

# FAREHAM

BOROUGH COUNCIL

## AGENDA PLANNING COMMITTEE

**Date:** Wednesday, 3 March 2021

**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  
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 - 21)**

To confirm as a correct record the minutes of the Planning Committees meeting held on 27 January 2021 and 17 February 2021.

**3. Chairman's Announcements**

**4. Declarations of Interest**

To receive any declarations of interest from members in accordance with Standing Orders and the Council's Code of Conduct.

**5. Deputations**

To receive any deputations of which notice has been lodged.

**6. Planning applications and Miscellaneous Matters including an update on Planning Appeals (Page 22)**

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

**ZONE 1 - WESTERN WARDS**

(1) **P/19/1061/FP - 14 BEACON BOTTOM PARK GATE SO31 7GQ** (Pages 25 - 52)

(2) **P/20/1399/FP - YALE COTTAGE DUNCAN ROAD PARK GATE SO31 1BD** (Pages 53 - 58)

(3) **P/20/1510/FP - 105 WARSASH ROAD WARSASH SO31 9HU** (Pages 59 - 63)

(4) **P/21/0019/FP - ST PETERS PARISH ROOM HIGH STREET TITCHFIELD** (Pages 64 - 71)

**ZONE 2 - FAREHAM**

**ZONE 3 - EASTERN WARDS**

**7. Planning Appeals (Pages 74 - 77)**



P GRIMWOOD  
Chief Executive Officer

Civic Offices  
[www.fareham.gov.uk](http://www.fareham.gov.uk)  
23 February 2021

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# FAREHAM

## BOROUGH COUNCIL

### Minutes of the Planning Committee

**(to be confirmed at the next meeting)**

**Date:** Wednesday, 27 January 2021

**Venue:** Microsoft Teams Virtual Meeting

**PRESENT:**

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

**Councillors:** F Birkett, T M Cartwright, MBE, P J Davies, M J Ford, JP, Mrs C L A Hockley, L Keeble and J S Forrest (deputising for R H Price, JP)

**Also Present:** Councillors Mrs P M Bryant (Item 5), Mrs L E Clubley (Item 5) and S Cunningham (Item 5)



**1. APOLOGIES FOR ABSENCE**

An apology of absence was received from Councillor R H Price, JP.

**2. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman used the Chairman's announcements to explain how he intended to run the meeting.

**3. DECLARATIONS OF INTEREST**

There were no declarations of interest made at this meeting.

**4. 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	Supporting or the Opposing Application	Dep Type
<b>WELBORNE – LAND NORTH OF FAREHAM P/17/0266/0A</b>			
Mr M Grinyer		<b>Opposing</b>	<b>Written</b>
Mr R Blackman		<b>Opposing</b>	<b>Written</b>
Mr R York		<b>Opposing</b>	<b>Written</b>
Mr J Beresford (Applicant)		<b>Supporting</b>	<b>Video</b>

**5. DEVELOPMENT MANAGEMENT**

The Committee received the deputations referred to in Minute 4 above.

At the invitation of the Chairman, Councillors Cunningham, Mrs Clubley and Mrs Bryant addressed the Committee on this item.

Officers gave Members a verbal update as follows:

Two further consultation responses were received; one from the South Down National Park Authority who had no further comments to make to those in the main agenda and comments had been received from Eastleigh Borough Council. Eastleigh Borough Council continue to support Welborne on the basis that the changes proposed do not affect the delivery of the development and that 30% affordable housing is secured in accordance with Policy WEL18.

The Council has also received a later representation from Pegasus planning consultants relating to the consultation process in January this year. Officers are content that the consultation process and the information in the application

and as reported to members is in accordance with the relevant legislation including the EIA regulations.

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

**Introduction:**

*To help Members to identify the appendices in the hard copy agenda papers, the following page numbers are identified to help:*

- *Appendix A from page 198;*
- *Appendix B from page 262;*
- *Appendix C from page 306; and*
- *Appendix D from page 310*

**Consultations:**

*Portsmouth City Council: No comment.*

*Forestry Commission: Comments:*

- *We include information on the potential impacts the development may have on ancient woodland.*

*Portsmouth Water: Comment:*

- *Our previous representation dated August 2019 remains valid.*

*Highways England:*

- *No objections.*

*British Horse Society:*

- *Similar issues raised to those in 7.43 of the agenda.*

*Southern Water: Comment:*

- *No discharge of foul sewerage from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within foul network to cope with additional sewerage flows are complete.*
- *Conditions as per our previous consultation response.*

**Representations:**

*1 additional letter with comments:*

- *Get on with it so Fareham has a firm base to work from instead of being rendered invalid due to delays at Welborne and government changing the rules.*

*16 further letters of objection have been received since the publication of the main agenda report including those from The Fareham Society and The Knowle Residents Association. These letters cover the issues already summarized in the main report plus:*

Viability:

- *What is highlighted by the current situation are the problems associated by development of this type and scale in a location where the development is dependent on major infrastructure and the associated costs.*
- *Affordable housing takes the hit but what is next? Schools, shopping centre, business park, health facility and so on...there appears to be no contingency to absorb further future issues.*
- *The degree of movement away from provisions of the Welborne Plan on these important housing matters at this stage, as well as when the application was first before the Council, is of great concern.*
- *It is crucial that at the Viability Review Stages the Council commissions a robust assessment of the case out forward by the applicant.*
- *Fail to see in a period of increased national debt why the tax payer should be contributing close to £50 million for work to the M27 that would not be needed other than for this development, this work if Buckland feel the need to build should be met by them not the tax payer.*

Housing:

- *The standard and quality of the housing within the Welborne development is at risk of being compromised.*
- *The proposed changes in the balance and timings of introducing the social housing complement within Welborne will risk undermining the future social cohesion of this development.*

Biodiversity:

- *The HRA needs to be completed by the LPA not the applicant.*
- *Agree with NFDC requesting site specific and in combination effects that may be identified in the HRA.*
- *Water usage restriction to 110l per person per day needs to be a condition.*

Utilities:

- *Southern Water cannot calculate sewage and waste water issues because they have not been provided with the required plans with detail.*
- *Surely, at the very outset, major road issues, sewage and water provision and water runoff issues should have been addressed?*

Transport:

- *Please ensure there is a two way traffic free cycle way linking the development to Fareham town centre.*
- *Is there any assurance that traffic will not increase in old Turnpike.*

Landscape Impact:

- *Object to having to drive through this development to gain access to Knowle Village.*

Planning Balance:

- *Much now stands upon the timely provision of housing at Welborne to ensure that other areas of the Borough remain under less threat of development. There are threats imposed by the absence of a 5-year*

housing land supply on the proper planned development of the Borough.

**Planning Considerations:**

The main agenda addresses all the issues raised in the additional representations received.

Regarding the consultation comments from the British Horse Society, whilst the Society continues to identify some issue above some aspects of the proposals for equestrian access within and around the development site, both generally and regarding the specific issue of connecting the proposed bridleway across Fareham Common with the rest of the network to the north of the M27, these concerns are being addressed where possible within the Rights of Way schedule of the s106 agreement.

**Recommendation:**

In light of the recent changes to the Use Classes Order, condition 07 of the recommendation is amended to remove reference to specific Use Classes as follows:

**07 The development for the following uses will not exceed:**

- 3,200m<sup>2</sup> of food store retail;
- 3,500m<sup>2</sup> of non-food retail;
- 3.300m<sup>2</sup> of other non-convenience/comparison retail use, financial and professional services, restaurant and cafes, drinking establishments, and hot foot takeaway;
- 30,000m<sup>2</sup> of commercial and employment namely as offices, research and development or other industrial process;
- 35,000m<sup>2</sup> of general industrial use;
- 40,000m<sup>2</sup> of warehousing space for storage or distribution.

**REASON:** The distribution of land uses on the parameter plans is the subject of an Environmental Impact Assessment and any material alteration to the layout may have an impact that as not been assessed by that process. To ensure a comprehensive and appropriate form of development and to avoid any doubt over what has been permitted. In the interest of protecting the vitality and viability of Fareham Town Centre and other surrounding centres in Fareham and surrounding Districts.

The following additional condition is added to the recommendation:

**73. Notwithstanding the provisions of any Schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the premises identified for such uses as stated in condition 07 shall only be used for those purposes.**



**REASON: The distribution of land uses on the parameter plans is the subject of an Environmental Impact Assessment and any material alteration to the layout may have an impact that has not been assessed by that process. To ensure a comprehensive and appropriate form of development and to avoid any doubt over what has been permitted. In the interest of protecting the vitality and viability of Fareham Town Centre and other surrounding centres in Fareham and surrounding Districts.**

(Councillor Mrs Hockley had to leave the meeting during the debate on this application and therefore she was unable to take part in any of the votes on the application)

Upon being proposed and seconded the officer recommendation at 10.1 of the report, to confirm the inclusion of the Applicant's document titled "Welborne Shadow Appropriate Assessment UPDATE", dated November 2020 comprises the Council's Habitat Regulation Assessment, was voted on and CARRIED.  
(Voting: 8 in favour; 0 against)

RESOLVED that the Committee CONFIRM the inclusion of the report at Appendix A of the report titled "Welborne Shadow Appropriate Assessment UPDATE", dated November 2020 comprises the Council's Habitats Regulation Assessment.

Upon being proposed and seconded the officer recommendation at 10.2 of the report, to delegate to the Head of Development Management to take receipt of the final written comments of any further outstanding consultation responses with the inclusion of any further condition or informatives that may be recommended;

And

The officer recommendation at 10.3 of the report, to delegate 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:

- The creation of an Estate Management Company;
  - Inclusion of FBC on the board of the Company;
  - Service charge arrangements;
  - Step in provisions;
- The appointment of a New Community Development Worker for a period of not less than ten years;
- Provision for an Education Steering Group;
- Contribution and land for the delivery of three primary schools;
- Contribution and land for the delivery of one secondary school;
- A Community Use Agreement(s) for the school(s) facilities for public use outside of the times needed for education use;
- Nursery and pre-school marketing strategy;
- Provision of the Local Centre;
- Local Centre Community Building;
- Provision of the District Centre;
- District Centre Community building;
- Provision of healthcare facilities;
- Provision of the Community Hub;

- Delivery of Green Infrastructure (GI) – to include:
  - All Weather Pitch;
  - Tennis Courts;
  - Local Play Space;
  - Neighbourhood Play Space;
  - Youth Play Space;
  - Playground Play Equipment;
  - Parks and Amenity Open Spaces;
  - Playing Pitches and Outdoor Sports Facilities;
  - Allotments; and
  - Semi Natural Greenspace;
- GI Delivery and management arrangements;
- Delivery of the Temporary SANGS Strategy;
- Provision of Sites of Alternative Natural Green Space (SANGS);
- In perpetuity management of SANGS including step-in rights by the Estate Management Company;
- SRMP Contribution;
- Public Transport – BRT provisions on site and contributions;
- Safeguarding of the Rail Halt Land;
- A32 works;
- Off site Highway Works Contributions for locations identified by HCC;
- Applicant’s £40 million contribution towards the cost of junction 10;
- Off site Local Highway Network mitigation and safety schemes;
- Framework residential travel plan;
- Neighbourhood travel plans;
- Framework employment travel plan;
- Safeguarding the land for the Household Waste Recycling Centre;
- Contribution towards the Household Waste Recycling Centre to include a proportionate cost of the legal fees;
- Affordable housing:
  - Amount;
  - Tenure;
  - Upward review mechanisms;
  - Wheelchair accessible homes;
- Self Build Housing;
- Passivehaus where viability allows;
- Lifetime homes where viability allows;
- Extra Care accommodation where viability allows;
- Mechanism to recover HIF Funding;
- Business incubation centre;
- Employment and training plan for construction;
- Equalisation arrangements for the Sawmills site;
- Public access to the site;
- Improvements to existing rights of way;
- Closure, stopping up and diversion of existing rights of way;

And

The officer recommendation at 10.4 of the report, to delegate to the Head of Development Management:

- To make any necessary modification, deletion or addition to the proposed conditions or heads of terms; and

- To make any necessary changes arising out of detailed negotiations with the applicant which may necessitate the variation, addition or deletion of the conditions and heads as drafted to ensure consistency between the two sets of provisions.

And was voted on and CARRIED.

(Voting: 8 in favour; 0 against)

RESOLVED that the Committee AGREE to Delegated to the Head of Development Management: -

- (i) to take receipt of the final written comments of any further outstanding consultation responses with the inclusion of any further condition or informatives that may be recommended;

- (ii) 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:

- The creation of an Estate Management Company;
  - Inclusion of FBC on the board of the Company;
  - Service charge arrangements;
  - Step in provisions;
- The appointment of a New Community Development Worker for a period of not less than ten years;
- Provision for an Education Steering Group;
- Contribution and land for the delivery of three primary schools;
- Contribution and land for the delivery of one secondary school;
- A Community Use Agreement(s) for the school(s) facilities for public use outside of the times needed for education use;
- Nursery and pre-school marketing strategy;
- Provision of the Local Centre;
- Local Centre Community Building;
- Provision of the District Centre;
- District Centre Community building;
- Provision of healthcare facilities;
- Provision of the Community Hub;
- Delivery of Green Infrastructure (GI) – to include:
  - All Weather Pitch;
  - Tennis Courts;
  - Local Play Space;
  - Neighbourhood Play Space;
  - Youth Play Space;
  - Playground Play Equipment;
  - Parks and Amenity Open Spaces;
  - Playing Pitches and Outdoor Sports Facilities;
  - Allotments; and
  - Semi Natural Greenspace;
- GI Delivery and management arrangements;
- Delivery of the Temporary SANGS Strategy;
- Provision of Sites of Alternative Natural Green Space (SANGS);
- In perpetuity management of SANGS including step-in rights by the Estate Management Company;
- SRMP Contribution;

- Public Transport – BRT provisions on site and contributions;
- Safeguarding of the Rail Halt Land;
- A32 works;
- Off site Highway Works Contributions for locations identified by HCC;
- Applicant’s £40 million contribution towards the cost of junction 10;
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- Safeguarding the land for the Household Waste Recycling Centre;
- Contribution towards the Household Waste Recycling Centre to include a proportionate cost of the legal fees;
- Affordable housing:
  - Amount;
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  - Upward review mechanisms;
  - Wheelchair accessible homes;
- Self Build Housing;
- Passivehaus where viability allows;
- Lifetime homes where viability allows;
- Extra Care accommodation where viability allows;
- Mechanism to recover HIF Funding;
- Business incubation centre;
- Employment and training plan for construction;
- Equalisation arrangements for the Sawmills site;
- Public access to the site;
- Improvements to existing rights of way;
- Closure, stopping up and diversion of existing rights of way;

And

- (iii) The officer recommendation at 10.4 of the report,
  - To make any necessary modification, deletion or addition to the proposed conditions or heads of terms; and
  - To make any necessary changes arising out of detailed negotiations with the applicant which may necessitate the variation, addition or deletion of the conditions and heads as drafted to ensure consistency between the two sets of provisions.

Upon being proposed and seconded the officer recommendation at 10.5 of the report, to grant outline permission, subject to the conditions in the report and Update Report was voted on and CARRIED.  
(Voting: 8 in favour; 0 against)

RESOLVED that, subject to the conditions in the report and Update Report, OUTLINE PLANNING PERMISSION be granted.

## 6. UPDATE REPORT

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

(The meeting started at 10.00 am  
and ended at 12.46 pm).

# FAREHAM

BOROUGH COUNCIL

## Minutes of the Planning Committee

(to be confirmed at the next meeting)

**Date:** Wednesday, 17 February 2021

**Venue:** Microsoft Teams Virtual Meeting

**PRESENT:**

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

**Councillors:** F Birkett, T M Cartwright, MBE, P J Davies, M J Ford, JP, Mrs C L A Hockley, L Keeble and R H Price, JP

**Also Present:** Councillor J S Forrest (Item 7 (4)) and Councillor Mrs K Mandry (Item 7 (4))



**1. APOLOGIES FOR ABSENCE**

There were no apologies of absence.

**2. MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the Planning Committee meetings held on 13 January 2021 and 20 January 2021 be confirmed and signed as a correct record.

**3. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcement:

*“Members will recall that I have provided updates at previous meetings regarding two judicial review claims; one relating to a development of 8 houses at Egmont Nurseries, Brook Avenue, and one relating to a development of 6 houses adjacent to 79 Greenaway Lane.*

*Starting first with the Brook Avenue claim, I have previously advised the Committee that the court has granted the claimant, Brook Avenue Residents Against Development, permission to proceed with a judicial review on all 8 grounds of challenge.*

*Turning to the Greenaway Lane case, the High Court initially refused permission for the claimant, Save Warsash and the Western Wards, to bring a judicial review claim on all grounds on 7 December 2020. I recently advised this Committee that the claimant had asked the court to reconsider whether to grant permission to bring the claim. The reconsideration by the Court took place at a hearing on 5 February 2021. At that hearing the court granted the claimant permission to proceed on 7 grounds of challenge (one ground relating to ‘apparent bias’ was not pursued by the Claimant).*

*The Greenaway Lane claim is to be heard consecutively with the Brook Avenue claim. The same judge will be hearing the two claims on account of the similarities between the two. The hearings for these two claims are due to be held from the 8 to 10 June, 2021.”*

**4. DECLARATIONS OF INTEREST**

There were no declarations of interest made at this meeting.

**5. DEPUTATIONS**

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

Name	Spokespers on representing the persons listed	Subject	Supporting or Opposing the Application	Item No/ Application No/Page No	Dep Type

<b>ZONE 1</b>					
Mr David Newell (Agent)		EDENHOLME DUNCAN ROAD PARK GATE SO31 1BD – PROPOSED DEMOLITION OF EXISTING DWELLING AND ERECTION OF TWO DWELLING HOUSES AND CARPORTS	<b>Supporting</b>	7 (1) P/20/0931/FP Pg 30	<b>Written</b>
<b>ZONE 2</b>					
<b>ZONE 3</b>					
Mr M Hindry		THE GRANGE OAKCROFT LANE STUBBINGTON – DEVELOPMENT COMPRISING 9 DWELLINGS, TOGETHER WIT ACCESS, LANDSCAPING, CAR PARKING AND ASSOCIATED WORKS	<b>Opposing</b>	7 (2) P/19/0483/FP Pg 45	<b>Written</b>
Ms S Boyce		-Ditto-	<b>-Ditto-</b>	-Ditto-	<b>Written</b>
Mr M Sennitt (Agent)		-Ditto-	<b>Supporting</b>	-Ditto-	<b>Written</b>
Mr M Hindry		THE GRANGE OAKCROFT KANE STUBBINGTON PO14 2EB – OUTLINE APPLICATION FOR THE PROVISION O UP TO 16 DWELLINGS AND TWO NEW VEHICULAR ACCESSES ONTO RANVILLES LANE AND THE RELOCATION OF THE EXISTING ACCESS ONTO OAKCROFT LANE	<b>Opposing</b>	7 (3) P/20/0418/OA Pg 73	<b>Written</b>



		(RE-SUBMISSION OF P/18/0263/OA)			
Ms S Boyce		-Ditto-	<b>-Ditto-</b>	-Ditto-	<b>Written</b>
Mr M Sennitt (Agent)		-Ditto-	<b>Supporting</b>	-Ditto-	<b>Written</b>
Caroline Dineage (MP)		LAND EAST OF CROFTON CEMETERY AND WEST OF PEAK LANE STUBBINGTON – DEVELOPMENT COMPRISING 206 DWELLINGS, ACCESS ROAD FROM PEAK LANE MAINTAINING LINK TO OAKCROFT LANE, STPPING UP A SECTION OF OAKCROFT LANE (FROM OLD PEAK LANE TO ACCES ROAD), WITH CAR PARKING, LANDSCAPING, SUB-STATION, PUBLIC OPEN SPACE AND ASSOCIATED WORKS	<b>Opposing</b>	7 (4) P/20/0522/FP Pg 104	<b>Written</b>
Mrs P Andrews		-Ditto-	<b>-Ditto-</b>	-Ditto-	<b>Written</b>
Mr & Mrs Titheridge		-Ditto-	<b>-Ditto-</b>	-Ditto-	<b>Written</b>
Mr N John		-Ditto-	<b>-Ditto-</b>	-Ditto-	<b>Written</b>
Mr B Murphy		-Ditto-	<b>-Ditto-</b>	-Ditto-	<b>Written</b>
Mr R Marshall	The Fareham Society	-Ditto-	<b>-Ditto-</b>	-Ditto-	<b>Written</b>
Mr & Mrs Feetam		-Ditto-	<b>-Ditto-</b>	-Ditto-	<b>Written</b>
Mr P Lloyd-Henry		-Ditto-	<b>-Ditto-</b>	-Ditto-	<b>Written</b>
Mr T Parrott		-Ditto-	<b>-Ditto-</b>	-Ditto-	<b>Video</b>
Mr & Mrs Knott		-Ditto-	<b>-Ditto-</b>	-Ditto-	<b>Written</b>
County Cllr Pal Hayre		-Ditto-	<b>-Ditto-</b>	-Ditto-	<b>Video</b>
Mr J McIntosh		-Ditto-	<b>-Ditto-</b>	-Ditto-	<b>Written</b>
Mr D Buczynskij		-Ditto-	<b>Supporting</b>	-Ditto-	<b>Written</b>

(Agent)					
Ms Harriett Newman		TPO 769 – 8 LAMBOURN CLOSE FAREHAM	<b>Opposing</b>	Item 8 Pg 151	<b>Video</b>

## 6. FIVE YEAR HOUSING LAND SUPPLY POSITION UPDATE

The Committee received a report by the Director of Planning and Regeneration which provided an update on the Council's Five-Year Housing Land Supply position.

RESOLVED that the Committee note:-

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

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

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

### (1) P/20/0931/FP - EDENHOLME DUNCAN ROAD PARK GATE SO31 1BD

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

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

1. *An additional representation from April Rise (south of the site) has been received confirming that the boundary hedge along the southern boundary has been changed. The representation requests that the hedge is retained.*
2. *The development will generate 0.75kg/N/year not 2.1 as stated in 8.23 of the report. The applicant has provided evidence to confirm that they have purchased 0.75 nitrate credits from the Hampshire and Isle of Wight Wildlife Trust therefore condition no. 3 is not required.*

Upon being proposed and seconded the officer recommendation to grant planning, subject to the conditions in the report and an additional condition removing permitted development rights from the carports to prevent them from being enclosed, was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that, subject to the conditions in the report and the additional condition removing permitted development rights from the carports to prevent them from becoming enclosed, PLANNING PERMISSION be granted.

**(2) P/19/0483/FP - THE GRANGE OAKCROFT LANE PO14 2EB**

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

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

(i) The applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council to secure:

- Financial contributions to provide for 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 and Southampton Water, Portsmouth Harbour, and the Solent and Dorset Coast Special Protection Areas;
- Financial contribution of £95,774.00 towards the provision of off-site affordable housing provision;
- Traffic Regulation Order for highways to extend the speed reduction along Ranvilles Lane to 30mph;
- The widening of Ranvilles Lane in accordance with approved plans; and
- Provision and long-term management and maintenance of the paths within the site, and for their use by the general public.

(ii) The conditions in the report; and

(iii) An additional condition removing the permitted development rights for the carports to prevent them from being enclosed.

Was voted on and CARRIED.  
(Voting: 8 in favour; 1 against)

RESOLVED that, subject to:-

(i) The applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council to secure:

- Financial contributions to provide for 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 and Southampton Water, Portsmouth Harbour, and the Solent and Dorset Coast Special Protection Areas;

- Financial contribution of £95,774.00 towards the provision of off-site affordable housing provision;
- Traffic Regulation Order for highways to extend the speed reduction along Ranvilles Lane to 30mph;
- The widening of Ranvilles Lane in accordance with approved plans; and
- Provision and long-term management and maintenance of the paths within the site, and for their use by the general public.

(ii) The conditions in the report; and

(iii) An additional condition removing the permitted development rights for the carports to prevent them from being enclosed.

PLANNING PERMISSION be granted.

**(3) P/20/0418/OA - THE GRANGE OAKCROFT LANE PO14 2EB**

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

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

- (i) Receipt of comments from the Environment Agency confirming no objection to the proposal, and delegate to the Head of Development Management to make any minor modifications to the proposed conditions or any subsequent minor changes arising after having had regard to these comments;
- (ii) The applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) on terms drafted by the Solicitor to the Council to secure:
  - On-site provision of 4 dwellings as affordable housing and a financial contribution to secure an equivalent of 2.4 units of off-site contribution of £249,638.00 for affordable housing. The type, size, mix and tenure to be agreed to the satisfaction of Officers.
  - 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 of the Solent Coastal Special Protection Areas;
  - TRO for highway to extend the speed reduction along Ranvilles Lane to 30mph;
  - The widening Ranvilles Lane in accordance with the approved plans;

- Provision and long-term management and maintenance of the paths and open space within the site, and for their use by the general public; and

(iii) The conditions in the report.

Was voted on and CARRIED.

(Voting: 8 in favour; 1 against)

RESOLVED that, subject to:-

- (i) Receipt of comments from the Environment Agency confirming no objection to the proposal, and delegate to the Head of Development Management to make any minor modifications to the proposed conditions or any subsequent minor changes arising after having had regard to these comments;
- (ii) The applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) on terms drafted by the Solicitor to the Council to secure:
  - On-site provision of 4 dwellings as affordable housing and a financial contribution to secure an equivalent of 2.4 units of off-site contribution of £249,638.00 for affordable housing. The type, size, mix and tenure to be agreed to the satisfaction of Officers.
  - 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 of the Solent Coastal Special Protection Areas;
  - TRO for highway to extend the speed reduction along Ranvilles Lane to 30mph;
  - The widening Ranvilles Lane in accordance with the approved plans;
  - Provision and long-term management and maintenance of the paths and open space within the site, and for their use by the general public; and

(iii) The conditions in the report.

PLANNING PERMISSION be granted.

**(4) P/20/0522/FP - LAND EAST OF CROFTON CEMETERY AND WEST OF PEAK LANE STUBBINGTON**

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

At the invitation of the Chairman, Councillor J Forrest, and Councillor Mrs K Mandry addressed the Committee on this item.

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

- i) In respect of the Recommendation, Section 9.0, iii), e) with regard to the Heads of Term, in addition to the provision of 82 on site affordable dwellings, a financial contribution towards off-site provision equivalent to 0.4 units is also required.*
- ii) A further 36 letters (from 34 addresses) from Third Parties have been received since the publication of the Committee Report. One letter was in support of the application, and the remaining letters were objections, although none raised any further matters than those listed in the Committee Report.*

Upon being proposed and seconded the officer recommendation to grant planning permission was voted on and declared LOST.  
(Voting: 3 in favour; 6 against)

A motion was proposed and seconded to refuse planning permission, and was voted on and CARRIED.  
(Voting: 6 in favour; 3 against)

RESOLVED that PLANNING PERMISSION be REFUSED.

#### Reasons for Refusal

The development would be contrary to Policies CS2, CS4, CS6, CS14, CS15, CS17, CS18, CS20 and CS21 of Adopted Fareham Borough Core Strategy 2011 and Policies DSP1, DSP2, DSP3, DSP6, DSP13, DSP14, DSP15 and DSP40 of the Adopted Local Plan Part 2: Development Sites and Policies Plan, and is unacceptable in that:

- i) The provision of dwellings in this location would be contrary to adopted local plan policies which seek to prevent residential development in the Countryside.
- ii) The development of the site would result in an adverse visual effect on the immediate countryside setting around the site.
- iii) The introduction of dwellings in this location would fail to respond positively to and be respectful of the key characteristics of the area, in this countryside, edge of settlement location, providing limited green infrastructure and offering a lack of interconnected green/public spaces.
- iv) The quantum of development proposed would result in a cramped layout and would not deliver a housing scheme of high quality which respects and responds positively to the key characteristics of the area. Some of the house types also fail to meet the Nationally Described Space Standards.
- v) Had it not been for the overriding reasons for refusal the Council would have sought to secure the details of the SuDS strategy including the mechanisms for securing its long term maintenance.

- vi) In the absence of a legal agreement to secure such, the development proposal would fail to secure a provision of affordable housing at a level in accordance with the requirements of the Local Plan.
- vii) In the absence of a legal agreement to secure such, the proposal would fail to; a) provide satisfactory mitigation of the 'in combination' effects that the propose increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas, and b) secure the creation of the ecological enhancement area and its long term management and maintenance to enhance the Wider Solent Wader and Brent Goose network.
- viii) In the absence of a legal agreement securing provision of open space and facilities and their associated management and maintenance, the recreational needs of residents of the proposed development would not be met.
- ix) In the absence of a legal agreement to secure the submission and implementation of a full Travel Plan, payment of the Travel Plan approval and monitoring fees and provision of a surety mechanism to ensure implementation of the Travel Plan, the proposed development would not make the necessary provision to ensure measures are in place to assist in reducing the dependency on the use of the private motorcar.
- x) In the absence of a legal agreement to secure such, the proposal would fail to provide a financial contribution towards education provision.

#### **(5) Planning Appeals**

The Committee noted the information in the report.

#### **(6) UPDATE REPORT**

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

### **8. FAREHAM TREE PRESERVATION ORDER NO. 769 2020 - 8 LAMBOURN CLOSE, FAREHAM**

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

The Committee considered a report by the Director of Planning and Regeneration on TP) no.769 – 8 Lambourn Close, to which one objection to the making of a provisional order was raised.

RESOLVED that the Committee agreed that Tree Preservation Order no. 769 is NOT CONFIRMED.

(The meeting started at 2.30 pm  
and ended at 7.53 pm).





# FAREHAM

BOROUGH COUNCIL

<p><b>Report to</b></p> <p><b>Planning Committee</b></p>
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**Date:** 3 March 2021

**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.

<p><b>ZONE 1 – WESTERN WARDS</b></p> <p><b>Park Gate</b></p> <p><b>Titchfield</b></p> <p><b>Sarisbury</b></p> <p><b>Locks Heath</b></p> <p><b>Warsash</b></p> <p><b>Titchfield Common</b></p>
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REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/19/1061/FP PARK GATE	14 BEACON BOTTOM PARK GATE SOUTHAMPTON SO31 7GQ  ERECTION OF 9 DWELLINGS WITH ASSOCIATED PARKING AND ACCESS FOLLOWING DEMOLITION OF OUTBUILDINGS	PERMISSION
P/20/1399/FP PARK GATE	YALE COTTAGE DUNCAN ROAD PARK GATE SOUTHAMPTON SO31 1BD  DETACHED GAMES ROOM WITHIN REAR GARDEN	PERMISSION
P/20/1510/FP WARSASH	105 WARSASH ROAD WARSASH SOUTHAMPTON SO31 9HU  RETENTION OF BOUNDARY FENCE ADJACENT TO FOOTPATH WITH MAXIMUM HEIGHT OF 2.35 METRES.	PERMISSION
P/21/0019/FP TITCHFIELD	ST PETERS PARISH ROOM HIGH STREET TITCHFIELD FAREHAM PO14 4AQ  REPLACEMENT TILES; INSTALL 3 ROWS OF SOLAR PANELS; REPLACEMENT PAVING SLABS TO IMPROVE DRAINAGE AND CREATE A LEVEL	REFUSE

HARDSTANDING

## OFFICER REPORT FOR COMMITTEE

DATE: 3 March 2021

P/19/1061/FP  
SOUTHCOTT HOMES LTD

PARK GATE  
AGENT: BRYAN JEZEPH  
CONSULTANCY

## ERECTION OF NINE DWELLINGS WITH ASSOCIATED PARKING AND ACCESS FOLLOWING DEMOLITION OF OUTBUILDINGS

14 BEACON BOTTOM, PARK GATE, SOUTHAMPTON, SO31 7GQ

### *Report By*

Susannah Emery – direct dial 01329 824526

### **1.0 Introduction**

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

### **2.0 Site Description**

- 2.1 The application site lies to the north side of Beacon Bottom within an area designated as countryside within the local plan. Development which lies to the south side of the road is within the urban settlement boundary and the urban boundary also abuts the site at the eastern boundary.
- 2.2 The site currently forms the extensive residential curtilage of a locally listed dwelling which has a thatched roof. There are also multiple detached outbuildings including a substantial pool house and outdoor swimming pool which lies to the north-west of the dwelling and a triple garage which lies to the south. The dwelling has an area of private amenity space surrounding it and extending to the northern boundary but this area is fenced off from the remainder of the site which is laid to grass.
- 2.3 The existing dwelling is set well back from the road frontage and is accessed via a driveway which is positioned approximately midway along the frontage. There are two other gated access points on to Beacon Bottom but these are not in regular use.
- 2.4 To the east of the site lies a detached commercial building 'Warwick House' which contains the Futurepath Children's Day Nursery. The western site boundary abuts a residential property (No.24 Beacon Bottom) and part of a larger potential housing development site. A planning application submitted by Foreman Homes for 29 dwellings is also currently being considered (P/18/1258/FP).

- 2.5 The application site is contained and screened by established mature tree planting which extends to the north. The southern boundary along Beacon Bottom is marked by a dense hedgerow with scattered tree growth consisting of Laurel, Holly, Field Maple and Oak which currently encroaches onto the public highway, reducing the width of the available carriageway. There are a number of protected trees (FTPO599) on the site including an Oak (T1) which lies on the western boundary with the adjacent development site, a further Oak (T2) which lies within the north-east corner of the site and a group (G3) of 7 larch and 2 sycamore trees which form a linear arrangement on the eastern boundary.
- 2.6 The site slopes down from Beacon Bottom to the northern boundary.
- 2.7 There is a gas-valve box located at the south-east corner of the site on the frontage, just outside the site boundary. There is also a main foul sewer which crosses the site north to south towards the eastern side of the plot.

### **3.0 Description of Proposal**

- 3.1 Planning permission is sought for the erection of nine two storey dwellings including; 2 x 2 bedroom, 6 x 3 bedroom and 1 x 4 bedroom dwellings.
- 3.2 The existing locally listed cottage would be retained and provided with a reduced curtilage and parking. The curtilage of the listed cottage is excluded from the application site.
- 3.3 Access to the site would be taken to the west of the existing access where visibility splays of 2.4m x 33m can be achieved. Whilst the existing hedgerow would be removed across the frontage the more significant trees, including a prominent Oak on the highway verge, would be retained and there would be scope for additional landscaping.
- 3.4 The access is proposed as a shared surface which would enable cars, refuse and emergency vehicles to enter and turn within the site. Plots 3 and 4 which would front Beacon Bottom and lie to the west of the access would have driveways accessed directly off Beacon Bottom. A pedestrian access would be provided to the development towards the eastern boundary. A new crossing point would provide access to/from the site to the existing footway on the southern side of Beacon Bottom.

### **4.0 Policies**

#### **Approved Fareham Borough Core Strategy**

CS2 - Housing Provision

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS9 - Development in the Western Wards & Whiteley

CS14 - Development Outside Settlements

CS15 - Sustainable Development and Climate Change  
CS16 - Natural Resources and Renewable Energy  
CS17 - High Quality Design  
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 boundaries  
DSP13 - Nature Conservation  
DSP15 - Recreational Disturbance on the Solent Special Protection Areas  
DSP40 - Housing Allocations

### **Other Documents**

Residential Car and Cycle Parking Standards Supplementary Planning Document (November 2009)  
Design Guidance Supplementary Planning Document excluding Welborne (Dec 2015)

## **5.0 Relevant Planning History**

### *Land at Beacon Bottom West*

P/18/1258/FP	Residential development of 29 no. dwellings, associated parking, landscaping and a means of access from Beacon Bottom following removal/reduction of frontage hedgerow Undetermined
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## **6.0 Representations**

Ten representations (including one from The Fareham Society) have been received raising the following concerns;

- The site is outside of the urban settlement boundary and should remain as countryside
- There is only one vehicular access/egress from Beacon Bottom on to Botley Road
- Increased vehicle movements at Beacon Bottom/Botley Road access
- Delays already experienced leaving the estate due to high traffic flows on Botley Road and difficulty turning right out of the junction
- Vehicular movement along Beacon Bottom already difficult due to width of road and presence of parked vehicles
- Highway safety concerns
- Construction traffic accessing the site will cause disruption to residents
- Recent development of two houses on Beacon Bottom was disruptive

- Concerns over length of construction works
- Road is in poor condition
- Visitor parking is poorly located and will not be well used
- Inclusion of tandem parking will increase number of cars parked on the road
- Style of dwellings would not fit in with the style or ambience of Beacon Bottom
- Proximity of frontage properties to the highway and position forwards of the building line
- Proximity of Plot 3 to access would have harsh appearance
- Proximity of Plot 1 to trees may be overbearing and result in pressure to fell or reduce
- Dwellings on Plot 4-8 would be shaded/dominated by boundary hedge (west)
- Impact on setting of listed cottage
- Loss of privacy
- Loss of hedgerow and trees which are important to character
- Impact on wildlife
- Application shows lack of consideration to local residents
- Local schools and healthcare facilities are at capacity and no further infrastructure is being provided
- No provision for social housing
- Additional pollution

## **7.0 Consultations**

### EXTERNAL

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

- 7.1 The reduced speed of vehicles travelling on Beacon Bottom would justify the proposed visibility splays which as a result are considered appropriate.
- 7.2 Traffic count data has also been extracted and summarised to support the claim that less than a 5% increase in traffic will occur at the junction of Beacon Bottom with Botley Road. In regard to the above, the Highway Authority would raise no further objection to the development
- 7.3 The parking standards for the site are laid down by Fareham Borough Council (FBC) as the local parking authority, in accordance with their Supplementary Planning Document (SPD) as adopted in November 2009. The site has provided the full quantum of car parking and cycle storage, including visitor parking spaces.
- 7.4 The site is within a reasonable distance of local amenities and has good access to bus stops and a nearby train station. The submitted tracking drawings for emergency and refuse vehicles are deemed acceptable.

## Natural England

- 7.5 Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.
- 7.6 Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.
- 7.7 Solent Recreation Mitigation Strategy - Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar site(s) may result from increased recreational pressure. Fareham Borough Council has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.
- 7.8 Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). It is Natural England's view that the Solent Mitigation Recreation Strategy Contribution adequately mitigates the effects of the development on potential recreational impacts on the designated sites.
- 7.9 Deterioration of the water environment - The nutrient budget has been calculated in line with Natural England's Advice on Achieving Nutrient Neutrality in the Solent (version 5 June 2020). Provided the competent authority is assured and satisfied that the site areas used in the calculation are correct and that the existing land uses are appropriately precautionary, then Natural England raises no concerns with regard to the nutrient budget.
- 7.10 Please note the calculation is based on all wastewater from the development being treated at Peel Common WwTWS. If this situation changes, a reassessment of the nutrient calculation will be required and a revised Habitats Regulations Assessment will be necessary.
- 7.11 In line with Natural England's advice, it is noted that a planning condition will be imposed on any permission to secure that the dwellings shall not be occupied until the Building Regulations Optional requirement of a maximum water use of 110 litres per person per day has been complied with.
- 7.12 It is noted that the approach to address the positive nitrogen budget for this development is via the section 106/section 33 legal agreement dated 30th September 2020 between the HIWWT, Fareham Borough Council and Isle of



Wight Council. It enables land at Little Duxmore Farm, Isle of Wight to be used to neutralise the additional nutrient burden that will arise from the proposed development. This is achieved by taking land out of intensive agricultural use at Little Duxmore Farm. It has been calculated that 0.279 hectares of land at Little Duxmore Farm will be removed from mixed agricultural use.

- 7.13 The nitrogen capacity of the land and proposed management of the offsetting land has been discussed and agreed. It is understood that this has been secured through legal agreements to ensure that effective mitigation is delivered in a timely manner for the lifetime of the development. It is also understood that a system has been set up to monitor the developments using the mitigation scheme to ensure there is capacity available for each scheme. Provided this is the case and the long term management of the mitigation scheme is monitored by the local planning authority, as competent authority, to ensure effective mitigation for the lifetime of the development, Natural England raises no further concerns.
- 7.14 Protected Species and Biodiversity Net Gain - In order for your authority to be assured that the proposal meets the requirements of the Natural England Protected Species standing advice and the additional requirements for biodiversity enhancement and net gain as set out in National Planning Policy Framework paragraphs 8, 118, 170, 174 and 175d, Natural England recommends that the application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP), or equivalent, that has been agreed by the district ecologist or biodiversity officer.

## INTERNAL

### **Ecology**

- 7.15 The ecological appraisal report confirms that three of the buildings on site have low potential for roosting bats. A single dusk emergence survey was therefore carried out, which confirmed the likely absence of roosting bats. Whilst an Oak tree located on the western boundary has been assessed to have high potential to support roosting bats, this tree holds a TPO and is understood to be retained within the development.
- 7.16 The dormouse surveys on site, confirmed the absence of this species. Furthermore, the site has been assessed to have limited potential to support reptiles and therefore no further targeted surveys were carried out. Enhancement measures in the form of the provision of wildlife boxes and native soft landscaping have also been included. Overall, I have no concerns in relation to this scheme subject to a planning condition requiring development to proceed in accordance with the ecological report. I would also support the installation of the swift bricks and would recommend a planning condition requesting 4 Swift Bricks per dwelling, covering 20% of the total number of dwellings.

## **Trees**

- 7.17 A site meeting took place on 12 May 2020 where the revised position of the two frontage properties to the east of the plot (Plots 1 & 2) were pegged out on the ground. The Council's Arborist is satisfied the revised layout will ensure the Plots 1 & 2 can be constructed without adversely impacting on existing tree roots – subject to the necessary tree protection measures /method statement.
- 7.18 Having the plots marked on site enabled the Council's Arborist to make a proper judgement in terms of the relationship these properties will have with the two off-site (highway) oak trees. In his view the distances and orientation of the dwellings and their associated garden space will ensure they enjoy sufficient sunlight / daylight between March and September and the spatial relationship will be sufficient to enable the highway authority to defend any post development request to prune the oak trees.

## **Conservation**

- 7.19 The proposed design code adopted for the development of 9 dwellings and associated parking within the setting of No 14 Beacon Bottom, responds positively to the character of the area and is respectful to the characteristics of the locally listed building, in a manner appropriate to the non-designated heritage assets conservation.
- 7.20 The property 14 Beacon Bottom is thatched timber framed 'lobby entry' house thought to originate from the late 16<sup>th</sup> / early 17<sup>th</sup> century. It is of local interest for its 17<sup>th</sup> century origins and possesses a distinct vernacular character. Historically the building had a rural setting, outbuildings are shown to the south on historic maps and although now grouped with modern outbuildings to the south it still resides in a sizeable enclosed garden surrounded by open land. There is a significant belt of trees to the north and east and planting to the west and southern boundaries of the application site.
- 7.21 The property has a sizeable garden which includes a garage and other ancillary buildings, these structures will be removed as part of the proposal so as to accommodate a new boundary wall, the impact of these works is considered to result in no harm to the setting of the non-designated heritage asset.
- 7.22 In the wider setting, the layout of the proposed dwellings have been orientated to provide distance between the new builds and the existing cottage, this allows for a more spacious setting to the cottage which will be defined with appropriate boundary treatment.
- 7.23 In this respect the orientation, scale, use of materials and form of the proposed 9 dwellings with associated parking within the setting of No 14, a non-designated heritage asset is considered to preserve the key characteristic

of the setting and therefore be in a manner appropriate to the non-designated heritage assets conservation.

## **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 (5YHLS);
- b) Residential Development in the Countryside;
- c) The Impact on Protected Sites
- d) Policy DSP40 (Housing Allocations);
- e) Other Matters;
- f) The Planning Balance

### **a) Implication of Fareham's Current 5-Year Housing Land Supply Position**

8.2 A report titled "Five year housing land supply position" was reported for Members' information on the agenda for the Planning Committee meeting held on Wednesday 17<sup>th</sup> February 2021. The report concluded that this Council has 4.2 years of housing supply against the 5YHLS requirement.

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 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 Paragraph 177 of the NPPF 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 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. 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.

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

8.13 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.

8.14 Policy CS14 (Development Outside Settlements) 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'.*

8.15 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). However, new residential development will be permitted in instances where either it has been demonstrated that there is an essential need for a rural worker to live there permanently, it involves a conversion of an existing non residential building or it comprises one or two new dwellings which infill a continuous built-up residential frontage. Officers can confirm that none of these exceptions apply to the application proposal.

8.16 The site is located outside of the defined urban settlement boundary and the proposal is therefore contrary to Policies CS2, CS6, and CS14 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan.

### **c) Impact on Protected Sites**

8.17 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.

8.18 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.

- 8.19 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 'Protected Sites' (PS).
- 8.20 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 European sites 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 European sites. 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 the Local Planning Authority.
- 8.21 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the EPS. The key considerations for the assessment of the likely significant effects are set out below.
- 8.22 Firstly, in respect of Recreational Disturbance, the development is within 5.6km of the Solent SPAs and is therefore considered to contribute towards an impact on the integrity of the Solent SPAs as a result of increased recreational disturbance in combination with other development in the Solent area. The applicants have made the appropriate financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMP) and therefore, the Appropriate Assessment concludes that the proposals would not have an adverse effect on the integrity of the PS as a result of recreational disturbance in combination with other plans or projects.
- 8.23 Secondly in respect of the impact of the development on water quality as a result of surface water and foul water drainage, 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 PS.
- 8.24 A nitrogen budget has been calculated in accordance with Natural England's '*Advice on Achieving Nutrient Neutrality for New Development in the Solent Region*' (June 2020) ('the NE Advice') which confirms that the development

will generate 6.3 kg TN/year. In the absence of sufficient evidence to support a bespoke occupancy rate, Officers have accepted the use of an average occupancy of the proposed dwellings of 2.4 persons in line with the NE Advice. The existing use of the land for the purposes of the nitrogen budget is considered to be urban. Due to the uncertainty of the effect of the nitrogen from the development on the PS, adopting a precautionary approach, and having regard to NE advice, the Council will need to be certain that the output will be effectively mitigated to ensure at least nitrogen neutrality before it can grant planning permission.

- 8.25 The applicant has entered into a conditional contract to purchase 6.5 kg of nitrate mitigation 'credits' from the Hampshire and Isle of Wight Wildlife Trust (HIWWT). Through the operation of a legal agreement between the HIWWT, Isle of Wight Council and Fareham Borough Council dated 30 September 2020, the purchase of the credits will result in a corresponding parcel of agricultural land at Little Duxmore Farm on the Isle of Wight being removed from intensive agricultural use, and therefore providing a corresponding reduction in nitrogen entering the Solent marine environment.
- 8.26 The Council's Appropriate Assessment concludes that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the PS either alone or in combination with other plans or projects. The difference between the credits and the output will result in a small annual net reduction of nitrogen entering the Solent. Natural England has been consulted on the Council's Appropriate Assessment and agrees with its findings. It is therefore considered that the development accords with the Habitat Regulations and complies with Policies CS4 and DSP13 and DSP15 of the adopted Local Plan.

#### **d) Policy DSP40 (Housing Allocations)**

- 8.27 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.
- 8.28 Local Plan Policy DSP40 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 demonstrate 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.*

Each of these five points are considered further below.

#### **Policy DSP40(i)**

- 8.29 Firstly, in relation to the first of these criteria at Policy DSP40(i), the proposal is for nine dwellings which is relative in scale to the current shortfall.

#### **Policy DSP40(ii)**

- 8.30 It is acknowledged that the site is located beyond the settlement policy boundary and is therefore contrary to policies which aim to prioritise new housing within the urban area. The site does however immediately abut the urban boundary to the east and to the south and is therefore well related to the existing urban settlement boundary. The development has also been laid out to integrate with existing development, providing an active frontage to Beacon Bottom whilst retaining significant highway and boundary trees and incorporating areas of landscaping to contribute to a more verdant rural aesthetic. The application site is also considered to be sustainability located within close proximity to the local centre of Park Gate.
- 8.31 Swanwick train station lies within a 500m walk from the site and the nearest general use bus services are also located at the train station. From here, bus services are available between Fareham and Whiteley (28/28A route). A further bus stop is located on the A27, approximately 590m walking distance from the centre of the site. From here, services are available to Southampton and Portsmouth (X4 route). A number of school bus services are available from both stops, and these serve Barton Peveril College, Swanmore School and Peter Symonds College.
- 8.32 The site is located adjacent to the existing urban settlement boundary in a sustainable location and is clearly accessible and well served by public transport which provides the opportunity for future residents to travel by alternative modes of transport, other than the private car. It is therefore considered that point (ii) of Policy DSP40 is satisfied.

#### **Policy DSP40(iii)**

- 8.33 Policy CS17 of the adopted Fareham Borough Core Strategy sets out a similar, but separate policy test that, amongst other things, *“development will be designed to: respond positively to and be respectful of the key characteristics of the area, including heritage assets, landscape, scale, form,*



*spaciousness and use of external materials*". Core Strategy Policy CS14 meanwhile seeks to protect the landscape character, appearance and function of the countryside.

- 8.34 The site is within an area of countryside but is not designated as Strategic Gap. The Fareham Landscape Assessment 2017 (which is part of the evidence base for the published draft Fareham Local Plan 2037) identifies that the site lies within the North Sarisbury Character Area. This area is described as being of semi-rural, wooded landscape that is sandwiched between the M27 to the north and the urban edges of Lower Swanwick, Sarisbury and Park Gate. It is noted that its isolation from surrounding countryside to the north and the influence of its urban context lend a distinctive 'fringe' character to the landscape.
- 8.35 The area is identified in the FLA 2017 as having some potential to accommodate limited small-scale development within the existing framework of small fields and woodland, particularly in areas adjacent to existing built development where landscape character and quality is already influenced by urban/suburban features, and where the effects could be mitigated by the existing framework of woodland or by new planting
- 8.36 Beacon Bottom is a predominantly residential road, with a suburban character, although the site also abuts a larger commercial building. It is not considered that the site contributes to a wider countryside setting as it is visually contained by the woodland that extends to the north towards the M27.
- 8.37 Amendments were sought by Officers during the course of the application to set the frontage properties further back from the highway edge to be more respectful of the building line along the north side of the road and to protect the character and appearance of the streetscene. As a result Plots 1-4 would be set back between 9.5-10.5m from the edge of the highway, which exceeds the typical set back distances of existing properties on the southern side of the road. Whilst the existing frontage hedgerow would be removed this enables the retention of a wide landscaped verge to the eastern side of the plot between the road and Plots 1 & 2. These dwellings would be accessed from within the development but would present an active frontage to Beacon Bottom. It is considered that the absence of driveways for these properties on to Beacon Bottom would give a softer appearance to the development and the streetscene. Plots 3 & 4 have driveways on to the Beacon Bottom but they also have front garden areas. A condition would be imposed to ensure that the frontages of Plots 3 & 4 were not entirely hardsurfaced in future without planning permission being sought.
- 8.38 Whilst concerns have been raised regarding the removal of the frontage hedgerow it is confirmed that it is not afforded any form of protection by The Hedgerow Regulations 1997. These Regulations do not apply to any hedgerow within the curtilage of, or marking a boundary of the curtilage of, a

dwelling-house. Whilst removal of the hedgerow is necessary to facilitate the development, replacement hedgerow and tree planting will be sought and the substantial Oak trees on the frontage would also be retained.

- 8.39 The shared surface access drive is designed in this manner to retain a sense of informality fitting with the more rural character of the site. Development to the south of Beacon Bottom is of two storey form and it is considered that the proposed dwellings would be of appropriate scale and height within this context. The locally listed cottage is unique in the context and it is not considered appropriate or practical to attempt to emulate its aesthetic or materials in the proposed scheme. Therefore design cues have been sought from the wider area such as a pair of semi-detached Victorian cottages further along Beacon Bottom which exhibit design features which add to their architectural interest. Adapting similar features in the proposed dwellings such as decorative string courses at ground floor level in contrasting brickwork, detail brick window arches and stone sills, oak framed entrance porches and bay windows adds to their visual interest and indicates a higher level of design quality.
- 8.40 The site lies in the countryside beyond the urban settlement boundaries. However, it is considered that the proposed development would respond positively to the existing built form within the vicinity of the site. It is considered by Officers that the proposal has been appropriately designed and laid out to integrate with the character of the neighbouring settlement and to minimise the effect on the countryside. The proposal would therefore satisfy point (iii) of Policy DSP40 and comply with policies CS17.

#### **Policy DSP40 (iv)**

- 8.41 The applicant, Southcott Homes, are committed to building out the site and would anticipate a commencement of development within 18 months of planning permission being granted with the development being completed within approximately 12 months. It has been agreed that a planning condition with a reduced timeframe for commencement of development of 18 months would be acceptable. It is therefore considered that point (iv) of Policy DSP40 is satisfied.

#### **Policy DSP40(v)**

- 8.42 The final test of Policy DSP40 requires that proposals would not have any unacceptable environmental, amenity or traffic implications. These are discussed in turn below. The impact of the development on European protected sites has been set out earlier in this report.

#### ***Protected Species/Biodiversity Enhancements***

- 8.43 The application has been supported by an Ecological Appraisal (Lindsay Carrington Ecological Services) and the site has been assessed as holding low to moderate ecological value.
- 8.44 A phase 1 bat survey was conducted as a number of outbuildings will be demolished. No evidence of bats was recorded during the inspections, however, as some of the outbuildings were assessed as holding low potential to support roosting bats a dusk emergence survey was conducted which revealed bats not to be roosting on site. The oak tree on the western boundary was assessed as holding potential to support roosting bats but would be retained as part of the development. Limited foraging and commuting habitat was identified on site for bats although boundary features which hold the suitable bat habitat will be retained.
- 8.45 The site was noted to hold suitable habitat for dormice including the trees and hedgerow. Records of dormice were recorded within woodland habitat to the north of the site. However, no dormice were encountered on site and it is proposed that all planting along the northern boundary will be retained and close boarded wooden fencing would be installed to provide a buffer between the gardens and the adjacent woodland.
- 8.46 A number of ecological enhancements are outlined within the Ecological Appraisal. These include using native shrubs and trees, installing nest boxes for birds and bat boxes and sowing grassland seed mixes.

### ***Trees***

- 8.47 The Council's Principal Tree Officer initially raised concerns that the proximity of the dwellings on Plots 1 & 2 to the dominate Oak (T7) on the site frontage would result in an unacceptable relationship in terms of dominance and shading.
- 8.48 The proposal was amended to reduce the footprint of Plot 1 and relocate the dwelling further away from the tree. A shadow assessment was also undertaken which concluded that the level of shading which would be experienced by the dwellings and their associated gardens would not be excessive and sunlight availability would be within the amounts recommended by BRE guidelines. Having viewed Plots 1 & 2 pegged out on site the Council's Principal Tree Officer's concerns were overcome.
- 8.49 The scheme retains the most prominent, and valuable trees to exist alongside the development. All of the trees that are to be retained can be protected for the purposes of demolition and construction. Replacement tree planting will be sought as part of the landscaping proposals and in particular replacement tree planting will be sought on the site frontage as considered suitable by the Council's Principal Tree Officer.

### ***Amenity***

- 8.50 Each of the proposed dwellings would have access to suitable amenity space, good levels of daylight and sunlight, privacy and protection from noise disturbance. The size of the private rear gardens would comply with at least the minimum standard of 11m in length set out within the Council's adopted Design SPD. All gardens would be afforded reasonable privacy with first floor window positioned to avoid overlooking of neighbouring properties or controlled by planning condition where appropriate. The dwellings fronting Beacon Bottom (plots 1-4) would be in excess of 22m from facing windows in properties on the opposite side of the road.

### ***Traffic***

- 8.51 The application is supported by a Transport Statement and two Addendum reports (Bellamy Roberts LLP) which address highways issues. The transport statement suggests that the traffic speed along Beacon Bottom are some way below the posted speed of 30mph and are closer to 20-25mph. The road appears narrow due to the lack of a pavement on the northern side and intermittent car parking also occurs to the south side of the road which serves to slow traffic. The position of the vehicular access road optimises visibility splays. The proposed access would be constructed to the west of the existing vehicular access and visibility splays of 2.4m x 33m would be achieved. This level of visibility is considered to accord with guidance contained within Manual for Streets and the Highway Authority (HCC) have raised no objection to the proposal.
- 8.52 The traffic flows arising from the development have been calculated using TRICS data and the impact of these additional movements on the Botley Road junction has been assessed. Based on an increased number of bedrooms originally proposed within the dwellings (7x3-bed and 2x4-bed) it was calculated that the proposal would generate five 2-way vehicle movements during the peak hour periods and forty-six daily movements. This level of traffic generation represents less than a 5% increase in movements at the Beacon Bottom/Botley Road junction and is not expected to have a detrimental impact on the operation of the local highway network, or the safety of its users. It was also calculated that these flows would represent an increase in vehicles of 0.2% along Botley Road which would be imperceptible. It should be noted that the number of movements generated by the revised scheme would be reduced in comparison to the original proposal as a result of a subsequent reduction in bedroom numbers (now 2 x 2 bedroom, 6 x 3 bedroom and 1 x 4 bedroom dwellings).
- 8.53 Personal injury accident data for the area has been obtained from Hampshire Constabulary, which indicates that there are no safety issues with the immediate highway network.

8.54 The proposal would comply with the Council Car & Cycle Parking Residential Car & Cycle Parking SPD in terms of car parking provision. Cycle parking would be provided either within a designated section of the car ports or within garden structures. Refuse vehicle tracking has also been carried out to ensure the Council's refuse lorry can access the development, service the plots and turn to leave the site in forward gear.

#### **e) Heritage Impact**

8.55 Policy DSP5 of the Local Plan Part 2: Development Sites & Policies concerns the protection and enhancement of the Historic Environment. It states that non-designated heritage assets including locally listed buildings will be protected from development that would unacceptable harm their architectural and historic interest and/or setting taking account of their significance.

8.56 Paragraph 197 of the National Planning Policy Framework states that;

'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

8.57 The application is supported by a heritage statement which describes the existing locally listed dwelling as a timber-framed cottage dating from the early 17th Century. The cottage itself, is identified as a Building of Local Interest, due to its age and historic character (although deemed not to be of sufficient quality to merit statutory listing due to the number of alterations that the building has been subject to over the years) and for its size occupies a large plot. The ancillary buildings including the pool house and triple garage are all modern and are of no particular merit and to a certain degree detract from the character and setting of the cottage.

8.58 The cottage and its immediately private garden area are enclosed by fencing which separates it from the larger site. At present the lower picket style fencing which encloses the private garden area to the south side allows a view from Beacon Bottom towards the cottage's most attractive and unspoilt elevation (south-east). The alignment of the proposed access road would retain this public view and furthermore the removal of the garage would improve the visibility of the cottage and its immediate setting. The relationship of the cottage to the woodland to the north is important and this will continue to provide a natural backdrop in views of the cottage from Beacon Bottom and from within the development.

- 8.59 The layout allows for the proposed dwellings to be positioned a respectful distance from the cottage, avoiding crowding of it and thereby potentially harming its setting. In this way, it is considered that the cottage would remain the focus of the site and would also lend a strong identity to the proposed development.
- 8.60 It is considered that the proposal complies with Policy DSP5 in that it would not unacceptably harm the buildings architectural and historic interest and/or setting. In applying the balanced judgement referred to in the NPPF it is concluded that whilst the proposal would have a direct effect on the setting of this heritage asset of local interest/significance, the proposal would not result in its loss or harm. The Council's Conservation Officer advises that the proposal would preserve the key characteristic of the setting in a manner appropriate to the non-designated heritage assets conservation.

#### **f) Other Matters**

##### *Local service infrastructure*

- 8.61 Concerns have been raised that the proposal would lead to increased pressure on local services such as school and doctors as a result of increased residents however it is not considered the impact would be sufficient to justify refusal of the application.

##### *Draft Local Plan*

- 8.62 Members will be aware of the Publication Local Plan, which addresses the Borough's development requirements up until 2037. The latest consultation stage was completed in December 2020 and the responses to this consultation are currently being reviewed. However, further consultation is also due to be undertaken during the Summer 2021 following the publication of the revised Planning Practice Guidance on housing need. Following the submission of the Publication Local Plan to the Secretary of State, and the subsequent Examination, it is intended that the Publication Local Plan will replace Local Plan Part 1 (Core Strategy) and Local Plan Part 2 (Development Sites & Policies).
- 8.63 The site of this planning application is proposed to be allocated for housing within the Publication Local Plan (Site Ref: HA26). A number of background documents and assessments support the proposed allocation of the site in terms of its deliverability and sustainability which are of relevance. The Council published the Strategic Housing and Employment Land Availability Assessment (SHELAA) in September 2020. The application site (3180) is included and has been given a housing yield of 9 dwellings which is reflective of the current application.
- 8.64 At this stage in the plan preparation process, the draft plan carries limited weight in the assessment and determination of this planning application. The

Council is required to determine the application in accordance with adopted policies taking account of all material considerations at this time.

#### **e) The Planning Balance**

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

*'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.'*

- 8.66 Paragraph 11 of the NPPF clarifies the presumption in favour of sustainable development in that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in the Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or

- 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.

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

- 8.68 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.

- 8.69 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 in February 2021 and the Government steer in respect of housing delivery.

- 8.70 In weighing up the material considerations and conflict between policies Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall and if granted, the development could be delivered in the short term. The site is located adjacent to the existing urban area and is considered to be in a sustainable location with good access to local services and public transport. The proposal would have an urbanising impact locally however any adverse impact on the wider landscape character would be minimised by the sites visual containment by surrounding woodland

and appropriately sought landscaping such that there would not be any substantial harm.

- 8.71 Officers are satisfied that there are no outstanding amenity and environmental issues which cannot otherwise be addressed through planning conditions. There would not be any unacceptable impact on highway safety and the increase of vehicles on the local road network would not be significant.
- 8.72 It is not considered that the proposal would have a harmful impact on the setting of the existing locally listed cottage on site which would be retained with an appropriate curtilage.
- 8.73 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 9 dwellings in the short term. The modest contribution the proposed scheme would make towards boosting the Borough's housing supply is a material consideration, in the light of this Council's current 5YHLS.
- 8.74 There is a conflict with development plan Policy CS14 which ordinarily would result in this proposal being considered unacceptable in principle. Ordinarily CS14 would be the principal policy such that a scheme in the countryside would be considered to be contrary to the development plan. However, in light of the Council's lack of a five-year housing land supply, development plan Policy DSP40 is engaged and Officers have considered the scheme against the criterion therein. The scheme is considered to satisfy the five criteria and in the circumstances Officers consider that more weight should be given to this policy than CS14 such that, on balance, when considered against the development plan as a whole, the scheme should be approved.
- 8.75 In undertaking a detailed assessment of the proposals throughout this report and applying the 'tilted balance' to those assessments, Officers consider that:
- (i) there are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed, particularly when taking into account that any significant effect upon Special Protection Areas can be mitigated
  - (ii) any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.
- 8.76 Having carefully considered all material planning matters, Officers consider planning permission should be granted.

***Recommendation***

**GRANT PLANNING PERMISSION** subject to the following conditions:



1. The development shall begin within 18 months 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 shall be carried out in accordance with the following approved documents:

- a) Site Location Plan (drwg No 18-1020-101-1ST)
- b) Site Plan (drwg No. 18-1020-105-A)
- c) Site Plan Colour (drwg No. 18-1020-106-A)
- d) Constraint & Opportunities Plan (drwg No. 18-1020-002-1st)
- e) Streetscene & Site Section (drwg No. 18-1020-125-A)
- f) Site Plan Massing Active Frontage and Refuse Strategy (drwg No.18-1020-107-A)
- g) Site Plan Parking Strategy (drwg No. 18-1020-108-A)
- h) Plot 1 Plans & Elevations (drwg No. 18-1020-110-B)
- i) Plot 2 Plans & Elevations (drwg No. 18-1020-111-1<sup>st</sup>)
- j) Plot 3 & 4 Plans & Elevations (drwg No. 18-1020-112-1ST)
- k) Plot 5 Plans & Elevations (drwg No. 18-1020-115-1<sup>st</sup>)
- l) Plots 6,7,8 Plans & Elevations (drwg No. 18-1020-114-1<sup>st</sup>)
- m) Plot 9 Plans & Elevations (drwg No. 18-1020-116-1<sup>st</sup>)
- n) Ancillary Buildings (drwg No. 18-1020-120-A)
- o) Ecological Appraisal (Lindsay Carrington Ecological Services dated Sept 2018, Updated Sept 2019).
- p) Arboricultural Report (Harper Tree Consulting dated 2 June 2020)
- q) Assessment of Shading for Beacon Bottom Site (Harper Tree Consulting dated 12 April 2020)
- r) Transport Statement & Addendum Reports (Bellamy Roberts dated Sept 2019, 16 December 2019 & 2 June 2020)

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

3. No development hereby permitted shall proceed beyond damp proof course level until details of all proposed external facing (and hardsurfacing) materials have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development.

4. The first floor windows proposed to be inserted into the following elevations of the approved development shall be obscure-glazed and of a non-opening design and construction to a height of 1.7 metres above internal finished floor level;

- i) North elevation of Plot 2
- ii) South-east elevation of Plot 9

and shall thereafter be retained in that condition at all times.

REASON: To prevent overlooking and to protect the privacy of occupiers of the adjacent properties.

5. None of the development hereby approved shall be occupied until a plan of the position, design, materials and type of boundary treatment to be erected to all boundaries has been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatment has been fully implemented. It shall thereafter be retained at all times unless otherwise agreed in writing with the Local Planning Authority.

If boundary hedge planting is proposed details shall be provided of planting sizes, planting distances, density, and numbers and provisions for future maintenance. Any plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

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

6. No development shall take place until details of the type of construction proposed for the access road and the method of disposing of surface water have been submitted to and approved by the local planning authority in writing.

REASON: To ensure that the access is constructed to a satisfactory standard and to prevent excessive water runoff on to the highway. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

7. No development shall commence until details of the internal finished floor levels of all of the proposed buildings and proposed external finished ground levels, in relation to the existing ground levels on the site and the adjacent land, have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To safeguard the character and appearance of the area and to assess the impact on nearby residential properties. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

8. No dwelling hereby permitted shall be occupied until 2.4m by 33m visibility splays have been provided at the site access junction with Beacon Bottom in accordance with the approved details. These visibility splays shall thereafter be kept free of obstruction (nothing over 0.6m in height) at all times.  
REASON: In the interests of highway safety; in accordance with Policies CS5 and CS17 of the Fareham Borough Core Strategy.
9. No dwelling, hereby approved, shall be first occupied until the approved parking and turning areas for that property have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking and turning of vehicles at all times unless otherwise agreed in writing by the Local Planning Authority following the submission of a planning application for that purpose.  
REASON: In the interests of highway safety.
10. The car ports hereby approved shall be constructed in accordance with the approved plan. Thereafter, the car port shall be retained, without doors, at all times so they are available for their designated purpose.  
REASON: To ensure adequate car parking provision; in accordance with Policy CS17 of the Fareham Borough Core Strategy.
11. The visitor parking spaces marked on the approved plans shall be kept available for visitors at all times and not be used for private purposes.  
REASON: To ensure adequate off-street parking provision on site is maintained.
12. None of the dwellings hereby permitted shall be first occupied until the bicycle storage relating to them, as shown on the approved plan (drwg No.108 Rev A), has been constructed and made available. This storage shall thereafter be retained and kept available at all times.  
REASON: To encourage cycling as an alternative mode of transport.
13. None of the development hereby permitted shall be occupied until the bin collection points (drwg No.108 Rev A) have been provided in accordance with the approved plans. The designated area shall thereafter be kept available and retained at all times for the purpose of bin collection.  
REASON: To prevent an obstruction of the highway.
14. Development shall proceed in accordance with the measures set out in Sections 5.2 (bats), 5.3 (dormice), 5.5 (birds), 5.6 (hedgehogs) and 5.7 (Ecological Enhancements) of the submitted ecological appraisal report (Lindsay Carrington Ecological Services Sept 2018, Updated Sept 2019). None of the development hereby approved shall be first occupied/used until the approved ecological enhancements have been fully implemented. These enhancement measures shall be subsequently retained.

REASON: To ensure that protected species are not harmed and that habitat is enhanced as a result of the proposed development.

15. A minimum of eight swift bricks (four bricks per dwelling covering a minimum of two dwellings) shall be incorporated into the development. Thereafter, these features shall be permanently maintained and retained, with photographic evidence of these feature submitted to the LPA for approval.

REASON: to ensure no net loss in biodiversity in accordance with NPPF and NERC Act 2001.

16. The development shall be carried out in accordance with the Arboricultural Report (Harper Tree Consulting dated 2 June 2020) unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period; in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

17. No development shall proceed beyond damp proof course level until a landscaping scheme identifying all existing trees, shrubs and hedges to be retained, together with the species, planting sizes, planting distances, density, numbers, surfacing materials and provisions for future maintenance of all new planting, including all areas to be grass seeded and turfed and hardsurfaced, has been submitted to and approved by the Local Planning Authority in writing.

REASON: In order to secure the satisfactory appearance of the development; in the interests of the visual amenities of the locality

18. The landscaping scheme, submitted under Condition 17, shall be implemented and completed within the first planting season following the commencement of the development or as otherwise agreed in writing with the Local Planning Authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

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

19. None of the residential units hereby permitted shall be occupied until details of water efficiency measures to be installed in each dwelling have been submitted to and approved in writing by the Local Planning Authority. These water efficiency measures should be designed to ensure potable water consumption does not exceed an average of 110 litres per person per day. The development shall be carried out in accordance with the approved details.

REASON: In the interests of preserving water quality and resources

20. No development shall commence unless the council has received the Notice of Purchase in accordance with the legal agreement between FBC, IWC and HIWWT dated 30 September 2020 in respect of the Credits Linked Land identified in the Nitrates Mitigation Proposals Pack.

REASON: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on European protected sites.

21. Notwithstanding the provisions of Class F of Schedule 2, Part 1 and Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no gates, fences, walls or additional hard surfaced areas shall be constructed forwards of the dwellings on Plots 3 & 4 hereby approved unless first agreed in writing with the Local Planning Authority following the submission of a planning application (with the exception of any hard surfacing or boundary treatment approved as part of this planning application).

REASON: To protect the character and appearance of the locality.

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

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

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

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

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

e) the measures for cleaning Beacon Bottom to ensure that it is kept clear of any mud or other debris falling from construction vehicles, and

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

The development shall be carried out in accordance with the approved CMP and areas identified in the approved CMP for specified purposes shall thereafter be kept available for those uses at all times during the construction period, unless otherwise agreed in writing with the LPA. No construction vehicles shall leave the site unless the measures for cleaning the wheels and underside of construction vehicles are in place and operational, and the wheels and undersides of vehicles have been cleaned.

REASON: In the interests of highway safety and to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

23. No work on site relating to the construction of any of the development hereby permitted (Including works of demolition or preparation prior to operations) shall take place before the hours of 0800 or after 1800 Monday to Friday, before the hours of 0800 or after 1300 Saturdays or at all on Sundays or recognised public holidays, unless otherwise first agreed in writing with the Local Planning Authority.

REASON: To protect the occupiers of nearby residential properties against noise and disturbance during the construction period.

### ***Further Information***

The applicant should be aware that as the proposals include the formation of a new or altered access onto the highway, which will include works within the highway, these works will be required to be undertaken in accordance with standards laid down by, and under a Section 278 license agreement with, the Highway Authority. Full details of how to apply and the required documents to be submitted can be found via the following link:

<https://www.hants.gov.uk/transport/licencesandpermits/roadopening>.

## **11.0 Background Papers**

P/19/1061/FP



## OFFICER REPORT FOR COMMITTEE

DATE: 03/03/2021

P/20/1399/FP

MR RICHARD BECHELEY

PARK GATE

AGENT: MR RICHARD BECHELEY

DETACHED GAMES ROOM WITHIN REAR GARDEN

YALE COTTAGE, DUNCAN ROAD, PARK GATE

### **Report By**

Emma Marks – direct dial 01329 824756

### **1.0 Introduction**

- 1.1 This application is being reported to the Planning Committee due to the number of third-party letters received, which consist of 20 letters from 8 different households.
- 1.2 A significant number of the third party comments received related to the original planning application submission. This comprises an outbuilding with a dual pitched roof measuring 5 metres to the ridgeline. This was considered excessive for a domestic outbuilding in this location, so the scheme was reduced to 4 metres in height

### **2.0 Site Description**

- 2.1 This application relates to a detached dwelling on the south-east side of Duncan Road which is to the north-east of Botley Road. The road is made up of various different house types consisting of bungalows, chalet bungalows and full two storey houses. There is a change in level adjacent to the site with a drop from the north-east to the south-east.
- 2.2 The property is within the designated urban area.

### **3.0 Description of Proposal**

- 3.1 Planning permission is sought for the erection of a detached outbuilding within the rear garden of a residential property.
- 3.2 The building measures 9 metres in depth, 4.6 metres in width, 2.5 metres to the eaves and 4 metres to the ridge.
- 3.3 As set out above, the application was original submitted for a higher building at a height of 5 metres. The building was reduced to 4 metres in height because it was deemed that a domestic building of 5 metres was excessive in this location and would be overbearing to neighbouring properties.



- 3.4 The rear garden is 'L' shape and the outbuilding is proposed in the part of the garden which extends behind the neighbouring property to the north-east. There are neighbouring properties to the south-east of the site which are at a lower level and their rear gardens back onto the side of the proposal.
- 3.5 The building is proposed to be used as a games room, gym and storage. The building has a first-floor section in one third of the building which measures 4.6 metres in wide by 2m in depth. This area is proposed to be used for storage and contains no windows.

#### **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**

DSP3: Impact on Living Conditions

##### **Other Documents:**

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

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

- 5.1 None

#### **6.0 Representations**

- 6.1 This application has been publicised three times due to revised plans being received. Twenty letters of representation have been received from eight different households, one raising no objection and eleven raising the following concerns

- Overlooking
- Loss of privacy
- Out of keeping
- Noise disturbance/loss of amenity
- Too high
- Noise/light project onto neighbouring gardens
- Impact on the bat population, nesting birds and slow worms in the area
- Out of the normal building line for both roads
- Impact on surface water
- Very imposing
- Overbearing and cramped
- Could be changed to a different use without consultation

- If allowed I would like the following restrictions: -
  - Restrict hours of work to Monday – Friday normal working hours
  - The property cannot be used for commercial purposes of any kind
  - Banning overnight use, use as any form of accommodation

## **7.0 Consultations**

7.1 None

## **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) Impact on neighbouring properties occupiers
- b) Design of the proposal
- c) Other matters

### **a) Impact on neighbouring properties occupier**

8.2 Concern has been raised that the development will create overlooking and loss of privacy to the neighbouring properties. The outbuilding is proposed with four roof lights, three windows at ground floor, a set of glazed doors with a glazed gable above. All the windows have been assessed in relation to the surrounding neighbouring properties. The roof light are within the vaulted ceiling part of the building (above 1.7 metres of the internal floor level), the glazed doors with the glazed gable above will look directly into the applicants own garden and the three ground floor windows would look towards the north-west boundary which contains a one metre high fence with a well-established evergreen hedge behind which exceeds the height of this proposal. Officers are satisfied that there would not be any adverse impact created on any of the surrounding properties with regards to privacy.

8.3 The building is positioned so that it is at the bottom of several rear gardens and the concern has been raised that the building will be too high, very imposing, overbearing and cramped. The building proposed is 12.2 metres from the closest neighbouring property which is to the south-east. Whilst there is a change in levels with the building being higher than the neighbours to the south-east, the building has been designed with a dual pitched roof which hips away from those neighbours. The ridge of the building will be 4 metres in height and would be 14.8 metres from the closest neighbour. Generally, a distance of 12.5 metres sought between a full two storey structure and the rear elevation of a neighbouring house. Taking into account the building is lower than a full two storey structure it is considered that there would not be an unacceptable adverse impact on neighbours' light or outlook which they currently enjoy.

8.4 Noise/light projecting into neighbouring gardens was a concern raised with regards to the proposal. There are only two roof lights which are on the elevation which faces directly towards the neighbouring properties to the south-east. These windows could project some light but as they are on an angle towards the sky it is unlikely, it would cause any unacceptable harm to neighbours. The concern about noise has been considered but it would be unreasonable to resist the proposal on this point as the building is proposed for ancillary use. However, if an unacceptable level of light or noise disturbance is created by the use of the building then this issue could be dealt with under the statutory nuisance legislation.

#### **b) Design of the proposal**

8.5 The building is positioned within the rear garden of the application site and cannot be viewed from a public place. The point has been raised that the building is out of the normal building line for both roads. Whilst there isn't an identical structure of this size within the surrounding rear gardens there are other smaller buildings within some gardens. Due to the position of the building within the rear of the site there isn't a defined building line and therefore its position isn't considered to be unacceptable.

8.6 The building is designed with a dual pitched roof and whilst it is not visible from any public land its design is acceptable and wouldn't have any visual impact on the character of the area.

#### **c) other matters**

8.7 The potential impact on the bat population, nesting birds and slow worms in the area has been raised. The building is proposed on an area of a residential garden which is being used as a vegetable patch. Officers are satisfied there would not be an impact on any protected species and it is a legal requirement on the owners to ensure the development doesn't impact on any protected species if located whilst constructing the development.

8.8 Concerns about the surface water has been raised. The applicant is proposing to direct the rainwater from the roof into a water butt and soakaway. Officers considered the provision to deal with the rainwater runoff is acceptable.

8.9 It has been raised that the building may be able to be used for something else in the future without consultation. If the building is being used incidental to the main dwelling, then no further planning permission would be required.

8.10 It has been put forward that if the development is allowed could three conditions be added. The conditions recommended are to restrict the hours

of work Monday – Friday normal working hours, the property cannot be used for commercial purposes of any kind and to ban the building from being used for overnight accommodation. Officers have considered the recommended conditions, but it has been considered that either they would be unreasonable or they would require planning permission in their own right. In light of this these conditions recommended are not proposed to be added to the decision.

## **9.0 Recommendation**

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development hereby permitted shall be commenced within three years of the date of this decision.

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

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

a) Proposed Elevations and Site Plan

b) Proposed Floor and Section Plan

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

3. The outbuilding hereby permitted shall be used only for purposes ancillary to the enjoyment of the main dwelling and shall at no time be occupied separately as an independent unit of accommodation.

REASON: The site is incapable of accommodating a separate unit of accommodation.

4. The roof windows shown on the south-east and north-west elevations of the development hereby approved shall be constructed so as to have a sill height of not less than 1.7 metres above internal finished floor level. The windows shall thereafter be retained in this condition at all times.

REASON: To prevent overlooking and to protect the privacy of the occupiers of the adjacent properties.

## **10.0 Notes for Information**

10.1 None

## **11.0 Background Papers**

11.1 P/20/1399/FP



## OFFICER REPORT FOR COMMITTEE

DATE: 03/03/2021

P/20/1510/FP  
MR KEVEN HUELIN

WARSASH

### RETENTION OF BOUNDARY FENCE ADJACENT TO FOOTPATH WITH MAXIMUM HEIGHT OF 2.35 METRES.

105 WARSASH ROAD, WARSASH, SO31 9HU

#### **Report By**

Jenna Flanagan – direct dial 4815

#### **1.0 Introduction**

- 1.1 This application is reported to the Planning Committee in accordance with the Council's Scheme of Delegation due to the number of third-party letters received exceeding the five letter threshold and their content being contrary to the Officer recommendation.
- 1.2 The Local Planning Authority has received a total of 8 representations regarding this planning application. Six letters are objections which oppose the recommendation of the Planning Officer.

#### **2.0 Site Description**

- 2.1 The site consists of a semi-detached two-storey house, located on the north side of Warsash Road with a generous rear garden. The eastern site boundary adjoins the footpath running north to south between Saxon Close and Warsash Road.
- 2.2 The land level of 105 Warsash Road is higher than that of the footpath. Between the erected fence and the footpath is a strip of landscaping; the footpath and landscaping are owned and maintained by Fareham Borough Council.
- 2.3 On the opposite side of the footpath, lies the rear boundaries of the rear gardens of properties on Saxon Close and a strip of landscaping between the boundary treatments and the footpath. The footpath continues north where it proceeds through an open green space. The surrounding properties benefit from a variety of boundary treatments, including hedgerows, brick walls and fencing, some topped with trellis.
- 2.4 There is a footpath on the opposite side of Warsash Road which also benefits from a variety of boundary treatments and landscaping.

### **3.0 Description of Proposal**

- 3.1.1 The planning application seeks permission to retain a 2.35 metre high fence along the eastern boundary of the application property adjacent to the footpath. The stretch of fence is 34 metres long.
- 3.1.2 The fencing has been erected to replace a brick wall topped with trellis which was in a poor state of repair and becoming a danger, the cost to rebuild the wall was prohibitive for the applicant. The applicant erected the fence after misunderstanding that no planning permission was required as he was replacing a boundary treatment. The applicant directed contractors to erect a 2.35 metre high fence as it offered privacy and security and it was also a similar height to the brick wall which has been replaced when it had a trellis on top.

### **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**

DSP3 – Impact on Living Conditions

#### **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/20/0094/FP</b>	Detached outbuilding to be used as home office and extra bedroom.
<b>Approve</b>	28/02/2020
<b>P/03/1794/MA/A</b>	Erection of Single Storey Rear Extension: Minor Amendment: Realignment of Extension, Alterations to Fenestration.
<b>Approve</b>	19/03/2004

<b>P/03/1794/FP Permission</b>	Erection of Single Storey Rear Extension 12/01/2004
<b>P/03/0992/FP Refused</b>	Erection of a Two Storey Rear and Single Storey Side Extension. 05/08/2003
<b>P/98/0181/FP Permission</b>	Erection of Conservatory 09/04/1998

## **6.0 Representations**

6.1 During the 21 day consultation period, seven representations were received in relation to this application and a further representation was received after the 21 day period. Two comments of support and six representations in objection were received on the following grounds:

### Objections

- Out of Character with the surrounding area;
- A low fence topped with trellis would be more in keeping,
- Eyesore from neighbouring garden as it towers over the neighbouring garden wall,
- Unsightly,
- Intimidating,
- Shrubs need to be replaced in the landscaped area,
- Sets a precedent,
- Downgrades the appearance of the area,
- Impact on the adjacent footpath;
- Feels closed in/oppressive,
- Intimidating,
- Should be measured from the footpath,
- Makes footpath darker,

### Support

- Privacy;
- Provides privacy for owner and footpath users,
- Increases privacy for neighbouring properties,
- Footpath width between fencing and neighbouring properties,

## **7.0 Consultations**

None

## **8.0 Planning Considerations**



### Impact upon the character and appearance of the area

- 8.1 This boundary treatment would benefit from being permitted development if it measured no more than 2 metres in height. The fence only exceeds 2 metres by 0.35 metres. With that in mind, Officers acknowledge that a very similar fence could have been erected without the need for planning permission from the Council.
- 8.2 Most of the planting along the footpath is well established and acts to screen and soften the appearance of the boundary treatments from the footpath. The strip of landscaping immediately alongside the rear garden of 105 Warsash Road includes lower plants and is sparse in places. The application property recently carried out a landscaping project to their rear garden and were issued a licence by Fareham Borough Council to transport materials along the footpath to the property to assist access. As a result it appears some of the planting has been cut back or reduced. The area has been reviewed by an Officer from the Council's Streetscene team who is satisfied the plants forming the strip of landscaping adjacent to the boundary treatment of 105 Warsash Road will in time grow back and offer additional screening of the boundary fence when seen from the footpath.
- 8.3 The fence is not considered to have a detrimental impact on the visual appearance of the footpath and the existing landscaping helps to soften and screen the appearance of the fence. The fact that the fence is separated from the footpath by the landscaped strip means it does not appear overly imposing for users of the footpath. The fence doesn't unduly restrict light to the footpath and it is noted there are streetlights positioned along the footpath also.
- 8.4 For these reasons, the development is not considered to harm the character and appearance of the area and is compliant with Policy CS17 of the Local Plan Part 1: Core Strategy

### **9.0 Recommendation**

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

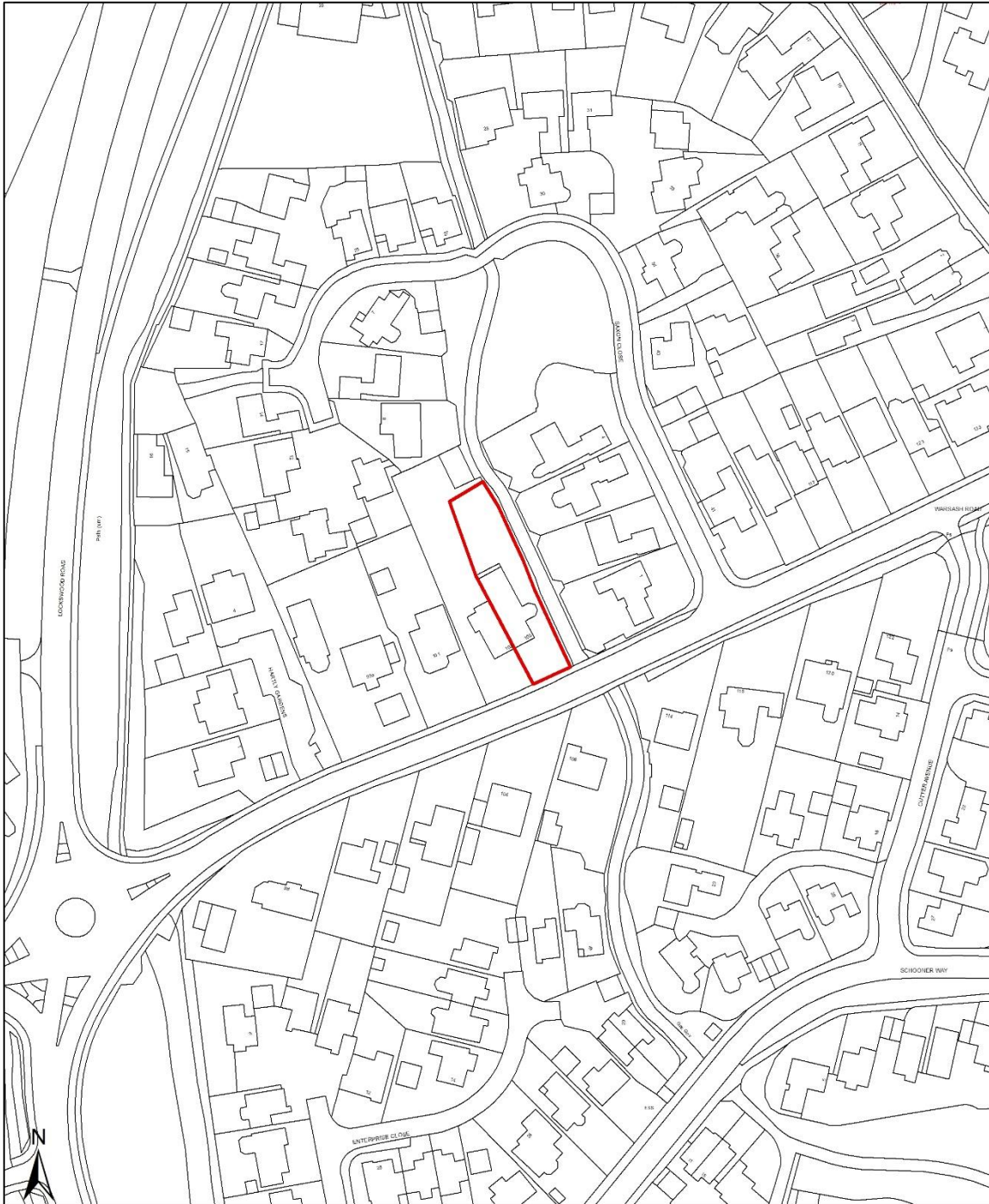
1. The development shall be carried out in accordance with the following approved documents:
  - a. Elevations
  - c. Site Plan
  - d. Location Plan

### **11.0 Background Papers**

P/20/1510/FP

# FAREHAM

BOROUGH COUNCIL



105 Warsash Road  
Scale 1:1,250

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# Agenda Item 6(4)

## OFFICER REPORT FOR COMMITTEE

DATE: 03/03/2021

P/21/0198/FP  
TITCHFIELD PARISH ROOM

TITCHFIELD WARD  
AGENT: MR NICK GIRDLER  
TITCHFIELD VILLAGE TRUST

REPLACEMENT TILES; INSTALL 3 ROWS OF SOLAR PANELS; REPLACEMENT PAVING SLABS TO IMPROVE DRAINAGE AND CREATE A LEVEL HARDSTANDING.

ST PETERS PARISH ROOM, HIGH STREET, TITCHFIELD, PO14 4AQ

### **Report By**

Sarah Leete-Groves – direct dial 01329 824380

### **1.0 Introduction**

1.1 The application is reported to the Planning Committee at the request of Cllr Mrs Hockley.

### **2.0 Site Description**

2.1 The application site is located within the designated urban area of Titchfield and represents the corner site to Southampton Hill, East Street and High Street. The rear or south side of the site backs onto an off street carpark overlooked by Titchfield Meadows a modern residential block to the west, a Grade II listed War Memorial to the east, the Queens Head Hotel to the south east, the Jubilee Surgery and a well-used public right of way to the south providing access to Barry's Meadow and Southampton Hill Road, for the High Street.

2.2 The site, as a corner plot, includes St Peter's Parish Room which is identified by Fareham Borough Council as a non-designated heritage asset, and a 1914-1918 War Memorial, designated as a Grade II heritage asset.

2.3 The site also falls within Titchfield Conservation Area that has an Article 4 Direction, which includes the need for planning permission for the installation of Solar Panels where they are visible from a highway which is identified as the busy public right of way located to the south of the site.

### **3.0 Description of Proposal**

3.1 The application seeks the installation of 3 rows of solar panels on the southern roofslope of the building and the replacement of paving slabs to the area around the entrance to the building, which is located to the south with direct access from the car park.

#### **4.0 Policies**

4.1 The following policies apply to this application:

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

CS15: Sustainable Development and Climate Change

CS17: High Quality Design

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

DSP1: Sustainable Development

DSP2: Environmental Impact

DSP3: Impact on Living Conditions

DSP5: Protecting and Enhancing the Historic Environment

##### **Other Documents:**

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

##### **National Legislation and Guidance:**

The Planning (Listed Building and Conservation Area) Act, 1990

- Section 66 – Listed Buildings and Setting.
- Section 72 – Conservation Areas.

##### **National Planning Policy Framework (NPPF):**

Section 16 – Conserving and enhancing the historic environment

##### **Historic England Guidance:**

The setting of Heritage Assets (2nd Edition), 2017;

Managing Significance in Decision-Taking in the Historic Environment, 2015;

Conservation Principles, Policies and Guidance, 2008; and,

Energy Efficiency and Historic Buildings, Solar Electric (Photovoltaics), 2018.

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

5.1 The following planning history is relevant:

Pre-application request submitted in February 2020.

**Q/0018/20** Installation of solar panels to replacement roof.

5.2 The following conclusion and advice was offered to the applicant at pre-application stage:

*'Based on the information submitted, the installation of the solar panels would fail to preserve the special architectural and historic interest of the locally listed building and therefore we would not be able to support this proposal. Whilst the Council do encourage the installation of renewable energy, due to the sensitive location of the site it would not be appropriate in this instance.'*

## **6.0 Representations**

6.1 Twenty-three letters from the consultation process have been received regarding this application, three of which raise objections and twenty are in support of the proposed development.

6.2 The areas of concern regarding the development comprise:

- Detrimental to the character of the locally listed building and surrounding conservation area.
- No alternate location or energy system has been explored.
- Concern over setting a precedent.
- Concern over the loss heritage through lack of maintenance and neglect.

6.3 Support for the development comprise:

- Support for a carbon neutral future.
- Cast aside traditional thoughts move forward with installation of solar panels.
- Strongly supported worthwhile project.
- Will be a benefit for the village for the foreseeable future.
- In no way detrimental to the village.
- Great idea.
- Opportunity to reduce carbon whilst maintaining an old building.
- A good compromise.
- Beneficial to the parish rooms future.
- The installation of the panels is sympathetic and unobtrusive.

6.4 The above points of concern and support have been addressed in the body of the report.

## **7.0 Consultations**

### *Internal*

7.1 No internal consultations undertaken on this application.

### *External*

#### ***Scottish and Southern Electric (SSE)***

7.2 No objections

## **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) High Quality Design.
- b) Environmental Impact.
- c) Impact on Living Conditions.
- d) Protecting and Enhancing the Historic Environment.

**a) High Quality Design**

- 8.2 The planning application proposes the replacement of all the roof tiles on the Parish Room with like for like tiles together with the installation of 3-rows of solar panels on the south side of the roof. Other works include the repair and replacement of paving slabs on the south side of the building to prevent water ingress.
- 8.3 The Council's adopted Design Guidance seeks to ensure that all development responds positively and is respectful to the key characteristics of the area.
- 8.4 Solar panels are becoming an increasingly popular way for residential and non-residential properties to generate their own electricity. However, the installation of solar panels on a visible roofscape which contributes to the character of both the non-designated heritage asset (St Peters Parish Room) and designated heritage asset (Titchfield Conservation Area) will result in a material effect on the appearance of the surrounding area.
- 8.5 In this respect and taking account the siting, inherent form, scale and colour of the solar panels, the proposal is not considered to respond positively or respectfully to the key characteristics of the area.

**b) Environmental Impact**

- 8.6 Due to the nature of the works proposed there would be no significant adverse impact individually or cumulatively on neighbouring development nor adjoining land, or the wider environment by reason of noise, heat, liquids, vibration, light or air pollution.

**c) Impact on Living Conditions**

- 8.7 Due to the nature of the works proposed there would be no unacceptable adverse impact upon living conditions on the site or neighbouring development by way of the loss of sunlight, daylight, outlook and/or privacy.

**d) Protecting and Enhancing the Historic Environment**

- 8.8 In considering the impact of the proposed works, great weight is given to the conservation of the designated and non-designated heritage assets. Section 66 of the Planning (Listed Building and Conservation Area) Act, 1990 sets out that when considering planning applications for development which affects a listed building or its setting the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any

features of special architectural or historic interest which it possess. Section 72 of the Planning (Listed Building and Conservation Area) Act, 1990 sets out with respect to any buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Harm or loss will require clear and convincing justification in accordance with the advice in the National Planning Policy Framework (NPPF). In this respect, paragraph 200 of the NPPF requires that new development within the setting of a heritage asset(s), should look for opportunities to preserve, enhance or better reveal the significance of the heritage asset(s).

- 8.9 The key characteristics of the area surrounding St Peters Parish Room; are identified as the historic and architectural merit attributed to Titchfield Conservation Area, St Peters Parish Rooms which is classified by Fareham Borough Council as a non-designated heritage asset (locally listed) and the War Memorial, a Grade II listed designated heritage asset, sited within the immediate setting of the Parish Rooms.
- 8.10 In context of the character of the conservation area, St Peters Parish Room is located on the corner of Southampton Hill, East Street and the medieval High Street which contains a mix of houses, offices and shops. Most buildings abut the back edge of the pavement forming a continuous frontage, but a few have small enclosed frontages such as St Peters Parish Room which is a later addition to the historic street pattern. However, the architectural styling of the building is reflective of the built character of the conservation area.
- 8.11 The contribution St Peters Parish Room makes to the identified character of the area, is as a late 19<sup>th</sup> century non-designated heritage asset with high architectural merit, constructed in facing flint and bath stone with pressed tiles to a steeply pitched roof. The consciously designed form of the building and use of vernacular materials, provides the gateway to the character and appearance of the High Street when approached from Southampton Hill and East Street.
- 8.12 Set back from the highway and enclosed by a flint wall the immediate setting of the St Peters Parish Room includes a Grade II listed war memorial commemorating the First World War, located to the east fronting the High Street. Whilst the Parish Room is located within the setting of this Grade II heritage asset, the setting of the asset would not be affected by the proposed works. Section 66 of the 1990 Act is therefore satisfied in this context.
- 8.13 In context of the visual contribution the rear of St Peters Parish Rooms makes to the character of the area, the southern elevation and substantial roofslope addresses an open car park, enclosed by the rear of The Queens Head to the

east, Titchfield Meadows to the west and a brick wall adjoining a timber fence boundary to the south, which defines a well-used public footpath and the entrance to the Jubilee Surgery.

- 8.14 By virtue of the low boundary brick wall, the southern elevation of St Peters Parish Room which includes the formal entrance to the building, is clearly visible from the public realm and makes a valuable contribution to the historic and architectural character and appearance of the surrounding conservation area.
- 8.15 In this respect the reinstatement of matching pavement slabs to the front entrance which were lost and replaced with tarmac due to tree subsidence is welcomed. In addition, the new slabs will be laid to encourage water runoff into the car park away from the building, providing a long-term solution to future water ingress.
- 8.16 However, turning to the prominent roofscape which contributes to St Peters Parish Room aesthetic value, and the works which include the introduction of three rows of solar panels on the southern slope. As discussed, the southern elevation of St Peters Parish Room is the principal entrance to the building, the aesthetic merit attached to which allows for the interpretation of the buildings form and communal function within the village.
- 8.17 The steeply pitched roof, attractive roof covering and use of flint and stone makes a valuable contribution to the historic and architectural character and appearance of the surrounding conservation area. In this context, the introduction of solar panels as proposed through this application would result in visual harm to the appearance of the non-designated heritage asset and in turn the character of the surrounding conservation area.
- 8.18 Whilst the Council supports and encourages renewable energy proposals, these do have to be balanced against the conservation of any heritage asset these works are associated with. In this respect and considering guidance offered by Historic England on Energy Efficiency and Historic Buildings, we would encourage an alternate location for the panels to be explored, such as a ground mounted solution.
- 8.19 In summary, the re-instatement of paving slabs to the front entrance is welcomed as it would enhance the setting of the non-designated heritage asset and re-direct the flow of water avoiding future water ingress. The reinstatement of the pavement slabs is considered to accord with Section 72 of the 1990 Act as these works would be seen to enhance the character of the conservation area. However, in considering the visual impact of the solar panels on the non-designated heritage asset and the surrounding



conservation area, this element of the proposal is considered to result in less than substantial harm to the non-designated heritage assets and in turn does not satisfy paragraph 200 of the NPPF in respect of preserving, enhancing and better revealing the character and appearance of the conservation area. In turn the development would not preserve or enhance the character and appearance of the conservation area; the development would therefore fail to satisfy Section 72 of the 1990 Act.

- 8.20 The development proposal is therefore considered to be unacceptable, contrary to Policy DSP5 and the advice in the National Planning Policy Framework and recommended for refusal.

## **9.0 Recommendation**

### **9.1 REFUSE PLANNING PERMISSION**

The development would be contrary to Policy CS17 of the adopted Fareham Borough Core Strategy and Policy DSP5 of the adopted Fareham Local Plan Part 2: Development Sites and Policies, together with Section 72 of The Planning (Listed Building and Conservation Areas) Act 1990 and Section 16 of the National Planning Policy Framework 2019, and is unacceptable in that:

- a) The introduction of three rows of solar panels, is considered inappropriate to the aesthetic value that contributes to the significance of St Peters Parish Room as a non-designated heritage asset, resulting in less than substantial harm without public benefit.
- b) The introduction of three rows of solar panels to the southern slope of the non-designated heritage asset which is visible from a public footpath within the conservation area is considered inappropriate to the historic and architectural character and appearance of the area. The development fails to preserve, enhance or better reveal the significance of Titchfield Conservation Area a designated heritage asset.

## **10.0 Background Papers**

P/21/0198/FP



# Agenda Annex

## **ZONE 2 – FAREHAM**

**Fareham North-West**

**Fareham West**

**Fareham North**

**Fareham East**

**Fareham South**

REFERENCE    SITE ADDRESS & PROPOSAL  
NUMBER &  
WARD

ITEM NUMBER &  
RECOMMENDATION

No items in this Zone

**ZONE 3 – EASTERN WARDS**

**Portchester West**

**Hill Head**

**Stubbington**

**Portchester East**

REFERENCE    SITE ADDRESS & PROPOSAL  
NUMBER &  
WARD

ITEM NUMBER &  
RECOMMENDATION

No items in this Zone

# Agenda Item 7

## 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>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:	<b>PUBLIC INQUIRY</b> <b>Bargate Homes Ltd</b> Land at Newgate Lane (South) Fareham

Decision Maker: Non Determined  
 Recommendation: REFUSE  
 Council's Decision: PENDING PI DECISION  
 Date Lodged: 2 June 2020  
 Reason for Appeal: **NON DETERMINED**  
 Outline planning permission for the demolition of existing buildings and development of up to 115 dwellings, open space, vehicular access point from Newgate Lane and associated and ancillary infrastructure, with all matters except access to be reserved.

**HEARING**

**P/19/1193/OA**  
 Appellant:  
 Site:  
 Decision Maker:  
 Recommendation:  
 Council's Decision:  
 Date Lodged:  
 Reason for Appeal:

**HEARING**

**Foreman Homes**  
 Land East of Posbrook Lane Titchfield Fareham  
 Non Determined  
 REFUSE  
 PENDING PI DECISION  
 29 January 2021  
**NON DETERMINED**  
 Outline planning application for the erection of up to 57 dwellings, together with associated parking, landscaping and access from Posbrook Lane

**WRITTEN REPS**

**P/20/0373/FP**  
 Appellant:  
 Site:  
 Decision Maker:  
 Recommendation:  
 Council's Decision:  
 Date Lodged:  
 Reason for Appeal:

**WRITTEN REPS**

**Mrs Kayleigh Luckins**  
 19 - 21 Juno Close Fareham  
 Committee  
 REFUSE  
 REFUSE  
 15 December 2020  
**AGAINST REFUSAL**  
 Removal of rear boundary planting (partial relief from condition 2 of P/15/0690/RM)

**HH APPEAL SERVICE**

**P/20/0535/FP**  
 Appellant:  
 Site:  
 Decision Maker:  
 Recommendation:  
 Council's Decision:  
 Date Lodged:  
 Reason for Appeal:

**HH APPEAL SERVICE**

**Mr & Mrs K Moya**  
 100 Mays Lane Fareham  
 Officer Delegated Powers  
 REFUSE  
 REFUSE  
 25 October 2020  
**AGAINST REFUSAL**  
 Detached oak-framed garage & carport (Resubmission of P/19/1338/FP).

**WRITTEN REPS**

**P/20/0654/OA**  
 Appellant:  
 Site:  
 Decision Maker:  
 Recommendation:  
 Council's Decision:  
 Date Lodged:  
 Reason for Appeal:

**WRITTEN REPS**

**Mr Bell**  
 50 Paxton Road Fareham  
 Officer Delegated Powers  
 REFUSE  
 REFUSE  
 29 October 2020  
**AGAINST REFUSAL**  
 Outline application for 2x 3-bed dwellings to the rear of 50-52 Paxton Road

<b>HH APPEAL SERVICE</b>	<b>P/20/0656/VC</b> Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	<b>HH APPEAL SERVICE</b> <b>Mr A. Wells</b> 84 Merton Avenue Portchester Fareham Committee REFUSE REFUSE 8 January 2021 <b>AGAINST REFUSAL</b> Removal of Condition 6: (Limiting use of garage) of approved planning P/09/0797/FP - Erection of detached double garage.
<b>HH APPEAL SERVICE</b>	<b>P/20/0826/FP</b> Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	<b>HH APPEAL SERVICE</b> <b>Miss Nicola Gill</b> 1 Beverley Close Park Gate Southampton Officer Delegated Powers REFUSE REFUSE 14 January 2021 <b>AGAINST REFUSAL</b> Proposed timber fence above existing boundary wall
<b>PUBLIC INQUIRY</b>	<b>P/18/1212/LU</b> Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	<b>PUBLIC INQUIRY</b> <b>Borderland Fencing Ltd</b> Borderland Fencing New Road Swanwick Southampton Officer Delegated Powers REFUSE REFUSE 13 August 2019 <b>AGAINST REFUSAL</b> Lawful Development Certificate for mixed use of the glasshouse for storage & manufacturing (Use Class B8 & B2)
<b>PUBLIC INQUIRY</b>	<b>P/20/0009/DA</b> Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	<b>PUBLIC INQUIRY</b> <b>Borderland Fencing Ltd</b> Borderland Fencing New Road Swanwick Southampton  PENDING PI DECISION 17 July 2019 <b>AGAINST ENFORCEMENT</b> Unauthorised expansion of site and breach of conditions
<b>HH APPEAL SERVICE</b>	<b>P/19/1073/TO</b> Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:  <b>Decision:</b>	<b>HH APPEAL SERVICE</b> <b>Mr Moon</b> 6 Alum Way Fareham Officer Delegated Powers REFUSE REFUSE 4 December 2019 <b>AGAINST REFUSAL</b> T14 Lime: Fell due to excessive shading and replant an Acer in its place.  <b>DISMISSED</b>

	<b>Decision Date:</b>	<b>3 February 2021</b>
<b>WRITTEN REPS</b>	<b>P/20/0741/FP</b>	<b>WRITTEN REPS</b>
	Appellant:	<b>John Warner</b>
	Site:	87 Highfield Avenue Fareham
	Decision Maker:	Officer Delegated Powers
	Recommendation:	REFUSE
	Council's Decision:	REFUSE
	Date Lodged:	21 December 2020
	Reason for Appeal:	<b>AGAINST REFUSAL</b>
		Single story self contained annex to the side and rear, for dwelling for 2 family members
	<b>Decision:</b>	<b>DISMISSED</b>
	<b>Decision Date:</b>	<b>18 February 2021</b>
<b>HH APPEAL SERVICE</b>	<b>P/20/0930/FP</b>	<b>HH APPEAL SERVICE</b>
	Appellant:	<b>Mr Duncan</b>
	Site:	5 New Road Fareham
	Decision Maker:	Officer Delegated Powers
	Recommendation:	REFUSE
	Council's Decision:	REFUSE
	Date Lodged:	11 January 2021
	Reason for Appeal:	<b>AGAINST REFUSAL</b>
		Front porch
	<b>Decision:</b>	<b>DISMISSED</b>
	<b>Decision Date:</b>	<b>17 February 2021</b>