

FAREHAM

BOROUGH COUNCIL

AGENDA PLANNING COMMITTEE

Date: Wednesday, 15 November 2017

Time: 2.30 pm

Venue: Collingwood Room - Civic Offices

Members:

Councillor N J Walker (Chairman)

Councillor A Mandry (Vice-Chairman)

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

Deputies: S Cunningham
Mrs C L A Hockley
L Keeble
Mrs K K Trott



1. Apologies for Absence

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

To confirm as a correct record the minutes of the Planning Committee meeting held on 11 October 2017.

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. How Proposals for Residential Development should be considered in the context of this Council's current 5 Year Housing Land Supply Position (Pages 7 - 14)

To consider a report by the Director of Planning and Regulation on how proposals for residential development should be considered in the context of the Council's current 5-year Housing Land Supply position.

7. Consulting with Hampshire Fire and Rescue Service on Planning Applications (Pages 15 - 18)

To consider a report by the Director of Planning and Regulation on consulting with Hampshire Fire and Rescue Service on Planning Applications.

8. Planning applications and Miscellaneous Matters including an update on Planning Appeals (Page 19)

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

ZONE 2 - FAREHAM

- (1) **P/17/1030/FP - HUNTERS LODGE CARE HOME 39 KILN ROAD FAREHAM PO16 7UQ (Pages 22 - 30)**

ZONE 3 - EASTERN WARDS

- (2) **P/17/0505/FP - 64 HILL ROAD FAREHAM PO16 8JY (Pages 32 - 37)**

- (3) **Planning Appeals (Pages 38 - 40)**



P GRIMWOOD
Chief Executive Officer
Civic Offices
www.fareham.gov.uk
7 November 2017

**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, 11 October 2017

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor N J Walker (Chairman)

(Vice-Chairman)

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

**Also
Present:**



1. APOLOGIES FOR ABSENCE

There were no apologies of absence.

2. MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee meeting held on 13 September 2017 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements.

4. DECLARATIONS OF INTEREST

In accordance with Standing Orders and the Council's Code of Conduct the following declarations of interest were made at this meeting:

Lee Smith, Head of Development Management declared a non-pecuniary personal interest in item 6 (3) – 27 Wickham Road as the planning agent who had submitted the application is his cousin.

He confirmed that he had not been involved in the consideration of this application or the recommendation made to the Planning Committee. He left the room for the remainder of this item.

Councillor R H Price, JP declared a pecuniary interest in item 6 (4) – 84 Merton Avenue as he has just employed the applicant to undertake some work on his property. He left the room for the remainder of the item and took no part in the discussion or vote.

5. DEPUTATIONS

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

Name	Spokesperson representing the persons listed	Subject	Supporting or Opposing the Application	Minute No/ Application No/Page No
ZONE 1 – 2.30pm				
Mr K Brooks		27A CATISFIELD ROAD, FAREHAM, PO15 5LT – HORSE CHESTNUT PROTECTED BY TPO 23: FELL	Supporting	6 (1) P/17/0996/TO Pg 9

ZONE 2 – 2.30pm				
ZONE 3 – 2.30pm				
Mr N Tutton (Agent)		84 MERTON AVENUE, PORTCHESTER, PO16 9NH – PROPOSED CONSTRUCTION OF A BARN-HIPPED PITCHED ROOF OVER DETACHED BUILDING	Supporting	6 (4) P/17/0943/FP Pg 41
Mrs T Goodger		-Ditto-	Opposing	-Ditto-
Commander R Hale		114 MAYS LANE, STUBBINGTON, FAREHAM, PO14 2ED – WALL/FENCE IN EXCESS OF ONE METRE IN HEIGHT ADJACENT TO THE HIGHWAY	Opposing	6 (5) P/17/1018/FP Pg 46
Mrs T Allen (Agent)		-Ditto-	Supporting	-Ditto-

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 the information on Planning Appeals. An Update Report was tabled at the meeting.

(1) P/17/0996/TO - 27A CATISFIELD ROAD FAREHAM PO15 5LT

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

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 Local Planning Authority considers the horse chestnut tree to be healthy, of good shape and appearance, and of high amenity value in this prominent road side location. The proposed felling of the horse chestnut tree would be harmful to the visual amenities and the character of the area.

Notes for Information

It is recommended that a further investigation of the old pruning wounds on the main stem us undertaken by an arboriculturist.

The applicant is advised to engage a consulting arboriculturist to undertake a tree condition survey and ongoing proactive tree safety inspections as recommended in any report.

(2) P/17/0956/FP - THE HAMPSHIRE ROSE 96 HIGHLANDS ROAD FAREHAM PO15 6JF

The Committee's attention was drawn to the Update Report which contained the following information: - *The applicant has made a payment towards the Solent Recreation Mitigation Strategy (SRMS) to satisfy the requirements of Policy DSP15 of the adopted Fareham Borough Local Plan Part 2.*

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.

(3) P/17/1031/FP - 27 WICKHAM ROAD FAREHAM PO16 7EY

Lee Smith, Head of Development Management declared a Non-Pecuniary Personal Interest in this item as the Planning Agent who submitted the application is his cousin.

He confirmed that he had not been involved in the consideration of this application or the recommendation made to the Planning Committee. He left the room for the remainder of the item.

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.

(4) P/17/0943/FP - 84 MERTON AVENUE FAREHAM PO16 9NH

Councillor R H Price, JP declared a pecuniary interest in this item as he has just employed the applicant to undertake some work on his property. He left the room for the remainder of this item, and took no part in the discussion or vote.

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

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

(Voting: 7 in favour; 0 against)

RESOLVED that PLANNING PERMISSION be REFUSED.

Reasons for Refusal

The proposed development is contrary to Policy CS17 of the adopted Fareham Borough Local Plan Part 2: Development Sites and Policies and the Fareham Borough Design Guidance (excluding Welborne) Supplementary Planning Document and is unacceptable in that its scale, design and position forward of the building line would result in an overtly dominant, visually obtrusive feature which would fail to respond positively to the character of the street scene.

(5) P/17/1018/FP - 114 MAYS LANE STUBBINGTON PO14 2ED

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

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.

(6) UPDATE REPORT

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

7. PLANNING APPEALS

The Committee noted the information in the report.

8. TREE PRESERVATION ORDERS

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

Fareham Borough Tree Preservation Order no. 740 (2017) – 46, 48, 52, 53, 66, 74, 78 & 79 Greenaway Lane and Land adjacent, Warsash.

Order served on 7 April 2017 for which there were no objections.

RESOLVED that Fareham TPO 740 is confirmed as made and served, with the following modifications:

- T11 oak – exclude young oak with asymmetrical form/multiple pruning wounds due to close proximity with road.
- G5 comprising young ash and willow – exclude due to poor form / weak species characteristics.

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

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date 15 November 2017

Report of: Director of Planning and Regulation

Subject: HOW PROPOSALS FOR RESIDENTIAL DEVELOPMENT SHOULD BE CONSIDERED IN THE CONTEXT OF THIS COUNCIL'S CURRENT 5 YEAR HOUSING LAND SUPPLY POSITION

SUMMARY

At their meeting on the 9th October, 2017, the Executive received a report providing an overview of the recent Cranleigh Road, Portchester planning appeal decision and the implications for the Council's 5 Year Housing Land Supply (5YHLS) position.

The Executive resolved that Officers present a report to the Planning Committee as soon as practicably possible which outlines how proposals for residential development should be considered in the context of this Council's current 5YHLS position.

The following report follows from the Executive resolution on the 9th October.

RECOMMENDATION

That the Committee note the content of the report.

INTRODUCTION

1. At their meeting on the 9th October, 2017, the Executive received a report providing an overview of the recent Cranleigh Road, Portchester, planning appeal decision and the implications on the Council's 5 Year Housing Land Supply (5YHLS) position.
2. The Executive noted the Cranleigh Road appeal decision and this Council's current 5-year housing land supply position. The Executive further resolved that Officers present a report to the Planning Committee as soon as practicably possible which outlines how proposals for residential development should be considered in the context of the Cranleigh Road Portchester, appeal decision (i.e. lack of 5 Year Housing Land Supply), the NPPF, relevant case law and policies considered up-to-date in the Local Plan.
3. This report explains the implications of this Council's current 5 Year Housing Land Supply (5YHLS) position, and sets out the resultant approach to the determination of planning applications.

The Cranleigh Road appeal decision

4. On 14th August 2017 planning permission was granted on appeal for the erection of 120 dwellings on land North of Cranleigh Road in Portchester (Appeal Ref: APP/A1720/W/16/3156344). The Council had refused planning permission for the development principally for two reasons, firstly that it was unnecessary development in the countryside given the Council's five year housing land supply (5YHLS), and secondly the landscape and visual harm associated with the proposed development.
5. The Inspector concluded, contrary to the Council's case that the Council could not demonstrate a 5YHLS, and that permission should be approved. In reaching this conclusion the Inspector disagreed with the Council's approach to calculation of the five-year housing requirement.
6. The Inspector determined that the relevant case law, in combination with the National Planning Policy Framework (NPPF), and the Planning Practice Guidance (PPG) and Ministerial letter, required the 5YHLS calculation to be made with reference to the Strategic Housing Market Analysis' calculation of the Borough's OAHN. The Inspector's reasoning can be summarised as follows:
 - a. Paragraph 47 of the NPPF "seeks to boost significantly the supply of housing" and required Local Planning Authorities to "ensure that Local Plans meet the full, objectively assessed needs for market and affordable housing" (OAHN);
 - b. The adopted Local Plan's housing requirements were not consistent with the approach required by the NPPF – LP1 was adopted in 2011 before the NPPF, and was based on a Regional Strategy which was not NPPF-compliant, and neither LP2 nor LP3 undertook an OAHN exercise;
 - c. The PPG advises that considerable weight should be given to housing requirement figures in adopted Local Plans, "unless significant new evidence comes to light", going on to state that it "should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs", so that "information provided in the latest full assessment of housing needs should be considered";
 - d. The 2014 Ministerial Letter went on to note that Local Planning Authorities were expected actively to consider new evidence emerging over time;

- e. The Inspector noted that the OAHN identified in the 2014 SHMA was “materially higher than the CS requirement” and that it would be “rare in the extreme” to conclude that this OAHN would reduce, especially when available evidence suggested it would “continue to rise materially”;
7. Having concluded that the OAHN figure should be used as the starting point, the Inspector then added the minimum 5% buffer to arrive at the housing requirement figure (as opposed to the 20% buffer sought by the Appellant).
8. In then considering the 5YHLS that the Council had at the time of the Inquiry (based on April 2016 figures as updated), the Inspector concluded that the Council did not have sufficient evidence to demonstrate the availability and deliverability of all of the sites it was seeking to rely on within the 5-year period. As a result, the Inspector discounted some dwellings from the Council’s 5YHLS figure which comprised sites within Local Plan Parts 2 and 3.
9. Taking all of the above into account, the Inspector’s conclusion was that the Council could demonstrate just over two years housing supply in August 2017, considerably below a 5YHLS.

What are the implications of this Council’s current position on 5YHLS for decision making?

10. The most significant implication of the Council’s current position on 5YHLS is that the approach that the Council takes to determining applications for residential development will necessarily have to be altered until the Council can robustly demonstrate that it has a 5YHLS.
11. As Members will be aware, the starting point for the determination of planning applications is section 38(6) of the Planning and Compulsory Purchase Act 2004:
“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.
12. In determining planning applications therefore, there is a presumption in favour of the policies of the extant Development Plan, unless material considerations indicate otherwise. Material considerations include the planning policies set out in the NPPF, and this contains specific guidance in paragraphs 47, 49 and 14 for Councils unable to demonstrate a 5YHLS.
13. Paragraph 47 of the NPPF seeks to boost significantly the supply of housing, and provides the requirement for Councils to meet their OAHN, and to identify and annually review a 5YHLS including an appropriate buffer. Where a Local Planning Authority cannot do so, paragraph 49 of the NPPF clearly states that:
“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites.” (emphasis added)
14. Paragraph 14 of the NPPF then clarifies what is meant by the presumption in favour of sustainable development for decision-taking, including where relevant policies are “out-of-date”. For decision-taking (unless material considerations indicate otherwise) this means:

Approving development proposals that accord with the development plan without delay;
and

Where the development plan is absent, silent or relevant policies are out-of-date,
granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies* in this Framework indicate development should be restricted. (*for example, policies relating to sites protected under the Birds and Habitats Directive and/or Sites of Special Scientific Interest; Green Belt, Local Green Spaces, Areas of Outstanding Natural Beauty, Heritage Coast and National Parks; designated heritage assets; and locations at risk of flooding or coastal erosion).

15. The approach detailed within the preceding paragraph, has become known as the “tilted balance” in that it tilts the planning balance in favour of sustainable development and against the Development Plan.

What does the tilted balance approach involve?

16. There is a growing body of case law on the correct interpretation and application of the “tilted balance”, most recently through consideration at the Supreme Court in the case of *Suffolk Coastal District Council v Hopkins Homes* [2017]. The Court judgement deals with the correct interpretation of paragraphs 14 and 49 NPPF, and the weight to be given to Development Plan policies where there is a 5YHLS deficit.

17. The judgement of the Supreme Court in relation to NPPF paragraph 14 was that:

“... [Under Paragraph 14] the starting point is the presumption in favour of sustainable development, that being the “golden thread”... The decision-maker should therefore be disposed to grant the application unless the presumption can be displaced. It can be displaced on only two grounds both of which involve a planning judgment that is critically dependent on the facts. The first is that the adverse impacts of a grant of permission... will “significantly and demonstrably” outweigh the benefits of the proposal. ... The second ground is that specific policies in the Framework, such as those described in footnote 9 to the paragraph, indicate that development should be restricted.”

18. However, the Supreme Court was clear in its conclusion that when making its determination under the “tilted balance” approach, the correct weight to be attributed to material considerations in the planning balance was not dictated by the NPPF, and it remains a matter for the decision-taker. It is for the decision maker to conclude whether a policy is either “out-of-date” or “up-to-date”, and the appropriate weight to be given to it, according to the circumstances of the case and in the ordinary exercise of planning judgment.

19. The Supreme Court also adopted the “narrow” interpretation of the phrase “relevant policies for the supply of housing” (i.e. those which are deemed “out-of-date” by a 5YHLS deficit under paragraph 49). Earlier decisions at appeal and in lower courts had broadened out the scope of this phrase to include policies which interact with housing policies, such as Strategic or Local Gap policies, or safeguarding policies. The Supreme Court held this was not the correct approach. Only policies “for the supply of housing” are

rendered out of date by a lack of a 5YHLS.

20. The Supreme Court also provided helpful clarification on the importance of the Development Plan and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the status of the NPPF. The Court concluded that *“The Framework itself makes clear that as respects the determination of planning applications... it is no more than ‘guidance’ and as such a ‘material consideration’*. It went on to note that *“The NPPF... cannot, and does not purport to, displace the primacy given by statute and policy to the statutory development plan.”*
21. Other (and earlier) cases provide further assistance on the application of the tilted balance, including the weight to be attached to other factors in determining applications.
22. In the *Phides Estates (Overseas) Limited v. Secretary of State for Communities and Local Government* [2015] High Court judgement, it was made clear that paragraph 14 of the NPPF did not prescribe the weight to be attached to a contribution towards meeting a housing shortfall as a benefit to be put in the balance against any adverse effects. This was a matter for the decision-maker and would depend on not just the extent of the shortfall, but upon *“how long the deficit is likely to persist”*. In other words, if action is being taken to meet housing needs in the medium-longer term, the weight to be attributed to the ability to reduce a shortfall in housing land supply in the short term can properly be reduced.
23. This point was also relevant in the Court of Appeal judgement in *Suffolk Coastal v Hopkins Homes Ltd* [2016] EWCA, where the other side of the planning balance – the weight to be attributed to the breach, by a housing proposal, of development constraint was considered. The judgement of the court was that:

“The weight to be given to such policies is not dictated by government policy in the NPPF. Nor is it, nor could it be, fixed by the court. It will vary according to the circumstances, including, for example, the extent to which relevant policies fall short of providing for the five-year supply of housing land, the action being taken by the Local Planning Authority to address it, or the particular purpose of a restrictive policy—such as the protection of a “green wedge” or of a gap between settlements. There will be many cases, no doubt, in which restrictive policies, whether general or specific in nature, are given sufficient weight to justify the refusal of planning permission despite their not being up-to-date under the policy in para.49 in the absence of a five-year supply of housing land. Such an outcome is clearly contemplated by government policy in the NPPF.” (emphasis added)
24. The Courts have also identified some of the factors that affect how much weight a decision-taker might give to a contribution to a 5YHLS deficit, including as follows:
 - The extent and significance of the shortfall;
 - How long the shortfall is likely to persist;
 - What steps the authority could readily take to reduce it; and
 - How much of the deficit the development would meet.
25. In relation to development constraint policies, it is important for decision takers to have proper regard to the purposes of any development constraint policies which a housing proposal might breach, in reaching conclusions about the relevant weight that should be

accorded to them in the planning balance. Furthermore, where specific NPPF policies (and related Development Plan policies) “*indicate that development should be restricted*” (for example, policies relating to sites protected under the Birds and Habitats Directive and/or Sites of Special Scientific Interest; Green Belt, Local Green Spaces, Areas of Outstanding Natural Beauty, Heritage Coast and National Parks; designated heritage assets; and locations at risk of flooding or coastal erosion), the “tilted balance” no longer leans in favour of permission being granted by virtue of NPPF paragraph 14.

26. Put simply, the tilted balance approach requires the Council, as decision taker, to go through a robust exercise in considering applications for residential development, to ensure that the correct approach is followed. In the absence of a 5YHLS, the NPPF introduces a presumption in favour of granting such applications unless material considerations indicate otherwise, or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or specific policies indicate development should be restricted. In undertaking the planning balance when deciding planning applications, it is for the Council as decision taker to determine the appropriate weight to be afforded to the conflict with policies and the benefits of the development proposal, ensuring its decisions are reasonable and justified.

For how long will the tilted balance approach need to be followed?

27. Until the Council can robustly demonstrate that it has a 5YHLS (including buffer) assessed against its OAHN figure, the Council will need to follow the tilted balance approach in determining applications for residential development.

28. The Council is progressing its new Local Plan, which is currently the subject of public consultation. Alongside this the Council is liaising closely with the landowners and prospective developers of all of the committed and allocated sites within existing adopted Local Plans to provide a robust evidence base of their availability and deliverability. This information will be made available in support of the Council’s 5YHLS position statement. The Council is also continuing to work closely with the landowners of the Welborne Garden Village along with a multitude of public bodies who will assist in bringing the development forward, which represents a significant component of the Council’s future housing land supply.

29. The Council has to date annually reviewed its 5YHLS position, in light of completions and commitments during the preceding year ending in March, as published in the Annual Monitoring Report. In the current circumstances, it is intended that a more frequent update of the 5YHLS will be included within reports to Planning Committee on applications for planning permission for residential development. In this way, the most up to date 5YHLS position will be reported alongside an application for residential development, including identifying the potential contribution that the proposals would make towards the 5YHLS shortfall should the application be permitted. This will assist the Planning Committee in determining the weight to be attached to both the 5YHLS shortfall, and the potential contribution that an individual planning application may make towards meeting it.

How should planning applications be determined in the absence of a 5YHLS?

30. As explained above, the correct approach to the determination of planning applications for residential development is to follow the tilted balance whereby the NPPF introduces a

presumption in favour of granting such applications unless material considerations indicate otherwise, or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies indicate development should be restricted. However, and as stated above, in undertaking this planning balance, it is for the Council as decision taker to determine the appropriate weight to be afforded to the conflict with policies and the benefits of the development proposal, ensuring its decisions are reasonable and justified.

31. In determining planning applications for residential development, consideration will need to be given to Policy DSP40 (Housing Allocations) within the adopted Local Plan Part 2: Development Sites and Policies. This is an extant Development Plan Policy specifically directed to housing applications on unallocated sites in the absence of a 5YHLS:

“Where it can be demonstrated that the Council does not have a five year supply of land for housing against the requirements of the Core Strategy (excluding Welborne) additional housing sites, outside the urban area boundary, may be permitted where they meet all of the following criteria:

- i) The proposal is relative in scale to the demonstrated 5 year housing land supply shortfall;*
- ii) The proposal is sustainably located adjacent to, and well related to, the existing urban settlement boundaries, and can be well integrated with the neighbouring settlement;*
- iii) The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps*
- iv) It can be demonstrated that the proposal is deliverable in the short term; and*
- v) The proposal would not have any unacceptable environmental, amenity or traffic implications.”*

32. As an adopted planning policy, it is considered that weight can be accorded to DSP40 in the planning balance, along with all other material considerations. It must be stressed however that even if a planning application were judged not to comply with Policy DSP40, decision makers will still need to undertake the planning balance.

33. Given the 5YHLS shortfall, it is considered that the degree to which any development proposal can accord with criterion (iv) – “deliverable in the short term” – will be of particular relevance, in support of a proposal that appropriately addresses the other requirements of Policy DSP40, since it enhances the prospects of it making a contribution to the 5YHLS as required by the NPPF.

34. Reports to Planning Committee for applications for residential development will clearly assess the extent to which the application proposals accord with Policy DSP40, other relevant up to date Development Plan policies, and other material considerations. The emerging Local Plan is a material consideration, however Officers consider it attracts limited weight in the decision making process at the current time, given its early stage of preparation. The weight that can be afforded to it will increase as it progresses towards adoption.

35. Committee reports will be written to have regard for the tilted balance approach, considering the extent to which application proposals accord with up to date Development Plan policy and other material considerations. The reports will clearly identify the benefits associated with development proposals, including the extent to which it would contribute towards meeting the 5YHLS, set out any specific policies that indicate development should be refused, and any adverse impacts associated with a proposed development. This information will enable Members to appropriately undertake the planning balance in making their determination of the application.
36. The correct approach to the determination of planning applications for residential development in the period until the Council can robustly demonstrate a 5YHLS is then to follow the tilted balance, fully recognising that the NPPF introduces a presumption in favour of granting such applications unless material considerations indicate otherwise, or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies indicate development should be restricted.

CONCLUSION

37. That the contents of this report be noted.

Risk Assessment

38. There are no significant risk considerations in relation to this report.

Background Papers: Planning Inspectorate appeal decision on Cranleigh Road Portchester (Appeal reference APP/A1720/W/16/3156344)

Enquiries:

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

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date **15 November 2017**

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

Subject: **CONSULTING WITH HAMPSHIRE FIRE AND RESCUE SERVICE
ON PLANNING APPLICATIONS**

SUMMARY

At the meeting of Council on the 27th July 2017 a Motion was made by Councillor R H Price to consult the Fire Service on certain types of planning applications.

In light of this being such an important subject, Council agreed that an Officer's report on the matter should first be considered by the Planning Committee before the matter is presented to the next Council meeting.

RECOMMENDATION

That the Committee approves:

- (I) that this council consult Hampshire Fire and Rescue service on planning applications for taller buildings, developments where large numbers of people are likely to be present and new public buildings with immediate effect; and
- (II) that this council write to the local government association and the secretary of state for the department for the communities and local government recommending that existing legislation should be changed to make it mandatory for local authorities to consult with fire authorities on the application types set out in paragraph 1 above.

Introduction

1. At the meeting of Council on the 27th July, A Notice of Motion received from Councillor R H Price, was presented. The Notice of Motion stated:

“I propose that in light of the Grenfell Tower Fire, this Council writes to the Local Government Association and the relevant Minister of State asking that Planning Law is changed to make it obligatory for Planning Departments to consult the Fire Service on all Planning applications which relate to Schools, Hotels, High Risk Office Blocks, High Rise Housing, Large Development Sites and National Health Buildings. In the meantime Fareham immediately operates the voluntary process offered by Hampshire Fire and Rescue Service to look at the above mentioned planning applications.”
2. The Mayor announced that he had been advised by the Chief Executive Officer that, in light of this being such an important subject, an Officer’s report will be considered by the Planning Committee before being brought to the next Council meeting. The report will set out the technical details and the implications of such a statutory consultation and will enable a full debate on the subject with all the facts to hand.
3. Council resolved that the Motion be deferred, subject to an Officer’s report being considered at a future date by the Planning Committee before it is presented to Council.
4. The following report sets out the implications of such consultations, and advises Members to agree two recommendations to Council to assist in their consideration of this matter.

The current position in respect of consulting on planning application.

5. At the present time there is no statutory requirement for Local Planning Authorities to consult Fire Authorities on planning applications.
6. The detailed design of a building in so far as it relates to fire-spread and the means of escape in the event of fire is considered under the building regulations.
7. The Head of the Building Control Partnership advises that when the Hampshire Fire and Rescue Service (HFRS) are consulted by Building Control on new development, the Fire Service’s primary focus is on making sure they can get fire-fighting appliances to the building and that an appropriate water supply of sufficient pressure is available.

Consulting the fire service on planning applications

8. Following Councillor Price’s Motion being presented to Council, the Head of Development Management wrote to the Chief Officer of Hampshire Fire and Rescue Service (HFRS) in August this year. Within that letter the views of the Chief Officer were sought on whether HFRS would be happy to receive consultations on planning applications involving taller buildings, or where large numbers of people are likely to be present.

9. In late October, HFRS responded to the Head of Development Management and confirmed that they would be happy to be consulted on the application types set out within Paragraph 1 of this report. HFRS highlighted the fact that whilst there is no statutory requirement for such consultation to take place, HFRS always aim to work with partner agencies and were happy to do so with regards to this proposal.
10. In light of the confirmation from HFRS that they are happy to be consulted in particular situations, Officers believe it would be appropriate to consult with them with immediate effect.
11. It is Fareham Borough Council's normal practice to consult on planning applications electronically. If Members agree to consulting with HFRS, the arrangements can be put in place immediately and would have negligible cost implications for this Council.

Seeking a change in the law to make it mandatory for Council's to consult Fire Services about particular planning application types

12. The responsibility for planning policy and the building regulations lies within the Department for Communities and Local Government
13. As highlighted above, there is currently no statutory requirement for Local Planning Authorities to consult Fire Authorities on planning applications. HFRS have advised that they would be happy to respond to such consultations from this Council on a voluntary basis.
14. Following the Grenfell Tower fire tragedy, the Government confirmed on the 30th August that an independent review of Building Regulations and Fire Safety is to be undertaken.
15. The purpose of the review is twofold - to make recommendations that will ensure a sufficiently robust regulatory system for the future and to provide further assurance to residents that the complete system is working to ensure the buildings they live in are safe and remain so.
16. The Review will:
 - map the current regulatory system (i.e. the regulations, guidance and processes) as it applies to new and existing buildings through planning, design, construction, maintenance, refurbishment and change management;
 - consider the competencies, duties and balance of responsibilities of key individuals within the system in ensuring that fire safety standards are adhered to;
 - assess the theoretical coherence of the current regulatory system and how it operates in practice
 - compare this with other international regulatory systems for buildings and regulatory systems in other sectors with similar safety risks;
 - make recommendations that ensure the regulatory system is fit for purpose with a particular focus on multi-occupancy high-rise residential buildings.
17. The Review will seek the input of relevant interested parties and will work closely

with other Government Departments. It will make recommendations in light of the evidence gathered. These recommendations can cover changes or clarifications required to any part of the system or recommendations for further work Government needs to carry out.

18. Members may well consider that now would be the appropriate time to advise the Government of the view that it should be a mandatory requirement to consult Fire Services on planning applications involving taller buildings and/ or developments where large numbers of people are likely to be present. This would then enable the Fire Service to highlight any major fire risk/ escape issues at the earliest possible stage within the design process.

Risk Assessment

19. There are no significant risk considerations in relation to this report

CONCLUSION

20. That Members approve the two recommendations set out within this report.

Enquiries:

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

Report to Planning Committee

Date: 15 November 2017

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 the development will be heard from 2.30pm. The meeting will take place at the Civic Offices, Civic Way, Fareham, PO16 7AZ.

Agenda Annex

ZONE 2 - FAREHAM

Fareham North-West

Fareham West

Fareham North

Fareham East

Fareham South

Reference

Item No

P/17/1030/FP
FAREHAM
NORTH

HUNTERS LODGE CARE HOME 39 KILN ROAD FAREHAM PO16
7UQ
EXTENSION TO EXISTING CARE HOME TO FRONT AND REAR
TO PROVIDE A NET INCREASE IN BED SPACES OF 12 AND
ADDITIONAL DAY SPACE; EXPANSION OF VEHICULAR
PARKING AND WIDENING OF SITE ENTRANCE

1
PERMISSION

Agenda Item 8(1)

P/17/1030/FP

QUALITY CARE GROUP

FAREHAM NORTH

AGENT: SHERLOCK BOSWELL
ARCHITECTURE

EXTENSION TO EXISTING CARE HOME TO FRONT AND REAR TO PROVIDE A NET INCREASE IN BED SPACES OF 12 AND ADDITIONAL DAY SPACE; EXPANSION OF VEHICULAR PARKING AND WIDENING OF SITE ENTRANCE

HUNTERS LODGE CARE HOME 39 KILN ROAD FAREHAM PO16 7UQ

Report By

Peter Kneen - direct dial 01329 824363

Site Description

The application site is located within the existing defined urban area of Fareham, and presently forms an existing Care Home, offering residential care for patients primarily suffering with dementia. The site is located on the southern side of Kiln Road, overlooking Fareham Common (to the north). Kiln Road represents one of the main distributor roads linking Junction 10 of the M27 and Fareham town centre with Highlands Road, west Fareham and Funtley. The existing property is two and a half storeys and set within a residential area, with existing single and two storey residential properties to the east, south and west of the site. The existing building is cream rendered under a plain clay tiled roof.

The site has a private garden to the rear of the building, and the front of the site is largely laid to car parking with some landscaped areas along the site frontage. The eastern boundary of the site forms a driveway access to 35 Kiln Road, along which is a line of 3no protected Oak trees.

Description of Proposal

This application seeks planning permission for the provision of a two storey front extension and part first floor and part 1½ storey rear extension. The extensions would result in the increase in number of rooms by 12 (to a total of 42 rooms). In addition, the front garden and existing parking areas would be reconfigured to provide an additional 9no. car parking spaces, together with improved two way access onto the site from Kiln Road.

The scheme was subject to amendments following concerns raised by the neighbouring occupiers and following a review of the planning history relating to this site.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS6 - The Development Strategy

CS7 - Development in Fareham

CS17 - High Quality Design

Approved SPG/SPD

RCPSPG - Residential Car Parking Guide (replaced 11/2009)

Design Guidance Supplementary Planning Document (Dec 2015)

EXD - Fareham Borough Design Guidance Supplementary Planning Document

Development Sites and Policies

DSP1 - Sustainable Development

DSP2 - Environmental Impact

DSP3 - Impact on living conditions

DSP43 - Improvements to Existing Older People's Housing

Relevant Planning History

The following planning history is relevant:

<u>P/08/0968/FP</u>	REALIGN ACCESS PERMISSION	07/10/2008
<u>P/00/1059/FP</u>	Erection of Conservatory PERMISSION	31/10/2000
<u>P/93/1359/FP</u>	ERECTION OF 2 STOREY & SINGLE STOREY EXTENSIONS & ALTERATION TO BUILDING TO INCREASE RESIDENTS FROM 20 TO 30 REFUSE APPEAL: ALLOWED	24/02/1994 30/06/1994
<u>P/93/0419/FP</u>	EXTENSION AND ALTERATIONS TO EXISTING ELDERLY PERSONS REST HOME NON DETERMINE APPEAL: DISMISSED	10/06/1993 22/11/1993

Representations

13no. respondents have objected to the proposed development. The key matters of concern raised were:

- Overlooking and Loss of Privacy
- Loss of Light;
- Noise pollution from manoeuvring cars;
- Overdevelopment of the site - excessive bulk and scale;
- Increased car parking on neighbouring roads and highway safety.

Following the submission of amended plans, the neighbours were re-consulted, of which 5no. residents wrote again, largely reiterating their objections to the scheme.

Consultations

INTERNAL

Transport Planner:

A total of 20 car parking spaces are proposed which is sufficient for the prospective demand. Raises some concern over parking spaces 7 - 12 which are in tandem formation.

It will be necessary for a Construction Traffic Management Plan to be provided for the management of operator and construction staff parking arrangements.

Subject to satisfactory arrangements being made, no highway objection is raised to the application.

Tree Officer:

No objection, subject to compliance with the submitted Tree Report.

EXTERNAL

HCC Ecology:

No objection, subject to the provision of informatives on bats and birds.

Planning Considerations - Key Issues

The following matters represent the key material planning considerations which would need to be assessed to determine the suitability of the development proposal. The key issues comprise:

- Principle of the development;
- Visual and Street Scene impact;
- Impact on living conditions to neighbouring occupiers;
- Highway safety and car parking; and,
- Ecology and Trees.

Principle of the development:

The site is located within the defined urban area of Fareham, where there is a presumption in favour of appropriate development. The demographics of the area are such that the Borough has a higher proportion of people over the age of 65, and this level continues to grow. There is therefore increasing demand for the provision of new and expanded nursing and care homes in the Borough, the provision of which is supported by policies in the Adopted Local Plan.

Design, Visual and Street Scene Impact:

This planning application proposes the extension of the front and the rear of the existing care home. The two storey front extension would see the overall front elevation formalised with a more uniform appearance, without breaching the building line. This element of the proposal includes a new reception area, office and utility room at ground floor, and three new bedrooms at first floor. The design and appearance of this element matches that of the existing building, and is stepped in slightly from the side elevation to create a visual break along the western elevation.

The proposed part first floor extension, and one and half storey to the rear project beyond that of the existing, single storey flat roof extension permitted in 1993. The ground floor extension extends the building a further 7.7m into the rear garden and comprises an additional four bedrooms. The first floor element, extended above the existing flat roof comprises additional eight bedrooms (including one for staff), all of which are set either wholly or partially within the roof space, with pitched roof dormer windows to the east and west elevations. The design and appearance of this extension is considered to be subservient to the main two storey element of the building, whilst maintaining the overall design characteristics of the building.

The scheme was amended from its original submission, removing a two storey extension proposed at the end of the rear projection. This element was reduced to a half storey, with rooms set entirely within the roofspace, thus reducing the mass and bulk of the building, particularly when viewed along the side elevations.

Overall, whilst the scheme does result in a considerable increase in the overall scale of the building, the rear projection is not widely visible from the public domain, and the front extension creates a degree of balance to the building when seen from Kiln Road, whilst also being stepped in from the side elevation and down from the ridgeline.

Impact on Living Conditions:

The application proposes the creation of eight additional bedrooms at first floor level on the rear projection of the property. It is the creation of these additional first floor bedrooms which has resulted in the objections from neighbouring properties due to loss of privacy and overlooking to neighbouring properties and gardens.

The scheme was amended from its original submission to reduce the overall number of rooms at first floor, with the introduction of a fully hipped roof to the end of the rear projection. This resulted in the reduction of first floor facing windows from six windows to one window, and four rooflights, two of which serve bathrooms.

It is acknowledged that these bedrooms have the potential to be occupied at all times of the day and night by residents. Therefore, it is important to ensure that the levels of separation are acceptable so as to not have an adverse impact on the living conditions of neighbouring occupiers.

The east elevation would include three additional windows at first floor level, and a rooflight, the closest of which would be 9m from the boundary of the site. Beyond the boundary on the eastern side of the site is an existing private driveway serving 35 Kiln Road, a two storey dwellinghouse created within the rear garden of 33 Kiln Road. 35 Kiln Road is situated over 21m away from the closest proposed first floor rooflight window (on the rear elevation of the proposal), and 25m away from the nearest proposed dormer window (on the east elevation). Between the proposed extension and this property also lies a mature belt of protected Oak trees. It is considered, given the level of separation, that the proposals would not have an adverse impact on the living conditions of the occupiers of 35 Kiln Road.

In respect of the occupiers of 33 Kiln Road, a large detached property to the east of the site, the proposed three dormer windows would be located over 33m away from the southwest corner of this property, which is also separated from the site by the driveway serving 35 Kiln Road, and the mature belt of protected Oak trees. It is acknowledged that the canopies of the trees are quite high, however, regardless of the existence of the trees, the bedroom windows proposed far exceed the minimum standard sought in the Design Guidance. The third party objection letter from the occupiers of 33 Kiln Road also highlight the loss of light and overbearing impact of the first floor extension. However, because of the driveway between the two properties, the extension would be located over 14m away from the boundary fence of 33 Kiln Road, which is divided from the site by two 1.8m high screen fences and a line of mature oak trees along the site's boundary. It is therefore considered that the proposals would not have an adverse impact on the living conditions of the occupiers of 33 Kiln Road.

In respect of the impact on the occupiers of 56A Maylings Farm Road (directly to the south of the site), amended plans removed the direct facing first floor windows on this elevation, and therefore, it is considered the revised scheme would not have an adverse impact on the living conditions of the occupiers of this property.

In respect of the impact on the occupiers of 60 Maylings Farm Road, (the property to the southwest of the proposed extension), the proposal would result in the provision of four first floor windows and two additional ground floor windows on the western elevation. The proposed first floor window closest to 60 Maylings Farm Road is set approximately 17m away from the rear garden boundary, and over 30m away from the first floor rear elevation of this property. This level of separation far exceeds the minimum separation distance sought in the Adopted Design Guidance, and would not therefore be likely to result in an adverse impact on the living conditions of neighbouring occupiers. An existing mature beech hedge forms the current boundary between the two properties, which the neighbour

has identified as not providing sufficient screening at ground floor level in the winter/early spring. However, given the level of separation, and despite the lack of provision of a fixed screen fence along the boundary, the proposal accords with the Design Guidance requirements.

Finally, in respect of the impact on the occupiers of 41 Kiln Road (immediately to the west of the site), which would see the provision of four first floor windows on the western elevation, the windows would be located at over 16m from the boundary, and over 27m from the neighbouring property's conservatory extension. The existing two storey flank of the existing building would partially obstruct views of 41 Kiln Road from two of the closer dormer windows, with the third window being over 29m away from the neighbours conservatory. This level of separation falls well above the minimum standard sought in the Design Guidance, and would not therefore result in an adverse impact on the living conditions of the occupiers of this property. Also, in this case, the two storey front extension has been considered, and the amended plans submitted resulted in the removal of a proposed first floor side window, which would have been located 11.8m away from the side elevation of 41 Kiln Road.

The application site has been subject to planning applications for two storey rear extensions in the past, and one resulted in an Appeal which dismissed a proposed two storey rear projection. However, these decisions were made over 23 years ago (1994), and therefore are considered to carry little weight today. This is particularly so given the changes to the built-up area around the site since that time, and the significant shift in planning policy and the Development Plan.

Therefore, in respect of the potential impact on the outlook of neighbouring properties, and levels of separation in this edge of urban area, the scheme complies with the requirements of the Development Plan and Design Guidance, and would not result in a significant level of harm to the living conditions of neighbouring occupiers.

Highway Safety and Car Parking

The application site comprises a large front garden area measuring 36m wide by 16m deep. The area is already partially laid out as car parking, although this is somewhat convoluted and the current access location onto Kiln Road results in car parking spaces overlapping the access rendering several of the spaces unusable.

The revised access arrangement and new car parking layout consolidates the existing parking arrangement, and makes provision for 20 car parking spaces. This level of car parking is considered acceptable, and has resulted in no objection from the Council's Transport Planner. It is noted that some of the parking spaces are in tandem format which will to a degree be self managed by staff and visitor parking on site. The re-aligned access would enable two-way traffic into and out of the site, thereby preventing any vehicles having to wait on the public highway. The arrangement also ensures the retention of a large mature (unprotected) oak tree within the front garden of the site, with a new tree planted to replace the removed cherry tree.

One third party comment raised concern regarding noise and pollution disturbance from cars manoeuvring adjacent to their boundary. However, the changes to this are not dissimilar to the existing situation, and the neighbouring property does not have any main habitable room windows located on the side elevation (bathroom window at first floor and kitchen door at ground floor).

Eight of the third party objection letters received have come from the residents of Burnham Wood, a cul-de-sac of residential properties located approximately 55m to the east of the

application site. The residents who have objected raised concerns regarding highway safety due to cars parking along the road, some of which have been situated close to the junction, resulting in cars having the exit the road onto Kiln Road from the opposite side of the road. However, Burnham Wood is part of the public highway for which the applicant has no control over. There are two other nursing homes/care homes within 150m of Burnham Wood, including Kiln Lodge Care Home (12 car parking spaces), which is located almost directly opposite the entrance to Burnham Wood and Merry Hall Nursing and Residential Home (16 car parking spaces) further east along Kiln Road.

It is considered that the level of car parking, and the proposed re-alignment of the site entrance would ensure an improvement on the existing situation. Most of the residents in Hunters Lodge are dementia patients and do not themselves own cars, and therefore the car parking provision for staff and visitors is considered to be at an acceptable level.

Ecology and Trees

The application site includes three, mature protected Oak trees within the rear garden and along the shared boundary with 35 Kiln Road. The application has been supported by a detailed tree survey which has been considered by the Council's Tree Officer, who has raised no objection to the scheme. The mature, unprotected oak tree in the front garden is retained as part of the revised car parking layout, and appropriate mitigation proposed during the works to ensure no harm occurs during construction.

A third party has raised concern regarding the provision of a new tree adjacent to their northern boundary. This has been considered by the Tree Officer, who does not foresee any issues that could impact on the neighbours property to warrant the removal of this from the proposal or the provision of an alternative species.

Conclusion:

In summary, following the receipt of amended plans, which reduced the overall mass and bulk of the two storey projection to the rear elevation, the proposal for an additional half a storey on the rear elevation, coupled with the relative levels of separation to the neighbouring properties which is in excess of the minimum requirements of the adopted Design Guidance, and the increasing demand for such accommodation within the Borough, it is considered that the scheme is acceptable, and would not result in an adverse impact on the living conditions of neighbouring occupiers, or on the highway safety of surrounding roads.

Based on the above it is considered the proposal complies with development plan policies and therefore the application is recommended for approval.

Recommendation

PERMISSION

Conditions

1. The development shall begin before the expiration of three years following the date of this decision.

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

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

- a) Location Plan (Drawing: D - 1100);
 - b) Block Plan (Drawing: D - 1101);
 - c) Site Plan as Existing (Drawing: D - 1110);
 - d) Site Plan as Proposed (Drawing: D - 1120 Rev B);
 - e) Proposed Ground Floor Plan (Drawing: D - 2101 Rev B);
 - f) Proposed First Floor Plan (Drawing: D - 2103 Rev C);
 - g) North and South Elevations as Proposed (Drawing: D - 3100 Rev B);
 - h) East and West Elevations as Proposed (Drawing: D - 3101 Rev B);
 - i) Section A-A (Drawing: Drawing: D - 4100);
 - j) View from Kiln Road (Drawing: D - 5100);
 - k) Aerial View from South West (Drawing: D - 5101 Rev A);
 - l) Main Entrance View (Drawing: D - 5102);
 - m) Existing Elevations (Drawing: 6002/03);
 - n) Existing Floor Plans (Drawing: 6002/02);
 - o) Visibility Splay Diagram (Drawing: D - 1121);
 - p) Tracking Diagrams - Large Vehicles (Drawing: D - 6100);
 - q) Tracking Diagrams - Large Car (Drawing: D - 6110);
 - r) Tree Survey (Drawing: dfc/17328); and,
 - s) Tree Protection Plan (Drawing: dfc/17328.b).
- REASON: To avoid any doubt over what has been permitted.

3. The development hereby permitted shall be constructed using external materials and finishes to match those on the existing building in colour, texture, form and composition, unless otherwise agreed in writing by the Local Planning Authority.
REASON: In the interests of visual amenity.

4. The premises as enlarged shall be used for the purposes of an elderly persons rest home, and for no other purpose (including any other purpose in Use Class C2 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended)).
REASON: To avoid any doubt over what has been permitted.

5. The premises as enlarged shall be used for the accommodation of not more than 40 elderly persons.
REASON: To accord with the terms of the application and to protect the amenity of the area.

6. The development hereby permitted shall not be brought into use unless and until the alterations to the car parking arrangements have been fully implemented in accordance with the approved plans. The car parking shall thereafter be retained for that use for the lifetime of the development.
REASON: In the interests of highway safety.

7. The alterations to the means of access onto the site from Kiln Road shall be constructed in accordance with the approved plans before the development hereby approved is brought into use. The access shall be retained thereafter.
REASON: In the interests of highway safety.

8. No development shall commence until the measures of tree and hedgerow protection submitted and approved as part of the planning permission have been implemented and these shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site.
REASON: 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.

9. No work on site 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 occupiers of nearby residential properties against noise and disturbance during the construction period.

10. No development shall commence on site until a Construction Management Plan (CMP) setting out how provision is to be made on site for the parking and turning of operatives vehicles, wheel cleaning, the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development, has been submitted to and approved in writing by the Local Planning Authority (LPA). The development shall be carried out in accordance with the CMP and areas identified in the CMP for specified purposes shall thereafter be kept available for those uses at all times during the construction period, unless otherwise agreed in writing with the LPA.

REASON: In the interests of highway safety and/or in order to secure the health and wellbeing of the trees and vegetation which are to be retained at the site and/or to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period.

11. The first floor window proposed to be inserted into the west elevation of proposed bedroom PB34 (from Drawing D - 2103 Rev C) and the three first floor rooflight windows proposed to be inserted into the south elevation of the approved development shall be glazed with obscure glass and be of a non-opening design and construction to a height of 1.7 metres above internal finished floor and shall thereafter be retained in that condition at all times.

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

Informatives:

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

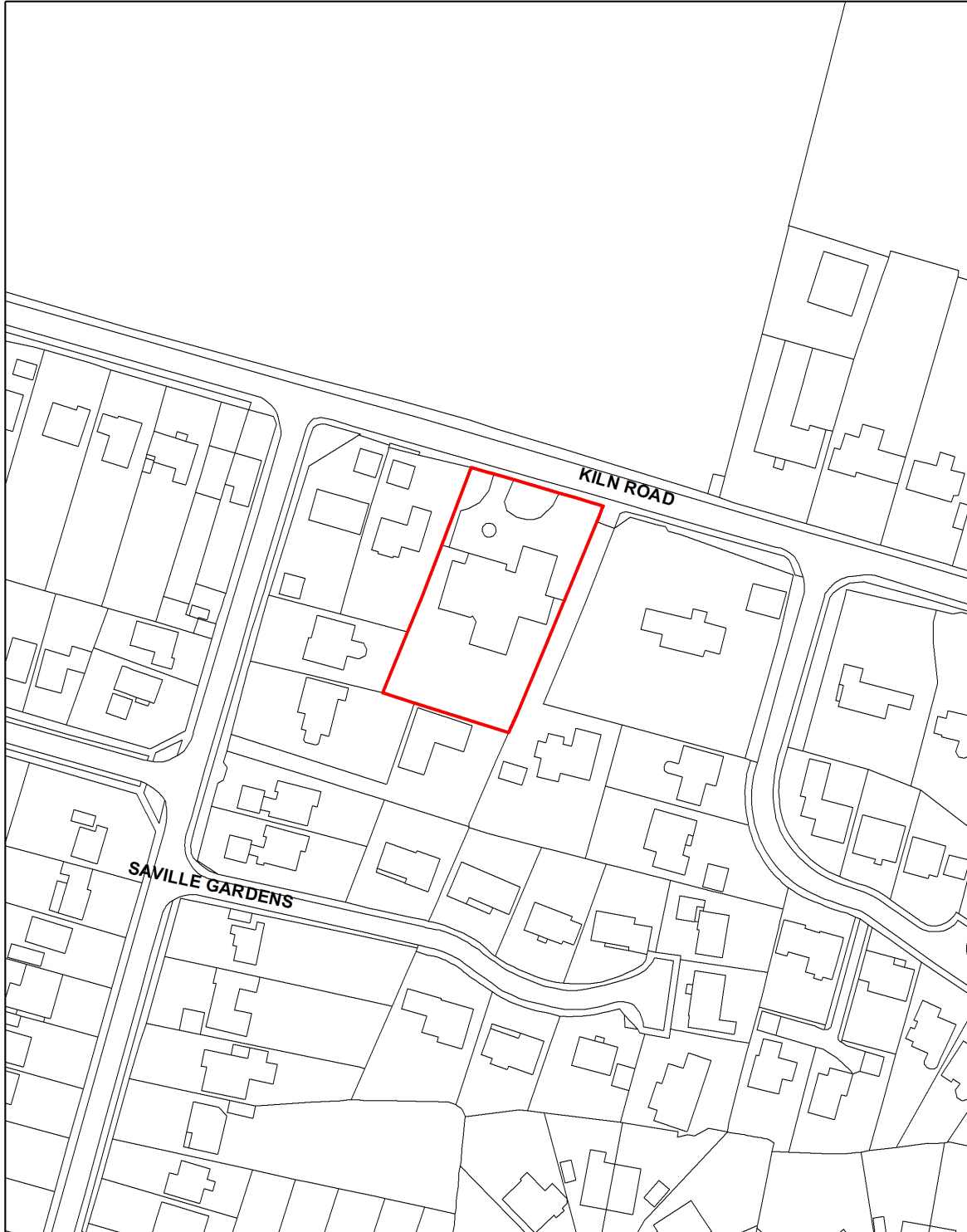
b) Birds nests, when occupied or being built, and the widespread species of reptile receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, trees and buildings) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in/during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord. Reptile habitat such as compost heaps should be carefully cleared by hand during warmer months as if hibernating reptiles are disturbed they will die. Any reptiles revealed should be moved to adjacent retained rougher/boundary habitat or allowed to move off of their own accord.

Background Papers

[this should always include the background file and any related applications or other

FAREHAM

BOROUGH COUNCIL



Hunters Lodge Care Home
Scale 1:1.250



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence 100019110. 2017

ZONE 3 - EASTERN WARDS

Portchester West
Hill Head
Stubbington
Portchester East

Reference

Item No

P/17/0505/FP	64 HILL ROAD FAREHAM PO16 8JY	2
PORTCHESTER EAST	SIDE AND REAR TWO STOREY EXTENSION, INCLUDING REAR BALCONY	PERMISSION

Agenda Item 8(2)

P/17/0505/FP

PORTCHESTER EAST

MR & MRS BERKIN

AGENT: PRB ASSOCIATES

SIDE AND REAR TWO STOREY EXTENSION, INCLUDING REAR BALCONY
64 HILL ROAD FAREHAM PO16 8JY

Report By

Arleta Miszewska - Direct dial 01329 824666

Introduction

Members will recall this planning application was reported to the Planning Committee on 13 September 2017.

The adjacent neighbour at no. 66 Hill Road raised concerns over the proposed first floor side extension being located too close to her property, namely her detached garage. Members requested the first floor side extension being set off the boundary and the application was subsequently deferred in order for officers to seek the changes.

Officers sought and agreed amendments to the proposal reflecting Members' request. The width of the first floor side extension has been reduced by 1000mm and a tiled roof canopy over the garage has been added to improve the aesthetics of the extension following the reduction of the width of the first floor element.

Following these amendments, the proposal was re-advertised. In response, objections from two separate households were received, including no. 66 Hill Road and 364 Catherington Lane, Waterlooville on the following grounds:

66 Hill Road:

- Overlooking and loss of privacy,
- Potential for a division to two flats and associated implications,
- Loss of light, overshadowing caused by balcony and stairs,
- Glare from privacy screens,
- Noise,
- Cladding not in keeping with the character of the area.

364 Catherington Lane, Waterlooville:

- Impact on street scene,
- Loss of privacy,
- Overdevelopment, out of keeping.

The application is reported again below for Members consideration.

Site Description

This application relates to a two storey detached dwelling situated on the north eastern side of Hill Road. The dwelling benefits from 3 bedrooms, a large frontage and approximately 35 metres long rear garden, with levels rising towards the rear.

Description of Proposal

Planning permission is sought for a two storey side and first floor rear extension with a balcony served by a staircase providing access to the rear garden.

The extension would provide a garage and a workshop on the ground floor, a kitchen/breakfast and a lounge on the first floor. The proposal would also result in the number of bedrooms

increasing from three to four.

The original proposal has been significantly revised. The main amendments include:

- The addition of a pitched roof over the proposed rear extension,
- Incorporating windows to match the existing property, in size and design,
- Incorporating privacy screens on the proposed balcony,
- Removal of the proposed bridge providing access from the balcony to the rear garden,
- Reducing the width of the first floor side extension by 1000mm.
- A tiled roof canopy over the garage has been added to improve the aesthetics of the extension following the reduction of the width of the first floor element.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS17 - High Quality Design

Design Guidance Supplementary Planning Document (Dec 2015)

EXD - Fareham Borough Design Guidance Supplementary Planning Document

Development Sites and Policies

DSP3 - Impact on living conditions

Relevant Planning History

There is no relevant planning history.

Representations

The proposal, as presented on 13 September 2017, was revised and advertised three times. Representations have been received from six households; the amendments to the original proposal have evolved as a result of officer and neighbour concerns. The main comments from each household are summarised below:

66 Hill Road:

- Overlooking and loss of privacy,
- Potential for a division to two flats and associated implications,
- Loss of light, overshadowing caused by balcony and stairs,
- Glare from privacy screens,
- Damage to garage,
- Highway safety,
- Impact on protected species and nature conservation.

364 Catherington Lane, Waterlooville:

- Loss of privacy,
- Multiple occupancy and associated implications,
- Overdevelopment, out of keeping.

119 Hill Road:

- Potential for a division to two flats.

60A Hill Road:

- Overlooking,
- Out of keeping.

72 Hill Road:

- Set a precedent for balconies and bridges resulting in loss of privacy.

9 Portsdown Avenue, Portsmouth:

- Layout and density,
- Overlooking and loss of privacy,
- Out of character with the area.

Planning Considerations - Key Issues

- Overlooking and loss of privacy

The Council's adopted Design Guidance SPD (excluding Welborne) requires first floor windows to be at least 11 metres from boundaries they look towards and no less than 22 metres from facing windows in neighbouring houses. The new windows within the proposed rear elevation would be located over 22 metres away from the rear boundary of the application site.

The application does not propose new windows within side elevations.

The proposed balcony would have screens 1.8m high on both sides to prevent views towards the adjacent gardens, as per the Council's guidance for residential balconies. Consequently, the proposal meets the Borough's policy requirements safeguarding privacy.

- Loss of light/outlook

The proposed rear extension would measure 2.3 metres deep, set off both side party boundaries.

The Council's Design guidance advises that extensions which fall behind a line drawn at 45 degrees from the centre line of the neighbour's window, are less likely to reduce the light to these windows. The proposed extension, including the proposed balcony and stairs, would not breach the line drawn at 45 degree angle from the centre line of the rear windows of the adjacent properties at nos. 62 and 66 Hill Road, therefore the proposal meets the Council's requirements set out to prevent loss of light and outlook to neighbouring properties.

The property at no. 62 has no windows in the side elevation that could be affected by the proposal.

Number 66 has two windows within the side wall at first floor level which serve a landing. The Council's design policies safeguard living conditions in habitable rooms only. Habitable rooms are defined by the Council's Design guide as rooms usable for living purposes such as bedrooms, sitting rooms and kitchens. As such, living conditions in landings are not protected by the Council's design policies and the reduced outlook from and light to these windows cannot justify refusal of this application.

- Potential for a division to two flats and associated implications

The applicants have confirmed that the proposed extensions are aimed to provide an improved living space and not to convert the property into two separate flats. Such division would require planning permission and if such an application were submitted to the Council the impacts of such a proposal would then be assessed.

- Over development and out of character of the area

The application seeks planning permission for a two storey extension to the side and first floor extension to the back. The new building footprint would include the area in between

the garage and the original house, and the new workshop. The size of the extensions and the additional footprint would not be out of proportion with the existing dwelling. Furthermore, the size of the curtilage surrounding the property could accommodate the proposed extensions without compromising the character and usability of the property frontage and rear garden. Finally, when viewed from public vantage points along Hill Road, it would only be the two storey side extension that would be visible.

Concerns have been raised over the extension being too close to the boundary and the other detached property at no. 66 Hill Road. As explained above, the width of the first floor side extension has now been reduced by 1000mm setting the side extension of the boundary. Following this amendment, the neighbour at no. 64 did not raise this as a concern.

Further concerns have been raised over the use of wooden cladding. It is acknowledged that the application property currently has no wooden cladding on its exterior. However, cladding of an existing part of a building in most instances would not require planning permission from the Council meaning the applicant would be able to do so at a later date. A light blue finish cladding has been used on another property on Hill Road without the need for planning permission which demonstrates that this is not a matter which can reasonably be controlled by the Council.

- Damage to garage located at no. 66 Hill Road

Concerns have been raised over potential damage to the garage located at no. 66 Hill Road. However, this would be a private matter between the applicants and the neighbor and consequently cannot justify refusal of this application.

- Noise

Concerns over noise created by the users of the balcony have been raised. However, the balcony is proposed to be used for residential purposes and would be located within a residential garden where noises associated with everyday living activities can be expected. Furthermore, the balcony would be a modest size, measuring 1.7 metres deep by 3.7 metres wide.

- Other matters

The proposal triggers the need to provide three on-site car parking spaces. The frontage of the property is ample enough to accommodate three spaces. Therefore, the proposal satisfies the requirements for car parking provision for a four bedroom dwelling.

An informative to the applicant would be added to the decision notice warning that a significant adverse impact on protected species, such as bats, is an offence under the Wildlife & Countryside Act 1981 and subsequent legislation.

Recommendation

PERMISSION

Conditions:

1. The development shall begin within 3 years from the date of the decision notice.

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

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

- a) Proposed floor plans, drawing number 4 revision H 10.10.17;
- b) Proposed elevations, drawing number 2 revision H 10.10.17;

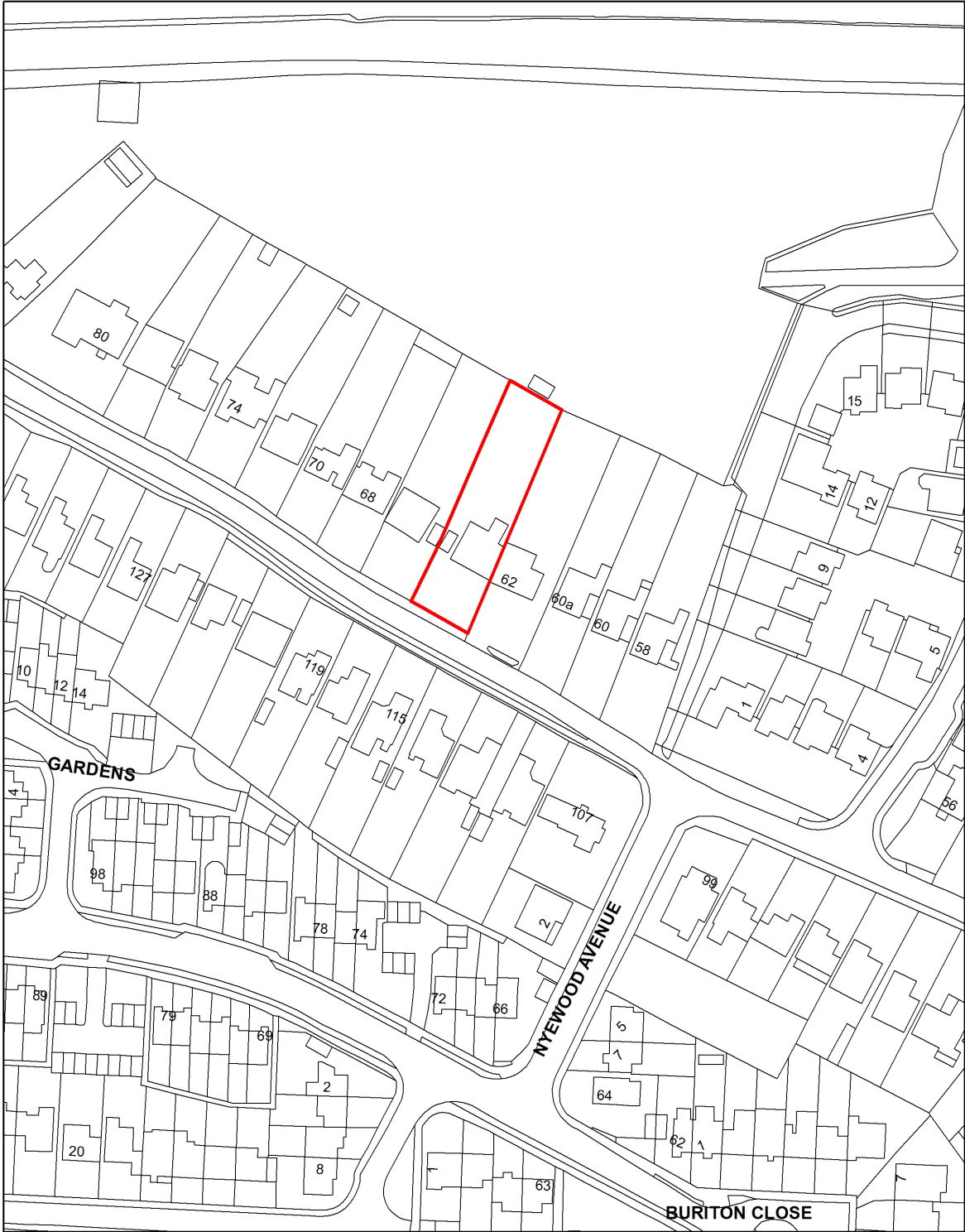
REASON: To avoid any doubt over what has been permitted.

Informative to the applicant:

Bats are protected under the Wildlife & Countryside Act 1981 and subsequent legislation and it is an offence to deliberately or recklessly disturb them or damage their roosts. If the presence of bats is suspected further advice will need to be sought from Natural England on 0300 060 3900 or from The Bat Conservation Trust (0345 1300 228).

FAREHAM

BOROUGH COUNCIL



64 Hill Road
Scale 1:1.250



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence 100019110. 2017

Agenda Item 8(3)

PLANNING APPEALS

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

CURRENT

P/16/1016/FP

Appellant: MS S SAUNDERS
Site: 82 The Avenue Fareham PO14 1PB
Decision Maker: Committee
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 10 October 2017
Reason for Appeal: CONSTRUCTION OF TWO-STOREY DETACHED HOUSE WITH ASSOCIATED LANDSCAPING AND CAR PARKING TO THE REAR OF EXISTING DWELLING

P/16/1049/OA

Appellant: Taylor Wimpey UK Ltd
Site: Land To The East Of Brook Lane & South Of Brookside Drive Warsash
Decision Maker: Committee
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 13 July 2017
Reason for Appeal: Outline planning permission with all matters reserved (except for access), for residential development of up to 85 dwellings with public open space, access from Brook Lane, landscaping works, including demolition of existing redundant nursery buildings.

P/16/1088/OA

Appellant: FOREMAN HOMES
Site: Land To South & East Of Rookery Avenue Fareham Hampshire
Decision Maker: Committee
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 25 September 2017
Reason for Appeal: RESIDENTIAL DEVELOPMENT OF UP TO 22 UNITS (15 DWELLINGS PER HECTARE), ASSOCIATED LANDSCAPING, AMENITY AREAS AND A MEANS OF ACCESS FROM ROOKERY AVENUE

PLANNING APPEALS

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

CURRENT

P/16/1192/VC

Appellant: MR KEVIN FRASER
Site: The Tithe Barn Mill Lane Titchfield Fareham PO15 5RB
Decision Maker: Committee
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 01 September 2017
Reason for Appeal: 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.

P/17/0405/FP

Appellant: LONDON AND CAMBRIDGE PROPRTIE
Site: 27a Stubbington Green Fareham Hampshire PO14 2JY
Decision Maker: Committee
Recommendation: APPROVE
Council's Decision: REFUSE
Date Lodged: 04 September 2017
Reason for Appeal: Change of Use of First Floor from Snooker Hall (Use Class D2) to 10 Residential Flats (6 x 2 bed and 4 x 1 bed)

P/17/0559/FP

Appellant: Mrs Kimberley Hammonds
Site: 8 The Glade Fareham Hampshire PO15 6EQ
Decision Maker: Officers Delegated Powers
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 01 November 2017
Reason for Appeal: Two storey side extension and single storey rear extension

DECISIONS

PLANNING APPEALS

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

DECISIONS

P/16/0873/OA

Appellant: The Estate of Patrick Michael Deceased
Site: Meon View Farm Old Street Fareham PO14 3HQ
Decision Maker: Committee
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 16 June 2017
Reason for Appeal: Outline planning permission with access & layout to be approved for four detached four-bedroomed chalet-style dwellings, following demolition of agricultural buildings, removal telecommunication mast & cessation of the existing commercial vehicle storage use.
Decision: DISMISSED
Decision Date: 14 September 2017