

AGENDA
PLANNING COMMITTEE

Date: Wednesday, 14 October 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
P J Davies
K D Evans
M J Ford, JP
R H Price, JP
D C S Swanbrow

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 - 8)

To confirm as a correct record the minutes of the meeting of the Planning Committee held on 16 September 2015/Wednesday, 14th October, 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 9)

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/15/0654/FP - 30 DAISY LANE LOCKS HEATH SOUTHAMPTON SO31 6RA (Pages 11 - 16)**

(2) **P/15/0786/VC - THE TITHE BARN MILL LANE TITCHFIELD FAREHAM PO15 5RB (Pages 17 - 27)**

(3) **P/14/0639/FP - PETERS ROAD - LAND TO THE SOUTH OF - PARCEL C LOCKS HEATH (Pages 28 - 29)**

ZONE 2 - FAREHAM

(4) **P/15/0716/FP - PORTSMOUTH MARINE ENGINEERING LOWER QUAY FAREHAM PO16 0RJ (Pages 31 - 40)**

(5) **P/15/0908/FP - 7 MARGARITA ROAD FAREHAM PO15 5HG (Pages 41 - 43)**

(6) **P/15/0911/PH - 7 MARGARITA ROAD FAREHAM PO15 5HG (Pages 44 - 45)**

ZONE 3 - EASTERN WARDS

(7) **P/15/0720/RM - 122 MAYS LANE - LAND ADJACENT FAREHAM PO14 2ED (Pages 47 - 52)**

(8) **Planning Appeals (Pages 53 - 56)**

7. Tree Preservation Order No 706 (2105) - 1 Highfield Avenue and Land to the West of 7 Highfield Avenue (Pages 57 - 63)

To consider a report by the Director of Planning and Development regarding confirmation of Tree Preservation Order No 706 to which an objection (in respect of a provisional order made on 12 June 2015) has been received.

8. 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.

Fareham Tree Preservation Order No 711 (2015) – 4 Church Road, Warsash

Order served on the 28 July 2015 for which there were no objections.

It is recommended that the Fareham Tree Preservation Order No 711 be confirmed as made and served.

Fareham Tree Preservation Order No 712 (2015) – Lowlands Wallington Shore Road

Order served on 21 August 2015 for which there were no objections.

It is recommended that the Fareham Tree Preservation Order No 712 be confirmed as made and served.

Fareham Tree Preservation Order No 713 (2015) – The Navigator, and Land Adjacent to, Bridge Road, Swanwick

Order served on 21 August 2015 for which there were no objections.

It is recommended that the Fareham tree Preservation Order No 713 be confirmed as made and served.

Revocation of Fareham Tree Preservation Order No 209 (1991) – 79 Bridge Road, Swanwick

This Order was made on the 22 March 1991 and following consent for planning application P/14/0519/TO the single Monterey pine was felled. The subsequent replacement and the adjacent existing tree were protected under TPO 707.

It is recommended that Fareham Tree Preservation Order No 209 is revoked.

Revocation of Fareham Tree Preservation Order No 262 (1993) – Land off Swanwick Lane, Lower Swanwick

This Order was made on the 15 July 1993 and following a recent review it has been found that there are no trees remaining that are worthy of TPO status.

It is recommended that Fareham Tree Preservation Order No 262 is revoked.

Tree Preservation Orders Served

The following Tree Preservation Orders have been made this month:

Fareham Tree Preservation Order No 714 (2015) – Land to the Front of 19 Dingle Way, Locks Heath. The Order was served on the 10 September 2015.

Fareham Tree Preservation Order No 716 (2015) – Land at 24 Newtown Road, Warsash. The Order was served on the 17 September 2015.

P GRIMWOOD
Chief Executive Officer

Civic Offices
www.fareham.gov.uk
6 October 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, 16 September 2015

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor N J Walker (Chairman)

Councillor A Mandry (Vice-Chairman)

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

**Also
Present:**



1. APOLOGIES FOR ABSENCE

An apology of absence was received from Councillor D C S Swanbrow.

2. MINUTES OF PREVIOUS MEETING

3. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that item 7 – Tree Preservation Order No 706 (2015) – 1 Highfield Avenue and Land to the West of 7 Highfield Avenue had been removed from the agenda for this meeting.

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
Councillor Price, JP	P/15/0718/CC – Stubbington By Pass Stubbington	6 (2)
Councillor Price, JP	P/15/0717/CC - Newgate Lane Fareham	6 (4)

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	TIME (mins)
ZONE 1 – 2pm					
Mr N Crane		49 Home Rule Road, Locks Heath – Erection of a two storey rear extension	Opposing	Item 1 P/15/0671/FP Page 7	3
Mr M Cottam		-ditto-	Supporting	-ditto-	3
ZONE 2 – 2pm					

ZONE 3 – 2pm					

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

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

(1) P/15/0671/FP - 49 HOME RULE ROAD LOCKS HEATH SOUTHAMPTON SO31 6LH

The Committee received the deputations 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: 9 in favour; 0 against)

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

(2) P/15/0718/CC - STUBBINGTON BY PASS STUBBINGTON HAMPSHIRE

Councillor Price, JP declared a non-pecuniary interest in this item as he is a member of the Regulatory Committee at Hampshire County Council which is the Committee that will be deciding this application.

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

COMMENTS FROM THE APPLICANT

The Applicant has provided further commentary in response to the Director of Planning & Development (Highways) consultation. The matters raised are mostly detailed points that will be addressed through the detailed design stage.

CONSULTATIONS:

Director of Planning & Development (Ecology): No objection subject to conditions.

“I am satisfied that the thorough and professional survey work undertaken at the site has enabled the development of a function mitigation strategy which is appropriate for the identified impacts”.

Director of Community (Environmental Health – Pollution): No objection on noise grounds subject to conditions.

REPRESENTATIONS:

One further letter of objection received on behalf of the occupier of Newlands Farm. A copy has also been sent to HCC:

- The application submits that this is sustainable as defined by the NPPF, but we beg to differ.*
- So far as the occupants of Newlands Farm is concerned, the scheme is lacking creative detail and will not enhance and improve the place in which the occupants of the farm live their lives.*
- It is not sustainable development if a scheme, particularly one of this magnitude, does not provide a good standard of amenity for the occupants of the farm.*
- Reducing the traffic in Stubbington must not be at our expense.*
- The application is unclear at the actual acoustic fence and bund heights with differences in height referred to in the application.*
- The land around the farm is wet in winter and the road drainage should be designed to help.*
- A footpath around the farm has not been assessed or indicated for diversion.*

PLANNING CONSIDERATIONS:

The Ecology consultation response notes that the impact upon protected species is such that any harm can be mitigated through appropriate mitigation strategies.

However the detailed survey work that accompanies the application does indicate that the proposal will require the loss of bat roosts.

Local Planning Authorities are required to engage with the Habitats Regulations when considering planning applications affecting protected species. Planning permission should not be granted if:

- a) the development is likely to result in a breach of the EU Directive, and*
- b) is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.*

The application is supported by detailed Ecological Assessments within the Environmental Statement which indicate that the proposal will result in the loss of bat roosts. The loss of the roosts would mean an offence under the Regulations is likely. Given that there is a breach of the EU Directive then the next consideration is that of will the development get a European Protected Species (EPS) licence?

An EPS licence can only be granted if the development proposal is able to meet three tests:

- 1. the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e))*
- 2. there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and*

3. the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).

Ultimately it is for the determining body (HCC) to ensure compliance with the three tests, however as the Local Planning Authority, it is also appropriate that the tests be considered in forming the Consultation response back to HCC.

"The Purpose Test":

This application will provide much needed and wanted local infrastructure that would help the Borough manage the heavy traffic flows through the area on to the strategic road network. The provision of the bypass is considered to be of overriding public interest for traffic management. The infrastructure requirements of the area are considered to address the first test.

"The No Satisfactory Alternative Test":

The roosts to be lost are within Hollam Cottages and stables which are to be demolished to construct the road. The buildings are in a poor condition already and if retained. The existing buildings will need some improvements in terms of efficiency and modernization with the result that the bat roosts may well be either disturbed, or destroyed in any event.

"The Favourable Conservation Status Test":

It is proposed to compensate for the bat roost loss through the incorporation of a good range of new roosting opportunities in the form of bat boxes integral to replacement built structures for Hollam Cottage and stables. Consultations with the Ecologist has confirmed that provided these mitigation proposals are secured by planning condition, the favourable conservation status of the bat population will be maintained and a EPS licence is likely to be granted.

AMENDED RECOMMENDATION:

Additional conditions to those in the main agenda as a result of the consultation responses now received:

15) Post construction noise monitoring shall be completed within 3 months of the scheme coming into use (the scope and duration of the monitoring to be agreed with the LPA)

16) A detailed ecology mitigation strategy is to be submitted and approved in writing in line with the outline measures proposed within Chapter 9 of the Environmental Statement. The ecology statement will provide mitigation for:

- reptiles*
- badgers; and*
- nesting birds;*

17) The development shall be carried out in accordance with the detailed Water Vole Mitigation Strategy.

18) The development shall be carried out in accordance with the outline method statement provided in Appendix 9.5b and Chapter 9 of the Environmental Statement to ensure bats are not disturbed, killed or injured,

together with new roosting opportunities to be provided in the form of bat boxes integral to replacement built structures for Hollam Cottage and stables.

19) Landscape Management Scheme to ensure planting establishes and functions as a screen but also as an ecological resource.

Upon being proposed and seconded, the officer recommendation to support the application, subject to the following:-

- 1) That the bypass will not be lit other than at junctions;
- 2) Measures are put in place to ensure that the bypass will not increase surface water flooding problems to neighbouring land and land in Stubbington;
- 3) That the Stubbington Residents and Borough Council are fully consulted and appraised on any traffic calming measures to be implemented in the village.

And the imposition of suitably worded planning conditions as per the main agenda and update paper, was voted on and CARRIED.
(Voting: 7 in favour; 2 against)

RESOLVED that, subject to the following:-

- 1) That the bypass will not be lit other than at junctions;
- 2) Measures are put in place to ensure that the bypass will not increase surface water flooding problems to neighbouring land and land in Stubbington; and
- 3) That the Stubbington Residents and Borough Council are fully consulted and appraised on any traffic calming measures to be implemented in the village;

And the imposition of suitably worded planning conditions as per the main agenda and update paper, SUPPORT be given for the planning application.

(3) P/15/0771/FP - CASTLE TRADING ESTATE EAST STREET

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: 9 in favour; 0 against)

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

(4) P/15/0717/CC - NEWGATE LANE FAREHAM HAMPSHIRE

Councillor Price, JP declared a non-pecuniary interest in this item as he is a member of the Regulatory Committee at Hampshire County Council which is the Committee that will be deciding this application.

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

COMMENTS FROM THE APPLICANT:

The Applicant has provided further commentary in response to the Director of Planning & Development (Highways) consultation. The matters raised are mostly detailed points that will be addressed through the detailed design stage.

The Applicant has also indicated that discussions have taken place with the MOD with regard to the replacement of the formal sports provision lost as a consequence of the road alignment.

REPRESENTATIONS:

Two letters have been sent to HCC and copied to FBC from two land owners affected by the new road:

- The application for the new road is supported in principle*
- But an objection is raised in the absence of any meaningful discussion between HCC and the land owners regarding the provision of access to the adjoining land. Any decision should be stopped until these discussions are concluded.*
- The Land in question is being promoted as housing site to FBC through the Local Plan Review.*

CONSULTATIONS:

Director of Planning & Development (Ecology): No objection subject to conditions. "I am satisfied that the thorough and professional survey work undertaken at the site has enabled the development of a function mitigation strategy which is appropriate for the identified impacts".

Director of Community (Environmental Health – Pollution): No objection on noise grounds subject to conditions.

AMENDED RECOMMENDATION:

Additional conditions to those in the main agenda as a result of the consultation responses now received:

14) Post construction noise monitoring shall be completed within 3 months of the scheme coming into use (the scope and duration of the monitoring to be agreed with the LPA)

15) A detailed ecology mitigation strategy is to be submitted and approved in writing in line with the outline measures proposed within Chapter 9 of the Environmental Statement. The ecology statement will provide mitigation for:

- reptiles;*
- badgers; and*
- nesting birds.*

16) Landscape Management scheme to ensure planting establishes and functions as a screen but also as an ecological resource.

Upon being proposed and seconded, the officer recommendation to support the application, subject to the conditions in the report and update report, was voted on and CARRIED.

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

RESOLVED that, subject to the conditions in the report and update report, the Committee SUPPORT the application.

(5) Planning Appeals

The Committee noted the information in the report.

(6) UPDATE REPORT

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

7. TREE PRESERVATION ORDER NO 706 (2015) - 1 HIGHFIELD AVENUE AND LAND TO THE WEST OF 7 HIGHFIELD AVENUE

This item was withdrawn from the agenda.

8. TREE PRESERVATION ORDERS

The Committee considered the confirmation of the following Fareham Tree Preservation Order(s), which had been made by officers under delegated powers and to which no formal objections had been received.

Fareham Tree Preservation Order No 707 (2015) – Locks Heath Service Station, 79 Bridge Road, Park Gate.

Order made on 26 June 2015 for which there were no objections.

RESOLVED that Fareham Tree Preservation Order No be confirmed and made and served.

(The meeting started at 2.30 pm
and ended at 4.10 pm).

**Report to
Planning Committee**

Date: 14 October 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 at Civic Offices, Civic Way, Fareham PO16 7AZ.

Agenda Annex

ZONE 1 - WESTERN WARDS

Park Gate
Titchfield
Sarisbury
Locks Heath
Warsash
Titchfield Common

Reference

Item No

P/15/0654/FP
LOCKS HEATH

30 DAISY LANE LOCKS HEATH SOUTHAMPTON HAMPSHIRE
SO31 6RA
ERECTION OF A DETACHED TWO-BEDROOMED BUNGALOW

1
REFUSE

P/15/0786/VC
TITCHFIELD

THE TITHE BARN MILL LANE TITCHFIELD FAREHAM PO15 5RB
REMOVE CONDITION 2 ALLOWING OUTSIDE OF BARN TO BE
USED; VARY CONDITION 8 TO ALLOW
REMOVABLE/TEMPORARY STRUCTURES UNDER 9M X 9M
WITHIN THE GROUNDS OF THE BARN TO BE ERECTED FOR
UP TO 72 HOURS; REMOVE CONDITION 13 REQUIRING NEED
FOR VISIBILITY SPLAYS; REMOVE CONDITION 16 ALLOWING
UNRESTRICTED NUMBER OF WEDDINGS SUBJECT TO
RECORDED AMPLIFIED MUSIC (DJS) OR NON AMPLIFIED
ACOUSTIC MUSIC (BANDS) & INSTALLATION OF A NOISE
LIMITER; VARY CONDITION 17 TO ALLOW GARDEN BENCHES
& TABLES TO BE LEFT IN THE GROUNDS ON A PERMANENT
BASIS.

2
REFUSE

P/14/0639/FP

PETERS ROAD- LAND TO THE SOUTH OF - PARCEL C LOCKS
HEATH HAMPSHIRE
PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT
COMPRISING THE ERECTION OF 18 NO. DWELLINGS,
TOGETHER WITH NEW VEHICLE AND PEDESTRIAN ACCESS,
ASSOCIATED CAR PARKING, LANDSCAPING AND OPEN
SPACE.

3
**Grant Deed of
Variation**

Agenda Item 6(1)

P/15/0654/FP

MS E WALLBRIDGE

LOCKS HEATH

AGENT: ROBERT TUTTON
TOWN PLANNING CONS LTD

ERECTION OF A DETACHED TWO-BEDROOMED BUNGALOW

30 DAISY LANE LOCKS HEATH SOUTHAMPTON HAMPSHIRE SO31 6RA

Report By

Susannah Emery - Direct dial 01329 824526

Introduction

This application is being reported to the planning committee as pre-application advice was given to the applicant in 2011 regarding the proposal which is now contrary to the officers recommendation.

Site Description

The application site lies within the urban area to the south side of Daisy Lane close to the junction with Hunts Pond Road. The site consists of a detached chalet bungalow and its residential curtilage. There is a detached bungalow sited on the rear boundary of the site , No.2 Sunnyside, which is part of a small development of three properties constructed to the rear of Nos.6-10 Church Road.

Description of Proposal

Planning permission is sought for the erection of a detached 2-bed bungalow within the rear garden of No.30 Daisy Lane. Access to the bungalow would be along the eastern side of the existing property. Two car parking spaces would be provided for the proposed dwelling and parking for the existing dwelling would be retained on the frontage. An amenity space measuring 90 square metres would be provided and an amenity space of 134 sq metres would be retained for the existing dwelling.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS2 - Housing Provision

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS9 - Development in Western Wards and Whiteley

CS15 - Sustainable Development and Climate Change

CS17 - High Quality Design

Development Sites and Policies

DSP2 - Environmental Impact

DSP3 - Impact on living conditions

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

Relevant Planning History

The following planning history is relevant:

Pre-application advice (Q/0426/11) was given regarding the proposal for the erection of a detached bungalow on this site in 2011. The officer's response states that due to recent residential infilling of back gardens on Daisy Lane and Church Road the pattern of development within the local area is informed by bungalows with small garden areas. It was stated that the principle of residential in-filling on the site may therefore be acceptable in terms of its potential impact on the character of the area.

Notwithstanding, concerns were raised that the proposed siting and orientation of the bungalow would have an adverse impact on the neighbouring property to the south in terms of loss of light, outlook and it was considered that the proposed bungalow would have an overbearing impact on a sole bedroom window within the north elevation of this property. It was highlighted that recent in-filling had been permitted on substantially larger garden curtilages and concerns were raised regarding the limited size of the garden to the proposed dwelling. It was suggested that a scheme incorporating adjacent land at No.134 Hunts Pond Road may be beneficial in terms of providing space to site and orientate dwellings appropriately to one another and provide adequate space around and between existing and proposed dwellings. The conclusion was that subject to all these matters being addressed the Local Planning Authority would be likely to be in a position to support the proposed development.

**P/11/0917/FP PROPOSED LOFT CONVERSION WITH FRONT & REAR DORMERS
AND SINGLE STOREY FRONT & SIDE EXTENSIONS**

APPROVE 13/01/2012

Representations

One letter has been received objecting on the following grounds;

- Two of our bedrooms face north and do not get any sunlight
- During the winter these rooms get damp and require the use of a dehumidifier
- The proximity of the proposed dwelling will affect both properties
- Problems with water drainage already exist due to the ground conditions
- It was thought that the further development of back gardens was to be prevented

Consultations

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

Planning Considerations - Key Issues

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

Principle of Development
Impact on Character of the Area
Impact on Living Conditions of Neighbouring Properties
Highways
Other Matters

Principle of Development

Policies CS2 (Housing Provision) and CS6 (The Development Strategy) of the adopted Fareham Borough Core Strategy place priority on reusing previously developed land within the defined urban settlement boundaries to provide housing. The National Planning Policy Framework (NPPF) excludes private residential gardens from being defined as previously

developed land but sets out there should be a strong presumption in favour of sustainable development. It is recognized that garden sites can assist in meeting housing needs provided that the proposed development is acceptable in all other respects. The site is located within the defined settlement boundary such that the principle of re-development of the land is acceptable subject to other planning considerations such as the effect on the character of the area and the living conditions of neighbours.

Whilst the principle of developing garden land within the urban area may be acceptable officers are of the opinion that the application site is fundamentally not of sufficient size to be capable of accommodating an additional dwelling without harming the character of the area or providing adequate separation from neighbouring properties. The response to the pre-application enquiry stated that there were a number of issues to be addressed with regards to the proposal and due to the limitations of the site it is considered that further consideration should have been given to whether this was feasible as in hindsight this does not appear to be the case.

Impact on the Character of the Area

Whilst there has been some residential in-fill development permitted within the vicinity of the application site this has been on larger plots of land. A detached bungalow was permitted (P/07/1548/FP) on appeal to the rear of No.16 Daisy Lane in 2008 which lies to the west of the application site. This plot was originally 8-9 metres deeper than the application site and the footprint of No.16 does not extend as far to the rear as No.30 Daisy Lane so the rear garden originally measured 33m in depth compared to the rear garden of No.30 which measures 24m in depth. There has also been backland development to the rear of Nos.6-18 Church Road to the south of the application site which was permitted by various planning applications between 1998-2008. The original plots to the properties on Church Road were approx. 63m in depth compared to the application site which is approx. 43m in depth.

It is considered that the proposal would represent a cramped form of development which would be detrimental to the character of the area. As such the proposal does not represent a high standard of design and this is evidenced in particular by the plot sizes, the level of site coverage and the relative size of the private gardens to serve both the existing and proposed dwelling, and the proximity of the proposed dwelling to both the existing property and the neighbouring property to the south. The proposal is therefore considered contrary to Policy CS17 of the Fareham Borough Core Strategy which states that development should respond positively to and be respectful of the key characteristics of the area including scale, form and spaciousness.

Impact on Living Conditions of Neighbouring Properties

The neighbouring property to the south (No.2 Sunnyside) of the application site is a detached bungalow which is sited within close proximity to the boundary. There are three windows within the north elevation facing the application site; one of which is a sole bedroom window and the other two are non-habitable rooms. The proposed bungalow would be sited 3m from the bedroom window. In this instance a minimum separation distance of 4m would normally be sought to ensure that the impact on the living conditions of the occupants of the neighbouring property would be acceptable.

Officers do not agree with the applicant's agents view that the standards of outlook and daylight expected for a bedroom should be less than for a day room as they are not customarily used during daylight hours and when they are the curtains are closed.

Bedrooms are considered 'habitable' rooms in which occupants could reasonably be expected to spend a significant amount of time in and in which adequate light and outlook should be provided. This room could also easily be used as a hobby room or study in the future and there is no reason to consider the sole window to it unimportant. From within the bedroom of the neighbouring property it is currently possible to see over the boundary fence as far as the rear of the existing property and it is considered that the erection of the proposed bungalow in such close proximity to this window would have an overbearing impact, detrimental to the light available to and outlook available from this room and the living conditions of the occupants of this property.

Highways

Amendments have been sought to ensure that adequate on-site car parking and turning would be provided for both properties. To improve access to the site it is proposed that the existing access from Daisy lane be widened to 5 metres. The Council's Highway Engineer has raised no objection to the proposal subject to conditions.

Other Matters

Policy DSP15 (Recreational Disturbance on the Solent Protection Areas) of the adopted Fareham Borough Local Plan Part 2: Development Sites and Policies explains that planning permission for proposals resulting in a net increase in residential units may be permitted where the 'in combination' effects of recreation on the Special Protection Areas are satisfactorily mitigated through the provision of a financial contribution to the Solent Recreation Mitigation Project (SRMP). The proposal involves a net increase of one residential unit. Had the proposal been found acceptable in all other regards the applicant would have been invited to make a financial contribution through the SRMP. In the absence however of such a contribution or the means to secure one, or the submission of evidence to demonstrate that the 'in combination' effects of the development can be avoided or mitigated in another way, the proposal is held to be contrary to Policy DSP15.

Conclusion

In summary the proposal is considered unacceptable in that the proposed bungalow would result in a cramped form of development which would be detrimental to the character of the area and would not represent a high standard of design. The proposal would have an unacceptable impact on the living conditions of the occupants of the neighbouring property to the south and the proposal fails to mitigate the impact of the development on recreational pressure and habitat disturbance to the Solent Special Protection Areas.

Recommendation

REFUSE;

The proposed development is contrary to Policy CS17 of the adopted Fareham Borough Core Strategy and Policies DSP3 and DSP15 of the adopted Fareham Borough Local Plan Part 2: Development Sites & Policies and is unacceptable in that:

i) by virtue of the size of the proposed plots, the extensive level of site coverage and the relative size of the rear gardens to serve both the existing and proposed dwelling, and the proximity of the proposed dwelling to the existing dwelling and the neighbouring dwelling to the south, the proposal would give rise to a cramped form of development harmful to the character of the area and which would fail to respond positively to and be respectful of the

key characteristics of the area including its scale, form and spaciousness;

ii) by virtue of its height, width, bulk and proximity to the southern site boundary, the proposed dwelling would restrict the light to and outlook from the bedroom window in the northern elevation of the neighbouring property 2 Sunnyside (Church Road) to the detriment of the living conditions of the occupants of that property;

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 Special Protection Areas.

Background Papers

P/15/0654/FP

FAREHAM

BOROUGH COUNCIL



30 Daisy Lane
Scale 1:1250

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Agenda Item 6(2)

P/15/0786/VC

TITCHFIELD FESTIVAL
THEATRE

TITCHFIELD

AGENT: TITCHFIELD FESTIVAL
THEATRE

REMOVE CONDITION 2 ALLOWING OUTSIDE OF BARN TO BE USED; VARY CONDITION 8 TO ALLOW REMOVABLE/TEMPORARY STRUCTURES UNDER 9M X 9M WITHIN THE GROUNDS OF THE BARN TO BE ERECTED FOR UP TO 72 HOURS; REMOVE CONDITION 13 REQUIRING NEED FOR VISIBILITY SPLAYS; REMOVE CONDITION 16 ALLOWING UNRESTRICTED NUMBER OF WEDDINGS SUBJECT TO RECORDED AMPLIFIED MUSIC (DJS) OR NON AMPLIFIED ACOUSTIC MUSIC (BANDS) & INSTALLATION OF A NOISE LIMITER; VARY CONDITION 17 TO ALLOW GARDEN BENCHES & TABLES TO BE LEFT IN THE GROUNDS ON A PERMANENT BASIS.

THE TITHE BARN MILL LANE TITCHFIELD FAREHAM PO15 5RB

Report By

Kim Hayler - Direct dial 01329 824815

Site Description

The Tithe Barn or Great Barn as it is also known, to which this application relates is a Grade I Listed Building. It is approximately 11 metres deep east to west and 45 metres wide north to south with a high vaulted roof across this large floor space. The application also includes land surrounding the barn.

The Barn is situated on rising ground to the west of Mill Lane and is approached by a long straight tarmac drive from Mill Lane. It is set in the countryside as defined in the Fareham Borough Core Strategy and is within the Titchfield Abbey Conservation Area and Meon Strategic Gap.

Description of Proposal

Planning permission was granted in July 2013 for the change of use of the barn to theatrical performance use, educational field centre, craft and farmer markets, museum and exhibition suite, corporate, charity, wedding and community events.

A number of planning conditions were imposed on the previous planning permission (P/13/0265/CU refers). This current application seeks relief or variation of a number of conditions. The original wording of the planning conditions along with the variation now sought is set out below:

CONDITION 2: The barn shall be used for theatrical performances, as an educational centre, for craft and farmers markets, museum and exhibition suite, and corporate, charity, wedding and community events only. The following uses shall only be held inside the barn: Educational uses, craft and farmers markets, museum and exhibition suite, wedding and corporate events unless otherwise agreed in writing with the Local Planning Authority.

The applicant is seeking relief of the condition to allow the use of the land outside of the barn for all the events listed in the condition.

CONDITION 8: Should any of the approved uses of the barn require the erection of a marquee or similar temporary structure, the scale, position and timing of how long the

structure will be in place shall first be agreed in writing with the Local Planning Authority. The approved marquee/ancillary structure shall be dismantled and removed from the site in accordance with the agreed timescales unless otherwise agreed with the Local Planning Authority.

The applicant is seeking a variation of this condition to allow removable/temporary structures under 9 metres by 9 metres square to be erected within the grounds of the barn for up to 72 hours without seeking the permission of the Council on each occasion.

CONDITION 13: Visibility splays of 4.5 metres by 120 metres at the point of the access with Mill Lane shall be kept free of obstruction at all times.

The applicant is seeking relief from this condition as they advise that the Theatre do not own the land which the splays run across.

CONDITION 16: No more than 14 wedding ceremonies and/or functions shall be held at the application site in any one calendar year.

The applicant is asking for the removal of the restriction on the number of weddings to be held at the site but is prepared to limit the music to recorded amplified music (DJ) or non amplified acoustic music (bands) and to install a noise limiter.

CONDITION 17: Any tables/chairs or any other paraphernalia associated with the uses hereby approved shall, when not in use for any of the approved uses, be stored within the barn.

The applicant is seeking to vary this condition to allow garden/picnic benches and tables to be left in the grounds of the barn on a permanent basis rather than removed when not in use.

The reason the above conditions were imposed related to either the living conditions of the neighbouring residential properties and/or to preserve the historic character and setting of the Grade 1 Listed Barn and Titchfield Abbey Conservation Area.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS14 - Development Outside Settlements

CS17 - High Quality Design

CS22 - Development in Strategic Gaps

Development Sites and Policies

DSP2 - Environmental Impact

DSP5 - Protecting and enhancing the historic environment

Relevant Planning History

The following planning history is relevant:

P/02/0059/CU - Titchfield Abbey, Mill Lane Use of land for musical functions, plays, school parties and erection of marquees and other structures associated with events -

Temporary permission for two years granted May 2002.

P/12/0362/CU - Change of use of the Grade 1 listed barn from agricultural to theatrical performance use, including bar/cafe, toilet facilities, ancillary educational field centre, craft and farmers markets and use of former office/store for cast facilities/security office - Permission 8 October 2012

P/13/0265/CU - Change of use of the great barn to theatrical performance use, including bar/cafe, toilet facilities, ancillary educational field centre, craft and farmers markets, museum and exhibition suite, corporate, charity, wedding and community events and use of former office/store for cast facilities/security office (Alternative to P/12/0362/CU) - Permission 2 July 2013

Representations

Seven objections have been received from local residents raising the following points:

- Strongly object to unrestricted number of weddings both inside and outside of the barn;
- Weddings have never been restricted to the inside of the barn and is almost impossible to enforce;
- Loud music disrupts lives of local residents;
- The Environmental Health Officer has been called out to witness noise during all weddings, bar one. Voluntary constraint on live amplified bands has reduced the levels of music noise however there are still problems with recorded music, amplified p/a systems and crowd noise. All witnessed by Environmental Health Officer;
- The barn construction is inappropriate for late evening events and was not recognised at the time of the original consent;
- Majority of people using the wedding venue are not local and do not have consideration for neighbours;
- If there are unrestricted events this could mean temporary structures effectively being permanent;
- Apart from weddings and theatrical performances none of the other community uses have taken place;
- The reason for this intensification is purely for commercial gain;
- Impact upon wildlife;
- A number of the restrictions imposed by condition have been regularly ignored;
- The western side of the barn should not be used and the doors remain closed;
- Theatrical and passive events have not created any issues, including wedding ceremonies;
- There are numerous appropriate venues in the local area that specialize in catering for

wedding receptions.

The Fareham Society has raised a number of concerns:

- The present planning permission was granted subject to conditions drawn up to allow stated events to take place whilst protecting the amenity of local residents and also the fabric of the important Grade I listed Barn. These conditions are not all being complied with as originally intended, hence very intrusive noise and disturbance is impinging on the amenity of surrounding residents.
- It was intended that weddings would take place wholly within the Barn, with a limit of 14 per year. Some named outside events were also limited to 10 per year. This application seeks to vary conditions referred to in our above comments. Noise and disturbance, particularly emanating from the weddings, is a major problem and until a satisfactory solution is found for this it seems unreasonable to permit an unlimited increase in functions, which is being sought.
- Another condition refers to marquees which are also used in association with weddings. What is meant to be their function if it was intended that weddings would take place only within the Barn?
- The main permitted use was for the Theatre productions, a facility which is much enjoyed by local people, with the weddings and other identified events as ancillary uses. To extend these is tipping the balance towards a commercial wedding venue which would have to have all aspects professionally run and managed.
- The focus of use to the west side of the Barn, when the doors are open and activity and noise spills out to the rear, contributes further to the noise and disturbance, particularly to the immediate neighbour. When the Care Village is occupied, its situation higher up the western slope above the Barn will also be vulnerable to this noise.

Sixty six comments have been received supporting the application.

The applicant has submitted the following in response to the representations received:

It is not the intention to turn the barn into a commercial wedding venue. Weddings are ancillary to the theatre use;

The theatre is a registered charity;

Weddings do generate funds but this is ploughed back into the upkeep of this and the St Margaret Lane site. Over £70,000 was spent on the barn alone in the last 18 months;

As a charity we envisage no more than an upper limit of 35 - 40 weddings to be booked, the rest of the year will be taken up as follows -

Plays including rehearsals -84 days
Educational and training days -94 days
Exhibition and open days -126 days;

We do not disagree with some of the comments relating to noise however we have been actively working with the Council to try to mitigate noise mainly from live bands including the

installation of a new noise limiter. New insulated doors will also be fitted during the winter;

On a number of occasions the weddings have been falsely accused of causing a noise nuisance;

Weddings strictly end at 11 pm and guests are off site by 11.30 pm;

It is the fishing club who open and close the gates after midnight;

Weddings and events do not have an adverse effect on wildlife;

Weddings are closely monitored and there is no rowdiness. All clearing up is finished by 1 pm the following day and rubbish taken away. Occasional waste timber is burnt under controlled conditions to the north of the barn on wasteland;

Cars are allowed to park overnight but have to be removed by 10 am the next day. Nobody stays overnight on the site;

The theatre is actively applying for funding in order to hold exhibitions and educational visits. The increase in weddings allows the charity to raise much needed funds;

The theatre is supported by other groups and charities including Rotary Clubs, Lions Clubs, Warsash Theatre Club and Portchester Players and Hub for Local Sea Scouts as well as its own youth theatre.

Consultations

Director of Planning and Development (Conservation) -

The barn is a grade I listed building and lies within the Titchfield Abbey Conservation Area. This application seeks to remove and vary a number of planning conditions imposed on the previous planning application.

The application does not show alteration to the historic building's fabric and retains the important open character of its interior.

The setting of the barn, the nearby scheduled ancient monuments and the character and appearance of the conservation area derives from the predominantly rural landscape character of the valley. The historic buildings are experienced as part of the quiet rural landscape particularly by users of the adjacent public footpaths. The established character of the valley has been identified as important in the Titchfield Abbey Conservation Area Character Appraisal.

It is important that this established character is not eroded and harmed. There is some concern that together the intensity and frequency of the uses outside of the barn and the proliferation of 'furniture' outside of the barn is cumulatively likely to result in change to the established rural character of the valley and harm to the setting of the barn, the other historic buildings and the character and appearance of the conservation area.

External activity including noise (both outside and emitted from within the barn) and pressure for additional structures/ furniture all have the potential to erode the existing rural character of the landscape and impact on the immediate setting of the barn and the character of the conservation area.

Director of Planning and Development (Highways) - Adequate visibility can be achieved within the highway boundary therefore no highway objection is raised.

Director of Community - Environmental Health (Noise and Pollution)-

Environmental Health raises an objection to the variation of Conditions numbered 2, 8, 16 and 17.

The reason for objecting to the variation of these conditions is on the grounds of increased noise disturbance. Environmental Health has received complaints about noise arising from the Tithe Barn since its current permitted use (P/13/0265/CU) commenced. Over the past two summers visits to the Tithe Barn have been made by officers of the Council responding to complaints of noise disturbance arising from the Tithe Barn during wedding functions. Officers are currently involved in dealing with a serious noise issue at the barn which could result in legal proceedings and/ or a licencing review. Environmental Health has been working with the applicant to try to mitigate against nuisance from loud music occurring and the applicant has installed sound proofing at the barn with limited effect and has agreed to stop allowing bands playing at the barn and to install a noise limiter to control the volume of recorded music. It is hoped that with these measures in effect, in addition to further sound proofing that has been promised by the applicant, the future occurrence of nuisance will be prevented. However, this also relies on the current control of activities at the barn through the planning conditions as currently worded.

Environmental Health is concerned that if Conditions numbered 2, 8, 16 and 17 are varied as is proposed then that additional control on noisy activities taking place at the barn will be removed. Allowing unrestricted use of the inside and outside of the barn for potentially noisy functions (weddings, charity and corporate events) would in our opinion likely result in such frequent noise disturbance to neighbours that it is almost inevitable that nuisance would be caused. Further the allowance of structures (e.g. marquees) and chairs and tables outside, beyond that which is already permitted, would only encourage users of the barn to spill outside resulting in more unacceptable noise disturbance.

Planning Considerations - Key Issues

The two main issues for consideration in this case relate to protecting the living conditions of the occupiers of neighbouring residential properties and preserving the historic character and setting of the Grade 1 Listed Barn and Titchfield Abbey Conservation Area.

As the application relates to the variation and relief of a number of planning conditions officers have dealt with them each in turn, as below:

Condition 2

The planning condition stated a number of uses, including weddings, should only be held inside the barn. The applicant is seeking relief of this condition in order to allow all permitted uses to be held outside as well as inside the barn.

Wedding functions have been held at the barn over the last two summers. On most occasions there has been a breach of the planning condition as the events have extended to the outside of the barn, essentially to the rear (west) and front (east). A number of tables are sited to the rear of the barn and a 'decking' area has been created to the east of the hedgerow surrounding the car park.

A number of complaints have been made to The Director of Community (Environmental Health) by local residents relating to noise and disturbance associated with noise from attendees using the area to the rear (west) of the barn. The nearest residential property, Fernhill Farmhouse is sited just 18 metres from the site boundary and 50 metres from the barn. The nearest property in Mill Lane lies 265 metres to the east and the nearest property in Southampton Road is 135 metres to the south.

Officers consider to allow the permitted uses to be held outside of the barn would result further compound noise and disturbance to occupiers of neighbouring residential properties. This is also a concern raised by the Director of Community.

The applicant advises it is difficult to contain attendees of the weddings inside the barn and that doors have to be left open to meet Fire Regulations. However it is officers' understanding of the Fire Regulations that the doors only have to be openable and controlled by a permanent member of staff being capable of opening the doors and assisting immediate evacuation. The applicant chooses to leave the doors open.

Furthermore the space inside the barn is limited due to the tiered seating associated with the theatrical use. This is a contributing factor to the use 'spilling' out of the barn and the need for temporary marquees and structures.

From the evidence witnessed by officers of the Council and the comments from local residents, intensification of activity outside of the barn would further impact upon the living conditions of the neighbouring residential properties in relation to noise and disturbance and erode the existing rural character of the landscape. Officers therefore consider the proposal would be contrary to Policy CS17 of the Fareham Borough Core Strategy and Policies DSP2 and DSP5 of the Local Plan Part 2: Development Sites and Policies.

Condition 8

This condition relates to the siting of temporary structures associated with any of the permitted uses. The present condition requires the applicant to agree with the Council the scale, position and timing of how long any marquee or temporary structure will be in place. The applicant has complied in some, but not all occasions. The applicant is seeking a variation of this condition in order to allow the siting of any number of temporary structure up to 9 metres x 9 metres in size, to be in place on site for a period for up to 72 hours at any one time without the need to agree the details with the Council.

Currently the number of wedding ceremonies and/or functions is restricted to 14 in any one calendar year. The applicant is seeking permission for an unrestricted number of weddings. If permission were granted then effectively the temporary structure could be removed after 72 hours and then erected again for a further 72 hours. This would have the potential to lead to a situation where temporary structures would become a permanent feature of the landscape.

Furthermore, as the applicant is seeking permission to use the land outside of the barn for weddings and other uses, functions held within the temporary structures would further compound the existing noise and disturbance issues.

Officers are concerned that the potential proliferation of temporary structures outside of the barn would further impact upon the living conditions of the neighbouring residential properties in relation to noise and disturbance and harm the setting of the barn and the

character and appearance of the conservation area contrary to Policy CS17 of the Fareham Borough Core Strategy and Policies DSP2 and DSP5 of the Local Plan Part 2: Development Sites and Policies.

Condition 13

This condition requires visibility splays of 4.5 metres x 120 metres at the entrance of the site with Mill Lane. The applicant advises that it is not possible to comply with this condition as it would involve works on third party land. The Council's Highway Officer has assessed the access and is of the opinion that adequate visibility is available at the entrance onto Mill Lane across land adopted as highway. In highway safety terms the existing access arrangement is acceptable and therefore no objection is raised in relation to the relief from this planning condition.

Condition 16

The number of weddings and/or functions to be held at the application site is limited to 14 in any one calendar year. This condition was imposed in order to control the number of events as concerns were raised by local residents in relation to the nature of the uses and the potential to cause noise and disturbance and the impact on the character of the conservation area.

The applicant advises that weddings have proved very popular and they are now receiving 4 - 5 applications a day for local people to hold weddings at the barn. The applicant states that although the weddings are well run, they have been deemed noisy to one neighbour. It is also stated that noise mitigation has been carried out and further mitigation is proposed. The applicant advises that increased wedding use would generate funds which would allow the use of the barn to be expanded to the benefit of the local community and carry out repairs to the barn.

As mentioned previously weddings have been held at the site over the last two summers. Noisy activities, including music from within the barn have caused problems for local residents resulting in complaints to the Council. This is confirmed by the comments and ongoing actions of the Director of Community. Seven letters of objection have been received from local residents living close to the site, raising concerns relating to noise and disturbance. No complaints were received associated with theatre productions, indicating that such activities are sufficiently controlled to limit their impact on nearby neighbours. This has also been confirmed by a number of local residents.

The applicant is asking for the removal of the restriction on the number of weddings to be held at the site but is prepared to limit the music to recorded amplified music (DJ) or non amplified acoustic music (bands) and to install a noise limiter.

As explained by The Director of Community above a number of mitigation measures have been put in place to mitigate the noise nuisance, however these works are limited due to the construction of the barn. Notwithstanding the further measures proposed by the applicant, officers remain concerned that the intensification of the wedding use would be harmful to the living conditions of the occupiers of the neighbouring residential properties.

Officers therefore consider the proposal would be contrary to Policy DSP2 of the Local Plan Part 2: Development Sites and Policies.

Condition 17

This condition requires any tables/chairs or other paraphernalia associated with the permitted uses, when not in use, to be stored within the barn.

Historically the immediate area around the barn has been generally open and free of structures and 'clutter'. The applicant alleges a number of picnic tables have been sited to the rear of the barn for general public use over a long period of time, however more recently further tables have been sited to the rear and a 'function' area has been created forward of the car park by placing palettes on the grass. Furthermore stacked palettes have been used to create raised planters.

Officers are concerned that the proliferation of these items, cumulatively have a detrimental impact upon the setting of the barn and conservation area. Furthermore, the siting of these items would encourage the use outside of the barn and outside of the permitted hours of use, further compounding noise and disturbance issues.

Officers are of the opinion that the planning condition should not be varied and all tables/chairs or other paraphernalia should be stored inside the barn when the barn is not in use.

Officers therefore consider the proposal would be contrary to Policy CS17 of the Fareham Borough Core Strategy and Policies DSP2 and DSP5 of the Local Plan Part 2: Development Sites and Policies.

Conclusion

The applicant has been successfully operating theatrical events at the barn for some time, as confirmed by the representations received from immediate neighbours. However, there is clear evidence that the wedding events held at the barn since planning permission was granted have caused problems for neighbouring properties resulting in complaints to the Council and an ongoing investigation by the Director of Community.

Furthermore, additional external activity, including noise (both outside and emitted from within the barn), the potential increase in the number and duration of temporary structures erected close to the barn and permanent siting of furniture would erode the existing rural character of the landscape.

Officers conclude the proposals involving conditions 2, 8, 16 and 17 would have unacceptable implications in respect of its effect on the living conditions of neighbours living nearby and on the visual appearance and character of the Grade I Listed Barn and Titchfield Conservation Area.

Officers do not raise objection to the relief from condition 13 but the current planning legislation does not allow a 'split' decision to be issued by this Council.

Recommendation

REFUSE:

The proposals, involving conditions 2, 8, 16 and 17 would be contrary to Policy CS17 of the

Fareham Borough Core Strategy and Policies DSP2 and DSP5 of the Local Plan Part 2: Development Sites and Policies and is unacceptable that:

(i) the proposed additional external activity and the resultant noise that would be generated (both outside and emitted from within the barn), additional structures/ furniture and the intensification of the wedding use would materially harm the living conditions of the occupiers of neighbouring residential properties and erode the existing rural character of the landscape and impact on the immediate setting of the Grade I Listed Barn and the character of the Titchfield Abbey Conservation Area.

Notes for Information

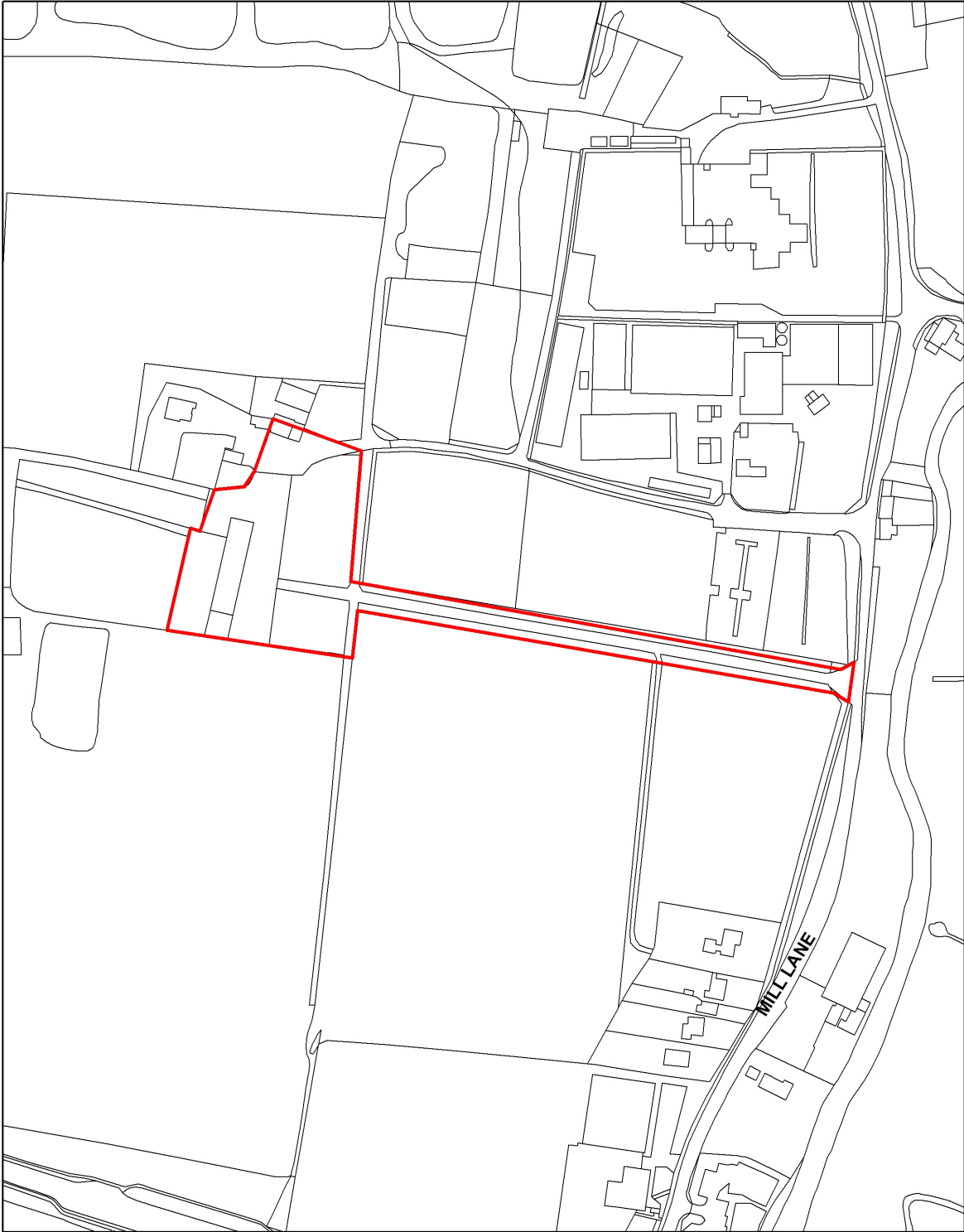
The applicant is advised that no objection is raised to the relief from condition 13 but the current planning legislation does not allow a 'split' decision to be issued by this Council.

Background Papers

See history above.

FAREHAM

BOROUGH COUNCIL



Tithe Barn, Titchfield
Scale 1: 2,500



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Agenda Item 6(3)

P/14/0639/FP

PARK GATE

TAYLOR WIMPEY

AGENT: TAYLOR WIMPEY

PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT COMPRISING THE ERECTION OF 18 NO. DWELLINGS, TOGETHER WITH NEW VEHICLE AND PEDESTRIAN ACCESS, ASSOCIATED CAR PARKING, LANDSCAPING AND OPEN SPACE.

PETERS ROAD- LAND TO THE SOUTH OF - PARCEL C LOCKS HEATH HAMPSHIRE

Report By

Kim Hayler - Direct Dial 01329 824815

Planning Considerations - Key Issues

Planning permission was granted for this development on 11 November 2014 subject to a Section 106 Agreement and a number of planning conditions. The application site forms part of the wider Peters Road allocated housing site.

The permitted development provided for the delivery of six social rented dwellings. The Section 106 Agreement referred to these units as being on plots 8, 9, 12, 13, 16 and 17. As the development has progressed the plots have been renumbered to plots to 151, 152, 155, 156, 159 and 160. The developer has entered into an agreement with a registered provider to deliver these units.

A variation is required to the current legal agreement, to secure plots 151, 152, 155, 156, 159 and 160 as affordable housing. With the exception of the plot numbering, the location, size and tenure of the units remains completely unchanged from that already approved.

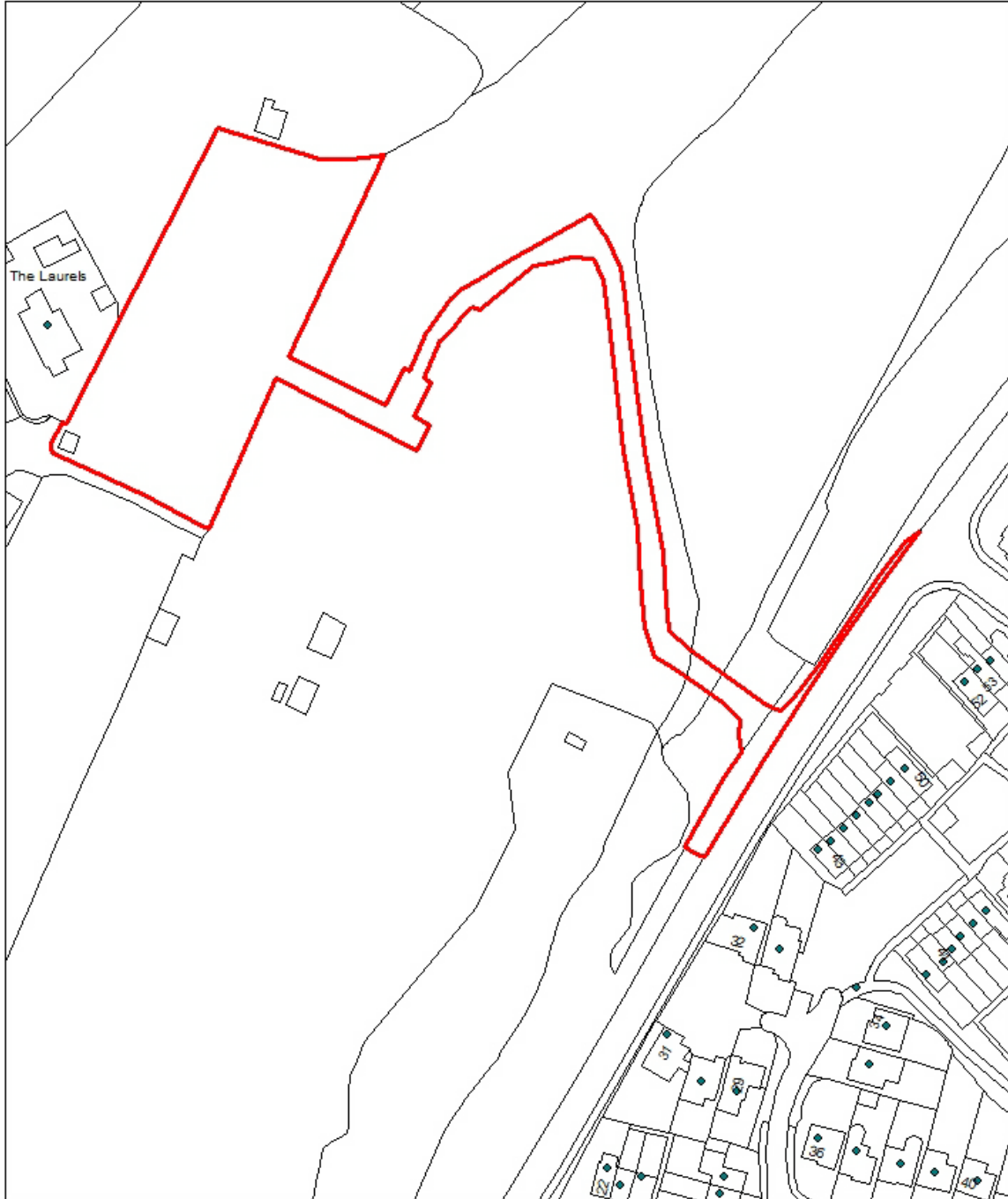
Recommendation

Members agree to vary the terms of the Section 106 Planning Obligation by substituting the plot numbers as described within the Officers report above. This involves amending the definition of affordable dwellings within the planning obligation to:

'Affordable Dwellings: means six of the dwellings to be provided within the development as social rented dwellings as follows - Plot numbers 151, 152, 155, 156, 159 and 160 as shown on plan 1S1208/HA/C'

FAREHAM

BOROUGH COUNCIL



PETERS ROAD
LAND TO SOUTH OF
PARCEL C
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/15/0716/FP FAREHAM EAST	PORTSMOUTH MARINE ENGINEERING LOWER QUAY FAREHAM HAMPSHIRE PO16 0RJ PROPOSED ERECTION OF REPLACEMENT BOAT MAINTENANCE AND AMENITY BUILDING (RE-SUBMISSION).	4 PERMISSION
P/15/0908/FP [O] FAREHAM WEST	7 MARGARITA ROAD FAREHAM PO15 5HG SINGLE STOREY PORCH EXTENSION AND PROVISION OF PITCHED ROOF OVER EXISTING FLAT ROOF	5 PERMISSION
P/15/0911/PH [O] FAREHAM WEST	7 MARGARITA ROAD FAREHAM SINGLE STOREY REAR EXTENSION MEASURING 4 METRES BEYOND REAR WALL OF ORIGINAL DWELLING, MAXIMUM HEIGHT OF 3.590 METRES AND WITH EAVES AT A HEIGHT OF 2.425 METRES	6 PRIOR APPROVAL NOT REQUIRED

Agenda Item 6(4)

P/15/0716/FP

MR V. & MS S. SINANAN

FAREHAM EAST

AGENT: ROBERT TUTTON
TOWN PLANNING CO

PROPOSED ERECTION OF REPLACEMENT BOAT MAINTENANCE AND AMENITY BUILDING (RE-SUBMISSION).

PORTSMOUTH MARINE ENGINEERING LOWER QUAY FAREHAM HAMPSHIRE PO16 0RJ

Report By

Rachael Hebden - Direct dial 01329 824424

Introduction

The application has been submitted following the withdrawal of the previous application due to officer concerns regarding the design. The application has been submitted to the Planning Committee as five letters of objection have been received.

Site Description

The site is at the south end of Lower Quay and falls within the Town Quay Conservation Area.

The site comprises a boat maintenance/amenities building and a small portacabin office which are both located in the south of the site. Both the buildings are in a poor state of repair. The remainder of the site contains a large area of hardstanding for the parking of cars and the storage of boats. There is also an 'L' shaped pontoon with moorings for 135 boats that projects from the southeast corner of the site.

To the north of the site lie a number of listed buildings including the grade II listed sea scouts building to the immediate north of the site and the grade II listed Rope Walk Cottage to the north west of the site. There are residential properties to the west and south west of the site. No. 16 Lower Quay is immediately adjacent (south west) to the existing building.

The site occupies a prominent location within the historic waterside frontage of the conservation area and is visible from a number of locations including Gosport Road, Cams Peninsula footpath and Bath Lane Recreation Ground.

Description of Proposal

The application proposes to replace the existing boat maintenance/amenities building and portacabin office with one replacement building. The replacement building would comprise two sections: a single storey workshop and a two storey section containing facilities for use by staff and patrons. The two storey section would have a steep, pitched roof with the ridge running parallel to the south boundary of the site. The single storey, workshop section would also have a pitched roof, albeit with a shallower pitch than the partner section of the building. The ridge of the workshop would be perpendicular to the two storey section of the building.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

DSP19 - Boatyards
CS5 - Transport Strategy and Infrastructure
CS6 - The Development Strategy
CS7 - Development in Fareham
CS15 - Sustainable Development and Climate Change
CS16 - Natural Resources and Renewable Energy
CS17 - High Quality Design

Development Sites and Policies

DPS1 - Sustainable Development
DSP2 - Environmental Impact
DSP3 - Impact on living conditions
DSP5 - Protecting and enhancing the historic environment
DSP13 - Nature Conservation
DSP19 - Boatyards

Relevant Planning History

The following planning history is relevant:

**P/14/0109/FP PROPOSED ERECTION OF REPLACEMENT BOAT MAINTENANCE
AND AMENITY BUILDING.
WITHDRAWN 02/05/2014**

Representations

Five objections to the proposal have been received which raise the following concerns:

- The replacement building is too large and would be out of keeping with the character of the area
- The south aspect of the building is too bulky and too close to the water and would dominate the backdrop of Fareham and the Creek

Consultations

Director of Planning and Development (Highways)

No objection subject to a condition to ensure that the car parking area within the north western part of the site should be maintained for that purpose only. A condition is also required to ensure that the details within the construction management plan are adhered to during the construction phase.

Director of Planning and Development (Ecology)

The submitted Construction Environment Management Plan (CEMP) addresses issues relating to pollution and noise generation. The site is in close proximity to the Portsmouth Harbour Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI) therefore a condition is required to ensure that construction work does not take place within the overwintering period. Additional information is also required regarding the use of lighting to ensure that it is designed to minimize the impact on wildlife. This can be secured

prior to commencement by condition.

Director of Planning and Development (Conservation)

The proposal splits the development into two separately roofed elements. The form of the building pays appropriate attention to the historic context of the Town Quay Conservation Area and the setting of the nearby listed buildings and would not be harmful to their character, appearance or setting.

The building occupies a prominent location therefore it is crucial that appropriate materials are used. Handmade red clay roof tiles are required for the two storey element of the proposal. Round corrugated sheet roof would not be out of place on the lower pitch of the workshop. A good quality red brick with a range of colour is required and would benefit from being in a traditional bond. Square edged weatherboarding would be an appropriate choice for the workshop.

The detailed design of the fenestration and railings is also important. The proposed glazing bar should be simplified and set slightly into the reveals. Lintels should not be visible under the arches. The railings should be black.

Director of Community (Environmental Health - Contamination)

Due to the former industrial use the recommendation is that this application could be approved subject to conditions requiring investigative studies to be carried out prior to commencement to identify any contamination which needs to be mitigated.

Planning Considerations - Key Issues

Principle of development

Policy DSP19 (Boatyards) states that existing boatyards within Lower Quay will be retained for marine related employment uses and that further marine-related development including extension and intensification will be permitted within the curtilages of existing boatyards where it relates to boat building, repair, maintenance, fitting out and other ancillary uses or is necessary to maintain an existing use and it does not adversely affect:

- the built character and historic significance of the area;
- traffic and parking problems;
- nature conservation and environmental interests in accordance with Policy DSP12 (Public Space allocations) and Policy CS4 (Green Infrastructure, Biodiversity and conservation);
- the special character of the coast when viewed from the land or water and;
- public access along or to the coast.

Policy DSP5 (Protecting and Enhancing the Historic Environment)states that development affecting a conservation area will be permitted where it preserves or enhances its character, setting and appearance, and:

- a)takes account of the relevant Conservation Area Character Appraisal and Management Strategy;
- b)does not involve the loss of important features of an individual building that contribute to character and appearance of the conservation area and/or its setting;
- c)its form, bulk, scale, height, massing, alignment, proportion, material, building form and use are appropriate, including having regard to the surrounding buildings, spaces and

views; and

d)it does not involve the demolition or partial demolition of a building or structure that positively contributes to the area, without clear and convincing justification.

The proposed building is to provide a purpose built replacement workshop with ancillary facilities for staff and patrons. The proposal is therefore acceptable in principle, subject to satisfying the criteria within Policies DSP5 and DSP19 relating to the detailed elements of the proposal and the requirements of other relevant planning policies (listed earlier in this report).

Effect on the character and appearance of the Town Quay Conservation Area

Buildings at Lower Quay range in scale from small cottages to larger warehouses and commercial buildings, including those beside the creek, the arrangement of which has changed little over time. The character of the conservation area and the aspects that are important to its character and appearance are set out in the adopted Town Quay Conservation Area Character Assessment (2005). The following points from the adopted Town Quay Conservation Area Character Assessment (2005) are particularly relevant;

- the mix of uses and continued presence of industry requiring a waterside location that is important to the maritime history of the town
- the arrangement, functional form, and materials of the historic commercial properties adjacent to the creek
- the continued presence of the large 19th century warehouse on the water front and the former flour mill as the dominant buildings at Lower Quay

The proposed building would be positioned in the south east of the site. The footprint of the proposed building would be larger than that of the existing building, however it would be located 4 metres to the east of the existing building.

The two storey part of the building would be similar in size and form to the older waterside buildings to the north and would be aligned so that it would be perpendicular to the river in a similar manner to the established pattern of development. The smaller, single storey workshop would be attached to the north of the two storey section with the ridge perpendicular to that of the two storey section. The ridge height of the two storey section would be 7.1 metres. The roof of the workshop would have a shallower pitch and at 5.4 metres, would be significantly lower in height than the two storey section.

The Conservation Officer has confirmed that the proposal is in his opinion appropriate to the character of the area and has no objection to the siting, scale, bulk and design subject to the use of appropriate materials including a good quality red brick with a range of colour for both parts of the building; handmade red clay roof tiles on the two storey section; square edged weatherboarding and a round profile corrugated sheet roof on the workshop. Details of the proposed fenestration and railings are important and can be secured by condition.

Policy DSP5 states that development affecting a conservation area will be permitted where it preserves or enhances its character, setting and appearance. Five letters of objection have been received raising concerns about the proposed scale of the building, in particular the two storey section and the impact it would have on the character of the conservation area. It is considered that the division of the development into two distinct sections breaks down the overall bulk of the proposal and results in a form that respects the scale of the neighbouring buildings and the pattern of development in the vicinity.

The concerns raised by residents regarding the size of the proposal, have been taken into consideration, however the scale of the proposed building has been significantly reduced compared to that proposed by the previous application and the proposed building is now considered to preserve and enhance the character, setting and appearance of the Conservation Area as required by Policies DSP5 and DSP19.

Effect on the setting of the listed buildings to the north of the site

There are a number of listed buildings to the north of the site. The grade II listed Sea Scouts building is located to the immediate north of the site and the grade II listed Rope Walk Cottage is located to the north west of the site. To the north of the Sea Scouts building there are further listed buildings including: the grade II listed Fareham Motor Boat and Sailing Club House, and the grade II listed Old Mill.

The proposed building would be visible within the context of the listed buildings, particularly when viewed from the east, however the form and scale of the proposal has been sympathetically designed to complement the listed buildings and therefore would not have an adverse impact on the setting of the heritage assets.

Ecological considerations

The site is in close proximity to the Portsmouth Harbour Special Protection Area (SPA), Ramsar site and Site of Special Scientific Interest (SSSI). Policy DSP13 states that development may be permitted where it can be demonstrated that designated sites and sites of nature conservation value are protected and where appropriate enhanced.

The application is supported by a Phase 1 Ecological Survey and an Outline Construction Environmental Management Plan (CEMP). The outline CEMP contains pollution prevention measures (including measures to limit noise disturbance) which can be secured by condition. The CEMP does not contain any information regarding light pollution or the timing of works, however a condition can be used to restrict work to outside of the sensitive overwintering period (October to March) and that details of proposed lighting can also be secured by condition. It is therefore considered that the proposal would not have a detrimental impact on the SPA, RAMSAR site or the SSSI.

Access and parking

The proposed building would be served by the existing access and parking arrangements. The application also proposes three 'Sheffield' type hoops for secure bike storage near the south west corner of the site. The Council's Highway Officer has raised no objection to the proposal provided the area for car parking is secured via condition and that the details of the construction management plan are adhered to during the construction phase.

Contamination

The site has previously been used for industrial purposes and is therefore potentially contaminated. It is therefore recommended that a condition is incorporated as advised by Environmental Health that requires the applicant to carry out an investigation of the site prior to the commencement of development to identify potential contaminants and secure any necessary mitigation measures.

Flood Risk

The site is within flood zones 2 and 3, however the proposed building is to replace an existing water compatible use and is accompanied by a detailed Flood Risk Assessment (FRA) that confirms that the building would be constructed to resistant and resilient standards. Level access to the workshop is required so that boats can easily be maneuvered therefore the FRA proposes the use of temporary flood barriers in the event of a flood. The FRA is therefore in accordance with the National Planning Policy Framework which seeks to minimize vulnerability and provide resilience, however it is recommended that the proposed site flood management plan that is referred to in the FRA is submitted to and approved in writing by the Local Planning Authority prior to the building being brought into use.

Summary

The proposed building would be of a high quality of design which would preserve the character and appearance of the Town Quay Conservation Area in line with Policy DSP 5 and would enable the existing marine related business to continue to operate within Lower Quay in line with the requirements of Policy DSP19.

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:

Site location plan Drawing no. 13-926-PL101

Proposed street and river scenes Drawing no. 13-926-PL101 Rev D

Site plan with topographic data Drawing no. 13-926-PL102 Rev B

Existing elevations Drawing no. 13-926-PL13 Rev B

Proposed site plan Drawing no. 13-926-PL104 Rev C

Proposed site plan with ground floor layout Drawing no. 13-926-PL104.1 Rev C

Proposed elevations and materials Drawing no. 13-926-PL106

Proposed floor plans Drawing no. 13-926-PL107

Phase 1 Ecological Survey Dated September 2013 produced by Ecosupport Ltd

Outline construction Environmental Management Plan ref 15015/OCEMP produced by Soils Ltd

Construction Management Plan Drawing no. 13-926-PL108

Flood Risk Assessment Rev C produced by HJ concepts Ltd

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

3. The development hereby approved shall not be brought into use until details of the proposed windows (including sections and elevations at a minimum scale of 1:20) and the boundary railings have been submitted to and approved by the local planning authority in writing. The development shall thereafter be undertaken in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development; in accordance with Policies CS17 of the Fareham Borough Core Strategy 2011, DSP5 of the Local Plan Part 2: Development Sites and Policies and the National Planning Policy Framework 2012.

4. The parking area in the north west of the site as shown on the approved plan shall be kept available for the parking of cars at all times.

REASON: In the interests of highway safety; in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

5. The measures contained within the Outline Construction Environmental Management Plan (CEMP) (Soils Ltd, June 2015) shall be adhered to throughout the construction of the development hereby approved.

REASON: To prevent any disturbance to overwintering birds in the adjacent environmentally sensitive area; in accordance with Policy CS4 of the Adopted Fareham Borough Core Strategy, Policy DSP13 of the adopted Local Plan Part 2: Development Sites and Policies and the National Planning Policy Framework 2012.

6. Construction of the development hereby permitted shall be carried out only within the months of April to September (inclusive).

REASON: To prevent any disturbance to overwintering birds in the adjacent environmentally sensitive area; in accordance with Policies CS4 of the adopted Fareham Borough Core Strategy, DSP13 of the adopted Local Plan Part 2: Development Sites and Policies and the National Planning Policy Framework 2012.

7. No development shall take place until, a scheme of lighting for the construction period and details of any external lighting for the operational use of the building shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. All lighting to be installed in accordance with the approved details.

REASON: To minimise the impact on wildlife; in accordance with Policy CS4 of the Adopted Fareham Borough Core Strategy, Policy DSP13 of the adopted Local Plan Part 2: Development Sites and Policies and the National Planning Policy Framework 2012.

8. The details contained within the Construction Management Plan (Drawing no. 13-926-PL108) shall be adhered to throughout the construction of the development hereby approved.

REASON: In the interests of highway safety; in accordance with Policy CS5 of the adopted Fareham Borough Core Strategy.

9. No development (including any related site clearance) shall take place until there has been submitted to and approved in writing by the Local Planning Authority:

i)

a) A desk study investigation and site walkover of the site in accordance with BS 10175 + A1:2013, which investigates the current and former uses of the site and adjoining land and the potential for contamination, with information on the environmental setting including known geology and hydrogeology. This report should develop a conceptual model and identify potential contaminant - pathway - receptor linkages.

b) Should the above study reveal a potential for contamination, an intrusive site investigation in accordance with BS 10175 + A1:2013 and an assessment of the risks to human health, the building fabric and the wider environment including water resources should be carried out. This should be submitted to and approved in writing by the LPA.

c) Where the site investigation and risk assessment reveals a risk to receptors, a scheme of remedial measures to address identified risks shall be submitted to and approved in writing by the LPA.

ii)

Prior to the occupancy of the building the agreed scheme of remedial measures shall be

fully implemented and verified by an independent competent person and submitted to and approved in writing by the LPA. The verification shall include photographic evidence and as built drawings where appropriate.

REASON: To ensure that any contamination of the site is properly taken into account before development takes place; in accordance with Policy DSP2 of the adopted Local Plan Part 2: Development Sites and Policies and the National Planning Policy Framework 2012.

10. Should contamination be encountered during works that has not been investigated or considered in the agreed scheme of remedial measures, work must stop. Investigation, risk assessment and a detailed remedial method statement shall be submitted to and agreed with the LPA. The remediation shall be fully implemented in accordance with the details approved by the LPA and validated in writing by an independent competent person.

REASON: To ensure that any contamination of the site is properly taken into account before development takes place; in accordance with Policy DSP2 of the adopted Local Plan Part 2: Development Sites and Policies and the National Planning Policy Framework 2012.

11. No development shall take place until, a method statement for piling works explaining the measures that will be employed to prevent contamination of vulnerable aquifers has been submitted to and approved in writing by the Local Planning Authority. All measures shall be fully implemented in accordance with the details approved by the LPA and validated in writing by an independent competent person.

REASON: To ensure that any contamination of the site is properly taken into account before development takes place; in accordance with Policy DSP2 of the adopted Local Plan Part 2: Development Sites and Policies and the National Planning Policy Framework 2012.

12. The use of the workshop and office hereby permitted shall not be used outside of the following times: 08.00 - 17.00 hours Monday to Friday and 07.30-12.00 hours on Saturday.

REASON: In order to protect the amenities of occupiers of nearby residential properties; in accordance with Policy DSP2 of the adopted Local Plan Part 2: Development Sites and Policies and the National Planning Policy Framework 2012.

13. Demolition, clearance, excavation, or construction works shall take place only between the hours of 0800 and 1800 hours on Mondays to Fridays, 08.30 and 13.00 hours on Saturdays and not at all on Sundays and all recognized bank and public holidays.

REASON: In order to protect the amenities of occupiers of nearby residential properties; in accordance with Policy DSP2 of the adopted Local Plan Part 2: Development Sites and Policies and the National Planning Policy Framework 2012.

14. The premises shall be used for the storage and maintenance of boats and ancillary uses and for no other purpose.

REASON: In order to protect the marine related employment use and the amenities of occupiers of nearby residential properties; in accordance with Policies DSP2 and DSP19 of the adopted Local Plan Part 2: Development Sites and the National Planning Policy Framework 2012.

15. No power tools shall be operated outside of the workshop outside of the following times: 08.00 - 17.00 hours Monday to Friday and 07.30-12.00 hours on Saturday.

REASON: In order to protect the amenities of occupiers of nearby residential properties; in accordance with Policy DSP2 of the adopted Local Plan Part 2: Development Sites and Policies and the National Planning Policy Framework 2012.

16. The measures contained within the Flood Risk Assessment produced by HJ concepts

Ltd shall be implemented and adhered to thereafter.

REASON: To ensure the safety of the occupiers of the property against the risk of flooding and having regard to Policy CS15 of the adopted Fareham Borough Core Strategy and the National Planning Policy Framework.

17. The development hereby approved shall not be brought into use until a Flood Management and Evacuation Plan has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

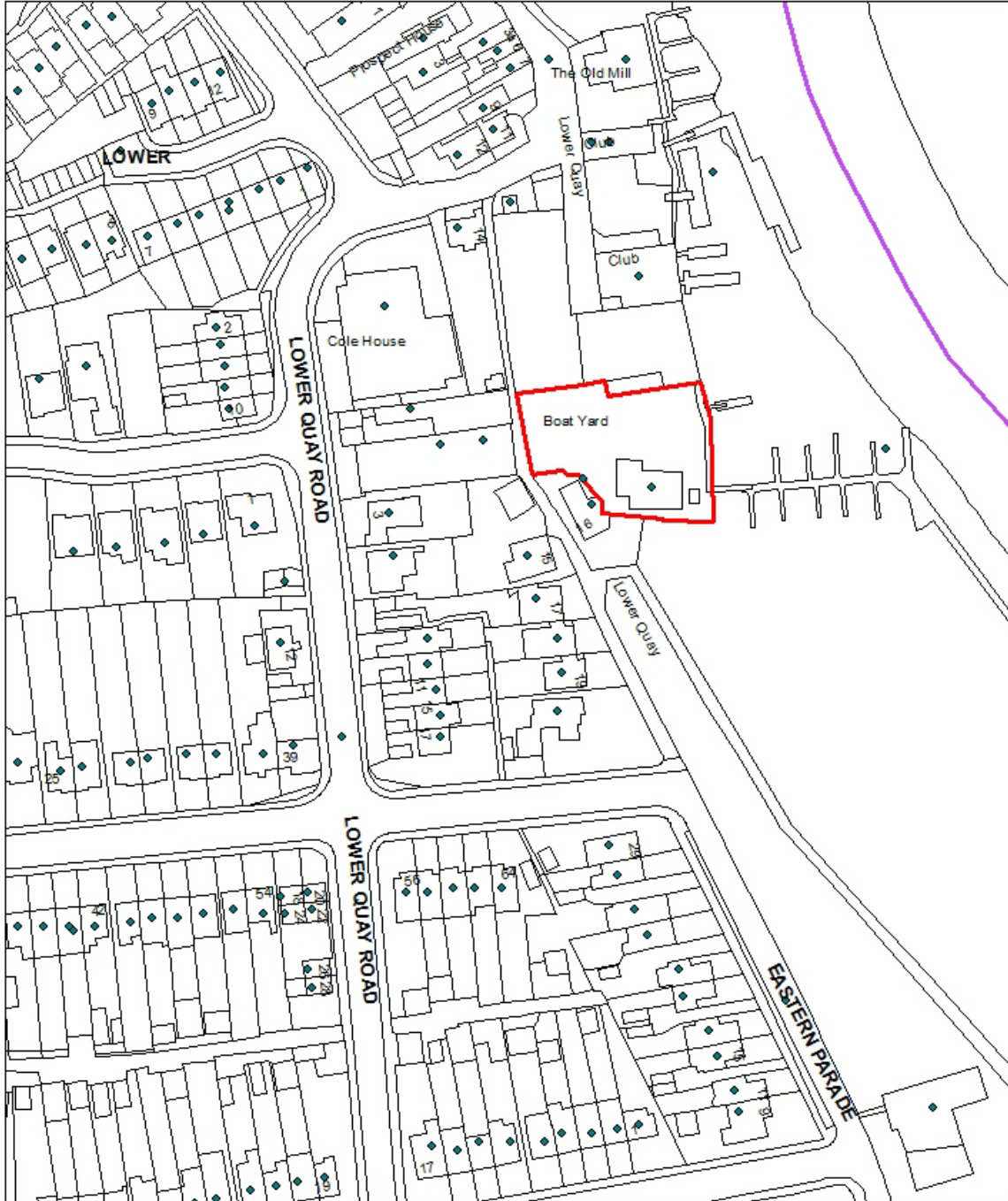
REASON: To ensure the safety of the occupiers of the property against the risk of flooding and having regard to Policy CS15 of the adopted Fareham Borough Core Strategy and the National Planning Policy Framework.

18. No development shall take place above damp proof course level (dpc) until samples of all external materials to be used in the construction of the development hereby permitted (including a sample panel to demonstrate the brick bond, mortar mix and dispersal of colour if more than one brick type is used), have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To ensure that appropriate materials are selected and to secure the satisfactory appearance of the development in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

FAREHAM

BOROUGH COUNCIL



PORTSMOUTH MARINE ENGINEERING
SCALE: 1:1,250

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Agenda Item 6(5)

P/15/0908/FP [O]

FAREHAM WEST

MR TOM WRENN

AGENT: PMG BUILDING
DESIGN&CONSULTANC

SINGLE STOREY PORCH EXTENSION AND PROVISION OF PITCHED ROOF OVER
EXISTING FLAT ROOF

7 MARGARITA ROAD FAREHAM PO15 5HG

Report By

Emma Marks Tel: 01329 824756

Site Description

The application relates to a semi-detached dwelling on the west side of Margarita Road which is to the north of Blackbrook Road.

Description of Proposal

Permission is sought for the erection of a porch extension and provision of pitched roof over an existing flat roof at the front of the property.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS17 - High Quality Design

Development Sites and Policies

DSP3 - Impact on living conditions

Representations

No representations have been received at the time of writing this report.

Planning Considerations - Key Issues

The property currently has a flat roof area over an existing bay window and front porch. This application is applying to add a pitched roof over the bay and extend the porch by 665mm in depth with a dual pitched roof over.

There are many properties within the immediate area which have added larger porches and a pitched roof over the bay. Officers are satisfied that the development would be in keeping with the street scene and would not have an adverse impact on the character of the area.

There are no neighbour issues created by the development.

The proposal accords with Policy CS17 of the adopted Fareham Borough Core Strategy and Policy DSP3 of the adopted Fareham Local Plan Part 2: Development Sites and Policies and is considered acceptable.

Recommendation

PERMISSION subject to conditions:

1.The development shall begin before 15th October 2018.

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

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

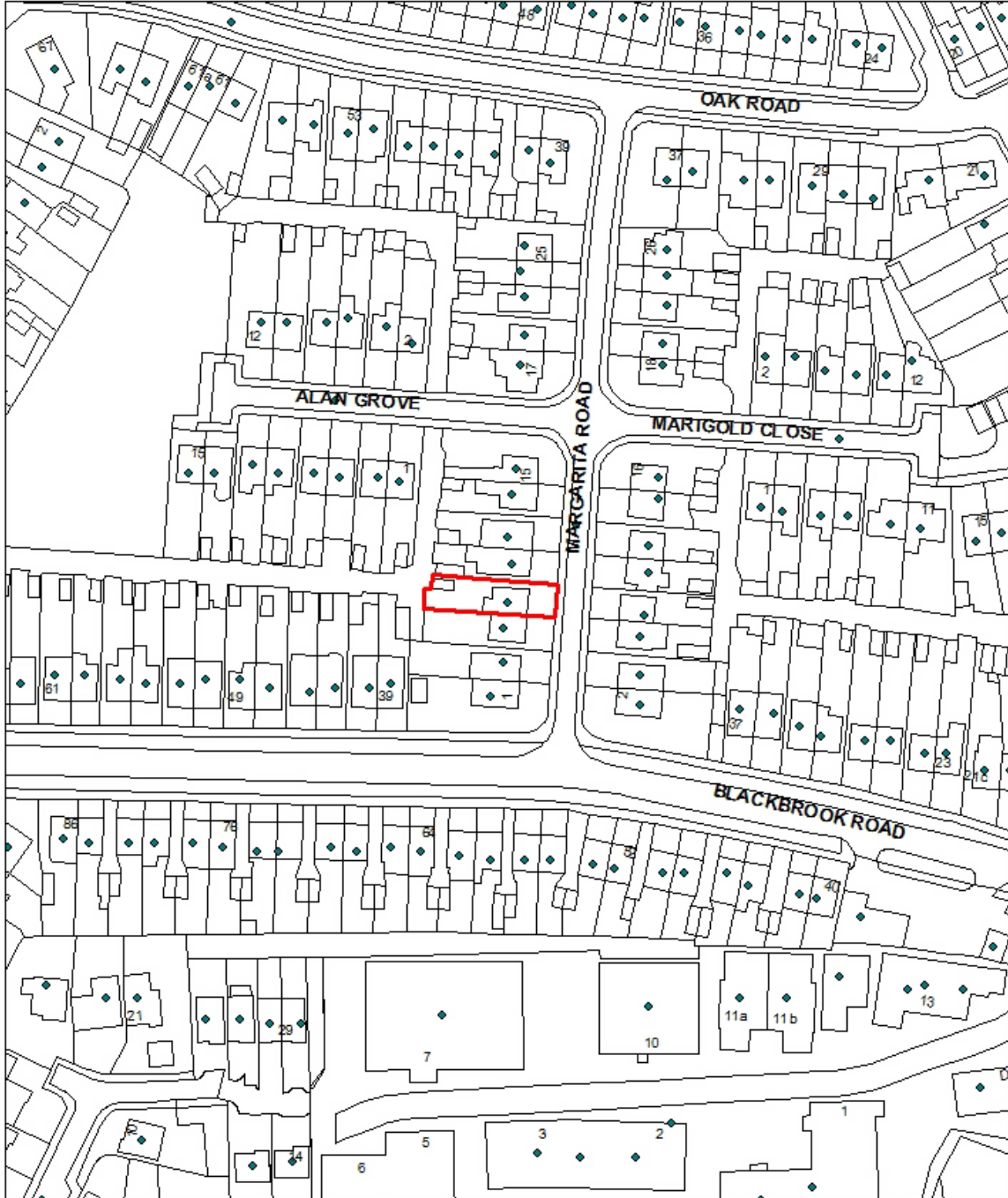
a)Existing plans & proposed plans - Drawing number 001 rev A

b)Proposed structural, plans proposed section & construction notes - Drawing number 002 rev A

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

FAREHAM

BOROUGH COUNCIL



7 MARGARITA ROAD
SCALE: 1:1,250

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Agenda Item 6(6)

P/15/0911/PH [O]

FAREHAM WEST

MR TOM WRENN

AGENT: PMG BUILDING
DESIGN&CONSULTANC

SINGLE STOREY REAR EXTENSION MEASURING 4 METRES BEYOND REAR WALL OF ORIGINAL DWELLING, MAXIMUM HEIGHT OF 3.590 METRES AND WITH EAVES AT A HEIGHT OF 2.425 METRES

7 MARGARITA ROAD FAREHAM

Report By

Emma Marks Tel:01329 824756

Site Description

The application relates to a semi-detached dwelling on the west side of Margarita Road which is to the north of Blackbrook Road.

Description of Proposal

Single storey rear extension measuring 4 metres beyond the rear wall of the original dwelling, maximum height of 3.590 metres and with eaves at a height of 2.425 metres.

Representations

No representations have been received at the time of writing this report.

Planning Considerations - Key Issues

This application has been submitted through the prior approval process which came into effect on the 30th May 2013. The application was publicised by notifying adjoining neighbours and no objections had been received at the time of writing this report. The publicity period expires on the 8th October 2015; if no representations are received by that date the legislation states that Prior Approval is not required and Fareham Borough Council must issue a notice to that effect. If this is the case an update will be made to the Planning Committee to confirm this.

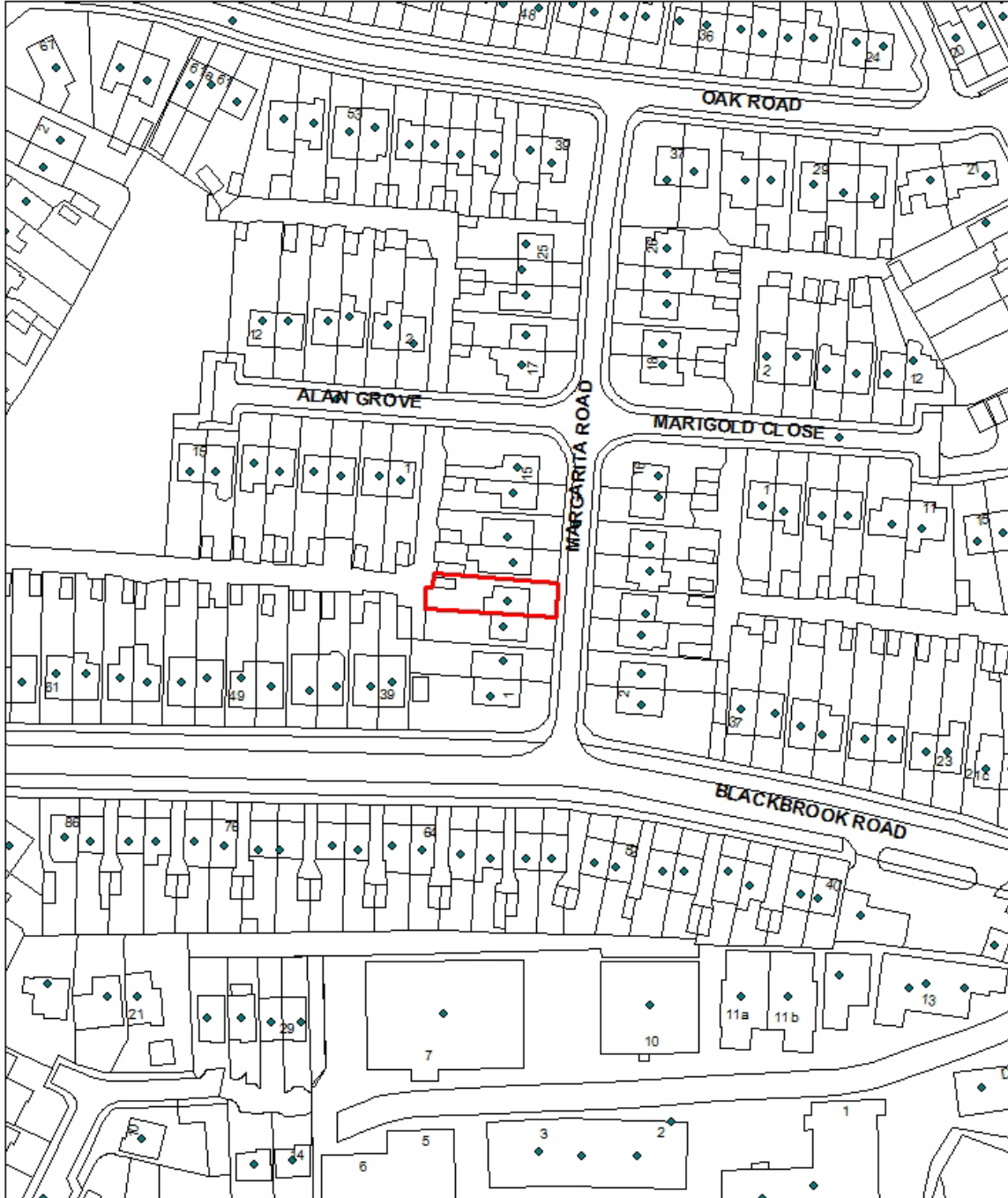
If an objection is received within the publicity period officers are required to assess the impact of the proposal upon the amenity of all adjoining properties. Should an objection be received Officers will provide an update to the Planning Committee setting out all the relevant planning issues and a recommendation upon the proposal.

Recommendation

Update to be provided at the Planning Committee meeting

FAREHAM

BOROUGH COUNCIL



7 MARGARITA ROAD
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/15/0720/RM
STUBBINGTON

122 MAYS LANE - LAND ADJACENT FAREHAM HAMPSHIRE
PO14 2ED
ERECTION OF DETACHED DWELLING & GARAGE (RESERVED
MATTERS APPLICATION TO P/12/0965/OA FOR APPEARANCE,
LANDSCAPING, LAYOUT & SCALE)

7
APPROVE

Agenda Item 6(7)

P/15/0720/RM

MR & MRS P. CARDRICK

STUBBINGTON

AGENT: ROBERT TUTTON
TOWN PLANNING CO

ERECTION OF DETACHED DWELLING & GARAGE (RESERVED MATTERS APPLICATION TO P/12/0965/OA FOR APPEARANCE, LANDSCAPING, LAYOUT & SCALE)

122 MAYS LANE - LAND ADJACENT FAREHAM HAMPSHIRE PO14 2ED

Report By

Susannah Emery Direct Dial - 01329 824526

Introduction

For the reasons set out below Officers consider the scheme to be acceptable. In light of the design and scale of the new dwelling at this prominent location on the entrance to Stubbington Village, Officers consulted with Ward Members before granting planning permission under their delegated powers. Councillor Wood requested that Officers did not exercise their delegated powers in this instance but reported the matter to the Planning Committee for decision.

Site Description

This application relates to a site to the east of Mays Lane close to the northern edge of the settlement of Stubbington. The site is located within the countryside on the edge of the urban area which is demarked by the access track which runs along the southern boundary of the site and serves the nursery to the rear. The site is bound by mature trees and vegetation to the south and west. The site previously formed part of the residential curtilage of No.122 Mays Lane but has now been segregated by the erection of a boundary fence. Access to the site is via the existing driveway to No.122 Mays Lane.

Description of Proposal

Outline planning permission (P/04/0292/OA) was originally granted on appeal for the erection of a detached dwelling on the site in 2005. This application was not implemented and a subsequent application in 2008 (P/08/1079/OA) granted a longer period of time to implement the permission. A reserved matters application to P/08/1079/OA was refused in 2011 (P/11/0654/RM). A further outline application (P/12/0965/OA) was permitted in 2013 to again extend the time frame for implementing the development.

This application is made in respect of the reserved matters, pursuant to the outline approval P/12/0965/OA. The only matters approved by the outline approval were access and layout, the applicant now seeks approval for the appearance, landscaping, and scale with an amendment to the layout.

The proposed dwelling is a detached two storey dwelling of contemporary design and appearance. The sloping roof is at its highest point at the south-west corner of the building which is designed as the focal point of the building with a curving wall and balcony feature drawing attention to the front entrance. An element of accommodation is included at third floor level to provide attic storage. The materials of construction would be white render with dark grey cladding panels to the walls, a 'standing seam' zinc roof and colour coated aluminium window frames in grey. A minimum of three off-street parking spaces would be provided to serve the new development and a detached double garage is also proposed on

the frontage.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS2 - Housing Provision

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS11 - Development in Portchester, Stubbington and Hill Head

CS15 - Sustainable Development and Climate Change

CS17 - High Quality Design

Development Sites and Policies

DSP3 - Impact on living conditions

DSP6 - New residential development outside of the defined urban settlement boundaries

Relevant Planning History

The following planning history is relevant:

<u>P/12/0965/OA</u>	ERECTION OF DETACHED DWELLING AND GARAGE.
	APPROVE 22/03/2013
<u>P/11/0654/RM</u>	ERECTION OF DETACHED DWELLING AND GARAGE
	REFUSE 08/11/2011
<u>P/08/1079/OA</u>	ERECTION OF DETACHED DWELLING AND GARAGE (OUTLINE APPLICATION)
	PERMISSION 07/11/2008
<u>P/04/0292/OA</u>	Erection of Dwelling & Garage (Outline Application)
	REFUSE 15/04/2004

Representations

One letter has been received objecting on the following grounds;

- The size and bulk is overpowering for the proposed plot
- The floor area of the dwelling is at least 50% bigger than the granted outline application
- The style and look of the building is not in keeping and it would stand out like a sore thumb
- The dwelling should blend with its surroundings
- Flood risk and increased site levels
- The site is lower than adjacent land and has always been an area for run-off
- Raising ground levels will give rise to serious flooding

Consultations

Director of Planning & Development (Highways) - No objection

Director of Planning & Development (Arborist) - There are no arboricultural grounds for refusal and I therefore raise no objections to the proposed erection of a detached dwelling and garage, subject to the provisions and recommendations in the Phillip Ellis tree report and method statement.

Planning Considerations - Key Issues

Principle of Development

The principle of developing this site was established by the appeal allowed in 2005. It was considered that despite being located within the countryside, where new residential development would generally be resisted, the site would be suitable for frontage in-fill in accordance with local plan policy and the erection of a detached dwelling would not be harmful to the character of the area. In this respect the proposal is seen to accord with Policy DSP6 of the Fareham Borough Local Plan Part 2: Development Sites & Policies which sets out the criteria under which frontage in-fill within the countryside may be considered acceptable.

The outline application (P/12/0965/OA) to which this reserved matters application relates established the means of access to the site utilising the existing access serving No.122 Mays Lane. The approved layout includes a smaller dwelling with a rectangular footprint measuring 10m in depth and 8m in width. Whilst the reserved matters application is for a larger footprint it is not considered that the increase is so great as to be unacceptable and this increase is largely focused to the south side of the dwelling with a single storey addition to the rear.

Impact on Character of the Area

The surrounding area consists of detached houses in a variety of styles including both two storey and single storey properties. The proposed dwelling would have the closest relationship with No.122 Mays Lane which has recently been renovated and extended and consists of a large two storey family home set within a spacious plot which is finished in a light render with a slate roof.

The proposed dwelling is of modern design and utilises some alternative materials to those used on adjacent properties however officers do not consider that this would be harmful. The height of the proposed dwelling would be comparable to No.122 Mays Lane and the footprint of the dwelling would be smaller. It is considered that the proposal respects the general building line along Mays Lane and the site is well screened by a 2.5m wall along the front (west) boundary and tree screening to the western and southern boundaries. It has been clarified that those trees on site which have been assessed worthy of retention can be adequately protected during the development and reinforcement hedgerow planting is also proposed along the southern boundary.

The siting of the proposed garage was approved at outline stage and this would not be prominent within the streetscene due to the height of the front boundary wall.

Impact on Amenities of Neighbouring Property

The previous reserved matters application (P/11/0654/RM) was refused on several grounds including the impact of the proposal on the neighbouring property at No.122 Mays Lane. This application has greatly reduced the depth of the proposed dwelling adjacent to the neighbouring property. The refused application was for a dwelling measuring 19.5m in depth at full two storey height and the current application is for a dwelling measuring 13.3 metres in depth at ground floor level and 9.8m in depth at first floor level. This reduction in depth has served to greatly reduce the bulk of the northern flank wall of the dwelling which would be visible from the neighbouring property.

The dwelling would be sited in excess of 6m from the south elevation of the neighbour's property in which there is a secondary lounge window. The first floor windows proposed within the north elevation would be conditioned to be obscure glazed and fixed shut to 1.7m above floor level to prevent overlooking. It is not considered that the proposal would have a detrimental impact on the living conditions of the neighbouring property in terms of loss of light, outlook or privacy.

Other Matters

Concerns have been raised by the occupants of the neighbouring property regarding the potential for this proposal to exacerbate issues with flooding currently experienced on the site and adjoining land due to the ground conditions. It is proposed that planning conditions be imposed to secure further details of any proposed levels changes and surface water drainage works. The applicant's agent has advised that an engineer will be consulted to provide an appropriate scheme.

It is proposed to triple-glaze the windows of the dwelling to limit any disturbance to occupants of the dwelling from road noise. This addresses a previous reason for refusal attached to P/11/0654/RM.

Summary

The proposed dwelling is considered to respect the siting indicated on the outline approval which was last granted in 2013 but which historically dates back to 2004. The scale of the dwelling is considered appropriate to the site and also in keeping with neighbouring properties. The dwelling's modern design is not considered harmful given the variation in the style and design of properties that exists in the surrounding area. The existing and proposed screening to the site also ensures that the dwelling would not be overly prominent within the streetscene. The proposed dwelling would have no detrimental impact on the living conditions of its closest neighbour, No.122 Mays Lane.

The proposals accords with Policies CS2, CS5, CS6, CS11, CS15 & CS17 of the adopted Fareham Borough Core Strategy and Policies DSP3 and DSP6 of the adopted Fareham Local Plan Part 2: Development Sites and Policies and is considered acceptable.

Recommendation

APPROVE: subject to conditions

1. The development shall be carried out in accordance with the following approved documents:

- i) Site Location Plan & Block Plan - drwg No. 3092/35A
- ii) Site Layout, Sections and Floor Plans - drwg No. 3092/36A
- iii) Proposed Elevations - drwg No. 3092/37
- iv) Proposed Elevations, Street & Garage - drwg No. 3092/38
- v) Streetscene - drwg No. 3092/39
- vi) Landscaping Plan - drwg No. LP/ML/211/PJE & Planting Schedule

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

2. The development shall be undertaken in accordance with the provisions and recommendations set out in the Arboricultural Method Statement and Tree Protection Plan (Phillip Ellis) unless otherwise first agreed with the Local Planning Authority in writing.

REASON: In the interests of the appearance of the area; to ensure that the trees, shrubs

and other natural features to be retained are adequately protected from damage to health and stability during the construction period.

3. No development shall take place until details of the internal finished floor levels of the dwelling in relation to the existing and finished ground levels have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To safeguard the character/appearance of the area to protect the amenities of nearby residential properties; in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

4. No development shall take place until details of a surface water drainage system have been submitted to and approved by the local planning authority in writing. The details submitted shall propose a system designed to direct surface water within the site to an area where it can be satisfactorily disposed of, shall take account of the site's existing ground conditions and levels and the proposed layout of development on the site, and shall set out a maintenance schedule for the system. The approved drainage system shall be installed prior to the dwelling hereby permitted being occupied and shall be retained thereafter and maintained in accordance with the agreed maintenance schedule.

REASON: To ensure measures are provided for the satisfactory disposal of surface water.

5. The first floor windows proposed to be inserted into the north elevation 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 and shall thereafter be retained in that condition at all times.

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

6. The dwelling hereby permitted shall achieve an equivalent standard of water and energy efficiency to Level 4 of the Code for Sustainable Homes unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of reducing energy use and increasing resource efficiency through sustainable methods of construction.

7. The roof area over the single storey element of the dwelling identified as 'media room' on the approved floor plans shall not be used as a balcony, terrace or veranda until details of a solid or opaque privacy screen no less than 1.8 metres in height and designed to prevent views into the adjacent property 122 Mays Lane have been submitted to and approved by the local planning authority in writing. The approved privacy screen shall be installed before the roof area is first brought into use as a balcony, terrace or veranda and thereafter retained at all times unless otherwise agreed in writing by the local planning authority.

REASON: To prevent overlooking and to protect the privacy of neighbours living in the adjacent property.

Further Information

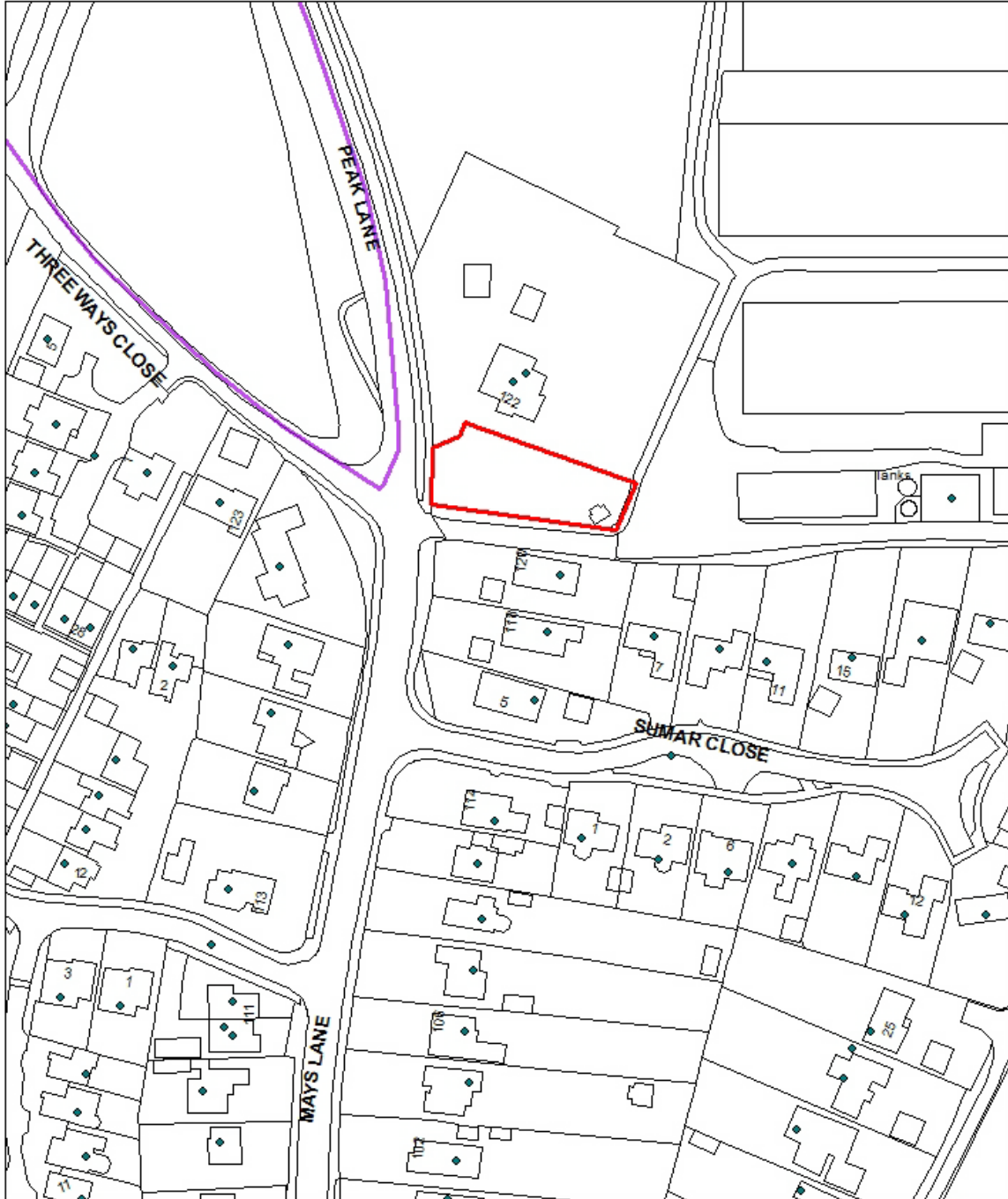
1. You are advised that there are also a number of conditions relating to the outline consent P/12/0965/OA which require discharging prior to the commencement of development.

Background Papers

P/15/0720/RM; P/12/0965/OA; P/11/0654/RM; P/08/1079/OA; P/04/0292/OA

FAREHAM

BOROUGH COUNCIL



122 MAYS LANE
SCALE: 1:1,250

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PLANNING APPEALS

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

CURRENT

ENF/13/0095

Appellant: MS ROS SNOWDEN

Site: Spring Road Sarisbury Green Southampton Hampshire SO31 7FG

Date Lodged: 19 June 2015

Reason for Appeal: The Enforcement Notice has been appealed on the following grounds:
 (a) that planning permission should be granted for what is alleged in the notice (or that the condition or limitation referred to in the enforcement notice should be removed);
 (c) that those matters (if they occurred) do not constitute a breach of planning control;
 (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
 (e) that the notice was not properly served on everyone with an interest in the land;
 (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
 (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

P/14/0804/FP

Appellant: MR ZAMIR AFGHAN

Site: Peel House Rest Home Woodcote Lane Fareham Hampshire PO14 1AY

Decision Maker: Officers Delegated Powers

Recommendation: REFUSE

Council's Decision: REFUSE

Date Lodged: 17 August 2015

Reason for Appeal: PROPOSED ERECTION OF GROUND & FIRST FLOOR EXTENSIONS TO THE SOUTHERN PART OF THE BUILDING AND PROVISION OF TWELVE ADDITIONAL BEDROOMS

PLANNING APPEALS

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

CURRENT

P/14/0882/FP

Appellant: MRS T BROWN
Site: 5 Osborne Road - Land To Rear Of - Warsash Southampton SO31 9GJ
Decision Maker: Committee
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 07 April 2015
Reason for Appeal: PROPOSED TWO BEDROOM DETACHED BUNGALOW TO REAR OF NO. 5 UTILISING EXISTING WIDENED AREAS

P/14/1121/TO

Appellant: MRS MARIA MORRIS
Site: 14 St Edmund Close Fareham Hampshire PO14 4RQ
Decision Maker: Committee
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 20 May 2015
Reason for Appeal: FELL ONE OAK PROTECTED BY TPO 695.

P/14/1203/TO

Appellant: MR R. AYLING
Site: Sarisbury Green Social Club 108 Bridge Road Southampton Hampshire SO31 7EP
Decision Maker: Officers Delegated Powers
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 14 May 2015
Reason for Appeal: FELL 1 MONTEREY CYPRESS PROTECTED BY TPO 299.

PLANNING APPEALS

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

CURRENT

P/14/1241/FP

Appellant: BROUGHTON DESIGNS LIMITED
Site: 166 Hunts Pond Road Fareham Hampshire PO14 4PL
Decision Maker: Officers Delegated Powers
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 25 June 2015
Reason for Appeal: CHANGE OF USE OF THE EXISTING A1 FLOORSPACE TO A1 AND A5 (HOT FOOD TAKEAWAY) USE AND INSTALLATION OF AN EXTRACTION FAN

P/15/0037/FP

Appellant: MATTHEW HILL
Site: 17c West Street Fareham Hampshire PO16 0BG
Decision Maker: Officers Delegated Powers
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 15 May 2015
Reason for Appeal: TWO STOREY EXTENSION TO GROUND AND FIRST FLOOR FLATS ON SOUTHERN SIDE OF BUILDING

P/15/0256/TO

Appellant: MRS TRACY WHITAKER
Site: 181a Segensworth Road West Fareham Hampshire PO15 5EH
Decision Maker: Committee
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 16 July 2015
Reason for Appeal: FELL ONE MONKEY PUZZLE TREE PROTECTED BY TPO 489

PLANNING APPEALS

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

CURRENT

P/15/0625/TO

Appellant: MR KEITH BROOKS
Site: 27a Catisfield Road Fareham Hampshire PO15 5LT
Decision Maker: Committee
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 28 September 2015
Reason for Appeal: FELL ONE HORSE CHESTNUT PROTECTED BY TPO 23.

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date 14 October 2015

Report of: Director of Planning and Development

Subject: Fareham Tree Preservation Order No 706 (2015) – 1 Highfield Avenue and Land to the West of 7 Highfield Avenue

SUMMARY

The report details an objection to the making of a provisional order in June 2015 and provides officer comment on the points raised.

RECOMMENDATION

That Tree Preservation Order 706 is confirmed.

BACKGROUND

1. Section 197 of The Town and Country Planning Act 1990 places a duty on local planning authorities when granting planning permission to include appropriate provision for the preservation and planting of trees.

It shall be the duty of the local planning authority –

- (a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and
 - (b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.
2. Section 198 gives local planning authorities the power to make tree preservation orders [TPOs].
(1) If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.
 3. Fareham Borough Council Tree Strategy 2012 - 2017.

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

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

4. The order was made on an oak at on land west of 7 Highfield Avenue in response to a perceived threat to this particular tree from redevelopment work at the property. A second oak, situated at 1 Highfield Avenue, was also identified as an important tree during the amenity assessment and subsequently included in the order as a proactive measure to maintain continuity of tree cover in the landscape.

INTRODUCTION

5. On 12 June a provisional Order was served in respect of two pedunculate oaks situated within the rear garden of 1 Highfield Avenue and at land to the west of 7 Highfield Avenue.

OBJECTIONS

6. Under Regulation 6 of the Town and Country Planning (Trees) Regulations 2012 one objection has been received from the owner of 1 Highfield Avenue in relation to T1 on the following grounds:
 - The tree does not offer amenity value as it is obscured by other vegetation and only residents at the rear of the property would be able to see it;
 - The tree overhangs an existing boundary and a footpath and may pose a threat in the

- future due to dead and dying branches;
- Unsympathetic work has already been undertaken and further work would reduce the amenity value further;
 - The oak tree is poorly positioned too close to an outbuilding to be of value.

No other objections have been received to the making of the Order.

PUBLIC AMENITY

1. The subject oak tree predates the surrounding development established in the 1930s and the many outbuildings subsequently constructed in the rear gardens of Highfield Avenue properties in the intervening years. The tree is a remnant of the original landscape of field boundaries with trees and hedges. The tree is clearly visible from several public vantage points and makes a significant contribution to the amenity of the surrounding residential development (Photos at Appendix A).

RISK OF FAILURE

2. An informal visual inspection of the oak was undertaken from ground level. At the time of inspection the tree was observed to be healthy and free from any significant defects or abnormalities that would give rise to concerns about the health and safety of the tree.
3. The Council is unlikely to support unnecessary or unsympathetic pruning that would harm a protected tree by adversely affecting its condition and appearance. However, routine tree works will be viewed on its merits and permission will not be unreasonably withheld if pruning can be supported on sound tree management grounds.
4. Trees are dynamic living organisms that are subject to natural changes as they age or are influenced by changes in their environment. If a protected tree presents an immediate risk of harm to people or property, any urgent works necessary to make the tree safe, such as removing dead or broken branches, can be undertaken without consent. If a protected tree is either dead or dangerous five days' notice shall be given to the local authority of any necessary tree works. If works are to be carried out under this exemption it is important to keep evidence of the tree's condition to avoid potential legal action in the future.

POSITION CLOSE TO OUTBUILDING

5. Officers acknowledge that the position of a mature oak so close to a building is a concern for the owners of the property. However, the building is not habitable, appears to be well constructed and has coexisted with the tree for many years. The oak is a mature specimen with limited potential for future growth and despite the close proximity there is nothing to suggest the tree is currently causing damage to the structure.

TREE WORK APPLICATIONS

6. In dealing with applications to carry out works to protected trees the Council will consider whether the reasons given in support of an application outweigh the amenity reasons for protecting them. Permission to prune and maintain protected trees in the context of their surroundings, species, and previous management history will not be

unreasonably withheld by the Council.

7. The existence of a TPO does not preclude the carrying out of pruning works to, or indeed the felling of, any tree if such a course of action is warranted by the facts. There is currently no charge for making an application to carry out works to protected trees, applications are normally determined within 6 weeks of registration.

RISK ASSESSMENT

8. The Council will not be exposed to any significant risk associated with the confirmation of TPO 706 as made and served. Only where an application is made for consent to work on trees subject to a TPO and subsequently refused does the question of compensation payable by the Council arise.

CONCLUSION

9. When making tree preservation orders the Council endeavours to consider the rights of those affected and use their powers responsibly. However, the rights of the individual must be balanced against the rights of the public to expect the planning system to protect a tree when its amenity value justifies such protection. In this instance, it is officers' opinion that the protection of the two oaks should prevail.
10. Officers therefore recommend that Tree Preservation Order 706 is confirmed as originally made and served.

Background Papers: TPO 706.

Reference Papers: National Planning Policy Framework: Planning Practice Guidance - Tree Preservation Orders (2014), Fareham Borough Council Tree Strategy 2012 – 2017 and The Law of Trees, Forests and Hedges (second edition) – *Charles Mynors*.

Enquiries:

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

APPENDIX A: Oak T1 & T2 - view from the northwest at St Michael's House spur road.



Oak T1 – view from the north at Broadacre Place parking area.



Oak T1 - view from the north showing proximity to garage outbuilding.



Oak T1 – view from the south on the public footpath.

