles and character of different areas". It is therefore necessary to carefully consider whether this development is acceptable in terms of its impact and the character and function of this countryside area.

The visual impact upon the countryside will be considered in the following section, however from the Policy position it is not considered that this development complies with what is set out within Policy CS14.

In the submissions, the applicant has put forward that the development accords with Saved Policy R9 from the Local Plan Review. This Policy states that proposals for new camping and caravanning sites in the countryside and extensions to existing sites will be permitted provided that a number of criteria are met. The applicant has asserted that by reason of the size of the proposed units that they fall under the definition of "caravan" for the purposes of the Caravan Sites Act 1968. Under the Act, the maximum dimensions of a twin-unit caravan are 18.288 metres long, 6.096 metres wide and the overall internal height of the living accommodation is 3.048 metres. The application units fall within these limits.

Planning Policy Officers have been consulted on this application and have advised that the thrust of Policy R9 relates to tents and touring caravans, which is implied within the sub-text to the Policy "Caravanning" which involves the use of touring caravans. For the purposes of Policy R9 it is not considered that this development meets is appropriate under that Policy context. However, in the event that the view was taken that this development does fall under the terms of Policy R9, specifically that the units being applied for constitute a "Caravan" it is not considered that it complies with all of the criteria, namely that the site is not screened from vantage points and public highways. This point will be considered further below under design and visual impact.

It is stated that the proposal will not only provide economic benefits to Eastlands Boatyard, but it will also benefit new and existing customers and provide benefits to local businesses in the wider area.

The applicant has also advised that the boatyard has a capacity of 70 berths and since September 2012 there have been 37 berths unoccupied. It is stated that as of yet there have been no enquiries for the 2013 season. In terms of dry/trailor sailors, normal capacity is for 40 boats, but last season approximately 28 of these were booked - the forthcoming season looks no different. Hard standing capacity is only 50% used throughout winter months, and the applicant states that this is due to the shortfalls on capacity of the berthings and people selling their boats. Other issues cited are the doubling in price of red diesel, coupled with the location of the boatyard (located relatively far up the river). Whilst it is clear that there are pressures facing the business, no specific data are provided as to whether or not the continued operation of the boatyard is dependent on this development taking place.

It should also be noted that Saved Policy E11 of the Local Plan Review (relating to boatyards) is not applicable as the application site lies outside of the defined cartilage of the boatyard and is on undeveloped land. It is therefore considered that none of the matters put forward are considered to outweigh the harm of this development.

Members should also be aware that emerging Planning Policy, specifically Policies C2 and



C3 also cover leisure development within the countryside. Policy C2 identifies that proposals for leisure and recreation development will be permitted when they meet the requirement of the sequential test, do not adversely impact on the local road network, do not affect amenities and do not have a detrimental impact on the character of the surrounding area. Relating to caravanning and camping sites, it states explicitly that they must have good access to services and facilities and not be visible from the Hamble. Policy C3 however identifies that economic development uses outside the urban area must meet the requirement of a sequential test and that for expansion of an existing business it must take place within the curtilage of the existing site.

The proposal has not gone through any form of sequential approach and is not to take place within the curtilage of the existing site. The proposal therefore also fails to comply with emerging Policies C2 and C3 (which are gaining in weight as a material consideration in determining planning applications).

In terms of the principle of this development therefore, it is not considered that the development complies with Policy CS14 as it represents development in the countryside which does not accord with the criteria set out within that Policy and there is no overriding need or justification that can be demonstrated.

#### Design, appearance and visual impact

This application has been revised from the previous submission inasmuch as the spread of the development area has been reduced, with the amenity building re-sited towards the south-west of the site (near to the entrance of the proposed development) and the units themselves have been located closer together. Additional landscaping has been proposed as an attempt to mitigate the visual impact of the proposal, however the external dimensions (and indeed the appearance) of the units themselves remain unchanged from the previous application.

The previous scheme was considered to result in a significant development encroaching into the countryside location, and would introduce intrusive features into the existing grassland and woodland landscape. Furthermore, it was also considered that the size and scale of the proposal, together with the associated activity arising by its use would represent a visually intrusive form of development that was harmful to the character and appearance of this countryside location.

Whilst it is acknowledged that in this revised application, the "spread" of the site has been reduced, and that further landscaping has been proposed, it is not considered that the changes made are sufficient to either overcome the policy "harm", and also the visual impact of the development. This revised application has been accompanied by photomontages and perspective diagrams that the applicant advises show how the development will not be visible from the wider area. Furthermore, since the submission of the application the applicant has advised that additional landscaping will be provided to screen the development site from the view of Coal Park Lane. Whilst it is acknowledged that the additional landscaping may improve matters from the previous proposal it will not overcome the fact that the site is visible from Coal Park Lane to the west, which is elevated in relation to the site. It is therefore considered that the visual impact of this proposal remains harmful, and the revised plans do not overcome this harm.

#### Impact on surrounding properties

Due to the location of this site, which is in an area primarily occupied with businesses nearby it is not considered that the use of the site would adversely affect the amenities of the users of these premises. The nearest residential property lies opposite the site and it is considered that a tourism based use (particularly bearing in mind the existing employment uses taking place within the boatyard complex) is compatible and will not harm residential amenity to an excessive degree.

## Ecology

When the previous application was being considered, concern was raised regarding the level of detail submitted in respect of ecological matters and how the development could take place and not harm protected species. Details were provided, and the Council did not raise a specific objection in relation to ecology at the time the application was determined. The Council's Ecologist has commented on this application, advising that the same ecological report was re-used and fails to address how this scheme will affect habitats and species and ensure they will be protected during the development process. The applicant has replied requesting that such details be secured by way of a planning condition. In light of the fact that no specific objection was raised by the Council previously, particularly bearing in mind the same report was submitted on this occasion this would be the most appropriate way in which to secure these details.

## Highway and transportation issues

Concern has been raised from the Council's Highway Engineer in that the standard of Coal Park Lane is unsuitable for the level of vehicular, pedestrian and cyclist traffic this development is likely to generate. The narrow hump-back rail bridge located north of the junction with Swanwick Lane is sited as the key area of concern, however proposals are in hand to provide localised kerbing and the introduction of permanent shuttle-working traffic signals.

No objection has however been raised to the application subject to the provision of adequate parking and turning on site, as well as the securing of a transport contribution.

At the time of the consideration of the previous planning application it was not considered necessary to require a transport contribution. As the transport merits of this particular proposal are fundamentally similar to that of the previous scheme, for the sake of consistency it is not considered that this proposal should be subject to a financial contribution.

## Conclusion

The application is contrary to Policy CS14 of the Core Strategy which seeks to prevent development in the countryside which is not essential for agricultural, forestry or horticultural purposes. Furthermore the development will by reason of size, scale and associated activity represent a visually intrusive form of development which is harmful to the character and appearance of this countryside location.

## ***Reasons For Refusal***

The development is unacceptable taking into account the policies and proposals of the Development Plan as set out above, in particular Policy CS14 of the Fareham Borough Core Strategy. In the absence of any demonstrable overriding needs, the development proves to be contrary to Policy CS14 of the Fareham Borough Core Strategy which seeks to

prevent development in the countryside that is not essential for agricultural, forestry or horticultural purposes. Furthermore, by reason of the size and scale and associated activity the proposal would result in a visually intrusive form of development harmful to the character and appearance of this countryside location. There are no other material considerations judged to have sufficient weight to outweigh this harmful impact. In accordance therefore with Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should be refused.

***REFUSE***

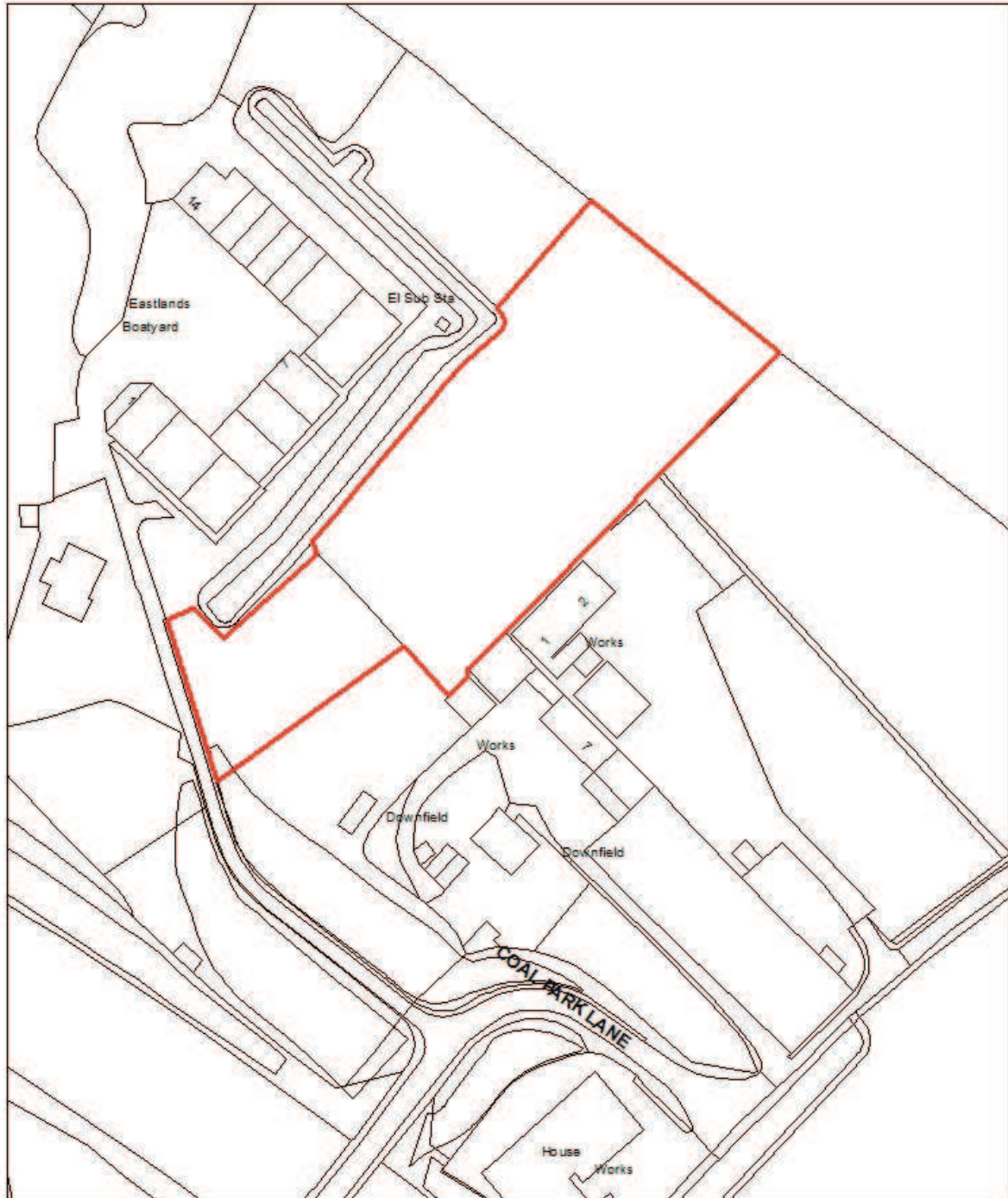
Contrary to Policy; no overriding need for development; visually intrusive; harmful to character and appearance.

***Background Papers***

P/12/0994/FP

# FAREHAM

## BOROUGH COUNCIL



Eastlands Boatyard  
Scale 1:1250

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P/13/0006/FP [O]

TITCHFIELD

MR NEIL HOGG

AGENT: MR NEIL HOGG

RETENTION OF SINGLE STOREY REAR EXTENSION AND ERECTION OF DETACHED GARAGE IN REAR GARDEN

18 FRIARS POND ROAD FAREHAM HANTS PO15 5LU

### ***Report By***

Emma Marks Ext.2677

### ***Site Description***

This application relates to a detached dwelling on the east side of Friars Pond Road which is to the north of Catisfield Road.

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

Planning permission is sought for the retention of a single storey rear extension which measures 5.3 metres in depth, 6.750 metres in width with a ridge height of 5 metres.

The application also includes the erection of a detached garage within the rear garden which measures 5.450 metres in depth, 5.950 metres in width with a ridge height of 3.6 metres

### ***Policies***

The following policies apply to this application:

### **Approved Fareham Borough Core Strategy**

CS17 - High Quality Design

### ***Representations***

One letter of representation has been received raising the following comments:-

- i) no objection to the footprint of the extension but the roof is oppressive
- ii) Affect on outlook from the neighbouring dwelling
- iii) Concern over future privacy of neighbouring garden if a raised patio or decking area were to be constructed
- iv) No objection to the garage provided it does not exceed 3.6 metres in height.

### ***Planning Considerations - Key Issues***

This application relates to a detached dwelling on the east side of Friars Pond Road which is to the north of Catisfield Road. Planning permission is sought for the retention of a single storey rear extension and erection of a detached garage within the rear garden.

The representation received has raised the concern regarding the gable roof that has been constructed on the rear extension. Officers have considered the design and size of the extension and its position in relation to the neighbouring property.

The neighbouring property to the north east, 17 Friars Pond Road is set back on its plot. Its nearest window, a secondary bedroom window, is situated approximately 5 metres away from the extension, but at an oblique angle. Officers are of the opinion that in light of this distance,



the orientation and its gable roof design, the extension does not have an adverse impact on the neighbours light or outlook.

Concern was also raised regarding any future decking or raised patio area that maybe erected outside the rear extension. This application does not include a raised decking/patio area; planning permission would be required for any raised decking/patio which measures over 300mm in height above the ground level.

The detached garage at the rear of the property is within 12 metres of the nearest residential property to the rear. Officers are of the view that due to the distance achieved and the height of the garage there would not be a detrimental impact on the neighbours light or outlook.

Officers consider the application to be acceptable and comply with the Adopted Fareham Borough Core Strategy.

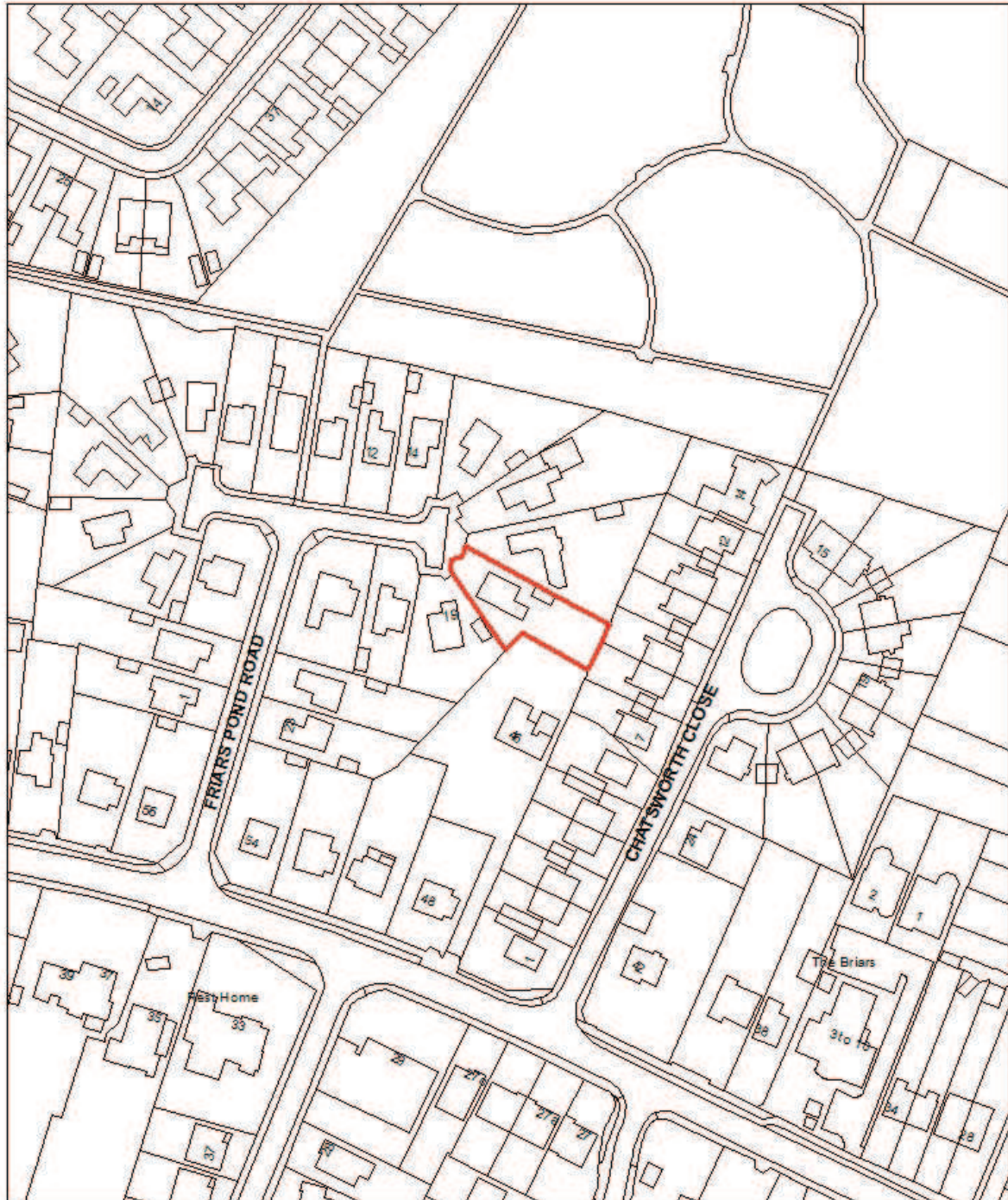
***Reasons For Granting Permission***

The development is acceptable taking into account the policies of the Local Plan as set out in this report. The proposal is not considered likely to result in an impact on the amenity of adjoining occupiers and the character of the area. There are no other material considerations that are judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.



# FAREHAM

## BOROUGH COUNCIL



18 Friars Pond Road  
Scale 1:1250

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P/13/0051/FP

MR R TAYLOR

SARISBURY

AGENT: JENKINS  
ARCHITECTURE LTD

ERECTION OF PART SINGLE PART TWO STOREY SIDE EXTENSION.

12 LAWSON CLOSE SWANWICK SO31 7DJ

### ***Report By***

Richard Wright Ext.2356

### ***Site Description***

The application site comprises the residential curtilage of this two storey end-of-terrace house located within the urban area. The property occupies a corner plot in Lawson Close.

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

Permission is sought for the erection of a part single storey, part two-storey side extension to the dwelling. The two storey element of the extension would be set back from the existing front elevation of the house by approximately two metres.

### ***Policies***

The following policies apply to this application:

#### **Approved Fareham Borough Core Strategy**

CS17 - High Quality Design

#### **Approved SPG/SPD**

EXTDG - Extension Design Guide (1993)

RCCPS - Residential Car and Cycle Parking Standards Supplementary Planning Document,

### ***Representations***

One letter has been received in support of the application with the following comments:

- Doesn't look out of place
- Makes good use of the available ground space

### ***Consultations***

Director of Planning & Environment (Highways) - No objection

### ***Planning Considerations - Key Issues***

i) Effect on appearance of dwelling and character of streetscene

The proposed extension is neatly subservient in its design with the first floor element set back from the frontage of the existing house and ground floor element and with a lower roof ridge proposed. The proposed use of materials are in keeping with the existing dwelling.

At present the open space between the northern side elevation of the house and the adjacent highway contributes significantly to the spacious character and visual amenity of the streetscene as it curves around the corner plot. The space about the building ensures consistency in the built form of the street being set back from the highway at all points.

In contrast the proposed extension would occupy this space and at its closest the two storey flank wall of the extension would stand at around 300mm from the edge of the pavement. The height, depth, bulk and massing of the extension in such close proximity would be an overbearing and dominant form of development harmful to the visual appearance of the streetscene and spatial character of the area. Accordingly the proposal is considered contrary to Policy CS17 of the adopted Fareham Borough Core Strategy and the approved Extension Design Guide.

ii) Effect on living conditions of neighbours

There would be no harmful effect on the living conditions of neighbours with regards to light, outlook or privacy.

iii) Parking provision and highway safety

The Council's Highway adviser has commented on the application and raised no objection with regards to matters of parking provision and highway safety.

***Reasons For Refusal***

The development is unacceptable taking into account the policies and proposals of the Development Plan as set out above, in particular Policy CS17 of the adopted Fareham Borough Core Strategy and the approved Extension Design Guide. By virtue of its prominent siting, height, bulk, design and proximity to the southern boundary, the proposed extension would unacceptably reduce the space about the building to the detriment of the spatial character and visual amenities of the street scene. There are no other material considerations judged to have sufficient weight to outweigh this harmful impact. In accordance therefore with Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should be refused.

***Recommendation***

REFUSE: Contrary to Policy CS17 of the adopted Fareham Borough Core Strategy and the approved Fareham Borough Council Extension Design Guide; harmful to spatial character and visual amenities of the streetscene

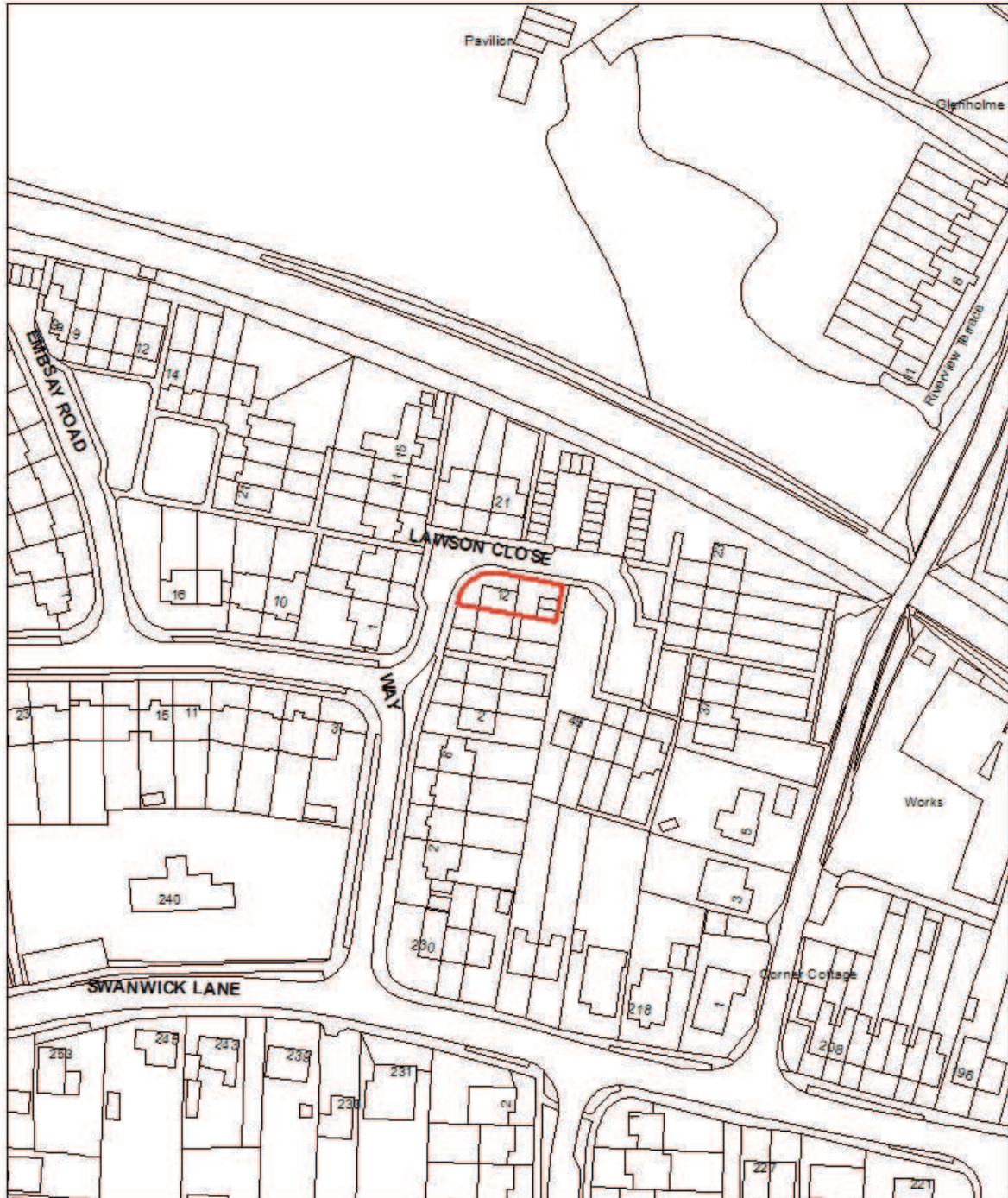
***Background Papers***

P/13/0051/FP



# FAREHAM

## BOROUGH COUNCIL



12 Lawson Close  
Scale 1:1250

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**P/13/0060/OA**

MR & MRS A.M.R. HEAD

**TITCHFIELD COMMON**

AGENT: ROBERT TUTTON  
TOWN PLANNING CO

DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF TWO DETACHED DWELLINGS (OUTLINE APPLICATION).

18 LOCKS HEATH PARK ROAD LOCKS HEATH SOUTHAMPTON SO31 6NB

### ***Report By***

Susannah Emery Ext 2412

### ***Site Description***

This application relates to a site within the urban area to the east side of Locks Heath Park Road just to the south of the junction with Summerfields.

The rear of the site, which previously formed part of the residential curtilage to No.18 Locks Heath Park Road, has recently been redeveloped by the erection of two detached chalet bungalows positioned in tandem behind the bungalow on the frontage. These dwellings are accessed via a private driveway which runs adjacent to the southern boundary of the site. The site slopes quite significantly to the rear (east).

The existing bungalow occupies a relatively wide plot with a detached garage positioned to the north. There is a mixture of house types within the surrounding area of a variety of styles and ages.

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

Outline planning permission is sought for the demolition of the existing bungalow and the erection of two 3-bed detached dwellings. Access and Layout are to be considered with all other matters reserved.

The dwellings would be sited adjacent to one another on the site frontage. Plot 1 would be the northern plot and this dwelling would utilise the existing vehicular access currently used by the bungalow. Plot 2 would be the southern plot. This dwelling would utilise the private access shared by the two chalet bungalows to the rear. Two car parking spaces would be provided on the frontage for each dwelling.

### ***Policies***

The following policies apply to this application:

#### **Approved Fareham Borough Core Strategy**

CS2 - Housing Provision

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS9 - Development in Western Wards and Whiteley

CS15 - Sustainable Development and Climate Change

CS16 - Natural Resources and Renewable Energy

CS17 - High Quality Design

DG4 - Site Characteristics

CS21 - Protection and Provision of Open Space

**Approved SPG/SPD**

RCCPS - Residential Car and Cycle Parking Standards Supplementary Planning Document,

**Fareham Borough Local Plan Review**

DG4 - Site Characteristics

***Relevant Planning History***

The following planning history is relevant:

**P/09/0876/FP      ERECTION OF TWO DETACHED CHALET DWELLINGS, NEW  
VEHICULAR ACCESS AND PARKING AREA  
PERMISSION      09/12/2009**

***Representations***

The neighbour notification period expires 21 February 2013. At the time of writing this report no letters had been received. Any letters subsequently received will be reported at the committee meeting.

***Consultations***

Director of Planning and Environment (Highways) - No objection

Director of Regulatory Services (Environmental Health) - No objection

Southern Water - No objection

Director of Planning and Environment (Arborist) - No objection

***Planning Considerations - Key Issues***

The main issues to be considered in the determination of this application are;

- Principle of Development
- Impact on the Character of the Area & Visual Amenities of the Streetscene
- Impact on the Amenities of Neighbouring Properties
- Highway Safety

**Principle of Development**

The site is located within the urban area where residential infilling, redevelopment and development on neglected and underused land may be permitted, providing it does not adversely affect the character of the surrounding area or amenity of existing residents.

**Impact on the Character of the Area & Visual Amenities of the Streetscene**

The application site and the neighbouring plot to the south (No.14) could be seen as out of keeping with the general pattern of development within the area due to their comparative width and the resultant space about the buildings. The density of development on these two sites is far less than is characteristic of the surrounding area.

Based on the proposed layout officers are of the opinion that two detached dwellings could be accommodated on the site frontage which would be in keeping with surrounding development. A gap of 1.7m would be provided between the two dwellings. There would be a gap of 4.3m between the front corners of Plot 1 and the property to the north which would reduce to 2 metres at the rear. There would be a much larger gap, exceeding 11m, from Plot 2 to the property to the south. It is not considered that the proposed dwellings would appear cramped on the site or that the proposal would represent overdevelopment to the detriment of the visual amenities of the streetscene or character of the area.

#### Impact on Amenities of Neighbouring Properties

Plot 1 would sit adjacent to No.20 Locks Heath Park Road to the north. There is a clear glazed door to a kitchen within the side elevation of this dwelling. This room has its main window on the rear (west) elevation and outlook from the door is already partially obstructed by the garage to No.18 which is positioned in close proximity to the boundary. The proposed dwelling on Plot 1 would not extend beyond the rear of the neighbouring property to the north. It is not considered that the proposal would have a detrimental impact on the amenities of the neighbouring property in terms of loss of light and outlook.

The neighbouring property to the south is sited within a large plot and is therefore located a significant distance away and would be separated from the proposed dwellings by the existing access drive. It is not considered that the proposal would have any detrimental impact on this property.

The proposed dwellings would have rear amenity spaces measuring between 11-12.7m in depth. The chalet bungalow to the rear (No.16a) is positioned at a 45 degree angle so that outlook from the rear facing windows of the proposed dwellings would be on to the flank elevation. It is not considered that the proposal would result in the unacceptable overlooking of this property.

#### Highways

Plot 1 would use the existing access to the bungalow and Plot 2 would be accessed via the existing private driveway. Car parking would be provided on the frontage of each dwelling in accordance with the Council's Residential Car and Cycle Parking SPD. It is not considered that the proposal would be likely to result in an increase in vehicles being parked on Locks Heath Park Road. The Council's Highways Engineer raises no objection to the proposal which is not considered to be detrimental to highway safety.

#### Conclusion

The proposal complies with the Adopted Fareham Borough Core Strategy (2011), the saved policies of the Fareham Borough Local Plan Review (2000) and National Planning Policy Framework and is recommended for approval, subject to conditions and completion of the requisite Section 106 planning obligation.

#### ***Reasons For Granting Permission***

The development is acceptable taking into account the policies of the Development Plan as set out in this report. The proposal is not considered likely to result in any significant impact on the amenity of adjoining occupiers, the character of the area, or highway safety. There are no other material considerations that are judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to

satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

### ***Recommendation***

Subject to;

- i) consideration of any representations received by 21 February 2013
- ii) 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 contribution towards off-site public open space facilities and highway infrastructure by 22 March 2013.

PERMISSION; Reserved Matters, Materials, Hardsurfacing, Boundary Treatment, Parking/Turning, Visibility Splays, Landscaping, Landscaping Implementation, Obscure glaze and fix shut to 1.7m first floor windows (side elevations), Level 4 Code for Sustainable Homes, No burning on site, Construction hours, No burning, Site Operatives

OR: In the event that the applicant/owner fails to complete the required Section 106 Agreement by 22 March 2013.

REFUSE: Contrary to Policy; inadequate provision towards public open space and highway infrastructure.

### ***Background Papers***

P/13/0060/OA

### ***Updates***

Four letters have been received objecting on the following grounds;

- Overcrowding
- Increased traffic
- Vehicles parked on the road at school times already restrict access and limit visibility
- Visitors will park on the road
- Garden grabbing
- Surely there is sufficient land in the Borough to make this unnecessary
- The plot will become a small estate of four houses very little garden and no garages
- Overshadowing
- Loss of light and heat to kitchen door within side elevation of No.20
- Increased energy consumption on lighting/heating will incur an additional cost
- The northern boundary line is not accurate and should be the centre of the hedge
- Light reflection from south facing windows
- Overlooking and loss of privacy
- Construction, delivery and contractors vehicles would cause danger to road users and pedestrians
- Profit driven enterprises such as this impinge on the quality of life for many
- Loss of property value



# FAREHAM

## BOROUGH COUNCIL



18 Locks Heath Park Road  
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**P/12/1017/VC**

**FAREHAM EAST**

MRS K GALLIFORD

AGENT: MRS K GALLIFORD

VARIATION OF CONDITION 2 OF P/06/0764/VC (TO ALLOW OPENING OF THE PREMISES BETWEEN 07:30 HOURS TO 18:00 HOURS MONDAY TO FRIDAY)

MANOR LODGE 3 CHURCH PATH FAREHAM HANTS PO16 7DT

### ***Report By***

Alex Sebbinger (Ext 2526)

### ***Site Description***

The application site comprises a two storey semi-detached property located on the eastern side of Church Path. The site is within the Fareham High Street Conservation Area and is itself a Grade II Listed Building. The building is currently occupied by and used as a nursery.

The site is situated in an edge of town centre location, with a number of commercial/office/entertainment facilities in the vicinity. However some surrounding properties are residential, including a first floor flat above the chiropodist studio in the adjoining unit.

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

This application is for the variation of planning condition 2 of planning permission ref: P/06/0764/VC to permit the opening hours of the nursery to be extended by half an hour, so that the premises can be open to the public from 07:30 hours, Monday to Friday.

Condition 2 is currently worded:

The nursery day care centre hereby permitted shall not open for day care provision before 8.00 hours nor remain open after 18.00 hours.

This condition was imposed when the Planning Inspector allowed the appeal in relation to varying the condition to allow an increase in the number of children on the premises.

### ***Policies***

The following policies apply to this application:

#### **Approved Fareham Borough Core Strategy**

CS17 - High Quality Design

CS5 - Transport Strategy and Infrastructure

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

Planning permission was granted on 6th October 1997 for the "change of use from residential care home to nursery day care centre with ancillary one bedroom flat". This was the original development concerning the initial change of use on this site.

Planning application ref: P/98/0724/VC was approved on 6th July 1998 for the "variation of condition 1 of P/97/0700/CU (to allow use as day nursery on a permanent basis)."

A subsequent application (ref: P/00/0610/VC) was granted permission on 14th July 2000 for "variation of condition 4 of P/97/0700/CU to increase number of children from 40-46". A further application (ref: P/06/0764/VC) was made in 2006 for "variation of condition 4 of P/97/0700/CU to increase number of children to 52", which was refused planning permission by the Council, but subsequently allowed on appeal in 2007.

When the Inspector allowed that appeal, he added a number of planning conditions, one of which was the hours of use restriction the subject of this application.

A further application was granted permission (ref: P/10/0041/VC) on 18th March 2010 for "Variation of condition 4 of P.06/0764/VC - allowed on appeal (to increase number of children from 52 to 58." This was granted subject to further conditions requiring the installation of soundproofing measures, however it is understood that this consent has not been implemented.

### ***Representations***

One letter of representation from Manor Croft (the adjoining property). Object to the application, setting out how works are currently being undertaken to their property to extend their living accommodation and that the windows of the two bedrooms of the completed property are sited directly above the area where most noise is experienced from Nursery staff and children. Concern raised that the lengthened opening hours will add to noise issues that have been an ongoing concern at Manor Croft for some years. Be it extended hours or extra children, both add to nuisance experienced. All windows are single glazed sash windows. Would ask that permission is refused, but in the event permission is granted, that the same conditions as P/10/0041 apply (an approved scheme of sound insulation to party walls), the cessation of hard plastic wheeled vehicles on the hard surfaces of the garden play area (which make a noise) and no play activity to take place in the enclosed area between the two properties. Previous promises to keep all garden activity to the very rear of the garden and keep all internal play away from adjoining rooms have not been kept. The Police have been involved on about four occasions in the last two years in respect of noise disputes. Attention also drawn to the fact that the Good Manors website currently states that a Breakfast Club operates from 07:30.

### ***Consultations***

Director of Planning & Environment (Highways) - No objection.

Director of Planning & Environment (Conservation) - No objection as it would not affect the special interest of the listed building or the character or appearance of the Conservation Area.

Director of Regulatory & Democratic Services (Environmental Health) - Would ask that two conditions are attached to any approval granted. Firstly that a condition is added to prohibit the use of the rear garden until after 8am as is currently the case in order to restrict any issue of early morning noise from the use of the garden to neighbouring residential dwellings. Secondly condition 9 of planning permission P/10/0041/VC should be included. This states:

No more than 52 children shall be present at the site at any time until a scheme for sound attenuation measures has been submitted to and approved by the Local Planning Authority in writing. The approved noise attenuation measures shall be fully installed before the additional children hereby permitted attend the nursery and shall be subsequently retained at all times.

REASON: To protect the amenities of the occupiers of Manor Croft, Church Path, Fareham

### ***Planning Considerations - Key Issues***

The main issue with this application relates solely to whether or not the extension of the hours of opening will give rise to situations that are detrimental to the living conditions of neighbouring properties to the site itself.

Members should be aware that the 2006 planning application (for increasing the permissible number of children in attendance from 46 to 52) was refused by this Council but subsequently allowed on appeal. At that time, the Inspector added the condition the subject of this application.

Concern has been raised by the adjoining neighbouring property that the current situation gives rise to levels of noise which are considered to be unacceptable, and that any changes to the current method of operation will worsen their living conditions further. Members should also be aware that this matter is currently being investigated by the Council's Environmental Health Officers.

In respect of this application, Environmental Health Officers have raised no objection subject to the imposition of two conditions, one reiterating the requirement to install sound insulation if more than 52 children occupy the premises and the other being that no children should use the rear garden until after 08:00 as is currently the case. In the absence of any specific objection from Environmental Health Officers, refusal of this application on the grounds of amenity would be very difficult to sustain.

Furthermore, when the Inspector was considering the 2006 application the issue of noise was considered in some detail. The Inspector stated that in terms of the use of the garden area, the level of children playing outside was critical to the level of noise and disturbance that may arise from the nursery. In allowing the appeal, the Inspector imposed a condition that restricted the use of the garden so that no more than 12 children were able to play outside at any one time.

The Inspector also addressed the issue of noise transmission through the party wall, doors and windows. At the time of considering the application to permit the expansion of the business to its current level (i.e. 52 children) the Inspector did not consider that sound transmission through walls would be a determining factor as any sound proofing measures would have been determined by the use of the neighbouring buildings and not the number of users.

Members may recall that the 2010 application however (to expand the business to allow 58 children present) was permitted subject to a condition that required the submission and approval of a scheme of noise attenuation to take place before any more than 52 children could be on the premises. Officers consider that in light of the comments made in 2007 by the Inspector, and fundamentally with regard to the fact that Environmental Health Officers have not raised an objection, that allowing the nursery to open thirty minutes earlier will not give rise to an unduly harmful impact on any neighbouring property, in particular Manor Croft.

The use will take place Mondays to Fridays, and given this town centre location in close proximity to other commercial uses it is not considered that an opening time of 07:30 would give rise to levels of noise and disturbance that would be unacceptable. The application is therefore in accordance with Policy CS17 of the Core Strategy.

The conditions recommended by Environmental Health Officers will ensure that formal play or use of the garden for anything other than entry/exit of the premises does not take place. It is not considered necessary under this application to re-impose the condition relating to the need for sound and noise attenuation if the number of children are to increase (as per the 2010 application) as that permission still stands as a separate entity.

### ***Reasons For Granting Permission***

The development is acceptable taking into account the policies and proposals of the Development Plan as set out in this report. The proposal is not considered likely to result in an impact of adjoining occupiers and the character of the area. Other material considerations not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

### ***Recommendation***

PERMISSION, subject to all conditions attached to P/06/0764/VC but with amended condition 2 (permitting opening 07:30 to 18:00 Monday to Friday), and adding restriction that no use of the garden for play purposes outside the hours of 08:00 to 18:00 Monday to Friday.

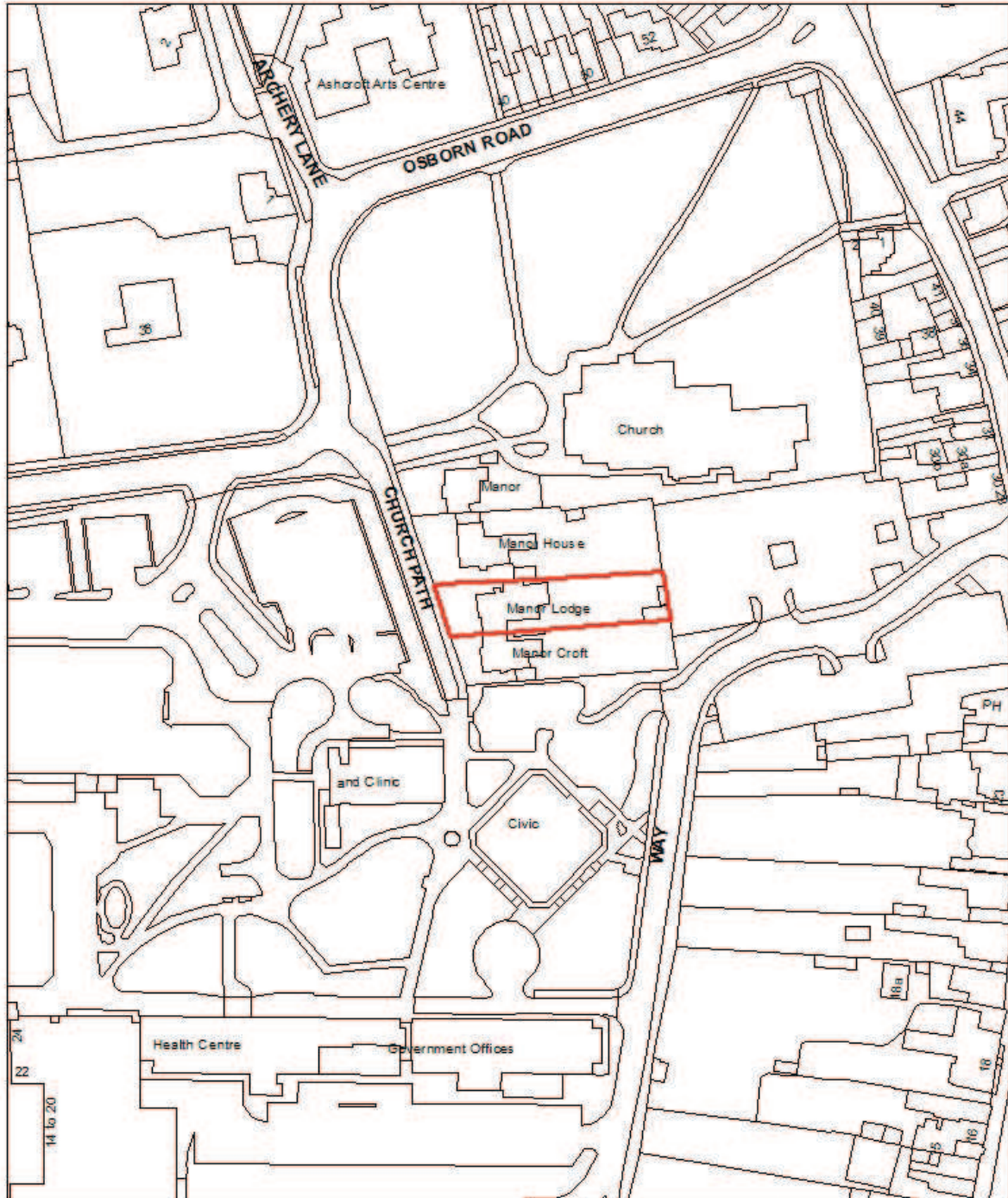
### ***Background Papers***

P/12/1017/VC



# FAREHAM

## BOROUGH COUNCIL



Manor Lodge  
3 Church Path  
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**P/12/1040/TO** [O]

MR N GREGORY

**FAREHAM WEST**

AGENT: MISS STEPHANIE  
SMITH

FELL OAK TREE COVERED BY FTPO 667

17 PEAK DRIVE FAREHAM PO14 1RL

### ***Report By***

Richard Wright x2356

### ***Site Description***

The application relates to an oak tree located within the residential curtilage of 17 Peak Drive close to that property's boundary with 67 The Avenue. The oak tree is covered by a tree preservation order (FTPO 667).

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

Consent is sought to fell the oak tree. The application states that the tree has extensive root decay.

### ***Policies***

The following policies apply to this application:

### **Fareham Borough Local Plan Review**

DG4 - Site Characteristics

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

The following planning history is relevant:

**P/12/1039/TO**      **FELL OAK TREE COVERED BY FTPO 161**  
APPROVE                      31/01/2013

**P/12/0804/FP**      **CHANGE OF USE TO MIXED USE COMPRISING NURSERY (D1) AT  
GROUND FLOOR LEVEL AND THREE BEDROOM RESIDENTIAL  
UNIT (C3) AT FIRST FLOOR LEVEL, ERECTION OF SINGLE  
STOREY EXTENSION TO SOUTH EASTERN CORNER OF BUILDING  
AND ENTRANCE RAMP**  
APPROVE                      08/01/2013

**P/12/0815/FP**      **ERECTION OF 4 BEDROOM THREE STOREY DWELLING**  
REFUSE                      27/11/2012

### ***Representations***

- Six letters have been received in objection to the proposed felling on the following grounds:
- Unless independent inspection shows the tree in question is afflicted by untreatable disease there is no reason to remove it
  - Tree shows no signs of Honey Fungus
  - If the tree is diseased or presents a danger then it should be dealt with, however if it is healthy it should be left alone.
  - The tree provides shelter for birds and insects
  - Visual amenity of tree would be lost

- Detrimental to privacy of adjoining properties
- The owner of the tree has no wish for it to be felled
- Removal of the tree could cause significant flooding problems to adjacent properties

### ***Consultations***

Director of Planning & Environment (Arboriculture) -

The oak was visually inspected from ground level, with the aid of binoculars where necessary, a nylon mallet and steel probe were used to investigate the main stem and root collar. The tree has been previously reduced unsympathetically approximately 10 years ago, with numerous dead stubs visible throughout the crown where untargeted or intermodal pruning cuts were made. The subsequent vigorous re-growth has now developed into a relatively natural crown shape with reasonable branch structure. Normal twig and bud size density and colour were observed and the crown appeared to exhibit good vitality.

The owner of the application tree has commissioned his own independent tree condition survey, which draws the same conclusion in terms of the oaks overall condition. The report recommends some remedial tree work by way of removing dead wood and formative pruning to restore the appearance and structure of the crown. These tree works are supported.

To conclude, the evidence available is not sufficient to demonstrate that this tree poses an unacceptable risk to the nursery and surrounding residential properties. Therefore the felling of the oak, which appears free from disease or any significant defects that may present an abnormal risk of failure, cannot be supported on arboricultural grounds.

### ***Planning Considerations - Key Issues***

Officers consider that consent should be refused to fell this tree.

With reference to the above comments from the Council's Principal Tree Officer, insufficient arboricultural evidence has been provided in support of this application to justify the felling of the oak. In the absence therefore of such justification the felling of this tree, which is considered to be in a sound and healthy condition, would be harmful to the visual amenities and character of the area.

### ***Recommendation***

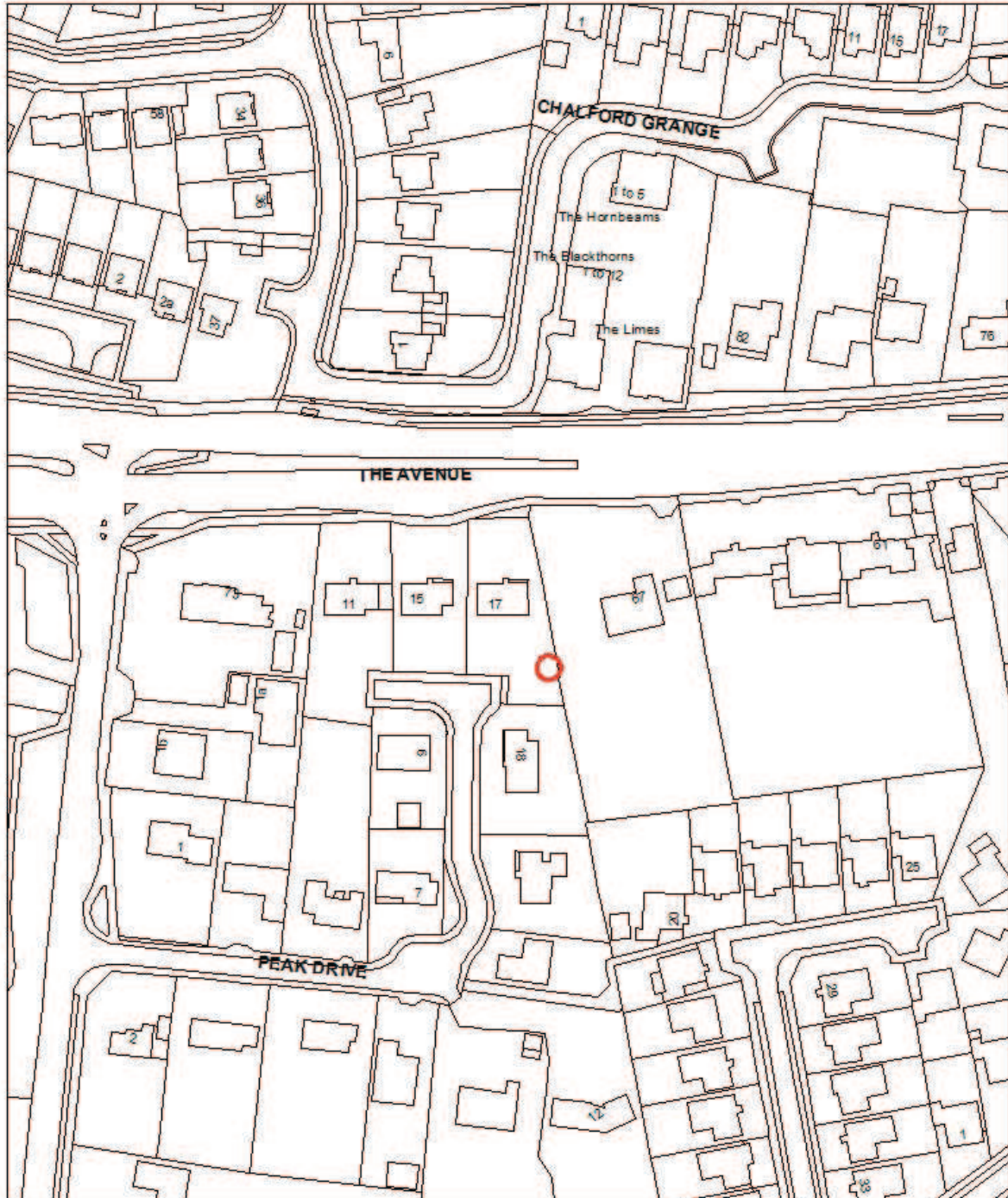
REFUSE: insufficient arboricultural evidence; harmful to visual amenities and character of area

### ***Background Papers***

P/12/1040/TO

# FAREHAM

## BOROUGH COUNCIL



17 Peak Drive  
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**P/12/1056/FP**

**FAREHAM SOUTH**

IDEAL WINDOW SOLUTIONS

AGENT: HOLMAN READING  
PARTNERSHIP LLP

ERECTION OF SINGLE STOREY FRONT EXTENSION

UNITY BUILDINGS FORT FAREHAM INDUSTRIAL SITE FAREHAM HAMPSHIRE PO14  
1AH

***Report By***

Emma Marks Ext.2677

***Site Description***

This application relates to a detached B1 (business) premises on the Fort Fareham Industrial Estate.

These premises are a two storey building with parking areas to the front and side and is located within Fort Fareham Industrial estate which is to the west of Newgate Lane.

The site lies within a Category A employment area.

***Description of Proposal***

Planning permission is sought for a single storey front extension which measures 6 metres in depth, 14.7 metres in width with a maximum height of 4.2 metres.

The proposal originally included a single storey side extension, however this has been removed from the application.

***Policies***

The following policies apply to this application:

**Approved Fareham Borough Core Strategy**

CS17 - High Quality Design

CS15 - Sustainable Development and Climate Change

**Fareham Borough Local Plan Review**

E1 - Existing Employment Areas in the Urban Area

***Relevant Planning History***

The following planning history is relevant:

**P/11/0861/CU**

**TEMPORARY CHANGE OF USE FROM BI (OFFICES) TO D1  
(COMMUNITY ACTIVITIES)**

APPROVE                      29/11/2011

***Representations***

One letter of representaiton has been received objecting on the following grounds:-

i) Parking implications

***Consultations***

Director of Planning & Environment(Highways):- No objection

Director of Regulatory and Democratic Services(Environmental Health):- No objection

***Planning Considerations - Key Issues***

The unit is located within Fort Fareham Industrial Estate and is currently vacant. The unit will be used for a B1 (offices) use with an ancillary showroom area. Planning permission is sought for a single storey front extension.

Concern has been raised that the extension would have a detrimental impact on the parking within the industrial estate as the extension would result in a net loss of three car parking spaces.

Officers have consulted the Transport Development Management Officer who advises that the remaining 21 car parking spaces for the total floor area of the unit after it is extended meets the requirement normally sought.

The proposed extension has been designed with a flat roof with two roof lanterns. The industrial estate consist of a range of different building types, design with mixture of building materials ranging from brickwork, metal cladding and render. Officers consider that the extension would not have an impact on the visual appearance of the area.

Officers are of the view that the application is acceptable and complies with the Adopted Fareham Borough Core Strategy and the Fareham Borough Local Plan Review.

***Reasons For Granting Permission***

The development is acceptable taking into account the policies and proposals of the Development Plan as set out above. The proposal is not considered to result in unacceptable impacts upon the street scene or character of the area, or on the local highway network, other material considerations being judged not to have sufficient weight or direction to justify a refusal of the application, and, where applicable, conditions having been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

***Recommendation***

PERMISSION

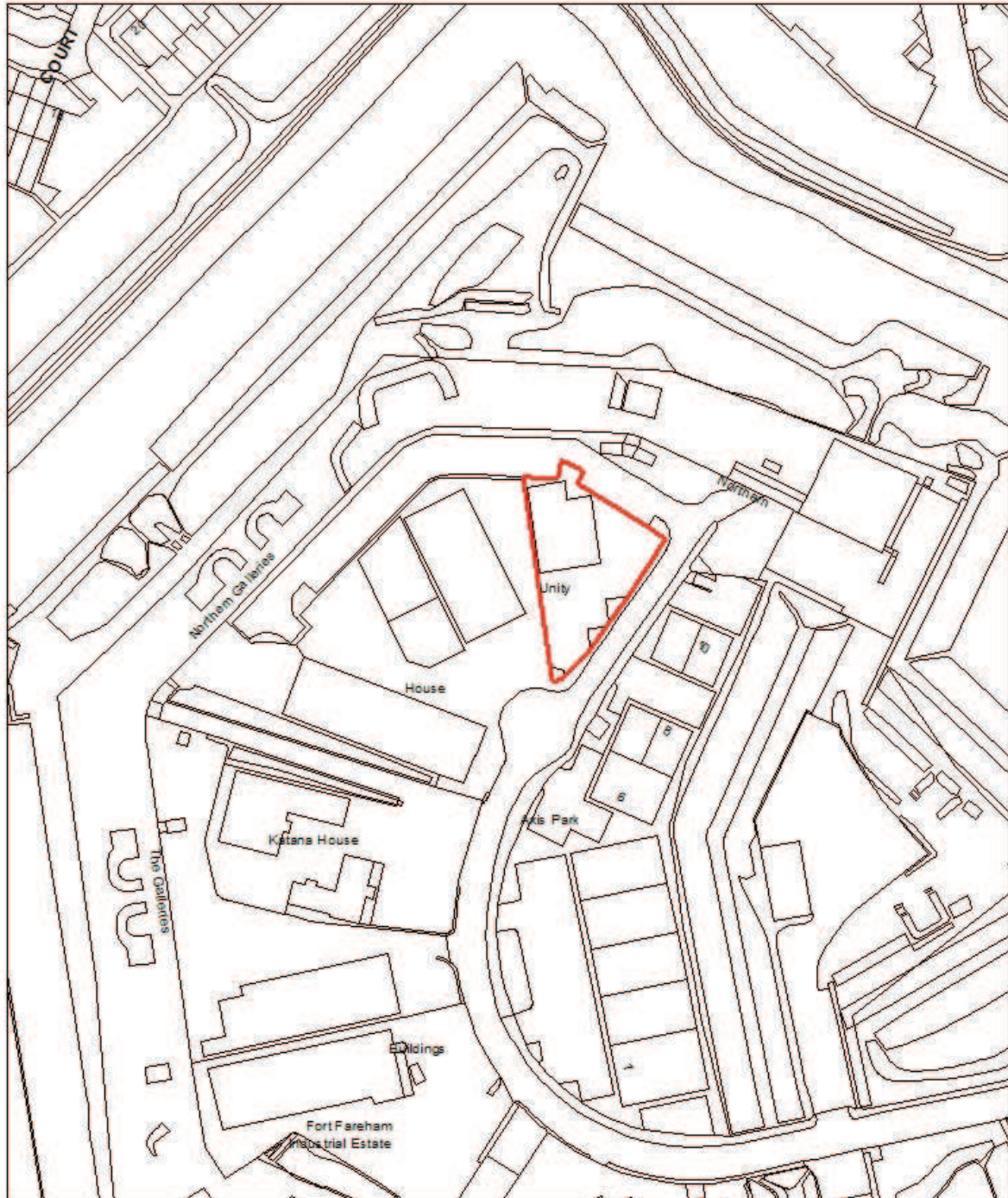
***Background Papers***

P/11/0861/CU



# FAREHAM

## BOROUGH COUNCIL



Unity Buildings  
Fort Fareham Industrial Site  
Scale 1:1250

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**P/13/0038/FP**

**FAREHAM WEST**

MR MARTIN DUFTON

AGENT: MR MARTIN DUFTON

ERECTION OF TWO STOREY SIDE EXTENSION AND PROVISION OF PITCHED ROOF OVER EXISTING REAR FLAT ROOF

52 BLACKBROOK PARK AVENUE FAREHAM PO15 5JL

### ***Report By***

Richard Wright x2356

### ***Site Description***

The application site comprises the residential curtilage of this two storey detached dwelling which is located within the urban area.

A single width driveway runs along the eastern side of the house leading to a detached single garage at the rear. The level of the driveway falls away from the roadside towards the garage as does the site as a whole and adjacent land.

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

Permission is sought for the erection of a two storey side extension to the dwelling. The extension would be built on the eastern side of the dwelling on part of the existing driveway. It would feature a fully hipped roof with a cat slide slope to the rear elevation.

Also proposed is the provision of a pitched roof over an existing flat roof section of the dwelling at the rear of the house.

### ***Policies***

The following policies apply to this application:

#### **Approved Fareham Borough Core Strategy**

CS17 - High Quality Design

#### **Approved SPG/SPD**

EXTDG - Extension Design Guide (1993)

RCCPS - Residential Car and Cycle Parking Standards Supplementary Planning Document,

### ***Representations***

Three letters have been received objecting to the application on the following grounds:

- Such a large frontage will not enhance the look of the unique character of the avenue
- Building would be out of proportion
- Revised parking arrangements harmful to highway safety
- Loss of light to neighbouring property no. 50
- Scale and massing obtrusive and overbearing
- Overshadowing/dominant effect on neighbouring property
- Harmful to / out of place with character of the area
- Increase in surface area at front of property

One letter has been received in support of the application with the following comments:

- Improvement to the area

- Extension will be visually pleasing
- Proposed parking arrangements welcomed

### **Consultations**

Director of Planning & Environment (Highways) - Three parking spaces must be provided at the front of the house. Subject to adequate details and conditions [relating to parking spaces], no highway objection would be raised.

### **Planning Considerations - Key Issues**

This application proposes extensions and alterations to this dwelling with two distinct elements:

- a) The addition of a pitched roof to an existing flat roof area at the rear of the house, with regards to which Officers are satisfied that there would be no detriment to the appearance of the house, the area or the living conditions of neighbours.
- b) The erection of a two storey extension on the eastern side of the dwelling, the merits of which are set out below.

The proposed two storey side extension would represent an unsympathetic addition to the dwelling, harmful to its appearance and the character of the overall streetscene, and is therefore considered contrary to Policy CS17 of the adopted Fareham Borough Core Strategy.

At present the front elevation of the dwellinghouse is neatly proportioned with adequate space about the building so as to ensure consistency with the surrounding pattern of development along the road. The submitted drawings show that the extension would not be set back from the front elevation of the existing dwelling, instead it would continue that facade across the majority of the width of the plot. The bulk and massing of the dwelling would be increased and as a result, in combination with the lack of subserviency in the design, the extension would be an imposing and incongruous addition which would detract from the appearance of the dwelling. Such an addition would also be out of keeping with the surrounding area which, although peppered with a mixture of styles of houses, is characterised by dwellings with more modest frontages in proportion with their respective plots.

The extension would also have a profoundly negative and unacceptable effect on the living conditions of the neighbours at 50 Blackbrook Park Avenue.

The adjacent dwelling at no. 50 has a ground floor bedroom window which would be in very close proximity to the 7.3 metre long flank wall of the proposed two storey extension. The 'tunnelling' effect of the extension on the only source of natural light to and outlook from this bedroom would be harmful to the enjoyment of that room and in turn the amenities of the neighbours. Similarly, the bulk and massing of the two storey extension would unduly restrict light to and outlook from another bedroom window at first floor level in the western side elevation of the dwelling. Notwithstanding the cat slide design of the rear section of the extension, the flank wall of the extension is estimated to be within 4 metres of that bedroom window. The Council's Extension Design Guide suggests a minimum distance of six metres in such cases, with a smaller distance of four metres being considered only in exceptional circumstances of which Officers consider there to be none.

Notwithstanding concerns from neighbours over the revised parking arrangements proposed, it is not considered that the widening of the hardstanding in front of the dwelling would in itself be detrimental to highway safety. Currently there is no provision for vehicles

to turn within the confines of the site and leave in a forward gear and the revised proposals would be no different in that regard.

### ***Reasons For Refusal***

The development is unacceptable taking into account the policies and proposals of the Development Plan as set out above, in particular Policy CS17 of the Fareham Borough Core Strategy. The proposed extension would, by virtue of its height, depth, bulk, scale, massing and design (particularly lack of subservience), be an unsympathetic addition to the dwelling harmful to its appearance and the character of the streetscene. Furthermore, the extension would be an overbearing and unneighbourly form of development detrimental to the living conditions of those neighbours at 50 Blackbrook Park Avenue. There are no other material considerations judged to have sufficient weight to outweigh this harmful impact. In accordance therefore with Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should be refused.

### ***Recommendation***

REFUSE: harmful to appearance of dwelling, character of area and living conditions of neighbours; contrary to Policy CS17 of the adopted Fareham Borough Core Strategy.

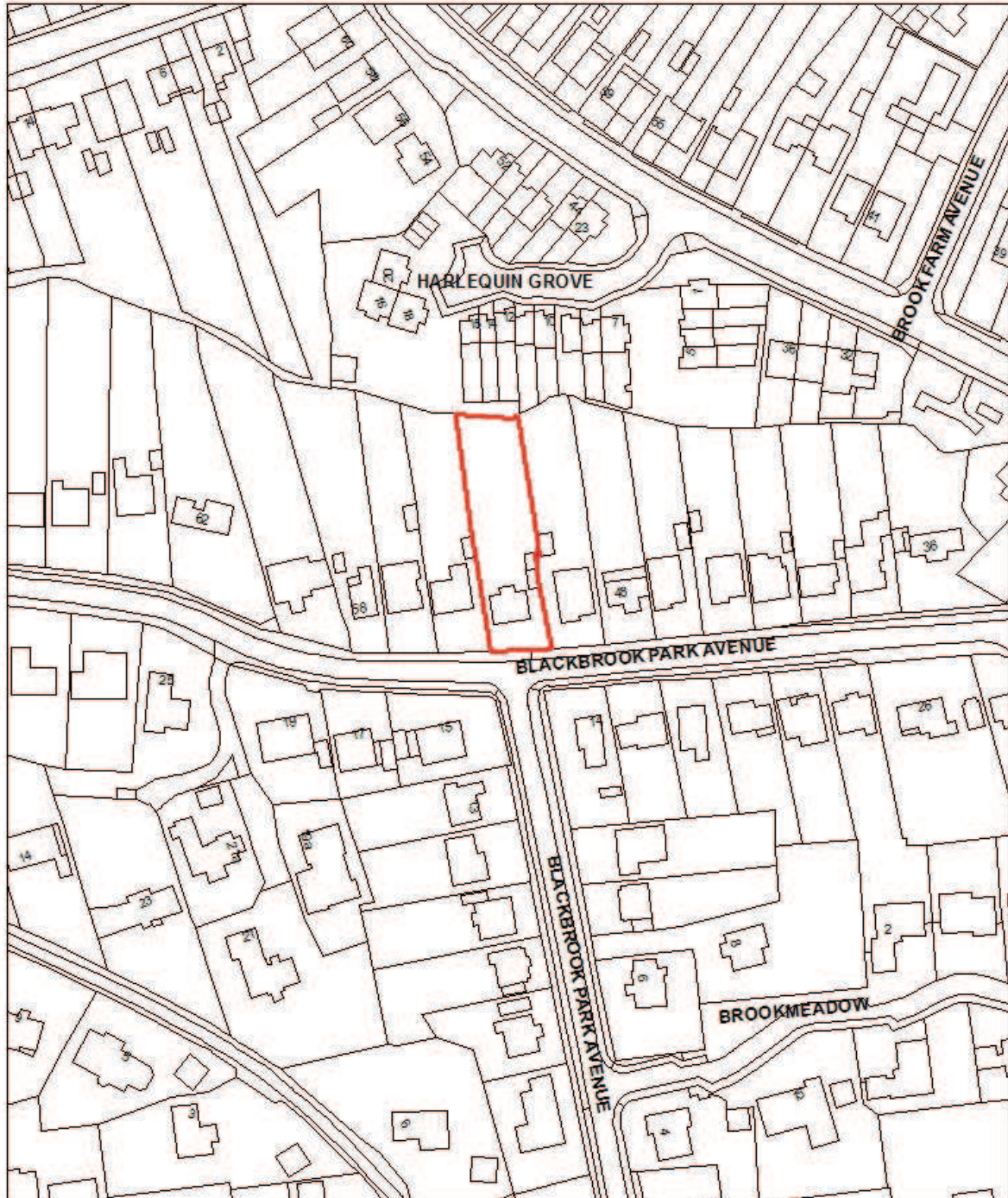
### ***Background Papers***

P/13/0038/FP



# FAREHAM

## BOROUGH COUNCIL



52 Blackbrook Park Avenue  
Scale 1:1250

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## **PLANNING APPEALS**

The following list details the current situation regarding new and outstanding planning appeals and decisions.

### **CURRENT**

#### **HG/12/0001**

**Appellant:** MR DAVID GRAHAM DUNNE  
**Site:** 17a Chapelside Titchfield Fareham Hants PO14 4AP  
**Decision Maker:**  
**Recommendation:**  
**Council's Decision:**  
**Date Lodged:** 18 October 2012  
**Reason for Appeal:** HIGH HEDGE COMPLAINT TREES AT 17A CHAPELSIDE, TITCHFIELD, FAREHAM, PO14 4AP

#### **P/11/1063/CU**

**Appellant:** MRS ANITA BARNEY  
**Site:** 75 Burrige Road - Land Adjacent - Burrige SO31 1BY  
**Decision Maker:** Committee  
**Recommendation:** REFUSE  
**Council's Decision:** REFUSE  
**Date Lodged:** 14 December 2012  
**Reason for Appeal:** CHANGE OF USE OF AGRICULTURAL LAND TO PRIVATE GYPSY SITE FOR ONE FAMILY, SITING OF ONE MOBILE HOME AND A TOURING CARAVAN

#### **P/11/1097/CU**

**Appellant:** MR MILES DORAN  
**Site:** 293 Titchfield Road - Land Adjacent Titchfield PO14 3ER  
**Decision Maker:** Officers Delegated Powers  
**Recommendation:** REFUSE  
**Council's Decision:** REFUSE  
**Date Lodged:** 11 October 2012  
**Reason for Appeal:** CHANGE OF USE OF LAND AND PREMISES TO USE AS A RESIDENTIAL CARAVAN SITE FOR ONE GYPSY FAMILY WITH TWO CARAVANS, INCLUDING NO MORE THAN ONE STATIC MOBILE HOME AND USE OF EXISTING BUILDING ON SITE AS ANCILLARY ACCOMMODATION FOR FAMILY UNIT

## **PLANNING APPEALS**

The following list details the current situation regarding new and outstanding planning appeals and decisions.

### **CURRENT**

#### **P/12/0259/FP**

**Appellant:** CHERYL MILLER  
**Site:** Land To West Of 237 Woodlands Farm Segensworth Road Fareham Hampshire PO15 5EW  
**Decision Maker:** Officers Delegated Powers  
**Recommendation:** REFUSE  
**Council's Decision:** REFUSE  
**Date Lodged:** 10 January 2013  
**Reason for Appeal:** CONTINUED USE OF THE LAND FOR THE STABLING AND GRAZING OF HORSES TO INCLUDE RETENTION OF MOBILE HOME IN CONNECTION WITH EQUINE BREEDING BUSINESS / EQUINE WORKER IN LIEU OF CARAVAN PERMITTED UNDER APPLICATION P/06/0357/FP.

#### **P/12/0335/CU**

**Appellant:** MR PATRICK MASSEY  
**Site:** 48a Warsash Road Warsash SO31 9JA  
**Decision Maker:** Officers Delegated Powers  
**Recommendation:** REFUSE  
**Council's Decision:** REFUSE  
**Date Lodged:** 24 December 2012  
**Reason for Appeal:** CHANGE OF USE FROM BUTCHER (A1) TO HOT FOOD TAKEAWAY (A5) INCLUDING INTERNAL ALTERATIONS AND EXTERNAL EXTRACTOR FLUE

#### **P/12/0373/OA**

**Appellant:** MR CHRIS COLLINS  
**Site:** Land To Rear Of 274 Botley Road Burrridge Hampshire UNKNOWN  
**Decision Maker:** Officers Delegated Powers  
**Recommendation:** REFUSE  
**Council's Decision:** REFUSE  
**Date Lodged:** 11 December 2012  
**Reason for Appeal:** PROPOSED ONE CHALET BUNGALOW WITH ASSOCIATED CAR PARKING AND LANDSCAPING (OUTLINE APPLICATION FOR ACCESS, LANDSCAPING AND LAYOUT, RESUBMISSION OF P/11/0549/OA)

## **PLANNING APPEALS**

The following list details the current situation regarding new and outstanding planning appeals and decisions.

### **CURRENT**

#### **P/12/0567/LU**

**Appellant:** MR PAT GREEN  
**Site:** 117 Fareham Park Road Fareham Hants PO15 6LN  
**Decision Maker:** Officers Delegated Powers  
**Recommendation:** REFUSE  
**Council's Decision:** REFUSE  
**Date Lodged:** 10 December 2012  
**Reason for Appeal:** CERTIFICATE OF LAWFULNESS FOR A PROPOSED FIRST FLOOR SIDE EXTENSION

#### **P/12/0587/OA**

**Appellant:** MR JAMES TURIAN  
**Site:** Land East Of Meadowbrook Oslands Lane Swanwick Hants SO31 7EG  
**Decision Maker:** Officers Delegated Powers  
**Recommendation:** REFUSE  
**Council's Decision:** REFUSE  
**Date Lodged:** 21 February 2013  
**Reason for Appeal:** ERECTION OF SINGLE DWELLING

#### **P/12/0619/FP**

**Appellant:** MR STEVE NIELD  
**Site:** 28 Langstone Walk Fareham Hampshire PO14 3AB  
**Decision Maker:** Officers Delegated Powers  
**Recommendation:** REFUSE  
**Council's Decision:** REFUSE  
**Date Lodged:** 11 December 2012  
**Reason for Appeal:** ERECT THREE BED DWELLING ATTACHED TO SOUTHERN GABLE OF NO 28 LANGSTONE WALK

## **PLANNING APPEALS**

The following list details the current situation regarding new and outstanding planning appeals and decisions.

### **CURRENT**

#### **P/12/0694/FP**

**Appellant:** MR JOHN HOLLOWAY  
**Site:** 10 Fay Close Stubbington PO14 2RS  
**Decision Maker:** Committee  
**Recommendation:** REFUSE  
**Council's Decision:** REFUSE  
**Date Lodged:** 10 January 2013  
**Reason for Appeal:** PROPOSED SIDE DORMER WINDOW TO FACILITATE LOFT CONVERSION

#### **P/12/0699/FP**

**Appellant:** MR MATTHEW SOUTHCOTT  
**Site:** 397 Warsash Road Fareham Hampshire PO14 4JX  
**Decision Maker:** Non Determined  
**Recommendation:**  
**Council's Decision:** REFUSE  
**Date Lodged:** 06 December 2012  
**Reason for Appeal:** RENOVATION AND EXTENSION OF EXISTING DWELLING AND ERECTION OF FOUR NEW DWELLINGS, GARAGES AND PARKING, VEHICULAR AND PEDESTRIAN ACCESS AND LANDSCAPING

#### **P/12/0778/CU**

**Appellant:** MRS ANITA BARNEY  
**Site:** Burridge Road - Land To South West - Burridge SO31 1BY  
**Decision Maker:** Officers Delegated Powers  
**Recommendation:** REFUSE  
**Council's Decision:** REFUSE  
**Date Lodged:** 20 February 2013  
**Reason for Appeal:** THE USE OF LAND FOR THE STATIONING OF CARAVANS FOR RESIDENTIAL PURPOSES FOR 1 NO GYPSY PITCH TOGETHER WITH THE FORMATION OF ADDITIONAL HARD STANDING AND UTILITY/DAYROOM ANCILLARY TO THAT USE

## **PLANNING APPEALS**

The following list details the current situation regarding new and outstanding planning appeals and decisions.

### **CURRENT**

#### **P/12/0826/VC**

**Appellant:** MR NIGEL BUTTERS  
**Site:** Solent Breezes - Hook Lane - 23b - Hook Lane Warsash  
Southampton SO31 9HG  
**Decision Maker:** Officers Delegated Powers  
**Recommendation:** APPROVE  
**Council's Decision:** APPROVE  
**Date Lodged:** 20 February 2013  
**Reason for Appeal:** RELIEF OF CONDITION no. 3 OF PLANNING PERMISSION  
REFERENCE FBC.7456 TO ALLOW PERMANENT RESIDENTIAL  
OCCUPATION OF 23B SOLENT BREEZES, HOOK LANE,  
SOUTHAMPTON

#### **P/12/0827/VC**

**Appellant:** MR M & MRS S BYE  
**Site:** 43 Solent Breezes Hook Lane Warsash SO31 9HF  
**Decision Maker:** Officers Delegated Powers  
**Recommendation:** APPROVE  
**Council's Decision:** APPROVE  
**Date Lodged:** 20 February 2013  
**Reason for Appeal:** RELIEF OF CONDITION 3 OF PLANNING PERMISSION  
REFERENCE FBC.7456 TO ALLOW PERMANENT RESIDENTIAL  
OCCUPATION OF 43 SOLENT BREEZES, HOOK LANE,  
WARSASH, SOUTHAMPTON

#### **P/12/0853/CU**

**Appellant:** MRS DEBORAH GRANT  
**Site:** 180 Funtley Road Fareham Hampshire PO15 6DP  
**Decision Maker:** Officers Delegated Powers  
**Recommendation:** REFUSE  
**Council's Decision:** REFUSE  
**Date Lodged:** 06 February 2013  
**Reason for Appeal:** CHANGE OF USE OF LAND TO ALLOW SITING OF MOBILE HOME  
TO BE USED AS INDEPENDENT RESIDENTIAL UNIT FOR A  
TEMPORARY PERIOD OF THREE YEARS

## **PLANNING APPEALS**

The following list details the current situation regarding new and outstanding planning appeals and decisions.

### **CURRENT**

#### **P/12/0862/VC**

**Appellant:** MR I & MRS J CHATTEN  
**Site:** 38 Solent Breezes Chilling Lane Warsash SO31 9HF  
**Decision Maker:** Officers Delegated Powers  
**Recommendation:** APPROVE  
**Council's Decision:** APPROVE  
**Date Lodged:** 20 February 2013  
**Reason for Appeal:** VARIATION OF CONDITION 3 OF FBC 7456 TO ALLOW ALL YEAR ROUND OCCUPANCY OF NO. 38 SOLENT BREEZES

#### **P/12/0918/VC**

**Appellant:** MR & MRS D & J ARMITAGE  
**Site:** 33 Solent Breezes Chilling Lane Warsash Southampton SO31 9HF  
**Decision Maker:** Officers Delegated Powers  
**Recommendation:** APPROVE  
**Council's Decision:** APPROVE  
**Date Lodged:** 20 February 2013  
**Reason for Appeal:** VARIATION OF CONDITION 3 OF FBC 7456 TO ALLOW ALL YEAR ROUND OCCUPANCY OF NO. 33 SOLENT BREEZES

#### **P/12/0945/VC**

**Appellant:** MR M & MRS T PIKE  
**Site:** 55 Solent Breezes Hook Lane Warsash SO31 9HF  
**Decision Maker:** Officers Delegated Powers  
**Recommendation:** APPROVE  
**Council's Decision:** APPROVE  
**Date Lodged:** 20 February 2013  
**Reason for Appeal:** VARIATION OF CONDITION 3 OF FBC.7456 TO ALLOW PERMANENT RESIDENTIAL OCCUPATION OF 55 SOLENT BREEZES

### **HEARINGS**



## **PLANNING APPEALS**

The following list details the current situation regarding new and outstanding planning appeals and decisions.

### **HEARINGS**

#### **ENF/12/0034**

**Appellant:** MS CHERYL MILLER  
**Site:** Land Adjoining 237 Segensworth Road Fareham Po15 5ew  
**Date Lodged:** 09 January 2013  
**Reason for Appeal:** Without planning permission, change of use of the land from the keeping of horses, retention of 3 mobile stables and a mobile caravan, construction of manege and dog kennel, to the stationing of one static caravan for the purposes of human habitation

### **DECISIONS**

#### **P/12/0050/CU**

**Appellant:** MR KEVIN FRASER  
**Site:** 73 St Margarets Lane Fareham PO14 4BG  
**Decision Maker:** Committee  
**Recommendation:** APPROVE  
**Council's Decision:** APPROVE  
**Date Lodged:** 21 November 2012  
**Reason for Appeal:** RETROSPECTIVE APPLICATION FOR CONTINUED USE OF UNIT A FOR D2 AND THEATRE PURPOSES AND UNIT B FOR STORAGE USE - APPEAL AGAINST CONDITION 1 OF PLANNING PEMISSION GRANTED UNDER P/12/0050/CU  
**Decision:** ALLOWED  
**Decision Date:** 20 February 2013

#### **P/12/0148/FP**

**Appellant:** MRS JULIE GILES  
**Site:** 2 The Grounds, Heath Road North Locks Heath Southampton SO31 7PL  
**Decision Maker:** Officers Delegated Powers  
**Recommendation:** REFUSE  
**Council's Decision:** REFUSE  
**Date Lodged:** 28 August 2012  
**Reason for Appeal:** PROPOSED NEW VEHICLE ACCESS ONTO LOCKSWOOD ROAD  
**Decision:** DISMISSED  
**Decision Date:** 07 February 2013

## **PLANNING APPEALS**

The following list details the current situation regarding new and outstanding planning appeals and decisions.

### **DECISIONS**

#### **P/12/0365/CU**

**Appellant:** MS CLAIR DEARY  
**Site:** 83 The Greendale Fareham PO15 6ET  
**Decision Maker:** Officers Delegated Powers  
**Recommendation:** REFUSE  
**Council's Decision:** REFUSE  
**Date Lodged:** 13 September 2012  
**Reason for Appeal:** CHANGE OF USE OF LAND TO FORM PART OF GARDEN AND RETENTION OF 2M HIGH FENCE FRONTING THE GREENDALE.  
**Decision:** DISMISSED  
**Decision Date:** 18 February 2013

#### **P/12/0402/AD**

**Appellant:** MRS KATHERINE FAIRWEATHER  
**Site:** 43 Old Gosport Road Fareham PO16 0XH  
**Decision Maker:** Officers Delegated Powers  
**Recommendation:** REFUSE  
**Council's Decision:** REFUSE  
**Date Lodged:** 17 October 2012  
**Reason for Appeal:** RETENTION OF THREE FREE-STANDING SIGNS  
**Decision:** DISMISSED  
**Decision Date:** 25 February 2013

#### **P/12/0462/OA**

**Appellant:** MRS V HORRELL  
**Site:** 233 Swanwick Lane Lower Swanwick SO31 7GT  
**Decision Maker:** Committee  
**Recommendation:** APPROVE  
**Council's Decision:** REFUSE  
**Date Lodged:** 22 October 2012  
**Reason for Appeal:** ERECTION OF FOUR DETACHED DWELLINGS AND PROVISION OF ACCESS FROM LOWER SWANWICK ROAD  
**Decision:** ALLOWED  
**Decision Date:** 27 February 2013

**FAREHAM**  
BOROUGH COUNCIL

**Report to  
Planning Committee**

Date: **27 February 2013**

Report of: **Director of Planning and Environment**

Subject: **PLANNING APPEALS - SUMMARY REPORT**

**SUMMARY**

This report summarises the appeal decisions received during the period 1 April 2012 to 31 January 2013 and provides an analysis of them.

**RECOMMENDATION**

That the Committee notes the contents of this report.

## INTRODUCTION

1. The following report analyses the planning appeal decisions received in the period 1 April 2012 to 31 January 2013.

### Analysis of Appeal Decisions and Trends

2. During the period covered by this report, 28 appeal decisions were received. Of those 28 decisions, 10 were allowed and 18 dismissed. The decisions can be broken down in greater detail as follows:-

	Total	Written	Informal	PLI
		Representations	Hearing	
Dismissed:	18	18	0	0
Allowed:	10	10	0	0

3. Of the 18 appeals dismissed, 12 were either refused under officers' delegated powers or recommended for refusal. Four of the other 6 appeals related to applications that were favourably recommended by officers but refused by the Planning Committee. Details of these appeals are set out below. The final 2 appeals were in relation to conditions attached to permissions.
4. Of the 10 appeals that were allowed: 7 related to applications either refused under Officers' delegated powers or recommended for refusal, 2 resulted from the Planning Committee overturning the recommendation of Officers, and one related to an appeal against non-determination.

The 28 appeal decisions received can be grouped into the following areas:-

	Allowed	Dismissed
Tree Preservation Orders	2	0
Householder Development	3	11
Residential Development (less than 10 units)	1	5
Residential Development (more than 10 units)	0	0
Advertisements	0	0
Variation of Condition	2	0
Commercial	2	2
Listed Building Consent	0	0
Planning Enforcement Notice	0	0
Lawful Use Certificates	0	0

No successful applications for costs were made during this period.

5. The planning appeals for this financial year to date cover a range of applications and development types but are all smaller scale developments. Many related to subjective issues of the impact upon character and adjoining properties. All the appeal decisions received are circulated to Members of the Planning Committee and therefore a detailed analysis of each one is not set out here. The following primarily focuses on those cases where the recommendations of Officers were not accepted by the Planning Committee.

### **The appeals allowed**

6. In the case of 10 Delme Drive, Members refused the planning application against the recommendation of Officers. Members visited the site prior to taking a formal decision and concluded that the narrowness of the plots and the scale of two houses in particular would harm the character of the area. The Planning Inspector did not share this view and allowed the appeal; the Inspector did not however allow an application for costs against the Council.
7. An oak tree within the rear garden of a property at 18 Buttercup Way became the subject of an appeal. The house was granted planning permission in the late 1980s and had a modest rear garden containing a number of protected trees. When an application was received to fell an oak tree approximately 2 metres away from a conservatory Officers recommended that consent should be granted.
8. As the tree was confirmed as sound and healthy and no structural damage was claimed Members resolved to refuse consent.
9. The Planning Inspector in considering the appeal accepted that some visual harm would be caused by the loss of this tree. He stated however that 'in my view the house and extension have been constructed very close to the tree, which grows in a position which creates excessive shade and light reduction across the property and the detriment is significant and increasing as the tree develops. I accept that surgery can reduce these problems, and has been carried out in the past, but in my view the amount of regular periodic surgery to control the crown growth of this tree is undesirable and would not be a satisfactory long term solution.'
10. In allowing the appeal the Inspector imposed conditions requiring a replacement tree.
11. In the case of St Mary's Church in Church Road Warsash, planning permission was refused to erect photovoltaic panels on part of its roof; the Church is a Grade II listed building.
12. In considering the appeal the Inspector considered that the panels introduced an alien feature and would therefore cause some harm to the appearance of the building. In closer views however he considered that the elevation containing the panels had already undergone a degree of change which lessened the effect.
13. Furthermore he had regard for the benefits brought about by the use of PV panels and the fact that they were time limited and reversible. In weighing up the issues he concluded that the significant benefits of the proposal would outweigh the less than substantial harm caused.
14. In allowing the appeal he imposed a condition which effectively limited the life of the permission to 25 years from installation of the panels.
15. The non-determination appeal related to one of the chalets at Solent Breezes. The appellant was seeking permission to occupy the chalet all year round. Fareham Borough Council argued that Solent Breezes is not a sustainable location and is therefore inappropriate for all year round occupation; and that such changes of use alter



its fundamental character from that of a 'holiday home' park.

16. The Planning Inspector concurred with this Council's arguments and noted that Solent Breezes is an unsustainable location in the countryside and that there is no overriding need for permanent residential dwellings here. He also considered that such changes of use would indeed change the character of the site.
17. Whilst the planning appeal was allowed a condition was imposed to restrict its occupation to between the 1<sup>st</sup> March and 31<sup>st</sup> October, and for other limited times outside this period.

### **The dismissed appeals**

18. Members will note that 4 of the appeals dismissed were favourably recommended by Planning Officers.
19. Two of the appeals (194 Swanwick Lane and 5 Oleander Close) related to the impact from proposed first floor extensions upon neighbouring properties. In both cases the first floor extension was located in very close proximity to the party boundary. Similarly the most impacted rooms were neighbour's conservatories and the rooms behind these conservatories.
20. Members did not accept the positive recommendations of Officers in either of these cases concluding that the impact upon the neighbouring properties was unacceptable. In the ensuing planning appeals, the Inspectors concluded that the resulting harm caused, especially the impact upon sunlight and daylight through the translucent roofs of the neighbouring conservatories justified the dismissal of the appeals.
21. The case of 263-265 White Hart Lane in Portchester, involved demolishing a retail shop, workshop and dwelling and replacing them with five dwellings. The scheme was favourably recommended to the Planning Committee.
22. Members concluded that the proposal comprised a cramped form of development which provided inadequate garden areas and off street parking; the planning application was accordingly refused.
23. In considering the appeal, the Planning inspector considered that the garden sizes proposed would not be adequate in all cases to serve family sized units. He therefore concurred the proposal gave rise to a cramped form of development.
24. In terms of car parking he noted that the on-site parking provision was three spaces below the Council's normal expected parking standards. The Inspector accepted that reduced standards could be accepted in accessible locations but the applicant had not demonstrated that this was the case here. He also acknowledged that capacity appeared to exist on street but concluded that relying upon on-street car parking did not give rise to a high standard of development or level of amenity for residents. The appeal was dismissed.
25. The next appeal related to a proposed chalet bungalow at the rear of 112 Locks Road. Officers favourably recommended the application but Members concluded that overlooking from rear facing windows would have an unacceptable impact upon the neighbouring property. The application was refused.

26. In assessing the proposal the Inspector noted that from the main rear walls of the existing and proposed dwelling, a separation distance of 22 metres appeared to be achieved. Once the neighbours conservatory was added on however (which measures approximately 2.5 metres in depth) the 22 metres was no longer met. In any event the Inspector concluded that in established residential areas, particular care needs to be taken when new residential development is proposed. The inspector concluded the extent of overlooking materially harmed the neighbouring property and the appeal was therefore dismissed.

### **Summary**

27. The appeals received within this financial year have related to small scale developments, many of which involved subjective judgements relating to neighbours amenities, the character of the area and highway safety. No major policy challenges arose through these appeals. No costs were awarded against the Council through this period.

### **CONCLUSION**

28. Members are recommended to note the contents of this report.

### **Background Papers:**

The appeal decision notices in respect of those appeals mentioned in this report.

### **Reference Papers:**

None

### **Enquiries:**

For further information on this report please contact Lee Smith. (Ext 4427)

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