

FAREHAM

BOROUGH COUNCIL

AGENDA PLANNING COMMITTEE

Date: Wednesday, 14 December 2016

Time: 2.30 pm

Venue: Collingwood Room - Civic Offices

Members:

Councillor N J Walker (Chairman)

Councillor A Mandry (Vice-Chairman)

Councillors B Bayford
J E Butts
B Bayford
T M Cartwright, MBE
P J Davies
K D Evans
M J Ford, JP
R H Price, JP

Deputies: F Birkett
S Cunningham
L Keeble
Mrs K K Trott



1. Apologies for Absence

2. Minutes of Previous Meeting (Pages 1 - 11)

To confirm as a correct record the minutes of the Planning Committee meeting held on 16 November 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. Planning applications and Miscellaneous Matters including an update on Planning Appeals (Page 12)

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

ZONE 1 - WESTERN WARDS

(1) P/16/0931/FP - 293B TITCHFIELD ROAD TITCHFIELD FAREHAM PO14 3ER (Pages 14 - 17)

(2) Q/0366/16 - 293B TITCHFIELD ROAD FAREHAM HAMPSHIRE PO16 7AZ (Pages 18 - 22)

(3) P/16/1192/VC - THE TITHE BARN MILL LANE TITCHFIELD FAREHAM PO15 5RB (Pages 23 - 31)

(4) P/16/1194/OA - WAYSIDE 66 WARSASH ROAD WARSASH SOUTHAMPTON SO31 9JA (Pages 32 - 40)

ZONE 2 - FAREHAM

ZONE 3 - EASTERN WARDS

(5) P/16/0900/FP - 49 WALLINGTON SHORE ROAD FAREHAM PO16 8SA (Pages 43 - 50)

(6) Planning Appeals (Pages 51 - 53)

7. Tree Preservation Orders

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

**Fareham Borough Council 49 Burnt House Lane and Land to the North,
Stubbington Tree Preservation Order (FTPO732) 2016.**

Order served on 17 October for which there were no objections.

It is recommended that Fareham Tree Preservation Order No 732 be confirmed and made and served.

P GRIMWOOD
Chief Executive Officer
Civic Offices
www.fareham.gov.uk
6 December 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 November 2016

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor N J Walker (Chairman)

Councillor A Mandry (Vice-Chairman)

Councillors: B Bayford, J E Butts, T M Cartwright, MBE, K D Evans,
R H Price, JP and L Keeble (deputising for M J Ford, JP)

Also Present: Councillor Mrs K K Trott (item 6 (2))



1. APOLOGIES FOR ABSENCE

Apologies of absence were received from Councillors; P J Davies and M J Ford, JP.

2. MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee meeting held on 12 October 2016 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements.

4. DECLARATIONS OF INTEREST

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

Name	Application Number/Site	Minute Number
Councillor Price, JP	P/16/1047/VC – Land South to Fareham Waste Transfer Station, Enterprise Park, Military Road, Fareham	6 (2)
Councillor Walker	P/16/0905/FP – Former Catholic Church of our Lady of Walsingham, White Hart Lane, Portchester, Fareham, PO16 9BS	6 (6)
Councillor Cartwright	P/16/1162/FP – MCA Daedalus Aerodrome, Broom Way, Fareham, PO13 9YA	6 (8)
Councillor Butts	-Ditto-	-Ditto-

5. DEPUTATIONS

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

Name	Spokesperson representing the persons listed	Subject	Supporting or Opposing the Application	Minute Application No/Page No
ZONE 1 – 2.30pm				
Mr P Dudley (Agent)		167-169 SEGNSWORTH ROAD, FAREHAM PO15 5EH –	Supporting	6(1) P/16/0906/FP Pg 16

		DEMOLITION OF 2NO. DWELLINGS AND ERECTION OF 5NO. NEW DWELLINGS WITH CAR PARKING ALONG WITH THE USE OF REVISED ACCESSES ONTO SEGENSWORTH ROAD AND HILL CROFT		
ZONE 2 – 2.30pm				
Miss P Wing		LAND SOUTH OF FAREHAM WASTE TRANSFER STATION, ENTERPRISE PARK, MILITARY ROAD FAREHAM – LOGISTICS DEPOT COMPRISING A WORKSHOP/OFFICE BUILDING, HARDSTANDING FOR VEHICLE PARKING, SOFT LANDSCAPING AND OTHER ASSOCIATED INFRASTRUCTURE	Supporting	6(2) P/16/1047/CC Pg 26
Mrs J Tribbeck		34 LABURNUM ROAD, FAREHAM PO16 0SL – TWO STOREY REAR EXTENSION, SINGLE STOREY REAR EXTENSION AND SINGLE STOREY SIDE EXTENSION	Supporting	6(3) P/16/1164/FP Pg 34
ZONE 3 – 3.00pm				
Mr R Tutton (Agent)		FORMER CATHOLIC CHURCH OF OUR LADY OF WALSINGHAM, WHITE HART LANE, PORTCHESTER, FAREHAM PO16 9BS – REDEVELOPMENT BY THE ERECTION OF EIGHT HOUSES (FOUR WITH TWO BEDROOMS AND FOUR WITH THREE BEDROOMS)	Supporting	6 (6) P/16/0905/FP Pg 63

		FOLLOWING DEMOLITION OF THE CHURCH AND SITE CLEARANCE		
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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/16/0906/FP - 167-169 SEGENSWORTH ROAD, FAREHAM PO15 5EH

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: 8 in favour; 0 against)

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

(2) P/16/1047/CC - LAND SOUTH TO FAREHAM WASTE TRANSFER STATION, ENTERPRISE PARK, MILITARY ROAD, FAREHAM

Councillor R H Price, JP declared a non-pecuniary interest in this item as he sits on the Regulatory Committee at Hampshire County Council in his role as a County Councillor, and that this application would be coming before the Regulatory Committee for a decision. He informed the Committee that his vote on each Committee would be made by his opinion as a Councillor for each Committee.

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

At the invitation of the Chairman, Councillor Mrs K K Trott addressed the Committee on this item.

Upon being proposed and seconded, the officer recommendation to raise an objection to the proposed application due to the limited landscaping and substantial visual harm caused by the proposed development, was voted on and CARRIED.

(Voting: 7 in favour; 0 against; 1 abstention)

RESOLVED that Hampshire County Council be advised that Fareham Borough Council RAISE OBJECTION to the application as currently proposed. This is because the limited landscaping works proposed will not mitigate against the substantial visual harm caused by the changes to the site levels, the height and size of the proposed office/workshop building, and the

extensive hard surfacing and associated parking of lorries and vehicles, on this elevated countryside site.

(3) P/16/1164/FP - 34 LABURNUM ROAD, FAREHAM PO16 0SL

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:- *The second paragraph of the key issues on page 35 of the report should say the first floor rear extension extends out from the rear of the property by 4.6 meters.*

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

RESOLVED that PLANNING PERMISSION be granted.

(4) P/14/0033/FP - LAND AT WINDMILL GROVE, PORTCHESTER PO16 9HT

The Committee's attention was drawn to the Update Report which contained the following information:- *Officers have discussed the wording of the section 106 agreement with the applicant.*

The draft agreement contains obligations in respect of financial contributions towards the Solent Recreational Mitigation Project (SRMP) (£4,224) and coastal management measures (25,000).

It also requires that, prior to construction of the new homes, a Public Open Space Management Plan be submitted to and approved by the local planning authority.

In the draft agreement the Public Open Space Management Plan is defined as follows:

"A plan for the design, construction and maintenance of the Public Open Space to include;

- Details of the laying out of the Public Open Space;*
- Details of what measures would be put in place to periodically re-route the footpath shown to pass through the public open space from east to west accordingly as required due to coastal erosion;*
- Details of the body responsible for the ongoing management of the area of Public Space;*
- Details of the maintenance arrangements for the Public Open Space and how that maintenance will be funded."*

The legal agreement then binds the applicant to the following obligations regarding the public open space:

“2.1 Not to Commence the Development until the Public Open Space Management Plan has been submitted to and approved on writing by the Council.

2.2 To construct the Public Open Space in accordance with the Public Open Space Management Plan.

2.3 Not to Occupy or permit Occupation of the Development until the Public Open Space has been constructed in full to the satisfaction of the Council and made available for access by the public.

2.4 Once the Public Open Space has been constructed to the full satisfaction of the Council, to maintain access by members of the public to the Public Open Space at all times for the lifetime of the Development.

2.5 Once the Public Open Space has been constructed to the full satisfaction of the Council, to maintain the Public Open Space in accordance with the approved Public Open Space Management Plan at all times for the lifetime of the Development.

2.6 Once the Public Open Space has been constructed to the full satisfaction of the Council, to periodically re-route the footpath in accordance with the approved Public Open Space Management Plan for the lifetime of the Development.

2.7 If the Owner fails to comply with the provisions of the Public Open Space Management Plan the Council may enter the Land and take such steps as necessary to comply with the provisions of the Public Open Space Management Plan and recover its reasonable expenses from Cross Stone Properties Limited or its successors in title incurred in taking these steps.

2.8 To retain the Public Open Space within the common parts of the development and to integrate the management of the Public Open Space (in accordance with the approved Public Open Space Management Plan) with the general management of the common parts of the development.

2.9 Not to transfer or sell the Public Open Space separately to the rest of the common parts of the Development.”

Clauses 2.1 – 2.6 commit the applicant to adhering to the details submitted in the Public Open Space Management Plan once approved. Clause 2.7 allows the Council to carry out maintenance itself and charge the applicant for doing so in the event that there is a failure to comply with the management plan. Clauses 2.8 – 2.9 ensure that the public open space would remain a part of the wider management arrangements of the development and could not be separated from the management of the other common parts of the site in the future.

Upon being proposed and second the officer recommendation to grant planning permission, 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 Solicitor to the Council to secure:

- (a) A financial contribution towards the Solent Recreational Mitigation Project (SRMP);
 - (b) A financial contribution of £25,000 towards coastal management measures;
 - (c) Submission of a Public Open Space Management Plan (precise wording to be provided in an update to this report);
- and the conditions set out in the Officer report, was voted on and CARRIED.
(Voting: 8 in favour; 0 against)

RESOLVED that, 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 Solicitor to the Council to secure:

- (a) A financial contribution towards the Solent Recreational Mitigation Project (SRMP);
 - (b) A financial contribution of £25,000 towards coastal management measures;
 - (c) Submission of a Public Open Space Management Plan (precise wording to be provided in an update to this report);
- and the conditions set out in the Officers report, PLANNING PERMISSION be granted.

(5) P/15/1060/FP - 21 WEST STREET, PORTCHESTER, FAREHAM PO16 9XB

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

RESOLVED that PLANNING PERMISSION be REFUSED.

Reasons for Refusal:

The development, by reason of the overall height, scale, siting and massing of the scheme at the rear of the site, would result in an incongruous development that would be out of keeping with the character and appearance of the area. The development fails therefore to accord with Policy CS17 of the Adopted Fareham Borough Core Strategy, and Policy DSP4 of the Adopted Fareham Borough Local Plan Part 2: Development Site and Policies.

(6) P/16/0905/FP - FORMER CATHOLIC CHURCH OF OUR LADY OF WALSINGHAM, WHITE HART LANE, PORTCHESTER, FAREHAM PO16 9BS

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

Councillor N J Walker declared a non-pecuniary interest in this item as he believes that one or two of the potential developers for the site are known to him.

The Committee's attention was drawn to the Update Report which contained the following information:- The applicant has made a financial contribution of £1,408 (£176 per dwelling) towards the Solent Recreation Mitigation Strategy (SRMS).

The Committee also received a verbal update which provided them with information on the Boundary Hedgerow Management Programme that unfortunately wasn't submitted in time to be included into the report or the Update Report.

The Committee requested that an additional planning condition be included which requires:

- (a) the hedgerow along the southern site boundary to be retained at a height of no less than 3.0 metres and a width of no less than 2.0 metres;
- (b) the hedgerow along the western site boundary be retained at a height of no less than 2.0 metres and a width of no less than 1.0 metre;
- (c) the hedgerow along the northern site boundary to be retained at a height of no less than 1.8 metres and a width of no less than 1.0 metre; and
- (d) that should any of the hedgerow planting fail; within 5 years of development commences, then it should be replaced.

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

- (i). The conditions in the report;
- (ii). The amendment of Condition 2 to include the additional approved Boundary Hedgerow Management Programme; and
- (iii). An additional condition requiring:
 - (a) the hedgerow along the southern site boundary to be retained at a height of no less than 3.0 metres and a width of no less than 2.0 metres;
 - (b) the hedgerow along the western site boundary to be retained at a height of no less than 2.0 metres and a width of no less than 1.0 metre;
 - (c) the hedgerow along the northern site boundary to be retained at a height of no less than 1.8 metres and a width of no less than 1.0 metres; and
 - (d) that should any of the hedgerow planting fail within 5 years of development commences, then it should be replaced.

Was voted on and CARRIED.

(Voting: 8 in favour; 0 against)

RESOLVED that, subject to:-

- (i). The conditions in the report;
- (ii). The amendment of Condition 2 to include the additional approved Boundary Hedgerow Management Programme; and
- (iii). An additional condition requiring:
 - (a) the hedgerow along the southern site boundary to be retained at a height of no less than 3.0 metres and a width of no less than 2.0 metres;
 - (b) the hedgerow along the western site boundary to be retained at a height of no less than 2.0 metres and a width of no less than 1.0 metre;
 - (c) the hedgerow along the northern site boundary to be retained at a height of no less than 1.8 metres and a width of no less than 1.0 metre; and

(d) that should any of the hedgerow planting fail within 5 years of development commences, then it should be replaced.
PLANNING PERMISSION be granted.

(7) P/16/1153/VC - UNITS 1-4 & 18-19 CASTLE TRADING ESTATE, FAREHAM PO16 9SF

Upon being proposed and seconded the officer recommendation to grant permission subject to the completion of a deed of variation to the Section 106 agreement pursuant to the permission P/15/1093/FP on terms to the satisfaction of the Solicitor to the Council, to ensure that the planning obligation reflects the trigger for the delivery of the off site highway improvements, was voted on and CARRIED.

(Voting: 8 in favour; 0 against)

RESOLVED that subject to, the completion of a deed of variation to the Section 106 agreement pursuant to the permission P/15/1093/FP on terms to the satisfaction of the Solicitor to the Council, to ensure that the planning obligation reflects the trigger for the delivery of the off site highway improvements, PLANNING PERMISSION be granted.

(8) P/16/1162/FP - MCA DAEDALUS AERODROME, BROOM WAY, FAREHAM PO13 9YA

Councillor T M Cartwright declared a non-pecuniary interest in this item as he is the Chairman of the Daedalus Working Group.

Councillor J E Butts declared a non-pecuniary interest in this item as he is a member of the Daedalus Working Group and he holds a private pilot's licence and occasionally flies from Daedalus Airfield.

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

AMENDMENTS:

As a point of clarification, the radar enclosure is a 25m by 25m compound and not 21m by 25m as referenced in the agenda report.

CONSULTATIONS:

Environmental Health (Contaminated Land): No objection subject to conditions.

RECOMMENDATION:

As per the main agenda with the following additional conditions:

7) No development shall take place until an investigation of ground conditions (to include contamination, UXO, radiation) and an assessment of the risks from any ground contamination should be carried out. Where results indicate, a strategy of remedial measures necessary to address the identified risks shall be submitted to and approved in writing by the Local Planning Authority. The approved remedial measures within the remedial strategy shall be implemented in full during the construction. Prior to the first use of the radar hereby permitted, validation (by a suitably competent person) or the

implementation of the remedial measures shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a safe working and operating environment and in the interests of the airfield.

8) Should contamination be encountered during works that has not been investigated or considered in the agreed scheme of remedial measures all work must stop. A risk assessment and a detailed remedial method statement shall be submitted to and agreed in writing with the Local Planning Authority before work re-commences. The approved remedial measures within the remedial strategy shall be implemented in full during the construction. Prior to the first use of the radar hereby permitted, validation (by a suitably competent person) of the implementation of the remedial measures shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a safe working and operating environment and in the interests of the airfield.

Members were asked agree with the deletion of Condition 4 in the report, as Condition 8 in the update report now covers this condition in more detail.

Upon being proposed and seconded the officer recommendation to grant planning permission, subject to the removal of condition 4; the conditions in the report and the update report, was voted on and CARRIED.

(Voting: 6 in favour; 1 against; 1 abstention)

RESOLVED that, subject to the removal of condition 4, the conditions in the report and update report, PLANNING PERMISSION be granted.

(9) Planning Appeals

The Committee noted the information in the report.

(10) UPDATE REPORT

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

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 No. 727, 169 Segensworth Road, Titchfield.

Order served on 2 September 2016 for which there were no objections.

It is recommended that Fareham Tree Preservation Order No. 727 be confirmed as made and served.

(The meeting started at 2.30 pm
and ended at 5.07 pm).

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date: 14 December 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

Items relating to development in all wards will be heard from 2.30pm at Civic Offices, Civic Way, Fareham PO16 7AZ.

ZONE 1 - WESTERN WARDS

Park Gate
Titchfield
Sarisbury
Locks Heath
Warsash
Titchfield Common

Reference		Item No
P/16/0931/FP TITCHFIELD	293B TITCHFIELD ROAD TITCHFIELD FAREHAM HAMPSHIRE PO14 3ER STORAGE SHED - (RETROSPECTIVE APPLICATION)	1 PERMISSION
Q/0366/16 TITCHFIELD	293B TITCHFIELD ROAD FAREHAM HAMPSHIRE PO16 7AZ BREACH OF CONDITION 5 OF PLANNING REFERENCE P/13/1089/CU AND UNAUTHORISED WORKS COMPRISING LAYING OF HARD SURFACING	2 APPROVE
P/16/1192/VC TITCHFIELD	THE TITHE BARN MILL LANE TITCHFIELD FAREHAM PO15 5RB VARY CONDITION 15 OF P/15/0786/VC TO INCREASE THE NUMBER OF WEDDING CEREMONIES AND/OR WEDDING FUNCTIONS FROM 14 TO 28 TO BE HELD ON THE APPLICATION SITE IN ANY ONE CALENDAR YEAR - DEVELOPMENT AFFECTING THE SETTING OF THE GRADE 1 LISTED BARN.	3 REFUSE
P/16/1194/OA WARSASH	WAYSIDE 66 WARSASH ROAD WARSASH SOUTHAMPTON HAMPSHIRE SO31 9JA TWO DETACHED 3-BED DWELLINGS (OUTLINE APPLICATION)	4 OUTLINE PERMISSION

Agenda Item 6(1)

P/16/0931/FP

TITCHFIELD

MR MILES DORAN

AGENT: MR PHILIP BROWN

STORAGE SHED -
(RETROSPECTIVE APPLICATION)

293B TITCHFIELD ROAD TITCHFIELD FAREHAM HAMPSHIRE PO14 3ER

Report By

Richard Wright - Direct dial 01329 824758

Site Description

The application site comprises a residential caravan site which was first granted planning permission on appeal in March 2013 (our ref P/11/1097/CU / Planning Inspectorate ref APP/A1720/A/12/2183866). A later planning permission in March 2014 granted permission for the extension of this site and the siting of an additional caravan (our ref P/13/1089/CU).

The site lies on the western side of Titchfield Road to the immediate north of a commercial nursery site and along a lane used to access a small number of houses (nos. 293, 293a, 295, 297-299, 301, 303) as well as the site itself. The site lies outside of the defined urban settlement boundaries and within the Meon Gap (strategic gap).

The site is enclosed by high level fencing with a set of gates and brick wing walls at the entrance with the lane on its northern side. Except for a small patch of ground the site is entirely hardsurfaced with a mixture of tarmac and block paved finishes.

There are two existing buildings on the site. The first is a day/amenity block which has stood on the land for a number of years. Planning permission was recently granted for its extension and conversion to a single dwelling house (ref P/16/0691/FP) but has not been implemented. The second is a timber outbuilding located in the south-eastern corner of the site which was erected in September 2015. It is this timber outbuilding that is the subject of this current application seeking retrospective permission.

Description of Proposal

Retrospective permission is sought for the timber outbuilding in the south-eastern corner of the site described in the application as a storage shed.

The shed measures approximately 6.5m by 3.5m and is divided into three separate areas each with their own door set in the western elevation. The submitted drawings show the shed at 2.2m high to the eaves level of the corrugated roof and 3.2m high to the ridge of the roof. However Officers have measured the building to be 2.4m high to the eaves and 3.3m high to the ridge, slightly higher than shown on the plans. The discrepancy is believed to be due to the submitted drawings not showing the brick/concrete base on which the building stands.

The statement accompanying the application explains that the building "would provide secure storage for children's toys, garden equipment and tools, adjacent to the applicant's private garden area". When visiting the site Officers have seen that the building contains domestic items consistent with its proposed incidental use.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS14 - Development Outside Settlements

CS17 - High Quality Design

Development Sites and Policies

DSP2 - Environmental Impact

DSP3 - Impact on living conditions

Relevant Planning History

The following planning history is relevant:

<u>P/16/0691/FP</u>	ALTERATIONS TO ROOF AND ELEVATIONS, AND EXTENSION OF EXISTING AMENITY BUILDING/DAY ROOM TO CREATE A SINGLE DWELLINGHOUSE (USE CLASS C3)
	APPROVE 15/09/2016
<u>P/13/1089/CU</u>	CHANGE OF USE OF LAND TO FORM AN EXTENSION TO AN EXISTING RESIDENTIAL GYPSY CARAVAN SITE, INCLUDING THE SITING OF ONE ADDITIONAL TOURING CARAVAN
	APPROVE 06/03/2014
<u>P/11/1097/CU</u>	CHANGE OF USE OF LAND AND PREMISES TO USE AS A RESIDENTIAL CARAVAN SITE FOR ONE GYPSY FAMILY WITH TWO CARAVANS, INCLUDING NO MORE THAN ONE STATIC MOBILE HOME AND USE OF EXISTING BUILDING ON SITE AS ANCILLARY ACCOMMODATION FOR FAMILY UNIT
	REFUSE 22/06/2012
	APPEAL: ALLOWED 14/03/2013

Representations

Three letters of objection have been received in response to the application raising the following concerns:

- Detrimental effect on adjacent property 293 Titchfield Road
- Drainage problems
- Water from the building floods the adjacent neighbours' garden
- It is not a storage shed but accommodation/facilities for workers employed by the applicant
- A water supply and waste pipe have been installed

Planning Considerations - Key Issues

The timber outbuilding is located behind a substantial band of planting which stretches along the eastern site boundary with Titchfield Road. The building is not easily visible from the road and its presence is heavily screened by the trees and hedgerow. As a result there is no harm to the visual appearance or character of the area.

The building stands less than 300mm from the boundary with the rear garden of the adjacent property, a bungalow at 293 Titchfield Road. Whilst therefore it is close to the

boundary and relatively high (its closest point being the north facing gable end 3.3m high), the building is positioned in the corner of the plot and stretches only 4.75 metres across the bottom of the neighbour's garden which is approximately 21 - 22 metres wide. The resultant effect on the neighbours' garden is not considered to be materially harmful to the living conditions of the occupants both in terms of the effect on light and outlook.

Water run-off into the garden of 293 Titchfield Road is a concern for several of the residents who have objected to the application. The building has a dual-pitched roof however only half of it, the front facing roof plane, is connected to a gutter which runs into a downpipe on the northern side of the building close to the party boundary with no. 293. Water falling on the front half of the roof therefore flows through the downpipe onto ground close to the boundary whilst water falling onto the rear half of the roof runs off directly onto the ground behind. A link between water run-off from the outbuilding and surface water drainage problems in the rear garden of no. 293 has not been established. However, Officers consider that it is unlikely to contribute in a material way to this problem which after discussions with neighbours is understood to have been prevalent for a number of years previously to some degree or another.

Another concern that has been raised in the representations received is how the building might be used in the future, specifically that the building may be used as wash facilities and accommodation. There is no indication that the applicant intends to use the building in this way, the application states the building would be used for storage purposes, and during several visits to the site since the erection of the building in September 2015 Officers have seen domestic items stored inside and no sign of living accommodation or other facilities.

Notwithstanding, if planning permission was granted for the timber outbuilding the applicant would be able to turn the building to such uses in the future provided they remained incidental or ancillary to the main use of the land as a residential caravan site (or in the event the 2016 permission to convert the other existing building on the site was implemented, the main use of the site as a whole would be as curtilage to a dwellinghouse). An existing planning condition prevents commercial activities from taking place on the land. Therefore provided the use of the outbuilding was within the limits of the existing permission for the site as a whole and incidental or ancillary to that use, Officers cannot foresee there being any material harm arising to the living conditions of neighbours or otherwise. Whilst water supply and waste water pipes were seen to be in place prior to the building being constructed there are at present no plumbed in services within the building (no WC, sink, etc.). That those services might be provided in the future would not be a reason to withhold granting planning permission.

Conclusion

The outbuilding does not materially harm the visual appearance or character of the area or the living conditions of neighbours. The building is found to be in accordance with Policies CS14 & CS17 of the adopted Fareham Borough Core Strategy and Policies DSP2 & DSP3 of the adopted Fareham Borough Local Plan Part 2. There are no other material considerations to suggest that planning permission should be withheld.

Recommendation

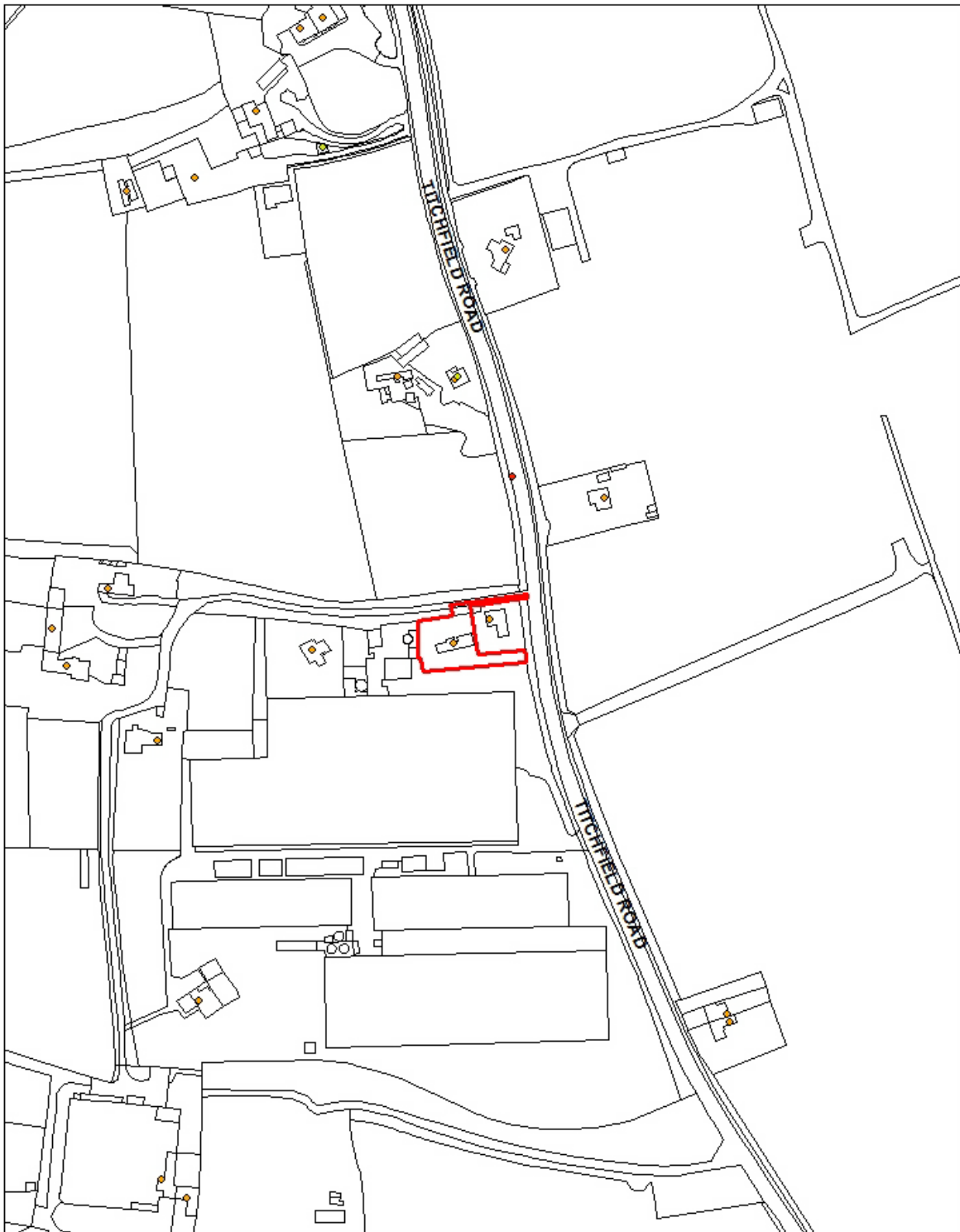
PERMISSION

Background Papers

P/16/0931/FP

FAREHAM

BOROUGH COUNCIL



293b Titchfield Road
Scale 1: 2,500



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Agenda Item 6(2)

Q/0366/16

TITCHFIELD

RICHARD WRIGHT

AGENT: RICHARD WRIGHT

BREACH OF CONDITION 5 OF PLANNING REFERENCE P/13/1089/CU AND
UNAUTHORISED WORKS COMPRISING LAYING OF HARD SURFACING

293B TITCHFIELD ROAD FAREHAM HAMPSHIRE PO16 7AZ

Report By

Richard Wright - direct dial 01329 824758

Site Description

This report relates to a residential caravan site which was first granted planning permission on appeal in March 2013 (our ref P/11/1097/CU / Planning Inspectorate ref APP/A1720/A/12/2183866). A later planning permission in March 2014 granted permission for the extension of this site and the siting of an additional caravan (our ref P/13/1089/CU).

The site lies on the western side of Titchfield Road to the immediate north of a commercial nursery site and along a lane used to access a small number of houses (nos. 293, 293a, 295, 297-299, 301, 303) as well as the site itself. The site lies outside of the defined urban settlement boundaries and within the Meon Gap (strategic gap).

The site is enclosed by high level fencing with a set of gates and brick wing walls at the entrance with the lane on its northern side. Except for a small patch of ground the site is entirely hardsurfaced with a mixture of tarmac and block paved finishes.

There are two existing buildings on the site. The first is a day/amenity block which has stood on the land for a number of years and was previously used as an artists' working studio. Planning permission was recently granted for its extension and conversion to a single dwelling house (ref P/16/0691/FP) but has not been implemented. The second is a timber outbuilding located in the south-eastern corner of the site which was erected in September 2015. A retrospective application for the outbuilding was received in August this year. A report elsewhere on the agenda for this Planning Committee meeting recommends that planning permission be granted.

Planning Considerations - Key Issues

a) Breaches of planning control

This report addresses two breaches of planning control which have been drawn to the attention of Officers.

The first relates to non-compliance with a planning condition imposed on the 2014 permission in relation to a landscaping scheme.

The second concerns the unauthorised laying of hard surfacing across the site which appears to have occurred in a piecemeal fashion since 2011.

b) Non-compliance with condition 5 of planning permission reference P/13/1089/CU

When deciding the appeal in March 2013 the Planning Inspector commented on the appearance of the site from the lane. They noted that "The entrance and boundary fencing can be seen from where the track meets Titchfield Road but the LPA does not dispute the

fence is permitted development; it has a stark appearance but this could be softened by planting in front of it, which could be required by means of a planning condition" (paragraph 13). When granting planning permission the Inspector imposed a condition requiring a landscaping scheme to be produced and implemented in order to specifically address what the Inspector felt was the 'stark appearance' of the front boundary fence abutting the lane.

In May 2013 the applicant submitted details of a native hedgerow to be planted in front of the boundary fence abutting the lane, however due to unrelated issues with the application those details were not formally approved. When permission was granted for the extension of the site in March 2014 a similar condition to that imposed by the Inspector requiring landscaping was imposed (condition 5 of our reference P/13/1089/CU) which reads:

"Within one month of the date of this decision a detailed landscaping scheme identifying all existing trees, shrubs and hedges to be retained together with the species, planting sizes, planting distances, density, numbers and provisions for future maintenance of all new planting, including all areas to be grass seeded and turfed, plus details of all areas of hard standing shall be submitted to and approved by the local planning authority in writing. The landscaping shall be undertaken in accordance with the approved details in the first available planting season following the approval of the details. The landscaping shall be maintained in accordance with the approved details.

REASON: In order to secure the satisfactory appearance of the development; in the interests of the visual amenities of the locality; in accordance with Policies DG4 of the Fareham Borough Local Plan Review and Policy CS17 of the Adopted Fareham Borough Core Strategy."

To date no landscaping details have been submitted to discharge the condition and as a result there is a breach of the condition.

Officers have previously discussed this issue with the applicant who has indicated that he would be willing to plant a hedgerow if the Council could tell him what would be required. Officers have also previously raised this matter with the immediate neighbours who expressed concern that a hedge planted in front of the boundary could become a liability to other users of the access lane if not maintained properly.

Officers have given further consideration to whether a hedge or planting is actually desirable or necessary in this location, notwithstanding the extant planning condition. Past photos show that a high close boarded fence and timber gates existed across the front of the property prior to the current owner moving on to the site in 2011. The current fence at the front of the site was constructed as a replacement boundary fence slightly further forward than the previous fence, and was erected at some point between July 2012 and the Inspector visiting the site on 14th February 2013. As the Inspector noted at paragraph 13, during the appeal it was common ground between the Council and the appellant that the new fence did not require planning permission. Although no photos are available to show the appearance of the fence at the time of the appeal site visit the fence would have only recently been erected and was possibly still untreated raw timber leading the Inspector to remark on its 'stark appearance'. However the fence as it appears today is stained a dark brown colour and in the opinion of Officers does not appear harsh. Furthermore the fence does not appear out of keeping such that it would be harmful to the character and appearance of the lane.

In summary, if an application were to be submitted seeking removal of the condition in question Officers would recommend that permission be granted and in doing so find that the

proposal would not be contrary to Policies CS14 & CS17 of the adopted Fareham Borough Core Strategy. In light of this it is not considered to be expedient to take formal enforcement action to remedy this breach.

c) Unauthorised works comprising laying of hard surfacing

Since the purchase of the site by the current landowner in 2011 hard surfacing has been laid in a piecemeal fashion.

In December 2011 Officers visited the site and photographs taken during the visit show the ground being covered with gravel/shingle. By January 2012 small areas of block paved hardstanding had been constructed in front of a static caravan on the site at that time and to the rear of the amenity building. The rest of the site remained gravelled.

Aerial photography dated 2013 appears to show the area of block paving extended to approximately 250 square metres of the south-western corner of the compound. At some point after then the northern half of the compound (land to the west and north of the amenity building) was resurfaced with tarmac. Finally, in 2014/2015 the remaining area in the south-eastern corner of the site was surfaced with block pavements except for a small area of land in front of the timber outbuilding which was erected in the very far south-eastern corner of the site during September 2015.

No planning permission has been obtained for any of the hard surfacing works undertaken. There are also no permitted development rights granting deemed permission for hard surfacing of this nature. With that in mind the works are unauthorised. Given that, with the exception of the area of block paving in the south-western corner of the site, the works were carried out within the last four years it is within the local planning authority's gift to take formal enforcement action if it considers it expedient to do so.

There are two main issues to consider in terms of the expediency of taking formal enforcement action. The first of these is the visual impact of the hard surfacing. Given that the site is screened on all boundaries and public views into the compound are limited, it is not considered that the extent of the hard surfacing detracts from the appearance or character of the surrounding area. Secondly, the effect of the hard surfacing on drainage should be considered. To assess the impact the hard surfacing might have had on surface water run-off it is important to look at what the conditions of the site were like prior to the applicant laying the block pavements and tarmac.

In 2008 planning permission was granted for the use of the site as an artists' working studio (ref P/08/0063/CU). The Officers' committee report describes the single storey building within the compound being surrounded by hoggin surfacing at the time.

In response to being consulted on the application, Mr Roy Richards of 293 Titchfield Road wrote to comment on the proposed change of use. His letter explains that he purchased the property in 2006. It follows:

"Our major concern is the amount of flooding we have experienced since the development has taken place. Foul sewage was formerly disposed of via the established cesspit of 293 Titchfield Road. A new holding tank and new surface drainage system has been installed as part of the construction work carried out on site, and we know from personal experience that difficulties were encountered during this work. We have been advised that surface water drainage is an issue in this locality. Since this work has been done we have

experienced major drainage issues and flooding within our property which we did not have before this development."

The applicant wrote a letter in response to Mr Richards' comments. In it she explains that in 2007 the building was refurbished and "the land around the buildings was cleared of builders' huts, spoil and waste material that had been left there by the previous owners. The surface was renewed due to the heavy damage caused by the builders' construction vehicles and later from scrub and sapling root damage." In their view "none of the work could possibly cause flooding or divert water towards 293". "Both properties are considerably lower than the lane as it has been built up over the years with resurfacing and repair work. The water table is quite high in this area and a lot of water comes off the roofs of the greenhouses from the neighbouring nursery business."

The exchange of views at the time of the 2008 application being considered is relevant because it reveals that surface water drainage and flooding issues were experienced several years prior to the current owner laying any block pavements or tarmac on the site at 293B Titchfield Road. It is unclear if or how the unauthorised hard surfacing carried out since 2011 has exacerbated or contributed to this problem.

Policy DSP2 of the adopted Fareham Borough Local Plan Review Part 2 expects that "Development should provide for the satisfactory disposal of surface water and waste water".

There are no drainage channels, gulleys or other means of directing surface water run-off on the site. However, it has not been possible to attribute any material harm from surface water run-off from the site which might otherwise suggest that the hard standing would be contrary to Policy DSP2.

In light of the historic reports of surface water drainage issues in the locality and the lack of evidence that the unauthorised hard surfacing has had a material adverse effect on land drainage on adjacent properties, Officers do not consider it would be expedient to pursue formal enforcement action in relation to this matter.

d) Conclusion

Based on the above assessments, consideration of the relevant Act, and other relevant material considerations including advice contained within the policies of the Development Plan, para 207 of the NPPF (2012) and PPG, it is not considered reasonable, proportionate and expedient in view of policies contained within the Development Plan to instigate enforcement action in relation to either of the two identified breaches of planning control.

Recommendation

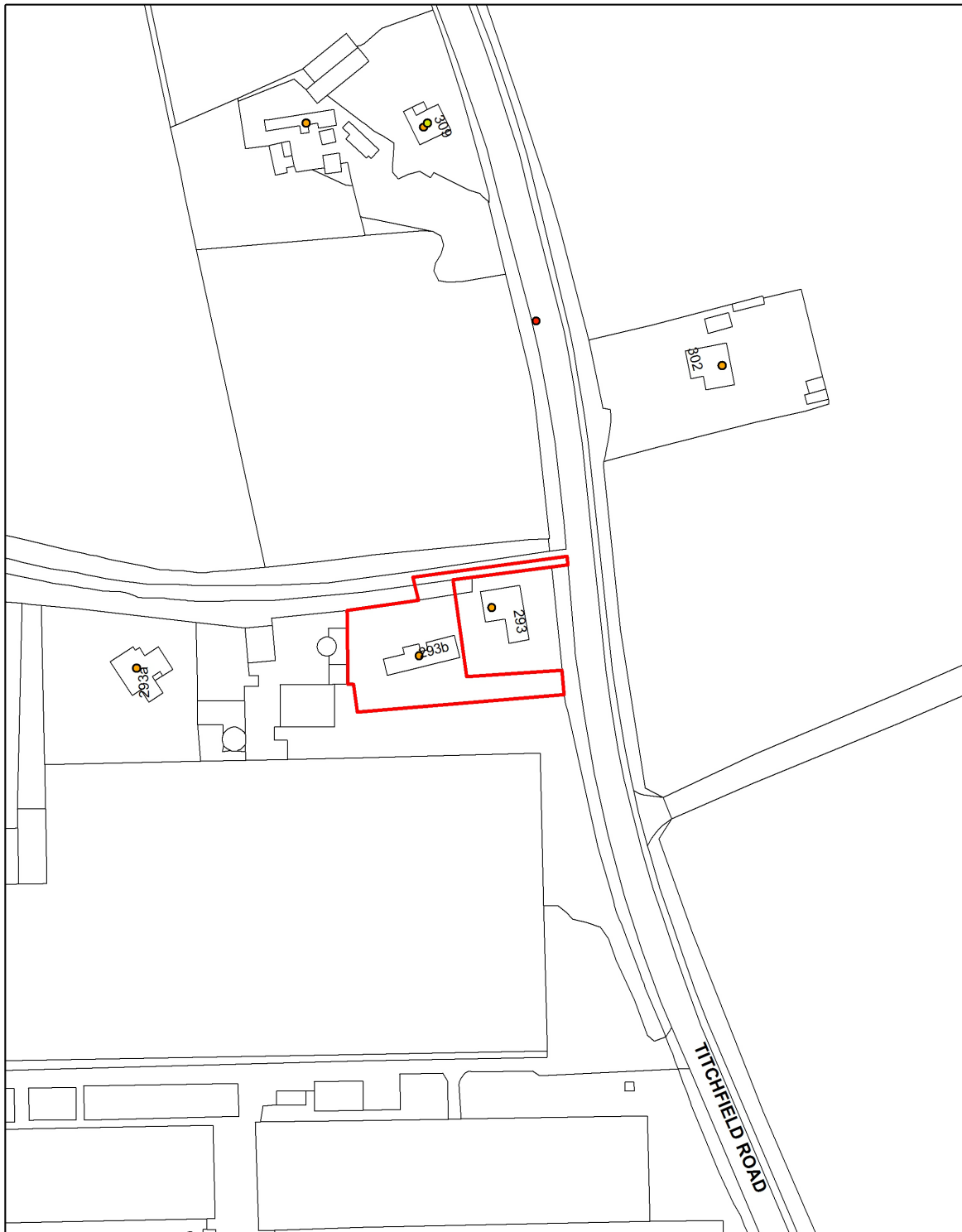
That no further action be taken in respect of either of the above breaches of planning control.

Background Papers

P/11/1097/CU (Planning Inspectorate ref APP/A1720/A/12/2183866); P/13/1089/CU; P/16/0691/FP

FAREHAM

BOROUGH COUNCIL



293B TITCHFIELD ROAD
Scale 1: 2,500



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Agenda Item 6(3)

P/16/1192/VC

TITCHFIELD FESTIVAL
THEATRE

TITCHFIELD

AGENT: BRYAN JEZEPH
CONSULTANCY

VARY CONDITION 15 OF P/15/0786/VC TO INCREASE THE NUMBER OF WEDDING CEREMONIES AND/OR WEDDING FUNCTIONS FROM 14 TO 28 TO BE HELD ON THE APPLICATION SITE IN ANY ONE CALENDAR YEAR - DEVELOPMENT AFFECTING THE SETTING OF THE GRADE 1 LISTED BARN.

THE TITHE BARN MILL LANE TITCHFIELD FAREHAM PO15 5RB

Report By

Kim Hayler - Direct dial 01329 824815

Site Description

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

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

Description of Proposal

Planning permission was granted in July 2013 (P/13/0265/CU refers) for the change of use of the barn to theatrical performance use, educational field centre, craft and farmer markets, museum and exhibition suite, corporate, charity, wedding and community events, subject to a number of restrictive conditions.

A planning application (P/15/0786/VC refers) was received in August 2015 seeking relief or variation of a number of conditions including relief of Condition 16 which restricted the number of weddings and/or functions at the barn to 14 in any one calendar year. The application was refused in October 2015 for the following reason:

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

An appeal was lodged against this Council's refusal to vary the conditions. Whilst the Planning Inspector subsequently allowed the appeal insofar as it related to the removal of Condition 13 (visibility splays at the entrance to the site), the Inspector re-imposed all the other planning conditions again, including the restriction on the number of weddings which can be held at the site. More specifically, Condition 15 of P/15/0786/VC imposed by the Planning Inspector states:

'No more than 14 weddings ceremonies and/or functions shall be held at the application site

in any one calendar year.'

This current application is seeking a variation to Condition 15 to increase the number of wedding ceremonies and/or wedding functions from 14 to 28 to be held at the application site in any one calendar year.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS14 - Development Outside Settlements

CS17 - High Quality Design

CS22 - Development in Strategic Gaps

Development Sites and Policies

DSP2 - Environmental Impact

DSP5 - Protecting and enhancing the historic environment

Relevant Planning History

The following planning history is relevant:

P/02/0059/CU - Titchfield Abbey, Mill Lane Use of land for musical functions, plays, school parties and erection of marquees and other structures associated with events - Temporary permission for two years granted May 2002.

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

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

P/15/0786/VC - Remove CONDITION 2 allowing outside of barn to be used; vary CONDITION 8 to allow removable/temporary structures under 9m x 9m within the grounds of the barn to be erected for up to 72 hours; remove CONDITION 13 requiring need for visibility splays; remove CONDITION 16 allowing unrestricted number of weddings subject to recorded amplified music (DJs) or non amplified acoustic music (bands) & installation of a noise limiter; vary CONDITION 17 to allow garden benches & tables to be left in the grounds on a permanent basis - Refused 15 October 2015 - PART ALLOWED ON APPEAL (removal of Condition 13 only; all other conditions imposed again) - 27 June 2016

Representations

Two letters of objection have been received from the owner/occupier of Fernhill Farmhouse and Abbey House, raising the following concerns:

The application relates to one of 17 conditions, imposed in order to protect the amenities of the occupiers of nearby residential properties;

Planning have failed to provide answers to our fears and interpretation of the conditions, however Environmental Health have assisted with the problems relating to noise and nuisance;

This application has been submitted despite the Planning Inspector not allowing the relief of the condition restricting the number of weddings;

A Noise Abatement Notice has been served and is still in effect;

The barn is unsuited to any kind of nightclub activity. Some success has been achieved in attenuating the level of music noise but fails to control singing, public address systems and inebriated crowd noise;

The condition is flawed resulting in 26 evening wedding type functions this year;

There are a number of conditions which are regularly ignored;

The conditions imposed are incoherent, ambiguous and unenforceable;

If it were not for the noise and nuisance we would not be objecting to unlimited wedding type functions in the barn. After 3 years of experience and genuine attempts at soundproofing the barn all that has been proved is that the building itself is fundamentally unsuited to noisy events, specifically to any that utilise electronic amplification. Even the noise of theatrical productions and rehearsal intrudes on our privacy. However this is generally only momentarily and not usually late into the evening so it is a reasonable price to pay for at last putting the barn into useful service after decades of neglect;

Most of the things the applicant states they intended to do in the original application have never been done, such as the Shakespeare Heritage Trail, craft fairs and farmers markets;

The previous application to increase the number of weddings was rightly refused by the Council and also by the appeal Inspector;

All of the people who supported the previous application were not local to the Barn, but most likely friends and supporters of the theatre;

There is a clear conflict between the use of the barn as part of a tranquil environment as opposed to an intense commercial use.

The Fareham Society has commented on the application and has raised the following concerns:

It has not yet been satisfactorily demonstrated that a season of weddings has taken place with adherence to all conditions set out at the time of the planning permission. This should happen before there is any question of extending the number of weddings taking place each calendar year;

The Society did not oppose the principle of weddings taking place at the Barn on the assumption that conditions would be imposed, and adhered to, to protect the amenity of the neighbours and the character of the grade I listed building and its rural setting;

It should be noted that the recent appeal Inspector re-affirmed the conditions that limited the number of weddings to 14 per year.

One hundred and twenty two comments have been received supporting the application. Of this number, 36 were from residents living outside of the Borough of Fareham. The comments included the following points:

Increase in the number of weddings will benefit many people;
Fantastic venue for such a memorable start to married life;
Please allow in order barn to thrive for the residents of Fareham to use and enjoy;
The use prevents the barn falling into disrepair;
TFT are striving to keep the building alive and thriving;
Having permitted 14 days; it would be unreasonable to refuse;
Weddings are a source of income to local businesses;
The increased use will enable more people to appreciate the beauty of the barn;
Against public interest not to allow;
Council should show more support to local organisations and business;
The bar is on the outskirts of the village causing minimum inconvenience;
Extra funding raised through commercial ventures seems sensible;
The theatre needs to grow - so extra weddings will assist;
Asset to the community;
Good parking facilities;
There are sufficient facilities to support weddings;
Nature of the barn means most weddings held during the summer when trees are in full leaf which dampens noise;
Theatre provides community hub for all ages;
Historical links should be recognized;
Difficulty booking with limited number of weddings allowed;
This fantastic asset should be used to the full within the 11.00 pm guidelines for noise nuisance.

One comment was received from a resident outside of the Borough stating that the TFT website should clearly show when the barn is being used for wedding events to enable users of the theatre to plan ahead better.

Consultations

INTERNAL

Conservation -

The barn is a grade I listed building and lies within the Titchfield Abbey Conservation Area. This application seeks to vary a planning condition increasing the number of weddings to be held at the barn.

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

The setting of the barn, the nearby scheduled ancient monuments and the character and appearance of the conservation area derives from the predominantly rural landscape character of the valley. The historic buildings are experienced as part of the quiet rural

landscape particularly by users of the adjacent public footpaths. The established character of the valley has been identified as important in the Titchfield Abbey Conservation Area Character Appraisal.

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

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

Environmental Health (Noise) -

Whilst Environmental Health acknowledges the recent efforts of the Titchfield Festival Theatre (TFT) to reduce noise disturbance to neighbouring residences from events held at the barn, it is unable to support this application.

It is worth noting the comments of the Planning Inspector who decided the recent appeal application, as quoted in the applicants' design and access statement: "A noise limiter and sound ceiling may partly mitigate noise levels, but the unlimited use of the site for weddings would cause noise disturbance on a much more frequent basis, with the consequential erosion of the tranquil rural character of the area."

With an additional 14 wedding ceremonies and/ or functions a year held between the months of March to October, as indicated by the applicant, that would mean almost a function a week during this period. There is no doubting the sound ceiling installed within the barn (and further sound mitigation measures employed by the TFT) has made a significant difference to the noise levels heard outside the barn. This was necessary to prevent the current permitted number of functions (associated music) amounting to a statutory nuisance. However, it is not just the noise levels that are important but also the frequency of occurrences, therefore the current restriction of 14 is as important a control as the reduction in noise levels heard outside the barn as a result of the sound ceiling installation, etc. The sound ceiling cannot control noise from persons singing along to music for example; and the noise from the barn remains audible at a level that could be considered unreasonable were it to be heard on a more frequent basis.

Environmental Health remains concerned that without further noise mitigation an increase in the number of wedding ceremonies and/ or functions at the barn as proposed will cause a nuisance. Environmental Health is continuing to work with the applicant to resolve ongoing noise related issues and would be pleased to consider other measures that could be employed to reduce noise levels still further.

Planning Considerations - Key Issues

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

When considering the previous appeal (P/15/0786/VC refers) the Planning Inspector commented that the use of the barn has to take account of the special interest of the listed building and its rural setting and the contribution it makes to the historic monastic landscape. As a result it is important to concentrate activities within the barn and to control the outside use.

Furthermore the Inspector considered additional weddings held at the barn would result in further presence of tables and chairs and other such paraphernalia, including marquees around the barn unacceptably eroding the rural monastic landscape of the buildings setting.

The previous application sought relief of the planning condition restricting the number of weddings to be held at the site. The applicant considered the upper limit of such events would be around 40 a year. The Inspector concluded that:

'the increased use of the premises for weddings would erode the tranquil rural character of the area. A noise limiter and sound ceiling may partly mitigate noise levels, but the unlimited use of the site for weddings would cause noise and disturbance on a much more frequent basis, with the consequential erosion of the tranquil rural character of the area'.

When allowing the appeal in part it was within the Inspectors remit to revisit the planning conditions. The Inspector chose not to increase the number of weddings to be held at the barn and as a result the conditions imposed on the P/13/0265/CU permission were imposed again, including the condition subject of this application.

The supporting statement, submitted in relation to the current application states that the position taken by the Planning Inspector was grossly unfair not to increase the number of weddings to be held at the barn and as a subsequence this is causing the applicant severe prejudice.

The applicant advises there is a demand for an increased number of weddings during 2017 and beyond, with a limit of 28 being sought. Weddings typically take place between March and October, but are not limited to this period, and take place on Saturdays only. This will continue should the Council vary the condition to allow up to 28 weddings and/ or weddings functions in any one calendar. It should be noted that weddings held at the barn previously have not all taken place on Saturdays only.

The applicant has prepared an Event Management Plan specific for weddings, giving detailed instructions on how wedding events will be carried out. A copy of the Event Management Plan was submitted in support of the application.

As an example, part of the Event Management Plan encourages drinks and canapes to be set up outside on a fine day on the western green to the rear of the barn between the hours of 2 - 4 pm. The green to the rear of the barn is adjacent to the neighbouring property, Fernhill Farmhouse and this conflicts with an agreement between officers and the applicant, that the western green would not be used at all during wedding events. The use of this area has caused noise and disturbance related complaints.

In addition to this the Event Management Plan states that the last dance shall be announced at 2250 hours and the bar will shut at 2300 hours. Condition 5 of the planning permission states that no functions shall take place inside or outside of the barn after 2300 hours. If the music is still being played at 2250 and the bar does not close until 2300 hours, it is highly unlikely, or not possible for guests to have left by 2300 hours.

Officers appreciate the applicant is trying to minimise disturbance to the neighbouring properties by producing an Event Management Plan, however officers are not satisfied that the restrictions would resolve the problems experienced to date.

A sound ceiling has been installed within the barn to mitigate noise generated from music during wedding functions. The Council's Environmental Health Officer has confirmed that the sound ceiling and further sound mitigation measures employed by the TFT has made a significant difference to the noise levels outside of the barn however the sound ceiling does not control noise from people singing and the noise from the barn remains audible at a level that could be considered unreasonable if heard on a more frequent basis. Furthermore the sound ceiling does not control noise from outside of the barn.

The neighbour has raised concerns relating to the nature of the events and functions restricted by Condition 15. Officers have clarified the wording with the Council's Solicitor who has confirmed the condition specifically relates to 'wedding ceremonies and/ or functions'. Other functions such as charity and corporate events are controlled by other conditions.

Conclusion

Weddings have been held at the site over the last three summers. Noisy activities, including music from outside and within the barn have caused problems for local residents resulting in complaints to the Council. As a result of these complaints a Noise Abatement Notice has been served and a Breach of Condition Notice served in relation to the continued siting of tables outside of the barn when no events are taking place. No complaints were received associated with theatre productions, indicating that such activities are sufficiently controlled to limit their impact on nearby neighbours.

Furthermore, the increase in the number of weddings from 14 to 28 a year and the resultant additional external activity, including noise (both outside and emitted from within the barn) and the potential increase in the number and duration of temporary structures erected close to the barn would erode the existing rural character of the landscape.

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

Furthermore great weight should be given to the designated heritage asset and there is a statutory requirement to preserve the Grade 1 listed barn, its setting and preserving and enhancing the character and appearance of the Titchfield Abbey Conservation Area. To increase the number of weddings held at the barn would impact upon the tranquil rural character of the area and fail to preserve the setting of the listed building and fail to preserve the setting of the Conservation Area.

Recommendation

REFUSE:

The proposal would be contrary to Policy CS17 of the Fareham Borough Core Strategy and Policies DSP2 and DSP5 of the Local Plan Part 2: Development Sites and Policies and is unacceptable that:

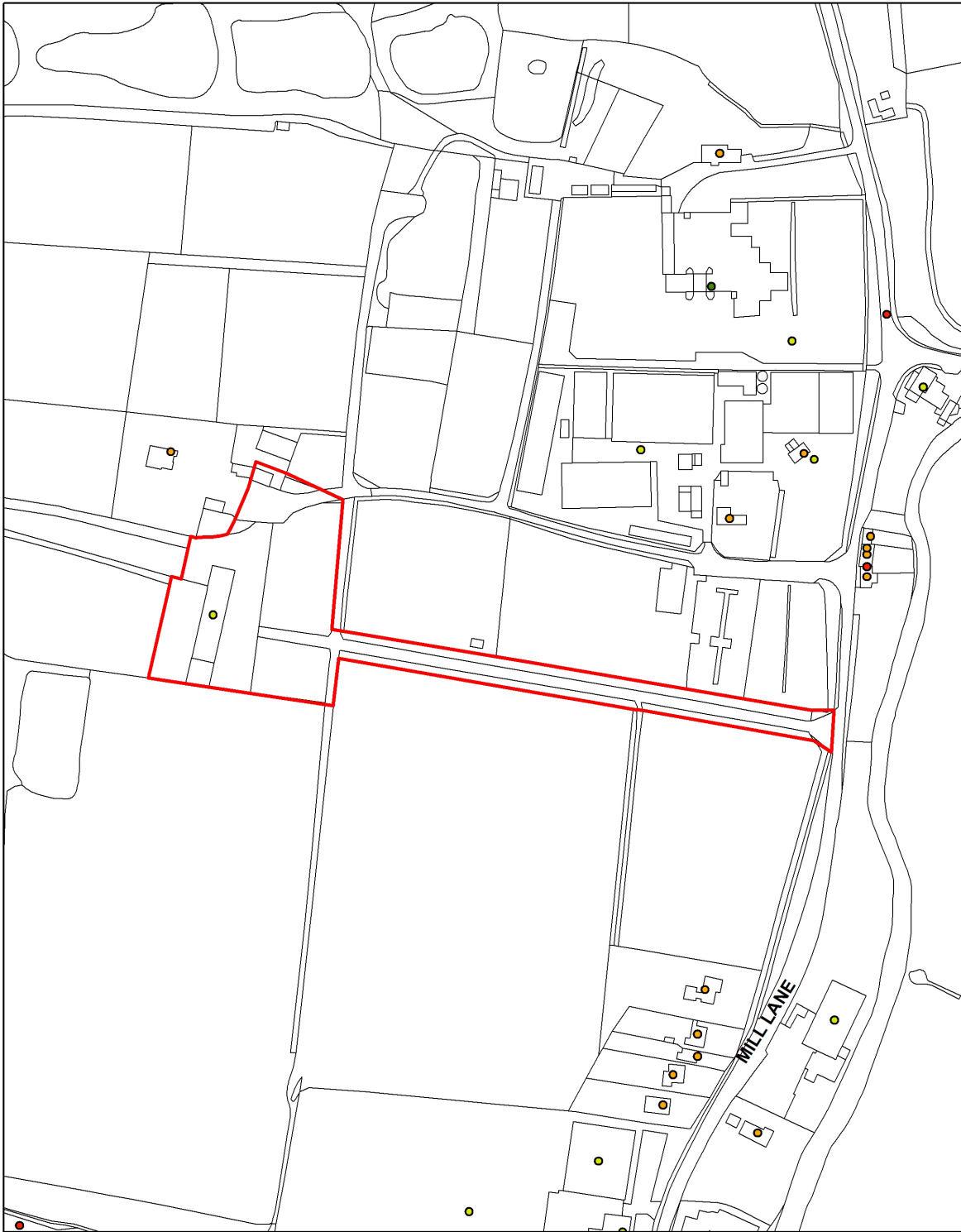
(i) the intensification of the wedding use and the resultant additional external activity and noise that would be generated (both outside and emitted from within the barn), plus additional structures/ furniture would materially harm the living conditions of the occupiers of neighbouring residential properties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

Background Papers

See planning history above.

FAREHAM

BOROUGH COUNCIL



The Tithe Barn
Scale 1: 2,500



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Agenda Item 6(4)

P/16/1194/OA

WARSASH

BRIDASH DEVELOPMENTS LTD

AGENT: A D P ARCHITECTS LTD

TWO DETACHED 3-BED DWELLINGS (OUTLINE APPLICATION)

WAYSIDE 66 WARSASH ROAD WARSASH SOUTHAMPTON HAMPSHIRE SO31 9JA

Report By

Susannah Emery - Direct dial 01329 824526

Site Description

The application site comprises part of the rear garden of Nos 66 and 66a Warsash Road which is a detached two storey dwelling with an attached annex (now permitted for use as an independent dwelling). The site is located within the urban area on the south side of Warsash Road midway between its junctions with Lockswood Road to the east and Dibles Road to the west. The application site is mainly laid to lawn. The eastern boundary consists of a 2m hedge and the western boundary consists of a conifer hedge with an average height of 4m both of which would remain. There is one Oak tree on the rear boundary protected by a Tree Preservation Order.

Description of Proposal

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

The existing properties have two accesses on to Warsash Road and car parking is currently in a shared and informal arrangement on the site frontage. It is proposed to use the western access point for the main dwelling and the proposed development and to remove the existing side attached garage to No.66 to provide for a drive along the western boundary to access the rear of the site. The annexe would retain use of the eastern access point on to Warsash Road and car parking for both the main dwelling and the annexe would remain on the frontage. The proposed dwellings would be provided with two allocated car parking spaces each. The rear gardens to the dwellings would measure between 16.5-19m in length.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS2 - Housing Provision

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS9 - Development in Western Wards and Whiteley

CS15 - Sustainable Development and Climate Change

CS16 - Natural Resources and Renewable Energy

CS17 - High Quality Design

CS20 - Infrastructure and Development Contributions

Development Sites and Policies

DSP3 - Impact on living conditions

DSP13 - Nature Conservation

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

Relevant Planning History

The following planning history is relevant:

<u>P/16/0459/TO</u>	REDUCE FOUR PREVIOUSLY CUT STEMS TO THEIR BASE OF T1 (OAK) OF TPO 626 - SEE ANNOTATED PHOTOGRAPH
	APPROVE 19/05/2016
<u>P/15/0258/OA</u>	OUTLINE PLANNING APPLICATION FOR ERECTION OF TWO DETACHED DWELLINGS TO REAR OF EXISTING DWELLING (ACCESS & LAYOUT)
	WITHDRAWN 08/05/2015
<u>P/14/1045/OA</u>	PROPOSED ERECTION OF DETACHED THREE-BED BUNGALOW (OUTLINE APPLICATION)
	APPROVE 23/12/2014
<u>P/13/0995/LU</u>	USE OF FORMER ANNEX AS SEPARATE RESIDENTIAL DWELLING HOUSE
	APPROVE 16/01/2014

Representations

Eighteen letters have been received objecting on the following grounds;

- Overdevelopment
- Development should be limited to single storey/chalet style
- Proposed dwellings would be highly visible from Warsash Road and to neighbouring properties
- The houses to the rear of Swinton Hall were not built in back gardens and have a dedicated access road and therefore there is no comparison
- A gain of two houses is not worth the cost of the development to neighbouring properties, the loss of undeveloped land, traffic, noise and pollution
- Contrary to Design Guidance SPD
- Overbearing/Obtrusive
- Overlooking
- Access would be on a dangerous bend
- Additional vehicle movements on Warsash Road
- Width of access insufficient for contractors vehicles which would be parked on Warsash Road
- Inadequate on-site parking for visitors/deliveries
- Inadequate access for emergency services
- Unacceptable layout of car parking for existing dwellings and conflict with proposed access
- Unauthorised works to Oak tree covered by TPO prior to submission of planning application

- Replacement trees should be planted
- Impact on remaining trees on rear boundary
- Noise Disturbance
- Setting a precedent for undesirable two storey backland development

Six letters of support have also been received

Consultations

INTERNAL

Trees - If adequate precautions to protect the retained trees are specified and implemented in accordance with the arboricultural method statement included in the tree report (N J Trowell - 11 October 2016) the development proposal will have no adverse impact on the contribution of the

TPO trees to the public amenity or the character of the wider setting.

Highways - It will be necessary for a full 5m wide width access to be created from Warsash Road, with, if necessary, the relocation of a utility cabinet on the existing footway. It will be necessary to demonstrate that a 5.9m delivery vehicle will be able to turn on site in the event that all the allocated parking spaces are occupied. Subject to these revisions no objection would be raised subject to conditions.

Planning Considerations - Key Issues

The key issues in this case are:

- Principle of Development
- Impact on the Character of the Area
- Impact on Living Conditions of Neighbouring Properties
- Highways
- 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.

The site is adjacent to an undeveloped piece of land to the west; in 2008 and 2009 planning permissions were refused for development of this land, in part, because it was considered to represent piecemeal development, prejudicial to the development of a larger area of land to the rear of properties on Warsash Road. However, since then planning permission has been granted for the erection of four detached dwellings to the rear of Swinton Hall, to the east of the application site, significantly reducing what might have been considered as the available land and at the same time this has provided a potential access point to the adjacent garden land to the rear of Nos. 68-74 Warsash Road. The land to the west of the

application site still has potential to be developed from its own frontage. As a consequence, it is not considered that the application proposal would prejudice the development of a larger area of land.

Outline planning permission was granted in 2014 (P/14/1045/OA) for the erection of a detached bungalow on the application site. At that time the access and parking arrangements for the existing dwellings were agreed and these remain the same for the current application. It is considered that the site is large enough to accept a higher density of development to contribute to the more efficient use of land within the built up area. In 2015 outline planning permission (P/15/0258/OA) was sought for the erection of two detached dwellings as an alternative to the permitted bungalow but this application was withdrawn in May 2015.

Impact on the Character of the Area

The character of the area is one of a great mixture of housing types and ages. Given that the proposed dwellings would be set back approx. 45m from Warsash Road and the size of the frontage building it is not considered that the proposed dwellings would be prominent within the streetscene. The dense high hedging along the western boundary means that it would only be possible to glimpse the roof of the proposed dwellings from Warsash Road across the undeveloped plot to the west. The dwellings would not be viewed as isolated dwellings set back behind the main built up frontage within an area of undeveloped land as the dwellings to the rear of Swinton Hall are also set back in a similar position and there are properties to the south on Dibles Road which sit back behind the main road frontage.

The plot size of the existing dwelling previously formed when the bungalow was permitted would be reduced further by 5 metres in length but it is still considered to be of a reasonable size. Although neighbouring properties, particularly those on Warsash Road, benefit from more generous rear gardens it is not considered that the subdivision of the plot would represent overdevelopment of the site or a cramped form of development. There are many examples of more modest plots such as those proposed within the locality. It is not considered that the proposal would have an unacceptable impact on the character or appearance of the surrounding area.

Impact on Living Conditions of Neighbouring Properties

It has been suggested within the representations received that development on the application site should be limited to single storey or a chalet style design. The Fareham Borough Council Design SPD does not state that two storey development is not acceptable on backland sites. It states that dwellings within backland locations must be carefully designed to preserve the outlook and privacy available to existing properties and that properties constructed in these locations may often need to be single storey in design to minimise the impact upon neighbours. As the application site is a reasonably large plot it is not considered that it is necessary to limit development to a bungalow/chalet bungalow as more than the minimum levels of separation required between neighbouring properties can be achieved.

There would be only oblique views towards the east from the first floor windows of Plot 1. The amenity space of No.68 is already overlooked to the same extent by the existing dwellings and the adjoining property to the east. It is therefore not considered that the proposal would have a detrimental impact on the living conditions of the occupants of this property in terms of loss of privacy. The first floor rear facing windows within the proposed

dwelling would be approx. 18m from the rear garden boundary with properties on Dibles Road so this exceeds the minimum distance required of 11m between new first floor windows and private garden areas. The nearest facing windows within the dwelling to the rear of the application site on Dibles Road would be in excess of 40m away from the proposed dwelling which far exceeds the minimum separation distance of 22m normally sought. The corner of No.35 Dibles Road would be 21m away from the rear corner of Plot 1 but the two dwellings would not have a direct facing relationship.

During the consideration of the previous application for the erection of the two detached dwellings on the site (P/15/0258/OA) officers raised concerns that as a result of the height of Plot 1 and the proximity of this dwelling to the eastern boundary the proposal would have an overbearing impact on the adjacent private garden area to the detriment of the living conditions of the occupants of that property (No.68). The garden area of No.68 is generous measuring in excess of 50m in length however there is a patio area which would have been sited close to the flank wall of Plot 1 and the two storey flank wall of Plot 1 would have been set 2m off the boundary. The proposal has been amended setting the two storey bulk of the dwelling 4.5m off the boundary with No.68 Warsash Road. A single storey element would extend to within 2m of the boundary and whilst the appearance of the dwellings is reserved it has been suggested that the roof could be designed to slope away from the boundary. Officers are of the opinion that a refusal of the current planning application on the grounds of the impact on the amenity space of the neighbouring property would be difficult to substantiate.

Highways

Amendments have been sought to widen the access to 5m for the initial section and to provide adequate on-site turning space for a 5.9m delivery vehicle as requested by the Council's Highways Engineer.

An access to the rear of the site to serve a single dwelling and the layout of the car parking on the site frontage to serve the existing dwellings was previously permitted in 2014. The layout of this parking is considered acceptable and would enable vehicles to leave and enter Warsash Road in a forward gear. Although the access would previously have only served one property officers are satisfied that it would be suitable to serve two properties. The width of the access drive would initially be 5m allowing two way traffic to pass in the entrance but would then narrow to 3m adjacent to the existing dwelling. The access would then widen back out in front of the proposed dwellings providing a turning space for a larger vehicle. Car parking would be provided in accordance with the Council's Residential Car & Cycle Parking SPD which equates to two car parking spaces for each 3-bed dwelling. There is no requirement to provide visitor parking for a development of only two dwellings.

Trees

There are three oak trees to the south of the application site which have canopies or roots that encroach on to the application site. One of these Oak trees (T2) stands on the application site centrally positioned on the rear boundary and is covered by a Tree Preservation Order (TPO). There is another unprotected Oak (T1) within the south-east corner of the site on the boundary with No.35 Dibles Road which is considered to be in poor condition and the third Oak (T3) also protected by a TPO which is within the rear garden of No.21 Dibles Road. The Council's Principal Tree Officer has raised no objection to the proposal as it is not considered that the proposal would have a detrimental impact on the boundary trees due to the level of separation.

Attention has been drawn to unauthorised works that were carried out to T2 in April 2015 just prior to the withdrawal of the previous application for the erection of two dwellings. The tree was formerly a multi-stem tree but several stems were significantly reduced in height without permission reducing the crown of the tree. Following the unauthorised tree works the Council successfully prosecuted the land owner resulting in them being convicted of the offence. Planning consent has subsequently been granted to reduce the effected stems to ground level as in light of the works already undertaken it was not considered that this would have any significant negative impact on local public amenity or the health and condition of the tree.

Officers acknowledge that the size and position of the protected Oak tree(T2) on the rear boundary has previously been seen as a constraint to the development of the application site due to the overshadowing effect. However this planning application must be determined on its own merits on the basis of the current site conditions. The personal views of third parties on the land owner's motives for the unauthorised works need to be set aside as this is not relevant to the determination of the planning application. The Local Planning Authority is not able to withhold planning permission on the grounds that the land owner previously carried out unauthorised works to the tree which would otherwise not have been granted.

Solent Disturbance Mitigation

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.

Summary

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

Recommendation

OUTLINE PLANNING PERMISSION subject to conditions

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the procedures set out in the Town and Country Planning (General Development Procedure) Order 1995 and Section 91 of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

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

3. Approval of the details of the appearance and scale of the dwellings and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

REASON: To comply with Article 4 of the Town and Country Planning (General Development Procedure) Order 1995 (or any Order revoking or reenacting that Order).

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

a) Site Location Plan (1:1250) - drwg No. 1680 L02

b) Site Plan - drwg No. 1680-05e Rev E

c) Site Section - drwg No. 1680-07b

d) Illustrative Elevation - drwg No. 1680-06b

e) Tree Survey, Arboricultural Impact Assessment & Tree Method Statement (N J Trowell 11 October 2016)

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

5. No development above damp proof course (DPC) shall take place until details of the facing and roofing materials to be used in the construction of the dwellings hereby permitted, have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

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

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

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

7. No development above damp proof course (DPC) shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are 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 residential amenity; in the interests of the visual amenity of the area.

8. The dwellings hereby approved shall not be occupied until the means of vehicular access to Warsash Road has been widened and 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.

9. The dwellings hereby approved shall not be occupied until the approved parking and turning areas have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking and turning of vehicles at all times.

REASON: In the interests of highway safety; in accordance with Policies CS15 and CS17 of

the Fareham Borough Core Strategy.

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

REASON: In the interests of visual amenity; in order to facilitate modes of transport alternative to the motorcar; in accordance with Policies CS15 and CS17 of the Fareham Borough Core Strategy.

11. The dwellings hereby approved shall not be occupied until an eastward visibility splay of 2.4m by 59m has been provided at the junction of the access road with Warsash Road in accordance with the approved details. This visibility splay shall thereafter be kept free of obstruction at all times.

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

12. The development shall be undertaken in accordance with the Arboricultural Impact Assessment & Tree Method Statement (N J Trowell 11 October 2016) unless otherwise first agreed with the Local Planning Authority in writing.

REASON: In the interests of the appearance of the area; to ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period.

13. 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.

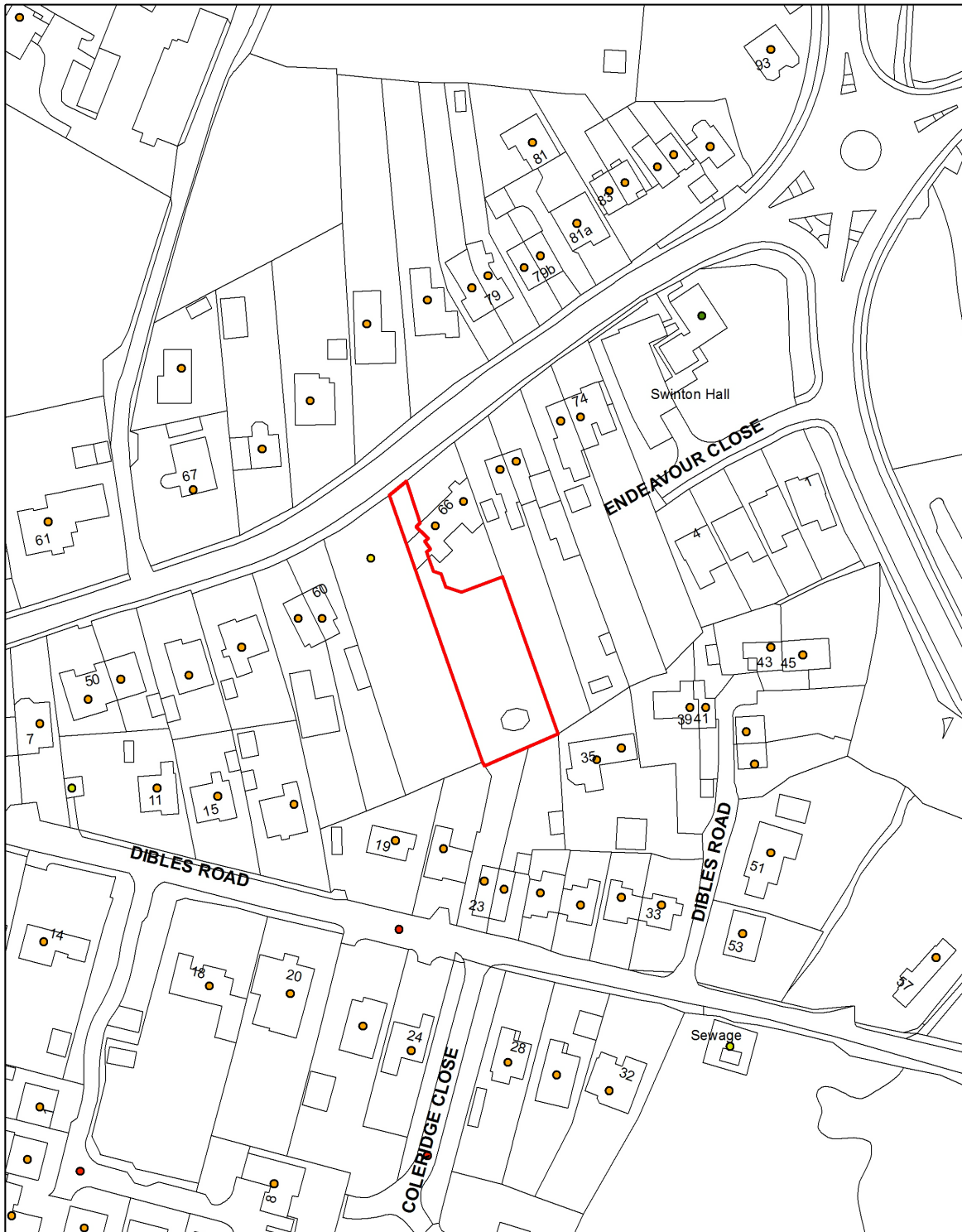
REASON: To protect the living conditions of the occupiers of nearby residential properties.

Background Papers

P/16/1194/OA

FAREHAM

BOROUGH COUNCIL



Wayside
Scale 1: 2,500



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~~Agenda Annex~~

ZONE 3 - EASTERN WARDS

Portchester West

Hill Head

Stubbington

Portchester East

Reference

Item No

P/16/0900/FP

PORTCHESTER
WEST

49 WALLINGTON SHORE ROAD FAREHAM PO16 8SA
PROPOSED ERECTION OF A TWO-STOREY BLOCK OF TWO
ONE-BEDROOMED FLATS.

5

PERMISSION

Agenda Item 6(5)

P/16/0900/FP

PORTCHESTER WEST

DELME DEVELOPMENT
PARTNERSHIP

AGENT: ROBERT TUTTON
TOWN PLANNING CO

PROPOSED ERECTION OF A TWO-STOREY BLOCK OF TWO ONE-BEDROOMED
FLATS.

49 WALLINGTON SHORE ROAD FAREHAM PO16 8SA

Report By

Rachael Hebden - Direct dial 01329 824424

Amendments

The plans originally submitted would have resulted in a separation distance of approximately 4m between the edge of the proposed dwelling and the window in the west elevation of no. 49. The amended plans increase the separation distance between the dwelling and no. 49's side window to just over 6m. The amended plans also provide external amenity space which is less fragmented than the plans originally submitted.

Site Description

The site is irregular in shape and measures approximately 17m east to west (at the widest point) and 18m north to south. The land within the site slopes steeply down from the north to the south. Until recently the site contained trees and natural vegetation, however the site has been cleared. There is an area of tarmac within the eastern side of the site which is used informally for parking.

The land immediately north of the site comprises the garden of no. 5 Cams Hill. To the east of the site lies no. 49 Wallington Shore Road with The Delme Arms Pub to the south east. Wallington Shore Road runs parallel with the south west boundary with no. 48 Wallington Shore Road and the viaduct to the north west.

Description of Proposal

The application proposes to excavate the site to enable the addition of a two storey block of two, no. 1 bedroom flats with parking provided within the south east of the site. A series of retaining walls to the north and north east of the building are proposed to create a number of small terraced areas. A cycle store is also proposed to the rear of the building.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS2 - Housing Provision

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

CS5 - Transport Strategy and Infrastructure

CS11 - Development in Portchester, Stubbington and Hill Head

CS17 - High Quality Design

Development Sites and Policies

DSP1 - Sustainable Development

DSP2 - Environmental Impact

DSP3 - Impact on living conditions

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

DSP25 - Fareham Waterfront

Representations

15 representations have been received.

Objections have been received from 10 residents raising the following issues:

The building would be located beyond the building lines created by no's 48 and 49 Wallington Shore Road

Increased noise and litter

Proximity of proposed parking spaces to windows serving habitable rooms.

Existing problems with parking would be exacerbated, by the loss of the hard surfaced area currently used for parking

Proposed hedge along east boundary would be opposite a window in the west elevation of no. 49.

Disturbance from construction work

Inappropriate design for area containing historic buildings

Out of keeping with the Victorian terraces which characterize the area

No practical outdoor garden area

No bin storage

The area is not well maintained, but this doesn't justify inappropriate development

The removal of such large quantities of soil could result in instability of land adjacent to the site, specifically that to the north which is at a higher gradient

The land is contaminated but no contamination reports have been submitted

The use of sleepers to edge the retaining walls is inappropriate as they would rot over time

Proposed trees would block sunlight into no. 49's garden and bedroom window

Proximity to gas pipeline

Additional external lighting is unnecessary

The proposed dwelling would exacerbate existing problems with sewers

All walls facing onto a public or semi-public space should contain windows serving habitable rooms

Letters of support have been received from 5 residents. The letters of support refer to the fact that the site is not well maintained and that the proposed dwelling would improve the appearance of the area.

Consultations

INTERNAL CONSULTEES

Ecology

The site lies within 70m of the Portsmouth Harbour SPA/Ramsar European designated site and SSSI, within 70m of mudflats/coastal saltmarsh and within 160m of Wallington Way SINC. The dense vegetation provided a good resource for nesting birds at high risk. The habitat may have also provided cover for reptiles using the embankment and adjacent railway habitat corridor. The clearance of the site represents a loss of biodiversity contrary to Policy DSP13, however the proposed development could support increased biodiversity if

appropriate features were secured via condition.

A contribution of £176 is required towards the Solent Recreation Mitigation Partnership.

If planning permission is granted an informative should be included to inform the applicant of their duties with regards to the clearance of the land and the potential impact on wildlife.

Environmental Health - Conditions are required to ensure that mechanical ventilation is installed to the bedrooms and acoustic glazing is installed throughout the building.

EXTERNAL CONSULTTEES

Southern Gas Network - An easement of 0.5m is required between the pipeline and the proposed dwelling.

Planning Considerations - Key Issues

Principle of development

The site lies within the urban area, therefore Policies CS2 and CS6 are applicable. The site contains a small area of land which is used informally for parking cars, however the remainder of the site is not currently used for any defined purpose. Policy CS17 requires all development to respond positively to and be respectful of the key characteristics of the areas including scale, form and spaciousness. The proposed addition of residential development is acceptable in principle subject to satisfying the criteria of the Planning Policies summarised earlier in this report.

Effect on the character of the area

Policy CS17 requires development to respond positively to and be respectful of the key characteristics of the area including (amongst other criteria) landscape, scale, form, spaciousness and use of external materials. The proposed building would be positioned parallel with Wallington Shore Road and would be in line with the front of no. 48 (to the north west of the site). The building would protrude marginally beyond the front of no. 49 (to the east of the site), however it would not appear overly dominant as it would not project beyond the building line established by The Delme Arms Pub.

Concerns have been raised regarding the design of the proposed building on the grounds that it would be out of keeping with the Victorian character of dwellings in the area. Objections also state that the provision of flats with limited garden space would be out of keeping with the pattern of development in the area. The proposed building would contain two flats, however it has been designed to have the appearance of a dwelling. The size and form of the building also responds to the scale and form of development in the area. The space between the proposed dwelling and no. 48 is in keeping with the established pattern of development. The gap between the proposed dwelling and no. 49 would only be just over 6m at its closest point, however the orientation of the proposed dwelling is such that it would not appear inappropriate within its context. It is acknowledged that the building would be located on a considerably smaller plot than some properties within the area, however this would not be apparent when viewed from within the public realm and therefore would not have an adverse impact on the character of the area.

Living conditions

The proposed development would accord with the minimum internal space standards. An

acoustic and vibration report has been submitted to demonstrate that the desired internal ambient noise levels can be achieved with the use of acoustic glazing and mechanical ventilation.

The Fareham Borough Design Guidance Supplementary Planning Document states that new flats should have access to good quality, adequately sized gardens or outdoor space of 25m² per one bedroom flat. The guidance also states that gardens with significant changes in levels will not be acceptable unless only part of the space is affected in this way. The ground levels within the site are currently sloped, however the proposed landscaping plan incorporates a level patio area to the rear together with a cycle store and a series of terraced areas around the perimeter. The site currently experiences noise from the adjacent road, railway and The Delme Arms, however the noise levels are expected to fall within acceptable levels as the proposed building would act as a barrier to noise.

The terraced form of the amenity areas are considered to be commensurate with the gardens in the immediate vicinity and will, as a minimum, provide an outlook from the building. In light of the immediate context, the external amenity space is therefore considered to be acceptable.

Effect on neighbouring properties

No. 49 to the east of the site has a window in the side elevation which serves their kitchen and would be opposite the proposed dwelling. The owner of no. 49 has raised concerns about the impact the proposed building would have on their outlook, privacy and sunlight. The applicant has submitted amended plans in response to the neighbour's concerns which have increased the distance between the building and no. 49 to over 6m. The separation distance between the proposed building and no. 49 is in accordance with the recommendations in the Fareham Borough Council Residential Design Guidance Supplementary Planning Document and is therefore considered to be adequate. The flats would be positioned to the south west of no. 49 therefore there may be some impact on the amount of sunlight available to the side window, however the kitchen/dining room also benefits from a window and glazed door in the south elevation together with a roof light. The owners of no. 49 have also raised concerns about the impact that the proposed boundary hedge would have on the outlook from the side window. The proposed boundary hedge would be visible from the window in no. 49's west elevation, however this window serves a kitchen/dining room which is also served by a glazed door and window in the south elevation together with a roof light further north. The side window is not therefore the sole window to the room in this part of the dwelling and can't be afforded the same level of protection as a sole window serving a habitable room. The proposed building and associated landscaping is therefore not expected to have a significant adverse impact on the amount of sunlight available to the kitchen as a whole.

The owner has also raised concerns about fumes from the parking area entering their house, however as it is unlikely that the cars would have their engines running while they are parked this is not expected to have a significant adverse impact.

The owners of no. 48 (to the north of the site) have raised concerns on the grounds that the proposed development would be visible from their bedroom window during the winter months when the trees on the boundary have lost their leaves and would as a result impact their view. It is acknowledged that the development would be visible from the bedroom window, however it would be separated by a distance of 11m and therefore would not appear overbearing.

Concerns have been raised about the need to remove large quantities of earth from the site, the suitability of the proposed retaining walls and the potential future problems with subsidence. The detailed design of the retaining walls can be secured by condition.

Parking and highways

The proposed on site provision of two parking spaces together with cycle storage, satisfies the requirements of the Residential Car Parking Supplementary Planning Document. Concerns have been raised about the lack of parking in the area and the loss of the existing parking area within the site. It is appreciated that the hard surfaced area within the site is currently used for parking, however it is only used informally, therefore the loss of the parking does not constitute a reason for refusal. Given that the application proposes adequate parking and cycle storage it is not expected to exacerbate the existing lack of parking in the area.

Ecology

The NPPF requires development to maximise net gains in biodiversity where possible. A condition can be used to ensure that the measures recommended within the submitted ecology statement are implemented.

The applicant has provided the necessary financial contribution towards the Solent Recreation Mitigation Partnership interim strategy, such that the proposed development will be 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

Concerns have been raised regarding potential contamination within the site. There is no history of polluting uses on the site, however as a precaution a condition can be incorporated requiring works to cease and investigations to take place should any unforeseen contamination be discovered during the construction process.

The majority of the site is in flood zone 1, with part of the area allocated for proposed parking falling within a flood zone 2. The Environment Agency's predicted flood levels would not breach the proposed door thresholds. The Flood Risk Assessment confirms that the building would be constructed to resistant and resilient standards.

Concerns have been raised regarding the proximity of the proposed dwelling to the adjacent gas pipe (which runs parallel with the front boundary) however the proposed building would not fall within the 0.5m easement zone, therefore Southern Gas have raised no objection to the proposed development.

Conclusion

The proposed development is considered to be an acceptable form of development that would not cause material harm to the visual amenities of the area, the safety of the highway or living conditions of the occupiers of the neighbouring properties in accordance with the requirements of the relevant planning policies.

Recommendation

PERMISSION subject to 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:

-Location plan Drawing no. 02

-Floor plans and elevations Drawing no. 01B

-Site plan Drawing no. 02B

-Proposed layout Drawing no. 2315-101 Rev F

-Noise and vibration assessment produced by dinnwinenvironmental dated October 2016

-Flood Risk Assessment produced by HJ Concepts dated 1st August 2016

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

3. No development shall take place until a scheme detailing 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 has been submitted to and approved in writing by the local planning authority. 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.

4.No development shall take place above damp proof course (DPC) until samples of all materials to be used in the construction of external surfaces of the dwelling hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development.

5. 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.

6. No dwelling shall be occupied until the approved parking 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.

7.None of the dwellings hereby approved shall be occupied before the bin collection point 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.

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

REASON: To protect the amenities of the nearby residents.

9. The development hereby approved shall be constructed strictly in accordance with the mitigation measures included in section 6 of the ecological survey produced by ecosupport ltd.

Reason: To enhance the biodiversity of the site.

10. The development hereby approved shall contain acoustic glazed windows in accordance with the specification contained within the noise and vibration assessment produced by Dinnwin Environmental dated October 2016.

Reason: To provide acceptable amenity for future occupiers.

11. Mechanical ventilation equipment shall be installed in all the bedrooms within the development hereby approved prior to occupation and shall be retained thereafter.

Reason: To provide acceptable amenity for future occupiers.

12. No development pursuant to the construction of the garden retaining walls shall take place until full details of the proposed retaining walls, to include a construction method statement and cross section drawing details have been submitted to and approved in writing by the Local Planning Authority. The garden area shall be constructed in accordance with the approved details and the garden areas available for use prior to the first occupation of the dwellings hereby permitted.

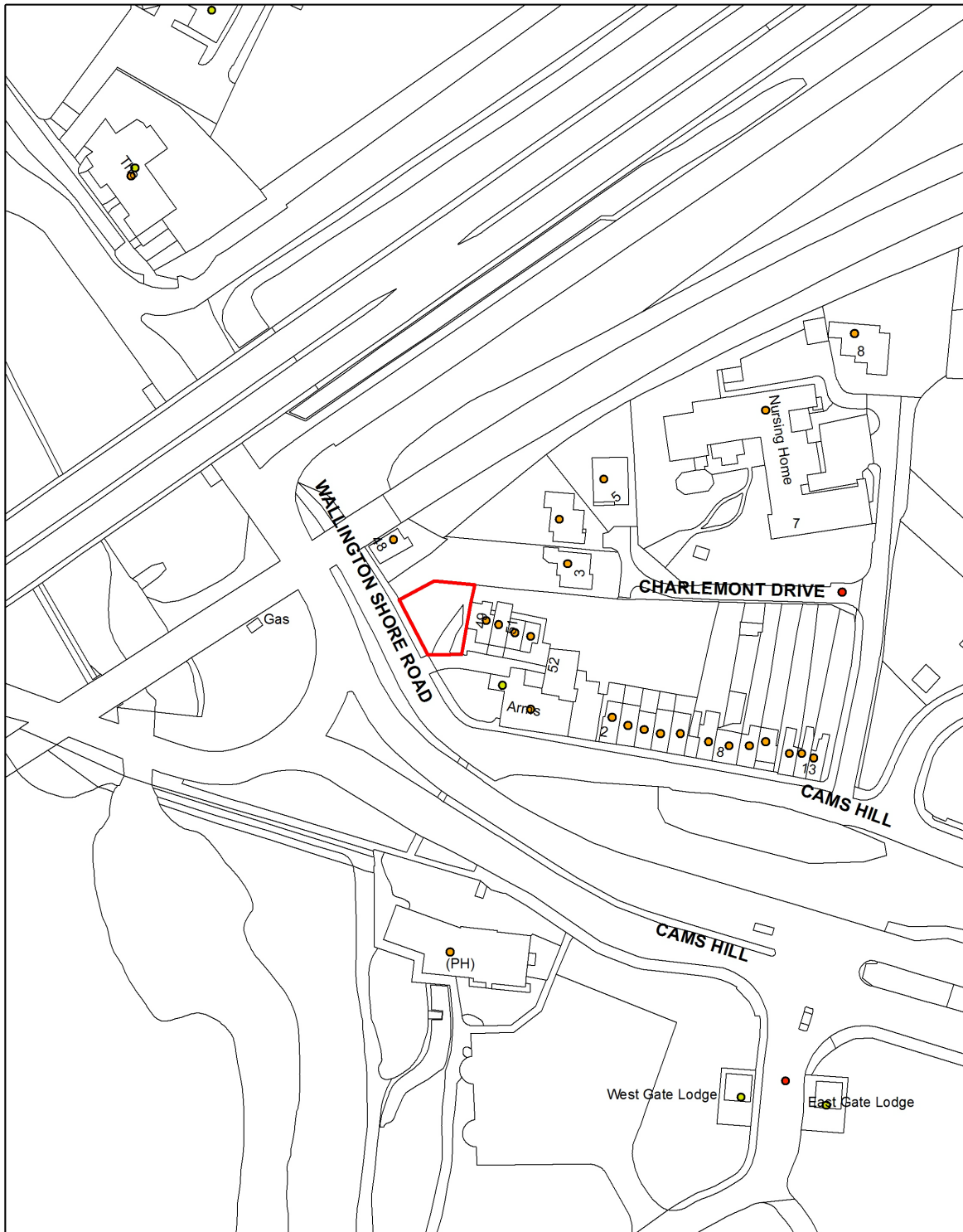
Reason: To ensure the safety of the occupiers and neighbours.

Background Papers

P/16/0900/FP

FAREHAM

BOROUGH COUNCIL



49 Wallington Shore Road
Scale 1: 2,500



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PLANNING APPEALS

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

CURRENT

ENF/16/0048

Appellant: VICTORY TRAVEL LIMITED
Site: Unit C Lake Works Cranleigh Road Portchester Fareham
Date Lodged: 24 August 2016
Reason for Appeal: CHANGE OF USE WITHOUT PERMISSION - WITHOUT PLANNING PERMISSION, THERE HAS BEEN A MATERIAL CHANGE OF USE OF THE SITE TO A MIXED USE AS A COACH DEPOT & VEHICLE & GRAPHIC DESIGN & DIGITAL PRINTING BUSINESS.

P/15/0946/OA

Appellant: MR CHRIS COLLINS
Site: 274 Botley Road - Land To Rear - Burridge Southampton Hampshire SO31 1BQ
Decision Maker: Officers Delegated Powers
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 02 September 2016
Reason for Appeal: ONE CHALET BUNGALOW TOGETHER WITH ASSOCIATED CAR PARKING AND LANDSCAPING (OUTLINE APPLICATION SEEKING APPROVAL FOR MATTERS OF ACCESS, LANDSCAPING AND LAYOUT)

P/16/0774/FP

Appellant: Mrs Emma Ford
Site: 30 James Grieve Avenue Locks Heath Fareham SO31 6UD
Decision Maker: Officers Delegated Powers
Recommendation:
Council's Decision: REFUSE
Date Lodged: 14 November 2016
Reason for Appeal: TWO STOREY SIDE & SINGLE STOREY REAR EXTENSIONS

HEARINGS

PLANNING APPEALS

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

HEARINGS

P/15/0260/OA

PUBLIC INQUIRY

Appellant:

PERSIMMON HOMES SOUTH COAST

Site:

Land North Of Cranleigh Road/ West Of Wicor Primary School
Portchester Fareham Hampshire

Decision Maker:

Committee

Recommendation:

REFUSE

Council's Decision:

REFUSE

Date Lodged:

16 September 2016

Reason for Appeal:

OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS), FOR RESIDENTIAL DEVELOPMENT FOR UP TO 120 DWELLINGS, TOGETHER WITH A NEW VEHICLE ACCESS FROM CRANLEIGH ROAD, PUBLIC OPEN SPACE INCLUDING A LOCALLY EQUIPPED AREA OF PLAY (LEAP), PEDESTRIAN LINKS TO PUBLIC OPEN SPACE, SURFACE WATER DRAINAGE AND LANDSCAPING

DECISIONS

P/16/0478/FP

Appellant:

MRS ANNA SKETCHLEY

Site:

38 South Street Titchfield Fareham PO14 4DJ

Decision Maker:

Officers Delegated Powers

Recommendation:

REFUSE

Council's Decision:

REFUSE

Date Lodged:

27 July 2016

Reason for Appeal:

REAR CONSERVATORY

Decision:

DISMISSED

Decision Date:

08 November 2016

PLANNING APPEALS

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

DECISIONS

P/16/0479/LB

Appellant:	MRS ANNA SKETCHLEY
Site:	38 South Street Titchfield Fareham PO14 4DJ
Decision Maker:	Officers Delegated Powers
Recommendation:	REFUSE
Council's Decision:	REFUSE
Date Lodged:	27 July 2016
Reason for Appeal:	REAR CONSERVATORY
Decision:	DISMISSED
Decision Date:	08 November 2016