

FAREHAM

BOROUGH COUNCIL

AGENDA PLANNING COMMITTEE

Date: Wednesday, 20 February 2019

Time: 2.30 pm

Venue: Collingwood Room - Civic Offices

Members:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

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

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



1. Apologies for Absence

2. Minutes of Previous Meeting (Pages 1 - 21)

To confirm as a correct record the minutes of the Planning Committee meeting held on 16 January 2019.

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 22)

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

ZONE 1 - WESTERN WARDS

(1) **P/18/0809/VC - 293B TITCHFIELD ROAD TITCHFIELD PO14 3ER** (Pages 24 - 30)

(2) **P/18/0811/VC - 293B TITCHFIELD ROAD TITCHFIELD PO14 3ER** (Pages 31 - 35)

ZONE 2 - FAREHAM

ZONE 3 - EASTERN WARDS

(3) **P/18/1340/FP - 54 WEST STREET PORTCHESTER PO16 9UN** (Pages 38 - 44)

(4) **Planning Appeals** (Pages 45 - 47)

7. Tree Preservation Order No 753 - 24 Thornton Avenue Warsash (Pages 48 - 56)

To consider a report by the Director of Planning and Regulation on Tree Preservation Order No. 753 for which an objection has been received.

8. Tree Preservation Orders

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

Fareham Tree Preservation Order No. 726 2018 – Fragorum Fields and 217, 243 & 243a Hunts Pond Road, Titchfield Common.

Order served on 21 September 2018, which covers twenty-eight individual trees, for which there were no objections. It is recommended that Fareham Tree Preservation Order No. 726 be confirmed as made and served.

Fareham Tree Preservation Order No. 754 2018 – 59 Peters Road, Locks Heath.

Order served on 9 November 2018 for which there were no objections. It is recommended that Fareham Tree Preservation Order No. 745 be confirmed as made and served.

Fareham Tree Preservation Order No. 755 2018 – Land east of 55 – 75 Holly Hill Lane, West of Hawthorn Lane & Bramble Lane, Sarisbury.

Order served on 20 December 2018, which covers twenty individual trees, for which there were no objections. It is recommended that Fareham Tree Preservation Order No. 755 be confirmed as made and served.



P GRIMWOOD
Chief Executive Officer
Civic Offices
www.fareham.gov.uk
12 February 2019

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 January 2019

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

Councillors: F Birkett, T M Cartwright, MBE, P J Davies, K D Evans,
M J Ford, JP, Mrs K Mandry and R H Price, JP

Also Present: Councillors Miss S M Bell (Items 9 (5), 9 (6) and 9 (7)) and
S Cunningham (Items 9 (5), 9 (6) and 9 (7))



1. APOLOGIES FOR ABSENCE

There were no apologies of absence.

2. MINUTES OF PREVIOUS MEETING

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

Following the publication of the minutes of the meeting held on 12 December 2018, minute number 7 (5) has been amended to the following:

(5) P/18/0592/OA – EGMONT NURSERIES BROOK AVENUE WARSASH

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

Councillors Walker, Bastable, Cartwright and Ford declared a non-pecuniary interest in this item as the applicant is known to them as he is the Chairman of the Conservative Association.

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

Following the updates to the FIVE-YEAR HOUSING LAND SUPPLY POSITION report, the following paragraphs replace those currently published in the report:

1.2 Members will note from the 'Five Year Housing Land Supply Position' report elsewhere on this agenda that this Council currently has a housing land supply of 4.67 years (a shortfall of 167 dwellings within the 5-year period).

1.3 The Housing Delivery Test results which were due to be published by the Ministry of Housing, Communities and Local Government in November 2018 have not been published. Officers have carried out their own assessment against the same criteria the Government will use and are of the opinion that the Housing Delivery Test results will require this Council to apply a 20% buffer to its local housing need increasing its annual requirement to 575 dwellings per annum. This in turn would result in a 5-year housing supply of 4.1 years and a shortfall of 527 dwellings.

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

(i) 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 to secure satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased residential disturbance on the Solent Coastal Special Protection Areas;

b) A financial contribution towards the off-site provision of affordable housing in accordance with Core Strategy Policy CS18;

(ii) the conditions in the report; and

(iii) an additional condition requiring the open space/paddock area to be substantially in accordance with the illustrative layout

Was voted on and CARRIED.

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

RESOLVED that subject to:-

(i) 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 to secure satisfactory mitigation of the 'in combination' effects that the increase in residential disturbance on the Solent Coastal Special Protection Areas;

b) A financial contribution towards off-site provision of affordable housing in accordance with Core Strategy Policy CS18;

(ii) the conditions in the report; and

(iii) an additional condition requiring the open space/paddock area to be substantially in accordance with the illustrative layout

PLANNING PERMISSION be granted.

A further update was provided by the Head of Development Management in respect of minute item number 7 (12), which should read:

(12) P/18/0654/FP – LAND TO THE WEST OF SEAFIELD ROAD & MORAUNT DRIVE; SOUTH OF TATTERSHALL CRESCENT

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

Councillor Walker declared a non-pecuniary interest in this item in that he is the chairman of the Parish Hall Trust Board of which 2 church wardens are also members and who are also member trustees of the Churchlands Trust which owns part of the site.

At the invitation of the Chairman, Councillor R H Price, JP addressed the Committee on this item. He left the room after making his representation and was not present for the debate or vote on this application.

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

Following the updates to the FIVE-YEAR HOUSING LAND SUPPLY POSITION report, the following paragraphs replace those currently published in the report:

1.6 Members will note from the 'Five Year Housing Land Supply Position' report elsewhere on this agenda that this Council currently has a housing land supply position of 4.67 years (a shortfall of 167 dwellings within the 5-year period).

1.7 The Housing Delivery Test results which were due to be published by the Ministry of Housing, Communities and Local Government in November 2018 have not been published. Officers have carried out their own assessment against the same criteria the Government will use and are of the opinion that the Housing Delivery Test results will require this Council to apply a 20% buffer to its local housing need increasing its annual requirement to 575 dwellings per annum. This in turn would result in a 5-year housing supply of 4.1 years and a shortfall of 527 dwellings.

One third party further representation was received following the 14 November committee meeting, this related to concern over reptiles on the site.

With regard to comments since the letter of 29th November from the agent, there have been fifteen letters of representation, some of which raise concern that has already been discussed within the officer report. With regards to the letter of 29th November, the following concerns are raised:

- The Council should be overseeing the appointment of independent ecologists to oversee the project.*
- The letter from Bryan Jezeph does not contain specific solutions for management and maintenance arrangements, the ecology of the site is important and should not be brushed aside from the sake of providing housing.*
- Nothing offered as a solution addresses any of the issues raised by the committee at last month's refusal.*
- Cannot be satisfied that extensive ground clearance, however carefully worded or timed is valid or acceptable or would satisfy or rescind the LPA's grounds for refusal, due in part to the capacity of the southern part of the site for protected species or lizards.*
- With regard to no works until February 2019, reptile species have been recorded above ground in February by reptile specialists both in south Hampshire and on the Isle of Wight.*
- Excavating archaeological trenches from the end of March while undertaking a translocation process from April for two months is unworkable.*
- The Developers Agent proposal fails to address the issues and concerns raised at the previous planning committee to safeguard the southern side of the site.*
- The ecological 'mitigation' or proposed 'benefits' will not outweigh the negative impact and net loss that this proposal will bring, the proposal has not been fundamentally changed.*
- The overriding reasons for refusal still stand.*

- *The ecological issues seem to be clouding the issues and concerns of the residents; traffic issues and impact on services have not been taken into consideration.*
- *Concern over enforcement of planning conditions.*
- *Concern over process and procedure and that the decision notice has not been issued following the meeting of 14 November.*
- *The Public Inquiry is the correct place to resolve the grounds for refusal.*

The planning agent has submitted a revised affordable housing plan which would result in the provision of 20 affordable homes rather than 19.2 and a financial contribution.

As referenced to in paragraph 7.17 of the Committee Report, the Housing Officer advises that the applicant may either provide an additional affordable unit or pay a financial contribution.

Officer advice is that the provision of 20 affordable homes is acceptable in accordance with policy and therefore the recommendation in paragraph 9.0 within the report should reflect the 'provision of 20 affordable housing units' and delete the reference to 'contribution'. The list of recommended approved plans in condition 2 should include reference to this revised plan CB_93_074_A2_104 Rev A.

A revised layout plan and housing schedule to reflect the additional affordable housing unit has been submitted reference CB_074_A1_100 Rev B., the list of recommended approved plans in condition 2 should include reference to this plan.

Officers propose revised wording relating to condition 8, boundary treatment to read:

No dwelling hereby approved shall be occupied until the boundary treatment relating to it has been carried out in accordance with the approved details. The brick wall as shown to the rear of number 49 Sissinghurst Road shall be constructed prior to the occupation of plot 31. The boundary treatment shall thereafter be retained at all times unless otherwise agreed in writing with the Local Planning Authority.

REASON: To protect the privacy of the occupiers of the neighbouring property, to prevent overlooking, and to ensure that the development harmonises well with its surroundings.

The Committee further requested that:

(1) officers secure an amended plan to show:

- (a) 1 tree rather than 3 adjacent to the boundary of 49 Sissinghurst Road; and*
- (b) the Field Maple trees along the southern boundary of the site being retained; and*

(2) Condition 20 being amended as follows:

No development shall commence on site until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). The Construction Plan shall address the following matters:

- a) how provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;
- b) the measures the developer will implement to ensure that operatives'/contractors./sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;
- c) the measures for cleaning the wheels and underside of all vehicles leaving the site;
- d) a scheme for the suppression of any dust arising during construction or clearance works;
- e) the measures for cleaning Moraunt Drive, Wicor Mill Lane and White Hart Lane to ensure that they are kept clear of any mud or other debris falling from construction vehicles, and
- f) the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development.

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. No construction vehicles shall leave the site unless the measures for cleaning the wheels and underside of construction vehicles are in place and operational, and the wheels and undersides of vehicles have been cleaned.

REASON: In the interests of highway safety and to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period.

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

(i) 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:

- Financial contribution to secure satisfactory mitigation on the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protected Areas;
- The provision and management of public open space and ecological enhancement area for the lifetime of the development;
- Educational contribution;
- The delivery of affordable housing and contribution;
- No clearance work to be undertaken on the site before 1st February 2019; the Council must be advised in advance of any proposals to

undertake clearance work at the site; the Council to be given advance notice of any clearance works to be undertaken at the site and the clearance works to be undertaken at the site and the Council's officers/representatives give unfettered access to view all clearance related works; all clearance work to be overseen by Radian's appointed ecologists in accordance with a scheme first agreed in advance with the Council;

(ii) the receipt of a satisfactory amended plan showing:

(a) 1 tree rather than 3 adjacent to the boundary of 49 Sissinghurst Road; and

(b) the Field Maple trees along the southern boundary of the site being retained;

(iii) Condition 20 being amended as follows:

No development shall commence on site until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). The Construction Management Plan shall address the following matters:

a) how provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;

b) the measures the developer will implement to ensure that operatives'/contractors'/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;

c) the measures for cleaning the wheels and underside of all vehicles leaving the site;

d) a scheme for the suppression of any dust arising during construction or clearance works;

e) the measures for cleaning Moraunt Drive, Wicor Mill Lane and White Hart Lane to ensure they are kept clear of any mud or other debris falling from construction vehicles; and

f) the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development.

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 by the LPA. No construction vehicles shall leave the site unless the measures for cleaning the wheels and underside of construction vehicles are in place and operational, and the wheels and underside of vehicles have been cleaned.

REASON: In the interest of highway safety and to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period;

(iv) that Members confirm that the reasons for the refusal 1(a) and 1(c) in respect of planning application P/17/0920/FP should not be pursued at the forthcoming appeal: and

*(v) all conditions in the report.
Was voted on and CARRIED.
(Voting: 6 in favour; 3 against)*

RESOLVED that, subject to:-

(i) 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:

- Financial contribution to secure satisfactory mitigation on the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protected Areas;*
- The provision and management of public open space and ecological enhancement area for the lifetime of the development;*
- Educational contribution;*
- The delivery of affordable housing and contribution;*
- No clearance work to be undertaken on the site before 1st February 2019; the Council must be advised in advance of any proposals to undertake clearance work at the site; the Council to be given advance notice of any clearance works to be undertaken at the site and the clearance works to be undertaken at the site and the Council's officers/representatives give unfettered access to view all clearance related works; all clearance work to be overseen by Radian's appointed ecologists in accordance with a scheme first agreed in advance with the Council;*

(ii) the receipt of a satisfactory amended plan showing:

- (a) 1 tree rather than 3 adjacent to the boundary of 49 Sissinghurst Road; and*
- (b) the Field Maple trees along the southern boundary of the site being retained;*

(iii) Condition 20 being amended as follows:

No development shall commence on site until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). The Construction Management Plan shall address the following matters:

a) how provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;

b) the measures the developer will implement to ensure that operatives'/contractors'/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;

c) the measures for cleaning the wheels and underside of all vehicles leaving the site;

d) a scheme for the suppression of any dust arising during construction or clearance works;

e) the measures for cleaning Moraunt Drive, Wicor Mill Lane and White Hart Lane to ensure they are kept clear of any mud or other debris falling from construction vehicles; and

f) the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development.

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 by the LPA. No construction vehicles shall leave the site unless the measures for cleaning the wheels and underside of construction vehicles are in place and operational, and the wheels and underside of vehicles have been cleaned.

REASON: In the interest of highway safety and to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period;

(iv) that Members confirm that the reasons for the refusal 1(a) and 1(c) in respect of planning application P/17/0920/FP should not be pursued at the forthcoming appeal: and

(v) all conditions in the report.

PLANNING PERMISSION be granted.

At the request of Councillor Price, JP, one further amended to be made to minute item no.1 Apologies of Absence, to read:

(2) APOLOGIES OF ABSENCE

Apologies of absence were received from Councillors F Birkett, K D Evans and R H Price, JP. The apology from Councillor Price was due to him having a Disclosable Pecuniary Interest and is therefore unable to sit on the Planning Committee.

RESOLVED that the minutes of the Planning Committee meeting held on 12 December 2018, subject to the changes in the update report, the update from the Head of Development Management and the change from Councillor Price, 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 Councillor Cartwright declared a non-pecuniary interest in item 9 (1) – Land Adjacent to 125 Greenaway Lane, Warsash as he has previously expressed his opinion on this application. He left the room after making a representation as Ward Councillor and he took no part in the discussion or vote on this item in order to avoid any pre-determination issues.

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
Mr S Brown	Woolf Bond Planning	Five Year Housing Land Supply Position	Opposing	Item 8
ZONE 1 – 2.30pm				
Mrs H Megginson (Lead Petitioner)		LAND ADJACENT TO 125 GREENAWAY LANE WARSASH SO31 9HT – OUTLINE APPLICATION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS) FOR THE CONSTRUCTION OF UP TO 100 RESIDENTIAL DWELLINGS, ACCESS FROM GREENAWAY LANE, LANDSCAPING, OPEN SPACE AND ASSOCIATED WORKS	Opposing	9 (1) P/18/0482/OA Pg 54
Mr R Megginson	Peter Nugent, Gordon Stewart & Rex Holford	-Ditto-	-Ditto-	-Ditto-
Mr M Hawthorne (Agent)		-Ditto-	Supporting	-Ditto-
Mr M Knappett (Agent)		LAND ADJOINING 79 GREENAWAY LANE WARSASH – 6 DETACHED RESIDENTIAL UNITS AND ASSOCIATED DETACHED GARAGES	Supporting	9 (2) P/18/0884/FP Pg 79
ZONE 2 – 3.15pm				

ZONE 3 – 3.15pm				
Mr M Hindry		THE GRANGE OAKCROFT LANE STUBBINGTON – OUTLINE APPLICATION FOR THE PROVISION OF UP TO 16 DWELLINGS AND TWO NEW VEHICULAR ACCESSES ONTO RANVILLES LANE, AND THE RELOCATION OF THE EXISTING ACCESS ONTO OAKCROFT LANE	Opposing	9 (4) P/18/0263/OA Pg 106
Ms S Boyce		-Ditto-	-Ditto-	-Ditto-
Mr M Sennitt (Agent)		-Ditto-	Supporting	-Ditto-
Mrs K Wiltshire		LAND NORTH OF CRANLEIGH ROAD/WEST OF WICOR PRIMARY SCHOOL PORTCHESTER – RESERVED MATTERS IN RELATION TO OUTLINE APPLICATION (P/15/0260/OA): LANDSCAPING RELATING TO 120 DWELLINGS WITH A NEW ACCESS FROM CRANLEIGH ROAD, PUBLIC OPEN SPACE INCLUDING A LOCALLY EQUIPPED AREA OF PLAY	Opposing	9 (5) P/18/0645/RM Pg 128
Mr D Buczynskyj		-Ditto-	Supporting	-Ditto-
Ms L Goodyear (Agent)		CAMS BRIDGE – LAND TO NORTH OF THE THICKET – OUTLINE PLANNING APPLICATION FOR IMPROVEMENTS TO CAMS BRIDGE AND THE APPROACHES	Supporting	9 (6) P/18/0001/OA Pg 137

		TO ENABLE USE BY PEDESTRIAN AND CYCLISTS AND CONTINUED VEHICLE ACCESS TO THE WORKSHOP INCLUDING LIGHTING, RAISING THE BRIDGE PARAPETS, SIGNAGE, RE-SURFACING AND NEW ROAD MARKINGS		
Mr T Wall		-Ditto-	-Ditto-	-Ditto-
Mr M Rees		LAND EAST OF DOWN END ROAD – OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED (EXCEPT THE MEANS OF ACCESS) FOR RESIDENTIAL DEVELOPMENT, DEMOLITION OF EXISTING AGRICULTURAL BUILDINGS AND THE CONSTRUCTION OF NEW BUILDINGS PROVIDING UP TO 350 DWELLINGS; THE CREATION OF NEW VEHICULAR ACCESS WITH FOOTWAYS AND CYCLEWAYS; PROVISION OF LANDSCAPED COMMUNAL AMENITY SPACE; INCLUDING CHILDREN'S PLAY SPACE; CREATION OF PUBLIC OPEN SPACE; TOGETHER WITH ASSOCIATED HIGHWAYS, LANDSCAPING, DRAINAGE AND UTILITIES	Opposing	9 (7) P/18/0005/OA Pg 144
Ms J Young		-Ditto-	-Ditto-	-Ditto-
Mrs T Philips		-Ditto-	-Ditto-	-Ditto-

Mr T Ling		-Ditto-	-Ditto-	-Ditto-
Mrs B Clapperton	The Fareham Society	-Ditto-	-Ditto-	-Ditto-
Ms L Goodyear (Agent)		-Ditto-	Supporting	-Ditto-
Mr T Wall		-Ditto-	-Ditto-	-Ditto-

6. SPENDING PLANS 2019-20

The Committee considered a report by the Director of Finance and Resources on the Spending Plans for 2019/20.

RESOLVED that the Committee:-

- (i) agrees the revised budget for 2018/19 and the base budget for 2019/20;
- (ii) notes the fees and charges for 2019/20; and
- (iii) recommends the budget to Full Council for approval

7. ACTUAL REVENUE EXPENDITURE

The Committee considered a report by the Director Finance and Resources on the actual revenue expenditure for 2017/18.

RESOLVED that the Committee note the content of the report.

8. FIVE YEAR HOUSING LAND SUPPLY POSITION

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

The Committee considered a report by the Director of Planning and Regulation on the Five Year Housing Land Supply position.

RESOLVED that the Committee note:-

- (i). the content of the report and the current 5-Year Housing Land Supply position;
- (ii). that the 5-Year Housing Land Supply Position set out in the attached report (which will be updated regularly as appropriate) is a material consideration in the determination of planning applications for residential development;
- (iii). when the Government publishes the Housing Delivery Test results, Officers believe that this Council will be required to apply a 20% buffer to the 5-Year Housing Land Supply position, and Members should make decisions on planning applications on that basis; and
- (iv). that the Government are consulting on adjustments to the new standard method used to calculate Local Housing Need, following publication of the new household growth projections on 20th September 2018. If implemented these adjustments will further increase the Council's

housing requirements, above those arising from the Housing Delivery Test.

9. 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.

(1) P/18/0482/OA - LAND ADJACENT TO 125 GREENAWAY LANE WARSASH SO31 9HT

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

Councillor Cartwright declared a non-pecuniary interest in this item as he has previously expressed his opinion on this application. He left the room after making a representation as Ward Councillor and he took no part in the discussion or vote on this item in order to avoid any pre-determination issues.

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

A third party representation has raised queries over the assessment of Highway matters and considers that even one large vehicle causes havoc when trying to negotiate Greenaway Lane. Reiterates concern that the type and width of the lane struggles with the current volume of traffic and would not cope with the huge increase proposed by this development.

Reiterates concern over flooding on the lane, use of alternative access points already approved for other Warsash cluster sites, and impact on the SPA, Ramsar and SAC and considers these issues have not been addressed.

The Highway Authority sought further clarification on the traffic survey data; the developer's transport consultant undertook video footage and compared this with flows presented in the Transport Assessment. The Highway Authority are satisfied with the submitted information.

A third party representation considers the report is biased and does not reflect the policies applicable to the site, questions the method for calculating the 5 YHLS position and content of the report. Concern that the HRA does not provide a reasonable degree of certainty that the project will not be likely to have an effect on the SPA. The site should form part of the Master plan to reduce the number of site entrances and that the closure of the Vero access track will not materialise.

The CPRE have expressed concern over the cumulative impact of the number of dwellings in Warsash; that applying the 20% buffer is premature (housing delivery test); that the development is out of character and scale and the cumulative effect on the environment and ecology of the area.

Instructed by 'Save Warsash and the Western Wards' A legal opinion has been received on the approach being adopted by Fareham Borough Council

with respect to screening and appropriate assessments in the course of its determination of planning applications. In short, the opinion is that the approach is potentially unlawful and that it would be unlawful for the Planning Committee to resolve to grant outline planning permission for the Greenaway Lane Application as a legally compliant appropriate assessment has not been undertaken.

A verbal update will be provided at the Planning Committee.

The following Verbal Update was provided by the Planning Case Officer:-

Officers have received a further late representation in the form of a QC opinion about the adequacy of the Council's appropriate assessments and the process followed by the Council. Officers are satisfied as to the robustness of the appropriate assessment. For the avoidance of any doubt, officers have carried out an appropriate assessment in relation to all designated European sites including the Ramsar and SAC sites and have concluded that there will be no adverse effect on the integrity of the designated European sites.

A motion was proposed and seconded that the application be deferred in order to allow Officers time to address the following concerns that the Committee raised:

- (i). Whether access to the scheme could solely be achieved via land to the south: Further clarity from HCC Highway Authority regarding the impact of additional traffic on Greenaway Lane and the cumulative impact of development within Warsash and local roads with a request that a HCC Highway Authority officer attend the Planning Committee; and
- (ii). To seek independent legal advice from a QC following the QC opinion that has been submitted by 'Save Warsash and the Western Wards'

Was voted on and CARRIED.

(Voting: 4 in favour; 4 against. With the Chairman having the casting vote)

RESOLVED that the applicant be DEFERRED.

(2) P/18/0884/FP - LAND AJJOINING 79 GREENAWAY LANE WARSASH SO31 9HT

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 period of '2' years should be inserted into Condition 1.

The agent has submitted further detail in respect of the proposed planning conditions as he would prefer not to have pre-commencement conditions to enable an early start on site.

Drainage (Condition 15): Southern Water and the Lead Local Flood Authority have been consulted. The Lead Flood Authority have no comment, advise informative.

Southern Water comments awaited.

Construction Management Plan (Conditions 3 and 4): The Transport Planner considers these to be acceptable. Therefore condition 3 and 4 deleted, new condition to read:

The development shall proceed in accordance with submitted construction management plan details drawing HGP_18.079.101 SITE/ PLAN_REV.J – Construction Management Plan layout and the Schedule of Works CMP January 2019. The approved measures, areas and facilities shall be fully implemented in accordance with the submitted details and shall be retained for the duration of construction of the development unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of highway safety and amenity of the area and to ensure the health and wellbeing of the trees and vegetation which are to be retained at the site.

Upon being proposed and seconded the Officer Recommendation to Grant Planning Permission subject to:-

- (i). 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:
 - i) A financial contribution to secure satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased residential disturbance on the Solent Coastal Special Protection Areas;
 - ii) A financial contribution of 40% towards the off-site provision of affordable housing or provision of 40% on site affordable housing under planning reference P/18/0107/OA in accordance with Core Strategy Policy CS18;
 - (ii). Delegate to the Head of Development Management in consultation with the Solicitor to the Council to make modifications to the proposed conditions or heads of terms or any subsequent minor changes arising out of detailed negotiations with the applicant which may necessitate the modification which may include the variation addition or deletion of the conditions and heads as drafted to ensure consistency between the two sets of provisions;
 - (iii). The conditions in the report; and
 - (iv). The amended conditions set out in the update report
- Was voted on and CARRIED.
(Voting: 9 in favour; 0 against)

RESOLVED that, subject to:-

- (i). 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:

- i) A financial contribution to secure satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased residential disturbance on the Solent Coastal Special Protection Areas;
 - ii) A financial contribution of 40% towards the off-site provision of affordable housing or provision of 40% on site affordable housing under planning reference P/18/0107/OA in accordance with Core Strategy Policy CS18;
- (ii). Delegate to the Head of Development Management in consultation with the Solicitor to the Council to make modifications to the proposed conditions or heads of terms or any subsequent minor changes arising out of detailed negotiations with the applicant which may necessitate the modification which may include the variation addition or deletion of the conditions and heads as drafted to ensure consistency between the two sets of provisions;
- (iii). The conditions in the report; and
- (iv). The amended conditions set out in the update report
PLANNING PERMISSION be granted.

(3) P/18/1222/TO - 79 KILN ROAD FAREHAM PO16 7UL

Upon being proposed and seconded the officer recommendation to grant consent for works to 3 scots pine and 1 monterey cypress was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that CONSENT for works to 3 scots pine and 1 monterey cypress be granted.

(4) P/18/0263/OA - THE GRANGE OAKCROFT LANE FAREHAM PO14 2EB

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

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

Two additional conditions inserted into the recommendation as follows:

20. The landscaping scheme, submitted under Condition 1 shall be implemented in accordance with a scheme to be submitted (including a delivery timetable) or as otherwise agreed in writing with the Local Planning Authority and shall be maintained following commencement of the development or as otherwise agreed in writing with the Local Planning authority and shall be maintained in accordance with the agreed schedule. Any trees or plants, which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become

seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

REASON: To ensure the provision, establishment and maintenance of a standard of landscaping.

21. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development. the landscape management plan shall be carried out as approved and retained for the lifetime of the development.

REASON: To ensure the long-term maintenance and management of the open spaces.

A motion was proposed and seconded that the application be refused and was voted on and CARRIED.

(Voting: 5 in favour; 4 against)

RESOLVED that PLANNING PERMISSION be REFUSED.

Reasons for Refusal

The development would be contrary to Policies CS14, CS17, CS18 and CS22 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP6, DSP15 and DSP40 of the Adopted Local Plan Part 2: Development Sites and Policies Plans and is unacceptable in that:

- a) The application site lies outside the defined urban settlement boundary where the introduction of residential development would fail to respond positively to and be respectful of the key characteristics of the area, particularly its predominantly undeveloped nature. In addition the proposed development would adversely affect the integrity of the strategic gap and the physical and visual separation of settlements. Notwithstanding the Council's 5-year housing land supply position, the provision of dwellings in this location would not outweigh the harm;
- b) Had it not been for the overriding reasons for refusal the Council would have sought to secure the on-site provision of affordable housing and a commuted sum for an off-site provision at a level in accordance with the requirements of the Local Plan; and
- c) In the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent Special Protection Areas.

(5) P/18/0645/RM - LAND NORTH OF CRANLEIGH ROAD/WEST OF WICOR PRIMARY SCHOOL PORTCHESTER

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

At the invitation of the Chairman, Councillor Cunningham addressed the Committee on this item.

At the invitation of Chairman, Councillor Miss Bell addressed the Committee on this item.

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

Southern Water raise no objection. Advise informative: Southern Water's publication "A Guide to Tree Planting near Water Mains and Sewers" and Sewers for Adoption (SFA) with regards to any landscaping proposals and restrictions and maintenance of tree planting adjacent to sewers and rising mains.

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

- (i). The receipt of the comments of Hampshire County Council (Flood and Water Management Team) and the imposition of any additional conditions or modification to the plans they may require;
- (ii). the conditions in the report; and
- (iii). an additional condition requiring the developer to submit details to demonstrate that the scheme has been fully undertaken in accordance with the permission.

Was voted on and CARRIED.
(Voting: 9 in favour; 0 against)

RESOLVED that, subject to:-

- (i). The receipt of the comments of Hampshire County Council (Flood and Water Management Team) and the imposition of any additional conditions or modification to the plans they may require;
- (ii). the conditions in the report; and
- (iii). an additional condition requiring the developer to submit details to demonstrate that the scheme has been fully undertaken in accordance with the permission.

PLANNING PERMISSION be granted.

(6) P/18/0001/OA - CAMS BRIDGE - LAND TO THE NORTH OF THE THICKET FAREHAM

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

At the invitation of the Chairman, Councillor Cunningham addressed the Committee on this item.

At the invitation of the Chairman, Councillor Miss Bell addressed the Committee on this item.

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

A further condition is inserted into the recommendation as follows:

5. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:

a) Site location plan – drawing no. 249501 JC001 A

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

The officer recommendation to grant planning permission, subject to:-

- (i). The conditions in the report;
 - (ii). The addition of Condition 5, as set out in the Update Report; and
 - (iii). Written confirmation from the applicant that any reference to use of the bridge by emergency vehicles is deleted.
- Was voted on and CARRIED.
(Voting: 8 in favour; 1 against)

RESOLVED that, subject to:-

- (i). The conditions in the report;
 - (ii). The addition of Condition 5, as set out in the Update Report; and
 - (iii). Written confirmation from the applicant that any reference to use of the bridge by emergency vehicles is deleted.
- PLANNING PERMISSION is granted.

**(7) P/18/0005/OA - LAND TO THE EAST OF DOWN END ROAD
FAREHAM**

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

At the invitation of the Chairman, Councillor Cunningham addressed the Committee on this item.

At the invitation of the Chairman, Councillor Miss Bell addressed the Committee on this item.

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

Four further representations have been received in objection to the proposal but raising no new material planning considerations.

A motion was proposed and seconded to defer the application to allow the applicant to further consider the proposed improvement to the railway bridge on Down End Road, and was voted on and CARRIED.
(Voting: 8 in favour; 1 against)

RESOLVED that the application be DEFERRED.

(8) Planning Appeals

The Committee noted the information in the report.

(9) UPDATE REPORT

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

(The meeting started at 2.30 pm
and ended at 8.50 pm).

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date: 20 February 2019

Report of: Director of Planning and Regulation

Subject: PLANNING APPLICATIONS AND MISCELLANEOUS MATTERS

SUMMARY

This report recommends action on various planning applications.

RECOMMENDATION

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

AGENDA

ZONE 1 – WESTERN WARDS

Park Gate

Titchfield

Sarisbury

Locks Heath

Warsash

Titchfield Common

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/18/0809/VC TITCHFIELD	293B TITCHFIELD ROAD TITCHFIELD FAREHAM PO14 3ER DWELLING (ALTERNATIVE TO PERMISSION GRANTED FOR NEW DWELLING UNDER REFERENCE P/17/0937/FP); FENESTRATION CHANGES, ENTRANCE GATE/WALLS & PIERS AND REAR RAISED PATIO WITH PRIVACY SCREEN (RETROSPECTIVE APPLICATION)	1 PERMISSION
P/18/0811/VC TITCHFIELD	293B TITCHFIELD ROAD TITCHFIELD FAREHAM PO14 3ER VARIATION OF CONDITION 2 OF PLANNING APPLICATION P/16/0931/FP (RETENTION OF STORAGE SHED) TO USE OUTBUILDING AS AN EXTERNAL LAUNDRY WITH WC AND SHOWER	2 PERMISSION

Agenda Item 6(1)

OFFICER REPORT FOR COMMITTEE

DATE: 20/02/2019

P/18/0809/VC
MR MILES DORAN

TITCHFIELD
AGENT: CRITCHLEY
ARCHITECTURE AND DESIGN

NEW DWELLING (ALTERNATIVE TO PERMISSION GRANTED FOR NEW DWELLING UNDER REFERENCE P/17/0937/FP); FENESTRATION CHANGES, ENTRANCE GATE/WALLS & PIERS AND REAR RAISED PATIO WITH PRIVACY SCREEN (RETROSPECTIVE APPLICATION)

293B TITCHFIELD ROAD, TITCHFIELD, FAREHAM, PO14 3ER

Report By

Kim Hayler – Direct dial 01329 824815

1.0 Introduction

- 1.1 Planning permission was granted in September 2017 for the construction of a bungalow on the site (our ref P/17/0937/FP).
- 1.2 The bungalow has been completed and this application seeks consent for a number of changes and additions to the previously approved plans as detailed below.

2.0 Site Description

- 2.1 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 properties as well as the site itself. The site lies outside of the defined urban settlement boundaries and within the Meon Gap (strategic gap).
- 2.2 The site is hard surfaced with a mixture of tarmac and block paved finishes. There is a timber outbuilding with an area of grass in front in the south-eastern corner of the site which is subject of the following application on the agenda.
- 2.3 There are two touring caravans on the site.

3.0 Description of Proposal

- 3.1 Permission is sought for fenestration changes to the bungalow; changes to the previously approved entrance gate/walls and piers; changes to the location of the soakaway and cesspit and approval for a raised patio which has been erected to the rear of the bungalow.

- 3.2 The submitted plans show a 1.8 metre high privacy screen to be erected along the eastern, side elevation of the raised patio.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS17 – High Quality Design

Adopted Development Sites and Policies

DSP2 – Environmental Impact

DSP3 – Impact on living conditions

5.0 Relevant Planning History

- 5.1 The following planning history is relevant:

P/18/0811/VC	Variation of Condition 2 of planning application P/16/0931/FP (retention of storage shed) to use outbuilding as an external laundry with toilet and shower See following report on this agenda.
P/17/0937/FP APPROVE	Proposed dwelling (alternative to permission granted for new dwelling under reference P/17/0355/FP) 14 September 2017
P/17/0355/FP APPROVE	Proposed bungalow (alternative to permission granted for new dwelling under reference P/16/0691/FP) and new entrance gates, brick walls and piers 26 April 2017
P/16/0691/FP APPROVE	Alterations to roof and elevations, and extension of existing amenity building/day room to create a single dwelling house (use class C3) 15 September 2016
P/16/0931/FP APPROVE	Storage shed - (Retrospective application) 16 December 2016

6.0 Representations

6.1 Seven objections have been received raising the following issues:

- The entrance gate, walls and piers contradict the conditions stated in the appeal decision which required a scheme for hedges, trees and shrubs;
- The entrance gate, walls and piers are built on land not within the ownership of the applicant;
- The entrance gate, walls and piers restrict access for larger vehicles and also prevent small vehicles from passing each other;
- The entrance gate, walls and piers are incongruous features on the land;
- The raised patio is less than one metre from the garden fence of 293 Titchfield Road;
- Loss of privacy; a privacy screen is not a solution;
- The screen will put the garden of 293 Titchfield Road in shade.

7.0 Consultations

EXTERNAL

Hampshire County Council (Strategic Transport) -

7.1 The proposals will not have any effect on the Stubbington Bypass project. The land required for the project under licence is to the north of the private track opposite 293 Titchfield Road.

8.0 Planning Considerations

8.1 Each element of the proposal is assessed in turn.

a) Changes to fenestration

8.2 The windows and front door differ slightly in their design to that previously approved. Furthermore, the windows have been installed slightly higher than that originally approved.

8.3 These changes do not materially impact upon the overall design of the bungalow or the character and appearance of the area.

8.4 The neighbour to the east of the property is concerned that the increase in height of the front, north facing window impacts upon their privacy. The

distance from this window to the neighbour's property, measured obliquely is 10 metres, with intervening screening. Officers have concluded that in light of this distance the living conditions of the occupiers of the neighbouring property are not harmed as a result of these changes.

b) Walls/gates/piers

8.5 New fencing, wall and piers have been erected along the front, northern boundary of the site. There are allegations from adjacent land owners that the applicant has moved the front boundary northwards onto land not within his ownership. This is a civil matter between the parties involved.

8.6 Hedging has been planted either side of the new fencing.

8.7 The property is situated off a private lane; in visual terms the front boundary and entrance do not materially harm the character and appearance of the area.

c) Raised patio and screening

8.8 A raised patio/terrace has been constructed to the rear south eastern corner of the property measuring 4.2 metres by 4.5 metres. The patio is approximately 650 mm above the ground level.

8.9 The patio is approximately one metre from the boundary with 293 Titchfield Road. There is a 1.8 metre high fence on this boundary, however, due to its height, when the patio is in use, there are clear views into the neighbour's garden. The submitted plans show a 1.8 metre high privacy screen to be erected on the patio along its eastern side. With the screening proposed, officers are satisfied the privacy of the occupiers of the neighbouring property would be protected.

8.10 The neighbour has raised concern that the screen would shade their garden. The garden is south facing and over 20 metres wide. The screen would be situated towards the back part of the garden behind an existing outbuilding in the neighbour's garden. Officers do not consider the screen would materially harm the living conditions of the occupiers of the neighbouring residential property.

d) Other matters - changes to the location of the cesspit and soakaway

8.11 A new larger cesspit has been installed which serves both the dwelling and the outbuilding. It has been installed further east within the rear of the site than that previously approved, just behind the south western rear boundary of 293 Titchfield Road.

- 8.12 Six Aqua cell soakaway crates have been installed to the front, north of the property; previously the soakaway was shown to be installed to the western side of the property.
- 8.13 The works to the property, including the drainage works have been overseen by Building Control Approved Inspectors.

e) Summary

- 8.14 The proposals are not considered likely to have a materially adverse impact on the character or appearance of the area or the living conditions of neighbours. The application is found to accord with the relevant policies of the adopted development plan and it is recommended that planning permission be granted.

9.0 Recommendation

- 9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development hereby permitted shall be retained only in accordance with the following approved plans:
 - a) Site plans – 1322 – 121;
 - b) Proposed site plan – 1322 – 122 Rev C;
 - c) Proposed floor plans – 1322 – 421;
 - d) Proposed elevations – 1322 – 521;
 - e) Proposed boundary wall elevations – 1322 – 522.REASON: To avoid any doubt over what has been permitted.
2. Notwithstanding the provisions of the Schedule of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any subsequent Order revoking and re-enacting that Order) at no time shall any windows be inserted into the eastern elevation of the dwelling unless otherwise agreed in writing by the local planning authority following the submission of a planning application.
REASON: To prevent overlooking and to protect the privacy of the occupiers of the adjacent property.
3. Notwithstanding the provisions of Classes A, B, C or E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no extensions, no additions or alterations to the roof, and no outbuildings shall be constructed within the curtilage of the dwelling house hereby approved unless first agreed in writing with the local planning authority following the submission of a planning application.
REASON: To protect the outlook and privacy of the adjacent residents; to protect the character and appearance of the countryside.

4. Within six weeks of the date of this decision notice a 1.8 metre high opaque privacy screen shall be erected on the patio/terrace along its entire eastern side. The 1.8 metre high privacy screen shall be retained in that condition at all times.

REASON: To protect the privacy of the adjacent residents.

5. No more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site any time. No static caravan shall be stationed on the site at any time.

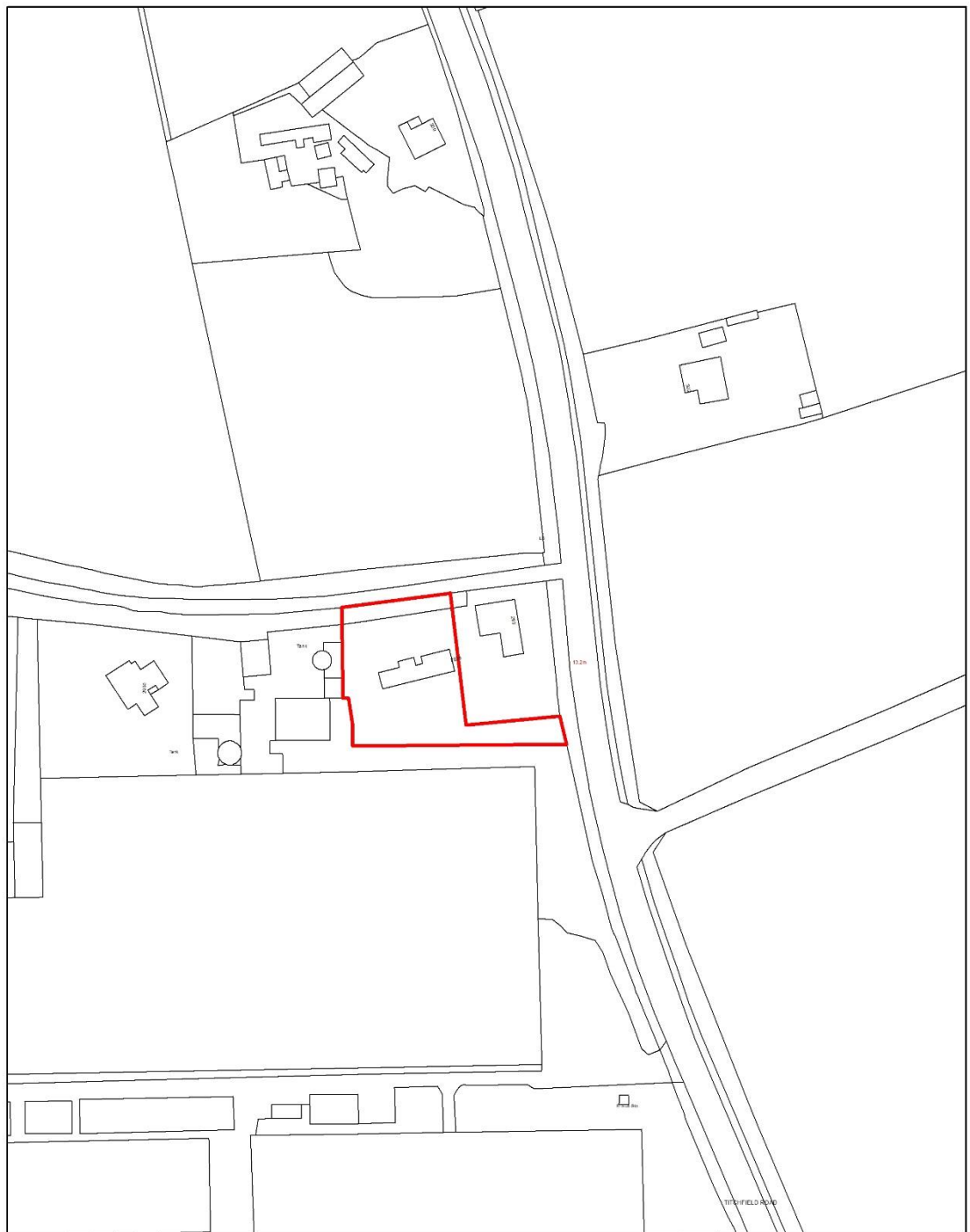
REASON: In the interests of the character and appearance of the area.

6. No commercial activities shall take place on the land, including the storage of materials.

REASON: To protect the living conditions of neighbours.

10.0 Background Papers

P/18/0809/VC, P/18/0811/VC



293b Titchfield Road

Scale 1:1,250



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OFFICER REPORT FOR COMMITTEE

DATE: 20/02/2019

P/18/0811/VC
MR MILES DORAN

TITCHFIELD
AGENT: CRITCHLEY
ARCHITECTURE & DESIGN

VARIATION OF CONDITION 2 OF PLANNING APPLICATION P/16/0931/FP
(RETENTION OF STORAGE SHED) TO USE OUTBUILDING AS AN EXTERNAL
LAUNDRY WITH WC AND SHOWER

293B TITCHFIELD ROAD, TITCHFIELD, FAREHAM, PO14 3ER

Report By

Kim Hayler – Direct dial 01329 824815

1.0 Introduction

- 1.1 This application is reported to the Planning Committee due to public interest.

2.0 Site Description

- 2.1 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 as well as the site itself. The site lies outside of the defined urban settlement boundaries and within the Meon Gap (strategic gap).
- 2.2 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. The site is hard surfaced with a mixture of tarmac and block paved finishes. There is an area of lawn in the south-eastern corner of the site.
- 2.3 Planning permission was granted in 2017 for a new dwelling on the site which has recently been completed. A timber outbuilding located in the south-eastern corner of the site was erected in September 2015 and granted planning permission in 2016 (reference P/16/0931/FP).

3.0 Description of Proposal

- 3.1 Condition 2 of the 2016 planning permission stated:

‘The building hereby permitted shall only be used for storage purposes in connection with the existing residential use of the site and shall not be used for any other purpose at any time including living or sleeping accommodation.
REASON: To protect the living conditions of neighbours.’

- 3.2 This application seeks to vary the condition to allow its use as a wc/shower room, laundry room and storage, incidental to the use of the dwelling on the

site. 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.

- 3.3 One area has a shower and wc, the other a washing machine and the third is used for storage.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS17 – High Quality Design

Adopted Development Sites and Policies

DSP 2 – Environmental Impact

DSP3 – Impact on living conditions

5.0 Relevant Planning History

- 5.1 The following planning history is relevant:

P/18/0809/VC	Dwelling (alternative to permission granted for new dwelling under reference P/17/0937/FP); fenestration changes, entrance gate/walls & piers and rear raised patio with privacy screen (retrospective application) See preceding report on this agenda.
P/17/0937/FP	Proposed dwelling (alternative to permission granted for new dwelling under reference P/17/0355/FP)
APPROVE	14 September 2017
P/17/0355/FP	Proposed bungalow (alternative to permission granted for new dwelling under reference P/16/0691/FP) and new entrance gates, brick walls and piers
APPROVE	26 April 2017
P/16/0691/FP	Alterations to roof and elevations, and extension of existing amenity building/day room to create a single dwelling house (use class C3)
APPROVE	15 September 2016
P/16/0931/FP	Storage shed - (Retrospective application)
APPROVE	16 December 2016

6.0 Representations

6.1 Four objections have been received raising the following matters:

- The storage shed is only 9 metres from 293 Titchfield Road;
- There are unpleasant smells from the shed toilet while in that area of the garden;
- Bright security light on the shed is activated at all hours;
- Interior lights are often left on all night creating light nuisance;
- Users of the shed look over the boundary fence;
- The application should be refused as there is no need for the facilities now the family has the new dwelling;
- The applicant purposely built the facilities for others living in the touring caravans on the site.

7.0 Planning Considerations

- 7.1 The principle of the outbuilding on the site was accepted previously and permission was granted under planning permission P/16/0931/FP subject to a condition restricting its use.
- 7.2 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, 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. There are no windows or openings facing north towards the neighbour's garden. There is also a 1.8 metre high fence on the boundary with the neighbouring property. A hedge has recently been planted inside this fence.
- 7.3 The building is divided into three small areas, each with a door opening into the application site. The first area is used for storage and is closest to the boundary with the neighbouring property. A toilet and shower are located in the centre. Washing facilities are situated at the southern side of the building which are used daily by the applicant's family. A security light is fitted on the building adjacent to the southernmost door.
- 7.4 A new cesspit has been installed in the south-eastern part of the site which serves both the property and the outbuilding. The area surrounding the outbuilding has been landscaped with turf and block paving.
- 7.5 Although the outbuilding comprises washing and toilet facilities these are used incidental to the residential use of the site. Having considered carefully the concerns raised, Officers are of the opinion there is no material harm arising to the living conditions of neighbours.

8.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development hereby permitted shall be retained only in accordance with the following approved plans:

Site plans – 1322 – 131

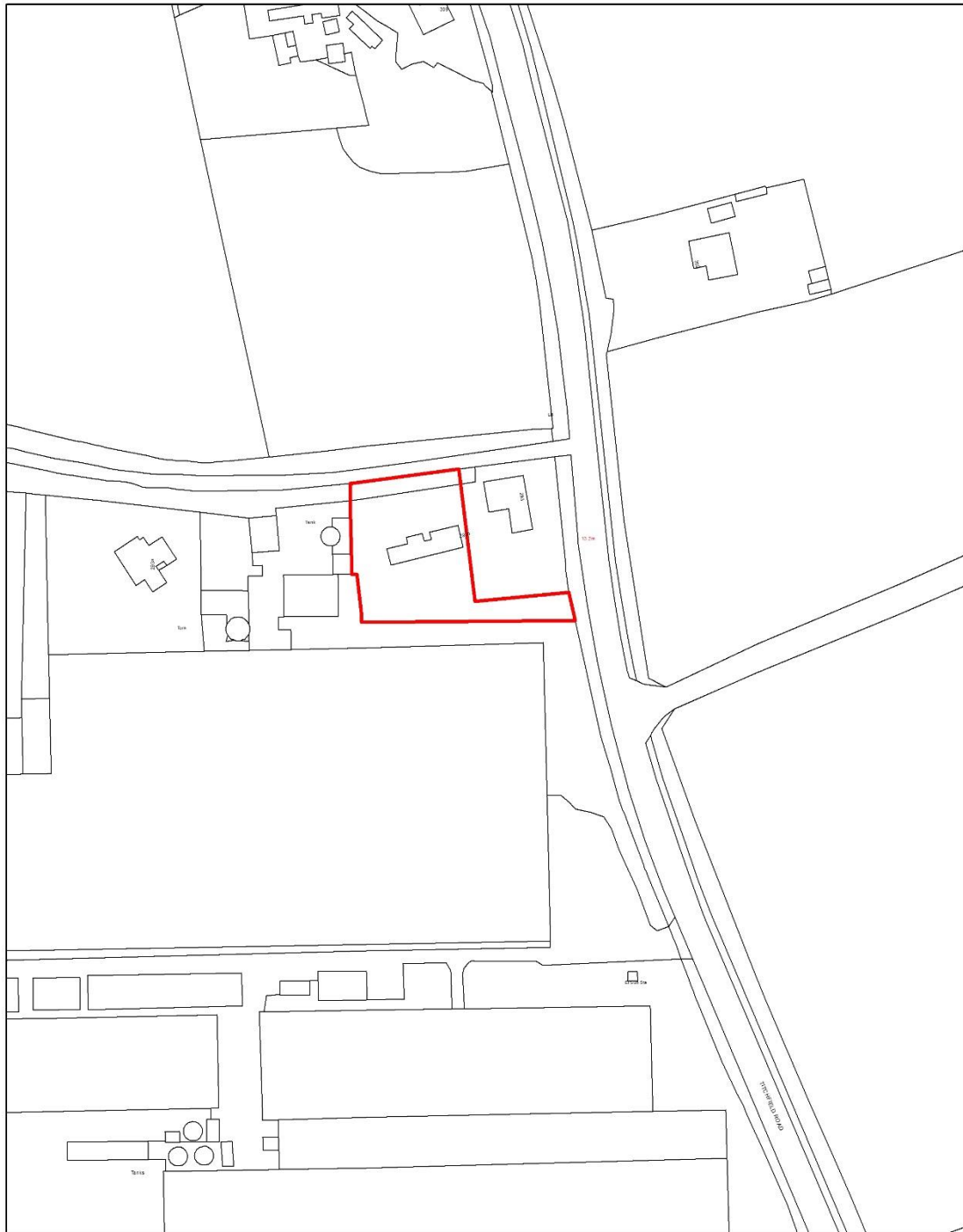
REASON: To avoid any doubt over what has been permitted.

2. The building shall only be used for purposes incidental to the existing residential use of the site and shall not be used for any other purpose at any time including sleeping accommodation.

REASON: In the interests of the living conditions of the neighbouring residential properties.

9.0 Background Papers

P/18/0809/VC, P/18/0811/VC



293b Titchfield Road

Scale 1:1,250



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Agenda Annex

ZONE 2 – FAREHAM		
Fareham North-West		
Fareham West		
Fareham North		
Fareham East		
Fareham South		

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
No items in this Zone		

ZONE 3 – EASTERN WARDS

Portchester West

Hill Head

Stubbington

Portchester East

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
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P/18/1340/FP PORTCHESTER EAST	54 WEST STREET PORTCHESTER FAREHAM PO16 9UN CHANGE OF USE FROM C3 (DWELLINGHOUSE) TO USES WITHIN CLASSES A3 (RESTAURANT/CAFE) AND A5 (HOT FOOD TAKEAWAY) AT GROUND FLOOR LEVEL. ALTERATIONS TO FRONTAGE TO CREATE SHOP FRONT AND INSTALLATION OF COMMERCIAL EXTRACTION/VENTILATION EQUIPMENT	3 PERMISSION
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Agenda Item 6(3)

OFFICER REPORT FOR COMMITTEE

DATE: 20/02/2019

P/18/1340/FP

PORTCHESTER EAST

BROUGHTON DESIGNS

AGENT: THE STEVEN BARLOW PARTNERSHIP

CHANGE OF USE FROM C3 (DWELLINGHOUSE) TO USES WITHIN CLASSES A3 (RESTAURANT/CAFE) AND A5 (HOT FOOD TAKEAWAY) AT GROUND FLOOR LEVEL, ALTERATIONS TO FRONTAGE TO CREATE SHOP FRONT AND INSTALLATION OF COMMERCIAL EXTRACTION/VENTILATION EQUIPMENT

54 WEST STREET, PORTCHESTER, FAREHAM, PO16 9UN

Report By

Peter Kneen – direct dial 01329 824363

1.0 Introduction

- 1.1 The application has been called to the Planning Committee by the Local Ward Member (Councillor Roger Price) due to concerns regarding the loss of a dwelling and impact on highway safety.

2.0 Site Description

- 2.1 The application site is located within the designated urban area of Portchester and lies within the Portchester District Centre. The two storey building is currently laid out as two flats (one at ground floor and one at first floor) with side vehicular access providing parking spaces for the occupants to the rear of the property.

3.0 Description of Proposal

- 3.1 The proposal is to change the use of the ground floor flat for purposes within Use Class A3 (Restaurant/Café) and A5 (Hot Food Takeaway). An external flue would be fitted to the rear of the property and a new shopfront would be installed.

- 3.2 The first floor residential unit would be retained.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS3: Vitality and Viability of Centres

CS6: The Development Strategy

CS11: Development in Portchester, Stubbington & Hill Head, and Titchfield

CS17: High Quality Design

Adopted Development Sites and Policies

- DSP2: Environmental Impact
DSP3: Impact on Living Conditions
DSP34: Development in District Centres, Local Centres and Local
Parades
DSP36: Portchester District Centre
DSP39: Hot Food Shops

Other Documents:

Fareham Borough Design Guidance: Supplementary Planning Document
(excluding Welborne) December 2015
Residential Car Parking Standards 2009

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/97/0512/CU	Conversion of Ground Floor to Flat
PERMITTED	03/07/1997
P/15/0995/CU	Change of use of Ground Floor from Class C3 (Residential) to any Use within Classes A3 (Restaurant/Café) or A5 (Hot Food Takeaway) & Installation of External Flue and Replacement Shopfront
PERMITTED	04/12/2015

6.0 Representations

6.1 No third party representations have been received regarding this application.

7.0 Consultations

INTERNAL

Transport Planner

7.1 No highway objection, subject to conditions.

Environmental Health (Noise/Pollution)

7.2 No objection, subject to appropriate conditions.

8.0 Planning Considerations

8.1 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:

- a) Loss of Residential Unit;
- b) Viability of the District Centre;
- c) Car Parking and Highway Safety;
- d) Impact on Living Conditions;

a) Loss of Residential Unit

8.2 The application site is located within the designated Portchester District Centre where the presumption in favour of supporting new commercial developments is considered acceptable, particularly where they would support the viability and vitality of the Centre. The existing ground floor use was permitted in 1997, having been converted from a hot food takeaway business, which was originally permitted in the mid-1970s.

8.3 The prominent position of the building as a residential unit represents a break in the continuation of commercial activity along the street frontage, and is in a somewhat dilapidated condition. The conversion of the unit from residential to an A3 or A5 use, would provide a more active frontage, linking the commercial units to the west with the remaining commercial units along West Street.

8.4 The proposal would see the loss of a single residential unit and introduce an appropriate use in this location. There are no specific planning policies to resist the loss of residential accommodation.

b) Viability of the District Centre

8.5 Policy DSP39 highlights that permission for Hot Food Takeaways would be permitted provided that they would not damage the vitality and viability of the centre or impact unacceptably on environmental, amenity or traffic implications (discussed below).

8.6 Portchester District Centre comprises a wide variety of commercial uses, with those in the immediate vicinity comprising principally a mixture of A1 (Retail) and A2 (Financial and Professional Services). The nearest other A3 unit is located at 44a West Street (Darcy's), and the nearest A5 unit is located along the pedestrianised precinct.

8.7 The proposals would see the reintroduction of a shop front with a picture window at ground floor level. The fully glazed shop frontage, which includes provision for a suitable fascia board for advertising accords with the design

requirements of the Design Guidance, and would provide an active shop front, linking the retail elements to the east and west of the site.

- 8.8 Therefore, it is considered that the provision of an additional A3/A5 unit in this location would not have an adverse impact on the vitality and viability of the centre.

c) Car Parking and Highway Safety

- 8.9 The application site would provide three car parking spaces to the rear of the property. Two of the spaces would be for staff and the third would be retained for the first floor residential unit. Policy DSP34 seeks to ensure that an adequate provision of car parking within the designated centre is available to accommodate the proposed use.
- 8.10 The site lies within easy walking distance of the free to park surfaced car parks within Portchester District Centre. Further, the site would provide two staff parking spaces which could be used for delivery vehicles.
- 8.11 A condition would be imposed to ensure that the car parking spaces to the rear of the site are only used by staff of the ground floor unit and the resident of the first floor flat.

d) Impact on Living Conditions

- 8.12 The application proposes the provision of a new commercial extraction flue at the rear side elevation of the property, with the flue terminating above the eaves height of the existing building. The application has been considered by the Council's Environmental Health Officers who have raised no objection to the proposed flue. The provision of commercial extraction flues in commercial centres is commonplace, and subject to its appropriate maintenance, its height above neighbouring windows would ensure that it would not have an unacceptable adverse impact on the living conditions of neighbouring occupiers.
- 8.13 In summary, it is considered that the conversion of the ground floor unit into either an A3 (café/restaurant) or A5 (hot food takeaway) is acceptable, complies with the relevant policies of the adopted Local Plan and Design Guidance, would not have an adverse impact on highway safety, and would not have an unacceptable impact on the living conditions of neighbouring occupiers.
- 8.14 The unit's return to commercial activity would promote the vitality and viability of the District Centre through the reuse of a former commercial unit, and though reconnecting the retail element to the west of the unit to the main retail core of the precinct to the east of the site.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

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

REASON: To allow a reasonable 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) Block and Location Plans (Drawing: D.0477.001.01);
- b) Existing Site Plan and Ground Floor Plan (Drawing: D.0477.002);
- c) Existing First Floor Plan/Roof Plan (Drawing: D.0477.003);
- d) Existing Elevations (Drawing: D.0477.004);
- e) Proposed Site Plan and Ground Floor Plan (Drawing: D.0477.005.02);
- f) Proposed Elevations (Drawing: D.0477.006.01).

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

3. The car parking to the rear of the site shall be dedicated to staff and residents parking only. The signage shown on the approved plan shall be provided prior to the development hereby permitted being brought into use and shall thereafter be retained at all times.

REASON: In the interests of highway safety.

4. The use hereby permitted shall not be open to customers outside the following times: 09:00 – 00:00 (Midnight).

REASON: In order to protect the amenities of occupiers of nearby residential properties.

5. The premises shall not be brought into use until details of all external works associated with the ventilation and extraction system to be installed in association with the use have been submitted to and approved in writing by the Local Planning Authority. Such details shall include details of the position and design of the ventilation and extraction equipment, including odour abatement techniques and acoustic noise characteristics. The development shall be carried out and retained thereafter in accordance with the approved details.

REASON: In order to protect the amenities of nearby residential occupiers.

Further Information

The information required to discharge Condition 5 relating to the ventilation and extraction system should include:

- Grease, Smoke and Odour Abatement;
- Noise mitigation measures;
- Vibration control of the fans and ductwork;
- The point of final discharge must be unrestricted, 1 metre above the roof ridge and/or guttering.

To ensure the noise from the extraction system does not cause disturbance the developer will need to submit a noise assessment in accordance with BS 4142:2014 '*Methods for rating and assessing industrial and commercial sound*'. The assessment should demonstrate that the rating level is not above the measured back ground level.

The layout of the kitchen must comply with the relevant food hygiene legislation. If the applicant requires any further information or advice please contact Environmental Health prior to the installation of the kitchen.

10.0 Background Papers

P/18/1340/FP

54 West Street

Scale 1:1,250



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PLANNING APPEALS

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

CURRENT	P/17/0681/OA Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	PUBLIC INQUIRY Foreman Homes Ltd. Land East of Posbrook Lane Titchfield Fareham Hampshire Committee REFUSE REFUSE 20 April 2018 AGAINST REFUSAL OUTLINE PLANNING APPLICATION FOR SCOUT HUT, UP TO 150 DWELLINGS, COMMUNITY GARDEN, ASSOCIATED LANDSCAPING, AMENITY AREAS AND A MEANS OF ACCESS FROM POSBROOK LANE
CURRENT	P/17/0895/OA Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	HEARING Reilly Developments Ltd Land off Sopwith Way Swanwick Southampton Hampshire Committee REFUSE REFUSE 10 September 2018 AGAINST REFUSAL Erection of up to 42 dwellings with associated parking, access, landscaping and surface water drainage (Outline application considering access only)
CURRENT	P/18/0122/FP Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	WRITTEN REPS Mr P Robinson 30 Fern Way Fareham Officer Delegated Powers REFUSE 5 December 2018 AGAINST REFUSAL Erection of Detached 3-Bed Dwelling within Landscape Buffer
CURRENT	P/18/0376/FP Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	WRITTEN REPS Mr Patrick Reilly Land to the rear of September Cottage Brook Avenue Warsash Committee REFUSE REFUSE 11 January 2019 AGAINST REFUSAL Four detached dwellings with associated garages, parking and landscaping following the demolition of existing industrial and storage buildings

CURRENT	P/18/0626/FP Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	HH APPEAL SERVICE Mrs Batchelor 225 Brook Lane Sarisbury Green Southampton Officer Delegated Powers REFUSE 30 January 2019 AGAINST REFUSAL A rear single storey extension. First floor extension over existing garage space. Also, remodel of the exterior appearance (render and cladding).
CURRENT	P/18/0731/FP Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	WRITTEN REPS Ms Jane Conway 5 Warsash Court Havelock Road Warsash Southampton Officer Delegated Powers REFUSE 8 January 2019 AGAINST REFUSAL Replace existing velux window with a velux double balcony terrace window
CURRENT	P/18/0869/OA Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	WRITTEN REPS MR D WARD 39-41 HOME RULE ROAD LOCKS HEATH SOUTHAMPTON Officer Delegated Powers REFUSE 7 February 2019 AGAINST REFUSAL Outline application with all matters reserved (except access and layout) for the provision of 1no. dwelling to rear of 39 & 41 home rule road with access from Chancel Road
CURRENT	P/18/1007/FP Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	WRITTEN REPS Mr R & Mrs K Cornish 46 Arundel Drive Fareham Officer Delegated Powers REFUSE REFUSE 29 January 2019 AGAINST REFUSAL Three Bedroom Detached House Adjacent To Existing House (alternative proposal to P/18/0227/FP)
CURRENT	P/18/1093/TO Appellant: Site: Decision Maker: Recommendation:	HH APPEAL SERVICE Mr Norman Matthew 9 Rannoch Close Fareham Officer Delegated Powers REFUSE

Council's Decision: REFUSE
 Date Lodged: 12 November 2018
 Reason for Appeal: **AGAINST REFUSAL**
 Fell one oak protected by TPO 10(W1).

DECISION	P/17/1451/OA Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	PUBLIC INQUIRY Bargate Homes Land West of Old Street Stubbington Fareham Committee REFUSE REFUSE 4 May 2018 AGAINST REFUSAL Outline application with all matters reserved (except for access) for the construction of up to 150 residential dwellings, access from Old Street, landscaping, open space and associated works. Decision: Decision Date:
		DISMISSED 22 January 2019
DECISION	P/17/1513/FP Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	WRITTEN REPS Southcoast Developers Ltd 35 Bellfield FAREHAM Officer Delegated Powers REFUSE REFUSE 17 September 2018 AGAINST REFUSAL 1no. 1-bedroom bungalow Decision: Decision Date:
		DISMISSED 7 January 2019
DECISION	P/18/0247/FP Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	WRITTEN REPS MR AND MRS S HEATHORN Drift House Brook Avenue Warsash Southampton Committee REFUSE REFUSE 3 October 2018 AGAINST REFUSAL Erection of Replacement Dwelling (Alternative to P/16/1415/FP) including Two Detached Double Garages with First Floor Accommodation Above, Hard & Soft Landscaping, and Retrospective Alterations to Ground Levels and Installation of Rainwater Harvesting System Decision: Decision Date:
		DISMISSED 27 December 2018

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date 20 February 2019

Report of: Director of Planning and Regulation

Subject: TREE PRESERVATION ORDER (NO. 753) – 24 THORNTON AVENUE, WARSASH.

SUMMARY

The report details objections to the making of a provisional order in November 2018 and provides officer comment on the points raised.

RECOMMENDATION

That Tree Preservation Order 753 is confirmed.

BACKGROUND

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

It shall be the duty of the local planning authority –

- (a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and
 - (b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.
2. Section 198 gives local planning authorities the power to make tree preservation orders [TPOs].

(1) If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.
 3. Fareham Borough Council Tree Strategy.

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

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

4. An order was made on one mature Monterey cypress situated on the frontage of 24 Thornton Avenue in response to a perceived threat that the tree was to be removed following several enquiries about the status of the tree.

INTRODUCTION

5. On 9 November 2018, a provisional Order was served in respect of one Monterey cypress in the front garden of 24 Thornton Avenue.

OBJECTIONS

6. Under Regulation 6 of the Town and Country Planning (Trees) Regulations 2012 three objections have been received; one from the owner of 24 Thornton Avenue and two from neighbouring householders on the following grounds:
 - Fears the tree may break or fall during a storm.
 - The tree has shed two large branches in the last few years.
 - The tree is old and there are concerns about its weakening structure and uncertain condition.
 - The tree is beside and overhangs the highway and poses a safety risk.
 - The roots are causing damage to the road and driveway.

PUBLIC AMENITY

7. The Monterey cypress tree predates the surrounding development. The tree is a large prominent specimen, situated approximately 16 metres from the dwelling, adjacent to the highway and is clearly visible from several public vantage points. The cypress tree makes a significant contribution to the verdant character of the area (Photos at Appendix B).

TREE HEALTH AND RISK OF FAILURE

8. A visual inspection of the Monterey cypress was undertaken from ground level on 31 October 2018. At the time of inspection, the tree was observed to be healthy and free from any significant defects or abnormalities that would give rise to concerns about the health and safety of the tree. There was no evidence of recent significant branch shedding / failure during the observations made at the time.
9. The tree was observed to be in good physical condition and exhibiting normal growth characteristics for a mature Monterey cypress in terms of foliage, size, density and colour.
10. Trees are living organisms and their condition and vitality can alter quickly depending on environmental and physical factors. It is acknowledged that trees have a natural failure rate as an evolutionary process leading to the optimisation of structural strength verses efficient use of resources. Some species have adapted more effectively than others, and some are naturally more prone to failure than others. Therefore, no tree can be considered completely safe.
11. The amount of noise and movement associated with trees during high winds can be unnerving. However, the perceived threat of failure should not be a basis for tree pruning or indeed removal. There are no guarantees of absolute safety in the event of severe adverse weather conditions, since all assessments should be undertaken for normal conditions and not try to speculate about what might happen in the event of severe or abnormal weather events.
12. It is not possible to eliminate all risk associated with trees because even those apparently free from defects can fail when the forces acting upon them exceed their inherent strength; some risk must be accepted to experience the multiple benefits trees provide.
13. The Monterey cypress is not considered to be in a dangerous condition and officers conclude there is no evidence available to demonstrate that it poses a hazard sufficient to outweigh its public amenity value and thereby justify any significant pruning or indeed the removal of the tree.
14. If a protected tree presents an immediate risk of harm to people or property, any urgent works necessary to make the tree safe, such as removing dead or broken branches, can be undertaken without consent. If a protected tree is either dead or dangerous five days' written notice shall be given to the local authority of any necessary remedial tree works.

TREE SAFETY INSPECTIONS

15. Managing the risks from trees is the responsibility of the owner of the land on which they grow. This responsibility or duty requires that reasonable precautions are taken to avoid any risks that would be deemed reasonably foreseeable, for example removing a dead branch above a neighbour's property. A tree owner is not expected to guarantee a tree is completely 'safe', nor indeed act as an 'insurer of nature'.
16. Tree owners can discharge their duty by engaging a suitably qualified and competent arboriculturist to undertake regular tree inspections.

TREE WORK APPLICATIONS

17. In dealing with applications to carry out works to protected trees the Council will consider whether the reasons given in support of an application outweigh the amenity reasons for protecting them. The Council is unlikely to support unnecessary or unsympathetic pruning that would harm a protected tree by adversely affecting its condition and appearance. Permission to prune and maintain protected trees in the context of their surroundings, species, and previous management history will not be unreasonably withheld by the Council.
18. The existence of a TPO does not preclude pruning works to, or indeed the felling of, any tree if such a course of action is warranted by the facts. There is currently no charge for making an application to carry out works to protected trees, applications are normally determined within 4 weeks of registration.

DAMAGE TO SURFACES

19. Damage to structures such as footpaths, driveways and roads is not uncommon in close proximity to large mature trees, as roots may grow under these structures or the structures themselves are constructed above existing tree roots. Whilst this can be burdensome to a degree, minor remedial repairs will usually be sufficient to ensure the surface is fit for purpose.
20. Thornton Avenue comprises a concrete construction cast in sections with expansion joints. Such construction can be prone to differential movement between the sections over time whether influenced by trees or not. In this case there is some lifting of a section adjacent to the subject tree, but similar movement is evident along the road in several locations with and without trees.

RISK ASSESSMENT

21. The Council will not be exposed to any significant risk associated with the confirmation of TPO 753 as made and served. Only where an application is made for consent to work on trees subject to a TPO and subsequently refused does the question of compensation payable by the Council arise.

CONCLUSION

22. When making tree preservation orders the Council endeavour to consider the rights of those affected and use their powers responsibly. However, the rights of the individual must be balanced against public expectation that the planning system will protect trees when their amenity value justifies such protection.
23. Tree preservation orders seek to protect trees in the interest of public amenity; therefore, it follows that the exclusion of a tree from an order should only be sanctioned where its public amenity value is outweighed by other considerations. In this instance Officers consider the reasons put forward objecting to the making of a Tree Preservation Order on the Monterey cypress are not sufficient to outweigh its public amenity value.
24. Officers therefore recommend that Tree Preservation Order 753 is confirmed as originally made and served.

Background Papers: TPO 753.

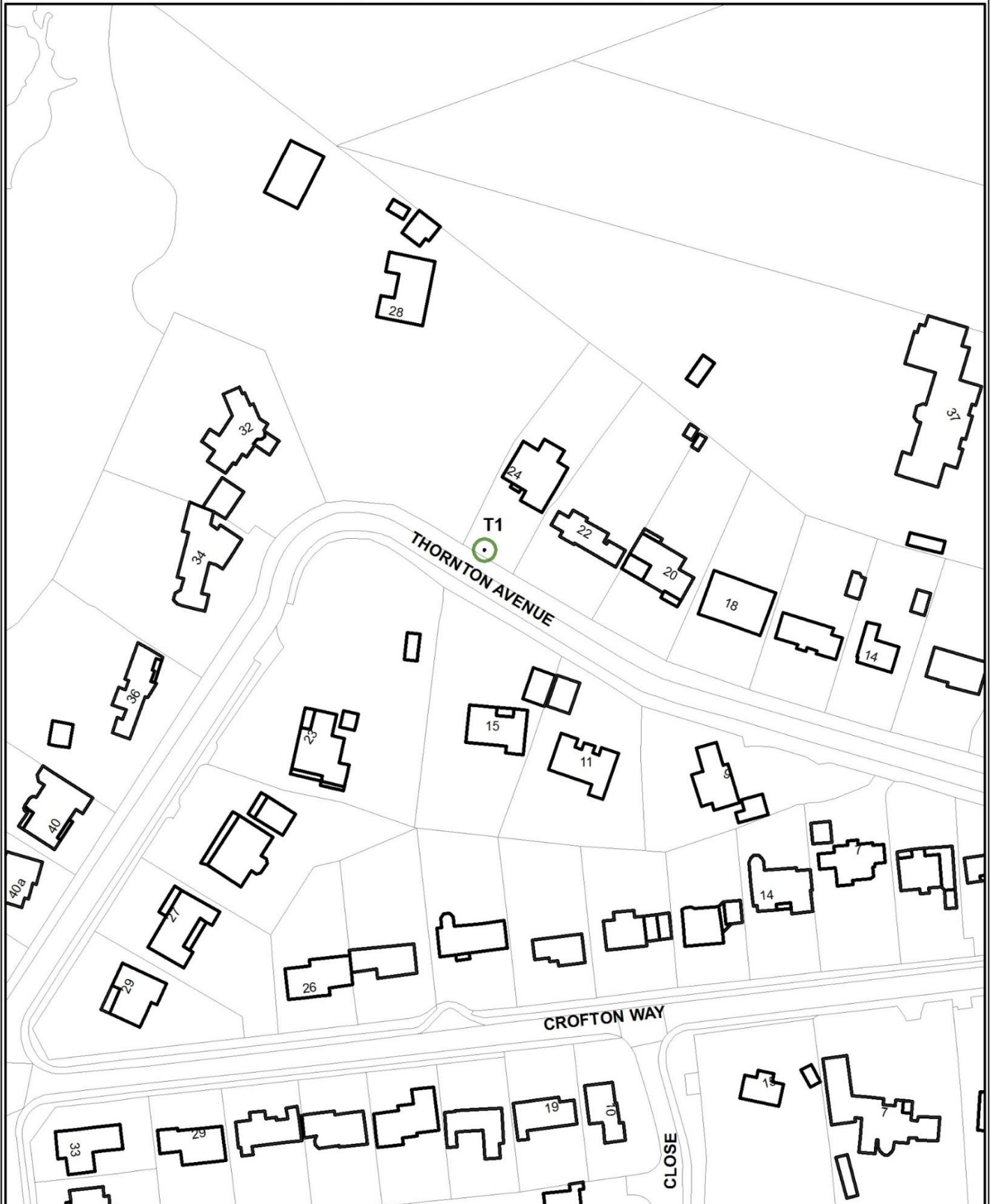
Reference Papers: Forestry Commission: The Case for Trees – 2010. Planning Practice Guidance - Tree Preservation Orders (2014), Fareham Borough Council Tree Strategy and The Law of Trees, Forests and Hedges (second edition) – *Charles Mynors*.

Enquiries:

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

FAREHAM

BOROUGH COUNCIL



APPENDIX B – T1 viewed from Thornton Avenue



APPENDIX B – T1 viewed from Thornton Avenue

