

FAREHAM

BOROUGH COUNCIL

AGENDA PLANNING COMMITTEE

Date: Wednesday, 15 July 2020

Time: 2.30 pm

Venue: Teams Virtual Meeting

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 Dugan
J S Forrest
Mrs C L A Hockley
Mrs K K Trott



1. Apologies for Absence

2. Minutes of Previous Meeting (Pages 1 - 22)

To confirm as a correct record the minutes of the Planning Committee meeting held on 24 June 2020.

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 (Pages 23 - 24)

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

(1) P/20/0448/FP - 10 SUMMERFIELDS LOCKS HEAT SO31 6NN (Pages 25 - 29)

(2) P/20/0373/FP - 19 - 21 JUNO CLOSE PO14 1FN (Pages 30 - 35)

(3) Planning Appeals (Pages 36 - 39)

7. Tree Preservation Orders

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

Fareham Tree Preservation Order No. 764 2020 – Brook Meadow, 6 Blackbrook Park Avenue & 10 Gudge Heath Lane, Fareham West

Order served on 21 January 2020, and subject to modifications, covers twelve individual trees comprising four oak, four pine, two Monterey cypress, one poplar and one deodar. One formal objection had been received from 22 Blackbrook Park Avenue relating to two oaks (T2 & T3) located at No. 8 Blackbrook Park Avenue. Following further assessment both trees have since been excluded due to their declining condition.

It is recommended that TPO 764 be confirmed, with the above modification, as made and served.



P GRIMWOOD
Chief Executive Officer
Civic Offices
www.fareham.gov.uk
07 July 2020

**For further information please contact:
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FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Wednesday, 24 June 2020

Venue: Teams Virtual Meeting

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 and R H Price, JP

Also Present: Councillor J S Forrest (Items 7 (1) and 7 (2)) and Councillor
L Keeble (Item 6)



1. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Mrs K Mandry.

2. MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee meeting held on 13 May 2020 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

The Chairman used the Chairman's announcements to inform the Committee on how he intended to run the Virtual Planning Committee meeting.

4. DECLARATIONS OF INTEREST

In accordance with Standing Orders and the Council's Code of Conduct the following Councillors declared the following interest on the items identified.

Councillors I Bastable, T M Cartwright, P J Davies, K D Evans, M J Ford and N J Walker all declared a Personal Interest in item 7 (5) – Land adjoining 79 Greenaway Lane as the brother of the applicant is known to them through the Fareham Conservative Association.

Councillor R H Price also declared a Personal Interest in item 7 (5) – Land adjoining 79 Greenaway Lane as one of the deputies is known to him through the Fareham Liberal Democrats.

5. DEPUTATIONS

The Committee received a written or audio/video deputations (as identified below), which was either read out by the Committee Officer or played during the meeting, from the following in respect of the applications indicated.

Name	Spokesperson representing the persons listed	Subject	Supporting or Opposing the Application
1pm Start			
Caroline Dinenage MP		LAND AT NEWGATE LANE (NORTH) FAREHAM – OUTLINE APPLICATION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS) FOR THE DEMOLITION OF EXISTING BUILDINGS AND DEVELOPMENT OF UP TO 75 DWELLINGS, OPEN SPACE,	Opposing

		VEHICULAR ACCESS POINT FROM NEWGATE LANE AND ASSOCIATED AND ANCILLARY INFRASTRUCTURE	
Ms H Thomas		-Ditto-	-Ditto-
Mr R Marshall	The Fareham Society	-Ditto-	-Ditto-
Mr N John		-Ditto-	-Ditto-
Mrs A Roast	Lee Residents Association	-Ditto-	-Ditto-
Mr & Mrs White		-Ditto-	-Ditto-
Mr J Cullingham		-Ditto-	-Ditto-
Ms Z Aspinall (Video Dep)	Lead Petitioner	-Ditto-	-Ditto-
Caroline Dinenage MP		LAND AT NEWGATE LANE (SOUTH) – OUTLINE PLANNING PERMISSION FOR THE DEMOLITION OF EXISTING BUILDINGS AND DEVELOPMENT OF UP TO 115 DWELLINGS, OPEN DWELLINGS, OPEN SPACE, VEHICULAR ACCESS POINT FROM NEWGATE LANE AND ASSOCIATED AND ANCILLARY INFRASTRUCTURE, WITH ALL MATTERS EXCEPT ACCESS TO BE RESERVED	Opposing
Ms N Coxwell		FAREHAM LEISURE CENTRE – TWO STOREY EXTENSION TO EXISTING LEISURE CENTRE, COMPRISING DOUBLE HEIGHT CLIMBING ZONE, STUDIO SPACE, EXTENSION TO EXISTING FITNESS SUITE, SOFT PLAY AREAS, PARTY ROOMS AND A MULTI-PURPOSE ROOM.	Opposing

		REFURBISHMENT OF EXISTING LEISURE CENTRE, SPLASH PAD ADDED TO POOL AREA. SUB-STATION WITHIN CAR PARK AND CAR PARK EXTENSION. ENTRANCE CANOPY ABOVE MAIN LEISURE CENTRE ENTRANCE. HARD LANDSCAPING WORKS TO CONNECT PROPOSED EXTENSION TO EXISTING PATHWAYS	
Mr P Burrard-Lucas		-Ditto-	-Ditto-
Mr A Bromilow		-Ditto-	-Ditto-
Mrs J Underwood		LAND EAST OF POSBROOK LANE TITCHFIELD – OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 57 DWELLINGS, TOGETHER WITH ASSOCIATED PARKING, LANDSCAPING AND ACCESS FROM POSBROOK LANE	Opposing
Mr R Dunford		-Ditto-	-Ditto-
Mr D Phelan		-Ditto-	-Ditto-
Mr R Marshall	The Fareham Society	-Ditto-	-Ditto-
Ms A Mare		-Ditto-	-Ditto-
Ms A Stevenson		-Ditto-	-Ditto-
Mr W Rodger		-Ditto-	-Ditto-
Mrs H Megginson (Audio Dep)	Lead Petitioner	LAND ADJOINING 79 GREENAWAY LANE WARSASH – SIX DETACHED RESIDENTIAL UNITS AND ASSOCIATED DETACHED GARAGES INCORPORATING WETLAND CREATION	Opposing

Mr R Wyatt (Video Dep)		-Ditto-	-Ditto-
Miss Dickinson & Mr Sayer		-Ditto-	-Ditto-
Mr R Megginson (Video Dep)		-Ditto-	-Ditto-
Mr P Airey (Agent)		-Ditto-	Supporting
Mr B Curd		22 BARTLETT CLOSE FAREHAM – DETACHED FRONT GARAGE	Opposing
Mrs S Baldwin		-Ditto-	-Ditto-
Mr K Hayter		-Ditto-	Supporting

6. FIVE YEAR HOUSING LAND SUPPLY POSITION UPDATE

The Committee considered a report by the Director of Planning and Regeneration on the Council’s Five Year Housing Land Supply position.

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

Following the publication of this report, Officers have been made aware of a recent legal case involving East Northamptonshire Council (ENC), the Secretary of State for Housing, Communities and Local Government (SOS) and Lourett Developments Ltd.

ENC commenced legal action against the SOS for allowing a planning appeal at Thrapston in Northamptonshire. The case related to the Planning Inspector’s decision to treat the definition of ‘deliverable’ within the Glossary of the NPPF as a ‘closed list’.

The SOS conceded that he erred in his interpretation of the definition of deliverable within the glossary of the National Planning Policy Framework (“NPPF”) as a ‘closed list’. The proper interpretation of the definition is that any site which can be shown to be ‘available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years’ will meet the definition; and that the examples given in categories (a) and (b) are not exhaustive of all the categories of site which are capable of meeting that definition. Whether a site does or does not meet the definition is a matter of planning judgment on the evidence available. The SOS considered that it was appropriate for the Court to make an Order quashing the decisions and remitting the appeal to be determined anew. The Court duly issued an order to this effect.

In light of the position taken by the SOS, it is reasonable to assume that Planning Inspectors will now follow the approach advocated in this case. In turn, it is appropriate for the 5 Year Housing Land Supply Report to be updated to reflect the most recent position of the SOS in respect of the definition of ‘deliverable’.

The following changes are therefore made to the published report:

Introduction

Paragraph 5 should be deleted in its entirety.

Paragraph 6 should be substituted with the following:

Calculation of the Council's 5-Year Housing Land Supply Position based on an annual dwelling requirement of 514 and a 5% buffer gives a projected position of 4.03 years.

Paragraph 25 as currently written, should be deleted from the report and replaced with the following:

As highlighted at Paragraph 18, many Planning Inspectors have regarded the definition within the National Planning Policy Framework as a 'closed list' i.e. if a site does fall within the definitions at a) or b), set out within paragraph 12 of this report, it should not be included within the Council's 5 Year Housing Land Supply. In the recent case of East Northamptonshire Council, the Secretary of State for Housing, Communities and Local Government (SOS) and Lourett Developments Ltd, the SOS conceded that he erred in his interpretation of the definition of deliverable within the glossary of the National Planning Policy Framework ("NPPF") as a 'closed list'. The proper interpretation of the definition is that any site which can be shown to be 'available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years' will meet the definition; and that the examples given in categories (a) and (b) are not exhaustive of all the categories of sites which are capable of meeting that definition. Whether a site does or does not meet the definition is a matter of planning judgement on the evidence available. On this basis planning applications with a resolution to grant planning permission are included within the Council's 5 year housing land supply. In light of the current market conditions, Officers have applied a precautionary approach the commencement of development in respect of those sites with a resolution to grant. For detailed planning permissions this means that Officers have put the commencement of development as falling within 2021/22, and outline planning permissions being implemented during 2022/23.

In Paragraph 34, insert a further bullet point:

- *Dwellings with a resolution to Grant Planning Permission that are expected to be built by 30th March 2025.*

FIVE-YEAR HOUSING LAND SUPPLY POSITION

The table within the current report should be deleted and replaced with the following:

The following table provides a summary of the Council's current 5YHLS position as per the date of this paper.

HOUSING REQUIREMENT		
A	<i>Local Housing Need: Dwellings per annum 2019-36</i>	514
B	<i>Local Housing Need: Total requirement for 1st April 2020 to 30th March 2025 (A x 5)</i>	2,570
C	<i>5% buffer to ensure choice and competition in the market for land (B x 5%)</i>	129
D	Total housing requirement for period from 1st April 2020 to 30th March 2025 (B+C)	2,699
E	<i>Annual requirement for period from 1st April 2020 to 30th March 2025 (D/5)</i>	540
HOUSING SUPPLY		
F	<i>Net outstanding planning permissions for small sites (1-4 units) expected to be built by 30th March 2025 (discounted by 10% for lapses)</i>	155
G	<i>Net outstanding full planning permissions for large sites (5 or more units) expected to be built by 30th March 2025</i>	371
H	<i>Net outstanding outline planning permissions for large sites (5 or more units) expected to be built by 30th March 2025</i>	99
I	<i>Dwellings with a Resolution to Grant Planning Permission that are expected to be built by 30th March 2025</i>	709
J	<i>Dwellings allocated in Adopted Local Plan (LP2) that are expected to be built by 30th March 2025</i>	624
K	<i>Dwellings from emerging brownfield sites (Adopted Local Plan - LP1 & LP2) that are expected to be built by 30th March 2025</i>	145
L	<i>Small site windfall allowance (years 4 – 5) (37 dwellings x 2 years)</i>	74
M	Expected housing supply for the period from 1st April 2020 to 30th March 2025 (F+G+H+I+J+K+L)	2,177
N	Housing Land Supply Position over period from 1st April 2020 to 30th March 2025 (M – D)	-522
O	Housing Supply in Years (M / E)	4.03

DETAILS OF PROJECTED HOUSING SUPPLY FOR THE 5-YEAR PERIOD (1ST APRIL 2020 – 31ST MARCH 2025)

The table within the current report should be deleted and replaced with the following:

Site Address	2020/21	2021/22	2022/23	2023/24	2024/25	Totals
Outstanding Planning Permissions - Small (1-4 dwellings) (10% discount)						
Total across Borough	50	50	55			155
Outstanding Full Planning Permissions - Large (5+ dwellings)						
3-33 West Street, Portchester (07/0042/FP)		16				
New Park Garage, Station Road, Park Gate (09/0672/FP)	14					
100 Wickham Road, Fareham (14/1252/FP)			13			
Swanwick Marina, Bridge Road (15/0424/VC)			25	25		
4-14 Botley Road, Park Gate (16/0295/FP)	23					
Land to rear of 184 Bridge Road (P/17/0697/FP)	3					
1 Station Industrial Park, Duncan Road, Park Gate (P/17/1219/PC)			15			
Willows End, 312 Old Swanwick Lane (P17/1390/FP)		6				
Cranleigh Road, Portchester (Appeal allowed, reserved matters application P/17/1170/RM)		37				
Wykeham House School (P/17/0147/FP)	15					
Hampshire Rose, Highlands Road, Fareham (P/17/0956/FP)	17					
HA3 Southampton Road (Land at Segensworth Roundabout) (P/18/0897/FP)		41				
123 Barnes Lane, Sarisbury Green (P/18/0690/FP)				41		
Land to south of Rookery Avenue, Swanwick (P/18/0235/FP)			6			
94 Botley Road, Park Gate (19/0321/PC)			8			
24 West Street, Fareham (19/0654/PC)			7			
Land North of Funtley Road, Funtley (P/17/1135/OA) (P/19/0864/RM)	10	17				
42 Botley Road (P/19/1275/PC) Prior Approval Granted		5				
Stubbington Lane, Hill Head (LP2 H12)		11				
Corner of Station Road, Portchester (LP2 H20)		16				
Sub-total						371
Outstanding Outline Planning Permissions - Large (5+ dwellings)						
Land to the East of Brook Lane & South of Brookside Drive, Warsash - Taylor Wimpey (P/16/1049/OA)		50	35			
Former Scout Hut Coldeast Way Sarisbury Green (P/17/1420/OA)			7			
Land to East of Bye Road (self/custom build) (P/17/1317/OA)			4	3		
Sub-total						99
Resolution to Grant Planning Permission - Large (5+ dwellings)						
Land at Brook Lane, Warsash - Foreman Homes (P/17/0845/OA)			40	70	70	
Land East of Brook Lane (South), Warsash – Bargate Homes (P/17/0752/OA)			20	40	40	
Land South of Greenaway Lane, Warsash - Land &			25	60	60	

Partners (P/17/0998/OA)						
East & West of 79 Greenaway Lane, Warsash (P/18/0107/OA)			15	9		
East & West of 79 Greenaway Lane, Warsash (P/18/0884/FP)		6				
Land South of Funtley Road, Funtley (P/18/0067/OA)			15	30	10	
Land South West of Sovereign Crescent, Locks Heath (P/18/0484/FP)		24	14			
Moraunt Drive, Portchester (P/18/0654/FP)		16	32			
Southampton Road (Reside) (P/18/0068/OA)			35	50	20	
Egmont Nurseries, Brook Avenue (P/18/0592/OA)			8			
<i>Sub-total</i>						709
Local Plan Policy Compliant Brownfield Sites						
Warsash Maritime Academy				50	50	
Fareham Magistrates Court				45		
<i>Sub-total</i>						145
Local Plan Adopted Housing Allocations						
Wynton Way, Fareham (LP2 H3)			10			
335-337 Gosport Road, Fareham (LP2 H4)				8		
East of Raley Road, Locks Heath (north) (LP2 H6)				20	30	
33 Lodge Road, Locks Heath (LP2 H10)					10	
Land off Church Road				26		
Heath Road, Locks Heath – Hampshire County Council (LP2 H11) (P/17/1366/OA)				35	35	
Welborne (LP3)			30	180	240	
<i>Sub-total</i>						624
Windfall						
Small (1-4 dwellings)				37	37	
<i>Sub-total</i>						74
Total						2,177

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

RESOLVED that the Committee note:

- (i) the content of the report, and the Update Report;
- (ii) the current 5-Year Housing Land Supply position; and
- (iii) that the 5-Year Housing Land Supply Position set out in the attached report, and Update Report (which will be updated regularly as appropriate) is a material consideration in the determination of planning applications for residential development.

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

The Committee noted a report by the Director of Planning and Regeneration on development control matters, including information regarding new appeals and decisions.

(1) P/18/1118/OA - LAND AT NEWGATE LANE (NORTH) FAREHAM

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

At the Invitation of the Chairman, Councillor J Forrest addressed the Committee on this item.

(During the presentation on this item Councillor F Birkett lost his connection to the meeting, and, as he was unable to take part in the full debate on this item he took no further part in this item and did not vote on the application)

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

The update to the Five Year Housing Land Supply report is included above. As a result of that update, Members are advised that references in the Officer report in relation to Land at Newgate Lane North to the current 5YHLS being 2.72 years should be replaced with the figure of 4.03 years.

The recommendation at section 9 of the report is revised as follows to include policies omitted from the original recommendation, revised wording in relation to reason for refusal j) and an additional reason for refusal related to the lack of affordable housing provision (now reason for refusal n).

REFUSE PERMISSION for the following reasons:

The development is contrary to Policies CS2, CS4, CS5, CS6, CS14, CS15, CS16, CS17, CS18, CS20, CS21 and CS22 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP6, DSP13, DSP14, DSP15 & DSP40 of the Adopted Local Plan Part 2: Development Site and Policies Plan, paragraphs 103, 109, 110 and 175 of the NPPF and is unacceptable in that:

- a) The provision of residential development in this location would be contrary to adopted Local Plan policies which seek to prevent additional residential development in the countryside;*
- b) The proposed development fails to respond positively to and be respectful of the key characteristics of the area and would be harmful to the character and appearance of the countryside;*
- c) The provision of development in this location would significantly affect the integrity of the strategic gap and the physical and visual separation of settlements;*
- d) The application site is not sustainably located adjacent to, well related to or well-integrated with the existing urban settlement boundaries;*
- e) The proposal would result in the loss of best and most versatile agricultural land;*
- f) Insufficient information has been submitted to adequately assess the highways impacts arising from the proposed development;*

- g) *The proposed access is inadequate to accommodate the development safely;*
- h) *The proposed development would have an unacceptable impact on the junction of old Newgate Lane / Newgate Lane East resulting in a severe impact on the road safety and operation of the local transport network;*
- i) *The proposed development provides insufficient support for sustainable transport options;*
- j) *In the absence of appropriate mitigation for the loss of a low use Brent geese and wader site in the absence of a legal agreement to appropriately secure such mitigation, the proposal would have a likely adverse effect on the integrity of European Protected Sites;*
- k) *In the absence of a legal agreement to secure such, the proposal fails to appropriately secure mitigation of the likely adverse effects on the integrity of European Protected Sites which in combination with other developments, would arise due to the impacts of recreational disturbance;*
- l) *In the absence of a legal agreement to secure contributions to open space and facilities and their associated management and maintenance, the recreational needs of residents of the proposed development would not be met;*
- m) *In the absence of a legal agreement to secure contributions to education, the needs of residents of the proposed development would not be met;*
- n) *In the absence of a legal agreement to secure the on-site provision of affordable housing, the housing needs of the local population would not be met;*
- o) *In the absence of a legal agreement to secure the submission and implementation of a full Travel Plan, payment of the Travel Plan approval and monitoring fees and the provision of surety mechanism to ensure implementation of the Travel Plan, the proposed development would not make the necessary provision to ensure measures are in place to assist in reducing the dependency on the use of the private motorcar;*

Note for information:

Had it not been for the overriding reasons for refusal to the proposal, the Local Planning Authority would have sought to address points k – o) above by inviting the applicant to enter into a legal agreement with Fareham Borough Council under Section 106 of the Town & Country Planning Act 1990.

Upon being proposed and seconded the officer recommendation that had members had the opportunity to determine the planning application, they would have refused it, was voted on and CARRIED.

(Voting: 7 in favour; 0 against)

RESOLVED that had Members had the opportunity to determine this application PLANNING PERMISSION would have been REFUSED for the following reasons.

Reasons for Refusal

The development is contrary to Policies CS2, CS4, CS5, CS6, CS4, CS15, CS16, CS17, CS8, CS20, CS21 and CS22 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP6, DSP13, DSP14, DSP15 & DSP40 of the Adopted Local Plan Part 2: Development Site ad Policies Plan, paragraphs 103, 109, 110 and 175 of the NPPF and is unacceptable in that:

- a) The provision of residential development in this location would be contrary to adopted Local Plan policies which seek to prevent additional residential development in the countryside;
- b) The proposed development fails to respond positively to and be respectful of the key characteristics of the area and would be harmful to the character and appearance of the countryside;
- c) The provision of development in this location would significantly affect the integrity of the strategic gap and the physical and visual separation of settlements;
- d) The application site is not sustainably located adjacent to, well related to or well-integrated with the existing urban settlement boundaries;
- e) The proposal would result in the loss of best and most versatile agricultural land;
- f) Insufficient information has been submitted to adequately assess the highways impacts arising from the proposed development;
- g) The proposed access is inadequate to accommodate the development safely;
- h) The proposed development would have an unacceptable impact on the junction of old Newgate Lane / Newgate Lane East resulting in a severe impact on the road safety and operation of the local transport network;
- i) The proposed development provides insufficient support for sustainable transport options;
- j) In the absence of appropriate mitigation for the loss of a low use Brent geese and wader site and in the absence of a legal agreement to appropriately secure such mitigation, the proposal would have a likely adverse effect on the integrity of European Protected Sites;
- k) In the absence of a legal agreement to secure such, the proposal fails to appropriately secure mitigation of the likely adverse effects on the integrity of European Protected Sites which, in combination with other

developments, would arise due to the impacts of recreational disturbance;

- l) In the absence of a legal agreement to secure contributions to open space and facilities and their associated management and maintenance, the recreational needs of residents of the proposed development would not be met;
- m) In the absence of a legal agreement to secure contributions to education, the needs of residents of the proposed development would not be met;
- n) In the absence of legal agreement to secure the on-site provision of affordable housing, the housing needs of the local population would not be met;
- o) In the absence of a legal agreement to secure the submission and implementation of a full Travel Plan, payment of the Travel Plan approval and monitoring fees and the provision of a surety mechanism to ensure implementation of the Travel Plan, the proposed development would not make the necessary provision to ensure measures are in place to assist in reducing the dependency on the use of the private motorcar.

Note for Information:

Had it not been for the overriding reasons for refusal to the proposal, the Local Planning Authority would have sought to address points k – o) above by inviting the applicant to enter into a legal agreement with Fareham Borough Council under Section 106 of the Town & Country Planning Act 1990.

(2) P/19/0460/OA - LAND AT NEWGATE LANE (SOUTH) FAREHAM

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

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

(During the presentation on this item Councillor F Birkett lost his connection to the meeting and, as he was unable to take part in the full debate on this item he took no further part in this item and did not vote on the application.)

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

The update to the Five Year Housing Land Supply report is included above. As a result of that update, Members are advised that references in the Officer report in relation to Land at Newgate Land South to the current 5YHLS being 2.72 years should be replaced with the figure of 4.03 years.

The recommendation at section 9 of the report is revised as follows to include policies omitted from the original recommendation, revised wording in relation

to reason for refusal j) and an additional reason for refusal relating to the lack of affordable housing provision (now reason for refusal n).

REFUSE PLANNING PERMISSION, for the following reasons:

The development is contrary to Policies CS2, CS4, CS5, CS6, CS14, CS15, CS17, CS18, CS20, CS21 and CS22 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP6, DSP13, DSP14, DSP15 & DSP40 of the Adopted Local Plan Part 2: Development Site and Policies Plan, paragraphs 103, 109, 110 and 175 of the NPPF and is unacceptable in that:

- a) The provision of residential development in this location would be contrary to adopted Local Plan policies which seek to prevent additional residential development in the countryside;*
- b) The proposed development fails to respond positively to and be respectful of the key characteristics of the area and would be harmful to the character and appearance of the countryside;*
- c) The provision of development in this location would significantly affect the integrity of the strategic gap and the physical and visual separation of settlements;*
- d) The application site is not sustainably located to, well related to or well-integrated with the existing urban settlement boundaries;*
- e) Insufficient information has been submitted to adequately assess the highways impacts arising from the proposed development;*
- f) The proposed access is inadequate to accommodate the development safely;*
- g) The proposed development would have an unacceptable impact on the junction of old Newgate Lane / Newgate Lane East resulting in a severe impact on the road safety and operation of the local transport network;*
- h) The proposed development provides insufficient support for sustainable transport options;*
- i) The proposal provides insufficient information to protect and enhance the biodiversity interests of the site which includes a substantial population of Chamomile;*
- j) In the absence of appropriate mitigation for the loss of a low use Brent geese and wader site and in the absence of a legal agreement to appropriately secure such mitigation, the proposal would have a likely adverse effect on the integrity of European Protected Sites;*
- k) In the absence of a legal agreement to secure such, the proposal fails to appropriately secure mitigation of the likely adverse effects on the integrity of European Protected Sites which, in combination with other developments, would arise due to the impacts of recreational disturbance;*

- l) *In the absence of a legal agreement to secure contributions to open space and facilities and their associated management and maintenance, the recreational needs of residents of the proposed development would not be met;*
- m) *In the absence of a legal agreement to secure contributions to education, the needs of residents of the proposed development would not be met;*
- n) *In the absence of a legal agreement to secure the on-site provision of affordable housing, the housing needs of the local population would not be met;*
- o) *In the absence of a legal agreement to secure the submission and implementation of a full Travel Plan, payment of the Travel Plan approval and monitoring fees and the provision of a surety mechanism to ensure implementation of the Travel Plan, the proposed development would not make the necessary provision to ensure measures are in place to assist in reducing the dependency on the use of the private motorcar.*

Note for Information:

Had it not been for the overriding reasons for refusal to the proposal, the Local Planning Authority would have sought to address points k – o) above by inviting the applicant to enter into a legal agreement with Fareham Borough Council under Section 106 of the Town and Country Planning Act 1990.

Upon being proposed and seconded, the officer recommendation that had members had the opportunity to determine the planning application they would have refused it, was voted on and CARRIED.

(Voting: 7 in favour; 0 against)

RESOLVED that had Members had the opportunity to determine this application PLANNING PERMISSION would have been REFUSED for the following reasons.

Reasons for Refusal

The development is contrary to Policies CS2, CS4, CS5, CS6, CS14, CS15, CS17, CS18, CS20, CS21 and CS22 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP6, DSP13, DSP14, DSP15 & DSP40 of the Adopted Local Plan Part 2: Development Site and Policies Plan, paragraphs 103, 109, 110 and 175 of the NPPF and is unacceptable in that:

- a) The provision of residential development in this location would be contrary to adopted Local Plan policies which seek to prevent additional residential development in the countryside;
- b) The proposed development fails to respond positively to and be respectful of the key characteristics of the area and would be harmful to the character and appearance of the countryside;

- c) The provision of development in this location would significantly affect the integrity of the strategic gap and the physical and visual separation off settlements;
- d) The application site is not sustainably located adjacent to, well related to or well-integrated with the existing urban settlement boundaries;
- e) Insufficient information has been submitted to adequately assess the highways impacts arising from the proposed development;
- f) The proposed access is inadequate to accommodate the development safety;
- g) The proposed development would have an unacceptable impact on the junction of old Newgate Lane / Newgate Lane East resulting in a severe impact on the road safety and operation of the local transport network;
- h) The proposed development provides insufficient support for sustainable transport options;
- i) The proposal provides insufficient information to protect and enhance the biodiversity interests of the site which includes a substantial population of Chamomile;
- j) In the absence of appropriate mitigation for the loss of a low use Brent geese and wader site and in the absence of a legal agreement to appropriately secure mitigation of the likely adverse effects on the integrity of European Protected Sites;
- k) In the absence of a legal agreement to secure such, the proposal fails to appropriately secure mitigation of the likely adverse effects on the integrity of European Protected Sites which, in combination with other developments, would arise due to the impacts of recreational disturbance;
- l) In the absence of a legal agreement to secure contributions to open space and facilities and their associated management and maintenance, the recreational needs of residents of the proposed development would not be met;
- m) In the absence of a legal agreement to secure contributions to education, the needs of residents of the proposed development would not be met;
- n) In the absence of a legal agreement to secure the on-site provision of affordable housing, the housing needs of the local population would not be met;
- o) In the absence of a legal agreement to secure the submission and implementation of a full Travel Plan, payment of the Travel Plan approval and monitoring fees and the provision of a surety mechanism to ensure implementation of the Travel Plan, the proposed development would not make the necessary provision to ensure measures are in

place to assist in reducing the dependency on the use of the private motorcar.

Note for Information:

Had it not been for the overriding reasons for refusal to the proposal, the Local Planning Authority would have sought to address points k) – o) above by inviting the applicant to enter into a legal agreement with Fareham Borough Council under Section 106 of the Town & Country Planning Act 1990.

(3) P/20/0212/FP - FAREHAM LEISURE CENTRE PARK LANE FAREHAM PO16 7JU

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

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

(Voting: 7 in favour; 1 against)

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

(4) P/19/1193/OA - LAND EAST OF POSBROOK LANE TITCHFIELD

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:-

The Update to the Five Year Housing Land Supply report is included above. As a result of that update, Members are advised that references in the Officers report in relation to the Land East of Posbrook Lane to the current 5YHLS being 2.72 years should be replaced with the figure of 4.03 years.

Since the publication of the committee agenda the Council has been notified that a non-determination appeal has been lodged with the Planning Inspectorate. That being the case, Members of the Planning Committee are no longer able to determine the application. Instead, Members are asked to confirm that had they had the opportunity to determine the application they would have REFUSED it for the reasons set out at section 9 of the Officer report.

Upon being proposed and seconded the officer recommendation that had members had the opportunity to determine the planning applications they would have refused it, was voted on and carried.

(Voting: 8 in favour; 0 against)

RESOLVED that had Members had the opportunity to determine this application PLANNING PERMISSION would have been REFUSED for the following reasons.

Reasons for Refusal

The development is contrary to Policies CS2, CS4, CS5, CS6, CS14, CS16, CS17 & CS18 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP5, DSP6, DSP13 & DSP40 of the Adopted Local Plan Part 2: Development Sites and Policies Pan,

And paragraphs 170 & 196 of the NPPF and is unacceptable in that:

- a) The provision of residential development in this location would be contrary to adopted Local Plan policies which seek to prevent additional residential development in the countryside;
- b) The application site lies outside of the defined urban settlement boundary on land which is considered to form part of a valued landscape. As a result the proposed development would result in a range of significant adverse landscape and visual effects, harmful to the landscape character, appearance and function of the countryside and failing to respect or respond positively to the key characteristics of the surrounding area;
- c) The proposal would result in less than substantial harm to, and fail to preserve and enhance, the setting of nearby Grade II* Listed Buildings;
- d) The proposal would result in the loss of best and most versatile agricultural land;
- e) In the absence of a legal agreement to secure such, the proposal fails to appropriately secure mitigation of the likely adverse effects on the integrity of European Protected Sites which, in combination with other developments, would arise due to the impacts of recreational disturbance;
- f) In the absence of a legal agreement to secure such the proposal fails to appropriately secure mitigation of the likely adverse effects on the integrity of European Protected Sites which would arise as a result of the loss of part of a Primary Support Area for Brent geese and waders;
- g) In the absence of a legal agreement to secure such, the proposal fails to appropriately secure mitigation of the likely adverse effects on the integrity of European Protected Sites which, in combination with other developments, would arise due to the additional generation of nutrients entering the water environment;
- h) In the absence of a legal agreement to secure the provision of public open space and contributions towards the associated management and maintenance of the open space, the recreational needs of residents of the proposed development would not be met;
- i) In the absence of a legal agreement to secure such, the proposal fails to make on-site provision of affordable housing at a level in accordance with the requirements of the local plan;

- j) In the absence of a legal agreement to secure contributions to education, the needs of residents of the proposed development would not be met;
- k) In the absence of a legal agreement to secure a financial contribution towards improvements to the local public rights of way network, the proposal fails to mitigate the harm from the increased usage of public rights of way as a direct result of the development.

Notes for Information:

Had it not been for the overriding reasons for refusal to the proposal, the Local Planning Authority would have sought to address points e) – k) above by inviting the applicant to enter into a legal agreement with Fareham Borough Council under Section 106 of the Town & Country Planning Act 1990.

(5) P/18/0884/FP - LAND ADJOINING 79 GREENAWAY LANE WARSASH S031 9HT

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:-

5 Year Housing Land supply

Paragraph 8.4 The 5-year housing land supply has been updated to 4.03 years.

Measures to be secured by legal agreement within the recommendation

Point g: 'unforeseen circumstances' amended to 'misconnections'

Further Comments from Natural England

Following consultation with Natural England regarding the Appropriate Assessment, Natural England advised that additional details needed to be secured regarding the long-term monitoring and management of the wetlands in order to conclude that there would be no likely significant effect on the European Protected Sites. The additional details (included at the end of the committee report) were subsequently agreed with the applicant and will be secured by legal agreement.

Officers updated the Appropriate Assessment to include details of the long-term monitoring and management of the reedbed wetland and consulted with Natural England. Natural England have confirmed that they endorse the Local Planning Authority's Appropriate Assessment:

"Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given."

Additional representations have been received since the committee report was published.

The representations raise the following issues:

-The evidence submitted does not prove that all the land had been used for grazing or that it has been used consistently for grazing during the last 10 years.

-Documents relating to the application were not previously made available to the public online. These include the applicant's evidence used to establish the existing land use, the Local Planning Authority's most recent Appropriate Assessment and the Local Planning Authority's calculation of the site's nitrogen budget.

Comment:

Natural England's guidance (4.51) states: "It is important that farm type classification is appropriately precautionary. It is recommended that evidence is provided of the farm type for the last 10 years and professional judgement is used as to what the land would revert to in the absence of a planning application. In many cases, the local planning authority, as competent authority, will have appropriate knowledge of existing land uses to help inform this process."

The representations submitted state that because only part of the land has been used for grazing during the last 10 years, the land use should be categorized as open space which has a lower nitrogen level of 5 kg/ha.

The evidence submitted demonstrates that some of the land has been used for grazing and that the remainder has been used for producing hay during the past 10 years. In the absence of a planning application Officers are satisfied that the land could continue to be used for grazing or for growing hay in light of past use, road frontage and enclosed boundaries.

The most recent land use (or the levels that would be produced at the site if planning permission is not granted) informs the levels of nitrogen produced by the site. Natural England's guidance advises that lowland grazing has an average nitrate-nitrogen loss level of 13 (kg/ha) and 25.4 kg/ha for general cropping (growing hay.)

As explained in the report, in order to be nutrient-neutral the proposed development must produce no more nitrogen than the current land use.

Given that the site has been used for grazing horses and growing hay, the Local Planning Authority has taken a precautionary approach to establish the existing land use in line with Natural England's guidance and has calculated the levels of nitrogen based on if the site was used solely used for grazing. This approach is precautionary because it results in a lower level of nitrogen than if the site was used for growing hay. The proposed development (which will produce increased levels of nitrogen) must provide more mitigation to be nutrient neutral than if the higher level associated with growing hay was used to inform the calculation.

Officers have liaised with Natural England regarding the evidence the applicant has provided and are satisfied that the categorisation of the land as

lowland grazing rather than general cropping is a suitably precautionary approach in line with Natural England's guidance.

Councillors I Bastable, T M Cartwright, P J Davies, K D Evans, M J Ford and N J Walker all declared a Personal Interest in this item as the brother of the applicant is known to them through the Fareham Conservative Association.

Councillor R H Price also declared a Personal Interest in this item as one of the deputies is known to him through the Fareham Liberal Democrats.

Upon being proposed and seconded the officer recommendation to grant planning permission, subject to the conditions in the report and completion of a Section 106 agreement securing the planning obligations set out in the report, was voted on and CARRIED.

(Voting: 7 in favour; 1 against)

RESOLVED that, subject to the conditions in the report and completion of a Section 106 agreement securing the planning obligations set out in the report, PLANNING PERMISSION be granted.

(6) P/20/0295/FP - 22 BARLETT CLOSE FAREHAM PO15 6BQ

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

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

(Voting: 6 in favour; 2 against)

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

(7) Planning Appeals

The Committee noted the information in the report.

(8) UPDATE REPORT

The Update Report was circulated prior to the meeting and considered along with the relevant agenda item.

8. TREE PRESERVATION ORDERS

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

Fareham Tree Preservation Order No. 765 2020 – 229A Highlands Road & 17 Napier Crescent, Fareham West.

Order served on 6 March 2020 for which there were no objections.

RESOLVED that Fareham TPO 765 is confirmed as made and served.

(The meeting started at 1.00 pm
and ended at 5.15 pm).

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date: 15 July 2020

Report of: Director of Planning and Regeneration

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

All planning applications will be heard from 2.30pm onwards.

ALL ZONES

WESTERN WARDS

**(Locks Heath, Park Gate, Sarisbury, Titchfield, Titchfield Common,
Warsash)**

FAREHAM

**(Fareham East, Fareham North, Fareham North-West, Fareham South,
Fareham West)**

EASTERN WARDS

(Hill Head, Portchester East, Portchester West, Stubbington)

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/20/0448/FP TITCHFIELD COMMON	10 SUMMERFIELDS LOCKS HEATH SOUTHAMPTON SO31 6NN PROPOSED SINGLE STOREY REAR EXTENSION (FOLLOWING DEMOLITION OF CONSERVATORY), GARAGE CONVERSION, FRONT BAY WINDOW AND CANOPY PORCH, DETACHED CARPORT/GARAGE AND CLADDING/RENDERING TO EXISTING PROPERTY (ALTERNATIVE TO P/19/0278/FP)	1 PERMISSION
P/20/0373/FP FAREHAM SOUTH	19 - 21 JUNO CLOSE FAREHAM PO14 1FN REMOVAL OF REAR BOUNDARY PLANTING (PARTIAL RELIEF FROM CONDITION 2 OF P/15/0690/RM)	2 PERMISSION

OFFICER REPORT FOR COMMITTEE

DATE: 15/07/2020

P/20/0448/FP
MR AND MRS FUGE

TITCHFIELD COMMON
AGENT: MR PAUL GOSLING

PROPOSED SINGLE STOREY REAR EXTENSION (FOLLOWING DEMOLITION OF CONSERVATORY), GARAGE CONVERSION, FRONT BAY WINDOW AND CANOPY PORCH, DETACHED CARPORT/GARAGE AND CLADDING/RENDERING TO EXISTING PROPERTY (ALTERNATIVE TO P/19/0278/FP)

10 SUMMERFIELDS, LOCKS HEATH, SOUTHAMPTON, SO31 6NN

Report By

Lucy Knight – direct dial 01329 824579

1.0 *Introduction*

1.1 This application is to be decided by the planning committee due to receiving in excess of 5 third party objections.

2.0 *Site Description*

2.1 This application relates to a detached two storey property at the end of a small cul-de-sac within Summerfields.

3.0 *Description of Proposal*

3.1 Permission was granted on 12 April 2019 for a single storey rear extension, garage conversion, front bay window and canopy porch and a detached carport/ garage - P/19/0278/FP refers. This application now seeks to amend that permission to add black painted timber weatherboard cladding to the top half of the front of the property with a wrap around to the sides and white render to the bottom half.

4.0 *Policies*

4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS17: High Quality Design

Other Documents:

Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/19/0278/FP	Single Storey Rear Extension (following demolition of the existing conservatory), Garage Conversion, Front Bay Window and Canopy Porch, Detached Carport/ Garage.
APPROVE	12/04/2019

6.0 Representations

6.1 Seven letters of objection were received during the 21-day period for comment from six different households, four properties within Summerfields and two properties within Locks Heath Park Road which raise the following concerns:

- Changing the external appearance of the building
- Out of character with the Georgian style of the development
- Set a precedent

7.0 Consultations

None.

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) background;
- b) Impact upon the character and appearance of the area.

8.2 a) Background
It is important to note that whilst the description of development for this application includes a single storey rear extension , a garage conversion, the provision of a front bay window and canopy porch plus a detached carport/garage, all these alterations and extensions, including the replacement of the windows in the dwelling, benefit from a planning permission already. The key consideration in the determination of this application therefore, is the impact of the proposed change in external facing materials on the defined character of the area.

- b) Impact upon the character and appearance of the area

- 8.3 Summerfields is an estate built in the 1980's with mock Georgian style properties. Number 19 is in the corner of a small cul-de-sac within the estate. Most of the properties within the estate remain unaltered from their original construction in this Georgian style.
- 8.4 The application previously approved in April 2019 permitted the removal of the Georgian style window bars and their replacement with clear glazed panes. It also involved changing the front of the property to have a square bay window with a canopy over and therefore, changing the overall look and style of the property as a whole. The approved carport/ garage was approved to be constructed with timber cladding. The approved plans did not specify a colour for this cladding nor was a condition attached to the permission requesting details. As such the acceptance of this material in the Summerfields area is considered as acceptable.
- 8.5 The application property is visible from within the street scene at the bottom of the cul-de-sac, however, the property is orientated almost side on to this part of the street such that the primary part of the house visible as you move towards the site is the two storey gabled wall to the side elevation. The proposed cladding will wrap around the front corner of the dwelling onto this gable end, however, there is only a small amount of cladding and render returning around the side of the property with the large expanse of flank wall visible remaining unaltered.
- 8.6 The front of the property as existing has a white garage door, a white front door with white decorative canopy over and the bay window is also white. This results in very little facing brick at ground floor level to the front of the property such that the rendering of the ground floor between these different openings is considered to be acceptable without harm to the character of the area or to the detriment of the mock Georgian architectural style throughout Summerfields. Furthermore, there are bungalows within the estate that are finished in white render and so the addition of the render to the front of the property is not considered to be alien to the style of the existing estate or appear as harmful to the character and appearance of the area.
- 8.7 The top half of the property is proposed to have black painted timber weatherboarding. Although there is currently no weatherboarding within the immediate area, the application property is set back from the main street situated in the corner of a cul-de-sac where it is most visible to the property's opposite. Furthermore, the garage/ carport approved as a part of P/19/0278/FO is to be finished in timer cladding and is approved in a position facing towards the main road of the estate making it highly visible.

8.8 A number of objectors suggested that allowing this application would set a precedent for future applications, however, each planning application is to be assessed on its own merits.

8.9 One of the representations received mentioned that anthracite grey windows would also be out of keeping with the appearance of the area, however, the proposed grey windows are only to the extension at the rear of the property and were approved as a part of the previously approved application.

8.10 Conclusions

8.11 The change to the appearance of the property is not considered to be harmful to the character and appearance of the area due to the location of the application property, the existence of render elsewhere within the estate, the timber cladding to the garage building already approved and the fact that the alterations previously approved already alter the appearance of the property significantly removing the typical Georgian character common in the remainder of the estate.

8.12 For the reasons given above officers consider that the proposal complies with Policy CS17 of the Local Plan Part 1: Core Strategy.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to conditions:

1. The development shall begin before the expiration of a period of three 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. Drawing No: 001 rev C – Existing Plans
 - b. Drawing No: 002 rev C – Proposed Plans
 - c. Drawing No: 003 rev D – Proposed Plans

FAREHAM

BOROUGH COUNCIL



10 Summerfields
Scale: 1:1,250



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Agenda Item 6(2)

OFFICER REPORT FOR COMMITTEE

DATE: 15/07/2020

P/20/0373/FP

FAREHAM SOUTH

MRS KAYLEIGH LUCKINS

REMOVAL OF REAR BOUNDARY PLANTING (PARTIAL RELIEF FROM
CONDITION 2 OF P/15/0690/RM)

19-21 JUNO CLOSE, FAREHAM

Report By

Emma Marks – direct dial: 01329 824756

1.0 Introduction

1.1 This application is reported to the Planning Committee due to the number of third-party letters received, which consist of one letter of objection and a petition with 23 signatures.

2.0 Site Description

2.1 This combined application for the partial relief of a condition has been submitted by three separate households consisting of one detached dwelling (no.21 Juno Close) and two semi-detached dwellings (No.19 and 20 Juno Close). The three properties are in a row next to each other and share side boundaries.

2.2 The three sites are on the western side of Juno Close which is to the south of Normandy Road. The three dwellings have only recently been constructed as they form part of the housing development built on part of the former Fareham College educational campus.

2.3 The properties are within the designated urban area.

3.0 Description of Proposal

3.1 The three properties form part of a new housing development which was granted planning permission in 2015 for a total of 120 dwellings. When permission was granted for the development Members of the Planning Committee resolved to grant permission subject to an additional planning conditions which states as follows: -

The hedgerow on the western boundary of the site with Berywn Walk and Bulbarrow Walk (side of Plot 111 and rear of plots 112 – 118) shall be retained at a height not less than 2 metres at all times.

REASON: In the interests of the visual appearance of the area.

- 3.2 This application has been submitted to vary part of that condition, so that a section of the hedgerow to the rear of plots 116,117 and 118 can be completely removed.

4.0 Policies

- 4.1 The following policy applies to this application:

Adopted Fareham Borough Core Strategy

CS17: High Quality Design

5.0 Relevant Planning History

- 5.1 The following planning history is relevant:

P/15/0690/RM Reserved matters in relation to outline application (P/13/1055/FP): layout, scale, external appearance of buildings & landscaping relating to 120 dwellings, with associated roads, parking areas, footpaths and open space.

APPROVED 23/11/15

6.0 Representations

- 6.1 A petition with 23 signatures on and one letter of representations has been received which raise an objection on the following grounds:

- Contrary to previous agreed decision
- The removal of the hedge would have the potential to comprise the root structure of the protected tree – Norway Maple TPO T24
- A precedent would be set an ‘established norm’ therefore inviting more application and thereby a real potential for the destruction of the whole hedge.
- The green corridor would be lost which would have many negative detrimental environmental impacts on the biodiversity and residents.

7.0 Consultations

None

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) Street scene
- b) Impact on neighbouring properties
- c) Other matters

a) Street scene

- 8.1 A fence approximately 1.8 metres in height has been erected along the side boundary of 1 Bulbarrow Walk, which runs along the rear of 19 – 21 Juno Close. Since the development has been completed a similar height fence has also been erected on the other side of the hedgerow along the rear boundaries of the properties in Juno Close to secure their rear gardens. The section of hedge subject to this application has been sandwiched between two fences, except for a small section approximately 3 metres long, adjacent to the parking court, to the rear of the properties within Bulbarrow Walk and Berwyn Walk.
- 8.2 The section of the hedge subject to this application is 25 metres in length and is set over 35 metres from Bishopfield Road. The planning condition states that the reason for the retention of the hedgerow is in the interest of the visual appearance of the area. The hedge is predominantly visible from the rear garage court between Bulbarrow Walk and Berwyn Walk as well as the adjoining private properties, the occupants of a number of which are hereby seeking its removal.
- 8.3 Officers consider the section of hedgerow which the applicants seek permission to remove makes only a very limited contribution to the visual amenity of the area. Its removal would not have a detrimental impact on the visual amenities of the street scene. Furthermore, Officers are mindful that under the terms of the condition the hedgerow could be reduced to a height of 2 metres which would leave it standing only marginally higher than the boundary fences which enclose it at present and of no added value to the character or appearance of the area.

b) Impact on neighbouring properties

- 8.3 The closest neighbour to the hedge at 1 Bulburrow Walk is positioned so that it is sideways on and the hedge runs along the side of their front/rear garden and side elevation of the house. The properties within Juno Close which back on to the hedge achieve the recommended distances sought from a first-floor window to the retain an acceptable level of privacy for 1 Bulburrow Walk. In light of this the removal of the hedge would not create an unacceptable level of overlooking.

c) Other matters

8.4 The concern has been raised that the removal of the hedge has the potential to comprise the root structure of a protected tree. At the southern part of the hedge to be removed there is a protected Norway Maple. Officers have been advised by the Principal Tree Officer that if the shrubs / hedge is within the rooting environment of any tree they will have to be either cut to ground level and left in situ or the stumps carefully dug out locally by hand. Taken this advice into account Officers are satisfied that if the hedge is removed in the correct manner then there shouldn't be any adverse effect on the protected tree. The applicants have been made aware of this advice and an informative is proposed to be place on the decision notice as a reminder of their duty of care.

8.5 The letter of objection received was concerned that this application is contrary to the previous agreed decision. The point was raised that this application could set a precedent for the rest of the hedgerow to be removed. Having considered this application to remove this part the hedgerow, Officers recommend consent be granted for its partial removal. However, should a further application be submitted in the future for removal of another part or the remainder of the hedgerow a further assessment would be required and that application would need to be considered on its own individual merits at the time.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development shall begin before the expiration of a period of three 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 hedgerow on the western boundary of the site with Berywn Walk and Bulbarrow Walk (side of Plot 111 and rear of plots 112 – 115) shall be retained at a height not less than 2 metres at all times.

REASON: In the interests of the visual appearance of the area.

Informative

The section of hedge within the rooting environment of the protected Norway Maple shall either be cut to ground level and left in situ or the stumps need to be carefully dug out locally by hand.

10.0 Notes for Information

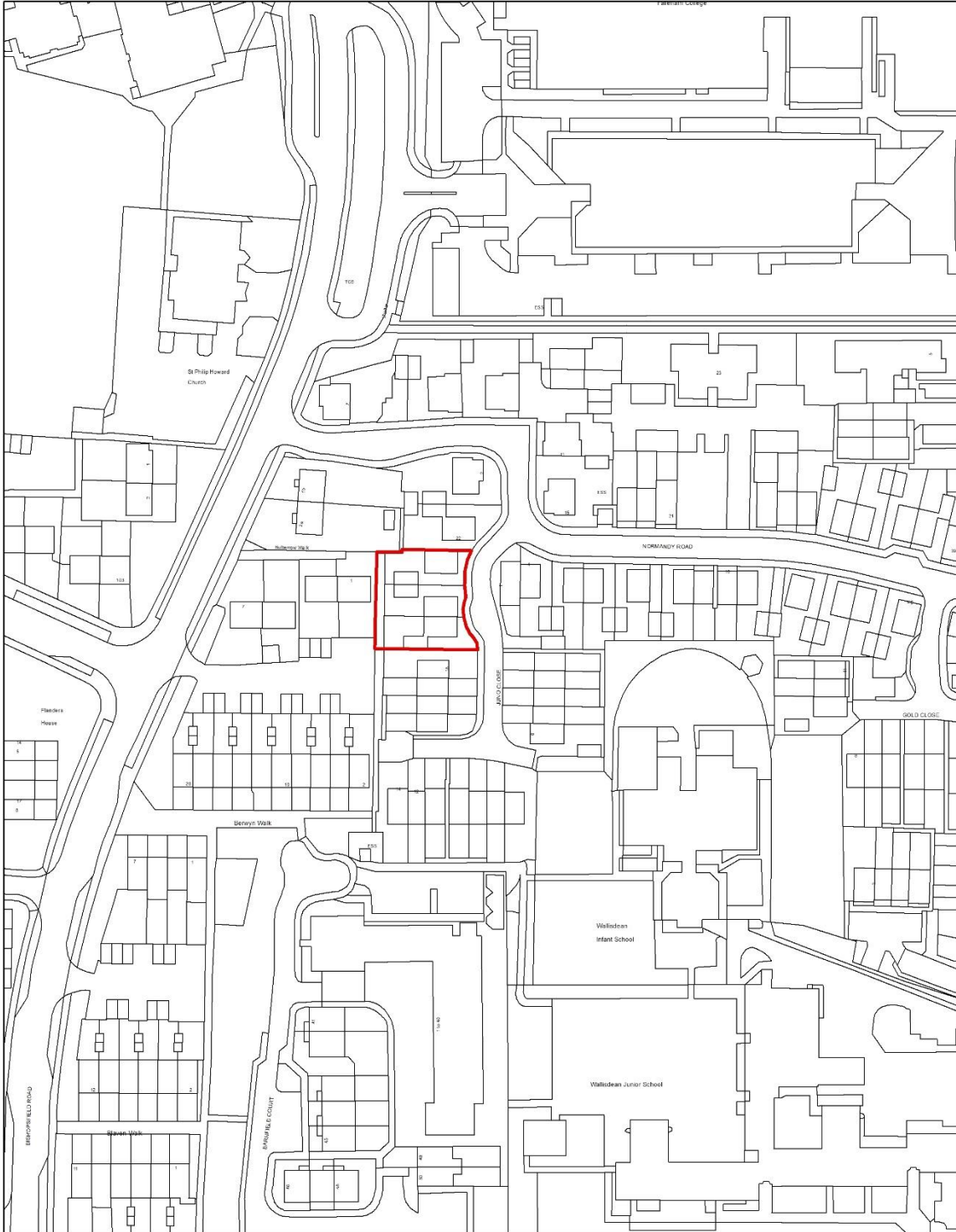
None

11.0 Background Papers

P/15/0690/RM

FAREHAM

BOROUGH COUNCIL



19 - 21 Juno Close
Scale: 1:1,250



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Agenda Item 6(3)

PLANNING APPEALS

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

PUBLIC INQUIRY

ENF/40/19

Appellant:

Site:

Decision Maker:

Recommendation:

Council's Decision:

Date Lodged:

Reason for Appeal:

PUBLIC INQUIRY

MR KEVIN FRASER

The Tithe Barn Mill Lane Fareham PO15 5RB

16 June 2020

AGAINST ENFORCEMENT

Resurfacing of car park with tarmac

WRITTEN REPS

P/18/0376/FP

Appellant:

Site:

Decision Maker:

Recommendation:

Council's Decision:

Date Lodged:

Reason for Appeal:

WRITTEN REPS

Reilly Development Ltd

Land to the rear of September Cottage Brook Avenue

Warsash

Committee

REFUSE

REFUSE

28 January 2020

AGAINST REFUSAL

Four detached dwellings with associated garages, parking and landscaping following the demolition of existing industrial and storage buildings

Decision:

Decision Date:

DISMISSED

26 June 2020

PUBLIC INQUIRY

P/18/1118/OA

Appellant:

Site:

Decision Maker:

Recommendation:

Council's Decision:

Date Lodged:

Reason for Appeal:

PUBLIC INQUIRY

Fareham Land LP

Land at Newgate Lane (North) Fareham

Non Determined

REFUSE

PENDING PI DECISION

2 June 2020

NON DETERMINED

Outline Planning Permission for the demolition of existing buildings and development of up to 75 dwellings, open space, vehicular access point from Newgate Lane and associated and ancillary infrastructure, with all matters except access to be reserved.

PUBLIC INQUIRY

P/18/1212/LU

Appellant:

Site:

Decision Maker:

Recommendation:

Council's Decision:

Date Lodged:

Reason for Appeal:

PUBLIC INQUIRY

Borderland Fencing Ltd

Borderland Fencing New Road Swanwick Southampton

Officer Delegated Powers

REFUSE

REFUSE

13 August 2019

AGAINST REFUSAL

Lawful Development Certificate for mixed use of the glasshouse for storage & manufacturing (Use Class B8 & B2)

WRITTEN REPS	P/19/0024/LP Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	WRITTEN REPS BERKELEY LEISURE GROUP LTD Hamble Park Fleet End Road Warsash Southampton Officer Delegated Powers REFUSE 17 March 2020 AGAINST REFUSAL Certificate of Lawfulness for Stationing of Two Residential Mobile Homes on Informal Open Space DISMISSED 29 June 2020
WRITTEN REPS	P/19/0069/LP Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	WRITTEN REPS Mayfair Hampshire Ltd Ellerslie Touring Caravan Park Down End Road Fareham Officer Delegated Powers REFUSE 24 June 2020 AGAINST REFUSAL Application for a Lawful Development Certificate for a proposed use of the land for the siting of caravans for the purpose of human habitation including as a person's sole or main place of residence.
PUBLIC INQUIRY	P/19/0316/FP Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	PUBLIC INQUIRY MR K FRASER The Tithe Barn Mill Lane Titchfield Fareham NAC REFUSE REFUSE 16 June 2020 AGAINST REFUSAL Re-surface car park area with tarmac (retrospective application)
HEARING	P/19/0419/DA Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	HEARING Mr Patrick Cash 137 Newgate Lane Fareham 11 May 2020 AGAINST ENFORCEMENT Unlawful development of two structures
PUBLIC INQUIRY	P/19/0460/OA Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	PUBLIC INQUIRY Bargate Homes Ltd Land at Newgate Lane (South) Fareham Non Determined REFUSE PENDING PI DECISION 2 June 2020 NON DETERMINED

Outline planning permission for the demolition of existing buildings and development of up to 115 dwellings, open space, vehicular access point from Newgate Lane and associated and ancillary infrastructure, with all matters except access to be reserved.

WRITTEN REPS

P/19/1017/DA
Appellant:
Site:
Decision Maker:
Recommendation:
Council's Decision:
Date Lodged:
Reason for Appeal:

WRITTEN REPS

Mrs Alicia Bayer
Land at Woodcote Lodge 6 Bridgefoot Drive Fareham
Officer Delegated Powers

PENDING PI DECISION
23 April 2020

AGAINST ENFORCEMENT

Unlawful material change of use of the land from residential use (use Class C3) to a mixed use comprising residential use and use for car sales and car storage (use Classes C3 and Sui Generis) - Enforcement Notice served on 15 April 2019

HH APPEAL SERVICE

P/19/1073/TO
Appellant:
Site:
Decision Maker:
Recommendation:
Council's Decision:
Date Lodged:
Reason for Appeal:

HH APPEAL SERVICE

Mr Moon
6 Alum Way Fareham
Officer Delegated Powers

REFUSE
REFUSE
4 December 2019

AGAINST REFUSAL

T14 Lime: Fell due to excessive shading and replant an Acer in its place.

HH APPEAL SERVICE

P/19/1096/TO
Appellant:
Site:
Decision Maker:
Recommendation:
Council's Decision:
Date Lodged:
Reason for Appeal:

HH APPEAL SERVICE

Mr Ian Collins
4 CROFTON LANE FAREHAM

Committee
REFUSE
REFUSE
20 March 2020

AGAINST REFUSAL

T1 Monterey Pine protected by TPO 545: Fell

WRITTEN REPS

P/19/1319/FP
Appellant:
Site:
Decision Maker:
Recommendation:
Council's Decision:
Date Lodged:
Reason for Appeal:

WRITTEN REPS

Mr G Uffendell
Westering Posbrook Lane Titchfield Fareham
Officer Delegated Powers

REFUSE
REFUSE
3 July 2020

AGAINST REFUSAL

Sever land and erect a detached bungalow with parking and shared vehicular access

PUBLIC INQUIRY

P/20/0009/DA
Appellant:
Site:

PUBLIC INQUIRY

Borderland Fencing Ltd
Borderland Fencing New Road Swanwick Southampton

Decision Maker:
Recommendation:
Council's Decision: PENDING PI DECISION
Date Lodged: 17 July 2019
Reason for Appeal: **AGAINST ENFORCEMENT**
Unauthorised expansion of site and breach of conditions