

AGENDA
PLANNING COMMITTEE

Date: Wednesday, 27 January 2016

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 - 10)

To confirm as a correct record the minutes of the meeting of the Planning Committee held on 16 December 2015 Wednesday, 27th January, 2016.

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. Review of Local Information Requirements (Pages 11 - 37)

To consider a report by the Director of Planning and Regulation on a Review of Local Information Requirements.

7. Change to Officer Delegation (Pages 38 - 40)

To consider a report by the Director of Planning and Regulation on a change to Officer Delegation.

8. Planning applications and Miscellaneous Matters including an update on Planning Appeals (Page 41)

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

ZONE 1 - WESTERN WARDS

**(1) P/15/0267/FP - CARRON ROW FARM 15 SEGENSWORTH ROAD
TITCHFIELD FAREHAM PO15 5DZ (Pages 44 - 54)**

**(2) P/15/0268/LB - CARRON ROW FARM 15 SEGENSWORTH ROAD
TITCHFIELD FAREHAM PO15 5DZ (Pages 55 - 59)**

**(3) P/15/0576/FP - 100 LOCKS ROAD LOCKS HEATH FAREHAM SO31 6NR
(Pages 60 - 68)**

**(4) P/15/0947/FP - LAND TO THE REAR OF 20 CHURCH ROAD WARSASH
FAREHAM SO31 9GD (Pages 69 - 81)**

**(5) P/1023/FP - 20 CHURCH ROAD WARSASH FAREHAM SO31 9GD (Pages
82 - 86)**

- (6) **P/15/0990/FP - 70 HUNTS POND ROAD - LAND TO REAR - PARK GATE SOUTHAMPTON SO31 6QW** (Pages 87 - 94)
- (7) **P/15/1215/SU - ROWAN WAY FAREHAM HAMPSHIRE PO14 3AF** (Pages 95 - 97)
- (8) **P/15/1231/CU - 29 CATISFIELD ROAD FAREHAM HAMPSHIRE PO15 5LT** (Pages 98 - 103)
- (9) **Q/0005/16 - 22 SUFFOLK DRIVE WHITELEY FAREHAM HAMPSHIRE PO17 7DE** (Pages 104 - 108)

ZONE 2 - FAREHAM

- (10) **P/15/1122/FP - LAND TO REAR OF 23 HIGH STREET FAREHAM PO16 7AE** (Pages 110 - 117)

ZONE 3 - EASTERN WARDS

- (11) **P/15/1085/FP - 89 HILL HEAD ROAD FAREHAM HAMPSHIRE PO14 3JP** (Pages 119 - 128)
- (12) **P/15/1093/FP - UNITS 1-4 & 18-19 CASTLE TRADING ESTATE FAREHAM PO16 9SF** (Pages 129 - 141)
- (13) **Planning Appeals** (Pages 142 - 147)

9. TREE PRESERVATION ORDERS

The Committee considered the confirmation of the following Fareham Tree Preservation Order, which had been made under delegated powers and to which no formal objection had been received.

Fareham Tree Preservation Order No.717 (2015) – No.2, 3 & 4 Coldeast Way, Park Gate

Order served on 30 October for which there were no objections.

It is recommended that the Fareham Tree Preservation order No 717 be confirmed as made and served.

Fareham Tree Preservation Order.719 (2015) – The Bold Forester, 120 Bridge Road, Sarisbury

Order served on 4 December for which there were no objections.

It is recommended that Fareham Tree Preservation Order No.719 be confirmed as made and served.

Tree Preservation Orders Served

The following Tree Preservation Orders have been made in the past month:

Fareham Tree Preservation Order No.720 (2015) – Land south of Warsash Common, east of Church Road and west of Fleet End Road, Warsash. The order was served on 22 December 2015.

Fareham Tree Preservation Order No.721 (2016) – 2 Birdwood Grove, Portchester. The Order was served on 8 January 2016.

P GRIMWOOD
Chief Executive Officer

Civic Offices
www.fareham.gov.uk
19 January 2016

**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 December 2015

Venue: Collingwood Room - Civic Offices

PRESENT:

Council N J Walker (Chairman)

Councillor A Mandry (Vice-Chairman)

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

**Also
Present:**



1. APOLOGIES FOR ABSENCE

Apologies of absence were received from Councillors B Bayford and M J Ford, JP.

2. MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee held on 18 November 2015 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

The Chairman read out the following announcement:

'In accordance with legislation, members of the public and press are able to audio and video record all meetings held in public by Fareham Borough Council.

I can confirm that there has been one request to film at this meeting, can I please remind members of the public and press that they must respect the wishes of other members of the public present who do not wish to be filmed.'

4. DECLARATIONS OF INTEREST

In accordance with Standing Orders and the Council's Code of Conduct Councillor N J Walker declared a personal non-pecuniary interest in minute 6 (10) – Former Catholic Church Site, White Hart Lane, Portchester, as the applicant is known to him.

5. DEPUTATIONS

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

Name	Spokesperson representing the persons listed	Subject	Supporting or Opposing the Application	Item No/ Application No/Page No
ZONE 1 – 2.30pm				
Mr R Tutton (Agent)		3 Daisy Lane, Locks Heath, Southampton, SO31 6RA – Erection of a three bed detached dwelling with parking following demolition of single storey side extension	Supporting	6(2) P/15/1040/FP Pg 25
Mr G Foulds		The Lodge Five Oaks Fishery Crableck Lane	Opposing	6(4) P/15/0918/CU

		Sarisbury Green Southampton SO31 7AL - Change of use from Angling Club house with residential accommodation in roof space (sui generis) to use as a single dwellinghouse with associated residential curtilage (Use Class C3)		Pg 38
Mr D Ramirez (agent)		-Ditto-	Supporting	-Ditto-
ZONE 2 - 3.15pm				
Mr C Potts (Agent)		Collingwood Retail Park Units C & D Newgate Lane Fareham Hampshire PO14 1AN - Change of use of units C and D from Bowling Alley (D2 Leisure Use) to A1 Retail use - including mezzanine and external alterations.	Supporting	6(5) P/15/0303/CU Pg 48
Mr A Thomson		Good Manors Day Nurseries Ltd Manor Lodge Church Path Fareham Hants PO16 7DT - Variation of condition 7 to planning permission P/12/1017/VC; to increase the number of children permitted to use the rear garden of the site at any one time from 12 to 18.	Opposing	6(6) P/14/0978/VC Pg 57
Mr R Tutton (Agent)		147 West Street Fareham PO16 0DZ -Proposed erection of a one-bedroomed dwelling to the rear of no 147 West Street (Resubmission)	Supporting	6(7) P/15/1059/FP
Mr B Christian		- Ditto -	Opposing	-Ditto-
ZONE 3 - 4pm				
Mr E l'Anson		39 The Thicket, Fareham, PO16 8QA -	Opposing	6(8) P/15/0986/FP

		Front and rear dormers and hip to gable lifts to provide first floor accommodation		Pg 74
Mr S Indoe		-Ditto-	Opposing	-Ditto-
Mr Nicholson (applicant)	N	-Ditto-	Supporting	-Ditto-
Mr Hutchison	B	Hill Head Residents Association 89 Hill Head Road Fareham Hampshire PO14 3JP – Retention of raised decking and alterations to fenestration to existing detached outbuilding	Opposing	6(9) P/15/1085/FP Pg 80

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

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

(1) P/15/1018/FP FREETH ALLOTMENTS SPRING ROAD OFF POND ROAD SARISBURY SO31 7LY

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/15/1040/FP 3 DAISY LANE LOCKS HEATH SOUTHAMPTON HAMPSHIRE SO31 6RA

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

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

(Voting 9 in favour: 0 against)

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

(3) P/15/1131/VC MIDDLE COPSE 3,4,5 - BRIDGE ROAD PARK GATE SOUTHAMPTON SO31 7GD

Upon being proposed and seconded, the officer recommendation to grant permission to vary condition 16, 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 to variation of condition 16.

(4) P/15/0918/CU THE LODGE FIVE OAKS FISHERY CRABLECK LANE SARISBURY GREEN SOUTHAMPTON SO31 7AL

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

The Committee's attention was drawn to the Update Report, which contained the following information – *Further comments have been received from Mr G Foulds elaborating on the points of concern raised in his initial letter concerning this application.*

The applicant has also provided further information in the form of a briefing note detailing the employment history of Mr & Mrs Purkiss in connection with the fishery.

The briefing note acknowledges that the accounting information provided in the Planning Statement does not show a salary being derived by either Mr or Mrs Purkiss. Notwithstanding, the briefing note asserts that "the applicants have, and continue to, work at the fishery in line with the planning condition" (Condition 2 of the appeal inspector's decision in relation to the owners accommodation in the roof space of the Lodge). The briefing note explains that "Mr Purkiss split his time between his building business (3 days) and the fishery (4 days) until ill health curtailed the amount of work and time Mr Purkiss could dedicate to his construction business". "Mrs Purkiss also works at the Fishery, in addition to other gainful employment with the Police Service, which helps subsidise the Fishery business"

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

- (a) the conditions in the report, and
- (b) an additional condition stating that the mobile home currently on the site be removed within 3 months of the date of permission.

was voted on and CARRIED.
(Voting: 7 in favour; 2 against)

RESOLVED that subject to:-

- (a) the conditions in the report; and
- (b) an additional condition stating that the mobile home currently on the site be removed within the next 3 months of the date of permission.

PLANNING PERMISSION be granted.

**(5) P/15/0303/CU COLLINGWOOD RETAIL PARK UNITS C & D
NEWGATE LANE FAREHAM HAMPSHIRE PO14 1AN**

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

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

Suggested conditions:

1. The development shall begin within three years.

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:

*Fareham/001 - Existing plan
Fareham/002 - Existing elevations
Fareham/003 – Existing site plan
Fareham/020 rev B – Proposed plans
Fareham/021 rev C – Proposed elevations
Fareham/022 rev A – Proposed site plan
Fareham/027 – Proposed elevations
Fareham/030 rev C – Proposed work*

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 (or any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order), the shop hereby approved shall be used only for:

- The sale of clothes and footwear;*
- Home ware (as defined within paragraph 4.2 of the Retail Impact Assessment dated November 2015);*
- And seasonal goods or goods ancillary to the principal goods sold in the shop.*

No other goods shall be sold at the site unless otherwise first agreed in writing with the local planning authority following the submission of an appropriate planning application.

REASON: In the interest of preserving the vitality and viability of Fareham Town Centre in accordance with policy DSP37 of the Fareham Borough Local Plan Part 2 development Sites and policies.

4. A maximum of 2,295 square metres of the total floor space within the building shall be used for the display and sale of goods of which a maximum of 2,065 square metres can be used for the display and sale of clothes and footwear. Ancillary goods and seasonal goods shall not occupy more than 120 square metres of net retail floorspace within the unit at any one time.

REASON: In the interest of preserving the vitality and viability of Fareham Town Centre in accordance with policy DSP37 of the Fareham Borough Local Plan Part 2 Development Sites and Policies.

5. The shop hereby permitted shall not be subdivided or otherwise altered to create more than one unit unless first agreed in writing with the local planning authority following the submission of an appropriate planning application.

REASON: In the interest of preserving the vitality and viability of Fareham Town Centre in accordance with policy DSP37 of the Fareham Borough Local Plan Part 2 development and policies.

The Head of Development Management provided a verbal update at the meeting which was to substitute the second sentence in proposed condition 4 to:

Ancillary goods and seasonal goods shall not occupy more than 230 square metres of net retail floorspace within the unit at any one time.

Upon being proposed and seconded, the officer recommendation to grant planning permission, subject to the conditions in the update report as verbally amended by the Head of Development Management was voted on and CARRIED.

(Voting: 9 in favour: 0 against)

RESOLVED that, subject to the conditions in the update which was verbally updated by the Head of Development Management; Ancillary goods and seasonal goods shall not occupy more than 230 square metres of net retail floorspace within the unit at any one time, PLANNING PERMISSION be granted.

(6) P/14/0978/VC GOOD MANORS DAY NURSERIES LTD MANOR LODGE CHURCH PATH FAREHAM HANTS PO16 7DT

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

A motion was proposed and seconded, to refuse planning permission and was voted on and CARRIED.

(Voting 9 in favour, 0 against)

RESOLVED that PLANNING PERMISSION be REFUSED

Reasons for Refusal:

The use of the garden area for up to 18 children at any one time is contrary to Policy DSP2 of the Local Plan part 2: Development Sites and Policies and is unacceptable in that the level of noise generated by this number of children in the garden has a significant adverse impact upon the use and enjoyment of Manor Croft and its garden area.

(7) P/15/1059/FP 147 WEST STREET FAREHAM PO16 0DZ

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

Upon being proposed and seconded, the officer recommendation to refuse planning permission was voted on and CARRIED.

(Voting: 9 in favour, 0 against)

RESOLVED that PLANNING PERMISSION be REFUSED

Reasons for Refusal:

The proposed development is contrary to Policy CS17 of the Fareham Borough Local Plan, and Policy DSP3 of the adopted Local Plan Part 2: Development Sites and Policies and would represent an over-intensive form of development, demonstrated by the following aspects of poor quality design:

(i) The narrow, un-welcoming access which does not benefit from natural surveillance and has a poor relationship with servicing areas for the commercial units would create a poor residential environment:

(ii) The dwelling would, by virtue of the poor internal layout, arrangement of fenestration and use of one way privacy glass create outlook from habitable room windows of the proposed building to the detriment of the amenity to be enjoyed by the future occupants;

(iii) The relationship of the proposed communal garden to refuse areas, the proximity of the surrounding built environment which would be overbearing and oppressive and also the presence of windows in neighbouring properties resulting in overlooking would result in the quality and usability of the private amenity being inadequate to the detriment of residential amenity.

(8) P/15/0986/FP 39 THE THICKET FAREHAM PO16 8QA

The Committee received deputations referred to in minute 5 above.

The Committee's attention was drawn to the Update Report, which contained the following information: - *Suggested condition 1 should read: The development shall begin within three years of the date of the decision notice.*

Upon being proposed and seconded, the officer recommendation to grant planning permission, 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, PLANNING PERMISSION be granted.

(9) P/15/1085/FP 89 HILL ROAD FAREHAM HAMPSHIRE PO14 3JP

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

The Committee's attention was drawn to the Update Report which contained the following information – *A letter has been received from the applicant containing the following points:*

-We have no intention to develop the building for any kind of let.

-It will be for occasional family use only.

-I do not need to do any development and have no intention of doing so.

-I withdrew the application for a holiday let in order to appease local concerns.

Members resolved to DEFER taking a decision on this item to enable Officers to provide further information on the permitted development rights that the building benefits from; how the occupancy of the building could be controlled; and what planning enforcement options could be pursued if Members considered the proposals to be contrary to planning policy and unacceptable.

RESOLVED that the application be DEFERRED.

**(10) Q/0314/15 FORMER CATHOLIC CHURCH SITE WHITE HART LANE
PORTCHESTER FAREHAM HAMPSHIRE PO16 9BS**

Councillor N J Walker declared a personal non-pecuniary interest in this item as the applicant is known to him.

Upon being proposed and seconded, the officer recommendation that the owner enters into a Deed of Variation on terms drafted by the Solicitor to the Council to allow the payment of Open Space and Transport contributions in three equal instalments upon occupation of the second, fourth and sixth dwellings granted permission under reference P/12/0205/FP, was voted on and CARRIED.

(Voting: 9 in favour: 0 against)

RESOLVED that the owners enters into a Deed of Variation on terms drafted by the Solicitor to the Council to allow the payment of Open Space and Transport contributions in three equal instalments upon occupation of the second, fourth and sixth dwellings granted planning permission under reference P/12/0205/FP.

(11) UPDATE REPORT

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

7. TREE PRESERVATION ORDERS

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

**Fareham Tree Preservation order.715 (2015) – 122 Mays Lane,
Stubbington**

Order served on 16 October for which there were no objections.

Resolved that Fareham Tree Preservation Order No 715 be confirmed and made served.

Tree Preservation Orders Served.

The following Tree Preservation Orders have been made this month.

Fareham Tree Preservation Order No.718 (2015) – 11 & 15 Bye Road, Sarisbury. The order was served on 4 December 2015.

Fareham Tree Preservation Order No.719 (2015) – The Bold Forester, 120 Bridge Road, Sarisbury. The Order was served on 4 December 2015.

8. PLANNING APPEALS

The Committee noted the information in the report.

(The meeting started at 2.30 pm
and ended at 5.45 pm).

FAREHAM
BOROUGH COUNCIL

**Report to
Planning Committee**

Date **27 January 2016**

Report of: **Director of Planning and Regulation**

Subject: **REVIEW OF LOCAL INFORMATION REQUIREMENTS**

SUMMARY

Before planning applications can be registered there is a need for applicants to provide a minimum level of information. Some of the information requirements are set nationally whilst others can be set by local planning authorities. The information requirements set locally are known as 'Local Information Requirements'.

The following report sets out the review which has been undertaken by Officers and recommends changes to Fareham's existing Local Information Requirements.

If Members agree with the proposed changes to the Local Information Requirements they will then need to be subject to public consultation.

RECOMMENDATION

Members are invited to agree the proposed changes to the Fareham Borough Council's Local Information Requirements for public consultation.

INTRODUCTION

1. Before planning applications are registered they go through a process of 'validation'. The validation process involves ensuring that all applications are supported by information which is required both nationally and locally.
2. The Government prescribes the National Requirements for planning applications. Fareham Borough Council is able to set out what additional information it requires to be submitted with planning applications. The additional information sought by Fareham Borough Council at the planning application registration stage is known as 'Local Information Requirements'.
3. If planning applications are not accompanied by all the National and Locally required information then the planning application will be treated as invalid and the applicant/agent notified. The planning application will not be registered until the required information has been provided.
4. Local planning authorities are required to publish a list of their information requirements for applications in a formally adopted list on their websites. The list should be proportionate to the nature and scale of development proposals and reviewed on a frequent basis. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.
5. Whilst there is a statutory requirement to review this Council's 'Local Information Requirements' there are several other key reasons to do so at this time.
6. Members will be aware that the Council is working with Vanguard Consulting to improve the way in which we deliver services to our customers. A wide range of changes have been made to the way in which this Council deals with planning applications which has made the process easier, faster and more inclusive for those using the service. Officers have received a lot of positive feedback from regular users of the planning application service about the changes that have been made so far.
7. One question that has been raised by some planning agents however is whether Fareham's Local Information Requirements are always proportionate to what is being proposed.
8. Reviewing the Local Information Requirements gives the opportunity to further simplify the information which must be submitted, particularly with householder and minor applications, which form the majority of the applications this Council receives.
9. Members will also be aware that at their meeting on the 11th January, this Council's Executive approved the Welborne Design Guidance Supplementary Planning Document (SPD) for adoption.
10. Part one of the Welborne Design Guidance SPD sets out what essential information must be submitted with planning applications at Welborne. Officers believe that it is appropriate that the information requirements set out within Part 1 of the Welborne Design Guidance SPD are added to this Council's Local Information Requirements list.

REVIEW OF FAREHAM'S LOCAL INFORMATION REQUIREMENTS

11. The review of Fareham's Local Information Requirements effectively has three stages:
 - i. Review the Local List
 - ii. Consultation on Proposed Changes
 - iii. Finalising and Publishing the Revised List
12. In the first instance Fareham Borough Council needs to clearly identify the reasons for requesting each item on its existing list of Local Information Requirements. These reasons can be statutory requirements, policies in the National Planning Policy Framework or adopted development plans, or published guidance that explains how adopted policy should be implemented.
13. As set out in paragraph 7 above, some regular users of the planning service have raised concerns over the amount of information their clients are required to provide before a planning application will be registered. Officers believe there is scope to reduce the amount of information that must be submitted in association with some planning applications before they can be registered.
14. With the increased dialogue between planning officers, applicants and agents, the best way of identifying the information essential to accompany planning applications is through pre-application conversations and discussions.
15. It should be stressed that if information that is essential to deciding a planning application is not received at the date of initial registration, it can still be subsequently requested by the planning case officer. The most significant consequence of this will be potential delays in the time it takes to make a decision on the application. It is therefore in the applicants and agents best interests to agree in advance what information needs to be submitted with applications where there are any doubts.
16. In the case of Welborne, applicants will need to demonstrate that any planning applications they bring forward will meet the guidance within the Welborne Design Guidance SPD, together with the vision, objectives and policies of the adopted Welborne Plan. Officers therefore propose that any planning applications for new commercial or residential development at Welborne (within the 'policy boundary' as shown on the 'policies map' in Appendix B2 of the adopted Welborne Plan) will need to be accompanied by additional information, unique to Welborne, as set out on the list of Local Information Requirements.

NEXT STEPS

17. At Appendix A, Officers have attached Fareham Borough Council's current list of Local Information Requirements. The list incorporates additions (which are shown in italics) and deletions (which are shown crossed through) so that it is clear what changes are being recommended. The first part of the Appendix sets out what the Local Information Requirement is and when it is needed; the second part of the document sets out in greater detail what the applicant needs to provide.
18. Members are invited to approve the proposed changes to the Local Information Requirements list for consultation. If Members approval is granted, a four week period of consultation will be undertaken on the revised list. The consultation will include local

agents and developers who regularly use Fareham's planning service.

19. At the end of the consultation period Officers will consider any comments received and where appropriate look at what further changes could be made to the Local Information Requirements list.
20. A further report will be brought before Members at the Committee Meeting on 23 March 2016. This will set out details of any comments received and what further changes (if any) are recommended to be made to the Local Information Requirements list.
21. Following final approval by Members in March the agreed Local Information Requirements will then be used in the validation of planning applications after that time.

RECOMMENDATION

22. Members are requested to agree the proposed changes to Fareham's Local Information Requirements for a 4 week period of consultation as set out in the attached list.

Appendix A - Local Information Requirements

Background Papers:

Town and Country Planning (Development Management Procedure) (England) (Order) 2015

Town and Country Planning Act 1990 (amended by the Growth and Infrastructure Act 2013)

National Planning Policy Framework

Planning Practice Guidance – Validation requirements

Enquiries:

For further information on this report please contact Lee Smith, Head of Development Management (01329 824427)

Local Information Requirements:

Local list of additional information that must be submitted to Fareham Borough Council with certain types and scales of applications, or in particular locations.

Fareham Borough Council's Local information Requirements were reviewed and consulted on between XX and YY and adopted on ZZ.

Affordable housing statement

Required for:

- Full planning applications
- Outline planning applications

In the event that the proposal is not fully policy compliant, then a viability assessment must be submitted with the application.

When

- Residential schemes of 5 units and above or if the site is part of an allocated site or a large area capable of development

Community Involvement

*Required for the following types of major applications**

- Full planning applications
- Outline planning applications
- Reserved matters
- ~~Prior notifications (telecoms)~~

~~Major applications e.g. 10 or more dwellings, large scale development (1000sq.m.+), retail distribution or other applications of significant impact or controversy~~

Contamination Assessment

*Required for the following types of major applications**

- Full planning applications
- Outline planning applications
- ~~Householder~~

When

- All sites within 250 metres of a currently licensed or historic landfill site [↗](#) and/or where former uses may have contaminated land and/or the land is known to be contaminated.

Ecological Assessment

*Required for the following types of major applications**

- Full planning applications
- Outline planning applications
- Reserved matters

When:

~~A biodiversity checklist will tell you when you need a biodiversity survey and report is likely to be needed where:~~

- any development that may affect a nationally designated habitat. You can see these sites on the website of Natural England [↗](#).
- any development that may affect a locally designated nature conservation habitat. You can see these sites in the Fareham Borough Local Plan Proposals map at the planning portal [↗](#).
- any development that may have an impact on a protected species. Visit Hampshire biodiversity information centre [↗](#) for information and help.

If a phase 1 survey is undertaken and identifies that a further survey is necessary, then this must be carried out and submitted with the application.

Flood Risk Assessment

*Required for the following types of major applications**

- Full planning applications
- Outline planning applications
- ~~Householder~~

When

- All sites within Flood Risk Zones 2 & 3; Sites of 1 hectare or more in area in Flood Risk Zone 1 [↗](#)

Foul Sewage and Utilities Assessment

*Required for the following types of *major applications*

- Full planning applications

When

- If the proposed development results in any changes or replacement to an existing system or the creation of a new one. All applications in areas where existing sewage flooding takes place.

Heritage Statement (including historical, archaeological features and scheduled ancient monuments)

*Required for the following types of *major applications*

- Full planning applications
- Outline planning applications
- Full planning application with listed building consent
- Listed building consent
- ~~• Conservation area consent~~
- ~~• Householder applications with listed building consent~~
- ~~• Householder applications with conservation area consent~~

When

- Where archaeological or historical features or remains may be affected and development within a Conservation Area or affecting a Listed Building either directly or its setting.

Landscaping (Detailed)

*Required for the following types of *major applications*

- Full planning applications
- Outline planning applications *where landscaping to be considered*

Lighting Assessment

*Required for the following types of *major applications*

- Full planning applications
- ~~• Outline planning applications~~

When

- Only where significant external lighting is proposed, i.e. flood lighting, lit areas of car parking, new street lighting.

Noise Impact Assessment

*Required for the following types of *major applications*

- Full planning applications
- Outline planning applications

When

- Noise generating development such as B2 located near to noise sensitive areas i.e. residential, including all B2 application sensitive developments, e.g. housing located near to a source of noise, e.g. motorway, industrial site.

Open Space Assessment

Required for the following types of applications

- Full planning applications including change of use
- Outline planning applications

When

- Where the proposed development is on existing public open space.

Parking Provision

*Required for the following types of *major applications*

- Full planning applications
- Reserved matter applications for layout
- ~~Householder~~

When

- ~~Householder~~ only where additional bedrooms are proposed or where existing parking is lost - otherwise Where new dwellings and/ or floorspace is proposed; where a loss of existing car parking is involved

Telecommunications development – supplementary information

Required for

- ~~Full planning applications~~
- ~~Prior notifications for telecommunications development~~

When

- ~~All~~

Retail Impact Assessment

Required for the following types of applications where main town centre uses are proposed and the floor exceeds 500 square metres

- Full planning applications (*including change of use*)
- Outline planning applications

When

Where proposed at edge of centres and out of centre locations National Planning Policy Framework

Transport Assessment (TA)

*Required for the following types of *major applications*

- Full planning applications
- Outline planning applications

When

- Where the development has significant transport implications. The detail of the TA should reflect the scale of the development and the extent of the transport implications of the proposal.

Travel Plan

*Required for the following types of *major applications*

- Full planning applications
- Outline planning applications

When

- Where the development has significant transport implications, subject to following thresholds (National Planning Policy Framework):

Land Use	Threshold
Residential	100 units
Commercial B1 and B2	2500sq.m.
Commercial B8	5000sq.m.
Retail	1000sq.m.
Education	2500sq.m.
Health Establishments	2500sq.m
Care Establishments	500sq.m. or 5 bedroom
Leisure: General	1000sq.m
Leisure: Stadia, ice rinks	All (1500 seats)
Miscellaneous Commercial	500sq.m

Tree Survey/Arboricultural Assessment

*Required for the following types of *major applications*

- ~~Householder~~
- Full planning applications
- Outline planning applications
- ~~Tree works~~

When

- ~~Householder only~~ where there are trees in or adjacent to the proposals, protected by tree preservation orders or conservation area status, which may be affected.
- All sites where there are trees on the site that may be affected by the proposed development.

Ventilation/Extraction (impact) report

Required for

- Full planning applications including Change of Use
- Reserved matter applications for layout and appearance

When

- All A3/A4/A5 and B2 uses

*Major applications are those which involve: 10 or more dwellings; where the site has an area of 0.5 hectares or more and the number of dwellings is unknown; the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; development carried out on a site having an area of 1 hectare or more.

For all residential, commercial and community related planning applications submitted within the policy boundary of Welborne (as shown on the Policies Map in Appendix B.2 of the Welborne Plan), the following Local Information Requirements apply in addition to those set out above

Comprehensive Masterplans

Required for:

- Initial planning application(s) for Welborne

Ecological Assessment

Required for:

- Initial planning application(s) for Welborne

Employment and Training Plan

Required for:

- Initial planning application(s) for Welborne

Energy Strategy

Required for:

- All planning application(s) for Welborne

Flood Risk Assessment

Required for:

- Initial planning application(s) for Welborne

Framework Travel Plan

Required for:

- Planning application(s) for all or part of Welborne

Heritage Strategy

Required for:

- Initial planning application(s) for Welborne

Infrastructure Delivery Plan

Required for:

- Initial planning application(s) for Welborne

Landscaping Scheme (detailed)

Required for:

- Detailed Planning application(s) and Reserved Matter submissions for all or part of Welborne

Landscaping Scheme (Structural)

Required for:

- Initial planning application(s) for Welborne

Open Space and Green Infrastructure strategy

Required for:

- Initial planning application(s) for Welborne

Phasing Plan

Required for:

- Initial planning application(s) for Welborne

Public Transport Plan

Required for:

- Planning application(s) for all or part of Welborne

Site wide Viability assessment

Required for:

- Any application(s) for Welborne that include a reduced or delayed provision of infrastructure

Strategic Design Codes or Design Principles Documents

Required for:

- Initial planning application(s) for Welborne

Structuring Plan (including parameter plans)

Required for:

- Initial planning application(s) for Welborne

Transport Framework and Transport Assessment

Required for:

- Planning application(s) for all or part of Welborne

Waste Water Strategy

Required for:

- All planning applications for Welborne

Definitions:

Affordable housing statement

Affordable Housing is an aim of the National Planning Policy Framework and is required through Policy CS18 of the Fareham Borough Core Strategy which is further amplified through the Affordable Housing Supplementary Planning Document. We may need information about both the affordable housing and any market housing for example, the numbers of residential units, the mix of units with numbers of habitable rooms and/or bedrooms, or the floor space of habitable areas of residential units, plans showing the location of units and their number of habitable rooms and/or bedrooms, and/or the floor space of the units. If different levels or types of affordability or tenure are proposed for different units this should be clearly and fully explained. The affordable housing statement should include details of any registered social landlords acting as partners in the development.

In the event that the proposal is not fully policy compliant, then a viability assessment needs to be provided with the planning application.

Comprehensive Masterplans (Welborne)

Comprehensive Master Plans propose the layout and location of land uses, buildings, public and private spaces, streets, pedestrian and cyclist routes. A Comprehensive Master Plan adds a further level of detail to the Structuring Plan.

The Comprehensive Master Plans must:

Define the distribution of land-uses and activities;

Define the heights, massing and bulk of buildings including average densities and maximum building heights;

Define the public spaces, including the streets and open spaces;

Define the nature of the relationships between buildings and public spaces (i.e. nature of boundaries between private and public spaces);

Identify the network of streets and routes for people moving by foot, cycle, car or public transport, service and refuse vehicles, as well as access points and connections off-site;

Identify the provision of key infrastructure elements, such as supply of electricity and disposal of foul water, sustainable drainage measures, green infrastructure, structural landscaping etc;

Demonstrate an understanding of how well the new community is integrated with the surrounding landscape context and how this is reflected in the character areas of the development.

Contamination Assessment

Sufficient information should be provided to determine the existence or otherwise of contamination, its nature and the risks it may pose and whether these can be satisfactorily reduced to an acceptable level. Where contamination is known or suspected or the proposed use would be particularly vulnerable, the applicant should provide such information with the application as is necessary to determine whether the proposed development can proceed. To identify whether a site could be affected by contaminants in the ground it will be necessary to consider the following;

- Site history (location, surroundings, topography),
- Site usage - nature of any industrial/ commercial use and chemical use and storage/ waste disposal (inc adjacent areas),
- Site geology, hydrogeology, geochemistry, hydrology,
- Site ecology and archaeology,
- Proximity to licensed or unlicensed waste facilities or presence of hazardous gases,
- Naturally occurring harmful substances e.g. radon,
- Site walkover findings,
- Previous investigations,
- What will be exposed to the contaminants following development? e.g. humans, buildings and services, ground and surface water and the environment.

All submissions should include an assessment of the risks to humans, buildings and services, ground and surface water and the environment based upon preliminary findings. Commercial property searches that identify environmental risk are available over the internet, although it should be noted that these may not have access or refer to all available information relating to the previous use of a site and may not assess the site in the context of a new planning use. The pollution section of Environmental Health may be able to provide advice and help. Please contact us to discuss this in more detail.

Ecological Assessment

Where a proposed development may have possible impacts on wildlife and biodiversity, information should be provided on existing biodiversity interests and possible impacts on them to allow full consideration of them. Where proposals are being made for mitigation and/or compensation measures information to support those proposals will be needed. Where appropriate, accompanying plans should indicate any significant wildlife habitats or features and the location of habitats of any species protected under the Wildlife and Countryside Act 1981, the Conservation of *Habitats and Species* Regulations 2010 or the Protection of Badgers Act 1992. Applications for development in the countryside that will affect areas designated for their biodiversity interests are likely to need to include assessments of impacts and proposals for long term maintenance and management. This information might form part of an environmental statement, where one is necessary. Certain proposals which include work such as the demolition of older buildings or roof spaces, removal

of trees, scrub, hedgerows or alterations to water courses may affect protected species and will need to provide information on them, any potential impacts for them and any mitigation proposals for such impacts. Government planning policies for biodiversity are set out in National Planning Policy Framework. The Council has developed a biodiversity checklist [☞](#) to give detailed validation requirements for biodiversity and geological conservation.

Energy Strategy (Welborne)

The Energy Strategy must demonstrate how the development will:

- i. Optimise energy efficiency by minimising the use of energy through design, layout, orientation, landscaping and materials;*
- ii. Achieve high energy efficiency standards for all buildings, including meeting the Passivhaus Standard if appropriate; and*
- iii. Secure energy supply, maximising the use of low or zero carbon technologies including district energy networks*

Flood Risk Assessment

A flood risk assessment (FRA) will be required for development proposals of 1 hectare or greater in flood zone 1 and for all proposals for new development located in flood zones 2 and 3 as designated by the Environment Agency . A FRA will be required for any development other than minor development in a designated critical drainage area which has been notified to the local planning authority by the Environment Agency [☞](#). The FRA should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. The FRA should identify opportunities to reduce the probability and consequences of flooding. The FRA should include the design of surface water management systems including sustainable drainage systems (SUDs) and address the need for safe access to and from the development in areas at risk of flooding. The FRA should be prepared by an applicant in consultation with the local planning authority with reference to their published local development documents and any strategic flood risk assessment. The FRA should form part of an environmental statement when one is required by The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. National Planning Policy Framework provides guidance for both local planning authorities and applicants in relation to the undertaking of FRAs and the responsibilities for controlling development where it may be directly affected by flooding or affect flooding elsewhere.

Flood Risk Assessment (Welborne)

In addition to the above guidance:

Initial or outline planning applications for Welborne must include a site-specific flood risk assessment for the development site, to demonstrate that the proposed development will not increase flood risk on the Welborne site or elsewhere.

The development of Welborne shall manage flood risk, in accordance with the findings of the site-specific flood risk assessment through the integration of Sustainable Drainage Systems (SuDS). A comprehensive SuDS Strategy showing the principles of delivery, future management and maintenance across Welborne, shall be prepared and submitted with the initial planning applications.

Foul Sewage and Utilities Assessment

All new buildings need separate connections to foul and storm water sewers. If your application proposes to connect a development to the existing drainage system, you should show details of the existing system on the application drawing(s). It should be noted that in most circumstances surface water is not permitted to be connected to the public foul sewers¹. Where the development involves the disposal of trade waste or the disposal of foul sewage effluent other than to the public sewer, then a fuller foul drainage assessment will be required including details of the method of storage, treatment and disposal. A foul drainage assessment should include a full assessment of the site, its location and suitability for storing, transporting and treating sewage. Where connection to the mains sewer is not practical, then the foul/non-mains drainage assessment will be required to demonstrate why the development cannot connect to the public mains sewer system and show that the alternative means of disposal are satisfactory.

~~If the proposed development results in any changes/replacement to the existing system or the creation of a new system, scale plans of the new foul drainage arrangements will also need to be provided. This will include a location plan, cross sections/elevations and specification. Drainage details that will achieve Building Regulations Approval will be required. If connection to any of the above requires crossing land that is not in the applicant's ownership, other than on a public highway, then notice may need to be served on the owners of that land. An application should indicate how the development connects to existing utility infrastructure systems. Most new development requires connection to existing utility services, including electricity and gas supplies, telecommunications and water supply, and also needs connection to foul and surface water drainage and disposal. Two planning issues arise; firstly, whether the existing services and infrastructure have sufficient capacity to accommodate the supply/service demands which would arise from the completed development, and secondly, whether the provision of services on site would give rise to any environmental impacts, for example, excavations in the vicinity of trees or archaeological remains.~~

As the applicant, you should demonstrate:

1. that, following consultation with the service provider, the availability of utility services has been examined and that the proposals would not result in undue stress on the delivery of those services to the wider community;
2. that proposals incorporate any utility company requirements for substations, telecommunications equipment or similar structures;
3. that service routes have been planned to avoid as far as possible the potential for damage to trees and archaeological remains;
4. where the development impinges on existing infrastructure the provisions for relocating or protecting that infrastructure have been agreed with the service provider.

Framework Travel Plan (Welborne)

An area wide Framework Travel Plan in accordance with Highway Authority Guidance agreed between the Council, Highway Authority and the developers which will demonstrate how modal shares by walking, cycling and public transport and the encouragement of more sustainable transport will be achieved.

Heritage Statement (including historical, archaeological features and scheduled ancient monuments)

The scope and degree of detail needed in a heritage statement will vary depending on the circumstances of each application. You are advised to discuss proposals with either a planning officer or a conservation officer before making an application. The following is a guide to the sort of information that we may need for different types of application.

For applications for listed building consent, a written statement that includes a schedule of works to the listed building(s), an analysis of the significance of archaeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact on the special character of the listed building or structure, its setting and the setting of adjacent listed buildings may be required. A structural survey may be required in support of an application for listed building consent.

For applications either related to or impacting on the setting of heritage assets a written statement that includes plans showing historic features that may exist on or adjacent to the application site including listed buildings and structures, historic parks and gardens, historic battlefields and scheduled ancient monuments and an analysis of the significance of archaeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact on the special character of the listed building or structure, its setting and the setting of adjacent listed buildings may be required.

For applications within or adjacent to a conservation area, an assessment of the impact of the development on the character and appearance of the area may be required.

For all applications involving the disturbance of ground within an area of archaeological potential as defined in the development plan or in other areas in the case of a major development proposal or significant infrastructure works, an applicant may need to commission an assessment of existing archaeological information and submit the results as part of the heritage statement.

Guidance on Planning and Heritage Assets is available as part of the National Planning Policy Framework and advice on formulating a Heritage Statement is provided in the Council's Advice Note Design and Access Statements to Accompany Applications for Listed Building Consent.

Heritage Strategy and Historic Environment Management Plan (Welborne)

Initial or outline planning applications shall be accompanied by a heritage strategy and an historic environment management plan, which sets out the broad principles and options for how the following might be addressed:

- i. How the heritage assets will be assessed and identified;*
- ii. The significance of the known heritage assets and their setting;*
- iii. How the heritage assets will be preserved and enhanced;*
- iv. The positive contribution that the conservation of heritage assets will make to a sustainable new community;*
- v. How the heritage assets have influenced the layout and design of the development should be clearly set out in the supporting documentation;*
- vi. The methodology for recording and storing any archaeological finds of lesser importance;*
- vii. How the results of any archaeological investigations and the retained heritage assets will be presented to the public.*

Infrastructure Delivery Plan (Welborne)

The Infrastructure Delivery Plan will set out what infrastructure is required to support the scale of development envisaged at Welborne, and at what point that infrastructure will need to be delivered or completed by.

The applicants will be expected to base their Infrastructure Delivery Plan on the Plan produced by Fareham Borough Council as part of the evidence for the Welborne Plan. The IDP must be produced to the to at least the same level of detail as that produced by this Council.

Landscaping Scheme (Detailed)

Applications may be accompanied by landscaping details and include proposals for long term maintenance and landscape management. There should be reference to landscaping and detailed landscaping proposals which follow from the design concept in the design and access statement, if required. Existing trees and other vegetation should, where practicable, be retained in new developments and protected during the construction of the development.

Landscaping Scheme (Structural) (Welborne)

Structural landscaping schemes must identify how the existing landscape features on and around the site can be strengthened and used to create a unique 21st century model for a new garden community .

Structural landscaping schemes will show how they respond positively to areas of high landscape quality to the north and east of the site and take into account any material impact upon long distance views of the site from Portsdown Hill to the east and across the site from the south.

All structural landscaping schemes should include a detailed phasing and management plan, with the emphasis on bringing forward the structural planting elements in the early phases of the development.

Lighting Assessment

Proposals involving provision of publicly accessible developments, in the vicinity of residential property, a listed building or a conservation area, or open countryside, where external lighting would be provided or made necessary by the development, should be accompanied by details of external lighting and the proposed hours when the lighting would be switched on. These details shall include a layout plan with beam orientation and a schedule of the equipment in the design. Lighting in the countryside: towards good practice (1997) [↗](#) and The Institution of Lighting Engineers 'Guidance Notes For The Reduction of Obtrusive Light' are valuable guides for local planning authorities, planners, highway engineers and members of the public. It demonstrates what can be done to lessen the effects of external lighting, including street lighting and security lighting. The advice is applicable in towns as well as the countryside.

Noise Assessment

Applications for developments that raise issues of disturbance by noise to the occupants of nearby existing buildings, and for developments that are considered to be noise sensitive and which are close to existing sources of noise should be supported by a noise assessment prepared by a suitably qualified acoustician. Further guidance is provided in the National Planning Policy Framework

Open Space Assessment

For development within open spaces, application proposals should be accompanied by plans showing any areas of existing or proposed open space within or adjoining the application site. In the absence of a robust and up-to-date assessment by a local authority, an applicant for planning permission may seek to demonstrate through an independent assessment that the land or buildings are surplus to local requirements. Any such evidence should accompany the planning application. Information and data on Open Space in Fareham is provided within the Supplementary Planning Guidance – Open Space

Open Space and Green Infrastructure Strategy (Welborne)

The strategy shall identify the exact location, quantity, nature and quality standards of each type of on-site green infrastructure required, together with adequate changing, storage and parking facilities, where appropriate.

Specifications for the layout and construction of the relevant facilities together with details of the required level of parking and floodlighting (where appropriate), and boundary treatment shall be included.

Parking Provision

Applications must provide details of existing and proposed parking provision. These details should be shown on a site layout plan. Advice on residential car parking requirements is set out in Residential Car & Cycle Parking Standards Supplementary Planning Document November 2009. Non-residential car parking requirements are set out in Fareham Borough Council's Non-Residential Parking Standards Supplementary Parking Document adopted in September 2015.

Phasing Plan (Welborne)

The Phasing Plan will set out what areas of land within Welborne will be developed and in what order. The way in which development comes forward at the site will have a direct link to what infrastructure needs to be delivered and when.

The applicants will be expected to base their Phasing Plan on the Plan produced by Fareham Borough Council as part of the evidence for the Welborne Plan. The Phasing Plan must be produced to at least the same level of detail as that produced by this Council.

Public Transport Plan (Welborne)

Demonstration of how Welborne will be served by a package of excellent public transport links to Fareham Town Centre and beyond in accordance with a site-wide Transport Framework for Welborne.

Retail Impact assessment

National Planning Policy Framework provides up to date advice concerning the application of the sequential test for town centre uses. The level and type of evidence and analysis required to address the key considerations should be proportionate to the scale and nature of the proposal.

Statement of Community Involvement

The Council's adopted Community Involvement SPD

Applications will need to be supported by a statement setting out how the applicant has complied with the requirements for pre-application consultation set out in the local planning authority's adopted Statement of Community Involvement and demonstrating that the views of the local community have been sought and taken into account in the formulation of development proposals.

~~Telecommunications development – supplementary information~~

~~Planning applications for mast and antenna development by mobile phone network operators in England should be accompanied by a range of supplementary information including the area of search, details of any consultation undertaken, details of the proposed structure, and technical justification and information about the proposed development. Planning applications should also be accompanied by a signed declaration that the equipment and installation has been designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP). Further guidance on the information that may be required is set out in the code of practice on mobile network development (2002) [↗](#).~~

Strategic Design Codes or Design Principles Document (Welborne)

Strategic Design Codes are technical documents that illustrate the detailed design rules and requirements for the area of Welborne, which they control.

Strategic Design Codes will provide details of the nature of the overarching and consistent character of the whole Welborne site, within which character areas sit. They provide details of each character area, where they are located and how they vary to reflect the site conditions, the different use(s) and spaces proposed. They will include an explanation of each character area and how it relates to the overall character of Welborne. The rationale for the design will be supported by an analysis of the site and surrounding area to demonstrate how the character of the landscape and surrounding area has influenced the design options within the code. Each Strategic Design Code will contain a plan showing where each character area

applies, and which sections of the code (i.e. the rules) apply. For each character area covered by the code, an illustrative design with supporting text explaining the type of place proposed will be provided.

For each character area, the Strategic Design Codes will illustrate:

Typical street design including how highway, footpaths, cycling routes, servicing/refuse, boundaries, planting, lighting and 'on street' parking will be provided;

Typical housing types with boundary treatments, parking, bin/cycle provision and storage (including corner plots);

Typical planting species for trees, shrubs and ground cover;

Treatment of areas of public space;

Treatment of key views and non residential buildings; and

Palette of main materials

The Strategic Design Codes should include elevations of the front or side view of a building, and cross sections that slice through a building and the entire street which services the property. They must also clearly show how necessary green and physical infrastructure and utilities can be accommodated, such as underground servicing.

If no Strategic Design Codes are submitted with initial outline planning application(s), then High-Level Development Principles to be submitted with the Structuring Plan, in accordance with this SPD. High-Level Development Principles (which accompany the Structuring Plan) will set out what the design objectives for Welborne will be; the Design Codes will provide detailed instructions on how these principles will be delivered.

Structuring Plan (including parameter plans)(Welborne)

The Structuring Plan is a plan with a supporting evidence base that both shows and explains how the development can come forward on a comprehensive basis at Welborne. It will need to reflect the phasing and delivery guidelines set out in the adopted Plan.

The purpose of the Structuring Plan is to ensure that Welborne is developed comprehensively and the design process is co-ordinated across site ownership boundaries. It is essential that a Structuring Plan is prepared for all of the land within the Welborne Plan policy boundary as shown on the 'Policies Map'.

The Structuring Plan must show and justify the following:

The disposition of the main land-uses, the location of Welborne's schools, the District and Local Centres and the Community Hub (with a rationale for the location, distribution and amount of different land uses, as well as average densities and maximum building heights shown), together with an agreed land budget (i.e. breakdown of each land use by measured area);

The main pedestrian and cycle routes throughout Welborne, the access points and primary road network, including the Bus Rapid Transit (BRT) route (with a rationale for the transport network and hierarchy, including street design/dimensions details to ensure consistency throughout the development);

The areas proposed for SANGs (Suitable Alternative Natural Greenspaces) and strategic green infrastructure, including the green corridors linking them (with a rationale for the location, distribution, type and amount of green infrastructure, including structural landscaping); and

The location of strategic utilities, infrastructure, including for the supply of electricity and disposal of foul water (with a rationale for the location, utility network and nature of provision).

Parameter plans should support the Structuring Plan for the Welborne site; they should also be accompanied by a written explanation of the rationale behind the plans.

Further details and guidance on these elements are contained within pages 11-17 of the adopted Welborne Design Guidance SPD.

Transport assessment

National Planning Policy Framework provides up to date advice concerning the status of Transport Assessments. The coverage and detail of the TA should reflect the scale of the development and the extent of the transport implications of the proposal. For smaller schemes the TA should simply outline the transport aspects of the application, while for major proposals, the TA should illustrate accessibility to the site by all modes of transport, and the likely modal split of journeys to and from the site. It should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts.

Transport Framework and Transport Assessment for Welborne

Demonstration of how the following measures will be achieved:

- i. The delivery of high quality sustainable public transport system, including the extension of the existing Bus Rapid Transit network to serve the new community;*
- ii. Implementation of Travel planning to reduce the reliance on the private car;*

iii. Achieves a development which is southwards-facing in transport terms through the masterplan layout and delivery of access via the A32 and an improved junction 10 of the M27;

iv. The rate of development will be linked to the funding and provision of necessary transport infrastructure;

v. The incorporation of transport interventions to mitigate traffic impacts on the local and strategic road network and to mitigate any environmental impacts.

Travel plan

A travel plan should be submitted alongside planning applications which are likely to have significant transport implications. The need for a travel plan is based upon the scale of the proposed development as set out above. Initially a Framework Travel Plan may need to be submitted as the detail will be subject to agreement with Hampshire County Council as Highway Authority.

Tree Survey/ Arboricultural Implications

Where there are trees within the application site, or on land adjacent to it that could influence or be affected by the development (including street trees), information will be required on which trees are to be retained and on the means of protecting these trees during construction works. This information should be prepared by a qualified arboriculturist. Full guidance on the survey information, protection plan and method statement that should be provided with an application is set out in the current BS5837:2012 ; Trees in relation to design, demolition and construction - Recommendations. Using the methodology set out in the BS should help to ensure that development is suitably integrated with trees and that potential conflicts are avoided.

Ventilation/extraction statement

Details of the position and design of ventilation and extraction equipment, including odour abatement techniques and acoustic noise characteristics, will be required to accompany all applications for the use of premises for purposes within use classes A3 (i.e. restaurants and cafes – use for the sale of food and drink for consumption on the premises), A4 (i.e. drinking establishments – use as a public house, wine-bar or other drinking establishment), A5 (i.e. hot food takeaways – use for the sale of hot food for consumption off the premises), B1 (general business) and B2 (general industrial). This information (excluding odour abatement techniques unless specifically required) will be required for significant retail, business, industrial, leisure or other similar developments where substantial ventilation or extraction equipment is proposed to be installed.

Viability Assessment

In the event that applicants consider infrastructure should be reduced or delayed, this will need to be fully justified through a viability assessment undertaken by a suitably qualified person. The scope and methodology of the viability assessment must be agreed with the Council before the assessment is undertaken and submitted.

Waste Water Strategy (Welborne)

Planning application(s) for development will be accompanied by details of a comprehensive waste water conveyance and treatment solution for Welborne, including details on the phasing of new waste water infrastructure.

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date **25 January 2016**

Report of: **Director of Planning and Regulation**

Subject: **CHANGES TO THE SCHEME OF DELEGATION TO OFFICERS IN
RESPECT OF TELECOMMUNICATION MASTS**

SUMMARY

Under the current scheme of delegation to Officers, all applications for new masts (including those submitted under General Permitted Development Orders) need to be determined by the Planning Committee whether they are to be approved or refused, and irrespective of whether any representations have been received or not.

Officers consider it would be appropriate to apply the same criteria to masts as all other applications, in determining when they should be considered by the Planning Committee.

RECOMMENDATION

That the Planning Committee delegate authority to officers to determine planning applications and prior approval applications, including those relating to telecommunications masts as set out in Paragraphs 6 and 7 of the report, to make the approach consistent with other application types dealt with by this Council and to authorise the Council's Monitoring Officer to reflect this amended change in the Constitution (Scheme of delegation to Officers) accordingly.

INTRODUCTION

1. At four of the last five Planning Committee meetings, applications have been considered relating to the erection of telecommunication masts. On each occasion no representations had been received and no deputations were made. Officers believe it is appropriate for Members of the Planning Committee to consider whether the criteria for mast applications coming before the Planning Committee should be consistent with other types of applications

COMMENTS

2. At their meeting on the 28th January, 2015, Members of the Planning Committee recommended a number of changes to the Scheme of Delegation to Officers and the Planning Committee Deputation Scheme. These changes were considered by the Audit and Governance Committee on the 9th February, before being approved by Council on the 20th February 2015.
3. The changes to the Scheme of Delegation mean that applications are normally reported to the Planning Committee only where either:
 - a) More than 5 representations are received from different households raising material planning issues contrary to the recommendation of Officers;
 - b) More than 5 representations are received and some are in support and some raise objection;
 - c) The application has been submitted by or on behalf of a Member or an Officer of the Council or their respective spouses, partners or close relative;
 - d) The application is called in for determination by any Member of the Council.
4. In the case of masts, the current Scheme of Delegation to Officers at paragraph 2.9 states that Officers have:

‘Authority to determine applications, power to make determinations and the granting or refusal of prior approval under the General Permitted Development Order 1995, except in the case of applications for new masts under Part 24 of the Order.’
5. The effect of this current Delegation is that all mast applications must be reported to the Planning Committee for decision.
6. If Members of the Planning Committee are happy to make the criteria for reporting mast applications to the Planning Committee consistent with other application types, Officers believe that a new delegation replacing the existing paragraph 2.9 of the Scheme of Delegation to Officers should be granted as follows:

‘Authority to determine applications, power to make determinations and the granting or refusal of prior approval under the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order.’
7. The Monitoring Officer can be authorised to reflect the new delegation granted by the Planning Committee in the Scheme of Delegation to Officer and its inclusion will become permanent at the next Constitutional update. The change proposed at

paragraphs 6 and 7 above will mean that mast applications will normally only be reported to the Planning Committee when any of the circumstances set out at paragraph 3 apply.

RISK ASSESSMENT

8. If the recommended changes are not supported applicants will have to wait longer to get decisions on mast proposals.
9. Development Management Officers will continue to invest time and resources on producing reports for the Planning Committee on mast proposals, many of which the Planning Committee does not wish to discuss.

CONCLUSION

10. That the delegation to officers to determine planning applications and consequential updates to the Officers Scheme of Delegation set out within paragraphs 6 and 7 of this report be agreed by the Planning Committee to take immediate effect.

Enquiries:

For further information on this report please contact Lee Smith (direct line 01329 824427)

Report to Planning Committee

Date: 27 January 2016

Report of: Director of Planning and Regulation

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

(1) Items relating to development in the Western Wards; Sarisbury, Warsash, Park Gate, Titchfield, Titchfield Common and Locks Heath will be heard from 2.30pm

2) Items relating to development in the Fareham Town, Fareham South, Fareham North, Fareham North-West, Fareham East, Fareham West, Stubbington, Hill Head and Portchester will be heard no earlier than 4.30pm

ZONE 1 - WESTERN WARDS

Park Gate
Titchfield
Sarisbury
Locks Heath
Warsash
Titchfield Common

Reference		Item No
P/15/0267/FP TITCHFIELD	CARRON ROW FARM 15 SEGENSWORTH ROAD TITCHFIELD FAREHAM PO15 5DZ CHANGE OF USE LISTED BARN TO 5 BEDROOM DWELLING, FORMATION OF ACCESS AND GARDEN CURTILAGE, DEMOLITION OF SINGLE STOREY BUILDING, DEMOLITION OF THE TOILET BLOCK, DEMOLITION OF THE SINGLE STOREY FISHERMANS HUT AND REPLACEMENT WITH 3 BEDROOM DWELLING, FORMATION OF ACCESS AND GARDEN CURTILAGE FOR NEW DWELLING, FORMATION OF CAR PARKING FOR ANGLERS, ERECTION OF HERITAGE INTERPRETATION SIGN	1 REFUSE
P/15/0268/LB TITCHFIELD	CARRON ROW FARM 15 SEGENSWORTH ROAD TITCHFIELD FAREHAM PO15 5DZ CHANGE OF USE LISTED BARN TO 5 BEDROOM DWELLING WITH ASSOCIATED INTERNAL ALTERATIONS.	2 LISTED BUILDING CONSENT
P/15/0576/FP LOCKS HEATH	100 LOCKS ROAD LOCKS HEATH FAREHAM SO31 6NR DEMOLITION OF EXISTING BUILDING AND REDEVELOPMENT COMPRISING, VEHICULAR ACCESS FROM LOCKS ROAD FOR 9 NO. DWELLINGS AND ASSOCIATED WORKS	3 PERMISSION
P/15/0947/FP WARSASH	LAND TO THE REAR OF 20 CHURCH ROAD WARSASH FAREHAM SO31 9GD FOUR 4 BEDROOM DETACHED HOUSES, GARAGE & CAR PORTS, PARKING AND NEW ACCESS OFF SANDYCROFT.	4 PERMISSION
P/15/1023/FP WARSASH	20 CHURCH ROAD WARSASH FAREHAM SO31 9GD DEMOLITION OF EXISTING SINGLE GARAGE AND THE ERECTION OF NEW DOUBLE DETACHED CAR PORT WITH USE OF THE EXISTING ACCESS.	5 PERMISSION
P/15/0990/FP TITCHFIELD COMMON	70 HUNTS POND ROAD - LAND TO REAR - PARK GATE SOUTHAMPTON HAMPSHIRE SO31 6QW ERECTION OF DETACHED THREE BEDROOM CHALET STYLE BUNGALOW AND DETACHED GARAGE WITH ACCESS FROM CRISPIN CLOSE	6 PERMISSION

P/15/1215/SU TITCHFIELD	ROWAN WAY FAREHAM HAMPSHIRE PO14 3AF REPLACE 15M MONOPOLE WITH 14.7M PHASE 4 MONOPOLE WITH ONE ADDITIONAL EQUIPMENT CABINET.	7 PRIOR APPROVAL NOT REQUIRED
P/15/1231/CU TITCHFIELD	29 CATISFIELD ROAD FAREHAM HAMPSHIRE PO15 5LT CHANGE OF USE FROM SINGLE DWELLINGHOUSE (USE CLASS C3) TO A MIXED USE COMPRISING CONTINUED RESIDENTIAL USE AND CONTINUED USE OF INDOOR SWIMMING POOL & ASSOCIATED AREAS OF THE BUILDING TO PROVIDE SWIMMING LESSONS (SUI GENERIS)	8 REFUSE
Q/0005/16	22 SUFFOLK DRIVE WHITELEY FAREHAM HAMPSHIRE PO17 7DE WITHOUT PLANNING PERMISSION, CHANGE OF USE FROM DWELLING (USE CLASS C3) TO MIXED USE COMPRISING USE OF ORIGINAL GARAGE AS HAIRDRESSING SALON AND RESIDENTIAL USE OF THE REST OF THE HOUSE (SUI GENERIS)	9 Grant Deed of Variation

Agenda Item 8(1)

P/15/0267/FP

TITCHFIELD

MR STEVE AND JO HAMMOND

AGENT: JACKSON PLANNING
LTD

CHANGE OF USE LISTED BARN TO 5 BEDROOM DWELLING, FORMATION OF ACCESS AND GARDEN CURTILAGE, DEMOLITION OF SINGLE STOREY BUILDING, DEMOLITION OF THE TOILET BLOCK, DEMOLITION OF THE SINGLE STOREY FISHERMANS HUT AND REPLACEMENT WITH 3 BEDROOM DWELLING, FORMATION OF ACCESS AND GARDEN CURTILAGE FOR NEW DWELLING, FORMATION OF CAR PARKING FOR ANGLERS, ERECTION OF HERITAGE INTERPRETATION SIGN
CARRON ROW FARM 15 SEGENSWORTH ROAD TITCHFIELD FAREHAM PO15 5DZ

Report By

Mark Wyatt. Direct dial 01329 824704

Amendments

Amended plans were received on 25/11/2015 revising the layout and elevations of the listed barn, a revised landscape scheme, revised layout and design of the new dwelling proposed to replace the fishermans hut, updated supporting statement and a Phase 2 Bat Assessment Report.

Further amended plans received 7/1/16 to address Historic England's comments revising fenestration to the first floor southern elevation of the barn and provision of a hedge to the car park adjacent to the fishponds.

Introduction

The application is presented to the Committee at the request of the Local Ward Member, Cllr Mrs Hockley.

Site Description

The application site is an almost rectangular parcel of land accessed from a long drive off the south side of Segensworth Road. The drive that accesses the site is a public right of way which continues south beyond the application site.

The site consists of a grade II listed barn on its western edge, adjacent to the footpath. To the north of the barn is a small toilet building for use by the fishermen, which sits adjacent to the boundary with the model railway site.

Due south of the barn the site is used informally for the parking of vehicles along with some unmaintained areas of landscaping. The parking area is generally used by fishermen who use the lakes to the south of the application site.

The site levels fall from the west to the east. Immediately to the east of the barn is a building used for dog grooming and dog day care. This building is unauthorised and does not benefit from a planning permission however this is accepted as immune from any enforcement action by virtue of the passage of time and specifically the passing of a four year period.

Along the eastern side boundary is a single storey, brick built with corrugated metal roof building used as a maintenance and equipment store by the fishermen using the lakes.

This building is referred to in the application as the "fishermans hut".

The application site is also within the Titchfield Abbey Conservation Area.

Description of Proposal

The application seeks full planning permission for the conversion of and change of use of the barn to a dwelling. The proposal also proposes the removal of the dog day care building and the landscaping of the land to the north and south of the barn to provide vehicle access, parking and garden areas. To the south of the barn the parking area for the lakes is revised and redesigned to pull the parking area away from the fishing lakes with new landscaping also proposed to help this part of the proposal integrate with the surroundings.

The application also proposes a new dwelling in lieu of the fishermans hut on the eastern side of the site. The dwelling would be served by the same access as the barn and is designed with an "L" shape footprint designed as a principally single storey building although one bedroom is proposed in the roofspace.

Policies

The following policies and guidance apply to this application:

The National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Titchfield Abbey Conservation Area Character Appraisal and Management Strategy

Approved Fareham Borough Core Strategy

CS2 - Housing Provision

CS6 - The Development Strategy

CS11 - Development in Portchester, Stubbington and Hill Head

CS14 - Development Outside Settlements

CS15 - Sustainable Development and Climate Change

CS17 - High Quality Design

Development Sites and Policies

DPS1 - Sustainable Development

DSP5 - Protecting and enhancing the historic environment

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

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

Relevant Planning History

The following planning history is relevant:

FBC.5039/23 - Planning permission for barn conversion and adjacent buildings for B1 use - Permission 15/10/1991

FBC.5039/24 - Listed Building Consent for Barn conversion - Listed Building Consent 15/10/1991

P/96/0471/LB - Alteration and refurbishment of existing barns and adjoining buildings - renewal of FBC.5039/24 - Listed Building Consent 26/07/1996

P/96/0740/FR - Change of use of barn and adjacent buildings to b1c) - renewal of FBC.5039/23 - permission 26/07/1996

P/99/0682/LB - Restoration and alterations to barn including partial demolition (part alternative to P/96/0471/LB - Listed Building Consent granted 06/09/1999

P/99/0681/FP - Restoration and alterations to barn buildings and change of use to class B1 (part alternative to P/96/0470/FR) - Invalid 23/07/1999

Whilst this application is recorded as being invalid, it benefitted from a committee resolution to grant a planning permission subject to a s106 agreement. The agreement was never signed and the permission was not, therefore, issued.

Representations

Originally Submitted plans:

The Fareham Society:

- The principle of the barn conversion seems acceptable however the number of bedrooms sought seems to require too much subdivision
- Great care will be needed with external features and detailing
- The Society is not clear if the fishermans shed qualifies as a building of permanent and substantial construction as required by policy DSP7

No comments were received for the amended plans.

Consultations

INTERNAL CONSULTATIONS:

Highways: No objection.

Environmental Health - Contamination: No objection subject to condition

Conservation: No objection in principle to the barn conversion subject to conditions. The new dwelling is of appropriate design and separation such that no objection is raised

Ecology: No objection subject to conditions

EXTERNAL CONSULTATIONS:

Historic England: Suggest that a hedge be included on the south side of the car park and the first floor fenestration of the south elevation of the barn be design in a less domestic fashion.

Planning Considerations - Key Issues

The key planning considerations in the determination of this application are:

- The principle of the Barn Conversion
- The principle for the new dwelling in lieu of the Fishermans hut

- The impact on the Historic Environment
- Highways
- Solent Recreation Mitigation Strategy

THE PRINCIPLE OF THE BARN CONVERSION:

The application site is, for the purposes of planning policy, in the countryside and within a Strategic Gap.

Policy CS14 of the Local Plan Part 1 seeks to restrict new built development but is permissive of the conversion of existing buildings such as the listed barn on the application site. Local Plan Part 2 Policy DSP6 (ii) then sets out more detailed policy tests to facilitate such a conversion. DSP6 (ii) provides for the conversion of a non-residential building where:

- a) The building is of substantial construction and does not require major or complete reconstruction; and
- b) There is evidence to demonstrate that there are no other suitable alternative uses that the building could be put to and that the conversion would lead to an enhancement of the buildings immediate setting.

The Barn is a grade II listed building. It is a long standing building on the site and is clearly visible on the 1870 Ordnance Survey map. The barn has undergone a partial conversion to an employment use pursuant to the Listed Building Consent P/99/0682/LB. The works previously undertaken appear to have included repairs to the seventeenth century timber frame. It is understood that following the storm of October 1987 the current tiled roof was laid in order to make the building watertight. The building is currently vacant and has been for a number of years, however it is of substantial construction and capable of conversion without major or complete reconstruction. As such criterion a) of the policy is satisfied.

It is noted in the planning history that there was an application for a courtyard of buildings to the east of the barn. This application was for new buildings for commercial use as well as the conversion of the barn itself for an employment generating use. Whilst the Listed Building Consent was granted for this conversion (P/99/0682/LB refers) the associated planning permission (P/99/0681/FP) was never issued. The planning application progressed to a resolution from the Planning Committee to grant a permission for these buildings subject to the prior completion of a legal agreement. The applicant at the time did not sign the agreement and so the permission was never issued.

In terms of criterion b) the application includes details of a marketing exercise in 2000 carried out by Hughes Ellard confined to the barn itself and not the potential courtyard office development. This exercise at that time found no users or interested parties for the barn as an employment generating site.

Since the recession in 2008/09 there has been no further marketing undertaken by the applicant. The reason for this, the application submits, is because the conversion costs for a commercial use of the building is simply unviable such that there is little point marketing a scheme that is unachievable. The use that would provide the necessary return to complete the conversion of the barn, and as a result ensure the retention of and active re-use of a heritage asset, is a residential use.

The information in support of the application sets out that the estimate to complete the conversion of the 300 square metre barn would be in the range of £300,000- 450,000 with

an additional £100,000 for landscape works including the car park. This is an estimate of building costs based on current BCIS ranges and it therefore seems reasonable.

Hughes Ellard have advised the applicant that commercial rents are between £120-150/sqm giving a potential income between £36,000- 45,000 for the completed barn.

Given the large amount of commercial floorspace available in the area Hughes Ellard estimate that it would take possibly 6-12 months before a let can be secured. Given the competitive market and surfeit of floorspace to attract a tenant the current market expectation would be for between 6-12 months rent free period to secure a five year tenancy.

This means that over a period of a five year tenancy with the most optimistic budget the conversion cost will not be recovered, and possibly not until in excess of fifteen years post conversion would the building start to make any income for an investor, using the most optimistic BCIS costings.

Given that a return may only be available after year 15 it is not an attractive investment for any lender or bank when taking into account interest and lending costs. This would suggest that finance would not be available to support this project as a commercial use.

The property with a commercial permission would likely result in a negative value, and would be too high risk for a conversion for lenders and developers and it would result in leaving the historic building empty and without a positive future use.

In light of this submission from the applicant it is accepted that there are no viable alternative uses for the building other than a residential use.

The proposal also includes the removal of the three buildings described above; namely the fishermans hut, the dog day care building and the small toilet building. The removal of these buildings from within the setting of the Listed Barn and the proposed new garden and curtilage for the barn would be a clear enhancement to its immediate setting and as such the conversion of the barn to a residential use is acceptable and compliant with criterion b) of the policy.

Given that the proposed barn conversion provides for no additional building works and the building is a long standing fixture in the landscape it is not considered to be a form of development that would result in demonstrable harm to the integrity of the strategic gap by virtue of diminishing it physically or visually.

THE PRINCIPLE FOR THE NEW DWELLING IN LIEU OF THE FISHERMANS HUT:

The application proposes the removal of the fishermans hut and its replacement with a new four bedroom dwelling.

The Fareham and District Society have queried whether the fishermans hut is of substantial construction capable of conversion. This is not a conversion of the fishermans hut, but is a replacement building with a new use.

Policy CS14 restricts new residential development such as this within the countryside. The tests in policy DSP6 only provide for new dwellings in limited circumstances which include:
- The demonstration of an essential need for a rural worker;

- It involves the conversion of an existing non-residential building (as discussed above for the barn conversion); and
- It provides for infill opportunities.

The applicant submits that the adopted development plan policies allow for limited appropriate sustainable development outside of the defined urban settlement boundaries. The applicant's case, relies on the Local Plan Inspectors conclusions in his Report that "Although it is important to conserve and enhance the natural environment, there may be opportunities for sustainable development in locations outside the defined settlement boundaries". The applicant's case suggests therefore that this provides a mechanism for the provision of a dwelling in replacement of the fishermans hut on the application site.

Officers disagree with this conclusion. It is considered that the applicant has been selective with the extent of the Inspectors Report being used to justify a new dwelling in the countryside. The Inspectors Report actually continues "...In order to clarify the Council's approach [to allowing sustainable development outside of settlement boundaries] it is recommended that an additional criteria be added to policy DSP7 [now DSP6] which establishes that in certain circumstances the appropriate infilling of an existing and continuous built-up residential frontage outside a settlement boundary may be justified" (para 22, page 8 of the Local Plan Inspectors Report).

It is clear therefore that the Inspector did not provide a mechanism for new residential development in the countryside in the manner suggested by the replacement of the fishermans hut with a dwelling, but in fact the infill criteria was added to the Local Plan Part 2 as a main modification.

The application does not make any enabling development case for the barn conversion being dependant on the proposed new dwelling. However, the application proposes that the scheme will provide for the removal of three buildings - the dog day care building, the fishermans hut and the toilet building - all in close proximity to the barn and that their loss should be taken as an improvement to the setting of the listed building and as part of the wider conservation package of improvements to the immediate site. These three buildings are to be replaced by just one; the new dwelling on the site of the fisherman hut. This one building is, according to the application, 16.5sqm larger in building footprint than the three to be removed.

There is no doubt that the removal of these three buildings will enhance the setting of the listed barn, especially the removal of the dog day care building which is very close to the main barn. The siting and the design of the proposed dwelling in the context of the setting of the barn and the wider historic environment will be assessed later in this report, however the removal of these three buildings alone are not considered to justify the erection of a new dwelling in the countryside.

In terms of other material considerations; it is noted that on the land at Drove Lea Farm to the immediate east / north east of the application site two appeals were dismissed in May 2002 and November 2011 (P/01/0201/CU & P/11/0169/FP refer respectively) for new built development in the countryside and Conservation Area; although the proposals were for a non-residential building. The Inspector in 2011 noted that there are distant views of the site from the public Bridleway to the east of the site and that these views are important. The current application site is also visible from this path such that the views of the site are also considered important. The Inspector in the first appeal found that "The Meon Valley remains an attractive, relatively unspoilt rural area". The Inspector did acknowledge that the area

was under pressure from development and he noted a "...variety of uses typical of the urban fringe including garden centres, commercial uses such as those on Drove Lea Farm, the model engineering society [to the north of the current application site], the keeping of horses and associated stables [of which there is some to the northwest of the application site in land edged blue]" on his site visit. However his conclusion was that the pressure for development in the area means that "...it is important that strict control is maintained over new buildings". Even if it is considered that the proposed building would be well screened the Inspector found that "...the fact that a building is not prominent is not itself a good reason to grant permission since such an argument can be repeated too easily".

The Inspectors conclusions on the character of the area are clearly still relevant for the application site.

The applicant puts significant weight on the planning history and the fact that the Local Planning Authority had a resolution from the Planning Committee for a courtyard development of buildings to the east of the barn in the location of the proposed new dwelling, P/99/0681/FP refers.

Whilst the resolution from the Committee to grant a permission for a courtyard office development is noted, there is no actual planning permission due to the applicant at that time not signing a s106 agreement. Whilst the history is a material consideration, in the absence of a planning permission actually being granted, it is not considered appropriate to afford it as much weight as the applicant suggests.

Notwithstanding this, the proposed office use development in the courtyard form, it appears, was found acceptable in order to facilitate the removal of a skip storage use from the site. It transpires that the applicant at the time was reluctant to sign up to such an agreement hence no permission was issued. It appears, therefore, that the office/courtyard resolution was in order to enable the tidying up of the site and for the preservation of the barn. The harm was clearly balanced against the gain of the site being more tidy. The site is now far more tidy than at that time and the barn is not a building at risk.

It is considered that for the current application there are no identified material considerations that are to be afforded such significant weight that they override the policies of the development plan. Whilst the barn conversion is acceptable and the removal of the three unsympathetic buildings from the site are to be encouraged, they do not amount to the necessary justification for a new dwelling in the countryside as a departure from the development plan policies. The proposed new dwelling therefore conflicts with the requirements of policies CS14 and DSP6.

Whilst there is a clear conflict with the policies that apply pursuant to the principle for the development; the additional 16sqm of building footprint from the new dwelling, essentially on the site of the fishermans hut, is however, not considered to comprise the integrity of the strategic gap either physically or visually such that a reason for refusal could be substantiated on the gap impact.

THE IMPACT UPON THE HISTORIC ENVIRONMENT:

The barn is grade II listed and even with the partially complete internal works, it has retained its open character and the original timber frame has been sensitively repaired. Retaining the openness of its interior and the legibility of its timber frame is important to retaining its character. The amended plans received in November 2015 reduce the amount of

mezzanine flooring back to that previously found acceptable in the listed building consent P/99/0682/LB. The internal character of the barn is now considered to be retained to an acceptable degree with the barn open from floor to roof through the two cart entrances and the first bay to the north of the entrance; so two full bays. The extent of mezzanine flooring and partition walling will also allow for further views to the roof over a further bay to the north and the two bays to the south of the cart entrance; resulting in the visible roof and space across five of the six bays in the barn.

There are some alterations to the building undertaken that do not benefit from listed building consent. Notably some of the windows and the eastern wagon entrance has been extended further than was previously approved. This application, however, is an opportunity to regularise and resolve these matters. The existing machine made tiles on the building detract from its historic character, their replacement with a more appropriate alternative would be a great improvement and this element of the proposal is supported.

The removal of the dog day care building would be a significant improvement to the buildings setting and the provision of a garden around the barn with a native hedgerow to define the boundaries is considered appropriate.

The site lies within the Titchfield Abbey Conservation Area and the evidence in the Titchfield Abbey Conservation Area Character Appraisal is relevant. The rural character of the Meon Valley is identified as important as is its vulnerability to change. This reflects the findings of the Inspectors quoted above. The proposed new house and garden close to the barn has been amended to provide a lower scale building and is now of a design that is less domestic in height, scale and architecture. It would be read as an outbuilding to the barn from distance and its siting is at an acceptable distance from the barn such that the conservation harm is considered to be limited.

In the distant views of the site from the footpath network due east of the site, the proposed dwelling would be on lower ground to the barn and the barn would be better revealed through its conversion, re-roofing and as a result of the removal of the dog day care building. The applicant submits that the additional 16sq.m of building footprint would not result in demonstrable harm to the character and appearance of the Conservation Area or the setting of the listed building.

The statutory test for development that affects the setting of a Listed Building (Section 66 of the Planning (Listed Building & Conservation Areas Act 1990)) or within a Conservation Area (Section 72 of the same Act) is that the proposal must have special regard to the desirability of preserving the building or its setting and to preserve or enhance the character of the Conservation Area. In this case there is agreement that the proposal will be to the benefit of the listed building setting thus preserving the setting of the listed building and the proposal is considered to preserve the character and appearance of the conservation area.

To the south of the barn is an informal area of car parking and beyond this are a set of fishponds which are part of the Titchfield Abbey Scheduled Monument (SM). Historic England provides advice on matters relating to SMs.

Investigations in the 1980s showed that the Titchfield Abbey fishponds were built in the 13th century and continue to be used today. The current use of the land between the ponds and the barn, which includes casual parking and dumped piles of earth, detracts from the rural character of the setting of the SM.

Revisions to the proposed layout have been made to ensure that the proposed parking area south of the barn, right on the edge of the SM, will not have a harmful impact through the provision of additional landscaping, most specifically a hedge to the southern boundary between the parking and the northern edge of the ponds. It is also noted that the car park layout results in a reduction in its size with the effect that the parking area is moved away from the northern edge of the fishponds. Additionally the proposal provides for the provision of an information/interpretation board at the entrance to the lakes with some detail of their history and link to the Abbey.

The south elevation of the barn has also been reviewed to ensure that the fenestration does not appear too domestic and is of agricultural appearance to ensure that the connection between the ponds and a former agricultural building is retained. Historic England conclude that the new dwelling on the site of the fishermans hut will have a neutral impact upon the setting of the scheduled monument and defer to the Council's Conservation Advice to establish its acceptability in terms of the Conservation Area and the setting of the listed building.

As well as the benefits to the Listed building through the removal of the three buildings already discussed, the applicant submits that the redesign of the car park to the south of the barn, the changes to the barn fenestration and the re-roofing of the barn with a more appropriate roof tile should be taken in the round when balancing the heritage benefit against the provision of a new dwelling in the countryside.

It is noted that Historic England do not see that the proposed new house is harmful to the SM however the application makes no case, like it doesn't for the barn conversion, that the new dwelling on the site of the fishermans hut is needed to enable car park and landscape works to be undertaken. There is no clearly defined conservation deficit evidenced to justify, even when taken in the round, a new dwelling in the countryside.

HIGHWAYS:

As the proposals include the closure of the dog grooming/day care facility, thus removing from the site a significant amount of daily traffic, there is no highway objection to the proposed creation of two dwellings in this complex of buildings.

SOLENT RECREATION MITIGATION STRATEGY:

The Borough of Fareham benefits from a stretch of coastline that has been internationally recognised as Special Protection Areas (SPA's). The European Habitats and Birds Directives protect rare species and habitats. The Directives have been transposed into UK law through the Habitats Regulations. Under these Regulations, the borough council must assess whether or not a proposed development is likely to have a significant effect on an SPA.

An assessment is required by the Local Planning Authority to determine whether the proposal is likely to have a significant effect on a European site. If necessary, avoidance or mitigation measures could be included to remove the harm which otherwise would have occurred. It is also necessary to look at the proposal in combination with other developments in the local area.

Policy CS4 (Green Infrastructure, Biodiversity and Geological Conservation) of the Core Strategy sets out that the habitats of importance to the borough, including SPA's will be

protected. The policy also proposes that Fareham Borough Council will work with other authorities in the PUSH area to develop and implement a strategy to protect European Sites from recreational pressure. CS4 sets out that developments likely to have an individual or cumulative adverse impact will not be permitted unless the necessary mitigation measures have been secured. Local Plan Part 2 Policy DSP15 also seeks to secure mitigation for developments that would have in-combination effects on the SPA's.

As the SRMS study suggests, recreational disturbance on the SPA will require mitigation so to avoid adverse impacts on these features. The content of policy CS4 is considered an appropriate way for the LPA to address the requirements under the Regulations.

The applicant has provided the necessary financial contribution towards the Solent Recreation Mitigation Strategy interim strategy, such that the proposed development is considered to mitigate its impact and would, in combination with other developments, not increase the recreational pressure and habitat disturbance to the Solent Coastal Protection Areas.

SUMMARY

The proposed conversion of the barn to a residential use is considered to be an acceptable re-use of the building with there being no other acceptable alternative uses for the building. The proposed re-design and landscaping of the car parking area to the south of the barn is also considered to be acceptable without demonstrable harm to the SM. It is considered that the proposal will preserve the character and appearance of the Conservation Area and the setting of the Listed Building and Scheduled Monument and thus the relevant statutory conservation tests are considered to have been met.

However, the proposed dwelling in replacement of the fishermans hut, whilst an acceptable design, represents a new dwelling in the countryside for which there is no overriding need demonstrated. The overall heritage benefit of the proposals is noted - the improved setting of the SM and the removal of the three buildings around the barn - however these components, when taken in the round, do not provide the required justification for a new dwelling in an area of restraint and the applicant, it appears, has mis-read the findings of the Local Plan Inspector when considering sustainable development outside of settlement boundaries. There are no other identified material considerations that outweigh the provisions of the development plan and as such the proposal is recommended for refusal.

Recommendation

REFUSE for the reasons:

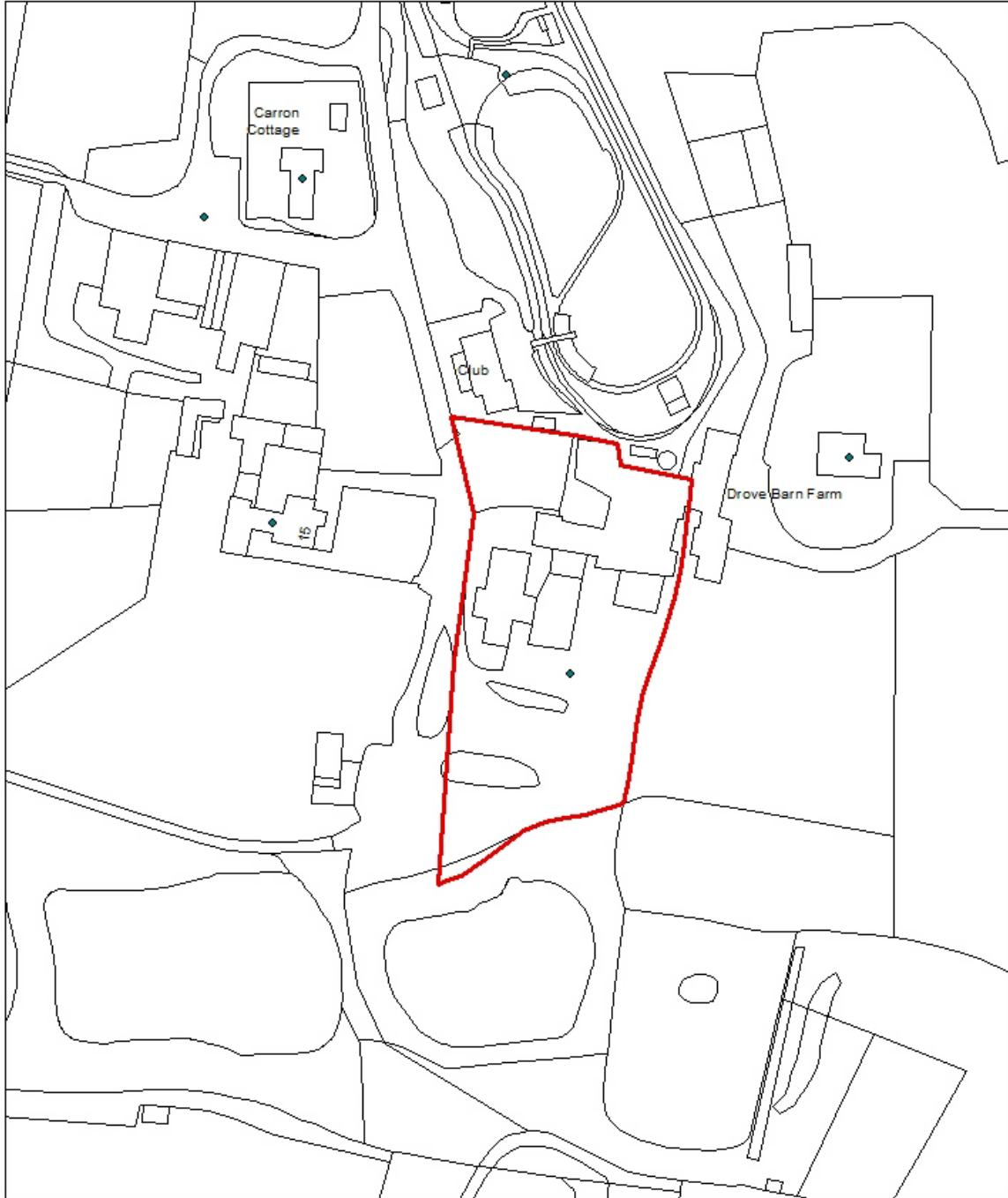
1) The proposed replacement of the fishermans hut with a new dwelling would be contrary to Policies CS14 of the Fareham Borough Core Strategy (Local Plan Part 1) and DSP6 of the Fareham Borough Development Sites and Policies Plan (Local Plan Part 2). The proposal will result in an undesirable addition of a new dwelling in the countryside for which there is no overriding need demonstrated.

Background Papers

see "Relevant Planning History" section above

FAREHAM

BOROUGH COUNCIL



Carron Row Farm
15 Segensworth Road
SCALE: 1:1,250

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Agenda Item 8(2)

P/15/0268/LB

MR STEVE AND JO HAMMOND

TITCHFIELD

AGENT: JACKSON PLANNING
LTD

CHANGE OF USE LISTED BARN TO 5 BEDROOM DWELLING WITH ASSOCIATED
INTERNAL ALTERATIONS.

CARRON ROW FARM 15 SEGENSWORTH ROAD TITCHFIELD FAREHAM PO15 5DZ

Report By

Mark Wyatt. Direct dial (01329) 824704

Amendments

Amended plans were received on 25/11/2015 revising the layout and elevations of the listed barn, a revised landscape scheme, revised layout and design of the new dwelling proposed to replace the fishermans hut, updated supporting statement and a Phase 2 Bat Assessment Report.

Further amended plans received 7/1/16 to address Historic England's comments revising fenestration to the first floor southern elevation of the barn and provision of a hedge to the car park adjacent to the fishponds.

Introduction

The application is presented to the Committee at the request of the Local Ward Member, Cllr Mrs Hockley.

Site Description

The application site is an almost rectangular parcel of land accessed from a long drive off the south side of Segensworth Road. The drive that accesses the site is a public right of way which continues south beyond the application site.

The site consists of a grade II listed barn on its western edge, adjacent to the footpath. To the north of the barn is a small toilet building, which sits adjacent to the boundary with the model railway site, for the use by the fishermen.

Due south of the barn the site is used informally for the parking of vehicles along with some unmaintained areas of landscaping. The parking area is generally used by fishermen who use the lakes to the south of the application site.

The site levels fall from the west to the east. Immediately to the east of the barn is a building used for dog grooming and dog day care. This building is unauthorised and does not benefit from a planning permission however this is accepted as immune from any enforcement action by virtue of the passage of time and specifically the passing of a four year period.

Along the eastern side boundary is a single storey, brick built with corrugated metal roof building used as a maintenance and equipment store by the fishermen using the lakes. This building is referred to in the application as the "fishermans hut".

The application site is also within the Titchfield Abbey Conservation Area.

Description of Proposal

The application listed building consent for the conversion of and change of use of the barn to a dwelling.

Policies

The following policies and guidance apply to this application:

National Planning Policy Framework (NPPF)

Development Sites and Policies

DSP5 - Protecting and enhancing the historic environment

Relevant Planning History

FBC.5039/23 - Planning permission for barn conversion and adjacent buildings for B1 use - Permission 15/10/1991

FBC.5039/24 - Listed Building Consent for Barn conversion - Listed Building Consent 15/10/1991

P/96/0471/LB - Alteration and refurbishment of existing barns and adjoining buildings - renewal of FBC.5039/24 - Listed Building Consent 26/07/1996

P/96/0740/FR - Change of use of barn and adjacent buildings to b1c) - renewal of FBC.5039/23 - permission 26/07/1996

P/99/0682/LB - Restoration and alterations to barn including partial demolition (part alternative to P/96/0471/LB - Listed Building Consent granted 06/09/1999

P/99/0681/FP - Restoration and alterations to barn buildings and change of use to class B1 (part alternative to P/96/0470/FR) - Invalid 23/07/1999

Whilst this application is recorded as being invalid, it benefitted from a committee resolution to grant a planning permission subject to a s106 agreement. The agreement was never signed and the permission was not, therefore, issued.

Consultations

INTERNAL CONSULTATIONS:

Conservation: No objection in principle to the barn conversion subject to conditions.

EXTERNAL CONSULTATIONS:

Historic England: Suggest that a hedge be included on the south side of the car park and the first floor fenestration of the south elevation of the barn be design in a less domestic fashion.

Planning Considerations - Key Issues

The key planning considerations are:

- The principle for altering a listed building; and
- the impact upon its historic character and architecture.

THE PRINCIPLE FOR ALTERING A LISTED BUILDING:

Protecting and enhancing the historic environment contributes to the Government's aim of achieving sustainable development through the planning system. The conservation of heritage assets in a manner appropriate to their significance is one of the core principles within the NPPF. Heritage assets are an irreplaceable resource that require conservation in a manner appropriate to their significance. The principle for the re-use of the building and the conversion works are acceptable in principle in ensuring the preservation and active reuse of this grade II listed building subject to the assessment below.

THE IMPACT UPON ITS HISTORIC CHARACTER AND ARCHITECTURE:

The Barn at Carron Row Farm probably dates from the seventeenth century or early eighteenth century but according to the listing description it could be of earlier origin. The barn is a timber framed building with red brick infill panels and rendered white. The North end wall has timber framing exposed and some wall posts are also exposed in the side (west) wall. The barn is constructed in English band brickwork with vents spaced as in Tith Barn at Fern Hill Farm. The roof is half-hipped now clad in unsympathetic machine made clay tiles.

Internally the barn is of aisled form and has six bays. The timber frame has tie beams, straight braces and a through purlin roof with no ridge piece or collars. All timbers are morticed and pegged in but according to the listing description the wall posts appear to be of sawn timber. There are double opposite wagon entrances with a hipped roof over each.

The barn is grade II listed and even with the partially complete internal works, it has retained its open character and the original timber frame has been sensitively repaired.

Retaining the openness of its interior and the legibility of its timber frame is important to retaining its character. The amended plans received in November 2015 reduce the amount of mezzanine flooring back to that previously found acceptable in the listed building consent P/99/0682/LB.

Following the submission of amended plans the internal character of the barn is now considered to be retained to an acceptable degree with the barn open from floor to roof through the two cart entrances and the first bay to the north of the entrance; so two full bays. The extent of mezzanine flooring and partition walling will also allow for further views to the roof over a further bay to the north and the two bays to the south of the cart entrance; resulting in the visible roof and space across five of the six bays in the barn.

There are some alterations to the building undertaken that do not benefit from listed building consent. Notably some of the windows and the eastern wagon entrance has been extended further than was previously approved. This application, however, is an opportunity to regularise and resolve these matters. The existing machine made tiles on the building detract from its historic character, their replacement with a more appropriate alternative would be a great improvement and this element of the proposal is supported.

In considering whether to grant listed building consent for any works the local planning authority shall, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In this case the proposal will regularize some of the previously undertaken

unauthorized work, provide new fenestration more appropriate to the historic character of the building, re-roof the material in a more sympathetic material and provide for an active use in the building which will maintain its longevity. As such the proposal is considered to preserve the special architecture and historic interest of the building and as such it is recommended that listed building consent be granted.

Recommendation

LISTED BUILDING CONSENT subject to conditions:

01. The works hereby consented shall be begun within three years from the date of this decision.

Reason: To comply with the provisions of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

02. No development shall take place until full details of all new joinery, including doors (internal and external), windows and other internal structures, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include drawings at a scale of 1:10 (unless otherwise agreed in writing), of plans, elevations and sections. They should also include full size profiles of all timber members including glazing bars. The method of opening windows shall also be shown and window and door furniture. The works shall be carried out in accordance with the approved details.

Reason: To preserve the significance of the listed building.

03. No development shall take place until details, including samples where required, of all the external materials to be used in the repair and conversion of the barn have been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

Reason: To preserve the significance of the listed building.

04. No development shall take place until a typical section has been provided showing the proposed method and materials to be used for the provision of thermal insulation to the roof of the barn. The works shall be undertaken in accordance with the approved details.

Reason: To preserve the significance of the listed building.

05. No development shall take place until details of the type, colour and pointing finish of the mortars to be used in the repair and conversion of the barn, to include samples provided on the site, have been approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

Reason: To preserve the significance of the listed building.

06. No development shall take place until a detailed schedule of works for the interior of the barn, specifying the methods and materials to be used, has been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

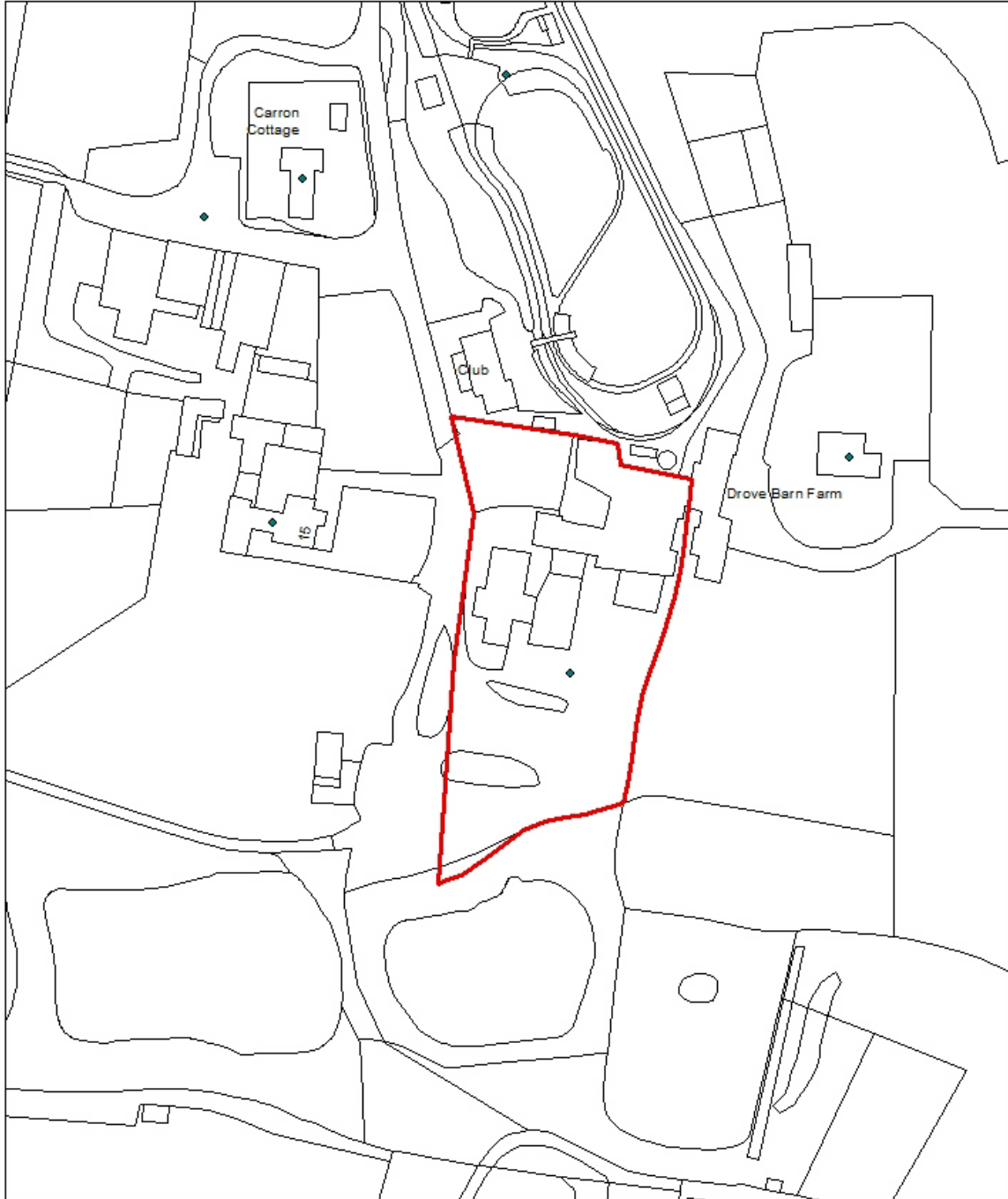
Reason: To preserve the significance of the listed building.

Background Papers

see "relevant history section" above.

FAREHAM

BOROUGH COUNCIL



Carron Row Farm
15 Segensworth Road
SCALE: 1:1,250

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Agenda Item 8(3)

P/15/0576/FP

SOUTHCOTT HOMES
(FAREHAM) LIM

DEMOLITION OF EXISTING BUILDING AND REDEVELOPMENT COMPRISING,
VEHICULAR ACCESS FROM LOCKS ROAD FOR 9 NO. DWELLINGS AND
ASSOCIATED WORKS

100 LOCKS ROAD LOCKS HEATH FAREHAM SO31 6NR

LOCKS HEATH

AGENT: SOUTHCOTT HOMES
(FAREHAM)

Report By

Rachael Hebden Direct dial (01329) 824424

Site Description

100 Locks Road is a residential site which currently contains a detached, two storey dwelling with outbuildings set within a large garden.

There are a number of trees and mature shrubs in the garden, particularly around the perimeter, however while they contribute to the verdant character of the site, none have been identified as being worthy of protection.

There are residential properties to the north, east and south of the site. There are also residential properties to the west of the site, on the opposite side of Locks Road.

Description of Proposal

The application is for seven no. 3 bed dwellings and one no. 4 bed dwelling together with car ports, parking and soft landscaping. The dwellings would be accessed from one vehicular access off Locks Road.

The layout comprises two pairs of 3 bed, semi-detached dwellings together with one, 4 bed, detached dwelling positioned along the west boundary, fronting Locks Road (plots 1-5). Three detached, 3 bed dwellings (plots 6-8) would be positioned to the rear of plots 1-5. Plot 8 would be a two storey property and plots 6 and 7 would be detached, chalet style bungalows.

Policies

The following guidance and policies apply to this application:

National Planning Policy Framework 2012

Fareham Borough Design Guidance (excluding Welborne) Supplementary Planning Document

Residential Car and Cycle Parking Standards Supplementary Planning Document

Approved Fareham Borough Core Strategy

CS2 - Housing Provision

CS15 - Sustainable Development and Climate Change

CS18 - Provision of Affordable Housing

CS17 - High Quality Design

DSP3 - Impact on living conditions
CS6 - The Development Strategy
CS7 - Development in Fareham
CS9 - Development in Western Wards and Whiteley

Development Sites and Policies

DPS1 - Sustainable Development
DSP15 - Recreational Disturbance on the Solent Special Protection Areas
DSP2 - Environmental Impact
DSP3 - Impact on living conditions

Representations

The plans recommended for approval were advertised however no objections were received.

Eight objections were received in response to the previous plans raising the following issues:

- Loss of hedge along boundary with no. 18
- Loss of privacy to no's 12 & 18 Lambourne Drive and no's 56 & 57 High Oaks Close
- Loss of light to no's 4 & 12 Lambourne Drive and no's 56 & 57 High Oaks Close
- Outlook from no. 18 and no. 56 High Oaks Close
- Impact of light pollution on properties in High Oaks Close
- Adverse impact on highway safety of Locks Road
- Loss of habitat and impact on wildlife
- Impact on local facilities such as doctors
- The proposed entrance is opposite no. 75's drive
- The development will result in parking on Locks Road
- Disturbance during construction period due to noise and dust

Consultations

EXTERNAL CONSULTEES

Southern Water

No objection subject to an informative advising the applicant that a formal application is required for connection to the public sewerage system. The applicant will also need to ensure that arrangements exist for the long term maintenance of the proposed SUDS.

INTERNAL CONSULTEES

Highways - No objection subject to conditions, informative with HCC contact details and funding required for a TRO along Locks Road.

Ecology - No objection subject to a condition.

Trees - No objection.

Environmental Health (Contamination) - No objection subject to conditions.

Planning Considerations - Key Issues

Principle of development

The site is within the urban area, therefore Policies CS2 and CS6 are applicable. In addition Policy CS9 which seeks to provide for residential development within the urban area provided that the setting of the area is protected, is also applicable.

The site comprises garden land which is no longer identified as previously developed land. Whilst this in itself is not a reason to resist development, proposals on residential garden sites must be considered against the criteria within Policy CS17 which requires all development to respond positively to and be respectful of the key characteristics of the area including scale, form and spaciousness. The proposed addition of eight dwellings to replace the existing dwelling, is therefore acceptable in principle subject to satisfying the criteria of the Planning Policies summarised earlier in this report.

Effect on the character of the area

The site is located within an area that is predominantly residential in character. The properties to the north and south of the site front onto Locks Road creating a staggered building line, with front gardens that incorporate on-site parking.

The proposed layout has been designed to reflect the established pattern of development in the area and incorporates two pairs of semi-detached properties together with one detached dwelling (plot no's 1-5) fronting onto Locks Road. The land to the front of the dwellings fronting Locks Road would comprise modest front gardens with evergreen hedging demarcating the front boundaries. The parking for plot no. 1-5 would be provided to the side and/or rear with vehicular access from the rear.

Plot no. 8, a two storey, detached dwelling would be located opposite the entrance to the site and would also face westwards to create a vista. Plot no's 6 and 7, both chalet style bungalows would be located in the south east section of the site.

The proposed dwellings are of an overall traditional design with pitched or hipped roofs. Chimneys have been incorporated to add interest to the roof scape. The proposed palette of materials which includes a multi brick, cream render and plain roof tiles in a dark red, are of a high quality and appropriate to the area. The proposed hard surfacing is block paving with contrasting colours for the access and parking areas.

The existing dwelling currently benefits from a large garden which is not characteristic of the area. All of the dwellings would have gardens that are of a similar size to those of neighbouring properties and are therefore considered to be in keeping with the established pattern of development in this area.

Living conditions

The layout ensures that each of the proposed dwellings has sufficient private amenity space together with allocated parking, car ports, bin and cycle storage in line with the recently adopted Residential Design Guidance.

The layout has also been designed to minimise the impact on the amenities of adjacent properties by ensuring that the minimum 'back to back' distances contained within the Residential Design Guidance are satisfied.

A number of objections were received in response to the plans originally submitted, however the applicant responded to the concerns raised by decreasing the total number of dwellings proposed from 9 to 8. The decrease in the number of dwellings proposed, together with changes to the house design has addressed a number of the concerns raised regarding impact on outlook, privacy and loss of available sunlight and although neighbours were notified of the amended plans recommended for approval, no additional objections were received.

One of the objections originally submitted raised concerns about light pollution from the proposed development, however it is not considered that the proposed development (which doesn't propose any external lighting) would have an adverse impact on the area, given its urban character.

Parking and highways

The proposed access to the site would incorporate appropriate visibility splays with a pedestrian 'crossover' for people walking past the entrance to the site. Each dwelling would have allocated car and cycle parking in line with the Residential Car Parking SPD. Allocated visitor parking spaces have also been incorporated within the site. To prevent parking along the Locks Road frontage, the applicant has agreed to enter into a legal agreement to provide a contribution towards a Traffic Regulation Order (expected to be double yellow lines) in response to concerns raised by neighbours. Appropriate conditions (set out in full at the end of the report) are recommended in line with the Highways Officer's comments.

Affordable housing and viability

The proposed development is subject to the requirements of Policy CS18 of the adopted Core Strategy which states that sites that can accommodate between five and nine dwellings will be expected to provide 30% affordable units or the equivalent financial contribution towards off-site provision.

Where development viability is an issue, developers are expected to produce a financial assessment in which the number or level of contribution is clearly demonstrated.

The plans originally submitted proposed nine dwellings which would have enabled a contribution towards the provision of off-site affordable housing, however amended plans were submitted to address Officer concerns which resulted in a decrease in the number of dwellings from nine to eight. As a result of the decrease in the total number of dwellings, the provision of a financial contribution is no longer viable.

For this application, the applicant has submitted a full financial viability assessment on a 'confidential' open book basis; a copy of which has been made available to Members to assist in their decision making.

The viability assessment shows that when the construction and other costs of delivering this residential scheme are considered against the values that the dwellings might achieve, the proposal results in a negative development value. As a consequence the applicant argues through their viability assessment that on the grounds of viability the proposal is not able to deliver any affordable housing.

Officers have sought independent financial advice in relation to the viability assessment.

The independent financial advice received states that the assumptions made within the viability assessment are reasonable, and the assessment has been undertaken in a sound manner. The assessment shows that the scheme is not viable, in financial terms, with the provision of affordable housing.

In light of the applicant's viability assessment, which has been independently assessed on behalf of the Council, Officers conclude that the delivery of the scheme without any affordable housing provision is acceptable in this specific case.

Ecology

One of the representations received raised concerns about the impact on wildlife and loss of habitat, however the application is accompanied by a report which contains an appropriate ecological mitigation proposals plan to prevent any disturbance of protected species. The application also proposes enhancement measures for each of the dwellings in line with the requirements of Policy DSP13 and the NPPF. Conditions are recommended to ensure that the measures contained within the mitigation proposals plan are implemented and that the proposed enhancement measures are provided and maintained.

The applicant has provided the necessary financial contribution towards the Solent Recreation Mitigation Partnership interim strategy, such that the proposed development is considered to mitigate its impact and would, in combination with other developments, not increase the recreational pressure and habitat disturbance to the Solent Coastal Protection Areas.

Other issues

One of the representations received raised concerns about the impact on local services such as education facilities, however as recently noted by an Inspector for an appeal within the Borough (APP/A1720/A/14/2220031), there are many areas within the region that are under pressure to provide services to meet future needs, however this is ultimately the task of the providers of those services and is not a reason to refuse planning permission.

Conclusion

The proposed development, as amended is considered to be an acceptable form of development that would not cause material harm to the visual amenities of the area, the street scene, highway safety or the living conditions of the occupiers of neighbouring properties.

The proposed development would make a more efficient use of the urban site and although it would not contribute towards the Borough's need for affordable housing, it would provide 8 dwellings which would contribute towards the Borough's need for market housing.

Recommendation

Subject to the applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Borough Solicitor (and agreed with the Solicitor to the County Council) to secure a contribution for a Traffic Regulation Order in Locks Road:

Then, PERMISSION, subject to the following conditions:

1. The development hereby permitted shall be started before the expiry of three years from the date of this decision notice.

REASON: To comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.

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

Car ports Drawing no. 10299-PL-11

Car ports Drawing no. 10299-PL-11

Swept path analysis Drawing no. ATR-01

Plots 1,2,3 & 4 elevations Drawing no. 10299-PL-04 Rev B

Plot 5 elevations Drawing no. 10299-PL-06 Rev E

Plots 6 & 7 elevations Drawing no. 10299-PL-08 Rev F

Plot 8 elevations Drawing no. 10299-PL-10 Rev C

Plots 1,2,3 & 4 floor plans Drawing no. 10299-PL-03 Rev B

Plot 5 floor plans Drawing no. 10299-PL-05 Rev C

Plots 6 & 7 floor plans Drawing no. 10299-PL-07 Rev F

Plot 8 floor plans Drawing no. 10299-PL-09 Rev B

Site layout Drawing no. 10299-PL-02 Rev M

Location plan Car ports Drawing no. 10299-PL-11

Car ports Drawing no. 10299-PL-11

Site plan Drawing no. 10299-PL-01 Rev A

Design and access statement Dated February 2015

Chiropteran, barn owl and nesting bird survey ref HEA296a2015

Chiropteran monitoring survey ref HEA296b2015

Material samples report dated October 2015 Rev B

Soft landscaping scheme drawing no. SOU19932 11 prepared by ACD

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

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

REASON: In the interests of highway safety and to ensure that the residential amenities of the occupiers of nearby residential properties is maintained during the construction period; in accordance with Policy DSP3 of the adopted Local Plan Part 2: Development Sites and Policies 2015.

4. The development shall be undertaken strictly in accordance with the materials sample document and schedule dated October 2015 Rev B and drawing no. SOU19932 11 prepared by ACD.

REASON: To secure the satisfactory appearance of the development; in accordance with Policy CS17 of the Fareham Core Strategy.

5. The soft landscaping scheme (drawing no. SOU19932 11) prepared by ACD shall be implemented before the end of the first planting season following the commencement of the use of the development or as otherwise agreed in writing with the local planning authority

and shall be maintained in accordance with the approved schedule. Any plants which within a period of five years from first planting, are removed, die or in the opinion of the local planning authority become seriously damaged or defective, shall be replaced within the next available planting season with others of the same species, size and number as originally approved.

REASON: To ensure the provision, establishment and maintenance of soft landscaping; in accordance with Policy CS17 of the adopted Fareham Borough Core Strategy 2011.

6. Prior to the implementation of the landscaping scheme pursuant to condition 06, a schedule of landscape maintenance for a minimum period of 10 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

REASON: To secure the satisfactory appearance of the development in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

7. Notwithstanding the provisions of the Schedule of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2012 (or any subsequent Order revoking and re-enacting that Order) at no time shall any windows be inserted at first floor level into the east elevation of plot no. 8 hereby permitted unless otherwise agreed in writing by the local planning authority following the submission of a planning application made for that purpose.

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

8. No work relating to the construction of any of the development hereby permitted (Including works of demolition or preparation prior to operations) shall take place before the hours of 0800 or after 1800 Monday to Friday, before the hours of 0800 or after 1300 Saturdays or at all on Sundays or recognised bank and public holidays.

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

9. No dwelling hereby permitted shall be occupied until the visibility splays at the junction to Locks Road have been provided in accordance with the approved details. The visibility splays shall thereafter be retained and kept free of obstruction at all times.

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

10. No dwelling shall be occupied until the approved parking (including any car ports) and turning areas for that property have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking and turning of vehicles at all times unless otherwise agreed in writing by the local planning authority following the submission of a planning application made for that purpose.

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

11. No dwelling erected on the site subject to this planning permission shall be first occupied until there is a direct connection from it (less the final carriageway and footway surfacing) to an existing highway. The final carriageway and footway surfacing which shall be built to adoptable standards, shall be completed within six months from the date upon which erection is commenced of the penultimate building/dwelling for which permission is hereby granted.

REASON: To ensure that the roads and footways are constructed in a satisfactory manner;

in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

12. None of the dwellings hereby approved shall be occupied before the bin and cycle stores for each dwelling have been made available in accordance with the approved plans. The designated area shall thereafter be kept available and retained at all times for the purpose of bin and cycle storage.

REASON: In the interests of visual amenity; in order to facilitate alternatives to the motorcar; in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

13. All of the detached and semi-detached properties hereby approved shall have any external electricity meter box located on a side elevation.

REASON: To secure the satisfactory appearance of the development in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

14. The measures as detailed in the Ecological Mitigation Proposals Plan (HEA, October 2015) shall be implemented in full, unless otherwise approved in writing by the Local Planning Authority. Thereafter, the enhancement measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To enhance biodiversity in accordance with Policy DSP13, the NPPF and the Natural Environment and Rural Communities Act 2006.

Informatives:

You are advised to contact Hampshire Highways at roads@hants.gov.uk Tel no 0845 6035633 prior to the commencement of the development regarding the specifications required for the roads to be of an adoptable standard.

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

Birds nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc.) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work outside the nesting season then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.

Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended). All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.

Background Papers

P/15/0576/FP

FAREHAM

BOROUGH COUNCIL



100 Locks Road
SCALE: 1:1,250

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Agenda Item 8(4)

P/15/0947/FP

MASCOT HOMES LTD

WARSASH

AGENT: BRIAN CAMPBELL
ASSOCIATES

FOUR 4 BEDROOM DETACHED HOUSES, GARAGE & CAR PORTS, PARKING AND
NEW ACCESS OFF SANDYCROFT.

LAND TO THE REAR OF 20 CHURCH ROAD WARSASH FAREHAM SO31 9GD

Report By

Mark Wyatt - Direct dial (01329) 824704

Amendments

Amended plans have been received during the consideration of the application amending the site layout, plots 1 and 2 and alterations to the proposed car ports.

An addendum to the submitted ecology report has also been received

Site Description

The application site is a large area of garden to the rear of number 20 Church Road, Warsash. The site is generally flat and laid to grass with evidence of some recent clearance of small on site fruit trees within the centre of the site. The site opens out at the rear of 24 Church Road and extends westwards to the boundary with the properties that front Osborne Road. The southern boundary adjoins the Sandycroft development and due north of the site are the two dwellings of 16a and 16b Church Road. The boundaries are either hedged or domestic style fencing.

Description of Proposal

The application seeks full planning permission for the erection of four detached dwellings with the access from the turning head of Sandycroft. All four dwellings are designed as four bedroom homes. Plots 1-3 each has a double car port proposed with an additional parking place provided. Plot four has a single car port with a double parking space on a front driveway and a third parking space to the rear. One visitor space is provided on the site forward of plot one.

Policies

The following guidance and policies apply to this application:

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

In addition to the development Plan Policies below, the recently adopted Borough Design Guide (excluding Welborne) SPD is of relevance.

Approved Fareham Borough Core Strategy

CS2 - Housing Provision

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

DSP4 - Prejudice to adjacent land
CS17 - High Quality Design
CS18 - Provision of Affordable Housing

Approved SPG/SPD

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

Development Sites and Policies

DPS1 - Sustainable Development
DSP3 - Impact on living conditions
DSP4 - Prejudice to adjacent land

Relevant Planning History

The following planning history is relevant:

P/15/1023/FP - Demolition of existing single garage and the erection of new double detached car port with use of the existing access - under consideration

P/15/0673/FP - Construction of 3 X 4 Bed Detached And 2 X 3 Bed Semi Detached Houses, Car Ports, Parking With Access Off Sandycroft; 1 X 3 Bed Detached House And Parking Between 20-24 Church Road - under consideration.

P/15/0254/FP - Erection Of 7 Houses With Associated Parking, Accessed Via Sandycroft - refused 02/06/2015 - Appeal Lodged and pending.

P/14/1161/FP - Proposed 3no. 4 Bed & 1no. 3 Bed Houses With Garaging And Access From Sandycroft - withdrawn 03/02/2015

P/14/1106/FP - Proposed 3no. 4 Bed & 1no. 3 Bed Houses With Garaging And Access From Sandycroft - Invalid 02/12/2014

Representations

Nineteen letters of objection received (if more than one letter is from the same address they have been counted as one) from:

1, 2 (x2), 4 (x2), 6 (x2), 7, 9 (x2), 11 (x2) Sandycroft; 8 (x2), 14, 16, 16a, 18, 24, 27, 36 Church Road; 9a, 15, 19, 21 Osborne Road, raising the following issues:

Development will result in loss of visitor parking;
Site is more suited to bungalows, houses are out of character;
Loss of light;
Inadequate parking, including visitor spaces;
Impact on highway safety;
No green space;
Overdevelopment;
Loss of hedgerow;
Disruption during construction and no room for contractor parking/deliveries;
Impact on wildlife and future maintenance of bat zone not clear;
Maneuverability difficult within the site for vehicles and emergency vehicles;
Impact on outlook and privacy;

Overbearing/over shadowing;
Noise from vehicles;
If permitted, alterations to roofs should be restricted;
Land at 20 Church Road should be included in the application site;
Where is cycle storage?
Unauthorised site clearance prior to submission of application;
Which trees will be retained?
Impact on local facilities.

One letter of support from 16b Church Road:

This is an improvement on previous applications
Four houses are not regarded as overdevelopment and is comparable to the density of Sandycroft
Surely there are enough 1, 2, 3 bedroom houses being built in this area
We support this providing plot 2 remains the same
The ecology mitigation seems to be acceptable

Consultations

INTERNAL CONSULTEES

Highways - No objection to the amended plans subject to conditions

Ecology - No objection subject to conditions and obligation to provide off site reptile translocation habitat site.

Planning Considerations - Key Issues

The key issues in the determination of this application are:

- The principle of the development
- Impact upon the Character and Amenity of the area
- Parking and highway impacts
- On site amenity provision
- Neighbouring Amenity
- Ecology
- Affordable housing
- Other matters

THE PRINCIPLE OF THE DEVELOPMENT:

The site is, for the purposes of the development plan, within the defined urban settlement boundary. Core Strategy policy CS2 (Housing Provision) and policy CS6 (The Development Strategy) are relevant for housing proposals. Additionally policy CS9 (Development in the Western Wards and Whiteley) applies which seeks to provide for housing development (among other things) within the settlement boundary providing the setting of the settlement is protected.

The National Planning Policy Framework (NPPF) seeks to resist development of residential gardens where it would harm the character of the local area (para 53). Additionally, the NPPF excludes gardens from the definition of Previously Developed Land (PDL) in annexe 2. The policy does not, therefore, restrict development in gardens it simply requires an assessment of the impact of such a development upon the character and appearance of the area.

Additionally it is noted from the planning history for Sandycroft that the legal agreement as part of the planning permission provides for access to the application site and services to be provided up to the point of access with a right to connect into the services and road.

The redevelopment of land for housing purposes is therefore acceptable in principle subject to the consideration of the relevant planning considerations.

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE AREA:

Church Road is typically made up of semi detached pairs of dwellings within generally narrow plots of reasonable length. The pairs of dwellings on the western side of the road are two storey with details such as bay windows, chimneys, hipped roofs, quoin detailing. To the south of the site the development is more modern development and the start of the Sandycroft development. The development takes a lead from this development rather than the Church Road vernacular.

Sandycroft and Shellcroft are two roads served off Church Road. They provide for generous, two storey detached dwellings with off road parking. Notwithstanding the third party comments the proposed plots 1-4 are not considered to be out of keeping with this character. The finished height of the proposed dwellings is fractionally higher (approximately 0.5m) than those in Sandycroft however this would not be overly discernible should the scheme ever be built out at this height.

Some of the representations refer to the density of the development being too high and therefore the scheme is overdevelopment of the site. The development is effectively an extension to Sandycroft/Shellcroft. The scheme equates to a density of 19 dwellings per hectare (dph). Sandycroft and Shellcroft, excluding any open space, are 20dph and 23dph respectively and including the Open Spaces are 17dph and 19dph.

It is clear, therefore that the development is proposed at a density that is commensurate with the established character of the area. Core Strategy policy CS15 requires development, by virtue of scale and density, to make efficient use of land without prescribing a density requirement other than for highly accessible sites and the NPPF (para 47) allows LPA's to set out their own approach to density to reflect local circumstances.

It is considered that the density between the adjacent development and the proposal is comparable and that a reason for refusal on overdevelopment by virtue of the density matter would not be appropriate.

In this case, plots 1-4 are set back behind the Church Rd dwellings and given the size of some of the Shellcroft/Sandycroft dwellings on the entrance to the site it is not considered that the density, siting or design of the development would cause demonstrable harm to the character of the area.

Third party comments have suggested that bungalows would be more suitable form of development for the proposed site given its backland location and the presence of other backland sites such as 16a and 16b Church Road. Given the two storey form of development along Church Road and the two storey form of Sandycroft the proposed two storey dwellings are not considered to be alien to the character of the area.

PARKING AND HIGHWAY IMPACTS:

The proposed amendments provide for parking provision that meets the Councils adopted standards in the Residential Car and Cycle Standards Supplementary Planning Document (SPD). Each four bedroom dwelling requires three parking spaces; which are all provided in the layout.

The SPD requires an extra 0.2 spaces per dwelling for visitor parking which, on the basis of the four dwellings proposed, would be 0.8 spaces or rounded to one space. This visitor space is provided on the entry to the site forward of plot one.

Neighbouring comments have suggested that the proposed access would remove two visitor parking spaces in Sandycroft and that these should also be re-provided as part of the development. There is no requirement for a development to re-provide parking lost. In any event the proposed access point is from a turning head in Sandycroft and is not allocated as visitor parking although it is acknowledged that it is used informally for this purpose. Given that the planning history for Sandycroft provided for the application site to be accessed in the location proposed it is not considered appropriate to re-provide the informal visitor parking area.

The layout provides adequate aisle widths for the turning and maneuvering of vehicles. Whilst the tracked vehicle turning on the site appears to impede both the visitor parking and the parking area for plot one, it is considered that there is adequate turning space in Sandycroft at the site entrance that vehicles would not actually be required to turn on site.

There is no highway objection to the proposal.

ON SITE AMENITY PROVISION:

Third party comments have referred to the lack of onsite public open space provision and that the development should provide for some like there is in the Sandycroft / Shellcroft development. Paragraph 30 of the Supplementary Planning Guidance on Open Space (last modified in April 2012) indicates that on schemes under 20 units, such as the application site, that there is no need for the provision of on-site open space.

Additionally since the adoption of the Community Infrastructure Levy (CIL) the Borough will not now seek financial contributions from development for off site improvements or enhancements because such works would be caught by the CIL regime and are included on the Borough Councils Regulation 123 list.

In terms of the residential amenity for the proposed dwellings, each dwelling provides for an acceptable level of private amenity space.

Plots one and two have irregular shaped rear gardens but they each meet the required 11m deep distance as set out in the newly adopted design guide. Whilst irregular in shape they each have a width in excess of 17m such that their provision is acceptable.

Plots three and four are more regular shaped gardens. plot three has a minimum length of 10m and a maximum length of 11m whilst being over 15m wide. Plot 4 is approximately 13m long and 13m wide.

NEIGHBOURING AMENITY:

The proposed plot 2 is the dwelling that would most likely have the impact upon 16b Church

Road. This neighbouring dwelling is a bungalow. The attached garage for 16b runs along the edge of the rear garden for plot 2. Plot 2 is designed with a generous sweep of roof down to single storey eaves level on its northern side to minimise any overbearing impact upon the amenity of number 16b. The proposed plot 2 is also 8m off from the existing boundary with 16b's patio. This separation distance coupled with the low eaves level of the roof as described above is considered to result in an acceptable impact between 16b Church Road and the proposed plot 2 especially given that 16b has a second garden area to its north away from the proposed development site.

The pair of dwellings of 18-20 Church Road are approximately 21m away from the proposed dwelling at plot 3. The rear garden of number 18 however is well used and stretches alongside that of plot 3. As such, by virtue of the internal layout and siting of plot 3 there could be some increased opportunities for overlooking to the garden of number 18 from the first floor windows. Whilst there is some mutual overlooking of this garden by virtue of its length, it remains, in places private and as such the plot 3 is designed with a first floor bathroom window closest to the garden of number 18. The arrangement of the internal layout in this way is considered to preserve the amenity of the occupants of number 18 Church Road.

Number 6 Sandycroft is a generous detached dwelling with a rear garden 11m in depth. The proposed side elevation of plot 4 is designed with a 9m span. The roof is finished with a cropped gable and the wall rendered to help lighten its impact upon this neighbour. The underside of the eaves under this cropped gable is 5m high although the eaves also sweep down to the front and rear to a height of 3.7m thus seeking to reduce the bulk of the building and providing some internal areas of reduced head height and skilling ceilings. The finished ridge height is 8.8m.

The building itself is annotated on the plans as being 16.7m away from the neighbor at 6 Sandycroft when assessing two storey building to two storey building. This is in-excess of the required 12.5m separation distance sought in the Borough Design Guidance. Number 6 Sandycroft also has a rear conservatory which would reduce the separation distance and on the south side of plot 4 is a proposed car port, however the single storey nature of this car port and the separation of plot 4 to the rear of number 6 Sandycroft is not considered to be overbearing or dominating to number 6 Sandycroft to such a degree that there is a significant impact upon the amenity of this property. The side elevation window to plot four can be suitably controlled by a condition requiring obscure glazing given that it serves a stairwell.

The proximity of the driveway for plot 4 adjacent to the rear garden of number 6 Sandycroft is also not considered to result in significant harm. Inspectors have held elsewhere in the borough that backland developments of four dwellings with access driveways between existing dwellings and gardens are not so demonstrably harmful that appeals have been dismissed on this point.

The comments of other dwellings in Sandycroft with regard to bulk, loss of light and overlooking are noted. However given that the orientation of the site is generally to the north of Sandycroft any overshadowing would likely be minimal in the late afternoon and only across the northern extent of the rear gardens rather than to the dwellings themselves.

The Borough Design Guide acknowledges that there will be occasions where properties are already mutually overlooked to an extent such as those in Sandycroft. The design guide also acknowledges that there will be occasion when developments will create oblique views

across to neighbouring gardens. The rear first floor windows in plot four will serve bedrooms and the closest one to the Sandycroft boundary is effectively a dormer window. Given the relative infrequency with which residents would usually stand looking out of bedroom windows and the fact that the window is a fairly typical size for a bedroom, the proposed siting and layout of plot four would not cause such a degree of harm to the occupiers of Sandycroft by virtue of overlooking to justify a reason for refusal.

ECOLOGY:

The application is supported by a Bat Activity Survey and Bat and Reptile Mitigation Strategies (Emma Pollard, June 2015). The level of survey undertaken and proposed mitigation measures are acceptable. The applicant has provided an addendum to the surveys to correct a drafting error on the mitigation plan reducing the length of protective fencing to the southern boundary to allow for the site access.

The site's margins support the greatest ecological value within the site and bat activity surveys at the site confirmed that the western boundary is utilised by commuting serotine bats and foraging soprano pipistrelle bats. This corridor is to be protected during construction and post occupation by condition.

In order to mitigate against the reptile constraint on site, the applicant has agreed that any reptiles are to be translocated off site to a site at Warsash Common with a contribution secured for the translocation and for habitat enhancement.

There is no objection to the proposal from the Council's Ecologist.

The Borough of Fareham benefits from a stretch of coastline that has been internationally recognised as Special Protection Areas (SPA's). The European Habitats and Birds Directives protect rare species and habitats. The Directives have been transposed into UK law through the Habitats Regulations. Under these Regulations, the borough council must assess whether or not a proposed development is likely to have a significant effect on an SPA.

An assessment is required by the Local Planning Authority to determine whether the proposal is likely to have a significant effect on a European site. If necessary, avoidance or mitigation measures could be included to remove the harm which otherwise would have occurred. It is also necessary to look at the proposal in combination with other developments in the local area.

Policy CS4 (Green Infrastructure, Biodiversity and Geological Conservation) of the Core Strategy sets out that the habitats of importance to the borough, including SPA's will be protected. The policy also proposes that Fareham Borough Council will work with other authorities in the PUSH area to develop and implement a strategy to protect European Sites from recreational pressure. CS4 sets out that developments likely to have an individual or cumulative adverse impact will not be permitted unless the necessary mitigation measures have been secured.

The applicant has agreed to provide the necessary financial contribution towards the Solent Recreation Mitigation Strategy interim strategy, such that the proposed development is considered to mitigate its impact and would, in combination with other developments, not increase the recreational pressure and habitat disturbance to the Solent Coastal Protection Areas.

AFFORDABLE HOUSING:

Policy CS18 of the Core Strategy would not typically apply to this type of proposal given that the proposed development of only four units is below the minimum thresholds within the policy for the provision of affordable housing.

However the policy does state that "...should a site fall below the...identified thresholds but is demonstrably part of a potentially larger developable site, the Council will seek to achieve affordable housing on a pro-rata basis".

The planning history above clearly sets out two applications for six and seven units proposed on the application site and the adjoining land adjacent to number 20 Church Road. The site, therefore, is clearly part of a demonstrably larger site such that policy CS18 is engaged and takes effect.

Rather than provide a financial contribution or the provision of affordable housing an additional planning application has been submitted for a car port on the land south of 20 Church Road thus seeking to demonstrate that the site is not part of a demonstrably larger development plot. The car port application is referenced P/15/1023/FP.

In the event that the site of the car port and the application site are combined to create a larger site the applicant should enter into a legal agreement including an obligation to the effect that should the car port be demolished and a residential scheme be proposed on that site in the future then there would be a requirement to provide an affordable housing contribution at that time compliant with the development plan policies.

OTHER MATTERS:

The site is within reasonably easy reach of schools, doctors, shops and a variety of local employment providers. Representations refer to the already strained schools, doctors and other surgeries in the area. Concerns of this nature were expressed to the Inspector at the appeal for housing on land at the Navigator public house in Swanwick (P/13/1121/OA). In allowing the appeal the Inspector found that "...I accept that there may be pressures on some local services, especially doctors and schools, but at a time when population numbers are increasing throughout the region, the same is true in many areas, and ultimately the task of adapting to meet future needs is one for the providers of those services. In the present case, this would not be a proper reason to refuse planning permission" (para 95). There is no valid reason to draw a different conclusion on the matter for this site.

Recommendation

Subject to the applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Borough Solicitor (and agreed with the Solicitor to the County Council) to secure:

- A) Affordable Housing Claw Back Obligation for Affordable Housing should a residential proposal come forward on the site of P/15/1023/FP
- B) Contribution towards reptile translocation and habitat enhancement
- C) Contribution towards the Solent Recreation Mitigation Strategy

Then PERMISSION subject to conditions:

01. The development shall begin before the expiry of three years from the date of this

decision notice.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

02. The development shall be carried out in accordance with the following approved plans:

- TJK1688 Survey
- 10259-PL-01 Revision A Site Plan and Block Plan
- 10259-PL-02 Revision F Proposed Site Layout
- 10259-PL-03 Revision B Plot 1 Proposed Floorplans
- 10259-PL-03 Revision B Plot 2 Proposed Floorplans
- 10259-PL-04 Revision B Plot 1 Proposed Elevations
- 10259-PL-04 Revision B Plot 2 Proposed Elevations
- 10259-PL-05 Revision B Plot 3 Proposed Floorplans
- 10259-PL-06 Revision B Plot 3 Proposed Elevations
- 10259-PL-07 Revision B Plot 4 Proposed Floorplans
- 10259-PL-08 Revision B Plot 4 Proposed Elevations
- 10259-PL-10 Proposed Carports

REASON: To secure the satisfactory appearance of the development in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

03. No development shall take place until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall provide for:

- parking for site vehicles and contractors
- the management and coordination of deliveries of plant and materials and the disposing of waste resulting from demolition and or construction activities so as to avoid undue interference with the operation of the public highway, particularly during the Monday to Friday AM peak (08.00 to 09.00) and PM peak (16.30 to 18.00) periods.
- areas for loading and unloading;
- areas for the storage of plant and materials;
- security hoarding position and any public viewing platforms (if necessary);
- site office location;
- construction lighting details (to ensure no lightspill to the boundary hedgerows and vegetation);
- wheel washing facilities;
- dust and dirt control measures;
- a scheme for the recycling of construction waste; and
- vegetation clearance details

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

REASON: To ensure that the construction period does not have a detrimental impact upon the environment or highway safety in accordance with Policies CS5, CS12, CS14 and CS17 of the Adopted Fareham Borough Core Strategy.

04. No development shall take place, including site clearance and preparatory work, until the protective fencing along the eastern and southern boundaries as set out in the "Bat Activity and Bat and Reptile Mitigation Strategies" Addendum and the approved site layout drawing 10259-PL-02 Revision F has been erected.

REASON: To ensure that the construction period does not have a detrimental impact upon the environment and bat foraging corridor in accordance with Policies CS12, CS14 and CS17 of the Adopted Fareham Borough Core Strategy.

05. Protective fencing measures installed (in accordance with the condition above) shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the fencing without the prior written agreement of the Local Planning Authority.

REASON: To ensure that the construction period does not have a detrimental impact upon the environment in accordance with Policies CS12, CS14 and CS17 of the Adopted Fareham Borough Core Strategy.

06. All service routes, drain runs, soakaways or excavations in connection with the development shall remain wholly outside the protective barriers unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure that the construction period does not have a detrimental impact upon the environment in accordance with Policies CS12, CS14 and CS17 of the Adopted Fareham Borough Core Strategy.

07. No development shall take place above damp proof course (dpc) on any building until details of all external materials to be used in the construction of that building hereby permitted have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

08. No development shall take place above damp proof course (dpc) level on any new dwelling hereby permitted until a detailed landscaping scheme identifying all existing trees, shrubs and hedges to be retained along the south and western boundaries(including a minimum height at which they will be retained) together with the species, planting sizes, planting distances, density and numbers of any new planting shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include provisions for the implementation of the new landscaping and provisions for future maintenance of all planting (both proposed and retained), including all areas to be grass seeded and turfed. The maintenance plan should include details of the actions to be taken should any of the landscaping (existing or proposed) be removed, damaged or die. The development shall be undertaken in accordance with the agreed planting scheme and implementation plan.

REASON: In order to secure the satisfactory appearance of the development and in the interests of the amenities of neighbouring properties.

09. No dwelling shall be occupied until the approved parking areas for that property have been constructed and laid out in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking of vehicles at all times unless otherwise agreed in writing by the local planning authority following the submission of a planning application made for that purpose.

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

10. The site shall be monitored during construction for evidence of previously unidentified contamination. If suspected contamination is encountered then no further development shall be carried out in the affected area(s) until investigation and remediation measures have been submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure any land contamination not previously identified is assessed and remediated so as to not present any significant risks to human health or the wider

environment in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

11. All construction work in relation to the development hereby approved, including works of demolition or preparation prior to operations, shall only take place between the hours of 08.00 hours and 18.00 hours Monday to Friday and 08.00 hours and 13.00 hours Saturdays and at no time on Sundays and recognised bank/public holidays

REASON: To ensure that the construction period does not have a detrimental impact upon the environment and amenities in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

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

REASON: To ensure that the construction period does not have a detrimental impact upon the environment and amenities in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy

13. Details of any external lighting to be fitted to any of the dwellings hereby permitted shall be submitted to and approved in wiring by the Local Planning Authority prior to its installation on the site. The lighting will be installed in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

14. All of the properties hereby approved shall have any external electricity meter box located on a side elevation.

REASON: To secure the satisfactory appearance of the development in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

15. The staircase window proposed to be inserted into the south elevation of plot 3 shall be glazed with obscure glass and be of a non opening design and construction to a height of 1.7 metres above internal finished floor level of the first floor landing 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.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by Classes B and C of Part 1, Schedule 2 shall be constructed unless otherwise agreed in writing by the local planning authority following the submission of a planning application made for that purpose.

REASON: In the interest of the development integrating with the character of the area and the amenity of neighbouring properties in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no doors, gates, structures or other means of enclosure shall be erected on the approved car ports.

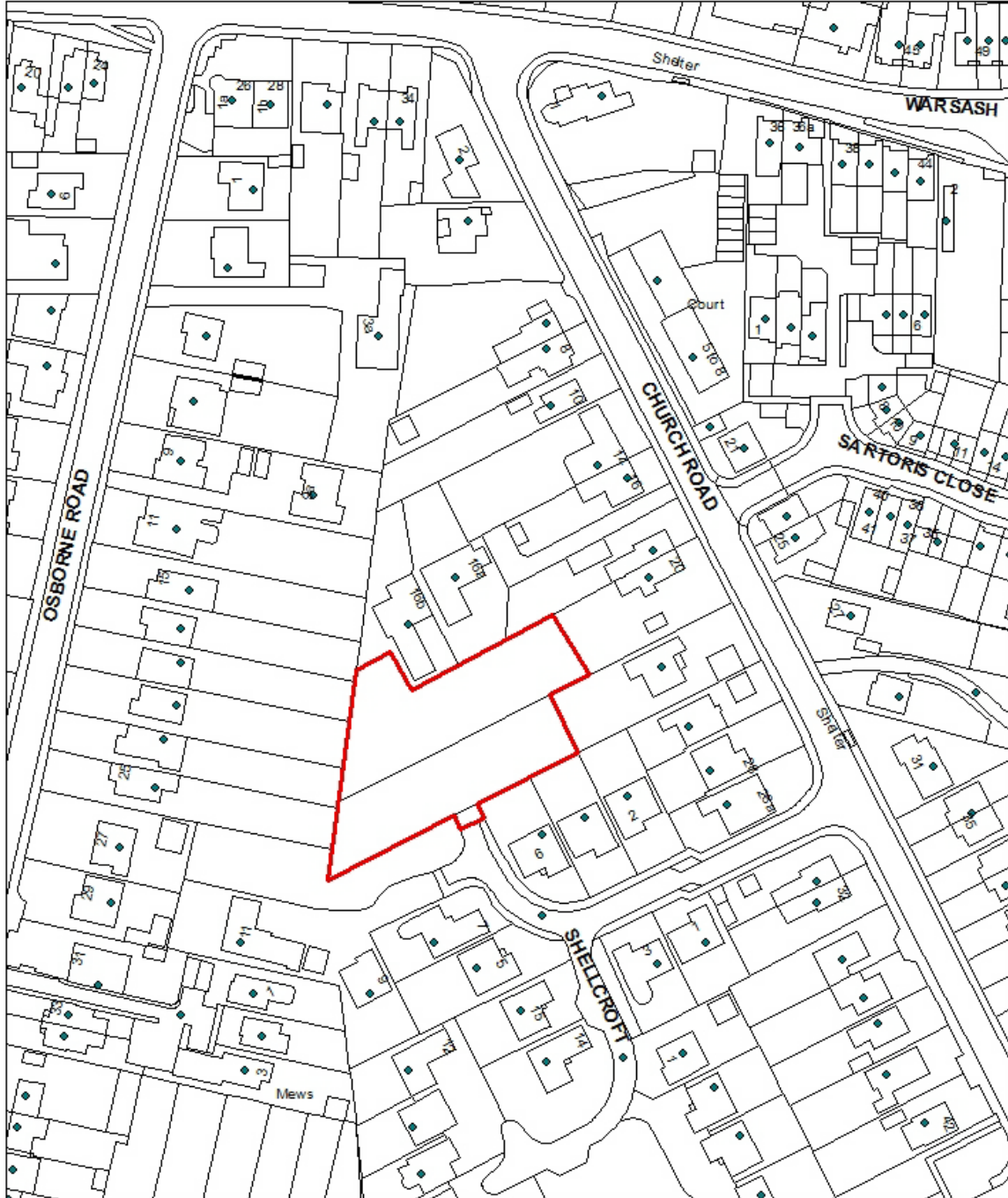
Reason: In the interest of retaining an adequate supply of parking provision and in the interest of highway safety.

Background Papers

see "relevant planning history" above

FAREHAM

BOROUGH COUNCIL



20 Church Road -
Land to the Rear of
SCALE: 1:1,250

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Agenda Item 8(5)

P/15/1023/FP

WARSASH

MR PETER FULLEGAR

AGENT: VIVID DESIGN STUDIO
LTD

DEMOLITION OF EXISTING SINGLE GARAGE AND THE ERECTION OF NEW DOUBLE DETACHED CAR PORT WITH USE OF THE EXISTING ACCESS.

20 CHURCH ROAD WARSASH FAREHAM SO31 9GD

Report By

Mark Wyatt - Direct dial 01329 824704

Site Description

The application site is to the south side of number 20 Church Road in Warsash. The site is currently laid primarily to lawn with a driveway up to a pre-fabricated garage. The levels on the site are generally flat and consistent.

Description of Proposal

The application seeks full planning permission for a new double car port in place of an existing single, pre-fabricated garage.

Policies

The following guidance and policies apply to this application:

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

In addition to the development Plan Policies below, the recently adopted Borough Design Guide (excluding Welborne) SPD is of relevance.

Approved Fareham Borough Core Strategy

CS2 - Housing Provision

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS9 - Development in Western Wards and Whiteley

CS17 - High Quality Design

CS18 - Provision of Affordable Housing

Approved SPG/SPD

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

Development Sites and Policies

DPS1 - Sustainable Development

DSP3 - Impact on living conditions

DSP4 - Prejudice to adjacent land

Relevant Planning History

The following planning history is relevant:

P/15/0947/FP - Four 4 bedroom detached houses. garage and car ports, parking and new access from Sandycroft - under consideration

P/15/0673/FP - Construction of 3 X 4 Bed Detached And 2 X 3 Bed Semi Detached Houses, Car Ports, Parking With Access Off Sandycroft; 1 X 3 Bed Detached House And Parking Between 20-24 Church Road - under consideration.

P/15/0254/FP - Erection Of 7 Houses With Associated Parking, Accessed Via Sandycroft - refused 02/06/2015 - Appeal Lodged and pending.

P/14/1161/FP - Proposed 3no. 4 Bed & 1no. 3 Bed Houses With Garaging And Access From Sandycroft - withdrawn 03/02/2015

P/14/1106/FP - Proposed 3no. 4 Bed & 1no. 3 Bed Houses With Garaging And Access From Sandycroft - Invalid 02/12/2014

Representations

Seven letters (if more than one is from the same address it is counted as one) received from:

1, 2 (x2), 11 Sandycroft; 8, 14, 24 Church Road; 9a Osborne Road

Objecting on the following grounds:

- This is an attempt to divide up the space previously treated as a whole
- It denies the possibility of access to the rear of 20 Church Road rather than via Sandycroft
- Endorsing the division creates an opportunity for further development should the permission lapse and avoid affordable housing
- No public notice has been posted anywhere
- I have received no notification and am not on the consultee list despite having made comments on other applications
- Is the garage not contaminated?
- Is an ecology report required?
- Concern at demolition as the garage has a cement roof and may contain asbestos

Planning Considerations - Key Issues

The key issues in the determination of this application are:

- The principle of the development
- Impact upon the Character and Amenity of the area
- Parking and highway impacts
- Affordable housing

THE PRINCIPLE OF THE DEVELOPMENT:

The site is, for the purposes of the development plan, within the defined urban settlement boundary such that the principle for this type of application is acceptable.

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE AREA:

Church Road is typically made up of semi detached pairs of dwellings within generally narrow plots of reasonable length and parking generally to the side and front.

The proposed car port will replace an old and deteriorating pre-fabricated garage building. To the south, at number 24 is a detached forward garage such that the proposed car port is not considered to be an alien addition to the street scene and will preserve the character of the area.

PARKING AND HIGHWAY IMPACTS:

The proposal provides for adequate parking for number 20 and there is adequate turning space proposed.

AFFORDABLE HOUSING:

Policy CS18 of the Core Strategy would not typically apply to this type of proposal given that the proposed development only proposes a car port.

However policy CS18 does states that "...should a site fall below the...identified thresholds but is demonstrably part of a potentially larger developable site, the Council will seek to achieve affordable housing on a pro-rata basis".

The planning history above clearly sets out two applications for six and seven units proposed on land including the application site and the adjoining land to the rear of number 20 Church Road. The site, therefore, is clearly part of a demonstrably larger site such that policy CS18 is engaged and takes effect.

In order to ensure that the application site is not combined with the adjoining land to create a larger site it is a requirement of the recommendation that the applicant should enter into a legal agreement including an obligation to the effect that should the car port be demolished and a residential scheme be proposed on the application site in the future then there would be a requirement to provide an affordable housing contribution at that time compliant with the development plan policies.

Subject to the above planning obligation and appropriate conditions the proposal is considered to be acceptable for permission without demonstrable harm to the visual amenities of the area or users of the highway.

Recommendation

Subject to the applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Borough Solicitor (and agreed with the Solicitor to the County Council) to secure an affordable Housing Claw Back Obligation for Affordable Housing should a residential proposal come forward on the application site.

Then PERMISSION subject to conditions:

01. The development shall begin before the expiry of three years from the date of this decision notice.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

02. The development shall be carried out in accordance with the following approved plans:

- 150062 01 Site Location Plan
- 150062 02 Proposed Site Plan
- 150062 03 Proposed Car Port Details

REASON: To secure the satisfactory appearance of the development in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

03. No development shall take place above damp proof course (dpc)/slab level on the car port until details of all external materials to be used in the construction of that building hereby permitted have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

Informatives:

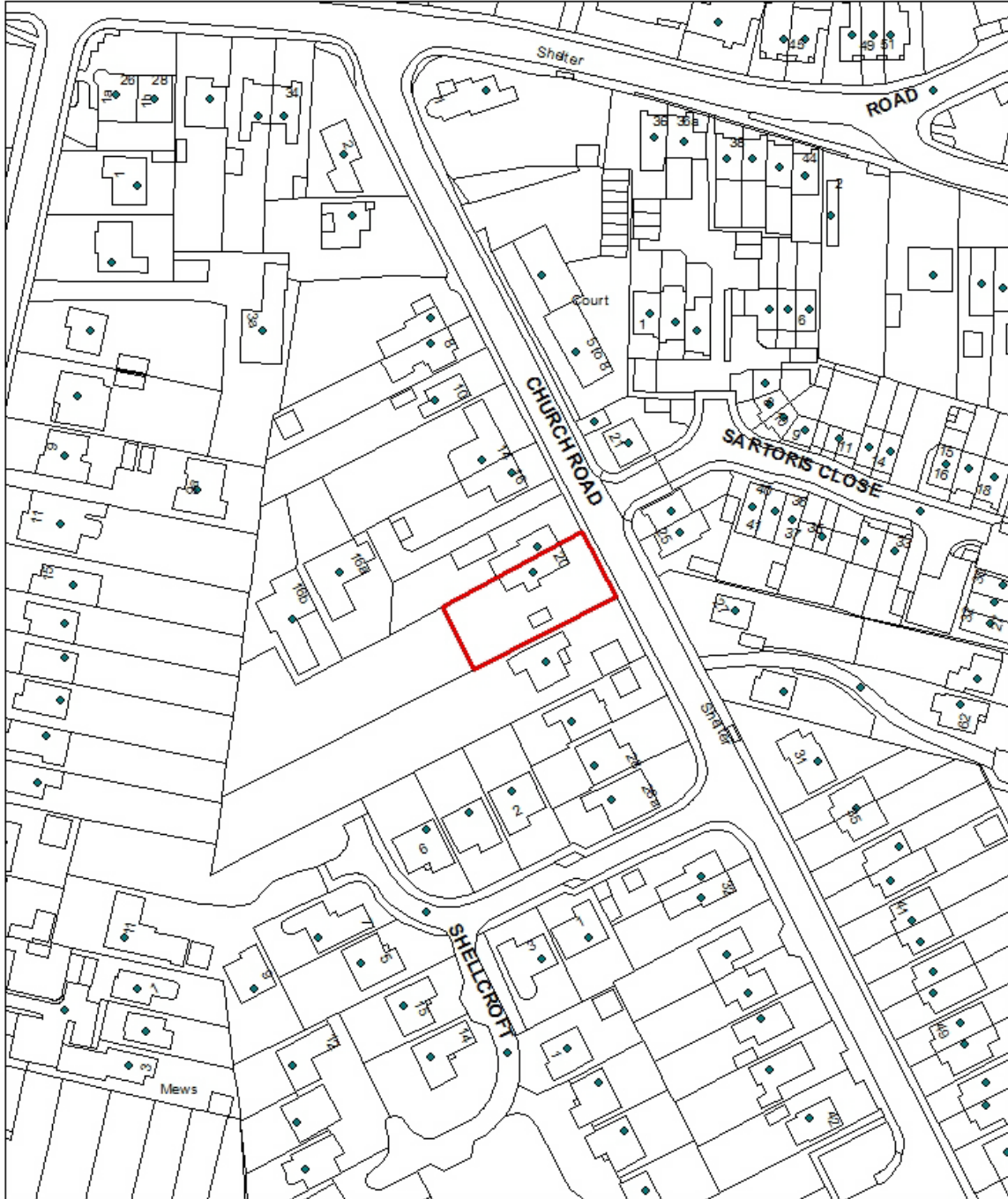
The applicant is advised to take care and seek specialist advice (if necessary) on the demolition of the existing garage to ensure that in the event it contains asbestos fibers that these are appropriately removed from the site and safely disposed of.

Background Papers

see "relevant planning history" section above

FAREHAM

BOROUGH COUNCIL



20 Church Road
SCALE: 1:1,250

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Agenda Item 8(6)

P/15/0990/FP

MR & MRS PRESTON

TITCHFIELD COMMON

AGENT: NOUVEAU
ARCHITECTURE

ERECTION OF DETACHED THREE BEDROOM CHALET STYLE BUNGALOW AND
DETACHED GARAGE WITH ACCESS FROM CRISPIN CLOSE

70 HUNTS POND ROAD - LAND TO REAR - PARK GATE SOUTHAMPTON HAMPSHIRE
SO31 6QW

Report By

Susannah Emery - Direct dial 01329 824526

Site Description

This application relates to a site within the defined urban settlement boundary to the rear of No.70 Hunts Pond Road. The site previously formed part of the generous rear garden to this property but has in recent years been subdivided, left to become overgrown and recently cleared of vegetation and outbuildings. The site is accessed via Crispin Close over the private driveway of No.19 Crispin Close. The ownership arrangements of No.19 Crispin Close are unusual in that when the property was recently sold the driveway was retained by the former occupant.

Description of Proposal

Planning permission is sought for the erection of a detached 3-bed chalet bungalow with a detached single garage. The dwelling would be accessed via Crispin Close using the private driveway across the frontage of No.19 Crispin Close. It is proposed to relocate the front boundary fence of No.19 marginally to the north but the driveway would not extend beyond this point.

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

CS20 - Infrastructure and Development Contributions

Development Sites and Policies

DSP2 - Environmental Impact

DSP3 - Impact on living conditions

DSP13 - Nature Conservation

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

Relevant Planning History

Pre-application advice was given prior to the submission of the current application. It was advised that the amendments made to the withdrawn scheme were considered sufficient in order to address officers concerns regarding the level of development proposed on the site.

Representations

Ten letters have been received objecting on the following grounds;

- Not in keeping with the streetscene
- A gated frontage is out of keeping with the area
- The proposed dwelling will not enhance the local area
- This was once a beautiful garden which has been stripped of vegetation
- Proposed bungalow too large for plot
- Proportions of bungalow in relation to plot not consistent with existing properties on Crispin Close
- We had been informed that only a bungalow would be proposed not a chalet bungalow
- Excessive bulk and height of bungalow
- Proximity of bungalow to northern boundary and impact on adjacent garden area in terms of loss of light and overshadowing
- Overlooking
- Noise and disruption to local residents
- Concerns regarding site access and contractors parking arrangements during construction
- Crispin Close is a narrow cul-de-sac which would not allow two large vehicles to pass
- Unacceptable hazard to the vehicles of existing residents parked on the road
- Vehicles of No.19 Crispin Close may not be able to access property during construction resulting in need to park on road
- Recent works on the site left deposits of mud and stones on the highway with disregard for local residents
- Turning head in Crispin Close not suitable for large vehicles
- Construction vehicles may mount private grass verge along Crispin Close causing damage
- The access drive should provide access to the proposed dwelling only and not enable further backland development
- TPO tree removed from site

One letter of support has also been received

Consultations

INTERNAL CONSULTEES

Highways - No objection subject to conditions for provision of site vehicular access, car parking and bin storage point.

Ecology - No objection subject to condition to secure recommended on site ecological enhancements.

Trees - No objection

Planning Considerations - Key Issues

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

- Principle of Development
- Impact on Character of the Area/ Visual Appearance of Streetscene
- Impact on Living Conditions of Neighbouring Properties
- Highways
- Ecology/Trees
- Solent Disturbance Mitigation

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 an assessment of the impacts.

Impact on Character of the Area/ Visual Appearance of Streetscene

The proposed dwelling would be sited at the north-eastern end of Crispin Close and would be accessed via the private driveway of No.19 Crispin Close which is the last property on the road. The properties fronting on to this section of Crispin Close are located on the western side and there is a 1.8m high fence on the eastern side which forms the rear boundary to a number of dwellings. There is a narrow grass verge between the kerb and the boundary fence. Due to its siting at the end of the cul-de-sac it is not considered that the proposed dwelling would be prominent within the streetscene. The 1.8m fence along the eastern edge of the road would screen the property from view to an extent and the access to the site from the driveway of No.19 would not be overly apparent. The dwelling would have an enclosed and gated frontage but as this would be a continuation of the high level boundary treatment along the eastern side of the close it is not considered that this would be harmful to the appearance of the area. The proposed dwelling would be in excess of 9 metres from the flank wall of No. 42 to the south and 20m from No.19 opposite and it is therefore not considered that it would appear cramped on the site. The level of site coverage is considered acceptable and the dwelling would have an amenity space measuring approx. 12 metres in depth by 12 metres in width. Whilst the dwelling would be an alternative style of property to the two storey development within Crispin Close it is not considered that this would be harmful to the character of the area.

Impact on Living Conditions of Neighbouring Properties

Concerns have been raised that the proposal would result in loss of light and overshadowing to the rear garden of the neighbouring property to the north (No.68). The land levels slope down from east to west so that the properties on Hunts Pond Road are at a higher level than the application site. Due to the generous length of the rear garden of the neighbouring property to the north and the siting of the proposed bungalow at the far end of the garden it is not considered that the proposal would have a detrimental impact on the enjoyment of this property. An amendment has been sought to lower the height of the roof over the single storey element of the building to reduce its bulk. The two windows at ground floor level within the north elevation would serve an en-suite and a utility room and would be conditioned to be obscure glazed and fixed shut to 1.7m above floor level to prevent any

perception of being overlooked. The two rooflights shown on the north elevation would be within the vaulted roof void of the single storey element of the building and would therefore not result in any overlooking. The northern boundary currently consists of a hedgerow which is in poor condition and would not provide sufficient privacy. It is proposed to erect a replacement 1.8m fence.

Highways

A number of concerns have been raised regarding access to the site by construction vehicles and the parking of these vehicles within the local area during the construction phase. The proposal is for the erection of a single dwelling and the site is not extensive therefore on-site parking would be limited. A plan has been requested and submitted indicating the areas of the site to be used for contractors parking, material storage and site facilities. It is proposed that the detached garage be constructed after the dwelling is completed to maximise the amount of on-site car parking for this initial phase. A wheel wash facility and hardstanding is also shown at the site entrance to reduce the potential for mud to be deposited on the road. However it is inevitable that there will be some short-term disruption during construction works and that some overspill parking may occur within the local area.

The proposed dwelling would be accessed via the driveway to the front of No.19 Crispin Close. This property has sufficient space on the frontage to park three vehicles. The approved plans for No.19 Crispin Close (FBC.5466/33) indicated a potential access point at the end of the driveway to develop further land to the north. The plans as submitted raised concerns from local residents that this was now the intention as it appeared that the access drive was being widened and extended significantly. Amended plans have been submitted which should address these concerns and it is confirmed that the driveway would only be extended by approx. 2 metres to allow access to the proposed dwelling.

Ecology/Trees

The application is supported by a Phase 1 ecological survey. No protected species were found to be present on the site and the site was considered to be of negligible ecological value.

There are no trees covered by a TPO present on the site. There is a mature oak within the south-east corner of the site which is to be retained with no adverse impact. A Monterey Cypress tree which was covered by a TPO was removed from the western boundary a couple of years ago following storm damage. This was reported to the Council and its replacement was not deemed necessary.

Solent Recreation Mitigation Partnership

Through the work of the Solent Recreation Mitigation Partnership (SRMP) it has been concluded that any net increase in residential development will give rise to likely significant effects on the Solent Coastal Special Protection Areas (SPA's), either 'alone' or 'in combination' with other development proposals. In accordance with Policy DSP15 of the adopted Fareham Borough Local Plan Part 2 all development will be required to mitigate the negative impact. This is achieved via a commuted payment which has been secured under section 111 of the Local Government Act 1972.

Conclusion

It is considered that the proposal complies with the relevant local plan policies and would not have a detrimental impact on the character of the area, the living conditions of adjacent residential properties, highway safety or ecology. The proposal is considered acceptable.

Recommendation

PERMISSION subject to conditions;

1) The development shall begin within three years from the date of this decision.

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

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

- Existing Block Plan & Site Plan - drwg No. PL01
- Proposed Site Plan - drwg No. PL02 Rev B
- Proposed Floor Plans - drwg No. PL03 Rev A
- Proposed Elevations - drwg No. PL04 Rev C
- Proposed Elevations - drwg No. PL05 Rev C
- Proposed Section - drwg No. PL06 Rev B
- Proposed Garage Plans & Elevations - drwg No. PL07 Rev A
- Proposed Site Set Up - drwg No. PL09

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

3) The development shall be carried out in accordance with the approved materials schedule (Ref N210) unless otherwise agreed in writing with the local planning authority.

REASON: To secure the satisfactory appearance of the development in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

4) The boundary treatment as shown on the approved site plan (PL02 Rev B) shall be completed before the dwelling is first occupied or in accordance with a timetable agreed in writing with the local planning authority and shall thereafter be retained at all times.

REASON: In the interests of the living conditions of neighbouring properties; in the interests of the appearance of the area.

5) The dwelling hereby permitted shall not be occupied until the means of vehicular access from Crispin Close has been constructed in accordance with the approved plans.

REASON: In the interests of highway safety; in accordance with Policies CS15 and CS17 of the Fareham Borough Core Strategy.

6) The dwelling hereby permitted shall not be occupied until the car parking spaces have been provided within the curtilage of the site in accordance with the approved plans. These parking spaces shall thereafter be retained and kept available at all times.

REASON: To ensure adequate parking provision within the site; in the interests of highway safety; in accordance with Policies CS15 and CS17 of the Fareham Borough Core Strategy.

7) The dwelling hereby permitted shall not be occupied until the bin storage area has been made available in accordance with the approved plans. This designated area shall thereafter be kept available and retained at all times for the purpose of bin storage.

REASON: In the interests of the visual appearance of the area in accordance with Policy CS17 of the Fareham Borough Core Strategy.

8) The ground floor en-suite and utility room 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.

9) 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.

10) The development shall be carried out in accordance with the Ecological Assessment (4 Woods Ecology Nov 2015) including provision of the ecological enhancements set out in para 4.4.2.

REASON: to enhance biodiversity in accordance with NPPF and the Natural Environment and Rural Communities Act 2006.

11) The areas and facilities as shown on the approved site set up plan (PL09) shall be made available before construction works commence on site and shall thereafter be kept available at all times during the construction period, unless otherwise agreed in writing with the local planning authority in writing.

REASON: In the interests of highway safety; and to ensure that the residential amenities of the occupiers of nearby residential properties are maintained during the construction period.

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

REASON: To protect the living conditions of the occupiers of nearby residential properties.
Further

13) Notwithstanding the provisions of Classes B and C of Schedule 2, Article 3, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no roof alterations (including the insertion of additional windows or dormer windows) shall be carried out to the roof of the dwelling hereby permitted unless first agreed in writing with the local planning authority following the submission of a planning application.

REASON: In the interests of the visual amenity of the area and the amenities of adjoining occupiers; in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy and Policy DSP3 of the Fareham Borough Local Plan Part 2: Development Sites & Policies.

Further Information

Birds nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc.) outside the bird nesting season, which is generally seen as extending from March to the

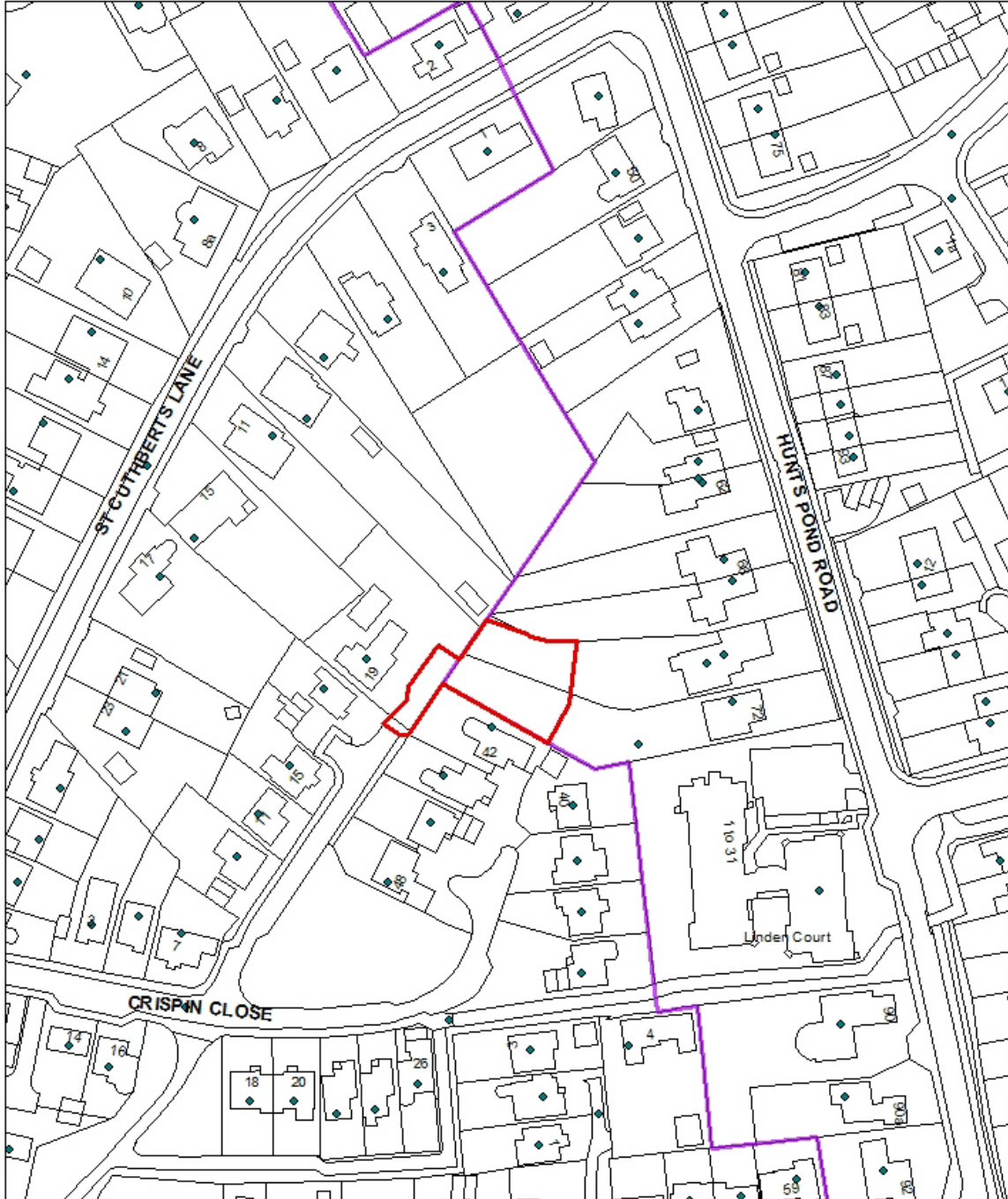
end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.

Background Papers

P/15/0990/FP

FAREHAM

BOROUGH COUNCIL



70 Hunts Pond Road -
Land to the Rear of
SCALE: 1:1,250

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Agenda Item 8(7)

P/15/1215/SU

H3G LTD & EE LTD

TITCHFIELD

AGENT: JN PLANNING
CONSULTANTS

REPLACE 15M MONOPOLE WITH 14.7M PHASE 4 MONOPOLE WITH ONE
ADDITIONAL EQUIPMENT CABINET.

ROWAN WAY FAREHAM HAMPSHIRE PO14 3AF

Report By

Peter Kneen - direct dial 01329 824363

Site Description

The application site is located within a landscaped verge on the southern side of Rowan Way, to the southwest of the roundabout that forms the junction of Rowan Way, Peak Lane and Longfield Avenue. To the south of the site is a narrow tree belt with open arable farmland beyond.

At the present time a 15 metre high monopole is located on the site with five cabinets of varying sizes situated to the west of the monopole.

Description of Proposal

This application seeks confirmation that "Prior Approval is Not Required" for the replacement and installation of new telecommunication apparatus in order to provide 4G coverage and improved 2G and 3G coverage for both 'Three' and 'EE' customers.

The application is made under Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. This part of the Order requires the applicant to apply to the Local Planning Authority for a determination as to whether the prior approval of the Authority will be required to the siting and appearance of the development only.

This application proposes the replacement of the existing 15 metre high mast with a new 14.7 metre high monopole one metre to the east of the existing mast. Additionally a sixth cabinet would be located in front of an existing cabinet measuring 1.2m by 0.4m and 1.1m high. The cabinet and new mast would be finished in a dark green (RAL 6009 - Fir Green).

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS17 - High Quality Design

Development Sites and Policies

DSP55 - Telecommunications

Relevant Planning History

The following planning history is relevant:

P/05/1535/SU Installation of 15m high Telecommunications Mast with 3 Antennas, Transmission Dish, and ancillary equipment - PRIOR APPROVAL NOT REQUIRED
17/10/2005

Representations

None received.

Planning Considerations - Key Issues

As described above, Part 16 of the General Permitted Development Order only allows this Authority to consider the 'siting' and 'appearance' of the proposed mast and additional cabinet.

SITING:

In this case, the proposed mast would be situated on land immediately adjacent to the existing, which would be removed and would be 0.3m shorter. The existing mast would be removed. The proposed cabinet would be located 1.15m north of an existing cabinet, and whilst closer to the road, would be largely obscured from view by the matures trees on the verge.

APPEARANCE:

The changes to the appearance of the mast compared to the existing structure include a reduction in the overall height, an increased size of the width of the antenna and the colour changing from grey to dark green. The additional cabinet would be 0.5m lower than the cabinet to the south, and would therefore sit largely within the outline of the larger adjacent cabinet. The structure would be finished in dark green and together with the replacement mast would not harm the appearance or character of the surrounding area.

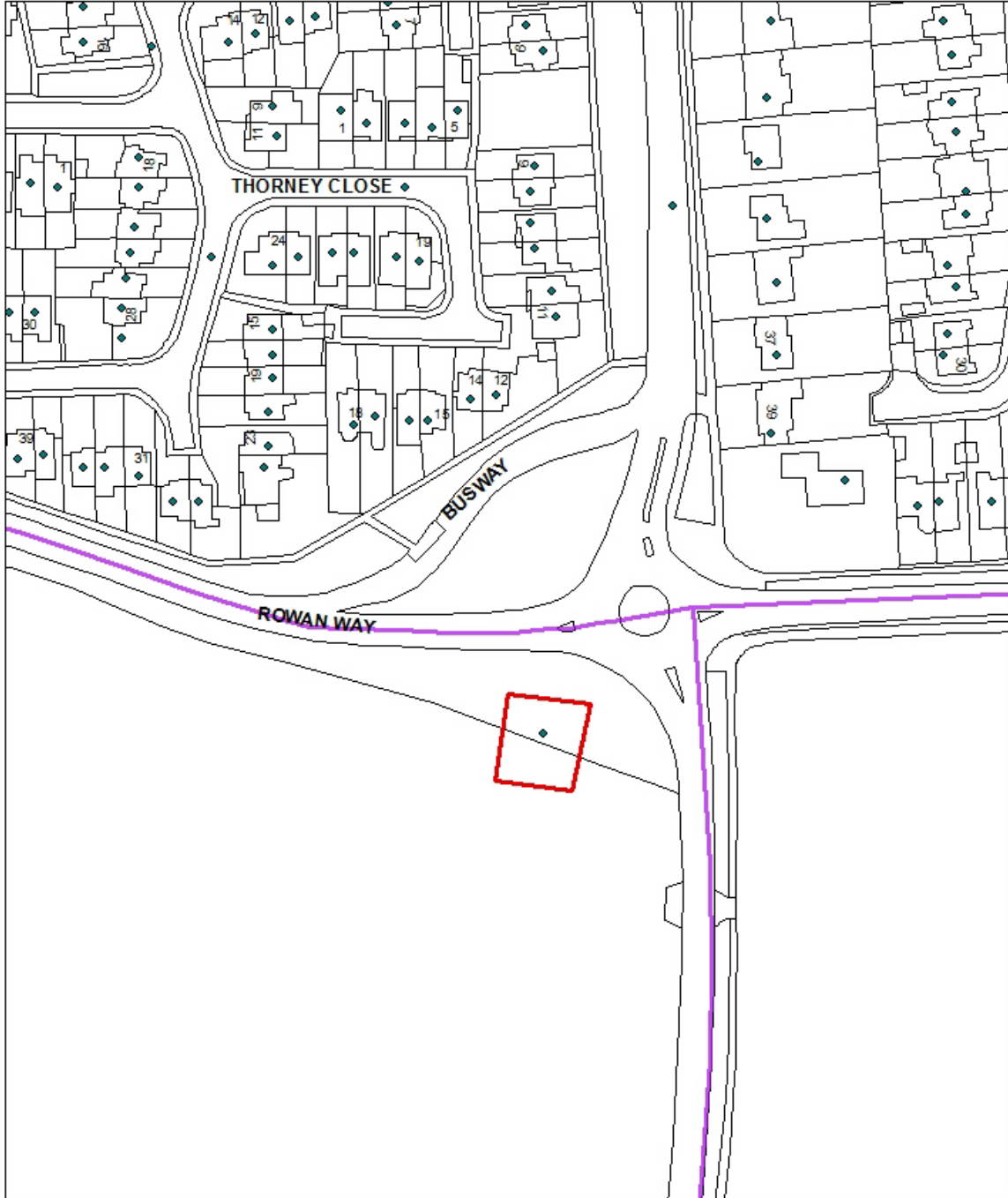
Officers consider the appearance of the new mast and cabinet is acceptable.

Recommendation

PRIOR APPROVAL NOT REQUIRED

FAREHAM

BOROUGH COUNCIL



Rowan Way
SCALE: 1:1,250

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Agenda Item 8(8)

P/15/1231/CU

TITCHFIELD

MISS LUCY EVANS

AGENT: MISS LUCY EVANS

CHANGE OF USE FROM SINGLE DWELLINGHOUSE (USE CLASS C3) TO A MIXED USE COMPRISING CONTINUED RESIDENTIAL USE AND CONTINUED USE OF INDOOR SWIMMING POOL & ASSOCIATED AREAS OF THE BUILDING TO PROVIDE SWIMMING LESSONS (SUI GENERIS)

29 CATISFIELD ROAD FAREHAM HAMPSHIRE PO15 5LT

Report By

Richard Wright - direct dial 01329 824758

Site Description

This application relates to a residential property located on the corner of Catisfield Road and Cherrygarth Road, Fareham.

The property is a large detached dwelling within which is an indoor swimming pool located in the rear part of the house. The swimming pool, and associated changing facilities, can be accessed independently from the rest of the house via a separate door in the front elevation.

To the front of the dwelling is a hardsurfaced driveway. A high brick boundary wall encloses the frontage of the property with vehicular access provided onto Catisfield Road.

Description of Proposal

Officers received reports of swimming lessons being given at the premises and an enforcement investigation followed. As a result of the investigation it was found that a material change of use of the property had occurred. Officers have discussed the relevant planning issues with the applicant, Miss Lucy Evans, resulting in the application now before Members for consideration. In the meantime the applicant continues to use the premises to offer swimming lessons.

Miss Evans rents the pool from the owner and occupant of the property Mr Nwodo. The application proposes the continued use of the indoor pool for swimming lessons whilst also including the residential use of the property by Mr Nwodo and his family. The application proposes a mixed use falling within no one Use Class (Sui Generis).

The application proposes that, from January 2016, swimming lessons take place at the property on five mornings of the week (Mondays, Tuesdays, Wednesdays, Thursdays and Saturdays) from 9.30am - 12.30pm. These morning sessions would consist of four, half-hour long lessons with 20 minute gaps scheduled between lessons. Each lesson would be for a maximum of four pupils.

In addition evening lessons would be provided on four days of the week (Mondays, Tuesdays, Wednesdays and Thursdays) from 4.00pm - 5.15pm. There would be two, half-hour long evening lessons each day with a 15 minute gap between them. Each lesson would be offered on a one-to-one basis meaning only one pupil would be in attendance per lesson.

Lessons are to be offered during school term time only.

Although it is not explicitly stated in the application, pupils of the swimming school are almost always children who are brought to the site by a parent or other adult. Some parents are understood to bring more than one child. The submitted information suggests that a number of parents walk with their children to the site rather than drive.

Since learning of the complaints received by Officers, Miss Evans has made several changes to the way in which swimming lessons operate from the property and she has introduced various measures in an attempt to alleviate, in particular, the parking issues which were the source of the reports. Some of these measures have already been brought into effect since September 2015 and others are proposed to begin from January 2016.

The covering letter submitted with the application explains that all customers have signed new Terms and Conditions (T&Cs). The new T&Cs require all customers to provide Miss Evans with their car registration details and to display a logo sticker in their car so that neighbouring residents can report to Miss Evans any vehicles parked inappropriately or inconveniently. An "Area Map" has been supplied to all customers showing areas where customers should avoid parking and other areas considered suitable for parking. A parking attendant/general helper has been employed to oversee the parking arrangements during lesson times since Miss Evans will ordinarily be inside the building instructing her pupils. Customers are advised in the T&Cs not to arrive for lessons more than 5 minutes before each lesson begins and to try and leave within 10 minutes of the lesson ending. Copies of the T&Cs and other information provided to customers have been submitted with the application.

The application states that the long-term plan for the business is to only enroll new customers who walk to the site for lessons and do not travel by car.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS5 - Transport Strategy and Infrastructure

CS17 - High Quality Design

Development Sites and Policies

DSP2 - Environmental Impact

Relevant Planning History

The following planning history is relevant:

P/09/0252/FP - Erection of a detached chalet bungalow - Permission 10 June 2009

P/09/0159/FP - Erection of a detached dwelling with integral garage - Permission 28 May 2009

P/08/0911/FP - Demolition of existing dwelling and erection of five dwellings - Refuse - 8 September 2008 - ALLOWED ON APPEAL

P/08/0233/FP - Demolition of existing dwelling and erection of six dwellings - Refuse 17 April 2008 - ALLOWED ON APPEAL

Representations

In response to the consultation carried out by the Council the following representations were received.

Eight letters from residents living in Cherrygarth Road, Larches Gardens and The Timbers objecting to the proposal on the following grounds:

- Parked cars causing highway safety issues, more specifically:
- Exiting Cherrygarth Road at the junction with Catisfield Road is already dangerous and has poor visibility
- Cars parked by customers outside of 29 Catisfield Road have made this worse and obscure drivers' line of sight
- Cars parked on Cherrygarth Road near the junction mean that vehicles entering the road are forced onto the wrong side
- Cars parked near the entrance to Larches Gardens may have consequences for vehicles exiting and entering the road
- Difficulties entering and exiting private driveways due to additional parked cars
- Concern that the customer parking map is not accurate or has been accepted by Fareham Borough Council
- Noise has not been a problem for the past 18 months but if the patio doors to the pool are open in the summer, or if the garden was to be used as a waiting area, the noise would be unacceptable.
- This will set a precedent for pools at other properties to be put to commercial use

One letter from residents living at a property of Larches Gardens expressing support for the proposal in general but raising similar concerns to those set out above.

One further letter from a resident of Chatsworth Close stating no objection to the proposed provided parking restrictions are enforced.

The following representations were received by being included amongst the supporting information submitted by the applicant:

Twenty-two letters of support from customers of Miss Evans' swimming school who do not live in the streets immediately surrounding the application site.

A further five letters of support from local residents living in Catisfield Road, The Timbers and Cherrygarth Road, one of which stated that although parking had previously caused problems at the junction outside the application site, the steps taken by Miss Evans have resolved these issues.

One letter from the residents living in the property to the immediate rear of the application site at 28 Cherrygarth Road and stated no objection to the swimming lessons taking place provided parking is controlled and in a considerate manner.

A petition with 73 signatures from customers of Miss Evans' swimming school. The statement at the head of the petition includes an agreement to adhere to parking regulations imposed by Miss Evans.

Consultations

INTERNAL CONSULTEES

Highways -

The swimming school has been operating for some time. The property has a large forecourt parking area although only the residents of the house and two staff associated with the swimming school use it. The applicant has been advised that the site's access to Catisfield Road is considered to have inadequate visibility splays making unsafe any material increase in vehicle exit manoeuvres. As a consequence, the applicant has sought to introduce an off-site parking strategy for clients and also to reduce the hours of operation with gaps between lessons to enable clients to clear before new clients arrive. The strategy is set out in the submission papers, but in effect would dictate to clients where they may park on-street and would enable local residents to report to the applicant, any breaches from this protocol.

It is considered that there are several locations in the surrounding residential side roads where short-term, off-peak car parking could be accommodated without causing material obstruction to the safe and convenient operation of the highway. These are specifically located alongside the site on Cherrygarth Road (two spaces), on Larches Gardens (two spaces) and on Chatsworth Close (two spaces). Contrary to the two alternative car parking plans submitted with the application, no parking is recommended on Catisfield Road, to maintain this route clear for road safety reasons, and none on Friars Pond Road, because it is of inadequate width for on-street parking.

To enable the proposed operations of the swimming school and of the parking strategy to be assessed, it is recommended that a temporary one year permission is granted with sufficient conditions or commitments by the applicant to secure these operations.

Planning Considerations - Key Issues

The main issue to be considered when determining this application is the demand for parking generated by customers of the swimming school and how customers parking on the roads outside or in the surrounding streets may be harmful to highway safety.

The driveway to the front of the house is a reasonable size however the visibility for drivers exiting onto Catisfield Road is poor due to the positioning of the brick piers either side and the relatively narrow pedestrian footpath. Without adequate lines of sight in either direction it would not be acceptable for customers to use this access since it would result in a considerable number of additional vehicle movements emerging from the site on a frequent basis.

Since concerns were raised with the applicant last summer various changes have been brought about following discussions with Officers. These measures appear to have had some success in addressing the issues by encouraging customers to park in alternative locations and with greater consideration for the impact on local residents. Several of the letters received from local residents living in nearby roads refer to the situation having improved recently. Notwithstanding there remains concern from residents over the effect the swimming school has on on-street parking and safety particularly, but not exclusively, at the junction of Cherrygarth Road and Catisfield Road. A number of residents have stressed the need for controls to be placed on the parking arrangements if planning permission is to be granted.

Officers have considered at great length what control could be exercised through a planning consent and whether the use of planning conditions could overcome the potential harm to highway safety.

Planning conditions could be imposed to cap the number of pupils being taught at any one time and to allow the use of the pool for lessons only between certain times. This would

limit the number of customer cars parked on the street at any one time to no more than four, however in practice this is likely to be less since the evidence provided by the applicant suggests a proportion of her pupils travel to swimming lessons on foot.

Notwithstanding, these conditions would not prevent customers from parking immediately outside of the property if they wished to or, for example, if other nearby parking spaces were unavailable. Whilst the letters from existing customers demonstrates their understanding over this issue, over time Officers are concerned that, despite her best efforts to encourage customers to park considerately, the applicant does not have any control over this situation to prevent inconvenient or dangerous on-street parking from occurring. For these reasons a planning condition restricting parking in certain places on the highway would not be possible since it would not be within the applicant's power to ensure compliance.

Officers have given further consideration to the suggestion that double-yellow lines may prevent parking from occurring in harmful locations. Whilst introducing a traffic regulation order (TRO) to impose a 'no parking' restriction around the junction of Cherrygarth Road and Catisfield Road would theoretically be possible, in practice parked vehicles would simply be pushed further away. It would be impractical, and most likely undesirable to local residents, for parking restrictions to be introduced over large areas of the surrounding road network.

In summary, Officers acknowledge that since the parking and highway safety issues were raised with Miss Evans there have been reported improvements to the extent that the swimming school use has continued but apparently with little adverse effect. However, there would be no effective way in which to control on-street parking to prevent problems from occurring once again and for this reason Officers do not consider planning permission should be granted.

In recognition of this finely balanced issue and also the considerable efforts made by the applicant in addressing these concerns, if Members of the Planning Committee considered that the risk of customers' vehicles posing a highway safety hazard was sufficiently unlikely then they may wish to consider granting the applicant a personal planning permission for a temporary period of one year.

Recommendation

REFUSE:

The proposed development is contrary to Policies CS5 & CS17 of the adopted Fareham Borough Core Strategy and is therefore unacceptable in that;

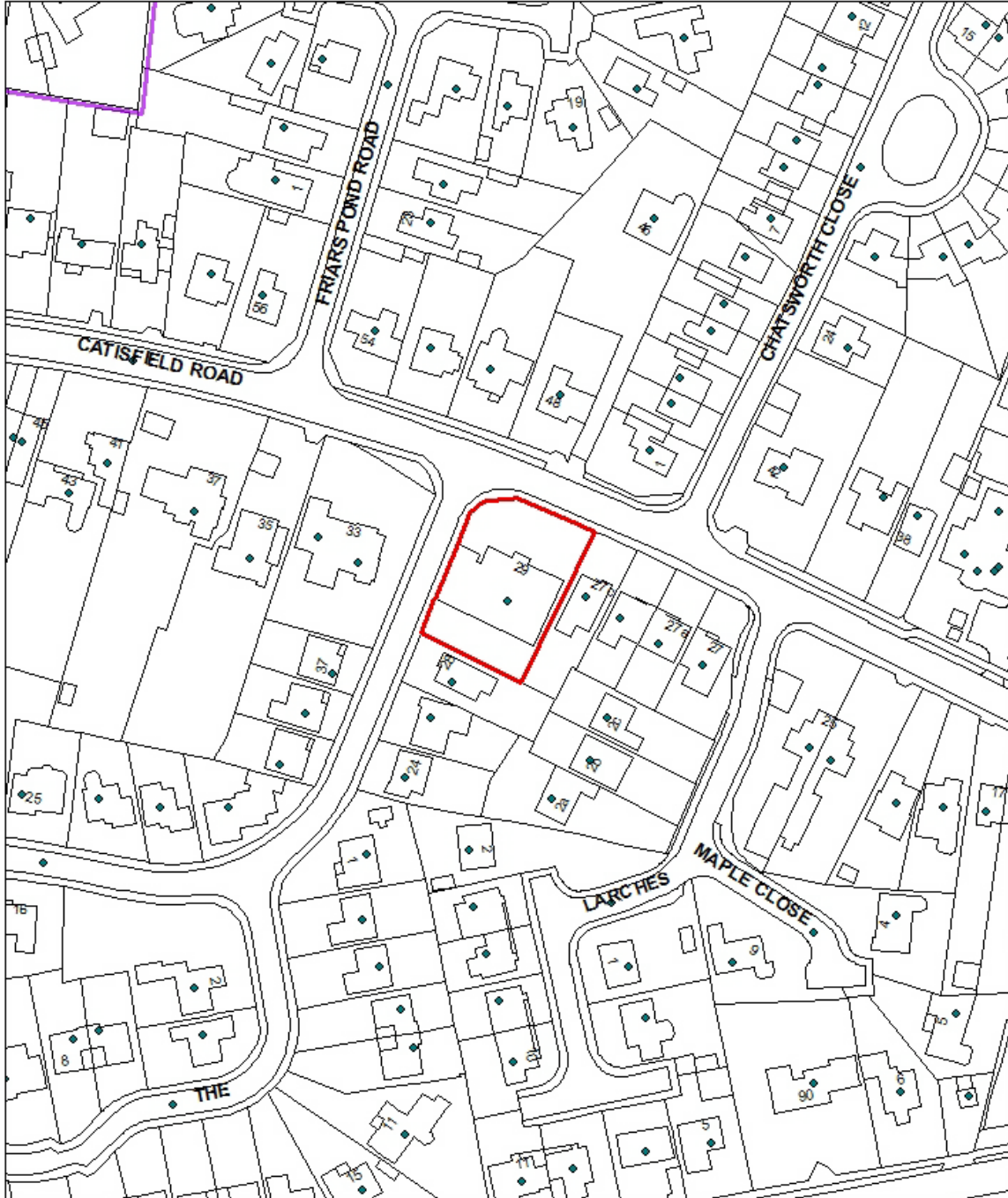
- i) the proposal fails to provide appropriate parking for the use of the property for swimming lessons;
- ii) the use of the property for swimming lessons is likely to lead to on-street parking which is harmful to the convenience and safety of highway users.

Background Papers

P/15/1231/CU

FAREHAM

BOROUGH COUNCIL



29 CATISFIELD ROAD
SCALE: 1:1,250

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Agenda Item 8(9)

Q/0005/16

SARISBURY

MRS HELENA HATTON

AGENT: MRS HELENA HATTON

WITHOUT PLANNING PERMISSION, CHANGE OF USE FROM DWELLING (USE CLASS C3) TO MIXED USE COMPRISING USE OF ORIGINAL GARAGE AS HAIRDRESSING SALON AND RESIDENTIAL USE OF THE REST OF THE HOUSE (SUI GENERIS)

22 SUFFOLK DRIVE WHITELEY FAREHAM HAMPSHIRE PO17 7DE

Report By

Richard Wright - direct dial 01329 824758

Introduction

This agenda item relates to a planning enforcement investigation carried out following a report of a hairdressing salon operating from the premises without planning permission.

After investigating the circumstances Officers established that there has been a breach of planning control (details of the investigation and breaches found are set out in the below report). In accordance with the Council's normal procedure Officers prepared an Expediency Report which recommended that it would not be expedient to take formal enforcement action in this instance. At the request of the ward member Councillor Swanbrow this matter has been brought to the Planning Committee for consideration.

Site Description

The site is a detached three bedroom dwelling located within the defined urban area of Whiteley.

The property has an attached single garage to one side which, it is understood, was converted several years ago to form a habitable room. In front of the garage is a hard surfaced driveway large enough for one vehicle to park.

Description of Proposal

Following a report that a hairdressing salon was operating from the premises Officers visited the property.

A planning officer met with the resident Mrs Helena Hatton who confirmed that she had resided at the property for a number of years with her husband Mark and two children. She advised that for a number of years that she had been a mobile hairdresser. Part of the garage at the property has recently been fitted out as a hairdressing salon. This area had previously been used as office space and, along with the rear half of the garage which continues to be used as a store room accessed from within the house, was subject of a garage conversion some years earlier.

The salon is equipped with a hairdressers chair, a sink with running water, an additional chair for the sink, couch and various hairdressing instruments. Mrs Hatton informed the planning officer during the visit that she still works as a mobile hairdresser but also uses the salon to cut around 6 paying customers hair per week whilst she practices on a further 6 neighbours and friends (non-paying) per week.

Following the site visit Officers examined the property's planning history. Permission was originally granted in 1988 for a number of houses in the area of which this was one

(reference FBC.7437/13). Condition 17 of that permission reads as follows:

The development thereby permitted shall not be brought into use until areas for the parking, loading, and unloading of vehicles in accordance with a scheme to be agreed by the Local Planning Authority shall have been provided and the areas shall be hard surfaced, marked out and subsequently retained and kept available at all times for the purposes to the satisfaction of the Local Planning Authority.

Reason - In the interest of highway safety

Officers subsequently advised Mrs Hatton that the conversion of the garage without further planning permission being granted was a breach of this condition. Mrs Hatton was also advised that the hairdressing use being carried out from the premises required planning permission.

In summary, after investigating the reported breach, it is concluded that:

1. No planning permission was obtained to vary the restrictions imposed by Condition 17 of FBC.7437/13 and to allow the conversion of the garage.
2. Since the initial conversion of the garage to a habitable room there has been a material change of use of the property as a whole away from a single dwellinghouse (Use Class C3) without planning permission.
3. The use of the property at present could best be described as a mixed use comprising the use of the original garage as a hairdressing salon and residential use of the rest of the house (Sui Generis).
4. It is within the Council's power to take enforcement action to remedy the breach since it appears to have taken place within the last ten years.

Officers have invited Mrs Hatton to make a planning application for a "Change of use from dwelling (Use Class C3) to mixed use comprising continued use of original garage as hairdressing salon and continued residential use of the rest of the house (Sui Generis)". To date no application has been received.

The below planning assessment considers the relevant issues concerning the unauthorised change of use of the land and whether it would be expedient for the local planning authority to take formal enforcement action.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS5 - Transport Strategy and Infrastructure

CS17 - High Quality Design

Approved SPG/SPD

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

Development Sites and Policies

DSP2 - Environmental Impact

Relevant Planning History

The following planning history is relevant:

**P/91/1021/OA RESIDENTIAL DEVELOPMENT AND ASSOCIATED
LANDSCAPING/OPEN SPACE
OUTLINE PERM 28/07/1992**

Planning Considerations - Key Issues

CONVERSION OF THE ORIGINAL GARAGE

The exact date of the garage conversion is unclear. Officers understand that the garage was converted into a habitable room a number of years ago and initially used as a home office. Research carried out through access to Google Street View imagery shows the garage having already been converted in June 2009, some six years ago.

The conversion of the garage is clearly a breach of Condition 17 of FBC.7437/13 but had previously gone unreported and Officers were unaware of the circumstances. The research carried out indicates that the garage had been unavailable for parking purposes for close to six years, at least, before the breach came to the attention of Officers earlier this year. Whilst in all probability the conversion of the garage occurred less than ten years ago, and therefore it would still be possible to take enforcement action against the breach of condition, the length of time the garage conversion went unreported suggests that it has had little or no adverse impact on parking provision in Suffolk Drive. The garage conversion has not led to any complaints being received by Officers in relation to parking problems in the street from residents.

The Council's adopted Residential Car & Cycle Parking Standards SPD was adopted in November 2009. It recommends that three-bedroom houses such as this should be served by two on-plot parking spaces. It also suggests that garages will not normally count towards overall parking provision.

At present the property is served by one car parking space on the driveway in front of the garage and does not meet the expected standard set out in the SPD. However, it does not necessarily mean that an under provision of parking on the site will lead to problems with the availability of on street parking or highway safety. The fact that local residents have not contacted Officers concerning the garage conversion and it went unreported for a long period indicates that in practice the loss of the garage parking space has had no noticeable adverse effect.

Officers are also mindful that the SPD discounts garage parking spaces. This rationale is fully explained in paras 5.15 - 5.17 of the document including factors such as the need for storage space and the relative small sizes of some garages. It is recognised that many residents do not use their garages to park vehicles in for these reasons.

In summary, there would appear to be no evidence that the conversion of the garage to a habitable room, which occurred over six years ago, has led to or exacerbated parking problems or materially harmed highway safety in Suffolk Drive. In that regard there does not appear to be conflict with Policies CS5 and CS17 of the adopted Fareham Borough Core Strategy.

CHANGE OF USE OF PROPERTY TO INCLUDE USE OF GARAGE AS HAIRDRESSING

SALON

The information Officers have obtained concerning the use of the former garage as a hairdressing salon indicates that the scale and nature of the use is relatively low key at present.

The number of customers Mrs Hatton is believed to have visiting the property each week is low and since it is only her involved in providing the service there is only limited potential for more than one customer to be present at any one time. The location of the salon means that customers are unlikely to visit without an appointment having already been made. In these respects the use is very different to a high street barber shop where 'drop in' trade would be expected.

The number of customers travelling to the site by car is unclear and unknown to Officers. However, given the location of the property within a residential area there may well be a number that travel to the site on foot or cycle as opposed to drive.

Taking the above into account Officers do not consider the hairdressing salon at its current scale generates a significant number of vehicle movements on a frequent basis to and from the site. Officers have not received any complaints from residents and there is no evidence to suggest that this small number of customer cars is creating problems in relation to the availability of street parking and the safe operation of the highway.

The hairdressing use is not considered to have any adverse impact on the living conditions of neighbours through increased noise or disturbance. Neighbours have not reported any nuisance being caused by the hairdressing use to Officers.

Based on the current level at which the hairdressing use appears to be operating, Officers do not consider it would be expedient to take enforcement action to require its cessation. The use complies with the requirements of Policies CS5, CS17 & DSP2 of the local plan.

Notwithstanding, if the number and/or frequency of customers visiting the site should increase in the future and it be demonstrated that issues were arising concerning parking space, highway safety or residential amenity, the Council could reassess the situation at any given time and reconsider the expediency of taking enforcement action.

Recommendation

Based on the above assessment, the policies of the adopted development plan and other relevant material considerations, including advice contained within the NPPF (para 207) and PPG, Officers do not consider it expedient to instigate enforcement action in respect of either the conversion of the garage or its use as a hairdressing salon.

FAREHAM

BOROUGH COUNCIL



22 SUFFOLK DRIVE
SCALE: 1:1,250

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ZONE 2 - FAREHAM

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

Reference

Item No

P/15/1122/FP LAND TO REAR OF 23 HIGH STREET FAREHAM PO16 7AE
 FAREHAM EAST PROPOSED ERECTION OF A DETACHED ONE-BEDROOMED
 BUNGALOW, FOLLOWING DEMOLITION OF EXISTING LEAN-
 TO GARAGE.

10
REFUSE

Agenda Item 8(10)

P/15/1122/FP

MR D. GORMAN

FAREHAM EAST

AGENT: ROBERT TUTTON
TOWN PLANNING CO

PROPOSED ERECTION OF A DETACHED ONE-BEDROOMED BUNGALOW,
FOLLOWING DEMOLITION OF EXISTING LEAN-TO GARAGE.

LAND TO REAR OF 23 HIGH STREET FAREHAM PO16 7AE

Report By

Richard Wright - direct dial 01329 824758

Site Description

The property at 23 High Street is a four-bedroomed end of terrace house (Grade II Listed) lying within the urban area and the Fareham High Street Conservation Area. Approximately 13 metres along the westward facing rear garden is a garage outbuilding lying across the plot the other side of which is another larger section of private garden belonging to the house. It is this western part of the rear garden of 23 High Street, along with the garage itself, which comprises the red edged application site subject of this planning application.

The application site is enclosed by tall red brick walls on its southern, western and northern sides. These walls are listed by virtue of being structures within the curtilage of a listed building. The northern boundary is also partially formed of the southern elevation of the outbuilding in the rear garden/car park of The Golden Lion public house which is listed, again by virtue of being within the curtilage of the Grade II Listed pub.

To the south of the site lies the rear garden of 22 High Street whilst to the west lies Civic Way and beyond it the Civic Offices of the Council.

Description of Proposal

Permission is sought for the construction of a new detached, one-bedroomed bungalow.

The bungalow would occupy the eastern part of the site to the immediate south of the outbuilding to The Golden Lion pub. The dwelling would be L-shaped with a bedroom, kitchen/dining room, bathroom and lounge. It would be constructed from red brick with a slate roof incorporating two solar panels in the southern plane.

The existing garage outbuilding would be demolished except for the eastern elevation wall which would remain. Two car parking spaces would be laid out in the area where the garage previously stood with vehicular access continuing to be provided via a pair of gates leading out into the car park to the rear of The Golden Lion pub. The applicant's agent has clarified that these car parking spaces would remain for the use of the existing house at 23 High Street and would not be available for use by the occupant(s) of the new bungalow. Notwithstanding this, emergency access from a door set in the east elevation of the bungalow would be provided across the parking area.

A pedestrian access gate set in the red brick boundary wall already exists at the far western end of the site leading out onto Civic Way. It is intended that this would be the main access route for the new bungalow.

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

CS7 - Development in Fareham

CS15 - Sustainable Development and Climate Change

CS17 - High Quality Design

Approved SPG/SPD

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

Development Sites and Policies

DSP3 - Impact on living conditions

DSP5 - Protecting and enhancing the historic environment

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

Representations

Three letters of support have been received in response to the application with the following points:

- It is in keeping with the sympathetic restoration of the existing houses (nos. 23 - 24 & 25 High Street)
- The bungalow will make little or no difference to neighbouring properties as it appears it will not be visible from any of them
- It would add to the residential nature of the northern end of the High Street

One letter of objection has been received from Walsingham Planning consultants on behalf of Fuller, Smith & Turner PLC, owners of The Golden Lion public house. The letter raises the following concerns:

- Contrary to the claims in the statement submitted by the applicant, the application site is clearly part of a larger burgage plot. The application is contrary to Fareham Local Plan Part 2 Policy DSP5 as it fails to take account of the Conservation Area Character Appraisal and, far from preserving or enhancing, actively seeks to break up an element that has been identified as fundamental to the historic character of the High Street.
- The side entrance, accessed over the pub car park, would be the only way delivery vehicles could reach the proposed construction site.
- There is the risk that the amenity of residents of the new dwelling will be affected by the use of [and noise from] the adjacent pub garden. This is likely to lead to complaints from the residents of the new dwelling.

One further letter of objection has been received from The Fareham Society:

- Fareham Borough Council, supported by The Fareham Society, has opposed development which subdivides the mediaeval burgage plots to the rear of High Street since its designation as a Conservation Area.
- The proposal is unacceptable and contravenes aspects of Core Strategy Policy CS17 and

Consultations

INTERNAL CONSULTEES

Refuse & Recycling - Bin collections are not made from Civic Way because there is nowhere for refuse vehicles to turn without having to make an unacceptably long reverse in such a busy area. A suitably worded planning condition is therefore required to give assurance of the bin collection point at the High Street frontage through the doors in the north boundary of the application site via the car park of The Golden Lion public house.

Trees - No objections subject to the provisions of the submitted Arboricultural Impact Assessment and tree protection method statement.

Highways - Given the exceptional circumstances of this proposal in regard to the size of the dwelling, the sustainable location of the site and the constraints of the Conservation Area, it is accepted that no parking provision will be made. Thus, no highway objection is raised to this application.

Environmental Health - No adverse comments. Although the bungalow is to be located next to the car park/garages/pergola serving The Golden Lion public house it is not envisaged that activities at the latter will give rise to statutory nuisance. This department has not received a complaint of noise from the pub since 2003. There is residential accommodation closer to the pub than the proposed dwelling. Obviously, the use of the pub may change over time but the landlord will always have the licensing responsibility to control activities so as not to allow a statutory nuisance to occur that affects local residents.

Conservation - Objection raised. Please see below section on Planning Considerations

Planning Considerations - Key Issues

- Principle of new housing in the urban area

The application site is residential garden land within the urban area. Although Policies CS2 & CS6 of the adopted Fareham Borough Core Strategy state that priority will be given to the reuse of previously developed land (PDL) within the existing urban areas, Annex 2 of the National Planning Policy Framework (NPPF) excludes private residential gardens from being defined as PDL. Whilst this does not mean new development on garden sites should always be resisted, it does mean that any such decision should be made principally in relation to the specific impacts of the development. The material considerations to be taken into account are set out and discussed below.

- Effect on the historic environment

The site forms part of the curtilage of a Grade II listed building with other listed properties and structures in close proximity. The proposal would affect the setting of these heritage assets and the character and appearance of the Fareham High Street Conservation Area in which it would lie.

The Fareham High Street Conservation Area Character Assessment is an important material consideration. The High Street has a strong historic character, at its core is the remarkable preservation of a surviving layout of medieval burgage plots that were laid out by the Bishops of Winchester in the late 12th and early 13th century. The surviving historic

layout comprises a well-defined continuous frontage of historic buildings fronting the High Street with open gardens behind. The long gardens are defined by tall red brick walls and typically remain ancillary to the use of the frontage buildings. Retaining the integrity of this historic layout, which is an important element of the early evolution of the town, is essential to the conservation of the High Street Conservation Area and fundamental to its significance as a designated heritage asset. As such it is identified in the character assessment as a key feature to be preserved and enhanced. The importance of the preservation of this early development pattern has been recognized and given significant weight in the dismissal of a number of appeal decisions.

The rear garden of 23 High Street follows the historic pattern of the street described above and forms part of the surviving medieval plot layout. Typical of the burgage plots it has a long undeveloped garden that reaches west to Civic Way and is enclosed by tall red brick walls. The garden remains ancillary in use to the residential street frontage. A 20th century domestic garage, a low flat roofed building, has been built across the plot prior to the designation of the conservation area but despite this the garden as a whole remains predominantly open, intact and legible as part of the medieval layout of the High Street. In the submitted statement the applicant contends that there is 'no burgage plot to respect' however Officers do not consider that to be the case. To the contrary, Officers consider that it is very clear that the whole plot, as part of the history and setting of the listed house and as a surviving part of the medieval layout, makes a significant and important contribution to the character and appearance of the High Street Conservation Area and the setting of the listed buildings.

The Council's Conservation Planner has raised a strong objection to the proposal in principle. He says: "The introduction of a new separate residential curtilage and house into the existing rear garden would sever part of the surviving historic plot from its frontage building and garden both physically and in use. It would create a separate residential curtilage that would be contrary to the established character of the surviving medieval layout of the High Street and would introduce an inappropriate new residential building into an existing open historic garden. The proposal would seriously harm the significance of the High Street Conservation Area and also the setting of listed buildings. Notwithstanding the strong objection in principle to the proposal the nondescript design of the proposed bungalow would fail to respond to its historic context in terms of design and would also be harmful to the character and appearance of the conservation area and the setting of listed buildings".

The objection from the Conservation Planner is an important piece of advice to take into account which also reiterates the local planning authority's duties when considering planning applications affecting listed buildings or conservation areas as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. Members of the committee must have special regard to Section 66 of the Act, which states that: "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority... shall have special regard to the desirability of preserving the building or its setting", and Section 72 which imposes the same duty to pay "special attention... to the desirability of preserving or enhancing the character or appearance" of a conservation area. In this instance Officers consider the proposal fails both of these legislative tests.

The NPPF expects great weight to be given to the conservation of designated heritage assets and proposals that result in harm must be weighed against any public benefits. The provision of one additional one-bedroom house is not considered to be of sufficient benefit

to outweigh the significant harm caused to the heritage assets identified in this instance.

Officers have concluded that the proposal would not preserve the setting of the listed buildings nor the character and appearance of the High Street Conservation Area and is contrary to Policy CS17 of the adopted Fareham Borough Core Strategy and Policy DSP5 of the adopted Fareham Borough Local Plan Part 2. The proposal fails to meet the necessary tests set out in Sections 66 & 72 of the 1990 Act and is contrary to national planning policy which seeks to protect designated heritage assets.

- Living conditions of residents

The submitted plans show the bedroom at the proposed bungalow being located in the north-eastern corner of the building. It is shown to be served by two windows with two further roof lights also provided. One window would be in the northern elevation of the bungalow facing out onto the flank brick wall of the adjacent outbuilding at The Golden Lion at a distance of approximately 1.5 metres. The other window in the eastern elevation would face out onto the car parking area which is to remain in use for the occupants of the existing house at no. 23. This window would be 'double glazed with one-way privacy glass'. The applicant's agent has described the window as being finished in smoked glass, similar to a car window.

Officers consider this arrangement would fail to provide adequate internal living space, sunlight and daylight for future occupiers of the property and as required by Core Strategy Policy CS17. The two roof lights are very small and would provide minimal levels of sunlight to the bedroom. The window in the northern elevation would also provide very little light to the room and its outlook would be severely affected by the close proximity of the flank wall of the adjacent outbuilding. Light into the room through the window in the eastern elevation meanwhile would be restricted due to the smoked glass. In addition, despite its smoked treatment, Officers do not consider the window would provide the necessary level of privacy to the bedroom which future occupiers would reasonably demand. The distance between it and first floor windows in the rear of no. 23 would be slightly short of 22 metres (the expected separation distance set out in the Council's adopted Design Guidance Supplementary Planning Document) however far more intrusive would be the comings and goings of people and vehicles using the access and parking spaces immediately outside of this bedroom window. There is another window and a further door proposed to be glazed with one-way privacy glass in the eastern elevation to the kitchen/dining room which would also be affected. Officers are concerned that one-way privacy glass would be ineffective in preventing views into the property at close range and the reflectiveness of the glass would be lessened when lights are turned on in the house. The proximity of these windows to the car parking spaces where people and vehicles would be coming and going potentially on a regular basis would be harmful to the privacy of the occupants of the dwelling. Furthermore their overall living conditions would be affected by noise, fumes and disturbance from those vehicle movements.

The proposal is therefore contrary to Core Strategy Policy CS17 and Local Plan Part 2 Policy DSP2 which expects that "Development proposals should not, individually, or cumulatively, have a significant adverse impact either on neighbouring development, adjoining land or the wider environment by reason of noise, heat, liquids, vibration, light or air pollution (including dust, smoke, fumes or odour)".

The potential for noise and disturbance from the adjacent public house The Golden Lion has been considered however Officers do not believe there is any significant potential for

this to become an issue adversely affecting the living conditions of future occupants of the bungalow. The Council's Environmental Health Officer has noted that there are already other existing residential properties which are closer to the pub than the proposed bungalow and the last report of noise nuisance from the pub was in 2003.

- Parking provision

The two car parking spaces on the site are to be retained for use by the occupants of the existing house at no. 23 High Street. The proposed bungalow would have no parking space provided for use by the new occupants.

The Council's adopted Residential Car & Cycle Parking Standards Supplementary Planning Document (SPD) sets out an expectation that 1-bedroom dwellings should be provided with a single parking space. However, the SPD acknowledges that in areas of high accessibility a lesser provision may be acceptable. It also indicates that the availability of unallocated parking nearby and conservation area issues should be taken into account (paragraph 5.8).

This site is in an accessible location close to the town centre and within a short distance of a wide range of services and facilities. There are public car parks nearby and street parking is available on High Street itself. With this in mind, and acknowledging the difficulty the applicant would have in providing on-site parking provision without harming the historic boundary walls which surround the site, Officers consider that the requirement to provide such parking space could be set aside in this instance. The Council's Highways Officer has raised no objection to the proposal on this basis.

- Effect on Solent Special Protection Areas

Local Plan Part 2 Policy DSP15 (Recreational Disturbance on the Solent Protection Areas) 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.

- Summary

In summary, the proposal is unacceptable due to the significant harm that would be caused to designated heritage assets. In accordance with Sections 66 & 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Officers have considered the desirability of preserving the setting of the affected listed buildings and preserving or enhancing the character and appearance of the High Street Conservation Area. It has been found that the proposal would not preserve the setting of listed buildings, the medieval layout of the High Street and in turn the significance of the conservation area. The proposal therefore fails those statutory tests and is considered contrary to national and local planning policy.

In addition, the living conditions of future occupiers of the bungalow would be adversely affected by the inadequate levels of privacy, outlook and light to the bungalow and also by the noise, fumes and disturbance from use of the car parking area which would be in close

proximity to the new bungalow but reserved for use by occupants of the existing house.

Finally, the applicant has failed to provide satisfactory mitigation in respect of the effect of the development on increased recreational disturbance on the Solent Coastal Special Protection Areas.

Recommendation

REFUSE:

The proposed development is contrary to Policies CS17 of the adopted Fareham Borough Core Strategy and Policies DSP2, DSP5 and DSP15 of the adopted Fareham Borough Local Plan Part 2: Development Sites & Policies and fails to preserve the setting of listed buildings or to preserve or enhance the character and appearance of the High Street Conservation Area and is therefore unacceptable in that:

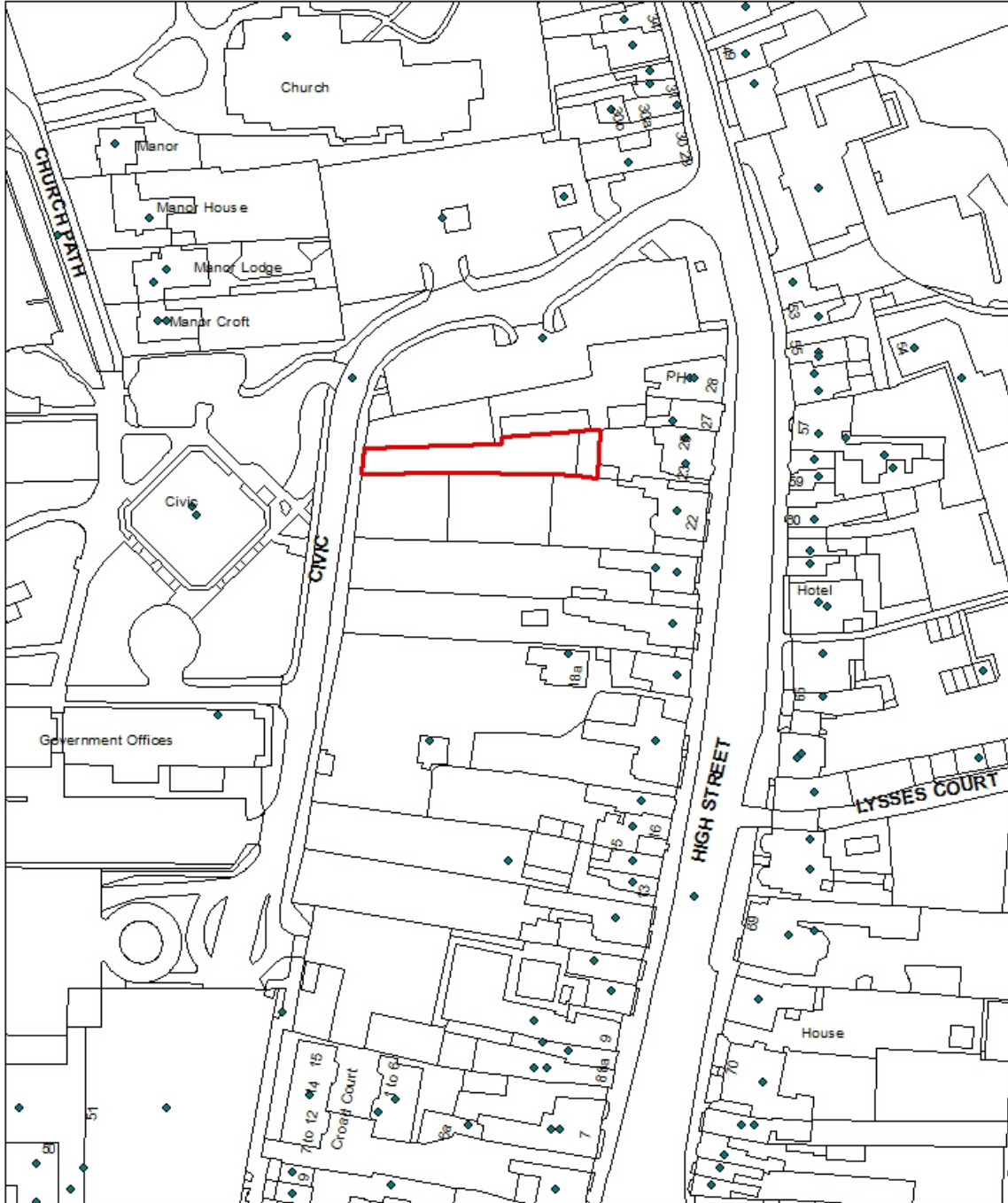
- i) The siting of a bungalow within this historic burgage plot and the subdivision of the burgage plot to form a separate residential curtilage would be seriously harmful to the integrity and legibility of the surviving medieval layout of the High Street which is an important characteristic of the High Street Conservation Area;
- ii) The siting of the bungalow and the severance of the listed building 23 High Street from the remainder of its historic garden burgage plot, which is clearly intact and well defined by its listed boundary walls, would seriously harm the setting of the existing house and the setting of other listed buildings in the street;
- iii) The proposal would result in a building that fails to respond in design to the historic context of the conservation area and the setting of listed buildings and would be an inappropriate and unsympathetic form of development harmful to the character and appearance of the conservation area and setting of listed buildings;
- iv) The proposal fails to provide adequate privacy, outlook and light to the internal space to meet the requirements of the future occupiers of the bungalow;
- v) The proximity of the car parking spaces to be used by occupants of the existing dwelling at 23 High Street to the windows and door in the eastern elevation of the proposed bungalow would be harmful to the living conditions of the future occupiers of the bungalow by virtue of noise, vibration and fumes;
- vi) In the absence of a financial contribution or a legal agreement to secure such, the proposal fails 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/15/1122/FP

FAREHAM

BOROUGH COUNCIL



23 High Street -
Land to Rear of
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/15/1085/FP
HILL HEAD

89 HILL HEAD ROAD FAREHAM HAMPSHIRE PO14 3JP
RETENTION OF RAISED DECKING AND ALTERATIONS TO
FENESTRATION TO EXISTING DETACHED OUTBUILDING

11
PERMISSION

P/15/1093/FP
PORTCHESTER
EAST

UNITS 1-4& 18-19 CASTLE TRADING ESTATE FAREHAM PO16
9SF
DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF
LIDL FOOD STORE WITH ONE HUNDRED CAR PARKING
SPACES.(AMENDED PROPOSAL TO PLANNING PERMISSION
P/14/1187/FP)

12
PERMISSION

Agenda Item 8(11)

P/15/1085/FP

MR & MRS WILLIAMS

HILL HEAD

AGENT: P M G (BUILDING
DESIGN & CONS) LTD

RETENTION OF RAISED DECKING AND ALTERATIONS TO FENESTRATION TO
EXISTING DETACHED OUTBUILDING

89 HILL HEAD ROAD FAREHAM HAMPSHIRE PO14 3JP

Report By

Mark Wyatt Direct dial (01329) 824704

Introduction

This application was deferred at the Planning Committee meeting on 16th December 2015.

The application was deferred so that Officers could provide further advice and information to Members to assist with their determination of the planning application. The advice/information related to the following matters:

- the extent of the permitted development rights afforded to the building;
- how the occupancy of the building could be controlled; and
- what the enforcement options would be should the application be refused.

These aspects are addressed in the following report.

Site Description

The site is, for the purpose of planning policy, outside of the defined urban settlement boundary and is within the countryside. The site is located on the south side of Cliff Road just west of the junction of Cliff Road, Hill Head Road and Old Street. The site is part of the garden of 89 Hill Head Road and comprises a single storey building in an "L" shape footprint, permitted as incidental accommodation to the main house.

The land falls steeply to the south at the rear of the building such that the rear of the building opens out onto a decked area with views over the Solent. Areas of lawn lie to the west and east of the building. The eastern lawn links to the main dwelling. Between the boundary fence (north) and the building itself is a small gravel drive area.

Description of Proposal

This application seeks retrospective planning permission for two types of operational development only and not the use of the building.

Firstly the application seeks to regularise the different and additional openings added to the building at the time the building was constructed.

In terms of the changes to the elevations, the external differences are as follows:

North east elevation:

- Addition of a door
- Addition of a high level window

North west elevation:

-Addition of a window

South west elevation:

-Replacement of a window with a patio door.

Secondly planning permission is also sought for the retention of the decking at the rear (sea side) of the building.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS11 - Development in Portchester, Stubbington and Hill Head

CS14 - Development Outside Settlements

CS17 - High Quality Design

Development Sites and Policies

DPS1 - Sustainable Development

Relevant Planning History

The following planning history is relevant:

P/07/0285/FP - Erection of garden room following demolition of existing structure - Permission 24/04/2007.

P/11/0624/FP - Erection of a single storey extension to detached garden room and realignment of existing stairway as it approached that garden room - Permission 21/12/2011.

Whilst not directly related to the site itself P/12/1038/FP proposed the erection of a beach hut with decking and stairway on the land west of the site. This application was refused on 29/04/2013 for the reasons:

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

i) the proposal represents development in the countryside, outside a settlement boundary that is not essential for agricultural, forestry or horticultural purposes. Furthermore, by reason of the size, scale and position of the development, which is located in a highly sensitive coastal landscape the proposal would result in a visually intrusive form of development harmful to the character and appearance of this coastal location;

ii) insufficient information has been submitted in respect of the impact of the development on ecology, in particular how the development will impact on badger setts. In the absence of this information it is considered that the development would not adequately cater for these species and is therefore unacceptable.

P/15/0093/CU - change of use of garden room to a self-contained holiday let - withdrawn 28/07/2015.

Representations

Following publicity of the application, sixteen representations of objection have been received, one representation of support and one letter from the applicant.

These representations raising objection are from : 4, 14, 20 (x2 - but counted as one) Cliff Rd; 22, 36, 55, 65, 69, 83, 87 Hill Head Road; 4 Solent Road; 2, 2A Old Street; 6 Monks Way, 63 Old Farm Lane; and Hill Head Residents Association.

The main issues raised within the representations can be summarised as follows:

The application to all intents and purposes is yet another approach to gaining "back door" approval for an already "illegal development" from a garden room and spa to a two bedroom dwelling;

The Borough Planning Department has yet to resolve and announce any action against this illegal dwelling;

The badger survey refers to the building as a single storey residential unit;

The damage to badgers was achieved three years ago when the decking was constructed and the badger setts were destroyed and filled in;

Other applications in the locality have been rejected by the same planning process;

There is a great deal of anger in the community about this retrospective application and the underhand development and the Committee is urged to refuse the application;

does not conform to the needs and priorities of the Hill Head community contrary to para 1 of the NPPF;

The impacts of the proposal would significantly and demonstrably outweigh the benefits
The surrounding area is sub-urban and the site is countryside. It is in no way part of the rural economy;

CS14 advises that in coastal locations development should not have an adverse impact on the special character of the coast when viewed from the land or water. This building and its deck contravenes this policy;

The changes to the fenestration are only applicable if the garden room's conversion to a two bedroom dwelling is accepted. There is no case for encouraging the applicants to ignore planning law and we ask that this application be refused;

We would like to see the tarmac access restricted to just a pedestrian access.

Three Letters of support have been received from 7 Monks Way; 2 Bells Lane and 28 Cliff Road:

I cannot see any reason why this would be a hindrance to anyone living or walking past. It is very well hidden and as I understand would remain part of the main house.

As a Member of the Hill Head Residents Association I am concerned that only one side of the argument has been given to the residents.

I understand that the application has a professional badger survey and that there is clear evidence that no badger sets have ever existed. This information has been withheld from the residents. I can only assume that the committee is unwilling to look at the facts.

A letter has also been received from the applicant containing the following points:

- We have no intention to develop the building for any kind of let
- It will be for occasional family use only
- I do not need to do any development and have no intention of doing so
- I withdrew the application for a holiday let in order to appease local concerns

Consultations

INTERNAL CONSULTTEES

Ecology: No objection

Planning Considerations - Key Issues

The Key Issues for consideration are:

- The principle of development
- Effect upon the character and appearance of the area
- Ecology Implications
- Other Matters

The reasons for the deferral of the application from the meeting of 16th December are considered further:

- The extent of permitted development rights afforded to the building:
- How the occupancy can be controlled:
- Enforcement options:

THE PRINCIPLE OF DEVELOPMENT:

Planning permission has previously been granted for an extended garden room of the same size, height and location as the building subject to this planning application. The principle of a building of this size and in this location has been already been established.

It came to light during the consideration of the application P/15/0093/CU that the building had not been built strictly in accordance with the approved plans.

Some third party comments have expressed concern that this Council is considering a retrospective application and suggest that the issue of the building as a dwelling should be addressed first before this application for changes to the built form and the retention of the decking.

In the view of Planning Officers the use of the building as a separate dwelling has ceased- it is currently vacant. There is no breach of planning control therefore with regard to its use.

The 1990 Town and Country Planning Act (s.73A) allows for planning applications to be made seeking to regularise development already carried out.

Given that the scale, bulk and siting of the building is as previously granted planning permission, the current breach of planning control relates solely to the changes to the elevations and the construction of the decking.

The assessment is therefore a matter of detail in the design rather than a matter of principle and therefore this is a case where officer and Member judgement is necessary on the breach as to its acceptability. The consideration of the application pursuant to section 73A of the Act is acceptable.

EFFECT UPON THE CHARACTER AND APPEARANCE OF THE AREA:

Dealing first with the building itself, the overall footprint of the building has not changed and the height and scale of the building have not changed from that permitted previously; the amendments relate solely to the elevations.

The changes to the north east elevation are set behind the existing boundary fence.

The new window in the north west elevation looks out over the (east) garden area of 89 Hill Head Road. The alteration from window to a door on the south west side looks out towards the sea.

It is considered that the small changes to the elevations of this ancillary building do not materially affect the appearance of the building as previously permitted. Furthermore the changes to the elevations cause no material harm to the character or appearance of the area.

The second aspect for which planning permission is sought is the decking. It is clear that in 2011 when the permission was granted for the extension to the garden room there was some decking already to the rear of the building. This section of decking is immune from any planning enforcement action.

The now extended decking was not shown on the approved plans for the extended building. Given the topography and the steep fall down to the promenade, the decking is supported on a metal frame with footings into the steep slope down to the beach.

The decking is typical of that common in many domestic settings with boarding at ground level and a timber balustrade and spindles around the outer edge. The decking sits on a metal frame which appears to consist of RSJ beams inserted into the slope with the decking fixed to the frame.

The decking extension is read in association with the outbuilding (garden room) and has no identifiable demonstrable harm from the Hill Head Road or Cliff Road vantage points due to its location on the south side of the building. Even from the promenade and water (as far as can be assessed when the tide is out), given the steepness of the slope up from the beach and the growth of the scrub on the slope the decking is not clearly apparent even in the winter months. It is weathering to a light colour and even from views along the beach, the actual impact of the decking is limited and read against the back cloth of the outbuilding to which it serves. As such it is not considered that there is any material harm to the character and appearance of the building or area caused by the decking.

ECOLOGY IMPLICATIONS:

The current application is submitted with a Badger Survey prepared by EcoSupport in October 2015. This submitted report confirms that there are no badger setts on the site.

The issue raised in many third party letters, however, is that the construction of the decking did impact upon the badger sett and badger activity in the slope from the site down to the promenade.

Whilst these comments are noted, if an offence had been committed it is a matter for the police to pursue rather than the Local Planning Authority.

On the basis of the surveys undertaken at the site Officers do not believe the retention of the decking materially harms badgers or other ecological interests.

OTHER MATTERS:

The acceptance of this application does not provide a permission for a dwelling; it would solely regularise the breaches of planning control being the elevation changes and a section of decking.

The use of the building for purposes incidental to the enjoyment of 89 Hill Head Road accommodation does not require any further planning permission. The use of the building as a separate dwelling, should it reoccur, would constitute a material change of use which would require planning permission.

The access to the site off Cliff Road was installed by the County Council as Highway Authority to serve as a garden access. The County Council has recently undertaken some alterations to the layby due north of the site to provide improved off road parking provision. These works did not include the removal of the tarmac drive from the application site to Cliff Road. Some neighbouring letters have suggested that this tarmac be removed to prevent the use of the building as a dwelling. The tarmac area in question is outside of the application site and therefore the control of the applicant. In any event, as per the above, to use the building as a dwelling would require planning permission.

The reasons for the application being deferred from the meeting of 16th December are considered further below:

THE EXTENT OF PERMITTED DEVELOPMENT RIGHTS AFFORDED TO THE BUILDING:

It is clear from the planning history for the site that the building was the subject of a planning permission granted by this Council rather than built under Permitted Development Rights. The application seeks to regularise the differences in the fenestration from that on the approved drawings to that as built.

At the Committee Meeting on 16th December Members sought clarification as to the extent of permitted development rights afforded to the building should these changes be found unacceptable or the implications for any other development/alterations in the future.

Legal advice has been sought and it is confirmed that the intended use of the building as annexed accommodation for occasional use by the applicant's family would be a use that

does not require a planning permission.

The annexe use would, however, be a use "ancillary" to the main house rather than an "incidental" use as permitted by the planning history.

As such it is concluded that the alterations to the building different to the approved plans require planning permission and are not permitted development. Similarly, should this application fail and the applicant block up the openings to ensure compliance with the approved plans; to change it back again would require an express planning permission.

HOW THE OCCUPANCY CAN BE CONTROLLED:

During the Committee debate on 16th December it was suggested that the future occupancy of the building should be secured by planning obligation.

Firstly, it is noted that for the two planning permissions granted for the building and its extension, neither of them included any restrictive occupancy conditions linking the use of the building with the main house at 89 Hill Head Road.

The development is only for the regularisation of the fenestration and the retention of the decking; not for the use of the building itself.

An obligation to control the occupancy would not therefore, be necessary to make the development acceptable in planning terms, it would not be directly related to the development (given that the use of the building is not part of the proposal) and an obligation would not be fairly and reasonably related in scale and kind to the proposal.

Given that the application is seeking to regularise the fenestration from the approved plans to reflect the built form as constructed, the time for imposing conditions controlling the occupancy was when the building and its extension were permitted and found as acceptable. To impose occupancy restrictions at this stage would likely conflict with the six tests for when conditions should be imposed; namely that of necessary and reasonableness.

In the future, to change the use of the building to an independent dwelling, should it happen, would be a material change of use of the building and such a use would require an express planning permission.

ENFORCEMENT OPTIONS:

There are two identified breaches of planning control at the site namely:

- The changes in fenestration from the approved drawings; and
- The enlarged decking area to the south of the building.

In terms of the potential enforcement options to address the breaches of planning control, the first means of regularising the breaches is to grant a planning permission in accordance with the recommendation.

Should the application fail, the next step, is to consider the expediency for enforcement action against the breaches.

Paragraph 207 of the NPPF requires that when considering enforcement action Local

Planning Authorities should act proportionately to the breach of planning control. The assessment of expediency should have regard to the development plan and any other material considerations that are relevant. The Officer assessment of the breaches against the development plan is provided in the report to Committee for 16th December (and above). It is the Officer view that it is not expedient to take any further action, hence the favourable recommendation.

The planning permissions for the building require, by condition, that the development be carried out in accordance with its approved drawings. It is clear that the building is not built in accordance with the approved plans. One enforcement option to address this breach is to serve a Breach Of Condition Notice. This would identify the breach and the steps requires to secure compliance with the condition.

The decking extension is not associated with any planning permission and is therefore unauthorised development rather than a development not in accordance with approved plans. As such a Breach of Condition Notice is not appropriate for this breach of planning control.

Should Members identify that there is demonstrable harm from this decking extension that results in a conflict with the development plan policies then the next step would be the service of an enforcement notice (EN) on the basis that there are no conditions that could be imposed on this planning application to overcome an objectionable issue.

It is considered that a planning condition should be included as part of the recommendation to require the steel frame on which the decking is constructed to be treated in a dark colour and maintained as such, this would help mitigate the impact of the steel frame on close (from the promenade) and wider views (from the beach).

In the event that a condition to secure a dark colour on the steel frame is not acceptable to Members any EN must set out exactly what, in the local planning authority's view, constitutes the breach of planning control, how it is harmful and what steps the local planning authority require to be taken, or what activities are required to cease to remedy the breach.

So in conclusion, the enforcement options are:

- Grant a planning permission consistent with the application before the Committee including a condition to have the decking steel frame painted a dark colour;
- Refuse the application;
- Service of Breach of Condition Notice - against the building fenestration; and
- Service of Enforcement Notice - against the deck extension.

If the last option forms the resolution from the Committee, the LPA must set out exactly what, in the local planning authority's view, constitutes the breach of planning control, how it is harmful and what steps the local planning authority require to be taken to remedy the breach.

CONCLUSION:

It is considered that the application does not cause material harm to the appearance of the building or the character and appearance of the area. The proposal accords with the policies of the adopted Local Plan and continues to be recommended for permission.

Recommendation

PERMISSION subject to conditions:

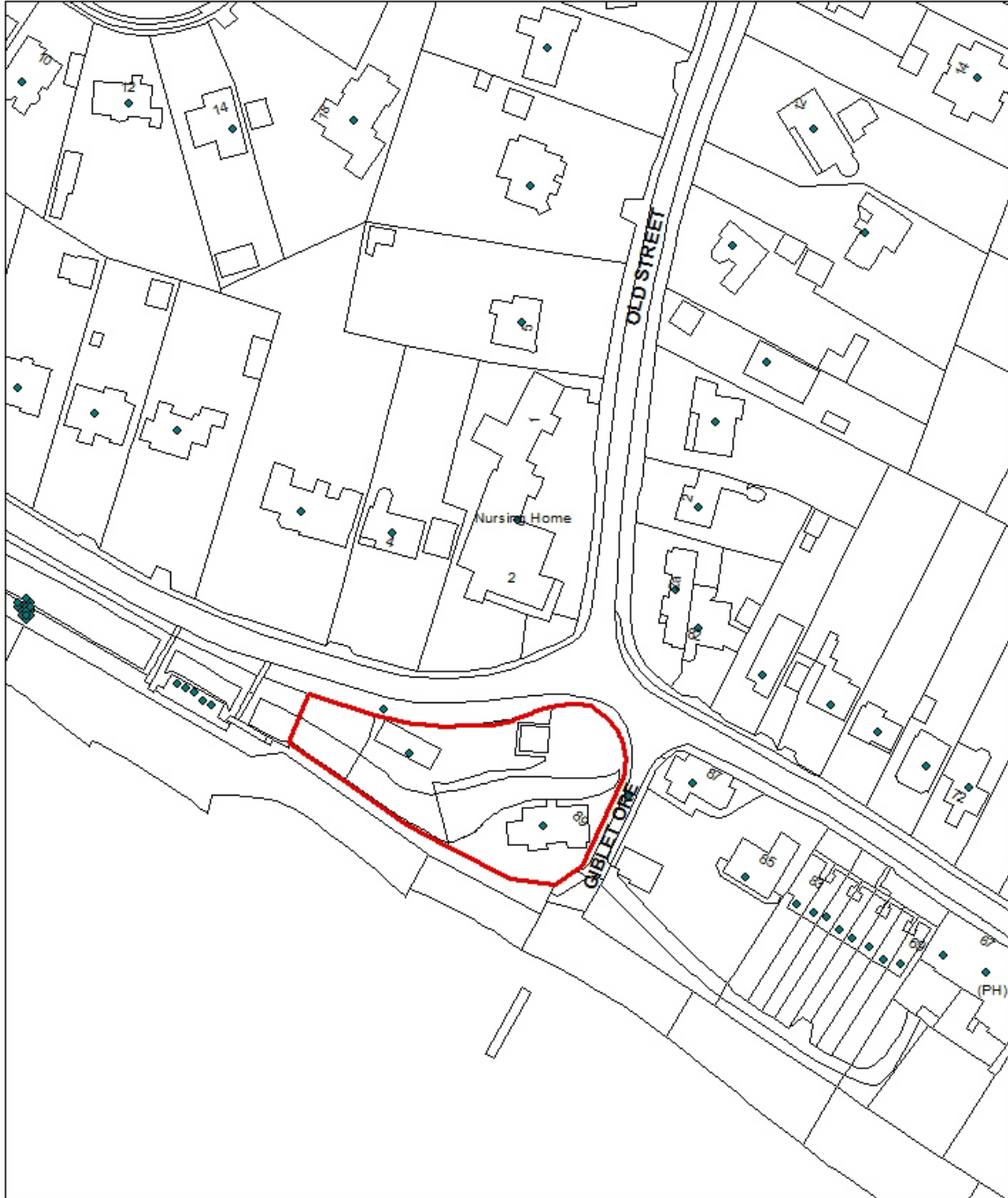
1) Within one month of the date of this decision details of the dark colour to be applied to the steel frame supporting the decking shall be submitted to and approved in writing by the Local Planning Authority. The steel frame shall be treated in accordance with the approved details within one month following the approval of the details.
Reason: To ensure a satisfactory appearance in the interest of the character of the area.

Background Papers

See "relevant Planning History" above

FAREHAM

BOROUGH COUNCIL



89 HILL HEAD ROAD
SCALE: 1:1,250

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Agenda Item 8(12)

P/15/1093/FP

PORTCHESTER EAST

LIDL UK GMBH

AGENT: LIDL UK GMBH

DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF LIDL FOOD STORE WITH ONE HUNDRED CAR PARKING SPACES.(AMENDED PROPOSAL TO PLANNING PERMISSION P/14/1187/FP)

UNITS 1-4& 18-19 CASTLE TRADING ESTATE FAREHAM PO16 9SF

Report By

Mark Wyatt Direct dial 01329 824704

Introduction

Planning Permission was granted on 11th November,2015 for a new Lidl foodstore at Castle Trading Estate under reference P/14/1187/FP.

The planning application now before Members seeks permission for a larger store of amended design with increased car parking.

Site Description

The application site is on the east side of Castle Trading Estate comprising the land of units 1-4 and numbers 18 and 19. The site occupies the corner plot at the junction of the Trading Estate road and the A27. The eastern site boundary forms the borough boundary with Portsmouth City Council.

Buildings on the area to be occupied by the permitted store have recently been demolished and the site cleared. The unit of number 19 (the recently acquired additional land) is occupied by a vacant industrial building. The site is currently enclosed by construction hoarding.

In terms of topography the site is generally flat although there is a slight change in levels down into the site from the northern boundary.

Description of Proposal

In early November 2015, Lidl submitted a revised application for a larger store having acquired additional land south of their original site at Castle Trading Estate. The main changes to the application are:

- The application site is increased southwards with additional land now having been acquired by the applicant.
- The building increases in size by 930 square metres (2,432 square metres from 1,502square metres) with the shop floor increasing by 361 square metres. This is approximately a 34% increase in sales area.
- The remaining extra floorspace is to provide additional back-of-house storage areas and a small first floor for staff welfare/facilities
- The car parking provision increases from 70 to 100 spaces; an increase in 30 spaces and the car park entrance position moves south along the Castle Trading Estate road
- The design of the building is amended slightly with more glazing around the store entrance and an increase in the overall finished height to accommodate the first floor.

In brief, the new application, proposes the demolition of remaining buildings and structures

on the application site and redevelopment to provide a Class A1 foodstore of 2,432square metres gross floorspace. The proposed store would be occupied by a Lidl and would trade as a discount foodstore.

Lidl have advised, in their submission, that the larger store represents the new format and specification of store which has been adopted by the Organisation since the submission of the permitted scheme. It is the applicant's case that the new store format will deliver an improved store layout for its customers with better circulation space and additional shop floor space for fresh produce, chilled goods and bakery products. The additional floor area also provides for a much larger and more efficient storage and warehousing operation.

The proposal would continue to operate as a discount store and the applicant is happy to accept the same conditions as the permitted scheme with regard to the number of lines the store can carry and the percentage of floor area for comparison and non-comparison goods.

Policies

The following guidance and policies apply to this application:

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

Approved Fareham Borough Core Strategy

CS1 - Employment Provision
CS3 - Vitality and Viability of Centres
CS5 - Transport Strategy and Infrastructure
CS6 - The Development Strategy
CS11 - Development in Portchester, Stubbington and Hill Head
CS17 - High Quality Design

Development Sites and Policies

DPS1 - Sustainable Development
DSP2 - Environmental Impact
DSP3 - Impact on living conditions
DSP17 - Existing Employment Sites and Areas
DSP34 - Development in District Centres, Local Centres, and Local Parades
DSP36 - Portchester District Centre
DSP37 - Out-of-Town Shopping

Relevant Planning History

The following planning history is relevant:

<u>P/06/1647/FP</u>	ERECTION OF FOODSTORE WITH ASSOCIATED PARKING AND FIRST FLOOR OFFICES WITH PARKING REFUSE 23/03/2007
<u>P/14/1187/FP</u>	DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF LIDL FOOD STORE WITH 70 CAR PARKING SPACES.

Representations

Following extensive publicity of the planning application, 11 representations of support and one representation of objection have been received. The main points raised can be summarised as follows:

Supporting representations:

- Support the new store and its revised layout
- We see no reason why this shouldn't be approved
- Generally consider it to be a good idea but suggest that someone from highways positions themselves at the junction to assess congestion; especially in the opening weeks.
- The larger site will further assist with the usage of adjacent derelict and unwanted industrial premises and offer a larger retail unit on such an important site.
- Look forward to walking to this store- only concern is the quantity and location of the cycle parking.

Objecting representation:

- The original proposal was for a small store with limited stock. This is a bigger store with more parking and will offer all manner of goods.
- It will decimate the District Centre.
- It was obvious that Lidl would not build the smaller store as no commitment to a date for development was given.

Consultations

EXTERNAL CONSULTTEES:

Hampshire County Council (Highways):

- No objection:
- Conditions are recommended and an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the bonded travel plan and the off site highway works

Eastern Solent Coastal Partnership:

- No objection.

Environment Agency:

- No objection:

Southern Water:

- A formal application for a connection to the public foul and surface water sewer will need to be made by the developer

Portsmouth City Council:

- No response received.

INTERNAL CONSULTEES:

Highways:

-No objection subject to conditions:

Ecology:

-No objection

Environmental Health - Contamination:

-No objection subject to conditions

Planning Considerations - Key Issues

The key planning considerations in the determination of this application are:

- Planning Policy & the Principle of retail development outside a designated Centre
- Employment generating development
- Sequential test
- The Impact upon the District Centre
- Highways
- Flooding
- Ecology
- Amenity
- Building Design

PLANNING POLICY AND THE PRINCIPLE OF RETAIL DEVELOPMENT OUTSIDE A DESIGNATED CENTRE:

In between the consideration of the permitted scheme and this current application there has not been any material change in the development plan and national policy guidance in relation to retail development proposals. Therefore the policy context described in the committee report previously (P/14/1187/FP refers) remains applicable to this current application.

Policy CS3 of the Core Strategy identifies the retail hierarchy in the Borough, with Portchester identified as a district centre. Policy CS11 supports small scale development provided that inter alia it maintains and strengthens the character, vitality and viability of district and local centres. There is no specific policy within the Core Strategy (Local Plan Part 1) that addresses out of centre development such as the application site. However, Policy DSP37 in the Local Plan Part 2 (Development Sites and Policies Plan) does set out the relevant tests for out of centre uses.

The Local Plan Part 2 (LPP2) is also relevant and sets out in policy DSP17 that existing employment sites (of which Castle Trading Estate is one) will be protected for "...Economic development uses".

In addition to the development plan policies the National Planning Policy Framework (NPPF) is also a material consideration when considering retail proposals such as the application proposal. The NPPF requires Local Planning Authorities to apply a sequential test to applications for main town centre uses that are not in existing centres. In addition to

a sequential test, the NPPF requires and assessment of impact on a town (or in this case, District) centre.

Subject to compliance with the tests in the development plan and the NPPF the principle for the development is considered to be acceptable.

EMPLOYMENT GENERATING DEVELOPMENT:

The smaller already approved store was recorded as providing upto forty new local job opportunities. The current application seeks to provide at least the same number of jobs.

The increase in site size in turn equates to the further loss of an industrial unit. The application submits that the commercial buildings on the site were and are old, in a poor state of repair and unattractive to companies looking to secure industrial space. The application is supported with an addendum to the previous applications Commercial Premises and Employment Land Study by Lambert Smith Hampton. This concludes that the loss of the commercial floorspace to a retail use would not have a significant or detrimental impact upon the Fareham Borough or wider South East Hampshire economy.

It could be the case that the additional land acquired by the applicant would remain empty and unoccupied as a B2/B8 site or that the site could be redeveloped and active with local job opportunities. It remains the case that the proposed retail store would be an acceptable economic development use on this site with the provision of at least 40 new jobs plus indirect jobs through the construction period.

SEQUENTIAL TEST:

In relation to the sequential test, it was previously held that there were no sequentially preferable available sites. There has not been any changes in circumstance and therefore, given that the current proposal is larger than the approved scheme and all associated considerations regarding flexibility, suitability and available still apply, it is considered that there is no reason to divert from the previous assessment on the Sequential Test; there are no other sequentially preferable sites available.

THE IMPACT UPON THE DISTRICT CENTRE

Previously the assessment of Impact focused on the Portchester District Centre and there is no known reason to change the assessment for this larger store proposal.

In order to assess the overall impact of the proposal on the district centre there is the need to consider the direct financial impact of the proposal, the trading overlap with the district centre, the overall health of the centre, and the importance of foodstores in the district centre to the overall health of the centre.

In relation to these issues, the specific factors associated with the centre itself are not considered to have changed since the previous assessment. The only factor which has changed is the size of the proposed store and therefore the focus will be on whether this increased size, and the associated turnover, would have a materially different effect on the district centre as the approved scheme.

When compared with the previous impact levels, it is understandable that the current scheme will lead to a higher percentage impact on convenience stores in Portchester

District Centre. However, when compared to the previously assessed levels, the difference is not, in the opinion of the Councils retail consultant, significant or material and will not have a materially different impact upon the viability of the District Centre. For example, the overall impact upon the convenience goods sector in the district centre will be -10% when based on the survey derived turnover for the Co-op and -11% when the Co-op's own estimated is used. This can be compared with -7% and -8% impacts respectively in relation to the approved store (so a difference of -3%).

Moreover, the Retail consultant advising the Council does not consider that the small revision in financial impact, when coupled with the wider impacts of the proposal and the salient characteristics of the District Centre, will change the overall impact of the current proposal (when compared with the approved scheme) on the health of the District Centre. This also takes into account the very small change in comparison goods floorspace between the approved store and the current proposal and the limitation on the number of products/lines stocked in the proposed store remaining.

These conclusions have taken into account the changes in the financial impact of the proposal along with separate constant factors including the health of the District Centre, its retail offer, linkages between the centre's foodstores and the rest of the District Centre and the wider retail offer of the centre.

As a consequence, there is no identifiable reason to reach a different conclusion regarding the impact of the current Lidl proposal on the vitality and viability of Portchester District Centre as to the approved scheme. It is concluded that the scale of the impact on the health of Portchester district centre is not so large as to classify it as a significant adverse impact.

Whilst the impact of the proposed Lidl store would not have a "significantly adverse" impact upon the vitality and viability of the district centre at Portchester it was previously acknowledged, and continues to be so, that there would be some adverse impact as a consequence of this proposal. Officers have, therefore, been exploring the opportunities to increase the attractiveness of the Portchester District Centre to shoppers through environmental improvements funded by the applicant.

It has been agreed that the applicant will provide an enhanced financial contribution towards environmental improvements to the District Centre. The contribution would be secured by means of an agreement pursuant to Section 106 of the Town and Country Planning Act 1990.

HIGHWAYS:

The previously secured off site highway improvements remain applicable to the larger store and the Highway Authority is seeking that these matters be secured by planning obligation.

The proposed site access moving further south is considered to be an improvement in so far as the access is further away from the traffic signals with the A27.

The results of the modelling in the Transport Assessment provided by the applicant are such that the A27 junction with the Castle Trading Estate would, after the improvements and the inclusion of a pedestrian crossing phase in the cycle of lights, plus the likely traffic generation from Trafalgar Wharf continue to operate with spare capacity.

The level of increased parking provision is also found to be acceptable.

FLOODING:

The approved application sets out that Lidl, as an organisation, design buildings to have an approximate life of 25 years. After this point the viability of replacement buildings versus refurbishment is marginal and Lidl choose to replace their stores and the applicant previously confirmed there is evidence of this practice available.

The application proposes that the finished floor level is to be set at 0.6m below the 2040 high tide at 2.8mAOD. The applicant's submission sets out, as it did previously, that guidance concerning flood resistance/resilience for water depth between 0.3-0.6m should be to "keep water out" by means such as flood boards at doors and openings and the use of high strength glass in construction where windows are located below the flood levels. Additionally fittings such as electrical services would all be set at least 1m above the internal finished floor level.

The EA and ESCP both raise no objection to the proposal.

ECOLOGY:

The application is supported with a Phase 1 Habitat Survey and an internal/external building bat survey including an updated survey to account for the additional building on the enlarged site. The site survey concludes that the site has no value for biodiversity being primarily hard standing and buildings. There is a small area of long, unmaintained grass along the northern edge of the site and this should be cleared sensitively and in the event that any reptiles are found they should be moved to suitable alternative habitat before the completion of the works.

The bat survey indicated that there was limited potential for bat entry to the Homewood interiors building and the loft space was unsuitable for bats given the number of skylights it contained. These would have made the building too light for bats and also cause variations in temperature which would not be suitable for bats. Since the survey was undertaken the building has been demolished. There were no protected species found in the remaining buildings on the enlarged site. There is no ecology objection to the proposal.

AMENITY:

The building continues to be designed with its lowest parts closest to the neighbouring properties, however it is approximately 0.5 metres higher on its eastern side than the permitted building.

As well as being designed so that the roof slopes down towards the boundary, the building itself is offset from the boundary with the neighbouring gardens by 3.9 metres with the actual dwellings of Hamilton Road in excess of 30 metres away from the boundary. The application submits that all the refrigeration and air conditioning plant is to be located within the loading bay rather than on the rear of the building such that the impact of any such equipment and indeed the deliveries to the store would be mitigated by the presence of the building itself.

BUILDING DESIGN:

Whilst the form of the building remains similar to that previously found acceptable the design does change as a result of the new larger store proposal. As already discussed

above, there is now the provision of a new first floor mezzanine to provide for a staff amenity area away from the shop floor. This requires the resultant increase in height.

Horizontal strip style windows will serve this mezzanine with the windows visible in the western elevation. The entrance way is now to be fully glazed from floor to ceiling with to create a new entrance feature to the store.

These changes are considered to be acceptable without harm to the visual amenities of the area.

CONCLUSION:

The proposal is considered to be an economic development use for a vacant site at the eastern gateway into the Borough.

The Portchester District Centre car park site is the only sequentially preferable site to the application site, and this continues to be unavailable.

The retail impact upon the Portchester District Centre continues to be judged as not significantly adverse.

The proposed access and highway improvements are acceptable and would not cause unacceptable harm to users of the highway.

The building proposed is simple in its architecture and designed to minimise its impact upon the amenity of neighbouring properties.

Officers are satisfied that the proposal accords with National Planning Policy and this Council's adopted planning policy and accordingly recommend that planning permission should be granted subject to the prior completion of a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 and the imposition of appropriate conditions.

Recommendation

Subject to the applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Borough Solicitor (and agreed with the Solicitor to the County Council) to secure:

- A) Bonded framework travel plan
- B) Off site highway improvements to the A27 / Castle Trading Estate
- C) Dedication of land as public highway and the provision of the 3.0 metre wide footway on the northern site boundary.
- D) Financial Contribution towards enhancements of the shopping environment at Portchester District Centre

Then grant PERMISSION subject to conditions:

01. The development shall begin before the expiry of three years from the date of this decision notice.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

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

- PR-001 Proposed Site Location Plan
- PR-002 Revision J Proposed Site Layout Plan
- PR-003 Revision B Proposed Store Layout Plan
- PR-004 Revision B Proposed Store Elevations
- PR-011 Soft Landscape Proposals
- 9354/T/01-01 Revision A Topographic Survey & Underground Services Study

03. No development shall take place above damp proof course (dpc) until details of all external materials to be used in the construction of the building hereby permitted have been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

04. No development shall take place until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall provide for:

- parking for site vehicles and contractors;
- the management and coordination of deliveries of plant and materials and the disposing of waste resulting from demolition and or construction activities so as to avoid undue interference with the operation of the public highway, particularly during the Monday to Friday AM peak (08.00 to 09.00) and PM peak (16.30 to 18.00) periods.
- areas for loading and unloading;
- areas for the storage of plant and materials;
- security hoarding position and any public viewing platforms (if necessary);
- site office location;
- construction lighting details;
- wheel washing facilities;
- dust and dirt control measures;
- a scheme for the recycling of construction waste; and
- vegetation clearance details

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

REASON: To ensure that the construction period does not have a detrimental impact upon the environment or highway safety in accordance with Policies CS5, CS12, CS14 and CS17 of the Adopted Fareham Borough Core Strategy.

05. The store hereby approved shall not open until the applicant/developer has completed the off site highway works as detailed in drawing number 4621.008 Revision B "Proposed Off Site Highway Improvements" and drawing 4621.005 Revision B "Proposed Access Arrangements" as referred to within the legal agreement pursuant to section 106 of the Town and Country Planning Act 1990, as amended, associated with this permission.

REASON: In the interest of highway safety and policy CS5 of the Fareham Borough Core Strategy.

06. Prior to the demolition of the existing building on the site an asbestos survey for the existing building and a demolition method statement to protect against risks from the release of asbestos fibres during demolition shall be submitted to and approved in writing by the Local Planning Authority. Demolition shall be undertaken in accordance with the approved details.

REASON: To ensure that the construction period does not have a detrimental impact upon

the environment and amenities in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

07. Prior to work on the building foundations or water services being laid (which ever is the sooner):

a) Additional intrusive ground investigations and an assessment of the risks posed to human health, the building fabric and the wider environment including water resources shall be carried out. The methodology for the investigation shall first be submitted to and approved in writing by the Local Planning Authority; and

b) The results of the additional investigation and where required, a strategy of remedial measures and detailed method statement to address identified risks, shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include the nomination of a competent person to oversee the implementation of any remediation measures.

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

REASON: To ensure that the construction period does not have a detrimental impact upon the environment and amenities in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

08. The store hereby approved shall not open until the scheme of remedial measures (pursuant to condition 07b above) have been fully implemented with verification of the installation of the mitigation measures submitted to and approved in writing by the Local Planning Authority prior to first occupation. The verification shall include photographic evidence and "as built" drawings.

REASON: To ensure that the construction period does not have a detrimental impact upon the environment and amenities in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

09. No piling or any other foundation designs using penetrative construction methods shall be used on site unless details of the use of any necessary equipment/plant has been submitted and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details. The details approved shall include a noise and vibration assessment and a scheme of mitigation measures.

REASON: To ensure that the construction period does not have a detrimental impact upon the environment and amenities in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

10. The site shall be monitored during construction for evidence of previously unidentified contamination. If suspected contamination is encountered then no further development shall be carried out in the affected area(s) until investigation and remediation measures have been agreed in writing by the Local Planning Authority.

REASON: To ensure any land contamination not previously identified is assessed and remediated so as to not present any significant risks to human health or the wider environment in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

11. Lighting shall be installed in accordance with the Philips Lighting Report for the Exterior Carpark dated 11.11.2015 and the drawing dated 12.11.2015 prepared by Philips and titled Carpark Lighting Levels Initial Lighting Levels.

REASON: To secure the satisfactory appearance of the development in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

12. The store hereby permitted shall only be used for a hard discount food store. This is defined as a store which is characterised by; non-food ranges promoted through "weekly specials", dominance of private or "exclusive" labels with few national brands, selling a limited range of products (less than 3,500 product lines which can be demonstrated through the availability of stock keeping records as requested), significantly cheaper products in terms of average price than all other multiple food retailers. No use other than a hard discount food store as outlined above shall occupy the premises unless an express planning permission for an alternative use is granted by the Local Planning Authority.

REASON: In the interest of preserving the vitality and viability of Portchester District Centre in accordance with policy DSP37 of the Fareham Borough Local Plan Part 2 Development Sites and Policies.

13. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015 (or any Order revoking and re-enacting that Order), the discount food store hereby approved shall only have a maximum of twenty five percent (25%) of the total floor space used for the sale of the following goods:

i) Clothing and footwear, fashion accessories including handbags and luggage, watches and jewellery;

ii) Pharmaceutical and personal care products (including perfumes, toiletries, spectacles and contact lenses;

iii) Books, music records and CD's, DVD's and other recorded media; and

iv) Toys

REASON: In the interest of preserving the vitality and viability of Portchester District Centre in accordance with policy DSP37 of the Fareham Borough Local Plan Part 2 Development Sites and Policies.

14. The store hereby approved shall not open until the vehicular access to the site and parking layout as shown on drawing 4621.005 Revision B "Proposed Access Arrangements" has been constructed and provided in accordance with the approved plans.

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

15. All construction work in relation to the development hereby approved, including works of demolition or preparation prior to operations, shall only take place between the hours of 08.00 hours and 18.00 hours Monday to Friday and 08.00 hours and 13.00 hours Saturdays and at no time on Sundays and recognised bank/public holidays

REASON: To ensure that the construction period does not have a detrimental impact upon the environment and amenities in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular or pedestrian access other than those shown on the approved plans shall be formed to the site.

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

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

REASON: To ensure that the construction period does not have a detrimental impact upon the environment and amenities in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

18. The development shall be carried out in accordance with section 6 "Recommendations" of the Extended Phase 1 Habitat Survey, prepared by Abricon (reference 010HRHL110) and dated 19th May 2014 and section 6 "Recommendations" of the Bat Survey (Building Inspection), prepared by Abricon (reference 010HRHL110) and dated 30th September 2015.

REASON: To ensure that the construction period does not have a detrimental impact upon the environment and amenities in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

19. The development shall be carried out in accordance with detail under the heading "Residual Flood Risk and Mitigation" in the Stuart Michael Associates letter dated 26th February, reference 4621/AKA/amp.

REASON: To ensure that the flood risks are appropriately mitigated against in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

20. The development shall be constructed in order to achieve a BREEAM 'very good' rating.

REASON: To ensure the development is constructed and operates in a sustainable manner in accordance with Policy CS15 of the Adopted Fareham Borough Core Strategy.

21. No deliveries shall be taken at or despatched from the site outside of the hours of 0600 and 2200.

REASON: To ensure that the store operations do not have a detrimental impact upon the environment and amenities in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

22. The use hereby permitted shall not be open to customers outside of the following times:

- Monday - Saturday: 0700 - 2200; and

- Sunday and recognised bank and public holidays: 1000 - 1700

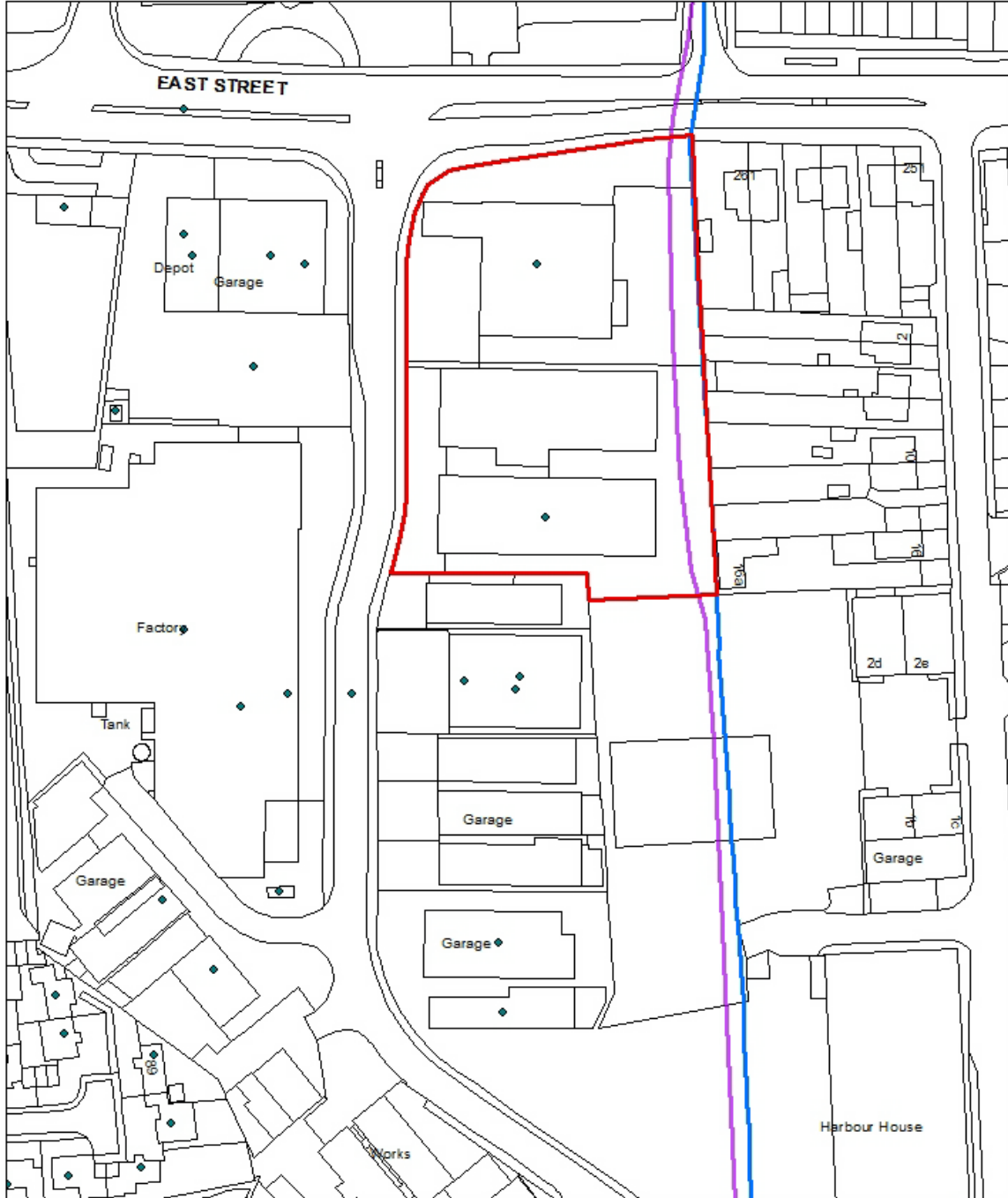
REASON: To ensure that the store operations do not have a detrimental impact upon the environment and amenities in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

Background Papers

see Relevant Planning History above

FAREHAM

BOROUGH COUNCIL



Units 1-4 & 18-19
Castle Trading Estate
SCALE: 1:1,250

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Agenda Item 8(13)

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.

ENF/15/0071

Appellant: MR LEIGH DUNKASON

Site: 46 Glen Road Sarisbury Green Southampton

Date Lodged: 01 October 2015

Reason for Appeal: The Enforcement Notice has been appealed on the following grounds:

- Ground (a) that planning permission should be granted for what is alleged in the notice;
- Ground (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, and;
- Ground (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 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.

PLANNING APPEALS

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

CURRENT

ENF/15/0107

Appellant: COLIN & SUSAN BARNES
Site: Land To Rear Of 158 Highlands Road / Land At The Cloisters
Date Lodged: 29 December 2015
Reason for Appeal: n/a

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

P/14/1101/FP

Appellant: MRS C HAZLERIGG
Site: 74 Privett Road Fareham Hampshire PO15 6SH
Decision Maker: Officers Delegated Powers
Recommendation: APPROVE
Council's Decision: REFUSE
Date Lodged: 10 December 2015
Reason for Appeal: TWO STOREY EXTENSION TO FORM NEW DWELLING

P/14/1121/TO

Appellant: HEARING
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.

PLANNING APPEALS

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

CURRENT

P/15/0174/FP

Appellant: IAN JUPP
Site: 53-55 Uplands Crescent - Land To Rear Of - Fareham PO16 7JZ
Decision Maker: Officers Delegated Powers
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 20 October 2015
Reason for Appeal: DEMOLITION OF GARAGE AND ERECTION OF A SEMI DETACHED PAIR OF HOUSES FRONTING SERPENTINE ROAD

P/15/0254/FP

Appellant: MASCOT HOMES
Site: Land To Rear Of 20 Church Road Warsash Southampton Hants SO31 9DG
Decision Maker: Officers Delegated Powers
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 14 December 2015
Reason for Appeal: ERECTION OF 7 HOUSES WITH ASSOCIATED PARKING, ACCESSED VIA SANDYCROFT

P/15/0434/FP

Appellant: MRS J GILES
Site: 2 The Grounds Heath Road North Locks Heath Fareham SO31 7PL
Decision Maker: Officers Delegated Powers
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 21 December 2015
Reason for Appeal: CONSTRUCTION OF ACCESS ONTO LOCKSWOOD ROAD

PLANNING APPEALS

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

CURRENT

P/15/0506/CU

Appellant: DR MANORI AMBROSE
Site: 270 Hunts Pond Road Titchfield Fareham Hampshire PO14 4PF
Decision Maker: Officers Delegated Powers
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 02 November 2015
Reason for Appeal: CHANGE OF USE OF FIRST FLOOR FROM RESIDENTIAL TO PROVIDE TWO ADDITIONAL DENTIST TREATMENT ROOMS, OFFICE/STORE & STAFF KITCHEN, CONVERSION OF GARAGE TO PROVIDE RECEPTION & WAITING ROOM, EXTENSION OF EXISTING GARAGE TO PROVIDE LINK TO MAIN BUILDING & VARIATION OF OPENING HOURS

P/15/0592/FP

Appellant: MR JAMES WARD
Site: 12 Tulip Gardens Locks Heath Southampton Hampshire SO31 6GB
Decision Maker: Officers Delegated Powers
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 28 October 2015
Reason for Appeal: TWO STOREY SIDE EXTENSION FOLLOWING DEMOLITION OF EXISTING DETACHED GARAGE, FRONT PORCH WITH CANOPY & DETACHED GARAGE.

P/15/0667/LP

Appellant: MR D MURSELL
Site: 9 Chapel Road Sarisbury Green Fareham SO31 7FB
Decision Maker: Officers Delegated Powers
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 09 October 2015
Reason for Appeal: DETACHED GARAGE AND NEW STONED DRIVE.

PLANNING APPEALS

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

CURRENT

P/15/0694/FP

Appellant: MR GARETH EYRE
Site: 11 Fareham Park Road Fareham Hampshire PO15 6LA
Decision Maker: Officers Delegated Powers
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 13 November 2015
Reason for Appeal: TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION

P/15/1117/FP

Appellant: MR & MRS DEDMAN
Site: 9 Shetland Rise Whiteley PO15 7JP
Decision Maker: Officers Delegated Powers
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 15 January 2016
Reason for Appeal: TWO STOREY SIDE EXTENSION

DECISIONS

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.
Decision: ALLOWED
Decision Date: 24 December 2015

PLANNING APPEALS

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

DECISIONS

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
Decision: DISMISSED
Decision Date: 15 December 2015

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.
Decision: DISMISSED
Decision Date: 24 December 2015