

FAREHAM

BOROUGH COUNCIL

AGENDA PLANNING COMMITTEE

Date: Wednesday, 22 April 2015

Time: 2.30 pm

Venue: Collingwood Room - Civic Offices

Members:

Councillor N J Walker (Chairman)

Councillor A Mandry (Vice-Chairman)

Councillors
B Bayford
T M Cartwright, MBE
K D Evans
M J Ford, JP
R H Price, JP
D C S Swanbrow
P J Davies

Deputies:
L Keeble
Mrs K K Trott
Mrs C L A Hockley
D J Norris



1. Apologies for Absence

2. Minutes of Previous Meeting (Pages 1 - 6)

To confirm as a correct record the minutes of the meeting of the Planning Committee held on 25 March 2015.

3. Chairman's Announcements

4. Declarations of Interest

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

5. Deputations

To receive any deputations of which notice has been lodged.

6. Planning applications and Miscellaneous Matters including an update on Planning Appeals (Page 7)

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

ZONE 1 - WESTERN WARDS

(1) **P/15/0168/FP - 67 CHURCH ROAD LOCKS HEATH FAREHAM SO31 6LS**
(Pages 9 - 15)

(2) **P/15/0207/FP - 67 CHURCH ROAD - PLOT 4 - LOCKS HEATH FAREHAM HAMPSHIRE SO31 6LS** (Pages 16 - 23)

(3) **P/15/0256/TO - 181A SEGENSWORTH ROAD WEST FAREHAM HAMPSHIRE PO15 5EH** (Pages 24 - 27)

ZONE 2 - FAREHAM

(4) **P/14/1127/FP - 13 LONGFIELD AVENUE FAREHAM PO14 1DA** (Pages 29 - 33)

(5) **P/15/0074/VC - 80 & 84 FAREHAM PARK ROAD FAREHAM HAMPSHIRE PO15 6LW** (Pages 34 - 38)

(6) **P/15/0191/FP - 94 ARUNDEL DRIVE FAREHAM HAMPSHIRE PO16 7NU**
(Pages 39 - 44)

(7) **P/15/0238/OD - 70 TRINITY STREET FAREHAM PO16 7SJ** (Pages 45 - 49)

ZONE 3 - EASTERN WARDS

(8) **P/15/0201/FP - 32A SOLENT ROAD FAREHAM HAMPSHIRE PO14 3LD**
(Pages 51 - 55)

(9) Planning Appeals (Pages 56 - 58)

7. Tree Preservation Orders

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

(a) Fareham Tree Preservation Order No 643 (2015) – Inwood House, The Thatched House, Tanglemere and Broomhill, Holly Hill Lane, Sairsbury.

Order made on 20 February 2015 for which no objections were made.

It is recommended that Fareham Tree Preservation Order No 643 be confirmed as made and served.

(b) Fareham Tree Preservation Order No 646 (2015) – Byeways, Woodpeckers, Dunnotar, Sarisbury Lodge, Holly Hill Lane and land to the north of Hook Nature Reserve, Sarisbury.

Order made on 20 February 2015 for which no objections were made.

It is recommended that Fareham Tree Preservation Order No 646 be confirmed and made and served.

(c) Fareham Tree Preservation Order No 703 (2014) – 26 Ranvilles Lane, Titchfield

Order made on 1 December 2014 for which no objections were made.

It is recommended that Fareham Tree Preservation Order No 703 be confirmed and made and served.

(d) Fareham Tree Preservation Order No 704 (2015) – Three Oaks, Duneagle, Ashwick House, Otterholme, Hamble View, The Walled Garden and land fronting the River Hamble, Holly Hill Lane, Sarisbury.

Order made on 20 February 2015 for which no objections were made.

It is recommended that Fareham Tree Preservation Order No 704 be confirmed with the following modifications; the addition of 'Three Oaks' in the title and to amended the position of T14, T15 and T16.

P GRIMWOOD
Chief Executive Officer

Civic Offices
www.fareham.gov.uk
14 April 2015

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

FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Wednesday, 25 March 2015

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor N J Walker (Chairman)

Councillor A Mandry (Vice-Chairman)

Councillors: B Bayford, T M Cartwright, MBE, K D Evans, M J Ford, JP,
R H Price, JP, D C S Swanbrow and P J Davies

**Also
Present:**



1. APOLOGIES FOR ABSENCE

There were no apologies of absence.

2. MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee meeting held on 25 February 2015 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements.

4. DECLARATIONS OF INTEREST

In accordance with Standing Orders and the Council's Code of Conduct the following members declared an interest in the applications referred to:-

Name	Application Number/Site	Minute Number
Councillors Cartwright, Bayford, Swanbrow and Price, JP	P/15/0108/RM – Barnes Lane, Sarisbury Green	7 (3)

5. DEPUTATIONS

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

Name	Spokesperson representing the persons listed	Subject	Supporting or Opposing the Application	Minute No/ Application No/Page No
ZONE 1 - 2.30				
Mr M Dawson		101 Brook Lane, Warsash – Proposed ground and first floor extension to existing link between the original building and modern extension with a north facing dormer window to	Opposing	Item 7 (1) P/14/1019/FP Page 20

		accommodate new platform lift between floors		
ZONE 2 – 2.30				
Mr R Stubbs (Agent)		68 High Street, Fareham – Detached dwelling and double garage to rear of 68 High Street	Supporting	Item 7(5) P/15/0063/FP Page 39
Mrs B Clapperton	The Fareham Society	-ditto-	Opposing	Ditto-
Mr R Gamlen		70 Trinity Street, Fareham – Application seeking review of affordable housing obligation under S.106 BA of the Town and Country Planning Act in relation to planning application P/07/0848/FP	Supporting	Item 7(6) P/15/0238/OD Page 49
ZONE 3 – 2.30				
Mr A Piper		Land to Rear 26A Solent Road, Fareham – Group of Oak Protected by TPO 173: Tip Reduced Selected Over Extended Branches on West Side of Trees by 3 metres to natural target pruning points.	Opposing	Item 7 (8) P/15/0137/TO Page 64
Mr K Limburn		-ditto-	Supporting	-ditto-

6. PROTOCOL RELATING TO MEMBERS OF THE PLANNING COMMITTEE ASKING QUESTIONS OF DEPUTES

The Committee considered a report by the Director of Planning and Development on a protocol relating to Members of the Planning Committee asking questions of deputies.

Councillor Price asked for clarification on when members would be able to put questions to deputies, whether it was restricted just to when the deputy is making their deputation or whether it was anytime during the discussion of the application.

The Head of Development Management addressed the Panel and explained that the protocol has been set to allow for questions to be asked to deputees during any part of the discussion of the application. He also stressed that the questions can only be asked through the Chairman and that they are merely for clarification purposes.

RESOLVED that the protocol attached as Annex A to the report be approved for use by the Planning Committee with immediate effect.

7. PLANNING APPLICATIONS AND MISCELLANEOUS MATTERS INCLUDING AN UPDATE ON PLANNING APPEALS

The Committee noted a report by the Director of Planning and Development on development control matter applications and miscellaneous matters, including information on Planning Appeals. An Update Report was tabled at the meeting.

(1) P/14/1019/FP - 101 BROOK LANE WARSASH SOUTHAMPTON SO31 9FE

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

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

(Voting: 5 in favour; 4 against)

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

(2) P/14/1020/LB - 101 BROOK LANE WARSASH SOUTHAMPTON SO31 9FE

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

(Voting: 9 in favour; 0 against)

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

(3) P/15/0108/RM - BARNES LANE SARISBURY GREEN FAREHAM SO31 7BJ

Councillor Cartwright declared a non-pecuniary interest in this item as he is the Chairman of the Members Working Group for this project.

Councillors Swanbrow, Bayford and Price, JP declared a non-pecuniary interest in this item as they are members of the Working Group for this project.

Upon being proposed and seconded the officer recommendation to approve the reserved matters, subject to the conditions in the report, was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that, subject to the conditions in the report, the reserved matters be APPROVED.

(4) P/13/0996/MA/A - 45 LONGFIELD AVENUE FAREHAM HANTS PO14 1BX

Upon being proposed and seconded the officer recommendation to approve the minor amendment, was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that the minor amendment be APPROVED.

(5) P/15/0063/FP - 68 HIGH STREET FAREHAM HAMPSHIRE PO16 7BB

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

The Committee's attention was drawn to the Update Report which contained the following information:- *Members are advised that planning application P/15/0062/CU, which proposed the change of use of the frontage building, rear garden and a small section of the existing car park to the east from Use Class A3 (restaurant) to C3 (single dwelling house), has been permitted under Officer delegated powers.*

Upon being proposed and seconded the officer recommendation to refuse the application was voted on and CARRIED.

(Voting: 8 in favour; 0 against; 1 abstention)

RESOLVED that PLANNING PERMISSION be REFUSED.

Reasons for Refusal:

The proposed development is contrary to Policy DG4 of the Adopted Fareham Borough Local Plan Review, Policies CS5, CS6 and CS17 of the Adopted Fareham Borough Core Strategy and Policies DSP6 & DSP15 of the Emerging Fareham Borough Local Plan Part 2; Development Sites and Policies, in that:

i) the siting of the development within this historic burgage plot plus the size, scale and design of the proposed dwelling would harm the setting of the Grade II* Listed Building and would fail to preserve or enhance the character and appearance of the High Street Conservation Area;

ii) the proposal fails to identify an adequate number of off-street vehicle car parking spaces to be retained in order to cater for the established lawful restaurant use of No. 68 or to provide a legal mechanism to ensure that; before the development hereby proposed takes place, the use of No. 68 is changed so that the remaining parking space available is appropriate to that use;

iii) in the absence of a financial contribution or a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed net increase in residential units on the

site would cause through increased recreational disturbance on the Solent Coastal Protection Areas.

(6) P/15/0238/OD - 70 TRINITY STREET FAREHAM

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

A motion was proposed that the application be deferred. The motion was voted on and CARRIED.

(Voting: 9 in favour; 0 against).

RESOLVED that the application be deferred.

Reasons for the Decision: To allow sufficient time for members to review the figures included within the viability appraisal; in order to gain a better understanding of the financial viability of the proposal and how this meets or does not meet the relevant statutory test in relation to the modification and discharge of planning obligations under the Town & Country Planning Act 1990.

(7) P/15/0093/CU - 89 HILL HEAD ROAD FAREHAM HAMPSHIRE PO14 3JP

The Committee's attention was drawn to the Update Report which provided the following information:- *This item is withdrawn from the Agenda.*

(8) P/15/0137/TO - LAND TO THE REAR OF 26A SOLENT ROAD FAREHAM HAMPSHIRE PO14 3LD

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

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

(Voting: 7 in favour; 1 against and 1 abstention)

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

(9) Planning Appeals

The Committee noted the information in the report.

(10) UPDATE REPORT

The Update Report was tabled at the meeting and considered with the relevant agenda item.

(The meeting started at 2.30 pm
and ended at 4.40 pm).

**Report to
Planning Committee**

Date: 22 April 2015

Report of: Director of Planning and Development

Subject: PLANNING APPLICATIONS AND MISCELLANEOUS MATTERS

SUMMARY

This report recommends action on various planning applications and miscellaneous items

RECOMMENDATION

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

AGENDA

Items relating to development in all wards will be heard from 2.30pm

ZONE 1 - WESTERN WARDS

Park Gate
Titchfield
Sarisbury
Locks Heath
Warsash
Titchfield Common

Reference		Item No
P/15/0168/FP LOCKS HEATH	67 CHURCH ROAD LOCKS HEATH FAREHAM SO31 6LS DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF 2 NO. TWO STOREY SEMI-DETACHED HOUSES AND 1 NO. DETACHED CHALET STYLE HOUSE WITH DETACHED GARAGE AND ASSOCIATED ACCESS AND PARKING.	1 PERMISSION
P/15/0207/FP LOCKS HEATH	67 CHURCH ROAD - PLOT 4 - LOCKS HEATH FAREHAM HAMPSHIRE SO31 6LS ERECTION OF A DETACHED CHALET BUNGALOW STYLE DWELLING WITH GARAGE AND DRIVEWAY	2 PERMISSION
P/15/0256/TO TITCHFIELD	181A SEGENSWORTH ROAD WEST FAREHAM HAMPSHIRE PO15 5EH FELL ONE MONKEY PUZZLE TREE PROTECTED BY TPO 489	3 REFUSE

Agenda Item 6(1)

P/15/0168/FP

MR & MRS NICHOLAS ELLIS

LOCKS HEATH

AGENT: MR & MRS NICHOLAS ELLIS

DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF 2 NO. TWO STOREY SEMI-DETACHED HOUSES AND 1 NO. DETACHED CHALET STYLE HOUSE WITH DETACHED GARAGE AND ASSOCIATED ACCESS AND PARKING.

67 CHURCH ROAD LOCKS HEATH FAREHAM SO31 6LS

Report By

Graham Pretty - Direct Dial 01329 824665

Introduction

This application is for the front and middle plots comprising the proposed redevelopment of this site. The principle of the development of this site with a pair of semi-detached houses fronting Church Road, with a chalet behind has been established through Outline Planning Permission P/14/0409/OA which also permitted one other plot comprising a bungalow at the rear of the site. This application has five letters of representation so that in view of the positive recommendation, Committee determination is sought. A separate application for Plot 4 (P/15/0207/FP) to the rear is also on this agenda for determination.

Site Description

No.67 is located on the south side of Church Road to the west of the junction with Church Close to the north. The existing plot, which is occupied by a detached bungalow set well back from the road frontage, is significantly larger than is typical for development on the south side of Church Road and measures approximately 20m wide by 90m deep. There is a drop in levels to the south into the site from Church Road and from the west to the east. The current site which comprises the northern 62m of the overall site is adjoined by properties fronting Church Road and by properties accessed from Kingfisher Copse and Laxton Close.

The east and west boundaries are formed by mature vegetation. Existing access is located on the eastern side of the plot adjoining 65b Church Road and 18 Kingfisher Copse and is as approved.

Description of Proposal

The application is for alternative designs to those approved as part of the outline Planning Permission on Plots 1, 2 and 3. The broad principles remain unaltered with Plots 1 & 2 being semi-detached, two storey houses and Plot 3 a chalet.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS17 - High Quality Design

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS9 - Development in Western Wards and Whiteley

Fareham Borough Local Plan Review

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

Development Sites and Policies

DSP4 - Impact on Living Conditions

Fareham Borough Local Plan Review

DG4 - Site Characteristics

Relevant Planning History

The following planning history is relevant:

<u>P/14/0409/OA</u>	DEMOLITION OF EXISTING DETACHED BUNGALOW & GARAGE AND ERECTION OF A PAIR OF SEMI-DETACHED 3-BED HOUSES, ONE DETACHED CHALET 4-BED BUNGALOW AND A 3-BED BUNGALOW
	APPROVE 24/07/2014
<u>P/13/0066/OA</u>	DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF A PAIR OF SEMI-DETACHED DWELLINGS, ONE CHALET BUNGALOW AND ONE BUNGALOW
	WITHDRAWN 11/03/2013
<u>P/15/0207/FP</u>	Erection of a Detached Chalet Bungalow Style Dwelling with Garage and Driveway

Representations

Five letters have been received raising the following matters:

- Increased traffic on Church Road resulting in potential highway hazard
- Plots 1 & 2 appear larger than outline approval
- Design of Plots 1 & 2 is out of keeping
- Plot 3 is bulkier with the addition of front and rear extensions and a garage with consequent increased impact
- The centre of the hedge on the west boundary is shown as the boundary of the site but the hedge is outside the site
- Overlooking
- Proposed drive is higher than adjoining properties - how will this be supported?
- Will the drive be lit?
- Will damaged hedging be replaced?
- Will there be acoustic fencing to reduce noise of the use of the driveway on adjoining properties?
- Loss of privacy from east facing bedroom window in Plot 3.

Consultations

Natural England - No objection subject to Solent Disturbance Mitigation Project contribution

Director of Planning and Development (Highways) - No objection subject to conditions

Director of Planning and Development (Ecology) - No objection subject to Solent

Disturbance Mitigation Project contribution

Planning Considerations - Key Issues

The key issues in this case are

- The Principle of the Development
- The impact on the Character and Appearance of the Area
- The Impact on Neighbouring Properties
- Highways
- Ecology

The Principle of the Development -

The site is located within the settlement area of Locks Heath. Outline planning permission has already been granted for the construction of two, semi-detached houses and a chalet on the site. The principle of the development is therefore established.

The impact on the Character and Appearance of the Area -

The impact of the proposed development upon the character and appearance of the area is primarily provided by Plots 1 and 2 which front on to Church Road. The footprint of the current proposals for Plots 1 and 2 is essentially the same as approved under the outline permission. The design of the building incorporates a front gable to Plot 1 with an asymmetrical roof sloping down to a reduced eaves height of 3.78m on the east side where the adjacent property is a bungalow. The remainder of the roof is in the form of a double ridge running east to west with fully hipped ends to the west. The eave height in this direction would be 5m (the same as the outline) but the ridge would be 1.1m lower at 7.3m. The north south ridge of Plot 1 would also be 0.3m lower than the approved ridge on Plot 1 at 7.5m. In reality therefore the dwellings now proposed for Plots 1 and 2 are less bulky than already approved. Notwithstanding the objections therefore, it is considered that the design is sympathetic to the character of the area which is expressed through a wide mixture of ages and designs.

The Impact on Neighbouring Properties -

As pointed out above the proposed dwellings on plots 1 and 2 are in a similar position to the dwellings already approved and the bulk of the building as a whole is reduced. Notwithstanding objections it is not considered that the current proposals for these plots would be harmful to the existing amenities of residents. The proposed rear gardens are 11m deep and the rear windows of the proposed dwellings (in particular Plot 1) are at least 22m from the north facing windows of Plot 3, meeting the normally accepted separation distances.

Plot 3 remains a chalet design, as approved but the footprint is altered. The main footprint has been decreased in width (front to back) from 9.8m to 7.3m but increased from 9.3m to 10.7m. In addition a small rear extension has been added to the east side of the rear elevation and a front extension on the west side. Both of these additions have first floor accommodation. The first floor windows proposed to the rear are located 11m from the boundary with Plot 4, the front windows are 11.2m from the boundary with Plots 1 and 2. The east facing bedroom window is 13.8m from the boundary with No.18 Kingfisher Close and the west facing window serves a bathroom. The side wall of the proposed dwelling which is one and a half storey or lower is between 12.5m and 13.4m from No.10 Laxton

Close. These relationships are all within the normally accepted parameters for both impact and privacy.

Highways -

The access arrangements are as previously approved under the outline permission and no objection is raised by the Director of Planning and Development (Highways).

Ecology - There are no objections in principle to the development of the site subject to mitigation in respect of disturbance relating to the coastal SPAs. Commuted payment has already been made under the outline permission. No further mitigation is required.

Other matters - It is not considered that there are any other matters raised by the objectors to the development that differ from the outline permission already granted.

Conclusion

Outline planning permission P/14/0409/OA has established the principle of the development of this site. Although the designs differ from those already approved, these are not considered to be harmful to the character of the area nor to the amenities of neighbours, indeed, in certain respects the designs are believed to be an improvement over those approved. There are no new matters arising as a result of these proposals which would represent a reason to now refuse permission.

Recommendation

PERMISSION, Subject to Conditions:

1.The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

REASON: To comply with the procedures set out in the Town and Country Planning (Development Management Procedure) Order 2010 and Section 92 of the Town and Country Planning Act 1990.

2.The development hereby permitted shall be carried out in accordance with the following approved plans:

0299-15 - Hedge Survey Plan

1693-L01 - Location Plan

1693-01a - Site Layout

1693-02b - Proposed Floor Plans Plots 1 & 2

1693-03 - Proposed Elevations Plots 1 & 2

1693-04 - Proposed Elevations Plots 1 & 2

1693-05 - Proposed Floor Plans Plot 3

1693-06 - Proposed Elevations Plot 3

1693-07 - Proposed Elevations Plot 3

1693-08 - Plots 1 - 3 Roof Plans

1693-09 - Site Sections

1693-10 - Site Sections and levels

1693-11 - Plot 3 Garage all details

Ecological Report - Roselyne Ecological November 2013

Hedge Method Statement - N J Trowell (20th February 2015)

Reason: For the avoidance of doubt and in the interests of proper planning.

3.No dwelling hereby approved shall be occupied until the approved parking and turning areas for that property (including any garage)have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking and turning of vehicles at all times.

REASON: In the interests of highway safety; in accordance with Policies CS5 and CS17 of the Fareham Borough Core Strategy.

4.No dwelling hereby approved shall be occupied until the bin and cycle stores has been made available in accordance with the approved plans. The designated areas shall thereafter be kept available and retained at all times for the purpose of bin and cycle storage.

REASON: In the interests of visual amenity; in order to facilitate modes of transport alternative to the motorcar; in accordance with Policies CS5 and CS17 of the Fareham Borough Core Strategy.

5.No dwelling hereby approved shall be occupied until the means of vehicular access to it has been constructed in accordance with the approved plans.

REASON: In the interests of highway safety; in accordance with Policies CS5 and CS17 of the Fareham Borough Core Strategy.

6.No dwelling hereby permitted shall be occupied until the visibility splays have been provided in accordance with the approved details at the junction of its access with Church Road. These visibility splays shall thereafter be kept free of obstruction at all times.

REASON: In the interests of highway safety; in accordance with Policies CS5 and CS17 of the Fareham Borough Core Strategy.

7.No development shall take place until details of all proposed facing and roofing materials shall be submitted to and approved by the local planning authority. The development shall be undertaken in accordance with the approved details.

REASON: To ensure that the finished appearance of the development blends satisfactorily with its surroundings in accordance with Policy CS17 of the Fareham Borough Core Strategy.

8.No development shall take place until details of the finished treatment of all hard surfaced areas have been submitted to and approved by the local planning authority. The approved details shall be fully implemented before any part of the approved development is first brought into use or occupied.

REASON: To ensure that the finished appearance of the development blends satisfactorily with its surroundings in accordance with Policy CS17 of the Fareham Borough Core Strategy.

9.No development shall take place until details of the measures to be taken to prevent spoil and mud being deposited on the public highway by vehicles leaving the site during the construction works have been submitted to and approved by the local planning authority in writing. The approved measures shall be fully implemented upon the commencement of development and shall be retained for the duration of construction of the development.

REASON: In the interests of highway safety and the amenity of the area in accordance with Policies CS5 and CS17 of the Fareham Borough Core Strategy.

10.No work relating to the construction of any of the development hereby permitted (Including works of demolition or preparation prior to operations) shall take place before the hours of 0800 or after 1800 Monday to Friday, before the hours of 0800 or after 1300

Saturdays or at all on Sundays or recognised public holidays, unless otherwise first agreed in writing with the local planning authority.

REASON: To protect the amenities of the occupiers of nearby residential properties.

11.No development shall take place until the local planning authority have approved details of how provision is to be made on site for the parking and turning of operatives vehicles and the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the permitted development. The areas and facilities approved in pursuance to this condition shall be made available before construction works commence on site (other than construction of the site access) and shall thereafter be kept available at all times during the construction period, unless otherwise agreed in writing with the local planning authority.

REASON: In the interests of highway safety; in order to secure the health and wellbeing of the trees and vegetation which are to be retained at the site; and to ensure that the residential amenities of the occupiers of nearby residential properties is maintained during the construction period; in accordance with Policies CS5, CS16 and CS17 of the Fareham Borough Core Strategy.

12.No materials obtained from site clearance or from construction works shall be burnt on the site.

REASON: In the interests of residential amenity in accordance with Policy CS17 of the Fareham Borough Core Strategy.

13.No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are occupied or in accordance with a timetable agreed in writing with the local planning authority and shall thereafter be retained at all times.

REASON: In the interests of residential amenity in accordance with Policy CS17 of the Fareham Borough Core Strategy.

Notes for Information

1.(i) Your attention is drawn to the enclosed Warning Notice relating to development not in accordance with approved plans. The protocol for 'Dealing with variations to Planning Permission' is available from the Civic Offices or in the Council's web site www.fareham.gov.uk

(ii) You are also reminded that where a decision contains conditions which are required to be discharged before development commences, to commence development before those conditions are discharged means that the development is not pursuant to the planning permission and is therefore UNAUTHORISED DEVELOPMENT.

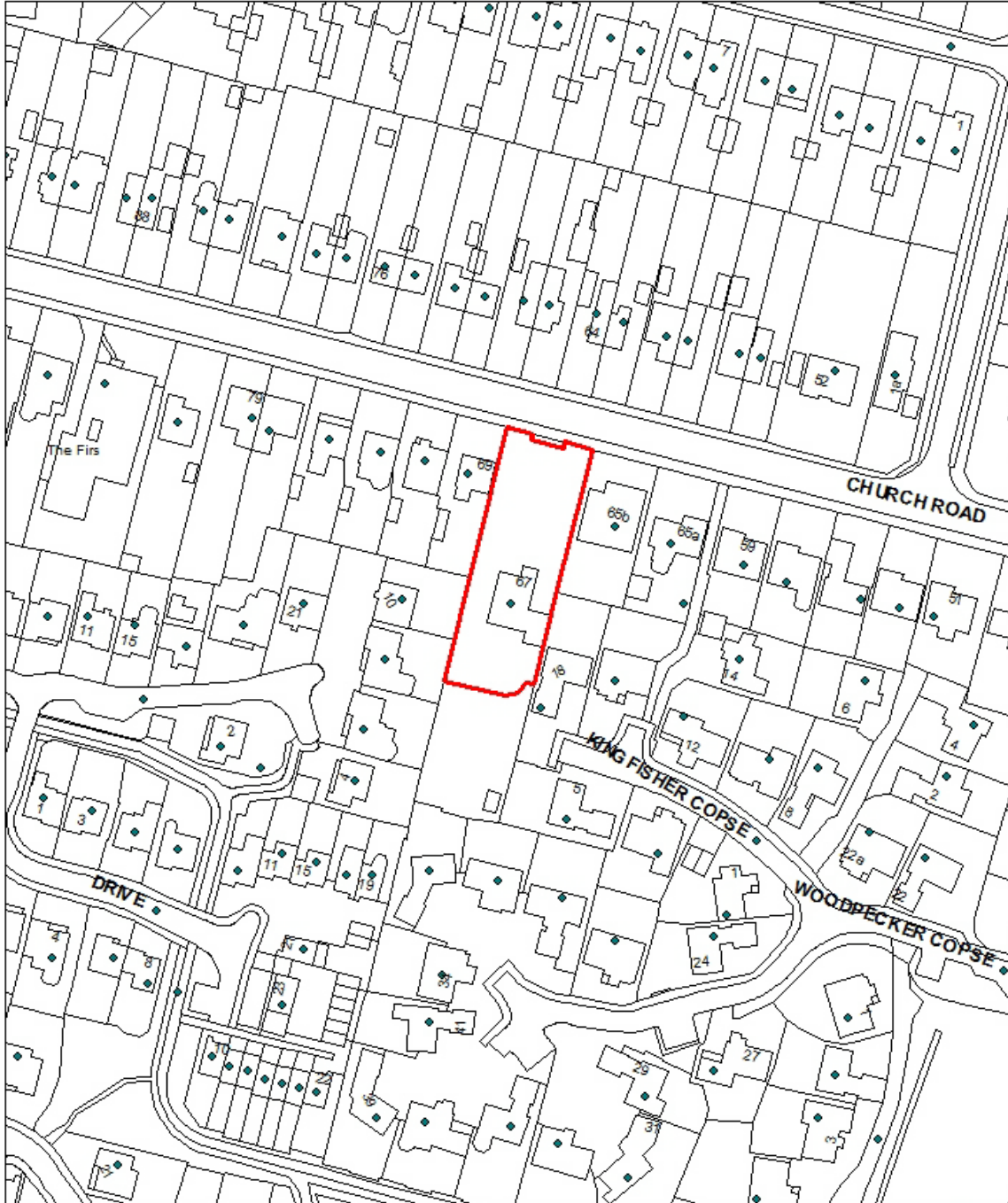
2.You are advised to contact Hampshire Highways at roads@hants.gov.uk Tel no 0845 6035633 prior to the commencement of the development.

Background Papers

P/14/0409/OA; P/15/0168/FP; P/15/0207/FP

FAREHAM

BOROUGH COUNCIL



67 CHURCH ROAD
SCALE: 1:1,250

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Agenda Item 6(2)

P/15/0207/FP

LOCKS HEATH

MR & MRS N WESTBROOK

AGENT: SCANDIA-HUS LTD

ERECTION OF A DETACHED CHALET BUNGALOW STYLE DWELLING WITH GARAGE AND DRIVEWAY

67 CHURCH ROAD - PLOT 4 - LOCKS HEATH FAREHAM HAMPSHIRE SO31 6LS

Report By

Graham Pretty - Direct dial 01329 824665

Introduction

This application is for the rear (south) plot comprising the proposed redevelopment of this site. The principle of the development of this site with a detached bungalow has been established through Outline Planning Permission P/14/0409/OA which also permitted three other plots comprising two semi-detached houses fronting Church Road and a chalet between those houses and the current application site. This application has five letters of representation so that in view of the positive recommendation, Committee determination is sought.

Site Description

No.67 is located on the south side of Church Road to the west of the junction with Church Close to the north. The existing plot, which is occupied by a detached bungalow set well back from the road frontage, is significantly larger than is typical for development on the south side of Church Road and measures approximately 20m wide by 90m deep. There is a drop in levels to the south into the site from Church Road and from the west to the east. The current site which comprises the southern 28m of the overall site is adjoined by properties accessed from Woodpecker Copse, Kingfisher Copse and Laxton Close.

The east, west and south boundaries are formed by mature vegetation. Existing access is located on the eastern side of the plot adjoining 65b Church Road and 18 Kingfisher Copse and is as approved.

Description of Proposal

The proposal is for a chalet dwelling with a front attached double garage with access from Church Road shared with the three remaining development plots on the site as a whole.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS15 - Sustainable Development and Climate Change

CS17 - High Quality Design

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS9 - Development in Western Wards and Whiteley

Approved SPG/SPD

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

Fareham Borough Local Plan Review

DPS1 - Sustainable Development

DSP4 - Impact on Living Conditions

Fareham Borough Local Plan Review

DG4 - Site Characteristics

Relevant Planning History

The following planning history is relevant:

P/15/0168/FP DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF 2 NO. TWO STOREY SEMI-DETACHED HOUSES AND 1 NO. DETACHED CHALET STYLE HOUSE WITH DETACHED GARAGE AND ASSOCIATED ACCESS AND PARKING.

P/14/0409/OA DEMOLITION OF EXISTING DETACHED BUNGALOW & GARAGE AND ERECTION OF A PAIR OF SEMI-DETACHED 3-BED HOUSES, ONE DETACHED CHALET 4-BED BUNGALOW AND A 3-BED BUNGALOW

APPROVE 24/07/2014

Representations

Nine representations have been received from eight households raising the following matters:

- The plans do not relate or conform to the outline planning permission as granted
- The plans as permitted show only an opaque window facing the west boundary this has increased to two windows, a door and patio doors
- The vegetation on the west boundary is insufficient to prevent loss of privacy
- A bungalow would make more sense for the needs of the applicants
- The design is not in keeping with the character of the area
- The residents have been mislead
- Loss of privacy from first floor window and balcony
- Ground level of plot is higher than Woodpecker Close resulting in greater loss of privacy
- Proposed driveway needs to be properly supported/retained
- Will there be any lighting to the proposed drive?
- Boundary treatments should be maintained
- Possible disturbance from use of drive
- Will there be any glare from solar/thermal/balcony treatments?
- Possible overshadowing of adjacent properties/gardens

Consultations

Natural England - No Objection

Director of Planning and Development (Ecology) - No objection

Director of Planning and Development (Highways) - No objection subject to conditions

Planning Considerations - Key Issues

Principle of Development -

The principle of the development of this site has been established through the grant of Outline Planning Permission P/14/0409/OA. Notwithstanding that that permission was in outline, details of the design of the dwelling on this plot were approved. The representations received, in the main, arise from the change in the design of the proposed dwelling from a single storey bungalow, as permitted, to a chalet, as now proposed. For clarity, it is emphasised here that the current application is for full planning permission and is not directly related to the outline permission although that permission has a direct bearing upon the consideration of this proposal in that the principle of the development is no longer an issue only the impacts of the proposed design.

Design -

Representations have criticised the proposed design in general terms. However, the locality is characterised by a wide mix of dwelling designs. Church Road has a mix of traditional and modern bungalows and two storey dwellings; Woodpecker Copse and Kingfisher Copse are primarily two storey dwellings with 'mock' tudor features at first floor of render and timber; Laxton Close comprises modern two storey dwellings.

The approved bungalow was a simple gabled design with a 6m ridge oriented north-south on the plot. The proposed dwelling is more complex in design. The main body of the building is oriented east-west and has a ridge height of 6.5m (0.5m higher than approved) and has 'barn hipped' ends, reducing the overall mass of the roof; there is a gabled single storey wing to the south and first floor accommodation comprising a master suite with first floor gable features in the north and south elevations. The front (north) gable serves only a landing and is screened to the north by the roof of the proposed linked garage. The rear gable comprises an inset balcony so that this is screened on both sides by the walls of the gable structure with the doors to the bedroom being set back from the front of the balcony by 1.2m.

The National Planning Policy Framework urges Local Planning Authorities not to "impose architectural styles or particular tastes" but to rather reinforce local distinctiveness. It is not considered that there is a local distinctive architectural form or therefore that the proposed design is out of keeping or harmful to the established characteristics of the area which are mixed.

Impact on Adjacent Residential Properties -

Representations have raised issues relating the physical impact of the proposed dwelling and to matters of privacy.

Physical impact - As has been pointed out the building is now oriented differently on the plot. For the properties adjacent on Laxton Close this means that the outlook would be to a gable end with barn hip, with a similar but smaller and lower gable with barn hip of the garage to the north, linked by a single storey structure with a ridge height of 3.7m. The building would be set 2.8m from the west boundary, and 13m from the two storey rear elevations of the properties to the rear on Laxton Close. Appendix 6 of the Fareham Borough Local Plan Review offers guidance on the impact of new development upon outlook; it states that a two-storey flank wall containing no windows must be no closer than 12.5m from the rear windows of a dwelling; in this case not only is that distance exceeded but the flank wall of the proposed dwelling is not a full two-storey. The intervening boundary, and therefore ground floor windows, is screened by natural vegetation.

To the south the main rear wall of the proposed dwelling would be 11.5m from the rear (south) boundary with the sitting room projection approx. 8m. The closest property to the south, No.32 Woodpecker Copse, due to its position and orientation would be between 20.5m and 23.5m away. To the east the proposed dwelling would be located approximately opposite the end of Kingfisher Close with the closest dwelling, No.5 being 15.5m away but overlooking only towards part of the end wall of the proposed dwelling and the single storey sitting room wing.

All of these relationships are considered to be acceptable and within normally accepted tolerances and/or as referred to in Appendix 6.

Privacy -

To the south, the main concern raised is in respect of the proposed first floor bedroom window and balcony. As referred to above, the balcony would be located 11.5m from the rear boundary and an average of 22.5m from the nearest neighbouring dwelling due south. Whilst it is noted that there is a change in levels between the application site and the gardens to the south, these distances are considered to be acceptable in accordance with the guidance within Appendix 6 of the Borough Local Plan Review.

The balcony would be recessed with an overhanging roof such that there would be no open view to either east or west. However because of the level change between the site and the southern neighbor it is considered that the balcony would provide for a greater depth of first floor glazing and that this could afford additional opportunities for overlooking of the adjacent properties due south by persons sitting or lying down within the proposed bedroom and on the balcony itself. Despite the prescribed separation distances the presence of the balcony would be likely to result in an increased perception of being overlooked by those in the gardens due south of the proposed dwelling to an unacceptable level.

The applicant has, as a consequence of this concern, agreed to amend the rear elevation of the proposal and omit the balcony. The scheme is now to propose a rear (south) facing dormer window in lieu of the balcony. Given the relative infrequency with which residents would usually stand looking out of bedroom windows and the fact that the rear dormer provides for a window of a fairly typical size for a bedroom the proposal is, when read in conjunction with the separation distances above, considered to be acceptable without significant demonstrable harm to the amenity of the neighbouring dwelling due south of the site.

A neighbour to the west has commented that there are more ground floor windows looking in that direction; notwithstanding the existing screening along that boundary, the approved bungalow was shown with bedroom patio doors, a further bedroom, a bathroom and a kitchen window in that direction whereas the current proposal has a bedroom window, a kitchen door and a bathroom window; lounge patio doors referred to are set back a further 7.7m. To the north there is only a landing facing towards Plot 3 of the development site and this would be obscured by the roof of the proposed garage.

It is considered that the level of overlooking from the proposed dwelling is acceptable and within normal guidelines.

Other Matters -

A number of other issues have been raised concerning:

- overshadowing
- Impact of the drive
- Glare from solar panels and balcony treatment

Overshadowing - the building is located sufficiently far from adjacent properties that overshadowing is not considered to be materially harmful.

Drive - details of the of the construction of the proposed drive have not been submitted at this stage with the exception of the general alignment. It is not expected that there would be any lighting of the drive, although it would be open to a future occupier to do so as with any other residential property. The principle of the access drive as now submitted was established through the grant of the outline planning permission.

Glare - it is proposed within the Design and Access statement that there may be integrated solar panels installed. This is generally in line with the Council's aims of securing energy efficient development. Solar panels are generally 'permitted development' in most cases on residential properties in most cases. It is not considered that their use in this case would be unreasonable.

Conclusion

Whilst outline planning permission was granted for a bungalow on this site, this is not in itself a justification to refuse permission for a different design and in particular a design with some first floor accommodation. It is considered that the design would not give rise to unacceptable loss of privacy or to harm to outlook from neighbouring properties. The design is considered to be acceptable in context.

Recommendation

PERMISSION: Subject to conditions:

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

REASON: To comply with the procedures set out in the Town and Country Planning (General Development Procedures) Order 1995 and Section 92 of the Town and Country Planning Act 1990

2.The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Location Plan

1693-01a - Site Layout

0299/15 - Hedge Survey Plan

X01 - Proposed Elevations

X02 - Proposed Floor and Roof Plans

Ecological Survey - Roslyne Ecological (Nov.2013)

Hedge Method Statement - N J Trowell (20th February 2015)

Planning Design and Access Statement January 2015

Reason: For the avoidance of doubt and in the interests of proper planning.

3.The dwelling hereby approved shall not be occupied until the approved parking and turning areas (including any garage) have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept

available for the parking and turning of vehicles at all times.

REASON: In the interests of highway safety; in accordance with Policies CS5 and CS17 of the Fareham Borough Core Strategy.

4. The dwelling hereby approved shall not be occupied until the bin and cycle stores has been made available in accordance with the approved plans. The designated areas shall thereafter be kept available and retained at all times for the purpose of bin and cycle storage.

REASON: In the interests of visual amenity; in order to facilitate modes of transport alternative to the motorcar; in accordance with Policies CS5 and CS17 of the Fareham Borough Core Strategy.

5. The dwelling hereby approved shall not be occupied until the means of vehicular access to it has been constructed in accordance with the approved plans.

REASON: In the interests of highway safety; in accordance with Policies CS5 and CS17 of the Fareham Borough Core Strategy.

6. The dwelling hereby permitted shall not be occupied until the visibility splays have been provided in accordance with the approved details at the junction of its access with Church Road. These visibility splays shall thereafter be kept free of obstruction at all times.

REASON: In the interests of highway safety; in accordance with Policies CS5 and CS17 of the Fareham Borough Core Strategy.

7. No development shall take place until details of the finished treatment of all hard surfaced areas have been submitted to and approved by the local planning authority. The approved details shall be fully implemented before any part of the approved development is first brought into use or occupied.

REASON: To ensure that the finished appearance of the development blends satisfactorily with its surroundings in accordance with Policy CS17 of the Fareham Borough Core Strategy.

8. No development shall take place until details of the measures to be taken to prevent spoil and mud being deposited on the public highway by vehicles leaving the site during the construction works have been submitted to and approved by the local planning authority in writing. The approved measures shall be fully implemented upon the commencement of development and shall be retained for the duration of construction of the development.

REASON: In the interests of highway safety and the amenity of the area in accordance with Policies CS5 of the Fareham Borough Core Strategy.

9. No development shall take place until the local planning authority have approved details of how provision is to be made on site for the parking and turning of operatives vehicles and the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the permitted development. The areas and facilities approved in pursuance to this condition shall be made available before construction works commence on site (other than construction of the site access) and shall thereafter be kept available at all times during the construction period, unless otherwise agreed in writing with the local planning authority.

REASON: In the interests of highway safety; in order to secure the health and wellbeing of the trees and vegetation which are to be retained at the site; and to ensure that the residential amenities of the occupiers of nearby residential properties is maintained during the construction period; in accordance with Policy DG4 of the Fareham Borough Local Plan Review.

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

REASON: To protect the amenities of the occupiers of nearby residential properties in accordance with Policy CS17 of the Fareham Borough Core Strategy and draft Policy DSP2 of the Fareham Borough Local Plan Part 2: Development Sites and Policies.

Notes for Information

1. (i) Your attention is drawn to the enclosed Warning Notice relating to development not in accordance with approved plans. The protocol for 'Dealing with variations to Planning Permission' is available from the Civic Offices or in the Council's web site www.fareham.gov.uk

(ii) You are also reminded that where a decision contains conditions which are required to be discharged before development commences, to commence development before those conditions are discharged means that the development is not pursuant to the planning permission and is therefore UNAUTHORISED DEVELOPMENT.

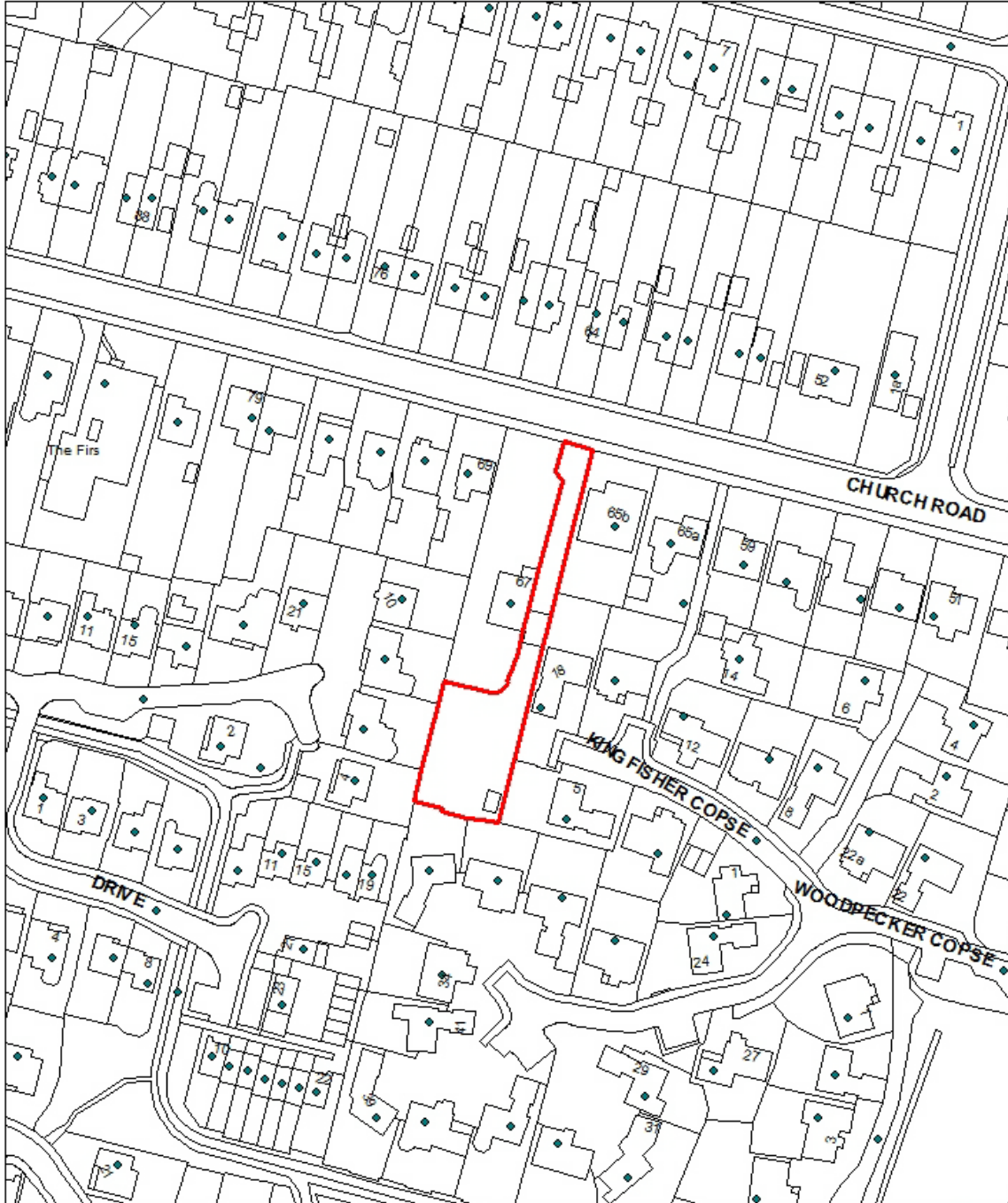
2. You are advised to contact Hampshire Highways at roads@hants.gov.uk Tel no 0845 6035633 prior to the commencement of the development.

Background Papers

P/14/0409/OA; P/15/0168/FP; P/15/0207/FP

FAREHAM

BOROUGH COUNCIL



67 CHURCH ROAD
PLOT 4
SCALE: 1:1,250

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Agenda Item 6(3)

P/15/0256/TO

TITCHFIELD

MRS TRACY WHITAKER

AGENT: MRS TRACY WHITAKER

FELL ONE MONKEY PUZZLE TREE PROTECTED BY TPO 489

181A SEGENSWORTH ROAD WEST FAREHAM HAMPSHIRE PO15 5EH

Report By

Nate Smith - direct dial 01329 824415.

Introduction

Councillor Mrs Hockley has requested that this application be brought before the Planning Committee as she considers the Monkey Puzzle should be felled on the grounds that it is too close to the house and is causing distress to the owners.

Site Description

This application relates to a protected Monkey Puzzle situated in the front garden of a semi detached property situated on the south side of Segensworth Road and north of Merecroft.

Description of Proposal

Consent is sought to fell one Monkey Puzzle because it is considered to be leaning. There is also concern from the applicant over the quality of the property's structure in relation to the tree. The Monkey Puzzle is protected by TPO 489.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

Fareham Borough Local Plan Review

DG4 - Site Characteristics

Relevant Planning History

The following planning history is relevant:

<u>P/07/0631/TO</u>	REMOVE FIVE BRANCHES FROM MONKEY PUZZLE TREE, REMOVE LOWER LIMB AND CUT BACK TWO FURTHER LIMBS FROM OAK TREE COVERED BY FTPO 489
	CONSENT 14/06/2007

<u>P/06/0608/FP</u>	Demolition of Existing Bungalow and Erection of a Pair of Semi-Detached Dwellings
	PERMISSION 06/07/2006

Representations

One representation has been received supporting the felling of the tree on the following grounds:

- 1) The tree cannot be maintained due to its height and species;
- 2) The tree regularly drops branches;

- 3) The tree is in decline;
- 4) The tree is losing its aesthetic appearance.

One representation has been received suggesting that the Council's Tree Officer submit his opinion as the layperson is not qualified. It was also noted that there was great effort made to protect the tree at the time the property was built and that the applicant's own arboriculturalist advises that the tree does not pose a threat at this time.

Planning Considerations - Key Issues

Permission was granted to demolish the original bungalow at 181 Segensworth Road and erect a pair of semi-detached dwellings on 6 July 2006 (P/06/0608/FP refers). Tree Preservation order 489 was made on 2 June 2003 and confirmed on the 13 August 2003.

At the time the developer's architect, arboricultural consultant and the Council's tree officer worked together to ensure the Monkey Puzzle tree was retained successfully and created a unique development. The front elevation of the two replacement dwellings is in exactly the same position as the original bungalow relative to this tree, with the increased size of the modern dwellings extending off the rear elevation. The positioning of the front driveway access to each plot and the permeable construction of the drive and parking areas were all undertaken to minimize the impact on the Monkey Puzzle tree and provide a flexible surface above the tree roots.

The application tree is a mature Monkey Puzzle situated in the front garden of 181A Segensworth Road. The tree is estimated to be 18 metres tall and 3 metres away from the front north east elevation of the dwelling. The tree is a large prominent specimen, clearly visible from Segensworth Road and makes a significant contribution to the surrounding landscape character and public amenity of the street scene.

The Council's Principal Tree Officer inspected the monkey puzzle tree on 11 October 2013 in the presence of the owner and at the time recommended that the dead wood be removed and that there were no grounds at that time for felling the tree, which was healthy and free from any significant defects.

The case officer inspected the tree on Friday 27 March 2015. At the time of the site visit the tree was observed to be healthy and no significant visible defects or abnormalities were evident that may have an adverse impact on its condition and stability.

A considerable quantity of large diameter (>100mm) dead branches were observed internally within the crown, which were recommended to be removed immediately without the need for a formal application. In the officer's view felling this protected tree cannot be justified on the grounds suggested and the arboricultural report commissioned by the owner in May 2014 made the same recommendation to remove the dead branches and that the tree posed no undue risk to people or property.

Tree preservation orders seek to protect trees in the interest of public amenity, therefore it follows that the removal of a protected tree should only be sanctioned where its public amenity value is outweighed by other considerations. At the time of inspection the Monkey Puzzle was observed to be healthy and no significant visible defects or abnormalities were evident that may have an adverse impact on its health and safety.

Officers appreciate that the amount of noise and movement associated with trees during high winds can be unnerving. However, the perceived threat of failure should not be a basis

for tree pruning or removal. All trees pose some degree of risk, but in this case there is nothing to suggest that the application tree poses any undue level of risk. There are no guarantees of absolute safety in the event of severe adverse weather conditions, since all assessments should be undertaken for normal conditions and not try to speculate about what might happen in the event of severe or abnormal weather events.

The reasons given for felling the Monkey Puzzle are not sufficient to demonstrate that this tree poses an undue level of risk to the safety of the owner or their neighbours and are therefore insufficient to justify its removal.

Recommendation

REFUSE: The proposed felling is considered to be contrary to Policy DG4 of the Fareham Borough Local Plan Review and Policy CS4 of the Fareham Borough Core Strategy in that it would represent poor arboricultural practice for which there is insufficient justification. Furthermore felling the tree would be detrimental to the public amenity value, harmful to the visual amenities and to the character of the area.

Notes for Information

The removal of dead wood and dangerous branches is subject to 5 days' notice and as per the three recent recommendations - 11/10/2013, 05/05/2014 and 27/03/2015.

Background Papers

Please see planning history above.

FAREHAM

BOROUGH COUNCIL



181A SEGENSWORTH ROAD WEST
SCALE: 1:1,250

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Agenda Annex

ZONE 2 - FAREHAM

Fareham North-West
Fareham West
Fareham North
Fareham East
Fareham South

Reference		Item No
P/14/1127/FP FAREHAM SOUTH	13 LONGFIELD AVENUE FAREHAM PO14 1DA DETACHED TIMBER OUTBUILDING TO REAR (RETROSPECTIVE APPLICATION)	4 PERMISSION
P/15/0074/VC FAREHAM NORTH-WEST	80 & 84 FAREHAM PARK ROAD FAREHAM HAMPSHIRE PO15 6LW CONSTRUCTION OF ACCESS ROAD (AS A PARTIAL ALTERNATIVE TO PERMISSION P/13/0059/OA)	5 PERMISSION
P/15/0191/FP FAREHAM NORTH	94 ARUNDEL DRIVE FAREHAM HAMPSHIRE PO16 7NU PROPOSED CHANGE OF USE FROM RETAIL (CLASS A1) TO HOT FOOD TAKEAWAY (CLASS A5), TOGETHER WITH THE PROVISION OF AN EXTRACTION DUCT ON THE SIDE ELEVATION	6 REFUSE
P/15/0238/OD FAREHAM EAST	70 TRINITY STREET FAREHAM PO16 7SJ APPLICATION SEEKING REVIEW OF AFFORDABLE HOUSING OBLIGATION UNDER S.106 BA OF THE TOWN & COUNTRY PLANNING ACT IN RELATION TO PLANNING APPLICATION P/07/0848/FP	7 ALLOW

Agenda Item 6(4)

P/14/1127/FP

FAREHAM SOUTH

MR TONY TONDEUR

AGENT: MR TONY TONDEUR

DETACHED TIMBER OUTBUILDING TO REAR (RETROSPECTIVE APPLICATION)

13 LONGFIELD AVENUE FAREHAM PO14 1DA

Report By

Rachael Hebden - Direct dial 01329 824424

Site Description

Longfield Avenue is located within the urban area and is characterised by short rows of terraced dwellings with long, narrow rear gardens. Several of the properties have substantial garages and/or other outbuildings at the end of their gardens. Access to the rear of the properties is provided by tracks leading off Longfield Avenue which are privately owned and maintained by the residents of Longfield Avenue.

The site address is an end of terrace property with a rear garden of 49m in depth. There is a detached garage at the rear of the garden which is the subject of this application. The garage has been constructed, but some of the external finishes, such as the addition of cladding, are yet to be completed.

Description of Proposal

The application seeks planning permission for the detached garage at the rear of the garden. As noted above, the application is part retrospective. It is proposed that the garage is, and will be, used in association with the enjoyment of the main house.

The garage comprises two sections which are a total length of 15.7m. The section nearest to the house is 3.36m wide with a shallow pitched roof. The section which is further away from the house is 3.9m wide and also has a pitched roof, although the pitch is slightly steeper than that of the other section. The application proposes the addition of a roller shutter door. The proposed external materials would be white painted bricks at the base, with pastel blue cladding above. The proposed roof materials are imitation slate tiles.

The garage requires planning permission since it is in excess of 2.5 metres in height and within 2 metres of the site boundaries.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS17 - High Quality Design

Development Sites and Policies

DPS1 - Sustainable Development

DSP4 - Impact on Living Conditions

Fareham Borough Local Plan Review

DG4 - Site Characteristics

Representations

Two objections (from one address) have been received which raise the following issues:

The number of vehicles being repaired indicates that the garage is being used for commercial purposes.

Comment: The Planning Enforcement investigations that resulted in the submission of this application confirmed that the garage is not being used for business purposes. Furthermore, the application seeks planning permission for a garage associated with the main house and falls to be considered and determined on this basis. Were the structure to be used primarily for commercial purposes, planning permission would be required for this use and it would be open to the Council to take Enforcement Action. A condition can be included on the Council's decision notice which confirms that the garage can only be used in association with the enjoyment of the main dwelling.

The applicant only owns the land on which the garage is located, he does not own the remainder of the site.

Comment: The applicant lives at the property and has served notice on the owner. The application, therefore, is for an outbuilding that is ancillary to the enjoyment of the main house and should be assessed as such. Were the outbuilding to be used independently of the main house in the future, it would no longer be considered as being ancillary to the main house and would, therefore, require full planning permission. An informative can be placed on the Decision Notice to avoid ambiguity.

The more intensive use of the access track by the applicant is accelerating the damage to the surface of the track.

Comment: This is a private law matter, rather than a planning matter and, therefore, cannot be addressed in this application.

The parking of cars on the access track reduces access for other neighbours.

Comment: The way in which cars are parked on the access track is not within the scope of the application.

The garage is not completed and has an adverse impact on the character of the area.

Comment: This is considered in more detail below.

Consultations

Director of Community (Environmental Health - Pollution): No objection

Director of Community (Environmental Health - Contaminated Land): No objection

Planning Considerations - Key Issues

This planning application is a householder application for a garage structure to be used in association with the existing dwelling at 13 Longfield Avenue. The use of the proposed garage is, therefore, as part of a residential dwelling which, in planning terms, could be for a variety of purposes, just as a family could use any other room in their house in a variety of different ways.

The applicant has confirmed that the intention is not to use the garage as a separate planning unit, or as a business use and as such, the planning application must be considered in terms of the impact of the physical structure on the site and surrounding area as set out as follows.

Principle of development

The site is an established residential property, therefore the proposed garage is acceptable in principle, subject to material considerations.

Effect on neighbouring properties

The garage is visible from neighbouring properties, however it is located at the end of the garden and separated from the neighbouring properties by a distance of over 40m, therefore it has a negligible impact on their amenities in terms of outlook, privacy and amount of available sunlight.

Concerns have been raised by a neighbour regarding the parking of cars by the applicant on the access track. It is acknowledged that this would be inconvenient, however it is not a problem that would be exacerbated by the application as the garage would provide somewhere for the applicant to park his cars.

Effect on the character of the area

The garage is quite large, however it is comparable to the size of other large garages associated with the neighbouring properties and it is therefore considered that the garage does not appear out of keeping with the character of the area. Furthermore, it is important to note that the General Permitted Development Order does not restrict the footprint of outbuildings, other than to prevent them covering more than half of the curtilage of a property. The garage would retain sufficient garden to serve the main house, meaning the plot would not appear over-developed. The garage is of a functional design and would be completed using an appropriate palette of materials (white painted bricks, blue cladding and slate effect roof tiles). The garage complies with the requirements of policies DG4 and CS17.

Concerns have been raised by a neighbour regarding the fact that the garage has not been completed and that the unfinished appearance has an adverse impact on the character of the area. The applicant has confirmed that he stopped work on the garage when he was made aware that it required planning permission and that he would be continuing with the addition of cladding and roof tiles if planning permission is granted. A condition is recommended to ensure that the garage is finished in a suitable manner within an appropriate timescale, as it is acknowledged that the current finish to the structure is not appropriate in terms of the character and appearance of the area.

Other issues

Concerns have been raised by a neighbour regarding the way in which the garage is used and in particular, that the applicant uses the garage for business purposes. The applicant has confirmed that he uses the garage solely for hobby purposes. If planning permission is granted a condition can be incorporated to ensure that the garage is only used for purposes ancillary to the use of the dwelling.

Recommendation

PERMISSION subject to conditions.

The outbuilding hereby permitted shall be completed in accordance with the drawings stamped approved within twelve months of this permission.

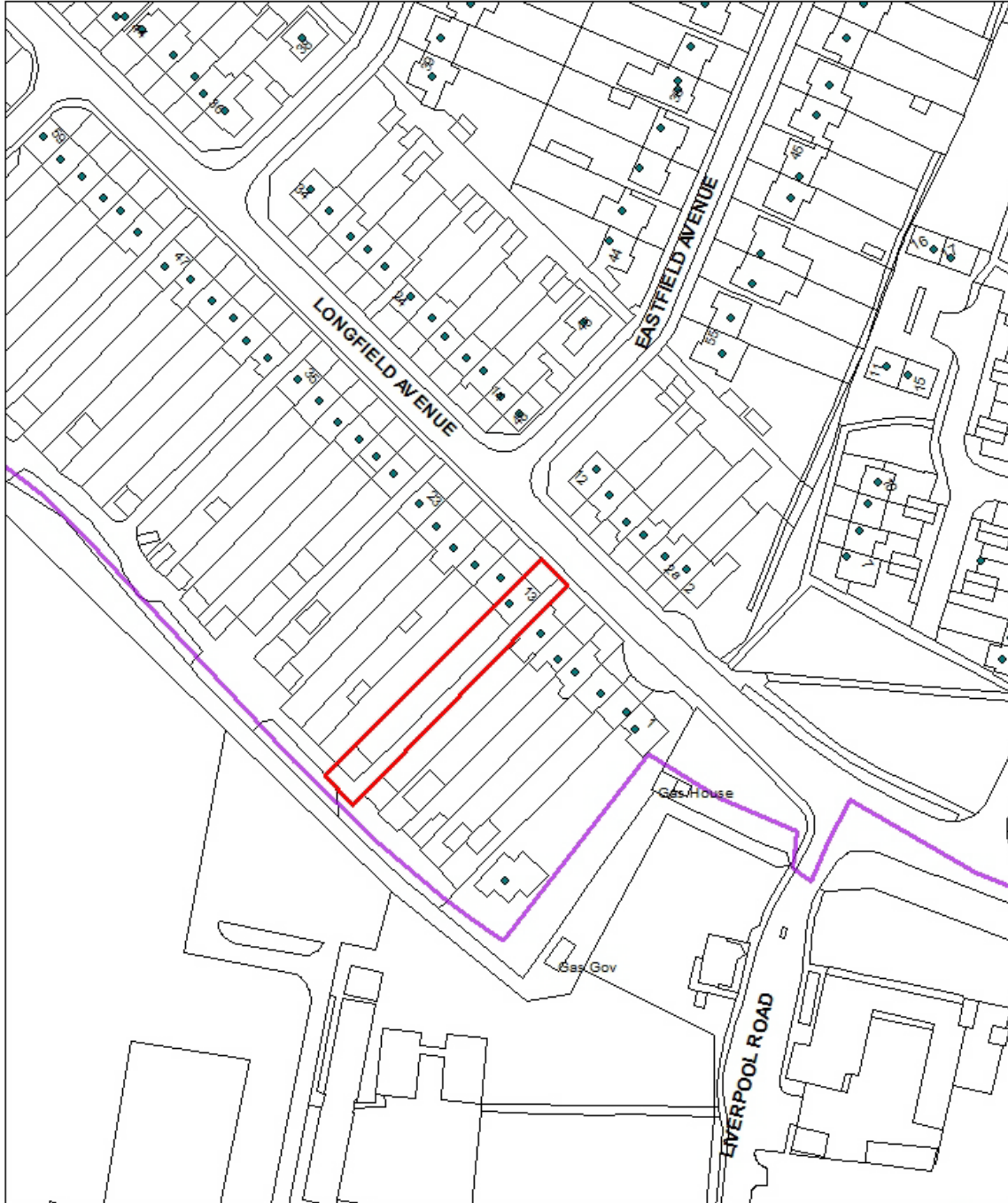
REASON: In order to secure a satisfactory form of development.

The use of the outbuilding hereby permitted shall be limited to purposes incidental to the enjoyment of the dwelling house and shall not be used for any business, industrial or commercial purposes whatsoever.

REASON: To protect the residential amenities of occupiers of nearby residential properties.

FAREHAM

BOROUGH COUNCIL



13 LONGFIELD AVENUE
SCALE: 1:1,250

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Agenda Item 6(5)

P/15/0074/VC

FAREHAM NORTH-WEST

MR & MRS A. & B. TRIMMINGS &
J. HIND

AGENT: ROBERT TUTTON
TOWN PLANNING CO

CONSTRUCTION OF ACCESS ROAD (AS A PARTIAL ALTERNATIVE TO PERMISSION
P/13/0059/OA)

80 & 84 FAREHAM PARK ROAD FAREHAM HAMPSHIRE PO15 6LW

Report By

Richard Wright - direct dial 01329 824758

Site Description

The application site comprises part of the rear garden of 80 Fareham Park Road, a short section of bridleway to the rear of that property and the vehicular entrance to the adjacent property to the north-west, 84 Fareham Park Road (Hope Lodge).

Description of Proposal

At the meeting held on 17th July 2013 members of the Planning Committee resolved to grant outline planning permission at 84 Fareham Park Road for the erection of seven 4-bedroom detached houses, including approval of the means of access to the site and the layout of the development (ref P/13/0059/OA).

This current application seeks permission for the construction of a new access road as a partial alternative to that previously approved scheme.

The access previously approved was an S-shaped service road linking the development site to the top end of Fareham Park Road and using a portion of the rear garden of 80 Fareham Park Road as well as the bridleway.

The new proposal is for an access road crossing the bridleway but maintaining a straighter course through the northern section of the rear garden of no. 80 and joining Fareham Park Road slightly further south of the previously approved junction. The road would be constructed of permeable tarmac. It would feature a raised table at the point where it crosses the bridleway, however this would be constructed so that the table top would be at the same level as the existing bridleway. A new 1.8 metre wide footpath would be provided along the southern side of the access road.

In order to make way for the new access road outbuildings within the rear garden of no. 80 would be removed. The existing hard surfaced parking area to one side of the house would be relocated slightly further southwards along Fareham Park Road with the formation of a new hard surfaced area for two cars. The demolition of the outbuildings and the relocated parking spaces do not in themselves require planning permission.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS5 - Transport Strategy and Infrastructure

CS17 - High Quality Design

Relevant Planning History

The following planning history is relevant:

<u>P/13/0137/OA</u>	PROPOSED REDEVELOPMENT BY THE ERECTION OF FOURTEEN TWO-BEDROOMED BUNGALOWS FOR OCCUPATION BY ELDERLY PERSONS (OUTLINE).
	REFUSE 19/07/2013
<u>P/13/0059/OA</u>	PROPOSED REDEVELOPMENT BY THE ERECTION OF SEVEN 4-BEDROOMED DETACHED HOUSES (OUTLINE APPLICATION)
	APPROVE 28/10/2014
<u>P/02/0213/LU</u>	Use of Land for the Open Storage of Touring Caravans
	CERT GRANTED 30/05/2002

Representations

Five letters of objection representing residents from six nearby properties have been received with the following points:

On the matter of highway safety:

- The access road would be dangerous to users of the bridlepath including school children, dog walkers and cyclists
- Traffic will be coming from multiple directions into this area at the top of Fareham Park Road
- This is less safe than the previous approved arrangement since it is straight and vehicles are less likely to slow
- The new houses cannot be safely access by Fire appliances, refuse trucks and other large vehicles
- The junction with Fareham Park Road remains too tight for safe negotiation and has restricted lines of sight
- Careful consideration needs to be given to traffic control and parking
- The access road will serve the existing caravan storage facility as well as the new houses
- Parking space for no. 80 will be lost and two replacement spaces is inadequate / vehicles parked in the replacement spaces will obstruct visibility from the new junction

On other matters:

- This will lead to a loss of privacy to properties opposite the new junction
- This will affect the attractiveness of the area
- How will people access the bridleway during construction?
- Why can't the access road be constructed to join Hilson Drive instead?
- It should be made a condition, if approved, that the new access is completed before any construction work starts on site

Forty-two 'reply slips' have also been received in support of the application. The majority of these replies are from people living outside of the immediate surrounding area.

Consultations

Hampshire County Council (Public Rights of Way) -

We have no objection to this proposal for the construction of an alternative access road, on

the understanding that:

- i) the section of Fareham Bridleway no. 82 between Fareham Park Road and the new access road remains unaltered and;
- ii) that the raised table where the road crosses Bridleway 82 remains on the level with the bridleway surface.

Director of Planning & Development (Highways) -

Whereas the permitted access makes use of the existing tortuous entrance arrangement, shared with an existing bridleway, the proposed direct access arrangement, passing through the rear garden of No 80 Fareham Park Road, is designed to an acceptable standard and would allow the bridleway to cross on a raised table feature. The proposed layout would better accommodate the traffic associated with the development and that currently generated by the caravan storage site to the west.

No highway objection is raised to the application subject to conditions.

Director of Planning & Development (Trees) -

No objection to the construction of the access road however this necessitates some tree protection measures in accordance with BS 5837.

Planning Considerations - Key Issues

This application has been submitted as a partial alternative to the previously approved outline permission (reference P/13/0059/OA). Permission is sought only for the construction of a new access road meaning that all other matters previously found to be acceptable, such as the principle of the new seven houses and their layout within the site, are not able to be reconsidered.

Officers consider the proposed road would provide a safe and convenient means of access to the development site. The application has received favourable comments from the Council's Highways Officer and Hampshire County Council (Public Rights of Way). The road would be wide enough to safely accommodate two way traffic. The design and layout of the junction of the new road with Fareham Park Road is appropriate in that it gives adequate space and visibility in either direction for drivers when leaving and entering. The raised table will act to both ensure that the finished level of the bridleway is not altered and to serve as a traffic calming measure to reduce the speed of vehicles at the point where the new road crosses the bridleway.

The proposal would also offer an improved access for users of the caravan storage facility located to the west of the new houses. At present caravans and motorhomes kept at this site use the bridleway between no. 84 and Fareham Park Road for vehicular access. The proposed road would provide a safer point of access and egress with the highway and a route with less potential for conflict with other users of the bridleway.

The rear garden of 80 Fareham Park Road would be reduced in size as a result of the new road being constructed, however it is felt that the remaining amenity space would still be sufficient to meet the needs of the occupiers of that dwelling.

In conclusion, Officers consider that the proposal would provide an appropriate means of

access to the development site and would not be harmful to the safety and convenience of other users of the highway including the bridleway. Subject to planning conditions requiring details of tree protection measures and further details of the construction of the raised table, it is recommended that planning permission could be granted and that the proposal accords with the relevant policies of the adopted local plan.

Recommendation

Subject to the completion of a legal agreement entered into by the applicant to ensure that:

- i) the dwellings permitted through the outline permission reference P/13/0059/OA are not occupied until the access road hereby permitted is constructed and made available for use, and that;
- ii) the access road approved as part of the outline permission reference P/13/0059/OA shall not be constructed in the event that this part-alternative scheme is instead implemented.

PERMISSION (SUBJECT TO THE FOLLOWING CONDITIONS):

1. The development shall begin before the expiration of a period of three years from the date of this decision notice.

REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.

2. The development shall be carried out in accordance with the approved documents.

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

3. No development shall take place until a scheme of tree protection, including details of the extent of 'no-dig' areas and cellular confinement systems to be used in the construction of the access road hereby permitted, has been submitted to and approved in writing by the local planning authority. The agreed scheme shall be implemented before any of the development hereby approved is commenced and any protective fencing or ground protection measures shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site. Within the areas so fenced nothing shall be stored or placed and the ground levels shall not be altered.

REASON: To ensure that trees to be retained are adequately protected from damage to health and stability during the construction of the access road.

4. No development shall take place until details of the construction of the raised table, including appropriate sectional drawings showing the level of the table in relation to the levels of the surrounding land and approaches of the road from both directions, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

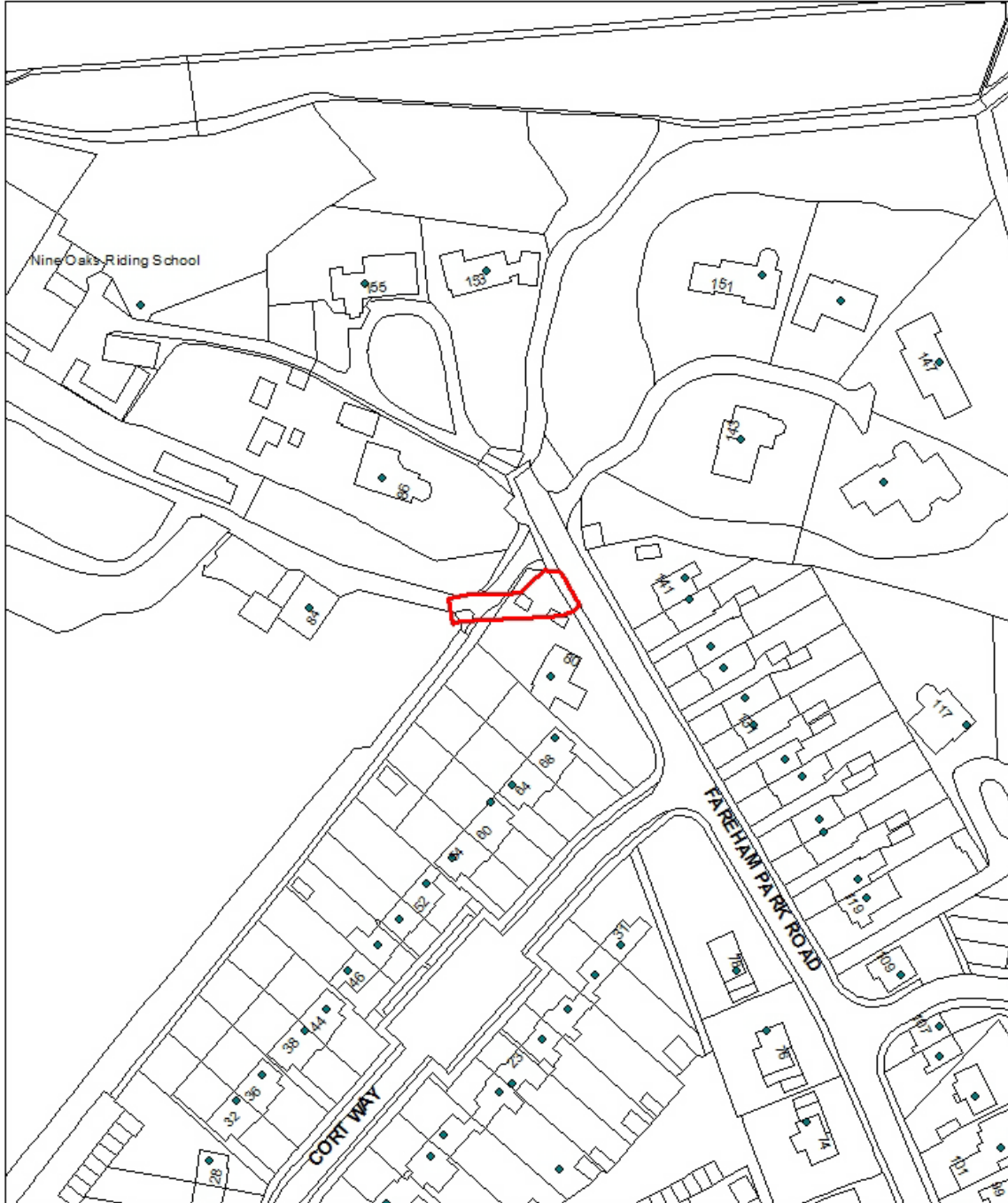
REASON: To ensure the construction of the raised table is appropriate in relation to its function in reducing the speed of vehicles using the access road; in the interests of the safety and convenience of users of the highway, including the bridleway.

Background Papers

P/15/0074/VC; P/13/0059/OA

FAREHAM

BOROUGH COUNCIL



80 & 84 FAREHAM PARK ROAD
SCALE: 1:1,250

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Agenda Item 6(6)

P/15/0191/FP

MR HURMAN & MRS HELYER

FAREHAM NORTH

AGENT: ROBERT TUTTON
TOWN PLANNING
CONSULTANTS LTD

PROPOSED CHANGE OF USE FROM RETAIL (CLASS A1) TO HOT FOOD TAKEAWAY (CLASS A5), TOGETHER WITH THE PROVISION OF AN EXTRACTION DUCT ON THE SIDE ELEVATION

94 ARUNDEL DRIVE FAREHAM HAMPSHIRE PO16 7NU

Report By

Graham Pretty - Direct dial 01329 824665

Introduction

This application has been included on the Committee Agenda since in excess of five letters of representation have been received and these offer both objection to and support for the proposal.

Site Description

The application site is a ground floor retail unit at the north end of a local parade of shops on the eastern side of Arundel Drive. The unit was last used as a carpet shop. The parade (excluding the application site) currently comprises a hairdressers, a home improvements office and a Co-op convenience store taking up four of the original units. The area is predominantly residential, including flats above the shop units. To the rear (east) is open space associated with the leisure centre off Park lane.

Description of Proposal

The proposal is to convert the retail unit to a Class A5 (Hot Food Takeaway) use with details of extraction equipment being provided. The amended plans show the provision a hood over the extractor flue which is 'barrel' shaped and approx. 1m high by approx.0.9m wide at its widest. The application does not offer any end user so that the take-away use could be any use within the A5 Use Class.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS5 - Transport Strategy and Infrastructure

CS17 - High Quality Design

Development Sites and Policies

DSP3 - Environmental Impact

DSP39 - Hot Food Shops

Fareham Borough Local Plan Review

S12 - Hot Food Shops

S7 - Non-Retail Uses in the District and Local Centres

Relevant Planning History

The following planning history is relevant:

There is no relevant planning history for the application site but planning permission was refused in 2002 (P/02/0143/CU) for the change of use of No 74 (currently the home improvements use) to a Hot Food Takeaway; an appeal was submitted which was dismissed on 28 October 2002.

Representations

Representations have been received from eleven households, ten raising objection and one supporting

Objections -

- Lingering Smells
- Increased traffic in residential area
- Additional parking problems
- Increased litter
- Plenty of takeaway facilities not affecting residential properties
- Anti-social behaviour for which there are no measures available
- The garages at the north end of the parade do not provide a 'buffer'
- The site is close to the town centre where plenty of choice is available
- Planning appeal dismissed for a similar use at No.74
- There could be noise from extractor
- Inadequate provision for waste
- The use would provide only limited employment
- Noise disturbance from kitchen day and evening
- Up to 22.00 can be a noise sensitive time for some (such as children) in a residential area
- Increase traffic will mean increased road noise disturbance
- Disturbance from clientele
- Disturbance from cars
- Further proliferation of 'junk' food leading to health problems
- unit should be marketed for longer before any change of use is granted

Support -

- Welcome addition

Consultations

Director of Planning and Development (Highways) - No objection.

Director of Community (Environmental Health) -

"Residential Team has concerns regarding noise and odour from the proposed development.

The developer has submitted plans for a generic extraction system (comprised of primary grease baffles and carbon filtration) for a commercial kitchen. The extraction system however is not a bespoke system, specifically designed to control odour and noise with a specific use in mind (such as an Indian takeaway, or fish and chip shop etc).

The level of odour abatement required varies greatly depending on the type of takeaway. Indian and Chinese takeaways require a higher standard of abatement relative to say a

pizzeria. As the final occupier has not been identified, caution must be applied to ensure odour does not cause nuisance to nearby residents. In this case we recommend that the highest level of odour abatement should be required and therefore the proposed generic extraction system will almost certainly be insufficient.

It should be pointed out that even with the highest levels of abatement there will inevitably be disturbance caused by odour and noise from the operation of a hot food takeaway. Given the proximity of the flats above, cooking smell will unavoidably permeate into the flats and be a feature of the surrounding area. For example on hot days the necessity to leave an external door open of the proposed takeaway will result in odour being released, and given the proximity of the flats above, possibly resulting in a complaint.

There will also be noise disturbance caused by the general operation of the business from customers and deliveries/collections. We recommend that the above should be taken into account when determining the suitability of the development".

Planning Considerations - Key Issues

The key considerations in this case are -

- The principle of a non-retail use
- Impact upon the character of the area
- Impact upon the amenities of nearby residential properties

The principle of a non-retail use -

The application site forms part of a local parade of shops. 'Saved' Policy S7 of the Fareham Borough Local Plan Review continues to provide the Policy basis for the consideration of non-retail uses in local parades such as at Arundel Drive. This Policy sets out three tests:

- 1) that the proposed use would not extend or consolidate non-retail uses so that these would dominate the character of the area and discourage shoppers;
- 2) the non-retail use provides a service appropriate to a shopping centre
- 3) that a shop window is retained.

In the case of the Arundel Drive Parade, with the Co-op taking up four units, effectively five of the seven units would remain in A1 (retail) use (71%) if planning permission were to be approved in this case. It is not considered that this would represent an extension or consolidation of the non-retail uses in the parade. The A5 use is considered to be appropriate to a shopping centre in its broad sense. A shop window would be maintained. As such it is not considered that the application proposal would be contrary to Policy S7.

Notwithstanding this, the change of use also falls to be considered against 'saved' Policy S12 which relates specifically to 'Hot Food Shops'. This Policy also sets out three tests:

- 1) The use would not damage the vitality or viability of the centre contrary to Policy S7
- 2) The use would not adversely affect the character of the area
- 3) the use would not have unacceptable environmental, amenity or traffic implications (particularly in residential areas)

Additionally applicants are required to provide details of extraction and odour neutralisation equipment. Similar requirements are set out in emerging Policy DSP39 of the Draft Fareham Borough Local Plan Part 2: Development Sites and Policies. Criteria 2) and 3) of

Policy S12 are now considered in more detail:

Impact upon the character of the area -

The application site forms part of a parade of shops. The proposed use would retain a shopfront. The change of use would not therefore have a direct impact upon the character of the area.

Impact upon the amenities of nearby residential properties -

This is the major concern of the representations received. In particular the issues raised are:

Smells - smells are always a matter of concern in respect of takeaway uses and particularly where these are in residential areas and have flats at first floor level above the use. The Director of Community (Environmental Health) has advised that the proposed extraction equipment is 'generic' in the sense that it is not specific to an end user. Were the user to be an Indian, Chinese or fish and chip use then the equipment would not be adequate. Further, it is pointed out that even when user specific, smells would be experienced particularly when doors are open in the summer; this could lead to complaints from residents, particularly those of the flats above the shops. This view concurs with the view expressed by the Planning Inspector who determined the 2002 appeal for a takeaway use at No.74 Arundel Drive who pointed out that "such equipment would not eliminate smells completely and I consider such a matter to be of particular relevance in this case where the residents living above the unit use their terrace gardens as sitting out areas and for the hanging out of washing.....I consider that such odours would linger in the air and be both pervasive and objectionable to local residents particularly during the summer months when they are either sitting outside or inside with the windows open." This opinion continues to be supported by the Director of Community (Environmental Health).

Traffic - The site is part of a parade of shops with front parking and rear servicing. The Director of Planning and Development (Highways) has not raised an objection to the development from a highway safety, parking or services viewpoint, however, these are not considered to be the only issues arising as a result of traffic related to the proposed use.

Disturbance - In the 2002 Appeal Decision the Inspector commented that although the remaining shop units generated a 'significant amount of vehicular traffic and general activity, "within this location, a hot food takeaway would be likely to generate its own independent custom. This may, indeed, include families and those collecting orders to eat at home but equally there could be other customers that would be less inclined to disperse from the area so easily". As a result the Inspector concluded that "the additional noise likely to be caused by people and cars would intensify the disturbance already experienced by those living nearby and be both intrusive and harmful to the standard of residential amenity which they can expect to enjoy in this particular location." There is no evidence to suggest that the same concerns would not now apply to the application site. The applicant's agent has drawn attention to a large mechanical air conditioning plant to the rear of the Co-operative store. It is not considered that this relates directly to the issues of concern with the application proposal where the major concerns are from smells and from disturbance from cars and customers.

The agent also notes the appeal decision at No.74 but dismisses the circumstances as being 'markedly different' because it stands a 'considerable distance further away from the

nearest dwelling'. Officers, however, disagree that the separation of 4 shop units makes any material difference to the extent and type of concerns raised, particularly in relation to the flats above the shops and the dwellings opposite the parade. Although as the agent points out the proposal would broaden choice it is not considered that this is sufficient to outweigh the harm that would be caused.

Conclusion

The proposed use would represent a non-retail use within this parade of shops. This, however, would not result in an over dominance of non-retail uses in the parade so that there would be no objection to the principle of an alternative use to retail. Nonetheless the use as a takeaway is considered to have potential harmful impacts upon the residential amenities of existing residents in this mainly residential area. It is considered that the use would be likely to result in additional, unacceptable disturbance from cars and customers generated by the use. No end user has been specified so that it is possible that, if permitted, the proposed extraction equipment would be insufficient to adequately disperse cooking smells. Further, even with the most efficient equipment it is likely that lingering smells would be objectionable to local residents, particularly those living above the shops, to the general detriment of the amenities that they might reasonably expect in an established residential area such as this.

Recommendation

REFUSE:

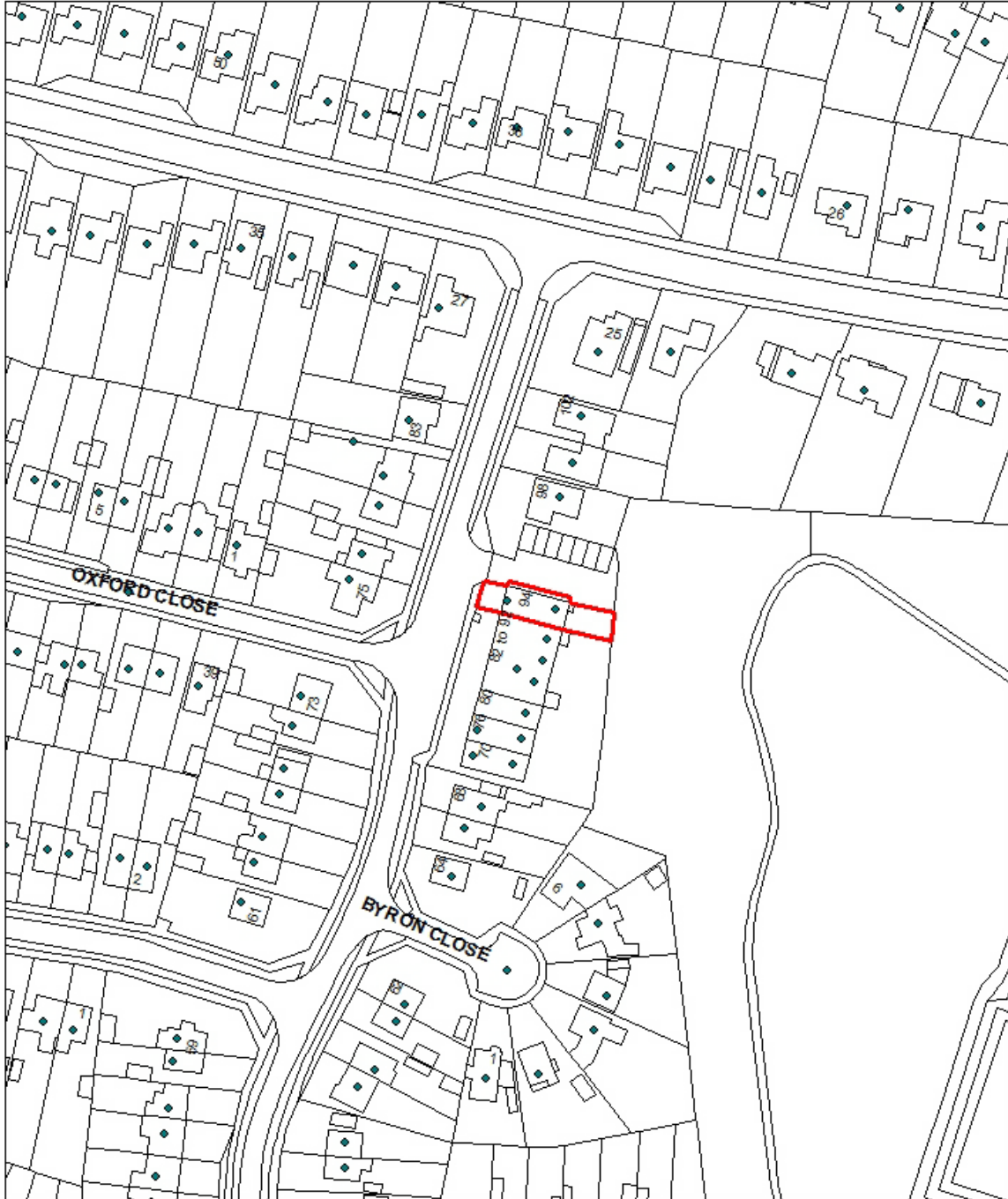
The proposed development is contrary to Policy CS17 of the Fareham Borough Core Strategy, Policy S12 of the adopted Fareham Borough Local Plan Review and draft Policies DSP2 (previously DSP3) and DSP 39 of the Fareham Borough Local Plan Part 2: Development Sites and Policies and is otherwise unacceptable in that the proposed use would not respond positively to the character of the area and would be likely to give rise to smells, noise and disturbance particularly in the evenings to the detriment of the residential amenities of the occupiers of adjacent residential properties.

Background Papers

P/02/0143/CU; P/15/0191/FP

FAREHAM

BOROUGH COUNCIL



94 ARUNDEL DRIVE
SCALE: 1:1,250

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Agenda Item 6(7)

P/15/0238/OD

ROBERT GAMLEN HOMES

FAREHAM EAST

AGENT: ROBERT GAMLEN
HOMES

APPLICATION SEEKING REVIEW OF AFFORDABLE HOUSING OBLIGATION UNDER S.106 BA OF THE TOWN & COUNTRY PLANNING ACT IN RELATION TO PLANNING APPLICATION P/07/0848/FP

70 TRINITY STREET FAREHAM PO16 7SJ

Report By

Kim Hayler - Direct Dial 01329 824815

Introduction

Members will recall this application was reported to the Planning Committee on 25 March 2015. At the meeting Members resolved to defer the application in order for officers to report back to the Planning Committee with further details of the viability appraisal. The full viability appraisal has now been made available to Members and the application is now reported for determination.

Planning Considerations - Key Issues

The applicant has made a formal request under Section 106BA of the 1990 Town and Country Planning Act claiming that the affordable housing obligation as currently agreed makes the scheme unviable in current market conditions and that the only method of bringing this site forward is to reduce the affordable housing contribution to nil. This request is supported by a viability appraisal. The applicant has a right of appeal under this formal process.

The viability appraisal also demonstrates that the development cannot support paying the open space and recreation contribution.

The Council has sought independent advice in relation to the viability appraisal and the opinions of Officers are set out below.

History

This item relates to the site of the former 'Skippers' fish and chip shop and adjacent land at the junction of Osborn Road and Trinity Street.

Planning permission was granted in September 2007 (under reference P/07/0848/FP) for the erection of 23 flats at the site, comprising a mix of one and two bedroom units. The development was commenced in 2011 when part of the foundation was laid for the permitted building.

The planning permission was subject to a number of conditions and a Section 106 planning obligation.

The planning obligation secured three specific elements:

1) The provision off site of three affordable houses (all three bedroomed) within the Borough of Fareham which met the specifications and requirements set out in the

agreement;

2) A contribution towards the provision of off-site open space. On current figures this contribution is estimated at being approximately £33,500 (plus index linking);

3) A contribution of £2000 towards the cost of making a Traffic Regulation Order to implement a loading prohibition in Osborn Road adjacent the site.

The applicant sought a review of the viability of the site in 2011, however Members resolved not to agree to vary the S.106 Agreement at that time. The site remains undeveloped to date.

Relevant Government guidance

Government guidance states:

'Unrealistic Section 106 agreements negotiated in differing economic conditions can be an obstacle to house building. The Government is keen to encourage development to come forward, to provide more homes to meet a growing population and to promote construction and economic growth. Stalled schemes due to economically unviable affordable housing requirements result in no development, no regeneration and no community benefit. Reviewing such agreements will result in more housing and more affordable housing than would otherwise be the case.'

The Growth and Infrastructure Act inserted a new Section 106BA, BB and BC into the 1990 Town and Country Planning Act. These sections introduce a new application and appeal procedure for the review of planning obligations on planning permissions which relate to the provision of affordable housing. Obligations which include a "requirement relating to the provision of housing that is or is to be made available for people whose needs are not adequately served by the commercial housing market" are within scope of this new procedure.

The National Planning Policy Framework paragraph 173 states:

'to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking in account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and will developer to enable the development to be deliverable.'

Applicant's case for the variation of the Section 106 Planning Obligation

In assessing the impact of planning obligations on the viability of the development process, it is accepted practice to adopt the Existing Use Value and compare this with the residual land value of any proposed development, the Redevelopment Value.

The Redevelopment Value and Existing Use Value represent the parameters within which to assess the level of any planning obligations.

Current build costs mean small to medium sized developers are looking to secure profit margins of around 20% on Gross Development Value to adequately reflect the risk of delivering a scheme. However, in this case the applicant is prepared to reduce this to 15%

on Gross Development Value in order to build out and deliver the scheme as quickly as possible.

A viable contribution payable by the developer is the difference between the Redevelopment Value and the Existing Use Value. The viability appraisal demonstrates there is a clear deficit. The applicant is therefore advising that if there is any prospect of developing this site, the affordable housing obligation should be reduced to nil.

The viability appraisal also demonstrates that the scheme cannot support the obligation to contribute towards open space and recreation facilities.

The applicant has confirmed he is committed to bringing the scheme forward as soon as possible.

Officer's comments

The request to vary the Section 106 Planning Obligation has been accompanied by a detailed financial viability statement. The Applicant has provided financial information about the scheme on a confidential open book basis to Officers.

Officers have subsequently sought independent advice on the financial viability of the scheme and acknowledge the pressures on this particular scheme. Officers acknowledge that current market conditions, the contributions previously agreed at the site along with other factors have impacted upon the financial viability of the scheme.

In light of the viability appraisal of the site, Officers consider the only method of bringing this site forward, as encouraged by Government advice is to reduce the affordable housing contribution to nil.

Developing new and improved parks play areas and sports facilities using developer contributions and external funding are a priority as set out within the adopted Core Strategy.

The application site itself is somewhat different from many other development sites in the Borough. The site has the benefit of existing recreation facilities very close by. Apart from being a town centre location the future occupiers of the development would have the benefit of the Sensory Garden of Reflection opposite the site in Osborn Road and just a short walk away, extensive parkland and leisure facilities in Park Lane.

Officers consider there are clear advantages of bringing this site forward for development and these advantages in this case outweigh the need for the requirement of an open space and recreation contribution.

The applicant has confirmed that the obligation to fund the traffic regulation order to implement a loading prohibition in Osborn Road adjacent the site, will be met.

The existing Skippers building has been demolished and it is understood that one part of the foundation has been laid. The works undertaken to date appear to be a means to ensure that the planning permission is 'kept alive'. The site, which immediately adjoins a large surface car park has been fenced off with industrial type fencing for some years. Officers are keen to see the regeneration of a vacant/derelict corner site close to the town centre and Osborn Road Conservation Area. Not only bringing forward additional housing in this town centre location, its development will visually enhance the appearance of the

street scene and area.

Conclusion

Officers acknowledge the current financial viability of the site, and are very much aware of Government guidance urging flexibility on the contributions sought via planning obligations.

The viability appraisal and the benefits of developing a site which has remained undeveloped since planning permission was granted some 7.5 years ago are a material consideration. Officers have therefore concluded the request to vary the terms of the Section 106 Planning Obligation completed in connection with affordable housing and open space obligations relating to planning application P/07/0848/FP should be agreed.

Recommendation

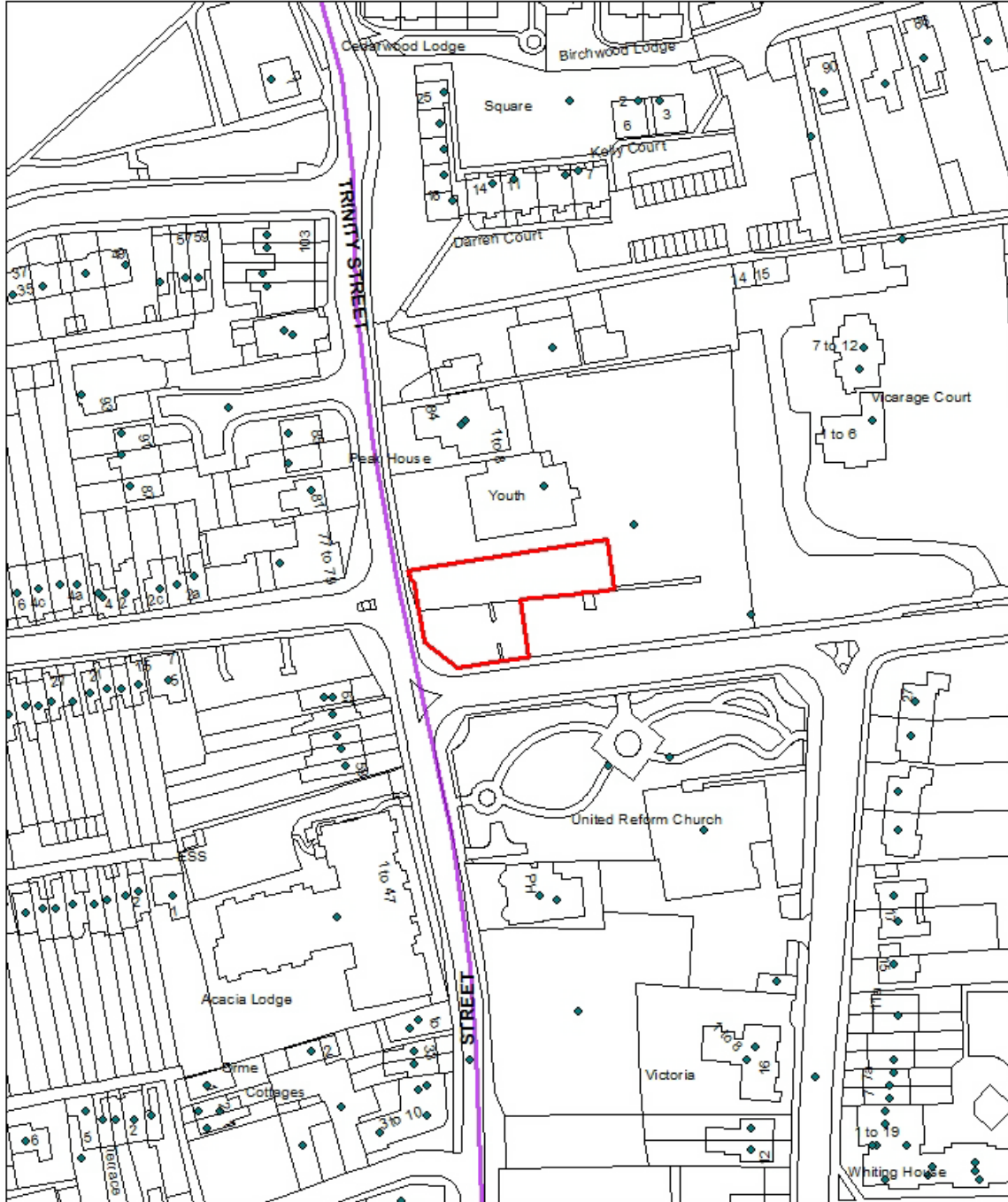
That the request to vary the terms of the Section 106 Planning Obligation completed in connection with affordable housing and open space obligations relating to planning application P/07/0848/FP should be agreed.

Background Papers

P/07/0848/FP

FAREHAM

BOROUGH COUNCIL



70 TRINITY STREET
SCALE: 1:1,250

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Agenda Annex

ZONE 3 - EASTERN WARDS

Portchester West
Hill Head
Stubbington
Portchester East

Reference

Item No

P/15/0201/FP
HILL HEAD

32A SOLENT ROAD FAREHAM HAMPSHIRE PO14 3LD
LOFT CONVERSION (INCLUDING FRONT AND REAR
DORMERS) AND PARTIAL GARAGE CONVERSION

8
PERMISSION

Agenda Item 6(8)

P/15/0201/FP

MR & MRS P ERRINGTON

HILL HEAD

AGENT: PMG BUILDING
DESIGN&CONSULTANC

LOFT CONVERSION (INCLUDING FRONT AND REAR DORMERS) AND PARTIAL
GARAGE CONVERSION

32A SOLENT ROAD FAREHAM HAMPSHIRE PO14 3LD

Report By

Richard Wright - direct dial 01329 824758

Site Description

This application relates to a chalet bungalow located to the rear of 32 Solent Road. The property is accessed via a vehicular track between nos. 32 & 34 which also serves nos. 34a & 34b.

Description of Proposal

Permission is sought for various external changes to provide first floor living accommodation in the roof space. This would result in the dwelling having an additional bedroom making it a four-bedroom home.

Permission is also sought for the conversion of one half of the integral double garage to form a utility room however the garage is not subject of a planning condition so could be converted without the need for planning permission.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS17 - High Quality Design

Development Sites and Policies

DSP2 - Design

DSP4 - Impact on Living Conditions

Relevant Planning History

The following planning history is relevant:

P/00/0968/FP

Erection of Detached Bungalow and Integral Garage

PERMISSION 09/05/2001

P/07/1636/OA

**ERECTION OF TWO DETACHED BUNGALOWS, GARAGING AND
NEW ACCESS (OUTLINE APPLICATION)**

REFUSE 28/01/2008

P/09/0277/RM

**ERECTION OF TWO DETACHED BUNGALOWS WITH GARAGES
(RESERVED MATTERS APPLICATION TO OUTLINE CONSENT
P/07/1636/OA)**

APPROVE 19/05/2009

Representations

In response to the initial publication of this application seven letters were received in objection.

All of the residents who responded are concerned about overlooking from first floor level windows and the loss of privacy as a result. Most are also concerned that the development might set a precedent for loft conversions in other adjacent and nearby bungalows.

Two residents also refer to the design of the proposed rear dormer being over-bearing and changing the unobtrusive nature of the current roof and character of the area.

Following the receipt of revised drawings on 2nd April those residents who commented on the original application were contacted again and invited to comment further. At the time of writing one response has been received from the occupants of 30 Solent Road stating that they would prefer the front dormer windows to be obscure glazed but that allowing them to be openable would be acceptable. They further added that the trees in their garden may be damaged by wind or weather or even die at some point in the future thereby exposing their garden to overlooking.

Planning Considerations - Key Issues

i) Planning history

Planning permission was granted for the dwelling at 32a Solent Road in the year 2001 (reference P/00/0968/FP). A planning condition (7) was imposed to ensure the existing dormer window in the west (front) roof plane was obscure glazed and fixed shut up to a certain height. Another condition restricted further openings in the north, south or west roof planes of the house (condition 8). Condition 9 requires the parking and turning spaces in the frontage of the dwelling be retained.

The adjacent dwellings to the north of the application site 32B & 34B Solent Road were constructed after planning permission was granted in 1989 (FBC. 2430/2). More recently two new dwellings have been constructed to the south of the application site at 26A & 26B Solent Road (P/07/1636/OA - allowed on appeal & P/09/0277/RM).

ii) Proposed introduction of first floor openings and the effect on living conditions of neighbours

Various external changes are proposed to the dwelling in order to facilitate a loft conversion which would provide the dwelling with a new master bedroom, en suite bathroom and walk through wardrobe at first floor level. Revised drawings were received on 2nd April to propose that certain openings be obscure glazed and fixed shut.

In the north facing roof plane two roof lights are proposed. These are indicated on the revised drawings to be obscure glazed and fixed shut. Provided this was the case up to a height of 1.7m above internal finished floor level there should be no overlooking of neighbouring properties possible. A planning condition could be used to this effect.

In the east (rear) roof plane a dormer window and roof light would be inserted. The revised drawings show these openings would again be obscure glazed and fixed shut. This is considered acceptable in that it would ensure no overlooking of neighbouring properties to the east would be possible from these openings. The distance from the windows to the rear site boundary would be no less than 13.5 metres however whilst this would be in excess of

11 metres (the minimum distance ordinarily sought to protect neighbours' privacy), the open character of the rear gardens both at the application site and to the rear in Osborne View Road means that a greater distance ought to be required to preserve the privacy currently enjoyed by residents in those adjacent properties.

In the south roof plane two high level roof lights would be inserted to serve a ground floor 'breakfast area'. These roof lights would not serve first floor rooms and would not provide any overlooking of neighbours.

In the west (front) roof plane an existing pitched roof dormer would be extended to form an enlarged flat roof dormer window. Notwithstanding condition 8 of the original permission, it is considered that there would be no harmful effect on the privacy of neighbours if the windows in this dormer were to be clear glazed and opening. The submitted drawings show the windows to be approximately 16.9 metres from the boundary with the rear garden of 30 Solent Road. This is in excess of the 11 metres minimum ordinarily sought in such circumstances. Even allowing for the more spacious character of the area, in comparison to more urbanised parts of the borough, the separation distance proposed would, in the opinion of Officers, be acceptable. The rear garden of no. 30 has a summerhouse/outbuilding and seating area at its eastern end close to the party boundary with the application site. However the bottom half of the garden is heavily screened by an abundant mixture of evergreen and deciduous trees and plants which prevent views into most of the garden. The rear of the dwelling at no. 30 is believed to be some 45 metres from the proposed dormer.

In summary, Officers have examined the proposals in detail and considered the effects on neighbours living adjacent to the site. The majority of the new openings proposed are high level windows or obscure glazed and fixed shut and there would be no overlooking of adjacent properties created. In the case of windows within the front dormer the distance to and planting within the garden of no. 30 would ensure there would be no unacceptable overlooking of that property.

iii) Design of dormers

The dwelling is not easily visible from Solent Road, nevertheless the dormer windows would not be excessive in their size or position on the front and rear roof slopes so that they might be considered unsightly in their appearance. The proposal is considered therefore to be acceptable with regards to Policy CS17 of the adopted Fareham Borough Core Strategy which promotes high quality design.

iv) Garage conversion and parking provision

The proposed garage conversion would create a utility room and additional corridor circulation space in the dwelling. A single undersized garage space would remain. This particular aspect of the proposal does not actually require planning permission, nevertheless there would be no unacceptable implications.

The proposed loft conversion would create an additional bedroom making this dwelling a four-bed home. The Council's adopted Residential Car & Cycle Parking Standards SPD suggests that four bed dwellings should be served by three parking spaces. On the site there are two standard sized surface car parking spaces in front of the dwelling and a turning area within the frontage also which are subject of condition 9 of the original planning permission requiring their retention. However, even if the turning area were to be used in

practice as a third parking space there would still be sufficient space within the shared driveway to turn a vehicle and exit on to Solent Road in a forward gear. Officers conclude it is not considered necessary in this instance to insist that a third parking space be provided within the frontage of the dwelling.

Recommendation

PERMISSION (SUBJECT TO THE FOLLOWING CONDITIONS):

1. The development shall begin before the expiration of a period of three years from the date of this decision notice.

REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.

2. The development shall be carried out in accordance with the approved documents.

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

3. The following openings shall be glazed with obscure glass and be of a non-opening design and construction to a height of 1.7 metres above internal finished floor level and shall thereafter be retained in that condition at all times:

a) the roof lights to be inserted in the northern side roof plane;

b) the dormer windows and roof roof light to be inserted in the eastern rear roof plane.

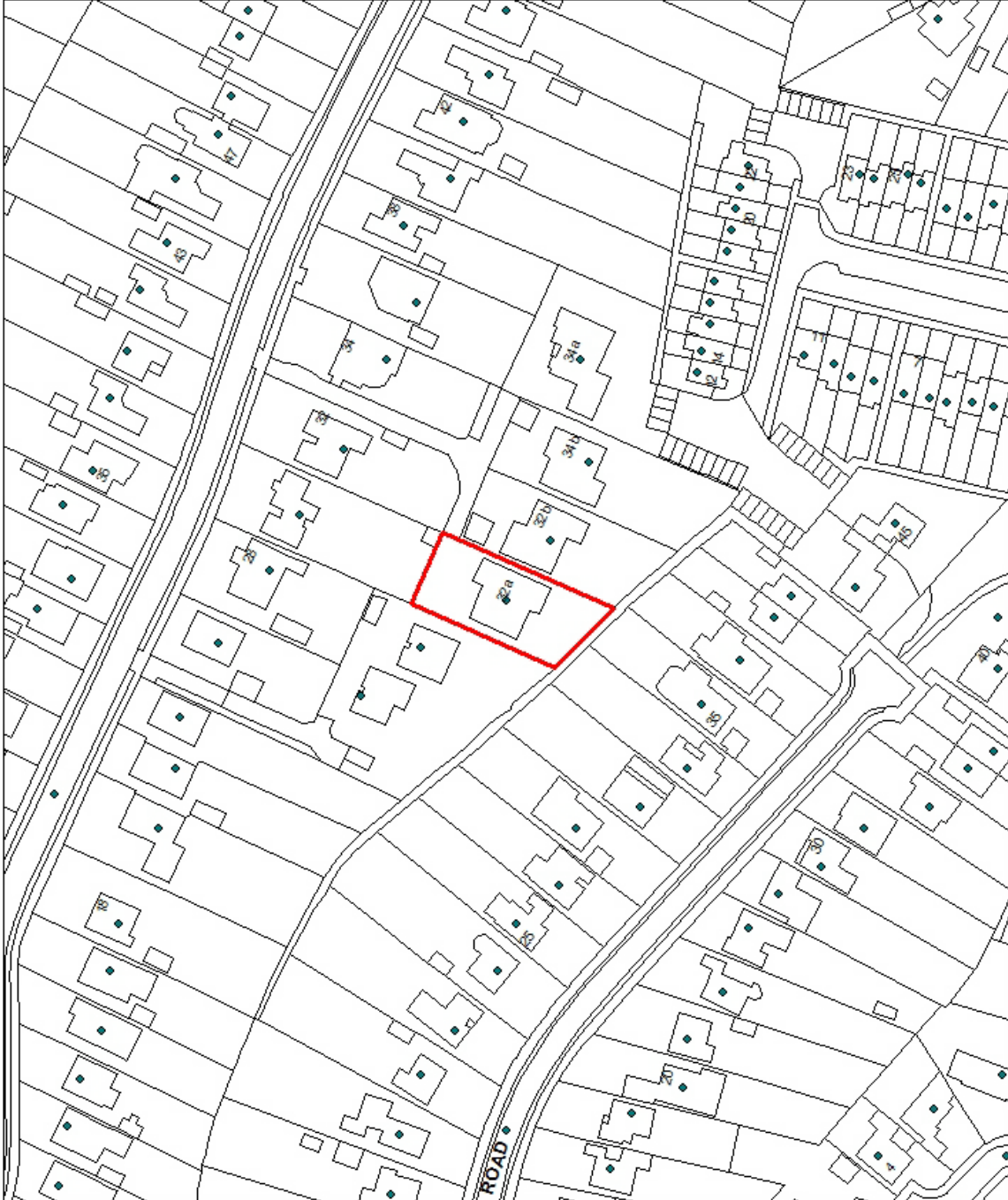
REASON: To prevent overlooking and to protect the privacy of occupiers of the adjacent properties.

Background Papers

P/15/0201/FP

FAREHAM

BOROUGH COUNCIL



32A SOLENT ROAD
SCALE: 1:1,250

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Agenda Item 6(9)

PLANNING APPEALS

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

CURRENT

ENF/13/0114

Appellant: **MISS DAPHNE DOWNES**
Site: Land To The Rear Of The Hinton Hotel Catisfield Lane
Date Lodged: 25 November 2014
Reason for Appeal: The Enforcement Notice has been appealed on the following grounds:
That planning permission should be granted for what is alleged in the notice.
That there has not been a breach of planning control.
That, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.
The time given to comply with the notice is too short.

P/14/0618/FP

Appellant: **MR STUART ADAMS**
Site: 195 Locks Road Locks Heath Southampton SO31 6LD
Decision Maker: Officers Delegated Powers
Recommendation:
Council's Decision: APPROVE
Date Lodged: 31 March 2015
Reason for Appeal: Front and Rear Dormers; the appeal is against CONDITION 2 : The development shall be carried out in accordance with the following approved documents:
a) Proposed front and rear dormer windows Lock001 REV C
REASON: To avoid any doubt over what has been permitted.

P/14/0778/FP

Appellant: **MS R SNOWDEN**
Site: Hook Park Road - Land At Hook Warsash Hants
Decision Maker: Committee
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 26 February 2015
Reason for Appeal: PROVISION OF STORAGE CONTAINER, PORTABLE TOILET FOR EXISTING RIDING ESTABLISHMENT

PLANNING APPEALS

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

CURRENT

P/14/0818/FP

Appellant: MRS LOUISE MOWL
Site: 181 Hunts Pond Road Fareham Hampshire PO14 4PL
Decision Maker: Committee
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 23 January 2015
Reason for Appeal: FIRST FLOOR EXTENSION AND CONVERSION OF EXISTING BUILDING TO FORM THREE FLATS AND CONVERSION OF EXISTING DETACHED GARAGE INTO ONE STUDIO APARTMENT WITH ASSOCIATED CAR & CYCLE PARKING AND BIN STORE

P/14/0948/FP

Appellant: MR DEAN WEST
Site: 62 Newgate Lane Fareham Hampshire PO14 1BE
Decision Maker: Officers Delegated Powers
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 31 March 2015
Reason for Appeal: EXTENSIONS AND ALTERATIONS TO EXISTING DETACHED GARAGE, INCLUDING ENLARGEMENT OF ROOFSPACE AND PROVISION OF DORMER AND VELUX ROOF WINDOWS

P/14/1022/FP

Appellant: MR AARON BROWN
Site: 185 Warsash Road Warsash Southampton SO31 9JE
Decision Maker: Committee
Recommendation: APPROVE
Council's Decision: REFUSE
Date Lodged: 27 January 2015
Reason for Appeal: ERECT A THREE BEDROOM DETACHED DWELLING WITH CARPORT AND PARKING

DECISIONS

PLANNING APPEALS

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

DECISIONS

P/14/0762/FP

Appellant: MR & MRS STOCKTON-CHALK
Site: 1 Farm Edge Road Fareham Hampshire PO14 2BU
Decision Maker: Committee
Recommendation: APPROVE
Council's Decision: REFUSE
Date Lodged: 02 December 2014
Reason for Appeal: SIDE EXTENSION, REPLACEMENT ROOF WITH DORMERS AND ATTIC CONVERSION
Decision: DISMISSED
Decision Date: 21 March 2015