

# FAREHAM

BOROUGH COUNCIL

## AGENDA PLANNING COMMITTEE

**Date:** Wednesday, 16 September 2020

**Time:** 2.30 pm

**Venue:** Microsoft 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  
L Keeble  
R H Price, JP

**Deputies:** K A Barton  
J S Forrest  
Mrs C L A Hockley  
Mrs K Mandry  
Mrs K K Trott



**1. Apologies for Absence**

**2. Minutes of Previous Meeting (Pages 1 - 8)**

To confirm as a correct record the minutes of the Planning Committee meeting held on 19 August 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 (Page 9)**

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

**ZONE 1 - WESTERN WARDS**

**ZONE 2 - FAREHAM**

(1) **P/20/0635/FP - 4 JUSTIN CLOSE FAREHAM PO14 1SY (Pages 12 - 18)**

**ZONE 3 - EASTERN WARDS**

(2) **P/18/1073/FP - LAND TO THE SOUTH OF ROMSEY AVENUE FAREHAM (Pages 21 - 44)**

(3) **P/20/0738/VC - LAKE WORKS UNIT C1 CRANLEIGH ROAD PORTCHESTER PO16 9DR (Pages 45 - 53)**

(4) **P/20/0656/VC - 84 MERTON AVENUE PORTCHESTER PO16 9NH (Pages 54 - 63)**

(5) **P/20/0811/CU - 84 MERTON AVENUE PORTCHESTER PO16 9NH (Pages 64 - 76)**

(6) **Planning Appeals (Pages 77 - 79)**



P GRIMWOOD  
Chief Executive Officer  
Civic Offices  
[www.fareham.gov.uk](http://www.fareham.gov.uk)  
8 September 2020

**For further information please contact:  
Democratic Services, Civic Offices, Fareham, PO16 7AZ  
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# FAREHAM

BOROUGH COUNCIL

## Minutes of the Planning Committee

(to be confirmed at the next meeting)

**Date:** Wednesday, 19 August 2020

**Venue:** Teams Virtual Meeting

**PRESENT:**

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

**Councillors:** T M Cartwright, MBE, P J Davies, K D Evans, M J Ford, JP,  
L Keeble, R H Price, JP and Mrs K Mandry (deputising for F  
Birkett)

**Also Present:** Councillor S Dugan (Item 6 (3))



**1. APOLOGIES FOR ABSENCE**

An apologise for absence was received from Councillor F Birkett.

**2. MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the Planning Committee meeting held on 15 July 2020 be confirmed and signed as a correct record.

**3. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman used the Chairman's announcements to inform the Committee 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 N J Walker, I Bastable, T M Cartwright, K D Evans, L Keeble and M J Ford declared a Personal Interest in item 6 (1) – Egmont Nurseries, Brook Avenue, as the applicant is known to them.

Councillor R H Price also declared a Personal Interest in item 6 (1) – Egmont Nurseries, Brook Avenue, as one of the deputies is known to him.

**5. DEPUTATIONS**

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

Name	Spokesperson representing the persons listed	Subject	Supporting or Opposing the Application	Item No/ Application No/Page No
<b>ZONE 1 – 2.30pm</b>				
Mrs H Megginson (Written)		EGMONT NURSERIES, BROOK AVENUE – DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF EIGHT DETACHED HOUSES AND CREATION OF PADDOCK (OUTLINE	<b>Opposing</b>	6 (1) P/18/0592/OA Pg 8

		APPLICATION WITH ALL RESERVED MATTERS)		
Mrs V Wyatt (Video)		-Ditto-	<b>-Ditto-</b>	-Ditto-
Mr R Wyatt (Video)		-Ditto-	<b>-Ditto-</b>	-Ditto-
Mr P Jackson (Written)		-Ditto-	<b>-Ditto-</b>	-Ditto-
Mrs P Symons (Written)		-Ditto-	<b>-Ditto-</b>	-Ditto-
Mrs F Earle (Video)		-Ditto-	<b>-Ditto-</b>	-Ditto-
Mr J Read (Video)		-Ditto-	<b>-Ditto-</b>	-Ditto-
Mr R Marshall (Written)	The Fareham Society	-Ditto-	<b>-Ditto-</b>	-Ditto-
Mrs A Chase (Audio)		-Ditto-	<b>-Ditto-</b>	-Ditto-
Mr R Evershed (Written)		-Ditto-	<b>-Ditto-</b>	-Ditto-
Mr P Airey (Agent) (Written)		-Ditto-	<b>Supporting</b>	-Ditto-
Mr P Riley (Written)		-Ditto-	<b>-Ditto-</b>	-Ditto-
Mr S Dunning (Written)		-Ditto-	<b>-Ditto-</b>	-Ditto-
Mr M Scoot (Agent) (Written)		18 TITCHFIELD PARK ROAD TITCHFIELD PO15 5RW – OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DWELLING & ERECTION OF SIX DWELLINGS (ACCESS & LAYOUT ONLY)	<b>Supporting</b>	6 (2) P/20/0235/OA Pg 41

<b>ZONE 3 –</b>				
Mr W Morgan (Written)		23 HILL HEAD ROAD FAREHAM PO14 3JJ – SINGLE STOREY REAR EXTENSION AND BALCONY	<b>Opposing</b>	6 (3) P/20/0478/FP Pg 69
Mrs R Phillips (Written)		-Ditto-	<b>-Ditto-</b>	-Ditto-

## 6. 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/18/0592/OA - EGMONT NURSERIES BROOK AVENUE WARSASH SO31 9HN

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

Councillors N J Walker, I Bastable, T M Cartwright, K D Evans, L Keeble and M J Ford declared a Personal Interest in this item, as the applicant is known to them.

Councillor R H Price also declared a Personal Interest in this item, as one of the deputees is known to him.

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

- (i) Delegation to the Head of Development Management in consultation with the Solicitor to the Council for the prior completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 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 recreational 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;

- (c) The creation and retention of wetlands on the site prior to occupation of any dwelling;
- (d) The creation of a management company to monitor and manage the communal areas of the development including the wetlands for the lifetime of the development;
- (e) Mechanism for securing appropriate funding of the management company for the lifetime of the development.
- (f) Mechanism for ensuring collection and enforcement of the residents' service charge to fund the monitoring and management of the communal areas of the development including the wetlands for the lifetime of the development;
- (g) Suitable monitoring arrangements for the wetlands for the lifetime of the development, to include:
  - Monitoring of wetlands to be undertaken by a qualified drainage specialist
  - Monthly monitoring of the reedbeds for the first 2 years then every 6 months thereafter inspection of wetlands within a week in the event of unforeseen circumstances and remedial measures where required within a fixed period of such measures being approved by the appropriate body/ies
  - Protocol for reporting results of the monitoring including payment of the costs of FBC and NE involved in reviewing the monitoring reports
  - Trigger levels for the implementation of remedial measures, such measures to be implemented by a qualified contractor and inspected by the qualified drainage specialist.
- (h) Obligations on owners of individual houses to report misconnections or other issues with the wetlands;
- (i) Details for the long-term maintenance arrangements for the surface water drainage system including, but not limited to,
  - Maintenance schedules for each drainage feature type and ownership; and
  - Details of protection measures;
- (ii) Delegation to the Head of Development Management to make any necessary modification or addition to the proposed heads of terms and/or conditions; and
- (iii) The conditions in the report



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

RESOLVED that, subject to:-

- (i) Delegation to the Head of Development Management in consultation with the Solicitor to the Council for the prior completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 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 recreational 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;
  - (c) The creation and retention of wetlands on the site prior to occupation of any dwelling;
  - (d) The creation of a management company to monitor and manage the communal areas of the development including the wetlands for the lifetime of the development;
  - (e) Mechanism for securing appropriate funding of the management company for the lifetime of the development;
  - (f) Mechanism for ensuring collection and enforcement of the residents' service charge to fund the monitoring and management of the communal areas of the development including the wetlands for the lifetime of the development;
  - (g) Suitable monitoring arrangements for the wetlands for the lifetime of the development, to include;
    - Monitoring of wetlands to be undertaken by a qualified drainage specialist
    - Monthly monitoring of the reedbeds for the first 2 years then every 6 months thereafter inspection of wetlands within a week in the event of unforeseen circumstances and remedial measures where required within a fixed period of such measures being approved by the appropriate body/ies
    - Protocol for reporting results of the monitoring including payment of the cost of FBC and NE involved in reviewing the monitoring reports
    - Trigger levels for the implementation of remedial measures, such measures to be implemented by a qualified contractor and inspected by the qualified drainage specialist.

- (h) Obligations on owners of individual houses to report misconnections or other issues with the wetlands;
- (i) Payment of a commuted sum to be made available to the management company (or other third party) to cover any shortfall in payments from householders and so ensure the continued delivery of the management plans;
- (j) Details for the long-term maintenance arrangements for the surface water drainage system including, but not limited to;
  - Maintenance schedules for each drainage feature type and ownership; and
  - Details of protection measures;
- (ii) Delegation to the Head of Development Management to make any necessary modification or addition to the proposed heads of term and/or condition; and
- (iii) The conditions in the report

PLANNING PERMISSION be granted.

**(2) P/20/0235/OA - 18 TITCHFIELD PARK ROAD TITCHFIELD PO15 5RW**

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

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

- (i) Completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure;
  - (a) the retention of on-site nitrates mitigation, in the form of the areas of open space, in perpetuity;
  - (b) the payment of the appropriate Habitat Mitigation Contribution in accordance with the Solent Recreational Mitigation Strategy; and
- (ii) The conditions in the report

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

RESOLVED that, subject to:-

- (i) Completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure;

- (a) the retention of on-site nitrates mitigation, in the form of the areas of open space, in perpetuity;
- (b) the payment of the appropriate Habitat Mitigation Contribution in accordance with the Solent Recreational Mitigation Strategy; and

(ii) The conditions in the report.

PLANNING PERMISSION be granted.

**(3) P/20/0478/FP - 23 HILL HEAD ROAD FAREHAM PO14 3JJ**

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

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

A motion was proposed and seconded to accept the officer recommendation to grant planning permission, was voted on and declared LOST.  
(Voting: 4 in favour; 5 against)

A further motion to refuse the application was proposed and seconded, and was voted on and CARRIED.  
(Voting: 5 in favour; 4 against)

RESOLVED that PLANNING PERMISSION be REFUSED.

Reasons for Refusal:

- 1) The proposed development is contrary to Policies DSP2 and DSP3 of the Local Plan Part 2: Development Sites and Policies Plan and is unacceptable in that:
  - i) the use of the proposed balcony is likely to result in an unacceptable level of noise which would have a significant adverse impact upon adjoining properties. Furthermore, the use of the balcony would result in the unacceptable overlooking of and a resultant loss of privacy to the occupiers of the neighbouring properties.

**(4) Planning Appeals**

The Committee noted the information in the report.

(The meeting started at 2.30 pm  
and ended at 6.36 pm).

# FAREHAM

## BOROUGH COUNCIL

### Report to Planning Committee

**Date:** 16 September 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.

# Agenda Annex

## **ZONE 1 – WESTERN WARDS**

**Park Gate**

**Titchfield**

**Sarisbury**

**Locks Heath**

**Warsash**

**Titchfield Common**

REFERENCE NUMBER &  
WARD

SITE ADDRESS & PROPOSAL

ITEM NUMBER &  
RECOMMENDATION

No items in this Zone

## **ZONE 2 – FAREHAM**

**Fareham North-West**

**Fareham West**

**Fareham North**

**Fareham East**

**Fareham South**

<b>REFERENCE NUMBER &amp; WARD</b>	<b>SITE ADDRESS &amp; PROPOSAL</b>	<b>ITEM NUMBER &amp; RECOMMENDATION</b>
P/20/0635/FP FAREHAM WEST	4 JUSTIN CLOSE FAREHAM PO14 1SY GARAGE CONVERSION TO HABITABLE ROOM & SMALL FRONT SINGLE STOREY EXTENSION. DRIVEWAY TO FIT 4 CARS & DROP KERB.	1 PERMISSION

# Agenda Item 6(1)

## OFFICER REPORT FOR COMMITTEE

DATE: 16/09/2020

P/20/0635/FP  
MR & MRS COPPERWHEAT

FAREHAM WEST  
AGENT: LES ROSENTHAL

GARAGE CONVERSION TO HABITABLE ROOM & FRONT SINGLE STOREY EXTENSION. DRIVEWAY TO FIT 4 CARS & DROP KERB.

4 Justin Close, Fareham, PO14 1SY.

### **Report By**

Sander Strandberg – direct dial 01329 824702

### **1.0 Introduction**

1.1 This application is reported to the Planning Committee due to the number of third-party representations received, which consist of eight representations of objection from eight different households.

### **2.0 Site Description**

2.1 The application property consists of a two-storey detached dwellinghouse located on the southern part of Justin Close within Fareham. The property is within the designated urban boundary.

### **3.0 Description of Proposal**

3.1 Planning permission is sought for the erection of a single storey extension to the front of the property, to increase the size of the lounge and the hallway. The proposal also seeks to convert the existing garage to habitable space (kitchen area) and form a new hardstanding upon the frontage of the property for vehicular parking spaces.

3.2 Since the original submission, the applicant has agreed to amend the external finish from render to brickwork to match the remainder of the existing dwelling. No amended plans have yet been received, and as such a condition is proposed to be imposed requiring the materials of the extension to match those on the existing property.

### **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

## **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 None.

### **6.0 Representations**

6.1 Eight letters of representation from eight different households have been received objecting to the application on the following grounds: -

- The windows are not in keeping with the character of the street.
- The windows have already been replaced at the property but had not been replaced when the application was submitted. The existing plans showing the new windows does not reflect the true situation.
- The use of render is not in keeping with the character of other dwellinghouses along the street.
- The proposed drop kerb is on the bend of the access road and has a restricted sight line for vehicles accessing and leaving Justin Close and Silver Birch Avenue.
- The proposed extension is out of keeping with the rest of the buildings along the street.
- The length of time of ongoing works at the property.
- The kerbstones to be removed give protection to pedestrians on a defined pavement as well as help to calm traffic flow along the road.
- The development will result in noise and disruption to a quiet close.

### **7.0 Consultations**

EXTERNAL

7.1 Hampshire County Council (Highway Authority)

No objection received. A separate licence application will need to be sought for the provision of the dropped kerb.

### **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) Design of the proposal
- b) Impact on occupiers of neighbouring properties
- c) Parking and highways implications



**a) Design of the proposal**

- 8.2 The proposal is for a single storey extension to the front of the property, incorporating a conversion of the existing integral garage to habitable space. The dwellinghouses along Justin Close and Silver Birch Avenue are constructed in a neo-Georgian style, with a brick finish and tiled roofs.
- 8.3 The proposed front extension will be relatively modest in scale, occupying a total area of approximately 11sqm. It will include extending the front elevation of the existing garage by approximately 0.4metres, continuing this projection along the front elevation of the dwellinghouse, leaving approximately 0.7metres of the existing front elevation undeveloped. The proposed extension will project approximately 1.5metres from the front elevation of the dwellinghouse. The proposed structure will not project beyond the principal elevation of the neighbouring property to the south of the site.
- 8.4 Several third parties have raised concerns about the replacement of the existing uPVC windows, which have a Georgian sash style design, with plain white uPVC windows. The replacement of the windows at the property is not considered to fall under development requiring planning permission, as set out within Section 55 of the Town and Country Planning Act 1990. As the replacement of windows does not require planning permission and the works have already been carried out at first floor level, this does not form a material consideration in the determination of the application. While the proposed change of windows will not be considered as part of this application, it is noted that several dwellinghouses along Silver Birch Avenue have previously replaced their uPVC Georgian sash style windows with plain casement uPVC windows.
- 8.5 Officers have considered the concerns raised regarding the proposed render finish of the front extension. It is considered that the use of render at the property would introduce an entirely new material within the development, and as such, would appear incongruous within its surroundings. These concerns were raised with the applicant, who has agreed to use bricks instead of render to match those on the existing dwelling. Amended plans have been requested to show this change.
- 8.6 Further concerns have been raised about the proposed extension appearing out of keeping with existing development along Justin Close and Silver Birch Avenue. The two streets are characterised by a mixture of different house types, constructed within a Neo-Georgian style. Concerns have also been raised about the replacement of the flat roof of the existing garage with a mono-pitched roof.
- 8.7 The properties along the western side of Justin Close have a different design from those along the eastern side. Along the western side of the street, the garages are integral with an upper floor of habitable space, which in turn have dual-pitched roofs. Along the eastern side, several properties including the application site, have integral garages with a forward projection and a flat roof. There are however variations along the eastern side of the street where the neighbouring property to the north of the application site has a detached

garage and another property at the end of the street has a side garage which is set back significantly from the front elevation of the property. Further, by the junction of Justin Close and Silver Birch Avenue there is a further detached garage, while at the end of Silver Birch Avenue a significant number of the integral garages are connected to front porches which both have mono-pitched roofs.

- 8.8 As such, it is considered that the area is characterised by the prevalence of a range of different house and garage designs, as well roof types. It is therefore not considered that the proposed mono-pitched roof design will appear out of keeping with the character of the surrounding area. There is no singular established building design along the street from which the proposed development would deviate.
- 8.9 The proposed structure will be constructed using bricks and tiles for the roof. These materials reflect those employed within the existing dwellinghouse and within the surrounding development. It is considered that these traditional materials will ensure a visual harmony between the existing and proposed developments.
- 8.10 While there is no clear established building line along Justin Close, no dwellinghouse projects significantly closer to the highway than the others. The dwellinghouse at the application site is set back slightly from the neighbouring property to the south. The proposed extension will not project beyond the principal elevation of the neighbouring property, ensuring that the existing pattern of development is maintained and that it will not appear incongruous within its setting.
- 8.11 The design, mass, scale and materials of the proposal are considered to be proportionate, respond positively to and be respectful of the key characteristics of the area.

***b) Impact on occupiers of neighbouring properties***

- 8.12 The proposed development will be relatively modest in scale, occupying an area of approximately 11sqm, set to the front of the host dwellinghouse. It will be single storey, with a mono-pitched roof with total a height of approximately 3.5metres. The structure will not project beyond the neighbouring property to the south of the application site and will extend the projection of the existing garage by approximately 0.4metres. It is therefore not considered that the proposed development will appear overbearing within its surroundings, or that it will result in an unacceptable loss of light to neighbouring properties.
- 8.13 The proposal involves the addition of fenestration in the form of windows on the front elevation of the proposed extension, as well as a window on the northern elevation and a window upon the southern elevation. The proposed fenestration on the front elevation reflects the direction of existing fenestration at the property. The windows proposed upon the northern and southern elevations will be ground level and will face the garages of the neighbouring properties. The window on the northern elevation is also set within the existing structure, and could therefore be inserted under permitted

development rights. It is therefore not considered that the proposed development will result in an unacceptable level of overlooking on neighbouring properties.

- 8.14 Concerns have been raised about the period of time that works have been carried out at the property. The works that have been carried out at the property are not considered to fall under development requiring planning permission. The length of time that previous works have been undertaken therefore falls outside the control of the planning system. Furthermore, while a development must be begun within three years of a planning permission being granted, there are no set time limits within which the development must be completed. It is therefore not considered that these concerns constitute a material planning consideration within this decision.
- 8.15 For the reasons set out above, it is not considered that the proposed development will have an unacceptable adverse impact upon living conditions on the site, or neighbouring development, by way of loss of sunlight, daylight, outlook or privacy.

***c) Parking and Highways***

- 8.16 Justin Close is an unclassified road. Planning permission is therefore not required to drop the existing kerb along the road in order to widen the existing access. A separate permission is required with Hampshire County Council as the Local Highway Authority to be able the works to be carried out.
- 8.17 As the Local Highway Authority, Hampshire County Council have been consulted on the proposed developments. No objections have been received. There are no allocated parking spaces on Justin Close where the new extended access will be created.
- 8.18 The proposed development will result in the loss of vehicular parking within the existing garage. It is however important to note that the parking space provided within the garage does not meet the minimum size for parking spaces as set out within the Fareham Residential Car & Cycle Parking Standards Supplementary Planning Document (SPD).
- 8.19 The proposal involves extending the hard surface to the front of the property to provide parking for four vehicles. The proposal involves extending the hard surface to the front of the property to provide parking for four vehicles. The proposed hardstanding will be constructed using block paving. An open grate drain will run across the front of the property to collect any excess runoff of water and channel the wastewater to the existing drain on the property.
- 8.20 Concerns have been raised about the potential restricted sight line from the property resulting from the extended access. It is noted that the vegetation has been removed at the application site, improving the line of sight at the access. The neighbouring property to the south of the site (2 Justin Close), is sited immediately adjacent to a mature, tall hedge on the bend along Justin Close. This property has a wider dropped kerb access than the application site with a less clear line of sight.

- 8.21 For the reasons as set out above, it is not considered that the proposed new access will have any significant detrimental impact upon parking and highway safety along Justin Close.

## **9.0 Recommendation**

- 9.1 Subject to receipt of satisfactory amended plans showing the use of brick instead of render in the construction of the front extension;

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 development shall be carried out in accordance with the following approved documents:
  - a) Location Plan (Drawing: 08);
  - b) Existing and Proposed Site Plan (Drawing: Design 3A – 24.06.20: 01);
  - c) Existing GF Plan (Drawing: Design 3A – 24.06.20: 02);
  - d) Proposed GF Plan (Drawing: Design 3A – 24.06.20: 03);
  - e) Existing FF Plan (Drawing: Design 3A – 24.06.20: 04);
  - f) Proposed FF Plan (Drawing: Design 3A – 24.06.20: 05);
  - g) Existing Elevations (Drawing: Design 3A – 24.06.20: 06); and,
  - h) Proposed Elevations (Drawing: Design 3A – 24.06.20: 07).REASON: To avoid any doubt over what is permitted.
3. The development hereby permitted shall be constructed using external materials and finishes to match those on the existing dwellinghouse in colour, texture, form and composition. There shall be no deviation from these materials and finishes unless otherwise agreed in writing by the Local Planning Authority.  
REASON: In the interests of visual amenity.

## **10.0 Background Papers**

[P/20/0635/FP]

# FAREHAM

BOROUGH COUNCIL



4 Justin Close  
Scale 1:1,250

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**ZONE 3 – EASTERN WARDS**

**Portchester West**

**Hill Head**

**Stubbington**

**Portchester East**

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/18/1073/FP PORTCHESTER WEST	LAND TO THE SOUTH OF ROMSEY AVENUE FAREHAM  OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 225 DWELLINGS, BIRD CONSERVATION AREA AND AREA OF PUBLIC OPEN SPACE WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS	2  REFUSE
P/20/0738/VC PORTCHESTER EAST	LAKE WORKS, UNIT C1 CRANLEIGH ROAD PORTCHESTER FAREHAM PO16 9DR  VARIATION OF CONDITION 3 & 4 OF P/19/0860/VC TO ENABLE VEHICLE DISPLAY AND SALES	3  PERMISSION
P/20/0656/VC PORTCHESTER EAST	84 MERTON AVENUE PORTCHESTER FAREHAM PO16 9NH  REMOVAL OF CONDITION 6: (LIMITING USE OF GARAGE) OF APPROVED PLANNING P/09/0797/FP - ERECTION OF DETACHED DOUBLE GARAGE.	4  REFUSE

P/20/0811/CU  
PORTCHESTER  
EAST

84 MERTON AVENUE PORTCHESTER  
FAREHAM PO16 9NH  
TEMPORARY CONSENT FOR A TAKEAWAY  
COFFEE SHOP.

5  
PERMISSION

## OFFICER REPORT FOR COMMITTEE

DATE: 16/09/2020

P/18/1073/FP  
FOREMAN HOMES

PORTCHESTER WEST

OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 225 DWELLINGS, BIRD CONSERVATION AREA AND AREA OF PUBLIC OPEN SPACE WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS

LAND TO THE SOUTH OF ROMSEY AVENUE, FAREHAM

### ***Report By***

Richard Wright – Direct Dial 01329 824758

### **1.0 Introduction**

- 1.1 This application is being presented to the Planning Committee due to the number of third-party representations received.
- 1.2 Members will note from the 'Five Year Housing Land Supply Position' reported to the Planning Committee meeting on 24<sup>th</sup> June 2020 this Council currently has a housing land supply of 4.03 years (a shortfall of 522 dwellings within the 5-year period).

### **2.0 Site Description**

- 2.1 The planning application site comprises 12.55 hectares (approximately 31 acres) of agricultural land currently used for growing crops. The site is located outside of the defined urban settlement boundaries to the south of existing houses in the urban area on Romsey Avenue. The site is part of a Primary Support Area (F21) as identified in the Solent Waders and Brent Goose Strategy (SWBGS).
- 2.2 To the immediate east of the application lies land now in use as public open space in connection with the development of 120 houses on the north side of Cranleigh Road (planning application reference P/15/0260/OA) allowed on appeal in 2016.
- 2.3 To the south-west of the application site lies Wicor Recreation Ground and the ground of AFC Portchester football club around which there is a band of mature trees.

### **3.0 Description of Proposal**

- 3.1 Outline planning permission is sought for 225 dwellings on the site with all matters reserved except for access.



- 3.2 Access into the site is proposed via the existing southern spur of Romsey Avenue along which access is currently gained to the field via a gate. A series of proposals for work to the adopted highway between the site and the A27 junction with Beaulieu Avenue are proposed. It is proposed to rebuild the existing site access road from Romsey Avenue to current standards and to tie this into the Romsey Avenue carriageway. The existing junction with Romsey Avenue would be formalised with road markings and the installation of an uncontrolled crossing point. Parking restrictions are proposed along Romsey Avenue and Beaulieu Avenue to keep the route from the A27 to the site free from carriageway parking. In addition it is proposed to remove the verge on the eastern side of Beaulieu Avenue and provide off-street parking bays.
- 3.3 The applicant has proposed a bird mitigation reserve on the application site measuring 4.2 hectares (10.34 acres) in size of which 3.7 hectares (9.1 acres) is designed for mitigation for Brent geese.

#### **4.0 Policies**

- 4.1 The following policies apply to this application:

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

#### **Adopted Fareham Borough Core Strategy**

CS2: Housing Provision  
CS4: Green Infrastructure, Biodiversity and Geological Conservation  
CS5: Transport Strategy and Infrastructure  
CS6: The Development Strategy  
CS14: Development Outside Settlements  
CS15: Sustainable Development and Climate Change  
CS16: Natural Resources and Renewable Energy  
CS17: High Quality Design  
CS18: Provision of Affordable Housing  
CS20: Infrastructure and Development Contributions  
CS21: Protection and Provision of Open Space

#### **Adopted Development Sites and Policies**

DSP1: Sustainable Development  
DSP2: Environmental Impact  
DSP3: Impact on Living Conditions  
DSP6: New Residential Development Outside of the Defined Urban Settlement  
DSP13: Nature Conservation  
DSP14: Supporting Sites for Brent Geese and Waders

DSP15: Recreational Disturbance on the Solent Special Protection Areas  
DSP40: Housing Allocations

## **5.0 Relevant Planning History**

None

## **6.0 Representations**

6.1 A total of 489 objections have been received from 307 residents (some residents have commented more than once following revisions being made to the application).

The following material planning considerations have been raised:

### **General**

- Impact on schools, doctors, dentists and other local services
- Loss of green space/field
- Impact on sewage systems
- Housing development should be elsewhere instead (e.g. Welborne)
- Urbanisation of area
- Set a precedent for other housing development to the south and west
- Shortage of affordable housing
- No convenience stores located nearby
- Increase in crime
- Developer will make an application for more dwellings on the site
- Poor local plan designated this site for development as well as other sites within Portchester
- Planning system does not protect areas of countryside
- No consideration of the cumulative impact from the Cranleigh Road site
- Southern Water has not yet been consulted
- Contrary to policies and housing figures provided in Local Plan
- No demand for housing
- Unsustainable
- Will result in overcrowding
- Anti-social behaviour
- Not right type of tenure for Fareham
- Cannot be used in comparison to Cranleigh Road development
- Not relative in scale to shortfall in housing land supply

### **Design**

- Visual impact
- Flats not in-keeping with surrounding area
- No detailed information on design of houses

- Design of dwellings look average and do not complement the surrounding area
- Development should be single-storey due to increased demand
- Basic elevations
- Densely built
- Too cramped
- Design should match houses on Romsey Avenue
- Design of buffer should involve local community

### **Highways**

- Increase in traffic
- Access to site via Romsey Avenue is unsafe
- Parking problems
- Roads too narrow for refuse lorries and emergency vehicles to enter site
- Lorries cannot turn around corner between Beaulieu Avenue and Romsey Avenue
- Highway safety
- Roads not maintained
- Lack of transport strategy for area
- Traffic assessment does not accurately represent traffic movements
- Loss of on-street disabled parking on Beaulieu Avenue
- Lambeth parking survey not carried out
- Reduced pavement width causing pedestrian & cyclist safety issue

### **Environmental**

- Impact on wildlife, in particular bird life and that of nearby wildlife sites
- A number of protected species within surrounding area
- Land should be protected as is located within close proximity to a Ramsar Site, SSSI, and Special Protection Area (SPA)
- Loss of agricultural land
- Nitrate pollution of water environment
- Loss of green space
- Increased flood risk
- Increase in noise and light pollution
- Increase in air pollution
- Dust pollution
- Gathering of ecological evidence does not fully assess the ecosystems
- Mitigation does not provide net benefit to birds
- Impact assessment fails to examine the noise impact of construction on birds
- Slow worm population reported as too low

- Development at Cranleigh Road has led to displacement of wildlife to application site
- Ecological impact assessment does not take into consideration the impact of noise construction on the rare and protected birds
- Three other SPA areas have not been marked for development
- Failed to acknowledge roosting bats
- Impact on domestic water pressure
- Loss of trees
- High quality agricultural land

### **Amenity**

- Overlooking
- Loss of privacy
- Noise and disturbance from construction
- Close proximity of flats to rear gardens
- Loss of light

## **7.0 Consultations**

EXTERNAL

### **Natural England**

- 7.1 Objection. The application is likely to have a significant effect on the Portsmouth Harbour SPA and SSSI and the Council is advised to undertake an Appropriate Assessment under The Conservation of Habitat and Species Regulations 2017. The proposal will result in a loss of supporting habitat. There is uncertainty as to whether the mitigation measures proposed are likely to protect the integrity of the designated sites.

### **Highways (Hampshire County Council)**

- 7.2 Four sets of comments were received from the Highway Authority dated 29<sup>th</sup> October 2018, 19<sup>th</sup> December 2019, 20<sup>th</sup> July 2020 and 4<sup>th</sup> September 2020. The following summary of the advice received is formed of the final position given by the Highway Authority on each of the relevant points:

#### *Site access*

The proposed parking restrictions are required to enable access for larger vehicles such as delivery vans, refuse vehicles and emergency service vehicles, to mitigate congestion and conflict and to ensure adequate visibility splays are maintained. The additional parking restrictions at the junctions of Beaulieu Avenue/Romsey Avenue and the site access/Romsey Avenue are necessary to make the development acceptable and as such the Traffic Regulation Order (TRO) process should be progressed and funded by the applicant should the development be permitted.

While the principle of parking restrictions would be agreed through the planning process should permission be granted, it should be noted that the TRO process is open to public consultation and the implementation of the proposed parking restrictions is therefore not guaranteed. As such, any works requiring a TRO must be satisfactorily completed prior to commencement of the development. Furthermore, a contribution of £6,000 is required to implement an additional TRO should further parking restrictions be required on the western side of Beaulieu Avenue, to ensure two-way flow is maintained.

### *Parking*

An assessment of displaced parking due to the introduction of parking restrictions has been provided, including a plan showing the nearest available alternative parking spaces and a summary of the distances to these spaces. The parking survey indicates the introduction of parking restrictions will displace 11 vehicles. This survey demonstrates that there is sufficient parking capacity within reasonable proximity to the existing parking locations to accommodate the forecast displaced parking. The average displacement is 22m (approximately 15 seconds walking time), with a maximum displacement of 45.1m (approximately 32 seconds walking time). It is considered that the introduction of parking restrictions will not incentivise inappropriate or dangerous parking and as such will not result in a severe impact on the operation of the highway network. However, FBC as planning authority should satisfy themselves that walking distances to alternative parking spaces are acceptable on amenity grounds.

### *Sustainable travel*

The Highway Authority previously requested consideration be given to measures to aid delivery of safe walking and cycling routes to the key destinations of Portchester railway station and Portchester centre. A pedestrian/cycle audit has been completed, improvements identified and costed and a contribution agreed. In addition, a contribution has been agreed to widen footways in the vicinity of the site to current standards.

### *Highway safety*

Given the proposed development will increase vehicular and cycle traffic along the A27 corridor and in particular at Cornaway Lane Roundabout, exacerbating the existing safety concerns, and that the Transport Assessment concludes that the local road network offers conducive routes for cycling that will encourage this mode of travel from the development, mitigation to improve safety is required. A scheme has been developed to improve cycle safety at this location and a contribution towards delivery of this scheme has been agreed.

### *Vehicle trip distribution*

It is considered the proposed development would exacerbate the existing parking and traffic flow issues during school pick up and drop off times in the vicinity of Wicor Primary School. A contribution has been agreed to provide an updated School Travel Plan and implement measures to maintain safety and encourage sustainable modes access to the school, with the aim of improving conditions for those travelling by foot, cycle, scooter or bus and reducing reliance on low occupancy private car travel. Given the relatively compact nature of the catchment area, it is anticipated travel planning measures will have a substantial impact on mode choice. This is considered adequate mitigation for the forecast increase in movements in the vicinity of the school due to the development.

### *Recommendation*

The Highway Authority raises no objection to this proposal from a highways and transportation perspective, subject to the following condition being included and the applicant entering into a Section 106 Legal Agreement to secure the following mitigation package:

- A Transport contribution of £1,126,252 towards the following:
  - Improvements in the vicinity of Delme Roundabout (£12,323)
  - Improvements in the vicinity of Downend Rd/ A27 (£60,350)
  - Cornaway Lane Roundabout cycle improvements (£907,179)
  - Footway widening in the vicinity of the site (£18,000)
  - Walking audit measures (£37,400)
  - School Travel Plan (£85,000)
  - Beaulieu Avenue parking restriction TRO contribution (£6,000)
- Payment of the Travel Plan approval and monitoring fees and provision of a surety mechanism to ensure implementation of the Travel Plan.
- Implementation of highway works shown on drawings 5611.025 Rev C and 5611.002 Rev D prior to commencement of the development, including payment of fees associated with progression of the TRO process.

### **Southern Water**

- 7.3 The submitted drawings show development will lie over existing public foul sewers which will not be acceptable. The exact position of the public sewer must be determined on site by the applicant before the layout of the proposed development is finalised. It might be possible to divert the sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work

was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

#### **Flood and Water Management Team (Hampshire County Council)**

- 7.4 It has not been proven that infiltration is a suitable means of surface water disposal for this site. Further information is required before a decision can be made on whether to recommend to the Local Planning Authority that planning permission is granted.

#### **Archaeology (Hampshire County Council)**

- 7.5 No objection subject to conditions securing assessment, recording and reporting of any archaeological deposits affected by construction.

#### **Countryside Services (Hampshire County Council)**

- 7.6 Some surfacing improvements will be required on Fareham footpaths 110, 111a and 523 to accommodate the increase in use as a result of the development. The recreational impact of the development is likely to be focused on the rights of way network around the coast and the recreation ground to the south of the development site, however given that the Wicor Countryside Site is only a short walk from the development there is likely to be an increase in recreational pressure at the site and a small contribution towards the management of this site is requested.

#### **Children's Services (Hampshire County Council)**

- 7.7 The proximity of Wicor Primary School and the lack of local places indicates that an expansion of the school is likely to be required. A financial contribution will contribute towards the provision of additional infrastructure at Wicor Primary School and should also be available to fund the undertaking of school travel plans and associated infrastructure such as additional cycle/scooter storage or improvements to sustainable travel routes.

#### **Portsmouth City Council**

- 7.8 No comments or observations are offered on this proposal.

INTERNAL

#### **Affordable Housing Strategic Lead**

- 7.9 The change in the proposal to outline is noted. It would be expected that the scheme provides a policy compliant percentage of affordable housing with an appropriate tenure split. Of the Affordable/Social Rent properties then provided it would be expected that the mix reflects the need in the Portchester area, based on the Council's Housing Register.

#### **Ecology**

- 7.10 Concerns raised in relation to the loss of Solent Waders and Brent Goose Strategy 'Primary Support Area' and the lack of detail within the submitted Ecological Impact Assessment (EclA), particularly in relation to the delivery of the reptile receptor site, operational phase impacts on badgers, construction phase noise impacts and cumulative impacts.

**Trees**

- 7.11 No objection.

**Contaminated Land Officer**

- 7.12 No objection.

**8.0 Planning Considerations**

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

- a) Implication of Fareham's current 5-year housing land supply position;
- b) Residential development in the countryside;
- c) The impact on European Protected Sites
- d) Policy DSP40;
- e) Other matters;
- f) The planning balance

**a) Implications of Fareham's current 5-year housing land supply position**

- 8.2 A report titled "Five-year housing land supply position" was reported to the Planning Committee meeting on 24<sup>th</sup> June 2020. That report set out this Council's local housing need along with this Council's current housing land supply position. The report concluded that this Council currently has a housing land supply of 4.03 years (a shortfall of 522 dwellings within the 5-year period).
- 8.3 Officers accept that the Council cannot currently demonstrate a 5-year supply of deliverable housing sites.
- 8.4 The starting point for the determination of this planning application is section 38(6) of the Planning and Compulsory Purchase Act 2004:

*"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must*



*be made in accordance with the plan unless material considerations indicate otherwise".*

- 8.5 In determining planning applications there is a presumption in favour of the policies of the extant Development Plan, unless material considerations indicate otherwise. Material considerations include the planning policies set out in the NPPF.
- 8.6 Paragraph 59 of the NPPF seeks to significantly boost the supply of housing.
- 8.7 Paragraph 73 of the NPPF states that local planning authorities should identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement including a buffer. Where a local planning authority cannot do so, and when faced with applications involving the provision of housing, the policies of the local plan which are most important for determining the application are considered out-of-date.
- 8.8 Paragraph 11 of the NPPF then clarifies what is meant by the presumption in favour of sustainable development for decision-taking, including where relevant policies are "out-of-date". It states:

*"For decision-taking this means:*

- *Approving development proposals that accord with an up-to-date development plan without delay; or*
- *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:*
  - i. *The application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or*
  - ii. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

- 8.9 Footnote 6 to Paragraph 11 reads:

*"The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding*

*Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.”*

8.10 The key judgement for Members therefore is whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole.

8.11 Members will be mindful of Paragraph 177 of the NPPF which states that:

*“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”*

8.12 The following sections of the report assesses the application proposals against this Council's adopted local planning policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

8.13 In the absence of a five-year supply of deliverable housing sites, officers consider that policy DSP40 is the principal development plan policy that guides whether schemes will be considered acceptable.

#### **b) Residential Development in the Countryside**

8.14 Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. Policy CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries. The application site lies within an area which is outside of the defined urban settlement boundary.

8.15 Policy CS14 of the Core Strategy states that:

*'Built development on land outside the defined settlements will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function. Acceptable forms of development will include that essential for agriculture, forestry, horticulture and required infrastructure.'*

- 8.16 Policy DSP6 of the Local Plan Part 2: Development Sites and Policies states - there will be a presumption against new residential development outside of the defined urban settlement boundary (as identified on the Policies Map).
- 8.17 The site is clearly outside of the defined urban settlement boundary and the proposal does not comprise one of the acceptable forms of development listed in Policy CS14. The proposal is therefore contrary to Policies CS2, CS6, CS9 and CS14 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan.

### **c) The impact upon European Protected Sites**

- 8.18 Core Strategy Policy CS4 sets out the strategic approach to Biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policy DSP13: Nature Conservation of the Local Plan Part 2 confirms the requirement to ensure that designated sites, sites of nature conservation value, protected and priority species populations and associated habitats are protected and where appropriate enhanced.
- 8.19 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 per cent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within the Solent which are of both national and international importance.
- 8.20 In light of their importance, areas within the Solent have been specially designated under UK/ European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'European Protected Sites' (EPS).
- 8.21 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'competent authority' if it can be shown that the proposed development will either not have a likely significant effect on designated EPS or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated EPS. This is done following a process known as an Appropriate Assessment. The competent authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The competent authority is either the local planning authority or the Planning Inspectorate, depending on who is determining the application.

- 8.22 When considering the proposed development there are three main likely significant effects on EPS.
- 8.23 The first of these effects is the loss of a Primary Support Area (F21) for waders and Brent geese, qualifying features of the EPS, as identified in the Solent Waders and Brent Goose Strategy (SWBGS).
- 8.24 In response to the application, on this particular matter Natural England has provided the following advice.

*The Primary Support Areas are land that, when in suitable management, make an important contribution to the function of the waders and Brent goose ecological network, supporting the SPAs. The preferred approach is for development to be located outside the network of sites.*

*Should a Primary Support Area be proposed for development, as in this case, detailed criteria has been developed to assess the suitability of replacement sites, namely habitat type, disturbance, area of habitat, timing and availability of habitat, and geographical location. With regards to Primary Support Areas, there will be a requirement for the off-setting area to fulfil the same special contribution and particular function of the areas lost or damaged for the same species of birds.*

*Natural England has reviewed the bird mitigation proposals for the development site. We do not have certainty that the reserve will replicate the current ecological function of the site due to the combined influence of a number of factors. These factors include the size of the proposed reserve, the loss of openness, restricted sight lines and the close proximity of new development.*

*Whilst the development site is located on the urban fringe, it forms part of a wider countryside gap of around 40 hectares. It forms part of one of the last remaining agricultural areas adjacent to the Portsmouth Harbour SPA. We do not have certainty that the 4.2 hectare bird reserve, of which 3.7 hectares is designed for mitigation for the Brent geese, will replicate the same function as the existing site within this open gap. Natural England has serious doubts that the site would be used by Brent geese (the qualifying features) to the same extent as the current potential.*

- 8.25 The advice from Natural England on this point is clear that it does not consider there is sufficient certainty to be drawn from the applicant's mitigation proposals that the current ecological function of the site will be replicated to offset the loss of supporting habitat. As a result, the proposed development would have an adverse effect on the integrity of the EPS.

- 8.26 The second likely significant effect on EPS relates to deterioration in the water environment through increased nitrogen. Natural England has highlighted that there is existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted that increased levels of nitrates entering the Solent (because of increased amounts of wastewater from new dwellings) will have a likely significant effect upon the EPS.
- 8.27 Achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites. Natural England have provided a methodology for calculating nutrient budgets and options for mitigation should this be necessary. The nutrient neutrality calculation includes key inputs and assumptions that are based on the best-available scientific evidence and research, however for each input there is a degree of uncertainty. Natural England advise local planning authorities to take a precautionary approach when addressing uncertainty and calculating nutrient budgets.
- 8.28 The applicant has submitted a nutrient budget for the development. The existing use of the land is for the growing of cereal crop. The budget shows the development would result in a reduction in the amount of nitrogen reaching the water environment. With that in mind the development would not result in a deterioration in the water environment of the EPS.
- 8.29 The third of these likely significant effects on EPS concerns recreational disturbance on the Solent coastline through an increase in population. Policy DSP15 of the adopted Fareham Borough Local Plan Part 2: Development Sites and Policies explains that planning permission for proposals resulting in a net increase in residential units may be permitted where the 'in combination' effects of recreation on the Special Protection Areas are satisfactorily mitigated through the provision of a financial contribution to the Solent Recreation Mitigation Strategy (SRMP). Had the proposal been found acceptable in all other regards the applicant would have been invited to make a financial contribution through the SRMS. In the absence however of a legal agreement to secure such a contribution, or the submission of evidence to demonstrate that the 'in combination' effects of the development can be avoided or mitigated in another way, the proposal is held to be contrary to Policy DSP15.

**d) Policy DSP40**

- 8.30 Policy DSP40: Housing Allocations, of Local Plan Part 2, states that:

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

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

8.31 Each of these five bullet points are worked through in turn below:

**Policy DSP40 (i)**

8.32 The proposal for up to 225 dwellings is relative in scale to the 5YHLS shortfall and therefore bullet i) of Policy DSP40 is satisfied.

**Policy DSP40 (ii)**

8.33 The northern site boundary immediately abuts the rear gardens of dwellings on Romsey Avenue within the existing adjacent urban area. The overall extent of the housing development would be confined to an area all within a close distance of the urban boundary. With this in mind Officers consider that the development would be well related to and well integrated with the neighbouring settlement.

8.34 The site would also be comparatively well located to the services and facilities located in the Portchester area as well as the nearest bus stops on Portchester Road being a relatively short distance away.

8.35 It is considered that the second point of Policy DSP40 is satisfied.

**Policy DSP40 (iii)**

8.36 The third test of Policy DSP40(iii) is that the proposal is '*sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps*'.

8.37 The Landscape and Visual Appraisal submitted by the applicant contends that *“the proposed development represents a medium scale, partially visible addition to the townscape”* and that *“whilst the proposals would result in a material change to the landscape of the site overall, the adverse effects of increased built form are considered to be balance by the beneficial effects of the positive design response and improvements in the boundary and on-site landscape features”*. It should be noted that the application has been revised since the LVA was produced without it being updated. Notwithstanding, Officers would broadly concur that the adverse visual and landscape effects of the development could be successfully minimised by a positive design response and landscaping strategy at reserved matters stage.

**Policy DSP40 (iv)**

8.38 Officers consider that the proposal for 225 houses could be delivered within the short term. The proposal would therefore be in accordance with point iv of policy DSP40.

**Policy DSP40 (v)**

8.39 The final test of Policy DSP40 requires that the proposal does not have any unacceptable environmental, amenity or traffic implications. These issues are considered in turn below.

**Environmental**

8.40 The impact of the development on European protected sites has been set out earlier in this report. There are three main adverse effects on the integrity of EPS contrary to Policies CS4, DSP13 & DSP15 of the adopted local plan. In addition there are other environmental implications relating to protected and priority species on site, the loss of agricultural land and the applicant’s proposed means of surface water drainage.

8.41 The Council’s Ecologist has raised concerns regarding the lack of information provided by the applicant, including updated information in light of changes to the proposed scheme, in relation to the delivery of the reptile receptor site, impacts on badgers, construction noise and cumulative impacts. In the absence of such information the proposal fails to demonstrate that protected and priority species would be protected and enhanced which is contrary to the aims of Policy DSP13.

8.42 Local plan Policy CS16 seeks to prevent the loss of the best and most versatile agricultural land. The NPPF (paragraph 170(b) recognises the economic and other benefits of the best and most versatile agricultural land.

8.43 The site contains Grade 1 (excellent quality) and Grade 2 (very good quality) agricultural land, i.e. best and most versatile (BMV) agricultural land as

defined in the NPPF. The proposal would therefore be contrary to Policy CS16 and the permanent loss of BMV agricultural land weighs against granting planning permission in the balance of issues.

- 8.44 The lead local flood authority Hampshire County Council has raised concerns over the applicant's proposal to use infiltration as a means of surface water disposal for the development. Insufficient information has been provided to demonstrate that infiltration would be suitable for this site based on the technical details provided. As a result, the development proposal fails to provide for the satisfactory disposal of surface water contrary to local plan Policy DSP2.

### **Amenity**

- 8.45 The application is in outline meaning the layout of the site and therefore relationship and distance between dwellings is yet to be proposed. Consideration of the likely impact on light to, outlook from and privacy enjoyed by neighbouring dwellings is a reserved matter for a subsequent stage of the planning process.
- 8.46 There are no adjacent land uses which would be likely to materially affect the living conditions of future residents, for example by way of noise or odour.

### **Highways**

- 8.47 The Highway Authority Hampshire County Council have provided detailed comments relating to a number of aspects of the proposed development. These are summarised earlier in this report.
- 8.48 The main issues dealt with in the response from the highway authority are the effect of the development on the operation of the wider highway network, sustainable modes of transport, the site access via Beaulieu Avenue and Romsey Avenue and the associated proposed parking restrictions, and the impact on traffic to and from Wicor Primary School.
- 8.49 On the first of these issues, the highway authority is satisfied that adequate assessment of the impact of the development on each of the key junctions in the surrounding road network has now been carried out by the applicant. Financial contributions towards improvements to the junction of the A27/Downend Road/Shearwater Avenue and Delme roundabout have been agreed.
- 8.50 In order to promote sustainable modes of access, additional financial contributions have been agreed in relation to cycle improvements at the roundabout where Cornaway Lane meets the A27 and footway widening in the vicinity of the site.



- 8.51 The site access from the A27 via Beaulieu Avenue and Romsey Avenue has been the subject of much comment and concern raised by local residents. In response to initial problems highlighted by the highway authority in terms of the geometry and capacity of these access roads, the applicant has proposed a series of measures to demonstrate the adequacy of this approach including parking restrictions and new parking bays along Beaulieu Avenue and Romsey Avenue. The highway authority has confirmed that these measures mean the site access is now considered acceptable. The resultant displacement of parking spaces and loss of highway verge is not considered unacceptable. These measures would however be subject to amendments to existing or introduction of new traffic regulation orders (TRO) which are open to public consultation through an entirely separate process carried out by the Highway Authority. For those reasons any new TROs or amendments to existing TROs would need to be satisfactorily completed prior to commencement of the development.
- 8.52 Another major concern raised by local residents is the potential impact on traffic and pedestrians travelling to and from Wicor Primary School. The highway authority has stated that they consider it unrealistic of the applicant to assume that the proposed development will generate no additional car trips to the school. They also consider that the development will result in a traffic increase of around 17% in the AM peak along Hatherley Crescent/Hatherley Drive/Cornaway Lane to the A27. Given this, the highway authority has recommended that a contribution be required from the applicant to update and implement planned measures to maintain safety and encourage sustainable modes of access to the school. They consider this will have a substantial impact on mode choice and would therefore be adequate mitigation for the forecast increase in vehicle movements in the vicinity of the school.
- 8.53 Had the application not been recommended for refusal for other reasons, Officers would have looked to secure the financial contributions requested by the highway authority through an appropriately worded Section 106 legal agreement. The agreement would also have been used to secure travel plan matters and implementation of off-site highway works prior to the commencement of the development. A Grampian-style planning condition would have been used to ensure all necessary matters in introducing or amending TROs relating to parking restrictions along Beaulieu Avenue and Romsey Avenue were concluded prior to development commencing.

**e) Other matters**

**Affordable Housing**

- 8.54 The proposal includes the provision of 40% affordable housing comprising a blend of affordable tenures. Subject to appropriate size, mix and tenure being agreed to meet the identified local need to comply with Policy CS18, officers consider this acceptable and appropriate to secure via a Section 106 legal agreement.

#### **Open Space, Play Provision and Public Rights of Way**

- 8.55 The submitted “areas plan” indicates that an area of public open space 1.4 hectares in size would be provided as part of the development. The appropriateness of public open space provision in terms of its location, quality and size would need to be assessed at the same time as considering the layout of the site and in accordance with the Council’s adopted Planning Obligations Supplementary Planning Document (SPD).
- 8.56 In respect of play provision and in accordance with the adopted Planning Obligation SPD, the proposed number of units would require the provision of a Neighbourhood Equipped Area of Plan (NEAP). This, along with the public open space overall, could be secured via a Section 106 legal agreement and Officers would have sought to do so had it not been for the other overriding reasons for refusal.
- 8.57 Hampshire County Council Countryside Service have commented on the application to set out the likely impact of the development on the public rights of way network in the surrounding area. It is anticipated that the increased recreational pressure on public footpaths and accessible areas of countryside could be addressed through a financial contribution towards improvements to the wider network in the local area. This contribution could be secured via a Section 106 legal agreement.

#### **Effect upon Local Infrastructure**

- 8.58 Concerns have been raised over the effect of the number of dwellings on schools, doctors and other services in the area.
- 8.59 Hampshire County Council have identified a need for expansion and improvements to Wicor Primary School to accommodate the anticipated increase in pupil demand arising from the development. A financial contribution towards this expansion could be secured through a Section 106 legal agreement had it been the case that Officers were recommending planning permission be granted.
- 8.60 The difficulty in obtaining doctor’s appointments and dental services is an issue regularly raised in respect of new housing proposals. It is ultimately for the health providers to decide how they deliver their services. A refusal on these grounds could not be substantiated.

### **Draft Local Plan**

- 8.61 The Draft Local Plan which addresses the Borough's housing requirements up until 2036 was subject to consultation between 25<sup>th</sup> October 2017 and 8<sup>th</sup> December 2017. The site of this planning application was proposed to be allocated for housing within the 2017 Draft Local Plan. However, at this stage in the plan preparation process, the draft plan carries limited weight in the assessment and determination of this planning application.

### **f) Planning balance**

- 8.62 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications:

*"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".*

- 8.63 As set out earlier within this report, the effect of Paragraph 177 of the NPPF is that:

*"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site".*

- 8.64 In this instance Officers have identified likely significant effects upon the Portsmouth Harbour SPA arising from the loss of part of a Primary Support Area for Brent geese and waders. In order to establish whether these likely significant effects can be sufficiently mitigated it is necessary for an appropriate assessment to be carried out. Officers have judged that the application proposals are contrary to adopted local plan policies and the policies of the NPPF. In light of this, Officers have not undertaken an Appropriate Assessment at this time. Accordingly, the presumption in favour of sustainable development set out at Paragraph 11 of the NPPF does not apply.
- 8.65 The site is outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of Local Plan Part 2: Development Sites and Policies Plan.

- 8.66 Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations which is engaged as this Council cannot demonstrate a 5YHLS. Officers have also given due regard to the updated 5YHLS position report presented to the Planning Committee on 24<sup>th</sup> June 2020 and the Government steer in respect of housing delivery.
- 8.67 In weighing up the material considerations and conflict between policies; the development of a greenfield site weighted against Policy DSP40, Officers have concluded that the proposal satisfies four of the five policy tests (points i), ii), iii) and iv).
- 8.68 However, the proposal fails to meet the fifth policy test of Policy DSP40 on a number of grounds. The development would lead to the loss of part of a Primary Support Area for which inadequate mitigation has been proposed and which would therefore result in adverse effects on the integrity of EPS. In addition the application contains insufficient information to demonstrate that protected and priority species would be protected or that the proposed means of surface water drainage would be acceptable. The loss of BMV agricultural land is an additional adverse effect of the development which must be weighed on the negative side of the planning balance.
- 8.69 In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage in housing supply, Officers acknowledge that the proposal could deliver 225 dwellings in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply is a substantial material consideration, in the light of this Council's current 5YHLS. In addition, the proposals include the provision of forty percent affordable housing. Added to this is the benefit of the additional jobs and expenditure in the locality arising from construction activity and the completed development itself.
- 8.70 Officers have carefully weighed the benefits which would be delivered by the proposals, having regard for the Council's 5 year housing land supply position, against the conflict with adopted local plan policies and the policies of the NPPF, and the combination of adverse effects on the integrity of EPS, the failure to protect and enhance protected and priority species, the lack of appropriate surface water drainage proposals and the loss of BMV agricultural land.
- 8.71 In light of this assessment, and taking into account all other material planning considerations, Officers recommend that planning permission should not be granted for this application. A recommendation for refusal is set out below at paragraph 9.1.

## **9.0 Recommendation**

9.1 REFUSE PERMISSION for the following reasons:

The development is contrary to Policies CS2, CS4, CS5, CS6, CS14, CS16, CS17 & CS18 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP2, DSP6, DSP13 & DSP40 of the Adopted Local Plan Part 2: Development Site and Policies Plan,

And paragraph 170 of the National Planning Policy Framework (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 proposal fails to appropriately mitigate the likely adverse effects on the integrity of European Protected Sites which would arise as a result of the effect of the development on, and loss of part of, a Primary Support Area for Brent geese and waders;
- c) The proposal fails to provide sufficient information to demonstrate that protected and priority species would be protected and enhanced;
- d) The proposal fails to provide sufficient information to demonstrate the satisfactory disposal of surface water;
- e) The proposal would result in the loss of best and most versatile agricultural land;
- f) In the absence of a legal agreement to secure such, the proposal fails to appropriately secure financial contributions towards off-site highway improvements to mitigate the impact of the development on the strategic highway network; improvements and measures to promote sustainable modes of travel; measures to mitigate the increase in traffic in the vicinity of Wicor Primary School; the introduction and/or amendment of traffic regulation orders in Beaulieu Avenue and Romsey Avenue, and; travel plan approval and monitoring fees;
- 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 impacts of recreational disturbance;

- 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.

**10.0 Notes for Information**

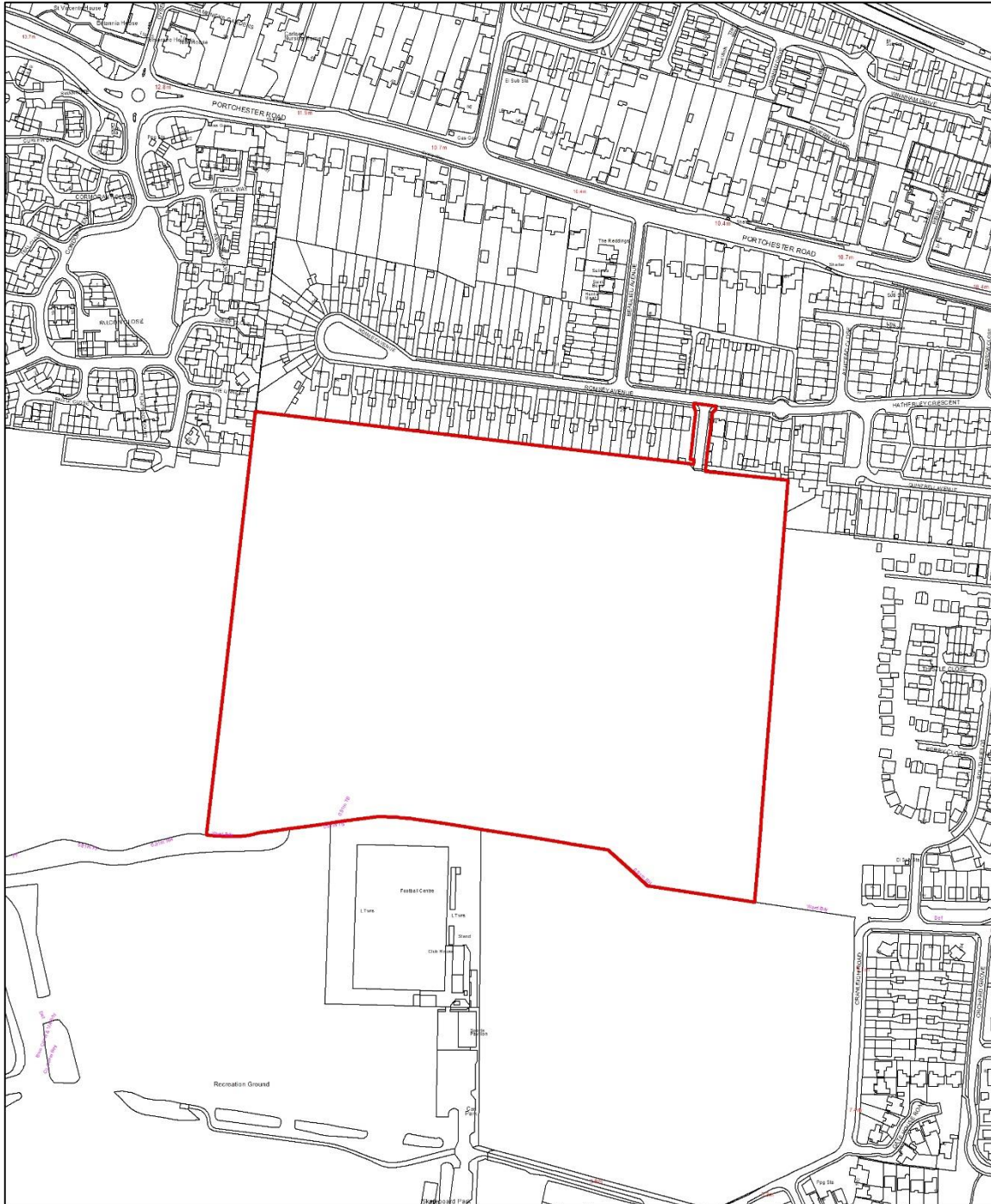
- 10.1 Had it not been for the overriding reasons for refusal to the proposal, the Local Planning Authority would have sought to address points f) - k) above by inviting the applicant to enter into a legal agreement with Fareham Borough Council under Section 106 of the Town & Country Planning Act 1990.

**11.0 Background Papers**

P/18/1073/FP

# FAREHAM

BOROUGH COUNCIL



Land to South of Romsey Avenue

Scale 1:3,750

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## OFFICER REPORT FOR COMMITTEE

DATE: 16/09/2020

P/20/0738/FP  
RIGHTDRIVE UK LTD

PORTCHESTER EAST  
AGENT: MR S GILLETT

VARIATION OF CONDITION 3 & 4 OF P/19/0860/VC TO ENABLE VEHICLES  
DISPLAY & SALES

LAKE WORKS, UNIT C1, CRANLEIGH ROAD, PORTCHESTER, PO16 9DR

### **Report By**

Susannah Emery – direct dial 01329 824526

### **1.0 Introduction**

1.1 This application is reported to the Planning Committee due to the number of third party representations received.

### **2.0 Site Description**

2.1 The application relates to a site located to the south of Cranleigh Road within an established industrial area accommodating business uses and marine related activities.

2.2 To the north and west the site abuts open land, including Wicor recreation ground. The residential development of Heritage Gardens extends to the east but is separated from the application site by the access to the wider estate.

### **3.0 Description of Proposal**

3.1 The site currently benefits from planning permission (P/19/0860/VC) for any purpose falling within Use Class B1(b) or B1(c) or a mixed use comprising storage, repair and valeting of cars including MOTs and vehicle repairs to be undertaken on the site for the general public.

3.2 Planning permission is sought to vary planning conditions 3 & 4 of P/19/0860/VC to enable vehicle display and sales to be undertaken from the site. It is proposed that Condition 3 be removed to enable vehicle sales to take place and condition 4 be varied to include the display and sale of vehicles from the site as an authorised activity.

3.3 Condition 3 of P/19/0860/VC states;

*No vehicle retail sales shall take place at the site whatsoever and at no time shall any vehicles at the site be displayed for sale.*

*REASON: To protect the amenities of the occupiers of the nearby residential properties; in the interests of highway safety.*



3.4 Condition 4 of P/19/0860/VC states;

*The premises shall be used for purposes falling within Use Class B1(b) or B1(c) or as a mixed use comprising of storage of used cars, mechanical repairs and vehicle valeting, MOT Testing and inspections and for no other purpose at any time and any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification, or as may be permitted by any Class within Schedule 2, Part 3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification.*

*REASON: To protect the amenities of the occupiers of the nearby residential properties; in the interests of highway safety.*

3.5 The company that occupy the site, Rightdrive UK Ltd, refer to their business model as more of a 'click and collect' operation than a traditional car dealership. Customers apply for finance through the company and its associated lenders and once approved they can then choose and collect a vehicle from the vehicle forecourt, which is currently located in Portsmouth. The workshop facility at the application site is currently used for the initial inspection of vehicles and preparation for sale before they are moved to the Portsmouth retail site. Vehicles may also be stored at the application site as necessary.

3.6 The proposed site plan indicates the external areas of the site to be used for vehicle display and customer/staff parking. It is proposed that a new vehicular access will be formed to enable access direct to the parking area and enable vehicle movements between the external areas of the site and the workshop without vehicles needing to access Cranleigh Road.

#### **4.0 Policies**

4.1 The following policies apply to this application:

##### **Adopted Fareham Borough Core Strategy**

CS5 - Transport Strategy and Infrastructure

CS17 - High Quality Design

##### **Adopted Development Sites and Policies**

DSP2 - Environmental Impact

DSP13 - Nature Conservation

#### **5.0 Relevant Planning History**

5.1 The following planning history is relevant:

P/16/1019/DA	CHANGE OF USE OF THE SITE TO A MIXED USE AS A COACH DEPOT & VEHICLE & GRAPHIC DESIGN & DIGITAL PRINTING BUSINESS.
<b>Appeal Allowed</b>	6 December 2016
P/17/0807/CU	Change of use of site to allow premises to be used for any use falling within classes B1(b) and B1(c) or a mixed use comprising of storage of used cars, mechanical repairs and vehicle valeting
<b>Permission</b>	14 September 2017
P/19/0860/VC	Variation of Condition 4 & Removal of Condition 6 of Application P/17/0807/CU (Use of Site for B1(b) and B1(c) Uses or Mixed Use Comprising storage, repair and valeting of cars). Amendment to allow MOTs and vehicle repairs to be undertaken on the site for the general public
<b>Permission</b>	25 October 2019

## **6.0 Representations**

6.1 Eleven representations have been received (including one from the Portchester Civic Society and one from the Portchester Society) raising the following concerns;

- Additional vehicle movements on Cranleigh Road from customers, increased staff, test drives, deliveries, after-care etc
- Transporters have great difficulty negotiating the road and unloading safely
- There has already been a significant increase in vehicle movements as a result of the new housing estate
- The road has become increasingly busy and speed limits are not observed
- Vehicles park on the road causing obstruction, particularly when the recreation ground is used for football, and this could prevent access for the emergency services
- Concerns that the site is already at capacity and cannot accommodate additional vehicles resulting in overspill in the local area
- Lack of pavement along Cranleigh Road puts pedestrians at risk
- Increased noise from delivery of vehicles on transporters
- Increased omissions from vehicle movements
- The conditions were previously imposed in the interests of highway safety and the decision to impose should not be reversed
- Not in keeping with the area
- Unsightly signage

- Impact on ecology (bats) from external lighting which is left on all night

## **7.0 Consultations**

### EXTERNAL

#### **Hampshire County Council (Highways)**

- 7.1 There is no objection to the variation of conditions from a highway perspective. Vehicle access into the site is unchanged, and a parking area to the rear of the site will ensure any potential parking on the highway will be minimised. It would however be suggested that the parking area on site is clearly signposted internally, given its location being out of the sales area. It would be recommended that a suitably worded condition is put in place to ensure the parking indicated on the plans is retained for customer parking at all times, and doesn't get encompassed within the vehicle sales area.

## **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) Site History & Background
- b) Impact on Highway Safety;
- c) Other Matters;

#### *a) Site History & Background*

- 8.2 Until 6 December 2016, the application site benefited from an unrestricted B2 (General Industrial) use. An enforcement notice was served on Victory Travel Ltd in 2016 to cease the unauthorised use of the site as a coach depot and for vehicle repairs. An appeal was lodged, the enforcement notice was subsequently quashed by the Planning Inspectorate and planning permission was granted for a retrospective change of use of the site to a mixed use as a coach depot and vehicle repairs and graphic design and digital printing business. The permission was subject to conditions, including restricted opening hours and restricted number of vehicles stored outside of the buildings.
- 8.3 In 2017 planning permission (P/17/0807/CU) was granted to use the site for any purpose falling within class B1(b)(Research & Development), B1(c)(Light Industrial) or a mixed use comprising storage of used cars, mechanical repairs and vehicle valeting. This enabled the operator of the site to receive, store and prepare used cars for sale which were then sent to their retail site in

Portsmouth to be sold. In 2019 a variation of condition was sought to enable MOT's and vehicle repairs to be undertaken on the site for the general public.

- 8.4 Whilst a planning condition was imposed on P/19/0860/VC to prevent vehicle sales from being undertaken from the site the officer report highlighted that, in order to retain control, an application for such a proposal would be required and if this were received then the impacts of the proposal would be assessed, and residents invited to make representation.

*b) Impact on Highway Safety*

- 8.5 The main issue to be considered in the determination of this application is whether significant additional vehicle movements would occur on the local highway network and whether this would be detrimental to highway safety.
- 8.6 In granting the appeal in 2016 the appeal inspector was mindful of the historic use of the site for general industrial (B2) purposes, which were unrestricted in terms of the type of activities carried out, the hours of operation, the size of vehicles entering the site etc. In allowing the appeal the Inspector noted that the site would already have been in use by HGV's and boat transporters, such that coach and minibus movement would not be worse.
- 8.7 In considering the impact of the proposal on vehicle movements on the local network it is necessary to examine the operations of the business in detail. A transport statement has been submitted in support of the application detailing the vehicle movements associated with the existing use. The statement advises that vehicles are currently normally delivered by transporter to a yard within Castle Trading Estate and are then driven to the application site so that large transporters are not frequently required to negotiate Cranleigh Road. Vehicles are prepared for sale at the application site and will then be moved to the Portsmouth retail site for sale. If a vehicle is sold from the retail site it is often brought back to the application site for a pre-delivery inspection to ensure the vehicle is in full working order and is safe to drive before being returned to Portsmouth. When a car is moved between the two sites a second vehicle will also usually follow to return the driver to their site of origin. Cars that are part-exchanged by customers are also returned from Portsmouth to Portchester. The company currently sells approx. 35 vehicles a month with these vehicles typically being moved back and forth between Portchester and Portsmouth. It is therefore evident that the proposal would significantly reduce the number of vehicle movements between the application site and the Portsmouth retail site which the company no longer intends to use.
- 8.8 With regards to the increased vehicle movements associated with customers visiting the site it is advised that 98% of customers will have a pre-arranged

appointment. Prior to a customer visit to the site, finance for the vehicle will have been approved and the customer will then attend the site to inspect which vehicle they wish to purchase. Most visits by a customer will typically result in a sale but at present it is suggested that 45 customers may visit the site a month in total which equates to approx. 2-3 visits per working day. Customers would be expected to test-drive vehicles but overall it is considered that the increase in vehicle movements associated with customers visiting the site would not significantly outweigh the reduction achieved by the loss of movements between the company's two sites.

- 8.9 The change of use of the site in 2017 to enable the storage of used cars, mechanical repairs and vehicle valeting was accepted on the basis that it would be unlikely to generate HGV traffic at the same scale as the historic uses given that the repairs undertaken on site would mainly be mechanical servicing, repair and minor cosmetic repairs of cars being prepared for sale. Given the rationale of the Planning Inspectorate in dealing with the appeal it was considered difficult to resist the inclusion of MOT testing and vehicle repair for the general public in 2019 due to any impact on the highway network. Officers have reached the same conclusion in relation to the current application for the inclusion of an element of vehicle sales and do not consider that the proposal would have a demonstrable adverse impact on the local highway network in terms of increased movements or highway safety when taking into account the history of the site and the permitted use. Furthermore, the Highway Authority have raised no objection to the proposal.
- 8.10 The site has ample space for staff and customer car parking (approx. 14 spaces) the provision of which would be secured by planning condition to limit the potential for any indiscriminate parking on Cranleigh Road. There are approximately eight members of staff present on the site at any one time. A scheme of signage will also be sought to ensure that the customer car parking is appropriately signposted and marked. The company will need to manage their stock of cars to ensure they can be accommodated within the site but as previously stated car storage is already an authorised use at the site with no restriction on numbers.

*c) Other Matters*

- 8.11 It is not considered that there would be any adverse impact on the living conditions of the nearest residential properties within Heritage Gardens in terms of noise and disturbance due to the level of separation. The opening hours condition imposed on P/19/0860/VC would be re-imposed.
- 8.12 Further to the complaint within one of the representations concerning external lighting the applicant has advised that external lighting has recently been

installed at the site due to security concerns. The lighting is controlled by a timer and is no longer in use 24 hours a day. A planning condition would be imposed to ensure this lighting is turned off to coincide with the hours of opening. There are no further concerns in relation to ecological impact.

- 8.13 The proposal accords with Policy CS5 and CS17 of the adopted Fareham Borough Core Strategy and Policy DSP2 of the adopted Fareham Local Plan Part 2: Development Sites and Policies and is considered acceptable.

## **9.0 Recommendation**

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

1. The development hereby permitted shall be begun within 3 years from the date of this 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 hereby permitted shall be carried out strictly in accordance with the following drawings/documents:

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

3. The premises shall be used as a mixed use comprising of the storage of used cars, mechanical repairs and vehicle valeting, MOT Testing and inspections, and the sale and display of motor vehicles for sale and for no other purpose at any time including any other purpose in any class of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification.

REASON: To protect the amenities of the occupiers of the nearby residential properties; in the interests of highway safety.

4. The uses hereby permitted shall not take place other than between the hours of 0830 - 2100 hrs Monday to Saturday and 1000 – 1600 Sundays and Bank Holidays

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

5. The use hereby permitted shall not commence until the area shown on the approved plan for staff/customer car parking and turning has been fully laid out and made available for use. This area shall thereafter be retained and kept available at all times.

REASON: In the interests of highway safety.

6. The use hereby permitted shall not commence until details of a scheme of signage to be displayed (including both navigational and identification signs or markings) has been submitted to and approved in writing by the Local Planning Authority. Signage shall thereafter be displayed at the site at all times in accordance with the approved scheme.

REASON: In the interests of highway safety.

7. No floodlighting, security lighting or other external means of illumination of the site shall be operated before 08:00am or after 21:30pm Monday – Saturday or 17:00pm Sundays/Bank Holidays.

REASON: In order to prevent light disturbance to occupiers of nearby residential properties and control light pollution.

#### **10.0 Background Papers**

P/20/0738/FP; P/19/0860/VC

# FAREHAM

BOROUGH COUNCIL



Lake Works, Cranleigh Road  
Scale 1:2,500

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# Agenda Item 6(4)

## OFFICER REPORT FOR COMMITTEE

DATE: 16/09/2020

P/20/0656/VC  
MR A WELLS

PORTCHESTER EAST  
AGENT: MR ROBERT TUTTON

REMOVAL OF CONDITION 6: (LIMITING USE OF GARAGE) OF APPROVED  
PLANNING P/09/0797/FP – ERECTION OF DETACHED DOUBLE GARAGE

84 MERTON AVENUE, PORTCHESTER, FAREHAM, PO16 9NH

### **Report By**

Jon Snook – Direct Dial 01329 824703

### **1.0 Introduction**

- 1.1 The planning application is being brought before Planning Committee due to the Local Planning Authority receiving 35 letters of support which oppose the recommendation of the Planning Officer. In total there were 62 representations with regard to this planning application.
- 1.2 A separate planning application has been submitted for a change of use of part of this same property to allow a takeaway coffee shop to operate on a temporary basis for a year (reference P/20/0811/CU). That application is reported for consideration by Members elsewhere on this Planning Committee agenda.

### **2.0 Site Description**

- 2.1 The site consists of a semi-detached chalet bungalow set on the western side of Merton Avenue. The application site occupies a corner plot with the southern boundary adjoining Alton Grove. The property has a detached double garage which is located at the end of the rear garden. The detached garage is a distance of 1.1 metres from the western boundary which adjoins the neighbouring property of 5 Alton Grove. The detached garage has direct access onto Alton Grove with a partial dropped kerb providing access to the road. The garage does not benefit from a driveway.
- 2.2 The immediate area of Merton Avenue and Alton Grove is a pleasant residential area comprising of a mixture of both bungalows and chalet bungalows. A feature of Alton Grove is the large public open green space which lies to the south of the road and adjoins the Portchester foreshore. The public open space lies opposite 5 to 27 Alton Grove and the entrance to the detached double garage located at the rear of 84 Merton Avenue.

2.3 The public open green space in Alton Grove is used for recreational purposes and for access to the Portchester foreshore where there is a public footpath stretching along the coastline.

### **3.0 Description of Proposal**

3.1 The planning application has been made for the removal of Condition 6 imposed on planning permission P/09/0797/FP in November 2009.

3.2 That condition reads as follows:

*The use of the garage hereby permitted shall be limited to purposes incidental to the enjoyment of the dwelling house and shall not be used for any business, industrial or commercial purposes whatsoever.*

*REASON: To protect the residential amenities of occupiers of nearby residential properties; in the interests of highway safety; in accordance with Policy DG1 of the Fareham Borough Local Plan Review.*

3.3 The application for the removal of the condition has been made on the basis of two grounds: -

- That the Officer Report to the Planning Committee did not mention the requirement for Condition 6 and therefore the condition was not invited or recorded from the outset;
- That the applicants are minded to open a takeaway coffee shop. It is submitted that if the use of the permitted garage for a commercial purpose would constitute a material change that required planning permission under primary legislation, Condition 6 was not needed. Paragraph 55 of the National Planning Policy Framework 2019 asserts that “*Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.*” The imposition of Condition 6 was unnecessary from the outset, so it is *ultra vires* and should be removed.

3.4 As noted in the introduction to this report, a separate planning application proposing a change of use of part of the garage to allow its temporary use as a takeaway coffee shop is included elsewhere on this Planning Committee agenda.

### **4.0 Policies**

4.1 The following policies apply to this application:

#### **Adopted Fareham Borough Core Strategy**

CS5 – Transport Strategy and Infrastructure  
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:

<b>P/09/0528/FP</b>	(A) ERECTION OF 1.8 METRE FENCE ALONG SOUTHERN BOUNDARY; AND (B) ERECTION OF DOUBLE GARAGE
PART PERMISSION	13/09/09
<b>P/09/0797/FP</b>	ERECTION OF DETACHED DOUBLE GARAGE
APPROVED	17/11/09
<b>P/10/0035/FP</b>	ERECTION OF TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION AND PROVISION OF FRONT & REAR DORMERS
REFUSED	11/03/10
<b>P/10/0220/FP</b>	ERECTION OF SINGLE STOREY REAR EXTENSION, TWO STOREY SIDE EXTENSION WITH SIDE ROOFLIGHT AND ALTERATIONS TO ROOF INCLUDING FRONT AND REAR DORMERS
APPROVED	05/05/10
<b>P/17/0126/FP</b>	ADDITION OF A BARN-HIPPED ROOF OVER EXISTING GARAGE AND CHANGE OF USE TO A ONE BED DWELLING. PROVISION OF A DROPPED KERB.
WITHDRAWN	17/03/17
<b>P/17/0943/FP</b>	PROPOSED CONSTRUCTION OF A BARN-HIPPED PITCHED ROOF OVER DETACHED BUILDING
REFUSED	11/10/17
<b>P/20/0811/CU</b>	TEMPORARY CONSENT FOR A TAKEAWAY COFFEE SHOP
PENDING	

## **6.0 Representations**

6.1 There have been 62 representations about this planning application and a summary of the representations are as follows: -

Out of the 62 representations received:

- 35 were in favour of a coffee shop and removal of the condition;
- 27 were not in favour of the removal of the condition

Out of the 62 representations received:

- 18 representations were made from residents of Alton Grove with 9 residents in favour and 9 residents against removal of the condition;
- 3 residents of Grove Avenue made representations with 1 supporting and two against the removal of the condition;
- 6 residents of Merton Avenue made representations with 4 supporting the removal of the condition and 2 against the removal;
- 35 representations were made from individuals living outside of the immediate area, some as far as Banbury, Basingstoke and Portsmouth. Many of these representations were from individuals who identified themselves in their comments as dog walkers

The following is a summary of the material planning considerations raised in the comments that have been received: -

### Opposing the application

- The garage is adjacent to a neighbour's driveway, so queues for the kiosk could block the pavement and access to the neighbour's driveway.
- The road the garage is located on, only has a single pavement on one side which I envisage will be made difficult to navigate with patrons blocking it forcing people with buggies, wheelchairs, mobility scooters and children to walk in the road.
- There is no requirement for a coffee/ice cream kiosk within the immediate area as there are four other food and drink establishments along the shoreline.
- A cafe/food kiosk will certainly result in a significant rise in litter in an area where there are no public bins.
- The coffee machine within the garage/kiosk is particularly loud and can be heard from within our property, plus several local gardens and also from the edge of the shore itself.
- The additional noise of queuing customers, conversations between staff and customers will create excess noise pollution, again detracting from the quiet, residential road and preventing residents from enjoying their own gardens.

- The noise and physical disruption associated with granting the application will I believe have a significantly adverse impact on local residents.
- That a residential area should not be used for such a business.
- The business would be out of character of the area.
- That there will be an increase in traffic with additional vehicle movements and cause parking issues.
- The properties in the road have modest parking space and off-street parking is limited, the business will generate traffic and the requirement for additional parking.
- Alton Grove is a very narrow street and there will be an increase in anti-social behaviour.
- This could set a worrying precedent for anyone with a garage or spare land to convert it to a retail unit and then try and retrospectively seek permission.
- With a previous application being rejected to convert the garage into a residential dwelling, it is astonishing to think an application for conversion to a commercial property would fare any better.

#### Supporting the application

- The opening of a snack bar would be a welcome to all the different people that are now using the shoreline.
- The takeaway coffee shop will benefit the area.
- The opening of a takeaway coffee shop would be welcomed by walkers.
- It would be a welcome space for dog walkers to stop to get a coffee.
- It will be a boost to local tourism.
- No shortage of bins along the shore walk.
- It will support local businesses.
- I can't see it having any affect to the parking that Alton Grove already has to offer.

## **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) Whether the planning condition is necessary
- b) Impact upon living conditions of neighbouring residents
- c) Highway safety

### **a) Whether the planning condition is necessary**

8.2 It is important from the outset to stress that this application for the removal of condition 6 (P/09/0797/FP) is not an application for the change of use of the detached double garage. However, the applicants have been clear in their intention to open a takeaway coffee shop. A separate planning application elsewhere on this Planning Committee agenda relates.

8.3 The existing planning condition 6 (P/09/0797/FP) restricts the use of the detached double garage to those purposes that are incidental to the enjoyment of the dwelling house at 84 Merton Avenue. Specifically, it does not permit the use of the garage for any business, industrial or commercial purposes whatsoever.

8.4 Paragraph 55 of the National Planning Policy Framework 2019 (NPPF) states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification. The Planning Practice Guidance re-enforces the approach that Local Authorities should follow when using planning conditions, making reference to the tests laid out within NPPF Paragraph 55.

8.5 The applicant's case is based on there being no need for the planning condition. They contend that, because they have been advised that their intended use of the garage as a takeaway coffee shop would be a material change of use which would require planning permission in any case, there is no need for the restrictions imposed by condition 6.

8.6 It is important to recognise that not all business uses require an application for a change of use as some operations are not considered to be a material change of use which would require such an application. Therefore, condition

6 (P/09/0797/FP) is considered to be necessary in order to maintain planning control upon the use of the garage.

- 8.7 The removal of condition 6 would provide the opportunity for the owner of the property to operate any business from the garage provided such a use was ancillary to the main use of the property as a dwellinghouse. Whilst the Local Planning Authority would still require a planning application for a business use which was considered to be a material change of use there would be no requirement for the householder to apply for planning permission for a business which was not considered to be a material change of use. The implication of the removal of this condition would therefore open up the use of the garage for a large variety of purposes such as, but not limited to, child minding, a hairdressing or beauty salon, a commercial workshop or a commercial office provided the use was ancillary in nature.
- 8.8 The immediate surrounding area of the application site is one used for residential purposes with a distinct style of properties consisting of mainly bungalows and chalet bungalows. It is considered that the area is a sought after location for homeowners to enjoy the benefits of a peaceful location, whilst sharing the wider recreational facilities with visitors to the green and Portchester shoreline. The following paragraphs consider two key considerations given in the reasons for imposing the condition, namely the impact on the living conditions of neighbours and highway safety.

**b) Impact upon living conditions of neighbouring residents**

- 8.9 The detached garage is located on the western boundary of the application site some 27 metres in distance away from the rear wall of the dwelling at 84 Merton Avenue. The garage is 1.1 metre away from the boundary with 5 Alton Grove with this property being separated by a further 2.4 metres from the boundary which is the width of the driveway. The driveway which leads to 5 Alton Grove is immediately adjacent to the Alton Grove access to the detached garage.
- 8.10 As stated above, the removal of condition 6 (P/09/0797/FP) would enable the ancillary use of the garage, including for any number of potential business uses. The impact of a business use could result in additional noise and disturbance to neighbouring properties from increased visitors on foot to the business, increased vehicle movements to the location of both visitors and deliveries to the detached garage. Due to the close proximity of 5 Alton Grove to the detached garage there is clear potential for a business use, even ancillary in nature, to have a significant detrimental effect on the living conditions of the neighbours. The occupants of other nearby residential properties may also be similarly affected.

8.11 This is not to say that any ancillary business use would be harmful, simply that Officers consider it is important to retain control over ancillary uses for those reasons. With this in mind it is considered that the planning condition serves an important purpose in preventing harm to the living conditions of neighbouring residents.

**c) Highway safety**

8.12 The impact of an ancillary business use may, without any control, be harmful to the safety and convenience of highway users.

8.13 The detached garage is situated on a narrow section of Alton Grove with a pavement on the northern side of the road. There is no pavement on the opposite side of Alton Grove (southern side) with the road immediately adjoining the public open green space. A number of bollards have been erected on the open space to prevent vehicles from mounting the verge. The removal of this condition may result in deliveries to any business operated in the detached garage. It is possible, that the vehicles used for deliveries could range from small vans to much larger lorries. Given this set of circumstances, it is clear that there is the potential for an ancillary use to have a significant detrimental effect on the safe operation of the highway immediately surrounding the application site.

8.14 In addition, the operation of any business from the detached garage may increase visitors and staff member movements to and from the property with an increased demand on the limited parking availability in the area which would thereby place further strain on ensuring the safety of pedestrians and other road users.

8.15 In summary therefore, whilst it cannot be said that all ancillary uses would have a harmful effect in terms of highway safety, the existing condition restricting such uses clearly serves an important purpose in controlling inappropriate and harmful uses from taking place.

**Conclusion**

8.16 Officers have considered the request by the applicant remove condition 6 of P/09/0797/FP. The condition has been assessed against the tests set out in the PPG and NPPF and it has been concluded that the condition complies with those tests. The condition is necessary in order to control inappropriate ancillary uses which might otherwise have unacceptable adverse impacts on the living conditions of neighbours and highway safety in the locality.

**9.0 *Recommendation***

9.1 REFUSE PLANNING PERMISSION



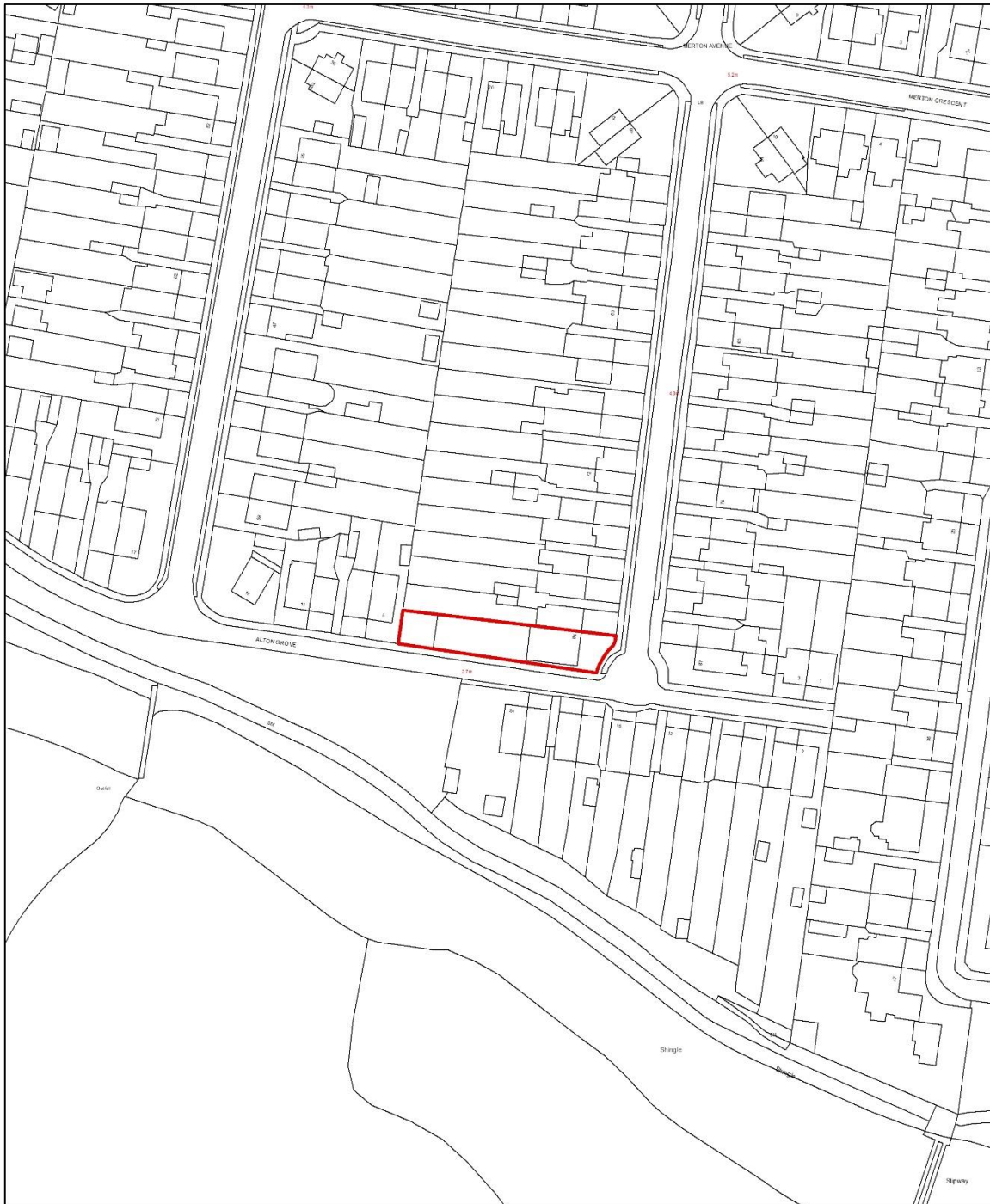
The proposal is contrary to Policies CS5 of the Adopted Fareham Borough Core Strategy 2011 and DSP2 of the Adopted Local Plan Part 2: Development Sites and Policies, and is unacceptable in that the removal of condition 6 of P/09/0797/FP may result in the garage being used for ancillary uses which in turn may harm the living conditions of occupants of nearby residential properties and the safety of highway users.

**10.0 Background Papers**

P/20/0656/VC

# FAREHAM

BOROUGH COUNCIL



84 Merton Avenue  
Scale 1:1,250

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# Agenda Item 6(5)

## OFFICER REPORT FOR COMMITTEE

DATE: 16<sup>th</sup> September 2020

P/20/0811/CU  
MR & MRS A WELLS

PORTCHESTER EAST  
AGENT: MR ROBERT TUTTON

TEMPORARY CONSENT FOR A TAKEAWAY COFFEE SHOP

84 MERTON AVENUE, PORTCHESTER, FAREHAM, PO16 9NH

### **Report By**

Jon Snook – Direct Dial 01329 824703

### **1.0 Introduction**

- 1.1 The planning application is being brought before Planning Committee due to the number of third-party representations received.
- 1.2 A separate planning application has been submitted seeking removal of condition 6 of planning permission reference P/09/0797/FP. That application is reported for consideration by Members elsewhere on this Planning Committee agenda.

### **2.0 Site Description**

- 2.1 The site consists of a semi-detached chalet bungalow set on the western side of Merton Avenue. The application site occupies a corner plot with the southern boundary adjoining Alton Grove. The property has a detached double garage which is located at the end of the rear garden. The detached garage is a distance of 1.1 metres from the western boundary which adjoins the neighbouring property of 5 Alton Grove. The detached garage has direct access onto Alton Grove with a partial dropped kerb providing access to the road. The garage does not benefit from a driveway.
- 2.2 The immediate area of Merton Avenue and Alton Grove is a pleasant residential area comprising of a mixture of both bungalows and chalet bungalows. A feature of Alton Grove is the large public open green space which lies to the south of the road and adjoins the Portchester foreshore. The public open space lies opposite 5 to 27 Alton Grove and the entrance to the detached double garage located at the rear of 84 Merton Avenue.
- 2.3 The public open green space in Alton Grove is used for recreational purposes and for access to the Portchester foreshore where there is a public footpath stretching along the coastline.

### **3.0 Description of Proposal**

- 3.1 The planning application has been made for the temporary consent for the use of part of the garage as a takeaway coffee shop which will also include the provision of ice creams.
- 3.2 In support of the application the applicant has informed the Council that the area is well used by joggers, walkers and cyclists. The applicant believes that from informal conversations there is an 'untapped demand for takeaway refreshment'.
- 3.3 The applicants have stated that it would be their intention to open the shop on Saturday, Sundays and Bank Holidays between the hours of 0900-1700 hours.
- 3.4 The garage has a small paved area (measuring 1.67 metres wide) which separates the roller shutter door from the pavement in Alton Grove. The applicant states that this area will be used for queuing customers.
- 3.5 In further support of the application the applicants state that: -
- Any litter problems are a matter for the Police and are not material planning consideration.
  - That the coffee shop would only serve walkers, joggers and cyclists and that the applicants would make it known through social media platforms that anyone arriving by vehicles would not be served.
  - That the earlier application for the removal of the condition (P/20/0656/VC) revealed third party representations which cited fear of traffic and litter problems. The applicant is therefore applying for a temporary 1-year permission in order that the fears can be proved to be unfounded.
  - The applicant provides their own analysis of the representations in support of the previous application (P/20/0656/VC) to add weight to opening the coffee shop.
- 3.6 The applicant has provided additional information in support of this application to clarify deliveries for the takeaway coffee shop. In summary, the applicant has stated that there will be a weekly ice cream delivery, a coffee delivery once a fortnight and a monthly drinks delivery.

#### **4.0 Policies**

- 4.1 The following policies apply to this application:

**Adopted Fareham Borough Core Strategy**  
CS5- Transport Strategy and Infrastructure

CS17 – High Quality Design

**Adopted Development Sites and Policies**

DSP2- Environmental Impact

DSP3 – Impact on Living Conditions

DSP37 – Out-of-Town Shopping

DSP38 – Local Shops

**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:

<b>P/09/0528/FP</b>	(A) ERECTION OF 1.8 METRE FENCE ALONG SOUTHERN BOUNDARY; AND (B) ERECTION OF DOUBLE GARAGE
PART PERMISSION	13/09/09
<b>P/09/0797/FP</b>	ERECTION OF DETACHED DOUBLE GARAGE
APPROVED	17/11/09
<b>P/10/0035/FP</b>	ERECTION OF TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION AND PROVISION OF FRONT & REAR DORMERS
REFUSED	11/03/10
<b>P/10/0220/FP</b>	ERECTION OF SINGLE STOREY REAR EXTENSION, TWO STOREY SIDE EXTENSION WITH SIDE ROOFLIGHT AND ALTERATIONS TO ROOF INCLUDING FRONT AND REAR DORMERS
APPROVED	05/05/10
<b>P/17/0126/FP</b>	ADDITION OF A BARN-HIPPED ROOF OVER EXISTING GARAGE AND CHANGE OF USE TO A ONE BED DWELLING. PROVISION OF A DROPPED KERB.
WITHDRAWN	17/03/17
<b>P/17/0943/FP</b>	PROPOSED CONSTRUCTION OF A BARN-HIPPED PITCHED ROOF OVER DETACHED BUILDING

REFUSED 11/10/17

**P/20/0656/VC** REMOVAL OF CONDITION 6: (LIMITING USE OF GARAGE) OF APPROVED PLANNING P/09/0797/FP – ERECTION OF DETACHED DOUBLE GARAGE.

PENDING

## **6.0 Representations**

6.1 There have been 135 representations about this planning application and a summary of the representations are as follows: -

- 111 were in favour of the change of use to a coffee shop
- 24 were not in favour of the change of use to a coffee shop
- 11 representations were made from residents of Alton Grove with 6 residents in favour and 5 against
- 5 residents of Grove Avenue made representations with 3 in support and 2 against
- 6 residents of Merton Avenue made representations with 4 in support and 2 against
- 90 representations were made from individuals living within Portchester
- 23 representations were made from individuals living outside of the immediate area, some as far as Banbury, Portsmouth, Gosport, Havant and Alton. Many of these representations were from dog walkers

The following material planning considerations were raised:

### Objections

- Litter
- Traffic
- Parking
- Pollution
- Rodents
- Anti-social behaviour
- Noise and disturbance
- Blocking of footpath from queuing
- Cannot measure who has arrived by car
- There are other coffee shops within surrounding area that are within more appropriate locations
- Inappropriate location
- Alton Grove is a small residential area
- Roads cannot cope with increased traffic and parking
- People with disabilities cannot access pavement when customers are queuing

- Highway safety
- Will set a precedent for similar within surrounding area
- Inappropriate opening hours
- No details where bins will be stored
- Could be converted to external seating area
- Harm to wildlife
- Loss of privacy
- Loss of parking spaces
- Customers will park on surrounding roads
- Out of character
- Will not support existing businesses within Portchester
- Alton Grove is a quiet residential road
- Could be turned into café
- Could be separated from main dwelling and used as a separate business
- Will need permission to be converted back to garage
- Excess rubbish in domestic bins

#### Support

- Area needs coffee shop
- Will benefit local area
- Will not impact local businesses
- Good location
- Boosts local economy
- Would be welcome to all people using shoreline
- Encourage visitors to shoreline
- Environmentally friendly
- Add variety to area
- Can use their litter picking tools to collect waste and prevent it going into the sea
- Will be well managed and well maintained
- Used by dog walkers and families
- No issues with noise
- Wells family considerate of surrounding area and community
- Ensure that litter is controlled
- Central location
- Supports independent businesses
- Will not disturb locals
- Sustainable
- Run by local people
- Sensitive to area
- Enhance community spirit

- Reduce littering
- Provide employment
- Prevent anti-social behaviour
- In-keeping with surrounding area
- Will be used by lots of people
- No through roads so many people will not come by car
- Will only be used by foot traffic

## **7.0 Consultations**

### **Hampshire County Council Highways**

- 7.1 After reviewing the proposals it would seem that having an attractor (such as a coffee/ice-cream service) would likely bring a greater level of trips to a residential crescent which is not designed to cater for such flows. The beach front of Portchester may be made more popular by the addition of this development and there is concern that on weekends and bank holidays, there may be a significant increase in trips attracted to the area. As the site is located on essentially a cul-de-sac crescent, the road has been designed for residential use only. This would also seem to be an existing concern with on-street parking as indicated by wooden posts installed on the southern side to prevent indiscriminate parking damaging the area. Due to the extremely limited information provided in the application, the Highway Authority would be unable to support this application in its current form.

## **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) Character of the Area
- b) Impact upon living conditions of neighbouring residents
- c) Highway Safety
- d) Policies DSP37 & DSP38

### **a) Character of the Area**

- 8.2 Planning permission was originally approved for the development of the detached double garage at 84 Merton Avenue on 17<sup>th</sup> November 2009. The Planning Decision Notice (P/09/0797/FP) listed a total of six planning conditions which were to be complied with.



- 8.3 Condition 6 of the Planning Decision Notice specified the following condition (which is the subject of a separate application elsewhere on this Planning Committee agenda seeking its removal):

*The use of the garage hereby permitted shall be limited to purposes incidental to the enjoyment of the dwelling house and shall not be used for any business, industrial or commercial purposes whatsoever.*

*REASON: To protect the residential amenities of occupiers of nearby residential properties; in the interests of highway safety; in accordance with Policy DG1 of the Fareham Borough Local Plan Review.*

- 8.4 The applicant has fitted out a section of the garage for the intended purposes of operating as a takeaway coffee shop which will also serve ice creams and cakes. The garage has been fitted with a roller shutter door which, when opened, reveals a takeaway counter for the service of customers with refreshments. In addition, signage has been added advertising the business as '84 by the shore'.
- 8.5 The immediate surrounding area of the application site is one used for residential purposes with a distinct style of properties consisting of mainly bungalows and chalet bungalows. It is considered that the area is a sought-after location for homeowners to enjoy the benefits of a peaceful location, whilst sharing the wider recreational facilities with visitors to the green and Portchester shoreline.
- 8.6 The external visual appearance of the structure has not changed in that the roller shutter door still gives the appearance of a garage when it is closed. The application specifies restricted opening hours for the takeaway coffee shop with it being open between 9.00am and 5.00pm on Saturdays, Sundays and Bank Holidays and therefore for the majority of the day and week the building will maintain the appearance of a garage. Upon opening the roller shutter door there is a modest sized service counter for the service of customers with coffee and ice creams. The applicant has installed additional fencing on the boundary with 5 Alton Grove and visibility of the counter is therefore largely restricted to the area of open green space located opposite the application site.
- 8.7 The applicant has placed signage on the gates which are situated immediately adjacent to the detached garage and the service counter (which is visible when the roller shutter door is open) advertising '84 by the shore'. The signage is not considered to be intrusive or unacceptable and does not detract from the appearance of the street.

8.8 In view of the limited opening hours for the takeaway coffee shop, the outlook of the shop onto the green open space and the lack of significant change in the overall visual appearance for the garage, it is not considered that there would be any materially harmful effect on the character of the area.

**b) Impact upon living conditions of neighbouring residents**

8.9 The detached garage is located on the western boundary of the application site some 27 metres in distance away from the rear wall of 84 Merton Avenue. The garage is 1.1 metre away from the boundary with 5 Alton Grove with this property being separated by a further 2.4 metres from the boundary which is the width of the driveway. Furthermore, the driveway which leads to 5 Alton Grove is immediately adjacent to the Alton Grove access to the detached garage. Therefore, it is considered that the impact of any business activity may have a greater impact upon 5 Alton Grove than the residential property of 84 Merton Avenue.

8.10 Concern has been expressed by neighbours that there will be an increase in the noise from the application site. It has been suggested that there will possibly be noise generated from customers and staff at the coffee shop. Whilst this concern is acknowledged, the small size of the shop and the fact that customers would take their purchases away and would not be consuming beverages and food on the premises means that any such noise experienced by neighbours living nearby is unlikely to be significant. In addition, the modest opening times outlined within the application would help to limit any such impact. A planning condition could be imposed to restrict the opening hours and thereby help to limit any disturbance.

8.11 The proposal is for a takeaway coffee shop however many such shops serve food also (the applicant has also expressed a wish to sell ice creams). In order to avoid any potential for cooking odour to become a nuisance to neighbouring properties Officers consider it would be necessary to impose a planning condition on any temporary consent to ensure that no hot food is sold from the shop. This is to ensure that no food is cooked on the site which may otherwise cause odour harming the living conditions of neighbours.

8.12 Neighbours have expressed concern regarding the potential impact from queues of customers outside the detached garage which is immediately visible from the adjacent driveway of 5 Alton Grove. A new fence erected on the boundary with 5 Alton Grove already assists in screening views from the forecourt immediately in front of the garage. Subject to that fencing remaining in place there would be no material adverse impact on the privacy of neighbours living next door.

- 8.13 The applicant has provided additional information in support of this application to clarify deliveries for the takeaway coffee shop. In summary, the applicant has stated that there will be a weekly ice cream delivery, a two weekly coffee delivery and a monthly drinks delivery. The level of deliveries of supplies for the coffee shop does not appear to be unreasonable or that it would result in any detrimental impact to the living conditions of neighbouring properties.
- 8.14 The consultation process raised comments that the opening of the coffee shop will result in an increase in vehicles using the surrounding roads and parking difficulties. The applicants state that it is the plan to focus the business in serving the walkers/joggers and cyclists using the foreshore. At this stage there is nothing to suggest that the coffee shop would attract people travelling to the area by car in any great numbers. If temporary consent was to be granted, any additional traffic movements generated by the coffee shop could be assessed over that 12-month period and then taken into account should a further application be received.
- 8.15 Officers are mindful of the close proximity of the proposed coffee shop to neighbouring properties. The potential impact of the proposed use has been carefully considered in relation to its likely impact on the living conditions of neighbours. Having taken into account the various matters set out above, on balance, Officers consider there to be no reason in terms of the likely impact on neighbours not to grant a temporary period of consent for 12 months over which these impacts can be monitored and assessed further.

**c) Highway Safety**

- 8.16 The applicant has suggested that the coffee shop would primarily attract walkers, joggers and cyclists and that there would be no customers travelling to the site by car. Having considered this matter Officers agree that the majority of visitors to the shop would likely be on foot however it cannot be ruled out that the shop may attract some additional vehicle movements, for example by people driving to the area to purchase a drink or ice cream before or after a walk along the shoreline.
- 8.17 The potential increase in vehicular movements has been raised by local residents as a concern. In addition, the highway authority have said in their response that the lack of information on this point means they are unable to support the application at this stage. Notwithstanding, Officers believe it would be very difficult to demonstrate that the proposed coffee shop would lead to an increase in vehicle movements that was so significant that it was harmful to highway safety or led to serious problems relating to the availability of on-street parking spaces. On this basis Officers consider that it would be reasonable to expect any such problems or issues to present themselves

during the 12 month temporary period of consent which is sought, after which a further assessment could be made if a further application is then submitted by the applicant to continue the use beyond that period.

**d) Policies DSP37 & DSP38**

8.18 There are two relevant local plan policies which relate to retail development. However it should be noted that these policies are primarily aimed at covering a broad range of retail development proposals and are not specific to small scale recreational related retail such as that proposed here.

8.19 The relevant part of Policy DSP37 of the Local Plan Part 2 reads as follows:

*Proposals for main town centre uses outside of the Borough's centres or parades will only be permitted where:*

- i. a full sequential test has been carried out demonstrating that there are no more centrally located sites that are available, suitable or viable;*
- ii. appropriate levels of parking are provided;*
- iii. the site is not located outside the defined urban settlement boundaries and is accessible, particularly by public transport;*
- iv. the scale and design of the buildings are appropriate to their surroundings; and*
- v. the proposal would not have any unacceptable environmental, amenity or traffic implications.*

8.20 This application is for a small-scale recreational-led retail proposal specific to this location by the harbour shoreline. The site forms part of the applicant's home in Merton Avenue. It is not considered that the application of a sequential test is appropriate in this instance.

8.21 As stated earlier in this report, Officers consider that the majority of customers to the shop will not travel to the site by car. Officers do not consider that the scale and nature of the proposal warrants the provision of off-street parking. The site is located in the urban area and reuses an existing single storey building (the garage). There are no environmental, amenity or traffic implications which have been identified that would justify refusal of this application for temporary consent. The application proposal complies with points ii – v of Policy DSP37.

8.22 Policy DSP38 states:

*The provision of new local shops within the urban area, and in areas of new development to meet the day-to-day shopping needs of the immediate locality, will be permitted provided that they are of appropriate scale.*

- 8.22 The proposed takeaway coffee shop is of an appropriate scale to its location but does not provide a service which local residents would rely on to meet their day-to-day shopping needs.

### **Conclusion**

- 8.23 This application has been assessed with regard to the likely effects of the proposed coffee shop on the character of the area, the living conditions of neighbours and highway safety. The concerns of local residents are noted and have been taken into account, notwithstanding Officers consider there to be no sufficient reasons to resist the proposal for a temporary period of consent over the next 12 months. The concerns raised by residents over the likely impacts, principally in terms of noise, disturbance and additional vehicle movements, could be monitored during this time and the Council would retain full control over the use at the end of that period. If the applicant wished to continue the use, then a further application would be required at which stage the impact of the use over that 12-month period could be taken into account and considered by the Council.
- 8.24 The application is recommended favourably to Members subject to a number of planning conditions being imposed.

### **9.0 Recommendation**

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development hereby permitted shall be carried out strictly in accordance with the following drawings:
  - a) Location plan (drawing 1 issue A).

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

2. The use hereby permitted is granted for a limited period only expiring on 18<sup>th</sup> September 2021. On or before this date, the use shall cease and the land restored to its former condition.

REASON: To retain planning control over the development/use hereby permitted and to enable the circumstances leading to the grant of permission to be reviewed

3. The use hereby permitted shall be carried out only by the applicants Mr & Mrs Wells and no other persons shall be employed at the premises at any time.

Should this person cease to undertake the permitted use then the property shall revert back to its former use.

REASON: This permission is granted exceptionally and only in view of the personal circumstances of the applicant.

4. No hot food shall be sold from the premises at any time.

REASON: To retain control over the means of cooking of hot food in order to prevent odour nuisance harmful to the living conditions of neighbours.

5. The premises shall not be open for customers outside the following hours: - 0900 – 1700 Saturdays, Sundays & Bank Holidays.

No deliveries shall be taken at the site outside of the hours of 0900 – 1700 Monday to Friday.

REASON: To protect the occupiers of the nearby residential properties from possible disturbance from the permitted use.

6. The existing close boarded fence erected along the boundary between 84 Merton Avenue and 5 Alton Grove shall be retained at its current full height at all times.

REASON: To protect the privacy of the occupants of 5 Alton Grove.

7. The part of the existing building edged in red on the approved location plan (drawing 1 issue A) shall be used as a takeaway coffee shop and for no other purpose including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification.

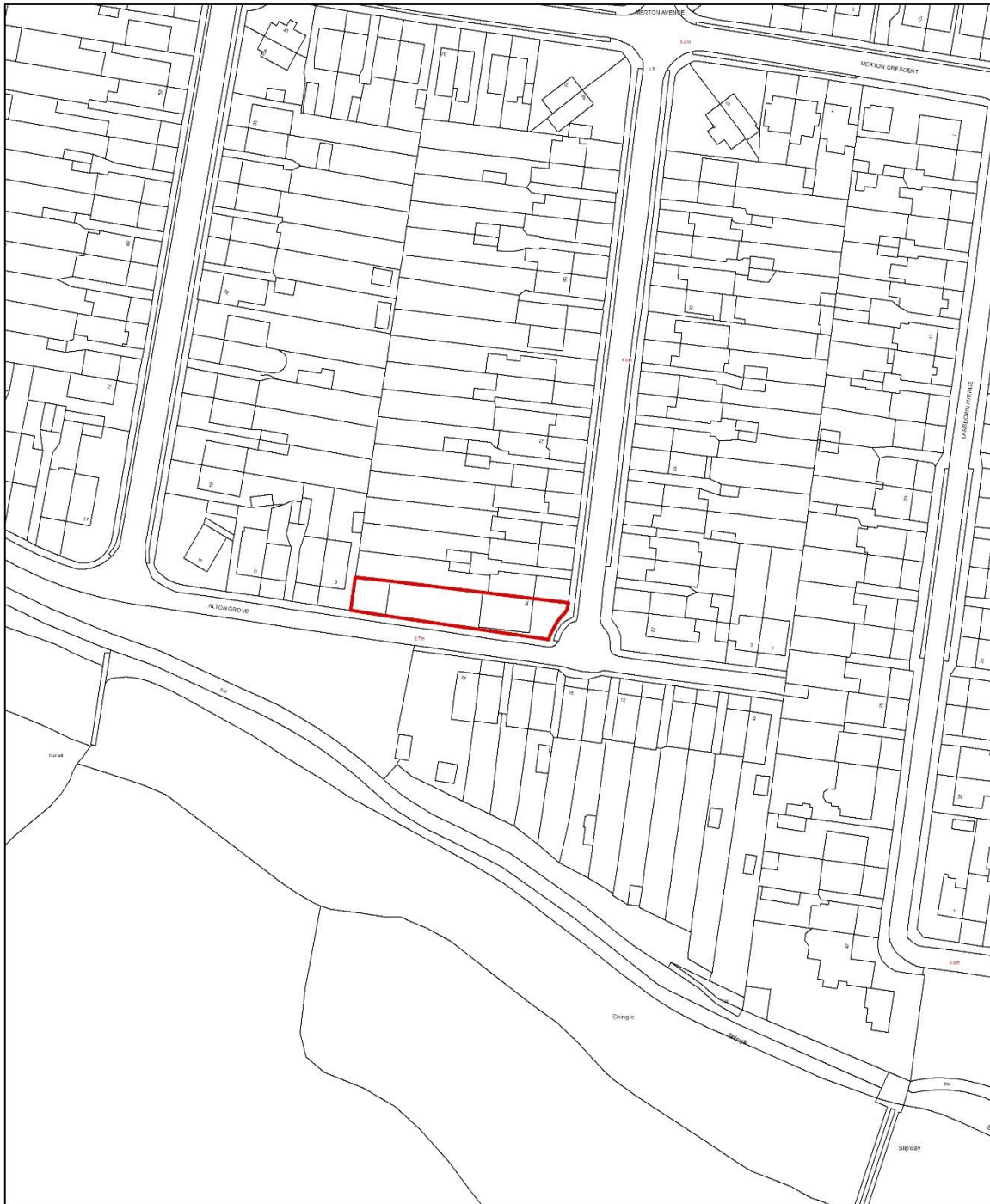
REASON: To protect the occupiers of the nearby residential properties from possible disturbance from permitted uses other than that specifically granted through this permission.

## **10.0 Background Papers**

P/20/0811/CU

# FAREHAM

BOROUGH COUNCIL



84 Merton Avenue  
Scale 1:1,250

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# Agenda Item 6(6)

## PLANNING APPEALS

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

<b>PUBLIC INQUIRY</b>	<b>ENF/40/19</b> Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	<b>PUBLIC INQUIRY</b> <b>MR KEVIN FRASER</b> The Tithe Barn Mill Lane Fareham PO15 5RB  16 June 2020 <b>AGAINST ENFORCEMENT</b> Resurfacing of car park with tarmac
<b>PUBLIC INQUIRY</b>	<b>P/18/1118/OA</b> Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	<b>PUBLIC INQUIRY</b> <b>Fareham Land LP</b> Land at Newgate Lane (North) Fareham  Non Determined REFUSE PENDING PI DECISION 2 June 2020 <b>NON DETERMINED</b> 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.
<b>WRITTEN REPS</b>	<b>P/19/0069/LP</b> Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	<b>WRITTEN REPS</b> <b>Mayfair Hampshire Ltd</b> Ellerslie Touring Caravan Park Down End Road Fareham  Officer Delegated Powers  REFUSE 24 June 2020 <b>AGAINST REFUSAL</b> 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.
<b>PUBLIC INQUIRY</b>	<b>P/19/0316/FP</b> Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	<b>PUBLIC INQUIRY</b> <b>MR K FRASER</b> The Tithe Barn Mill Lane Titchfield Fareham  NAC REFUSE REFUSE 16 June 2020 <b>AGAINST REFUSAL</b> Re-surface car park area with tarmac (retrospective application)



<b>HEARING</b>	<b>P/19/0419/DA</b> Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	<b>HEARING</b> <b>Mr Patrick Cash</b> 137 Newgate Lane Fareham  11 May 2020 <b>AGAINST ENFORCEMENT</b> Unlawful development of two structures
<b>PUBLIC INQUIRY</b>	<b>P/19/0460/OA</b> Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	<b>PUBLIC INQUIRY</b> <b>Bargate Homes Ltd</b> Land at Newgate Lane (South) Fareham Non Determined REFUSE PENDING PI DECISION 2 June 2020 <b>NON DETERMINED</b> 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.
<b>WRITTEN REPS</b>	<b>P/19/0925/FP</b> Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	<b>WRITTEN REPS</b> <b>Mr Anthony Lawrence</b> Turret House Hospital Lane Portchester Fareham Committee REFUSE REFUSE 11 August 2020 <b>AGAINST REFUSAL</b> Detached dwelling with parking & access from Hospital Lane and associated landscaping & drainage works
<b>WRITTEN REPS</b>	<b>P/19/1017/DA</b> Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	<b>WRITTEN REPS</b> <b>Mrs Alicia Bayer</b> Land at Woodcote Lodge 6 Bridgefoot Drive Fareham Officer Delegated Powers PENDING PI DECISION 23 April 2020 <b>AGAINST ENFORCEMENT</b> 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
<b>HH APPEAL SERVICE</b>	<b>P/19/1073/TO</b> Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged:	<b>HH APPEAL SERVICE</b> <b>Mr Moon</b> 6 Alum Way Fareham Officer Delegated Powers REFUSE REFUSE 4 December 2019

Reason for Appeal: **AGAINST REFUSAL**  
T14 Lime: Fell due to excessive shading and replant an Acer in its place.

**HH APPEAL SERVICE** P/19/1096/TO  
Appellant: **HH APPEAL SERVICE**  
Site: **Mr Ian Collins**  
4 CROFTON LANE FAREHAM  
Decision Maker: Committee  
Recommendation: REFUSE  
Council's Decision: REFUSE  
Date Lodged: 20 March 2020  
Reason for Appeal: **AGAINST REFUSAL**  
T1 Monterey Pine protected by TPO 545: Fell

**WRITTEN REPS** P/19/1319/FP  
Appellant: **WRITTEN REPS**  
Site: **Mr G Uffendell**  
Westering Posbrook Lane Titchfield Fareham  
Decision Maker: Officer Delegated Powers  
Recommendation: REFUSE  
Council's Decision: REFUSE  
Date Lodged: 3 July 2020  
Reason for Appeal: **AGAINST REFUSAL**  
Sever land and erect a detached bungalow with parking and shared vehicular access

**PUBLIC INQUIRY** P/18/1212/LU  
Appellant: **PUBLIC INQUIRY**  
Site: **Borderland Fencing Ltd**  
Borderland Fencing New Road Swanwick Southampton  
Decision Maker: Officer Delegated Powers  
Recommendation: REFUSE  
Council's Decision: REFUSE  
Date Lodged: 13 August 2019  
Reason for Appeal: **AGAINST REFUSAL**  
Lawful Development Certificate for mixed use of the glasshouse for storage & manufacturing (Use Class B8 & B2)

**PUBLIC INQUIRY** P/20/0009/DA  
Appellant: **PUBLIC INQUIRY**  
Site: **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