

FAREHAM

BOROUGH COUNCIL

AGENDA PLANNING COMMITTEE

Date: Wednesday, 15 December 2021

Time: 2.30 pm

Venue: Council Chamber - Civic Offices

Members:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

Councillors F Birkett
Miss J Bull
T M Cartwright, MBE
P J Davies
M J Ford, JP
Mrs C L A Hockley
R H Price, JP

Deputies: S Dugan
J S Forrest
Mrs K Mandry
Mrs K K Trott



1. Apologies for Absence

2. Minutes of Previous Meeting (Pages 1 - 7)

To confirm as a correct record the minutes of the Planning Committee meeting held on 24 November 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 8)

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/21/0148/FP - LOCKS HEATH SHOPPING CENTRE WAY LOCKS HEATH SO31 6DX** (Pages 11 - 26)

(2) **P/21/1691/FP - 6 ANGLERS WAY LOWER SWANWICK SO31 7JH** (Pages 27 - 30)

(3) **P/21/1720/TO - 230 BOTLEY ROAD BURRIDGE SO31 1BL** (Pages 31 - 33)

ZONE 2 - FAREHAM

(4) **P/21/1642/VC - 67 THE AVENUE FAREHAM PO14 1PE** (Pages 35 - 42)

(5) **P/20/1359/FP - LAND TO THE EAST AND WEST OF THE RED LION HOTEL BATH LANE FAREHAM PO16 0BP** (Pages 43 - 65)

ZONE 3 - EASTERN WARDS

(6) **P/20/1080/FP - LAND AT WINNHAM DRIVE (REAR OF 64 AND 66 PORTCHESTER ROAD) FAREHAM PO16 8QJ** (Pages 67 - 82)

(7) **Planning Appeals** (Pages 83 - 90)

7. Tree Preservation Orders

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

Fareham Tree Preservation Order 770 – 74 Warsash road, Warsash

The order was served 21 May 2021 and covers one individual oak tree. No formal objections have been received and it is recommended for TPO 770 to be confirmed without modification as made and served.



P GRIMWOOD
Chief Executive Officer

Civic Offices
www.fareham.gov.uk
07 December 2021

For further information please contact:
Democratic Services, Civic Offices, Fareham, PO16 7AZ
Tel:01329 236100
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FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Wednesday, 24 November 2021

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

Councillors: Miss J Bull, M J Ford, JP, Mrs C L A Hockley, R H Price, JP,
S Dugan (deputising for T M Cartwright, MBE) and
Mrs K Mandry (deputising for F Birkett)

Also Present: J S Forrest and Mrs K K Trott



1. APOLOGIES FOR ABSENCE

Apologies of absence were received from the following Councillors; F Birkett, P J Davies and T M Cartwright.

2. MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee meeting held on 2 November 2021 be confrimed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcement:

“Members will recall that on 28 May this year, the High Court dismissed a judicial review claim brought by Brook Avenue Residents Against Development (BARAD). This judicial review sought to challenge the grant of an outline planning permission for residential development at Egmont Nurseries in Brook Avenue, Warsash. The High Court Judge also refused BARAD permission to appeal his decision.

BARAD subsequently lodged an application with the Court of Appeal, seeking permission to appeal against the Judge’s decision. On the 21 November the Court of Appeal granted permission for BARAD to appeal on four of their requested five grounds. A copy of the Court’s decision will be made available to view on the Council’s website shortly.

We do not currently have a date as to when this appeal may be heard, and I will update Members further when this information is available.”

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.

24 November 2021

DEPUTATIONS

Name	Spokesperson representing the persons listed	Subject	Supporting or Opposing the Application	Item No/ Application No/Page No	Dep Type
ZONE 1 – 2.30pm					

ZONE 2 – 2.30pm					
ZONE 3 – 2.30pm					
Ms L Grimason (Agent)		HAMMOND INDUSTRIAL ESTATE STUBBINGTON LANE – DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A CARE HOME (WITHIN CLASS C2). PROPOSAL INCLUDES PROVISION OF A SUBSTATION, PARKING, ACCESS, LANDSCAPING AND OTHER ASSOCIATED WORKS	Supporting	6 (2) P/20/1597/FP Pg 19	In Person

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

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

(1) P/21/1599/FP - 1 VANNES PARADE FAREHAM PO16 0BX

At the invitation of the Chairman, Councillor Mrs K Trott addressed the Committee on this item.

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

(Voting: 8 in favour; 0 against)

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

(2) P/20/1597/FP - HAMMOND INDUSTRIAL ESTATE STUBBINGTON LANE PO14 2PT

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

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

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

*Text to be removed is shown with a line through it. New text is **in bold**.*

Amendments to the report as follows:

- 8.16 *No's 135 Stubbington Lane and no's 26-28 Glenthorne Close are adjacent to the northern boundary of the site. No. 135 fronts onto Stubbington Lane with a gap of approximately ~~53.5~~**53.5**m between its southern side elevation and the site's northern boundary.*
- 8.19 *The owner of no. 149 Stubbington Lane initially raised concerns regarding the proposed 2m boundary fence however the fence was reduced to 1.~~85~~**85**m in height with a 0.~~36~~**36**m ~~trellis~~ **convex metal railings** on top to address neighbour's concerns.*
- 8.26 *Both accesses would have 2.4 by ~~4359~~**4359**m visibility splays.*

Consultations:

Since the publication of the agenda Natural England has replied to the consultation on the Council's Appropriate Assessment as per paragraph 9.1 of the agenda. The Natural England advice is that the Appropriate Assessment needs further consideration with regards to the recreational disturbance on the Solent SPA's and New Forrest designated habitats.

It is Natural England's view that if residents would be allowed cars, without restrictions in place as regards to the physical abilities of the future residents permitted to live in the care home, then the precautionary approach should be applied and full contributions should be paid towards mitigating recreational disturbance.

To address this concern at the Appropriate Assessment from Natural England a further condition has been agreed with the applicant's agent to ensure that no residents of the care home own a car. Such a condition is considered appropriate in mitigating this issue.

Amendments to the conditions as follows:

2. *The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:*
- *Location plan Drawing no. 4411-WRD-XX-0081 Rev P01*
 - *Site plan Drawing no. 4411-WRD-XX-00-DR-A-0504 Rev P09*
 - *Proposed elevations Drawing no. 4411-WRD-ZZ-DR-A-0300 Rev P05*
 - *Proposed elevations Drawing no. 4411-WRD-ZZ-DR-A-0301 Rev P05*
 - *Proposed ground floor plan Drawing no. 4411-WRD-XX-ZZ-DR-A-0200 Rev P04*
 - *Proposed first floor plan Drawing no. 4411-WRD-XX-ZZ-DR-A-0201 Rev P04*
 - *Proposed second floor plan Drawing no. 4411-WRD-XX-ZZ-DR-A-0202 Rev P03*

- Proposed roof plan Drawing no. 411-WRD-XX-ZZ-DR-A-0203 Rev P02
 - Landscape proposals Drawing no. 102EF
 - Ecological Impact Assessment report by The Landscape Partnership (June 2021)
 - Drainage Strategy ref 16692-HYD-XX-XX-RP-D-5001-PO3
- REASON: To avoid any doubt over what has been permitted.

8. ~~Construction of the building hereby approved shall not take place~~ **The Care Home hereby approved shall not be occupied** until the main access (in the north west corner of the site) including the footway and/or verge crossing has been constructed and lines of sight provided in accordance with the approved plans. The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 0.6 metres in height above the adjacent carriageway in perpetuity thereafter.
REASON: To provided satisfactory access and in the interests of highway safety.
14. ~~No development shall proceed beyond damp proof course level~~ **The Care Home hereby approved shall not be occupied** until details of any proposed floodlighting, security lighting or other means of external illumination have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and any lighting thereafter retained in the approved form.
REASON: in order to prevent light disturbance to occupiers of nearby residential properties and control light pollution.
17. Details of the gazebos (including their acoustic properties) are to be provided to the Local Planning Authority prior to the first occupation of the care home hereby approved. The gazebos shall be provided in accordance with the approved details prior to first occupation of the care home hereby approved and shall be retained for use by the residents in perpetuity.
REASON: To provide a quieter space for residents to use within the garden.
19. ~~The building hereby approved shall not commence~~ **The Care Home hereby approved shall not be occupied** until details of all extraction, air-conditioning or refrigeration systems, including all associated external works to be installed, have been submitted to and approved in writing by the Local Planning Authority. The details shall include the positions of any external works (including its shielding or screening), its purpose, any noise levels which its use would generate and how this would be measured. The development shall be carried out in accordance with the approved details and maintained in a satisfactory working order.
REASON: In order to protect neighbours from avoidable disturbance by noise and smells.
23. ~~No development shall proceed beyond damp proof course level~~ **The Care Home hereby approved shall not be occupied** until details of

secure cycle storage have been submitted to and approved by the Local Planning Authority in writing. The secure cycle stores shall be provided before the Care Home is first occupied and shall thereafter be retained and kept available for use at all times.

REASON: To encourage cycling as an alternative mode of transport.

~~29. Works on site relating to the construction of any of the development hereby permitted (including works of demolition or preparation prior to operations) between the months of October and March (inclusive) shall be restricted to those that would not result in noise levels in excess of 69dbA.~~

~~REASON: To prevent any disturbance to overwintering birds.~~

Additional conditions as follows:

30. The residents of the care home hereby permitted shall not own a car and the car parking areas provided on the shall be for use by staff and visitors only.

REASON: In the interest of avoiding recreational pressure on sensitive sites.

Further to the update above the Planning Officer also provided the Committee with the following verbal updates to the update report:

8.26 of the update report should actually read as “Both accesses would have 2.4 by **44**m visibility splays”.

Condition 2 of the update report has the following amendments to some of the drawing plans:

- Proposed ground floor plan Drawing no. 4411-WRD-XX-**00**-DR-A-0200 Rev P04
- Proposed first floor plan Drawing no. 4411-WRD-XX-**01**-DR-A-0201 Rev P04
- Proposed second floor plan Drawing no. 4411-WRD-XX-**02**-DR-A-0202 Rev P03
- Proposed roof plan Drawing no. 4411-WRD-XX-**03**-DR-A-0203 Rev P02

Upon being proposed and seconded the officer recommendation to grant planning 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, PLANNING PERMISSION be granted.

(3) Planning Appeals

The Committee noted the information in the report.

(4) UPDATE REPORT

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

(The meeting started at 2.30 pm
and ended at 4.05 pm).

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date: 15 December 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

The meeting will take place in the Council Chamber, Civic Offices, Civic Way, Fareham, PO16 7AZ.

Items for Zone 1 (Sarisbury, Warsash, Park Gate, Titchfield, Titchfield Common and Locks Heath wards) will start at 2.30pm

Items for Zone 2 (Fareham South, Fareham North, Fareham North-West, Fareham East and Fareham West wards) will start no earlier than 3.30pm and items for Zone 3 (Stubbington, Hill Head, Portchester East and Portchester West wards) will be considered together and will start no earlier than 4.30pm.

<p>ZONE 1 – WESTERN WARDS</p> <p>Park Gate</p> <p>Titchfield</p> <p>Sarisbury</p> <p>Locks Heath</p> <p>Warsash</p> <p>Titchfield Common</p>

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
<p>P/21/0148/FP</p> <p>LOCKS HEATH</p>	<p>LOCKS HEATH SHOPPING CENTRE CENTRE WAY LOCKS HEATH SO316DX</p> <p>RECONFIGURATION OF EXISTING CENTRE WAY ACCESS ROAD, BUS LANE & SHOPPING CENTRE CAR PARK LAYOUT TO PROVIDE: A NEW ROUNDABOUT JUNCTION ON CENTRE WAY TO PROVIDE ACCESS TO THE MAIN CAR PARKS, A ZEBRA CROSSING; ALTERATION TO THE PUBLIC CAR PARK LAYOUT TO ALLOW THE FUTURE DEVELOPMENT OF AREAS 1 AND 2 AND PROVISION OF A NEW BUS TURNING FACILITY PROVIDED ON CENTRE WAY AT THE WESTERN END OF THE SHOPPING CENTRE, PROVISION OF A DECKED CAR PARK WITHIN THE STAFF PARKING AREA AND ASSOCIATED LANDSCAPING AND PUBLIC REALM IMPROVEMENTS CONNECTED WITH THE PROPOSALS</p>	<p>1</p> <p>PERMISSION</p>
<p>P/21/1691/FP</p> <p>SARISBURY</p>	<p>6 ANGLERS WAY LOWER SWANWICK SO31 7JH</p> <p>SINGLE STOREY REAR EXTENSION</p>	<p>2</p> <p>PERMISSION</p>

P/21/1720/TO	230 BOTLEY ROAD BURRIDGE SO31 1BL	3
SARISBURY	T1 & T2 LEYLAND CYPRESS PROTECTED BY TPO582 (G1): FELL.	CONSENT

OFFICER REPORT FOR COMMITTEE

DATE:

P/21/0148/FP
NEWRIVER RETAIL (GP3) LIMITED

LOCKS HEATH
AGENT: PETER KEENAN

RECONGIFURATION OF EXISTING CENTRE WAY ACCESS ROAD, BUS LANE & SHOPPING CENTRE CAR PARK LAYOUT TO PROVIDE: A NEW ROUNDABOUT JUNCTION ON CENTRE WAY TO PROVIDE ACCESS TO MAIN CAR PARKS, ALTERATION TO THE PUBLIC CAR PARK LAYOUT TO ALLOW THE FUTURE DEVELOPMENT OF AREAS 1 AND 2, A ZEBRA CROSSING, PROVISION OF A NEW BUS TURNING FACILITY PROVIDED ON CENTRE WAY AT THE WESTERN END OF THE SHOPPING CENTRE, PROVISION OF A DECKED CAR PARK WITHIN THE STAFF PARKING AREA AND ASSOCIATED LANDSCAPE AND PUBLIC REALM IMPROVEMENTS CONNECTED WITH THE PROPOSALS.

LOCKS HEATH SHOPPING CENTRE, CENTRE WAY, LOCKS HEATH, SO31 6DX

Report By

Katherine Alger-01329 824666

1.0 Introduction

- 1.1 This application was first presented to the Planning Committee in September 2021. At the meeting Members raised concerns about the loss of the car parking spaces and how this could affect the vibrancy of the shopping centre. Member welcomed the redesign of the car park to allow the better flow of traffic and easier car parking.
- 1.2 Members resolved to defer the application to allow Officers the opportunity to discuss with the applicant the reconfiguration of the car park which does not result in the loss of any parking, to ensure that the vitality and viability of the centre is retained. Further information was also requested regarding how this proposal relates to future development of the area.
- 1.3 The following changes have been made since the application was considered by the Planning Committee in September 2021:
 - Reduction in the size of development Area 1 to accommodate 27 additional car parking spaces which would mean that there is no reduction in customer car parking spaces
 - Increasing the number of disabled car parking spaces from 17 to 21
 - Installation of a zebra crossing on the new roundabout. Prior to its installation, the need for the crossing will be subject to a period of

monitoring by HCC Highways. This will be subject to a Section106 planning legal agreement.

- A statement has been provided detailing the consequences of residential growth in the local area and the changes in demand on the local centre.

1.2 At the time of writing this report a further 197 representations raising objection and 2 representations raising support, have been received since the time of the previous Planning Committee.

2.0 Site Description

2.1 This application relates to Locks Heath Shopping Centre. The existing Centre is accessed via Centre Way which links to Locks Road to the east and Lockswood Road to the west. To the north and south of the site is an area of woodland and open space. To the east and south west of the site are residential dwellings. The site includes a number of retail units, offices and a public house.

3.0 Description of Proposal

3.1 The proposal is to reconfigure the existing car park and undertake the works summarised below:

- The Centre Way access road, bus lane and shopping centre car park layout will be re-configured improving circulation
- The existing Centre Way loop between the redundant Petrol Filling Station and the bus lane (alongside Genesis community Centre) will be removed
- The existing bus lane will be made into a two-way road connecting to Centre Way and used as the main access route for all vehicles.
- A roundabout junction will be provided on Centre Way to provide access to the main car parks
- Provision of a new bus turning facility provided on Centre Way at the western end of the shopping centre.
- Additional planting will be included within the car park
- Additional cycle parking spaces are provided
- Provision of a decked car park above the existing staff parking area to serve future development
- Provision of car deck to provide 66-spaces
- Installation of zebra crossing

4.0 Policies

4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS2: Housing Provision

CS3: Vitality and Viability of Centres
CS4: Green Infrastructure, Biodiversity and Geological Conservation
CS5: Transport Strategy and Infrastructure
CS6: The Development Strategy
CS17: High Quality Design

Adopted Development Sites and Policies

DSP1: Sustainable Development
DSP3: Impact on Living Conditions
DSP35: Locks Heath District Centre

Other Documents:

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

5.0 Relevant Planning History

5.1 The following planning history is relevant:

There is no relevant planning history for this application.

6.0 Representations

6.1 A total of 299 representations have been received on this application. These comments have been received from local residents, businesses and The Fareham Society.

Support

Ten representations have been received and are summarised below:

- a) Beneficial to centre
- b) Car park never at full capacity
- c) Additional housing will encourage footfall
- d) More parking for staff
- e) Bus stop in good position
- f) Make parking easier
- g) Safer for pedestrians
- h) Better access to shops
- i) More efficient layout
- j) Encourage people to shop locally
- k) Road layout should be improved
- l) Make centre more functional

Objection

Two hundred and ninety one comments have been received and are summarised below:

- a) Insufficient parking spaces
- b) Car park is busy during peak times
- c) Lack of consultation on application
- d) Surveys carried out during pandemic
- e) Existing parking bays too narrow
- f) Highways safety
- g) Will result in an increase in housing on Areas 1 and 2
- h) Loss of parking at doctor's surgery
- i) Will reduce diversity of shops
- j) Will result in reduced footfall
- k) No infrastructure for housing
- l) Inappropriate location for housing development
- m) Affect elderly population
- n) Inappropriate location for bus stop
- o) Residents will use other local centre (i.e. Whiteley and Hedge End)
- p) Increased congestion
- q) Increase in pollution
- r) Statement of Community Involvement only looked at local residents and not users of car park
- s) Loss of privacy from parking deck
- t) Contrary to local, strategic and national policies
- u) Will result in parking in nearby streets
- v) Insufficient number of disabled parking spaces
- w) Affect vitality and viability of town centre
- x) Proposed parking to north of centre would result in a longer walk to centre
- y) Removal of trees
- z) Insufficient toilet facilities within centre
- aa) Lack of construction phasing plan that outlines likely schedule of works and construction phase and any impact assessment
- bb) No details on construction supplies and materials
- cc) Disturbance during construction
- dd) Affect on businesses during construction
- ee) Lack of electric charging points
- ff) Site too small for population
- gg) Impact on character of village
- hh) Visual impact of parking deck
- ii) No requirement for housing within this location
- jj) Impact flow of traffic
- kk) Noise and disturbance
- ll) No consideration to help reduce crime and anti-social behaviour

7.0 Consultations

EXTERNAL

HCC Highways

- 7.1 No objection, subject to conditions. The Highway Authority has however questioned the need for the zebra crossing. This will therefore be subject to a period of monitoring by HCC, and if deemed necessary, the crossing will be installed.

INTERNAL

Tree Officer

- 7.2 No objection, subject to conditions requiring compliance arboricultural method statement.

7.3 Planning Policy

No objection

8.0 Planning Considerations

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

- a) Principle of development
- b) Housing Allocation
- c) Design of parking deck and impact on character of surrounding area
- d) Impact on residential amenity
- e) Highways
- f) Trees
- g) Other matters raised in objections

a) Principle of development

- 8.2 Policy CS3 Vitality and Viability of Centres states that '*Development proposals within the Borough's identified centres will be encouraged to promote competition and consumer choice, whilst maintaining and strengthening the individual character, vitality and viability of the centre. Development will be permitted provided it maintains the current hierarchy of the retail centres. Whilst each centre will be developed to promote its unique identity, the overall retail hierarchy should be adhered to.*
- 8.3 The proposed reconfiguration of the car park would enhance the layout of the car park. Therefore, it is considered to maintain and strengthen the individual character, vitality and viability of the centre. Concerns have been raised that the proposal will reduce the diversity of the shops and footfall to the centre

leading to residents shopping elsewhere. However, it is not considered that that the proposal would result in reduced diversity or reduced footfall to the centre. The proposal is therefore compliant with Policy CS3.

8.4 Policy DSP34 (Development in District Centre, Local Centres and Local Parades) states that *'Proposals that will result in the expansion of existing Local Centres of Parades will be permitted provided that:*

- i. It is of an appropriate scale and will not adversely impact upon the hierarchy of Centres as set out in Core Strategy Policy CS3: Vitality and Viability of Centres;*
- ii. It provides a suitable use for the proposed location; and*
- iii. Adequate parking is provided*

8.5 It is considered that the reconfiguration of the car park and parking deck would be of an appropriate scale and would not adversely impact the hierarchy of the Local Centre. Therefore, the proposal complies with part (i).

8.6 The use would be suitable for the site as the car park serves the Local Centre and the parking deck would provide parking for staff members. Therefore, complies with part (ii).

8.7 The number of parking spaces would remain the same with 603 spaces which is sufficient for the existing and future demand and therefore the proposal complies with part (iii).

8.8 The proposal therefore complies with Policy DSP34.

8.9 Policy DSP35 (Locks Heath District Centre) states that *'Proposals for the expansion and/or redevelopment of Locks Heath District Centre will be permitted for the following uses:*

- i. Additional convenience floorspace of up to 2000sqm;*
- ii. Additional cafes, restaurants and comparison retail units of a scale appropriate to the District Centre*

Proposals will be required to ensure that:

- i. Any new development is well-related and interconnected with the existing centre, and the surrounding residential footpath network;*
- ii. The Community Centre and Library are either retained or incorporated into new buildings in the Centre*
- iii. Sufficient levels of parking are provided to accommodate both new and existing uses;*

- iv. The scale of any new development is appropriate to its location and will not have a detrimental impact on the existing businesses within the Centre;*
- v. An acceptable amount of high quality and usable public open space is retained in the vicinity of the Centre;*
- vi. It has no adverse impact on the amenity of existing development both within, and adjacent to, the Centre*

- 8.10 The development would be well-related and interconnected with the existing centre and the surrounding residential footpath network. It would enhance the interconnectivity between car park and the retail units. Therefore, the proposal complies with part (i).
- 8.11 The development would retain the Community Centre and the Library. Therefore, complies with part (ii).
- 8.12 Amendments have been sought to increase the number of car parking spaces. Therefore, there would be no loss of car parking. The number of customer car parking spaces would increase from 407 to 413 due to the re-location of staff parking to the parking deck. The overall number of parking spaces is considered to be sufficient for the Local Centre.
- 8.13 The scale of the development is considered to be appropriate for its location. Furthermore, it is considered to improve the layout of the existing car park and the parking deck would provide sufficient parking for staff members of the local businesses. Therefore, the proposal would comply with part (iv).
- 8.14 The development only relates to the car parking area and there would be no changes to the public open space within the vicinity. Therefore, the proposal complies with part (v).
- 8.15 The proposal would not have an adverse impact on the amenity of existing development both within and adjacent to the Centre and therefore complies with part (vi).

b) Housing Allocation

- 8.16 Two parts of the district Centre are subject to an emerging allocation for 65 dwellings under emerging policies HA36 and HA37 (Areas 1 and 2). To deliver these allocations highway changes are required in order to facilitate future development within the site. This is highlighted by point (g) of draft Policy HA36, and this application is considered to be enabling works for those allocations to proceed.

- 8.17 These policies are in the Submitted Local Plan and whilst not currently adopted policies within the Local Plan, they attain a level of weight commensurate with the now submitted local plan, currently at examination. The emerging allocation policies, which included HA36 and HA37 have been subject to public consultation in earlier drafts of the Local Plan and will be considered in detail at the Local Plan Examination in Spring 2022.
- 8.18 A number of third-party objections raised concerns regarding the development of Areas 1 and 2 and how the increase in housing will impact the area and put additional pressure on local infrastructure.
- 8.19 This application is not seeking approval for the development of Areas 1 and 2 and therefore the concerns raised regarding additional housing are not considered relevant to the determination of this application. This application is only for improvements to the highway and any future housing development will be considered as part of a separate planning application. Any future housing application will consider the car parking arrangement for the sites and will need to have full regard to the Council's adopted Residential Car Parking Standards SPD.
- 8.20 The applicant has confirmed that the development Areas will be surrounded by fencing. There is currently a fencing around development Area 1 which will be extended. Additionally, development Area 2 will also be separated by fencing. A condition will be imposed to ensure that the fencing is installed within 1 month of the completion of the car park alterations.

c) Design of the parking deck and impact on character of the surrounding area

- 8.21 The parking deck would be located at the north western corner of the site behind the existing retail units. It would be of a suitable scale and appearance and would not be higher than the existing buildings within the centre. The parking deck would be predominantly screened by the existing buildings when viewed from the existing centre car park. Furthermore, due to the existing woodland to the west of the site, it would not be visible from Lockswood Road.
- 8.22 It is therefore considered that the parking deck would be a suitable addition to the car park and would have regard to the character of the surrounding area.

d) Impact on Residential Amenity

- 8.23 Concerns have been raised that the proposed car parking deck would amount to loss of privacy to the nearby residential occupiers. An area of woodland and a separation distance of approximately 168 metres separates the proposed parking deck from the nearby residential occupiers to the west within Strawberry Hill. Locks Wood and a separation distance of approximately 161

metres separates the proposed development from the nearest residential properties to the north of the site within Moorland Close. There would also be a separation distance of approximately 150 metres separating the parking deck from the nearest residential occupiers to the south in Ilex Crescent. Finally, the existing buildings within the centre would screen the parking deck from the nearby properties to the east in High Oaks.

- 8.24 There are some first-floor residential flats located within the Centre. However, there would be a 40 metre separation distance between the car parking deck and the residential flats.
- 8.25 Therefore, having regard to the large separation distance between the nearest residential properties, it is not considered that the car parking deck would result in any unacceptable adverse impact on the amenities of the surrounding residential occupiers.

e) Highways

Proposed Site Access Arrangements

- 8.26 The proposed site reconfiguration will include a number of changes to the internal site access arrangements. The site will be accessed from Centre Way with it connecting to Locks Road to the east and Lockwood Road to the west.
- 8.27 The existing Centre Way loop between the former Petrol Filling Station and the bus lane (alongside the Genesis Community Centre) will be removed and the existing bus lane will be made into a two-way road which will form the main access route for all vehicles
- 8.28 Car Parks 1, 2, 3 and 4 will be amalgamated and will be served by a three-arm roundabout junction on Centre Way. All other junctions will remain as existing.
- 8.29 The reconfiguration of the car park, the Centre Way access road, bus lane and shopping centre car park layout will be reconfigured to improve circulation.

Parking

- 8.30 In terms of parking, the Non-residential Car Parking Standards Supplementary Planning Document states that for food and non-food retail development, 1 space per 14sqm should be provided. The existing shopping centre ground floor area is 9000 sqm which equates to the requirement for 643 parking spaces. However, the Non-residential Car Parking Standards states that '*departures from standards may be applicable for sites within Fareham Town Centre and other local centre to take account of their distinct characteristics and existing provision of public car parking spaces*'. Therefore, having regard

to the fact that Locks Heath Centre is sustainably located and is readily accessible by walking, cycling and bus for a large proportion of the local community. Furthermore, the number of overall car parking spaces would be retained and the number of customer car parking spaces would increase from 407 to 413 due to the addition of the staff car parking deck.

- 8.31 Further, the submitted Transport Assessment (TA) identifies that a parking assessment demonstrates the current and future parking provision is sufficient. The surveys were carried out between September 2014 and September 2020 which is a suitable period to carry out the assessment. Despite concerns being raised that the car park is busy in peak times, the accumulation graphs demonstrated that the shopping centre car park is predicted to operate within capacity.
- 8.32 The car parking spaces are considered to be of a suitable size in accordance with the required standards.
- 8.33 The requirement for disabled parking is also set out on the SPD. The standard states that 6% of total car parking spaces (1 space minimum) should be provided. This equates to 30 spaces for the existing customer parking. The shopping centre currently has 19 disabled customer spaces. The amended scheme now before the Planning Committee has seen that number increase to 21 disabled spaces. Whilst still below the requirement of the adopted SPD, the proposal would now result in an increase in the number of disabled car parking spaces.
- 8.34 The parking standards SPD states that 2 cycle spaces (minimum) + 1 space/350m² GFA should be provided. This equates to a current requirement to 28 cycle spaces. Currently 6 Sheffield cycle stands (12 cycle spaces) are provided. The proposal would provide an addition 10 Sheffield cycle stands (20 cycle spaces) providing a total of 32 cycle parking spaces which would exceed the requirement stated in the SPD.
- 8.35 The improved car parking layout would improve circulation within the car parks making it easier for customers to park.
- 8.36 Highways are satisfied with the car and cycle parking arrangement and have suggested a condition ensuring that the development has been made within the site in accordance with the approved plans.

Bus Access Proposals

- 8.37 A new bus turning facility will be provided on Centre Way immediately adjacent to the southwest corner of the shopping centre which will incorporate a new replacement bus stop. The bus stop location is closer and better

connected to the existing shopping units. The existing pedestrian crossing on Centre Way will also be improved.

- 8.38 The bus stop will include a bus shelter and improvements to the public realm around the bus stops which forms the southwestern pedestrian access to the centre. Concerns have been raised regarding the proposed location of the new bus stop. However, HCC Highways and following consultation with First Bus, both consider this location to be acceptable.
- 8.39 Swept path analysis has shown that access arrangements for the proposed development including the proposed roundabout, bus turning facility and existing service yard are suitable for their intended use.
- 8.40 The Highways Authority Hampshire County Council have provided comments in relation to the proposal following discussions with the applicant.
- 8.41 The proposals are considered acceptable in planning terms. However, a condition will be imposed to ensure that a S278 agreement is submitted to the highway authority before works are commenced. The S278 will cover the construction works and impacts likely to occur during the construction of the development.

Zebra crossing

- 8.42 The amended plans include a zebra crossing on the southern arm of the proposed roundabout to the west of the Genesis Centre. HCC Highways have stated that zebra crossings on a public highway should be justified using a calculation whereby the requirement for the crossing is based on the traffic flows and pedestrian crossing demand. It should be noted that based on the AM/PM peak traffic flows and likely pedestrian movements, it is not certain the minimum criteria for zebra crossing would be met in this location. Suitable visibility splays also need to be demonstrated as achievable within adopted highway, or land controlled by the developer which would be offered for adoption to ensure visibility at the crossing point can be maintained in perpetuity
- 8.43 Given the future development of Areas 1 and 2, it is likely pedestrian and traffic movements will increase. Therefore, following confirmation that adequate visibility based on measured speeds is achievable, the Highway Authority would take a financial contribution towards monitoring of the pedestrian and vehicular movements at this location towards the installation of the zebra crossing facility in the vicinity of Centre way junction is considered necessary by the Highway Authority.

8.44 The applicant is willing to pay a financial contribution and are currently in discussions with Hampshire Country Council regarding the costings of the mitigation. Once this has been agreed it will be secured via S106.

8.45 The proposal would therefore be acceptable in Highways terms.

f) Trees

8.46 In terms of the impact on the trees, the Council's Tree Officer has commented on the application stating that if adequate precautions to protect the retained trees are specified and implemented in accordance with the method statement the development proposals will have no significant adverse impact on the contribution of the trees to public amenity or the character of the wider setting.

g) Other matters raised in objections

8.47 **Lack of consultation-** Concerns have been raised due to lack of consultation on this planning application. The Local Planning Authority is satisfied that the consultation process was carried out in accordance with relevant legislation and local practice. This included written notification, sites notices and press notices. Additional publicity was undertaken on social media sites.

8.48 **Impact on Elderly Population-** Access to the site for the elderly population has been raised as a concern. The distance between the car parking spaces and the centre would remain the same. Furthermore, the distance between the bus stop and the centre would be shorter and more accessible compared to the existing. Therefore, it is not considered that the proposal would reduce accessibility for elderly customers.

8.49 **Statement of Community Involvement-** A statement of community involvement was carried out prior to submitting the application. Objections have been raised that surveys only included local residents and not other users of the car park. Developers are expected to consult with the local community before submitting major planning applications. These must be of high quality, accessible and clear for the community to understand. The developer had advertised the proposed improvement works at the shopping centre giving users of the car park to provide comments. The Council consider the submitted Statement of Community Involvement to sufficient.

8.50 **Inadequate toilet facilities-** Residents have raised concerns regarding inadequate toilet facilities within the centre. This does not form part of the application and therefore will not be considered.

8.51 **Details on construction suppliers and materials-** The lack of construction supplies and materials has been raised as a concern. A condition will be imposed to ensure that details of materials of the car parking deck are

submitted prior to the commencement of works. It is not considered necessary to impose a condition requiring details of materials for the car park reconfiguration. It is not a requirement for the developer to provide details of where the materials will be supplied from.

- 8.52 **Construction Disturbance-** Disturbance during the construction works and impact on businesses has also been raised as a concern. Any development is likely to result in a minor level of disturbance and disruption to the local area during the course of construction. The S278 agreement between the Highways Authority will ensure that any impact is minimised.
- 8.53 **Noise-** There would be a large separation distance between the site and the nearest residential occupiers. Therefore, it is not considered that the proposal would amount to an increase in noise compared to the existing car park.
- 8.54 **Loss of parking at Lockwood Surgery-** Concerns have been raised regarding the loss of parking for patients at Lockwood Surgery. The doctor's surgery is located outside of the red line of the application site and is therefore not considered as part of this application.
- 8.55 **Crime and anti-social behaviour-** This is a police matter and not a material planning consideration.
- 8.56 Notwithstanding the objections received, Officers consider the proposal would result in a better laid out car park, which would be convenient to users of the Locks Heath Shopping Centre. The bus pick up and drop off facility would be well related to the Centre. There would not be a decrease in the number of car parking spaces available to serve the Centre. Subject to the imposition of appropriate conditions, the proposal is considered acceptable.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION

Subject to:

- a) 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:
 - The monitoring of the pedestrian and vehicular movements towards the installation of the zebra crossing

and,

Conditions:

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

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

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

- a) Location Plan 19090 0201 P-00
- b) Existing Site Plan 19090 0202 P-00
- c) Proposed Site Plan 19090 0301 P-01
- d) Existing Elevations 19090 0321 P-00
- e) Proposed Site Elevations 19090 0321 P-00
- f) Proposed Parking Deck Plan 19090 0302 P-00
- g) Proposed Car Park Access Roundabout and Proposed Bus Stop/Turning Area 14112-010 Rev C
- h) Proposed Car Park Access Roundabout 14112-012 Rev E
- i) Proposed Bus Stop/Turning Area 14112-011 Rev G
- j) Proposed Car Park Access Roundabout 12m Bus Swept Path Analysis 14112- TR001 Rev D
- k) Proposed Car Park Access Roundabout FTA Design Articulated Vehicle 14112-TR004 Rev C
- l) Proposed Bus Stop/Turning Area 12m Bus Swept Path Analysis Speed =10mph with Turning Dynamics 14112-TR005 Rev E
- m) Planning Statement- October 2021
- n) Design and Access Statement
- o) Tree Report
- p) Tree Retention and Protection plan
- q) Transport Assessment
- r) Locks Heath, Fareham Proposed zebra crossing: Road Safety Audit Stage 1
- s) Response to HCC Highway Comments 17th June 2021

3. No development hereby permitted shall proceed beyond damp proof course level until details (including samples where requested by the Local Planning Authority) 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. No part of the development shall commence until such time as the highway works shown in principle on the submitted drawings have been approved and agreed through a Section 278 Design Check.

REASON: In the interests of highway safety.

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

REASON: To ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period. 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.

6. No development shall commence until details of the boundary treatments surrounding Areas 1 and 2 have been submitted to the Local Planning Authority and approved in writing. The details shall include: precise location, height, design, materials of the boundary treatments and timings of their erection. The boundary treatment shall be erected in accordance with the approved details.

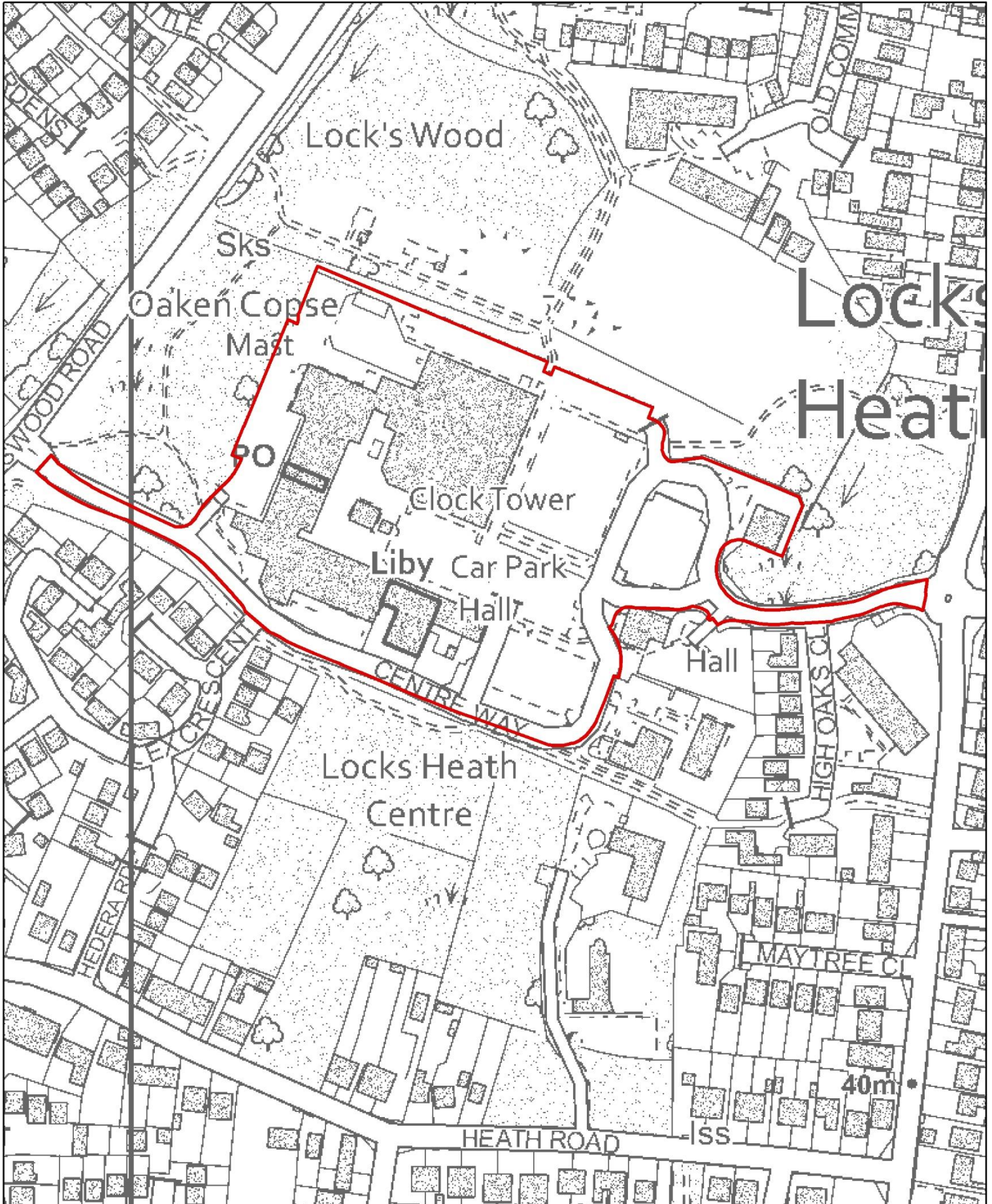
REASON: In the interest of visual amenity.

10.0 Background Papers

[P/21/0148/FP]

FAREHAM

BOROUGH COUNCIL



Locks Heath Shopping Centre
Scale 1:2500



OFFICER REPORT FOR COMMITTEE

DATE: 15/12/2021

P/21/1691/FP

MR J RIDDELL AND MRS J BELL

SARISBURY

AGENT: MR CHRIS WESTBURY

SINGLE STOREY REAR EXTENSION

6 ANGLERS WAY, LOWER SWANWICK, SO31 7JH

Report By

Lucy Knight – direct dial 01329 824579

1.0 Introduction

1.1 This application is reported to the planning committee as it is submitted by an employee of Fareham Borough Council.

2.0 Site Description

2.1 The application property is a two-storey detached house with a west facing rear garden.

3.0 Description of Proposal

3.1 This application seeks permission for a single storey rear extension to replace the existing conservatory and is proposed to extend slightly further to the south and west than the existing conservatory.

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 upon neighbouring properties

5.0 Relevant Planning History

5.1 The following planning history is relevant:

None.

6.0 Representations

6.1 One letter of support was received from the neighbour directly to the north.

7.0 Consultations

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:

- a) Impact upon neighbouring properties;
- b) Impact upon the character and appearance of the area.

a) Impact upon neighbouring properties

- 8.2 The proposal is located on the northern side of the property and is approximately 3.8 metres away from the boundary to the south and approximately 1.3 metres away from the boundary to the north.
- 8.3 The proposal is approximately 3.5 metres deep and has a flat roof with an eaves' height of approximately 2.2 metres. There is an existing 1.8 metre high fence along the northern boundary.
- 8.4 Due to the low height and single storey nature of the proposal and the existing boundary treatment, the proposal is not considered to result in an unacceptable adverse impact upon the neighbouring properties by way of loss of light, sunlight, outlook and/ or privacy.
- 8.5 The proposal is therefore considered to comply with Policy DSP3 of the Local Plan Part 2: Development Sites and Policies.
- ### b) Impact upon the character and appearance of the area
- 8.6 The proposal is to the rear of the property and so will not be visible as part of the street scene.
- 8.7 Single storey rear extensions are common within the immediate area.
- 8.8 The proposals are therefore, considered to respect the key characteristics of the area and comply with Policy CS17 of the Local Plan Part 1: Core Strategy.

Summary

- 8.9 Due to the single storey nature and modest size of the proposal, there will not be an unacceptable adverse impact upon the neighbouring properties, or the character and appearance of the area and the proposal complies with local plan policies.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development shall begin before the expiration of a period of three years from the date of the decision notice.

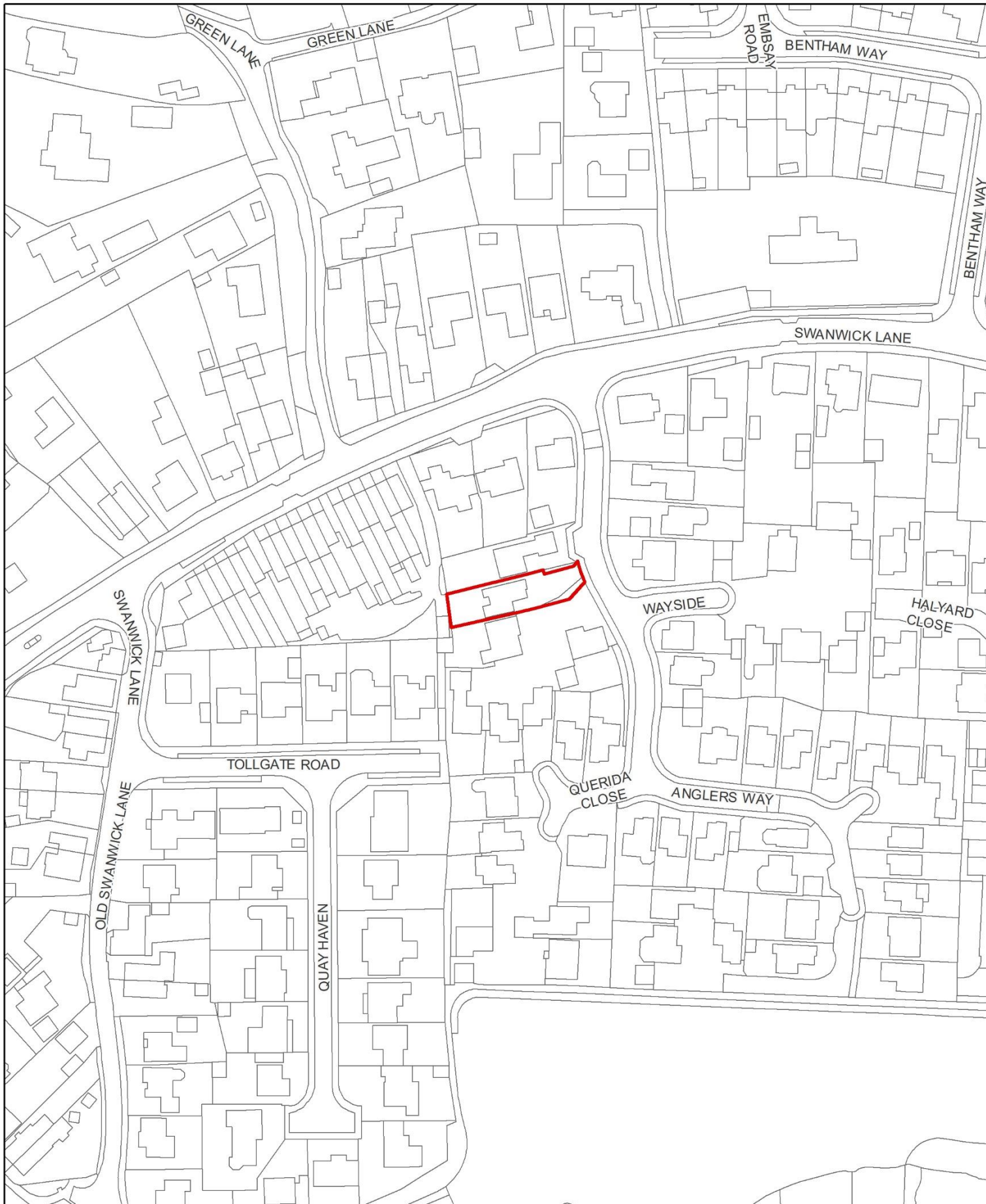
REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.

2. The development shall be carried out in accordance with the following approved documents:
 - a. Drawing No: PL1 – Existing & Proposed Site Plan and Location Plan
 - b. Drawing No: PL02 – Existing Floor Plans
 - c. Drawing No: PL03 – Existing Elevations
 - d. Drawing No: PL04 - Proposed Floor Plans
 - e. Drawing No: PL05 – Proposed Elevations

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

FAREHAM

BOROUGH COUNCIL



6 Anglers Way
Lower Swanwick
Scale 1:1250



OFFICER REPORT FOR COMMITTEE

DATE: 15 DECEMBER 2021

P/21/1720/TO/M
MR SIMON MARTIN

SARISBURY
AGENT: MS SARAH KISS

FELL TWO LEYLAND CYPRESS PROTECTED BY A TREE PRESERVATION ORDER (FTPO 582 (G1))

230 BOTLEY ROAD, BURRIDGE, SO31 1BL

Report By

Paul Johnston – direct dial 01329 824451

1.0 Introduction

1.1 This application is reported to the Planning Committee as the applicant is a Fareham Borough Councillor.

2.0 Site Description

2.1 This application relates to two trees within the front garden of a residential property which is located on the eastern side of Botley Road. The two trees are mature specimens and measure around 25 metres in height.

2.2 The property has a fairly large frontage garden area. The trees subject to this application are located close to the Botley Road frontage and are visible from the public footway/ highway.

3.0 Description of Proposal

3.1 The application seeks consent for the felling of two Leyland Cypress due to their poor structural condition.

3.2 The applicant is proposing the planting of two replacement trees following the felling.

4.0 Relevant Planning History

4.1 There is no planning history relating to protected trees on the property.

5.0 Representations

5.1 None.

6.0 Planning Considerations

6.1 In dealing with applications to carry out works to protected trees, it is necessary to consider whether the reasons given in support of an application outweigh the amenity reasons for protecting them.

- 6.2 The existence of a Tree Preservation Order does not preclude pruning works to, or indeed the felling of, any tree if such a course of action is warranted by the facts.
- 6.3 In this particular case, both trees have several compression forks, tight forks with included bark unions on primary branches, which are showing signs of structural weakness, splits and cracks, which could result in the failure of the union under wind loading. Officers support the proposal to remove both trees due to the irremediable structural defects in both trees.
- 6.3 It would be appropriate to secure two replacement trees following the felling of the Cypress trees, and a condition is recommended to secure this.

7.0 Recommendation

7.1 GRANT CONSENT, subject to the following Condition:

1. Details of the positions where the two replacement trees will be planted, shall be submitted to the Local Planning Authority in writing, within one month of the felling of the trees.

The replacement trees shall be as follows unless otherwise first agreed in writing with the Local Planning Authority:

- (a) One Pedunculate or Sessile oak (*Quercus robur*, *Q. petraea*) 12-14 cm girth;
- (b) One Bull Bay (*Magnolia grandiflora*) 12-15L pot size stock or similar characteristic magnolia.

The replacement trees shall be planted in the approved positions within the first available planting season (October to March) following the felling of the two Leyland Cypress, and shall thereafter be retained.

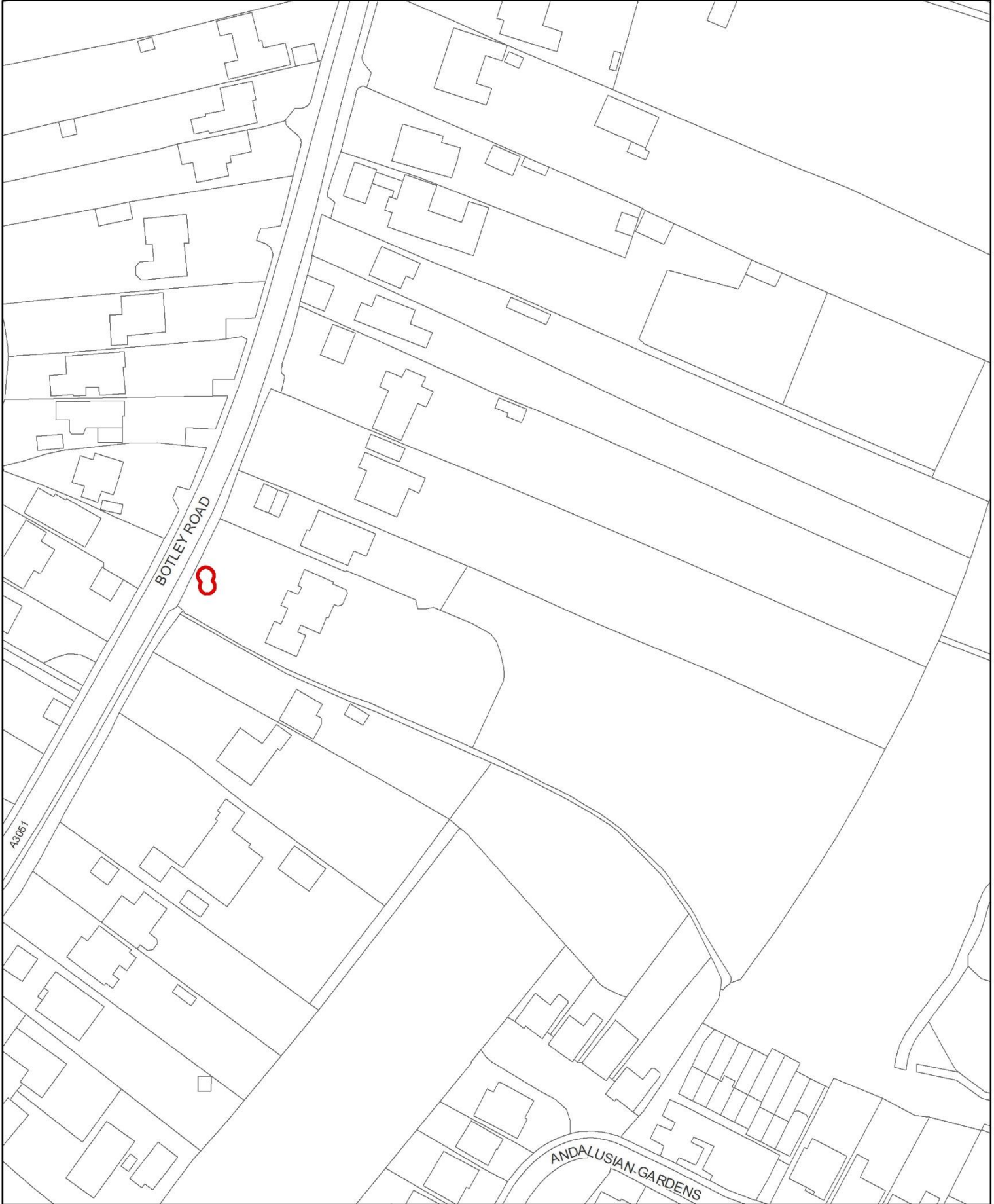
REASON: To preserve the amenity of the area.

8.0 Background Papers

8.1 Tree Preservation Order 582.

FAREHAM

BOROUGH COUNCIL



230 Botley Road
Burridge
Scale 1:1250



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Agenda Annex

<p>ZONE 2 – FAREHAM</p> <p>Fareham North-West</p> <p>Fareham West</p> <p>Fareham North</p> <p>Fareham East</p> <p>Fareham South</p>

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/21/1642/VC FAREHAM WEST	67 THE AVENUE FAREHAM PO14 1PE VARIATION OF CONDITION 17 OF P/18/0260/FP TO ENABLE UNRESTRICTED CHILDREN NUMBERS IN GARDEN BETWEEN HOURS OF 10:00-17:30 (RETAINING CURRENT RESTRICTION OF MAX 16 OUTSIDE OF THOSE HOURS) & VARIATION OF CONDITION 5 OF P/11/0312/FP TO EXTEND OPENING HOURS TO BETWEEN HOURS OF 07:30-18:30 (ADDITIONAL 30 MINS PM)	4 REFUSE
P/20/1359/FP FAREHAM EAST	LAND TO THE EAST AND WEST OF THE RED LION HOTEL BATH LANE FAREHAM PO16 0BP ERECTION OF 18NO. TWO AND THREE BED DWELLINGS WITH 40% AFFORDABLE PROVISION (7NO. DWELLINGS) TOGETHER WITH CAR PARKING. ACCESS VIA EXISTING ROAD ONTO BATH LANE.	5 PERMISSION

OFFICER REPORT FOR COMMITTEE

DATE: 15/12/2021

P/21/1642/VC

FAREHAM WEST

MRS FREYA DERRICK

VARIATION OF CONDITION 17 OF P/18/0260/FP TO ENABLE UNRESTRICTED CHILDREN NUMBERS IN GARDEN BETWEEN HOURS OF 10:00-17:30 (RETAINING CURRENT RESTRICTION OF MAX 16 CHILDREN OUTSIDE OF THOSE HOURS) & VARIATION OF CONDITION 5 OF P/11/0312/FP TO EXTEND OPENING HOURS TO BETWEEN HOURS OF 07:30-18:30 (ADDITIONAL 30 MINS PM)

67 THE AVENUE, FAREHAM

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 This application relates to a site within the urban area which is occupied by a detached two storey building which is currently used as a children's day nursery.
- 2.2 The nursery has an outdoor play area to the rear which consists of a raised patio with a lower garden level which is accessed via a sloping pathway to the eastern side of the patio. The outdoor play area is currently being remodelled as a result of the planning permission granted in 2018 (P/18/0260/FP) for the erection of two dwellings within the rear garden of the nursery. These dwellings are also currently under construction. Whilst not yet in use, the lower level of the play area is enclosed to all sides by acoustic fencing with a retaining wall abutting the car park area to the western side of the building.
- 2.3 The site is surrounded by the residential properties of 65 The Avenue to the east, Nos 17 & 18 Peak Drive to the west and the two new dwellings to the south.

3.0 Description of Proposal

3.1 The nursery is currently run as an independent nursery known as 'Little Munchkins'. The application is submitted on behalf of Hopscotch Nurseries who have an interest in taking over operation of the nursery.

3.2 Planning permission is sought to vary planning condition 17 of P/18/0260/FP which states;

No more than 16 children shall be permitted in the outdoor play area (indicated on the approved drawings as pre-school garden area) at any one time.

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

Permission is sought to enable an unrestricted number of children within the outdoor amenity space between the hours of 10:00-17:30. The current restriction of a maximum of 16 children would be retained before 10:00 and after 17:30.

3.3 Planning permission is also sought to vary planning condition 5 of P/11/0312/FP which states;

The children's day nursery hereby permitted shall not be open for customers outside the following times: 07:30 to 18:00 hours Monday to Friday and not at all Saturdays and Sundays.

REASON: In the interests of the amenities of the nearby residential properties in accordance with Policy DG1 of the Fareham Borough Local Plan Review.

It is proposed that the opening hours of the nursery be extended for an additional 30 minutes at the end of each day between the hours of 18:00-18:30.

4.0 Policies

4.1 The following policies apply to this application:

Adopted Development Sites and Policies

DSP2	Environmental Impact
DSP3	Impact on Living Conditions

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/18/0260/FP	Erection of Two Detached 4-Bed Dwellings with Car Ports to Rear of Existing Building & Re-configure External Play Space to Rear of Nursery Permission 21 June 2018
P/12/0804/FP	Change of Use to Mixed Use Comprising Nursery (D1) at Ground Floor Level & 3-Bed Residential Unit (C3) at First Floor Level, Erection of Single Storey Extension to South Eastern Corner of Building and Entrance Ramp Permission 08 Jan 2013
P/11/0312/FP	(A) Convert Garage to Office/Reception, Construct Link to Nursery and Increase Maximum Children Numbers from 48-59 (B) Amend Parking Layout & Access Part Permission (A only) 27 June 2011
P/09/0556/VC	Variation of Conditions 5,8 & 9 of P/09/0245/CU (Revised Parking Layout and Change from 8 To 16 Children Permitted Outside & Revised Access Permission 8 October 2009
P/09/0245/CU	Change of Use of Hotel to Nursery School for 48 Children Permission 17 April 2009

6.0 Representations

6.1 Eleven objections have been received raising the following main issues;

- Unacceptable increase in noise throughout the day in a residential area
- Proposal would exacerbate existing noise issues
- Occupants of neighbouring properties may be home working or retired and therefore home all day
- Those that support the application do not live nearby
- The number of children outside should be reduced not increased and the opening hours reduced to be more socially acceptable
- The children should not be allowed outside as early as 07:30 at present
- Residents forced to shut windows and doors during summer months
- Use of whistles and drums compounds the noise issues
- A limit of 30 children may be more acceptable
- Highway safety concerns

Twelve letters of support have also been received. This includes one representation from HCC (Services for Young Children) which supports the

application on the basis that it is stated that wider access to the outdoor environment would enhance holistic learning and development which can support with improving the children's overall health and wellbeing and could provide a foundation for a healthy lifestyle.

7.0 Consultations

INTERNAL

Environmental Health

- 7.1 Based on the information submitted in support of the above application Environmental Health object to this proposal.
- 7.2 The current application site use has experienced complaints in relation to noise arising from the number of children using the garden from its outset. Careful and considered work via the planning system with the current owners saw limitations on numbers using the garden put in place to manage and control noise levels arising from the use of the garden. The number limit and management of this, has largely prevented complaints since the restrictions were in place, particularly in the summer months when the garden would be used more at the same time as neighbours would also wish to benefit from the use of their own gardens.
- 7.3 Planning permission has been granted and building commenced to use part of the garden for additional housing separate to the nursery use. Permission was granted based on a noise submission taking into account the limited numbers of children using the garden. Increasing numbers would likely have the most impact on the new development and use of their gardens.
- 7.4 A number of objections to this application have been received highlighting that even at the restricted numbers the noise from children using the site can still be intrusive and disturbing to neighbouring properties.

8.0 Planning Considerations

- 8.1 The main consideration in the determination of this planning application concerns the impact of the proposed variations of planning condition on the living conditions of the occupants of the neighbouring residential properties.
- 8.2 Firstly, in isolation, Officers would have no concerns in relation to the proposal to extend the opening hours of the nursery by 30 minutes at the end of each day until 18:30pm. It is not considered that this would be likely to have an significant adverse impact on the living conditions of neighbouring residential properties. There may be some benefit in terms of the operation of the access and car park in that collection times are likely to be extended over a longer period at the end of the day, thereby reducing the number of parents collecting at any one time.

- 8.3 Officers do however have concerns in relation to the request to remove the restriction on the number of children able to use the outdoor play area at any given time (between the hours of 10:00-17:30) in respect of the additional noise generated externally. The applicant advises that Hopscotch has an outdoor play area at all of its settings which do not generate complaints in relation to noise. The children are able to free-flow between the indoor and outdoor space throughout the day, which ensures a calmer approach to time spent outside. Hopscotch has a policy to ensure that children are supervised at all times and are engaged in meaningful play whilst outside. Staff are made aware of the expectations in terms of noise whilst in the garden and musical instruments are not to be used outside.
- 8.4 The planning condition limiting the number of children allowed outside at any one time to a maximum of 16 has been imposed since 2009. The applicant has suggested that the condition has not been strictly adhered to and that staff seem unaware of the need to comply with this planning condition. Officers intend to address this matter with the current operator of the nursery to ensure that noise is kept to an acceptable level.
- 8.5 Within the consultation responses received local residents generally describe existing noise levels as tolerable but some find the levels unacceptable at times, resulting in residents having to keep doors and windows shut and having to remain inside. The nursery has permission to have a maximum of 59 children on site at any one time. Concerns have been raised by local residents that the unrestricted use of the outdoor play area (between 10:00-17:30) by potentially up to 59 children at any one time would result in increased levels of noise which they consider would be detrimental to their living conditions. Officers share the concerns of the Council's Environmental Health Officer that unlimited use of the outdoor play area would be likely to result in an unacceptable impact on the living conditions of neighbouring properties with noise complaints likely arising.
- 8.6 Hopscotch have suggested that they would manage noise within the garden in a more controlled manner than the current operator and have also indicated they would be willing to accept a temporary trial period. Officers are unable to support this suggestion. It is considered that however well occupied the children may be, it would still be the case that up to 59 children would generate a significant level of noise both in play and in conversation. The reconfigured play area is within close proximity to a number of properties and shares a boundary with the rear garden of the closest dwelling currently under construction to the rear of the nursery. Whilst Hopscotch may have other settings with unlimited access to outdoor space, the individual circumstances of each location need to be taken into account. It is not unusual for a

children's nursery within the Borough of Fareham to have a restriction of this nature where it is located adjacent to residential properties.

- 8.7 It is suggested by the applicant that since the imposition of the planning condition restricting the numbers of children within the garden at any one time, the Early Years Sector has changed significantly with less focus on information technology and a greater emphasis on encouraging physical activity as a means of tackling childhood obesity. It is recommended by the Chief Medical Officer that children aged 1 years and over should have at least 180 minutes per day in a variety of physical activities at any intensity, including active outdoor play spread throughout the day. The applicant is of the view that the current restriction in place means that this Pre-School Nursery setting does not appropriately meet the needs of the children in its care. Officers do not consider this to be a significant material planning consideration.
- 8.8 Furthermore the applicant suggests that the children who attend the nursery are likely to reside within areas of Fareham which have a deficit in the provision of public open space. It is suggested that these children are already negatively impacted by the lack of provision in these areas and that the restricted access to the garden area impacts on them further in terms of their development. The applicant suggests that restricted access to the outdoor play area is at odds with Policy CS21 (Protection & Provision of Open Space) of the Core Strategy Policy. This policy seeks to secure the provision of additional public open space to meet residents' needs, where deficits are identified. Officers do not consider that Policy CS21 is directly relevant to the consideration of this planning application since the proposal does not involve either the protection of existing public open space or the provision of publicly accessible open space to meet the needs of residents.
- 8.9 Officers conclude that whilst the restriction on the use of the outdoor play area may present organisational difficulties to the staff of the nursery, the planning condition was nonetheless imposed for a reason and that reason remains valid. It is not considered that significant weight could be attributed to the justification presented in support of the application which would outweigh the likely resultant harm to the living conditions of adjacent residential neighbouring properties. Officers are unable to support the proposal to remove the restriction on the use of the garden area and effectively put the operational needs of the nursery above the reasonable requirements of the occupants of neighbouring residential properties to a controlled level of noise from use of the outdoor space. It is considered possible for the children to remain active, both within the internal and external areas of the nursery with the current restriction in place with the children being able and encouraged to engage in meaningful outdoor play in smaller numbers.

9.0 Recommendation

9.1 REFUSE, for the following reason:

The proposal is contrary to Policies DSP2 of the Adopted Local Plan Part 2: Development Sites and Policies, and is unacceptable in that:

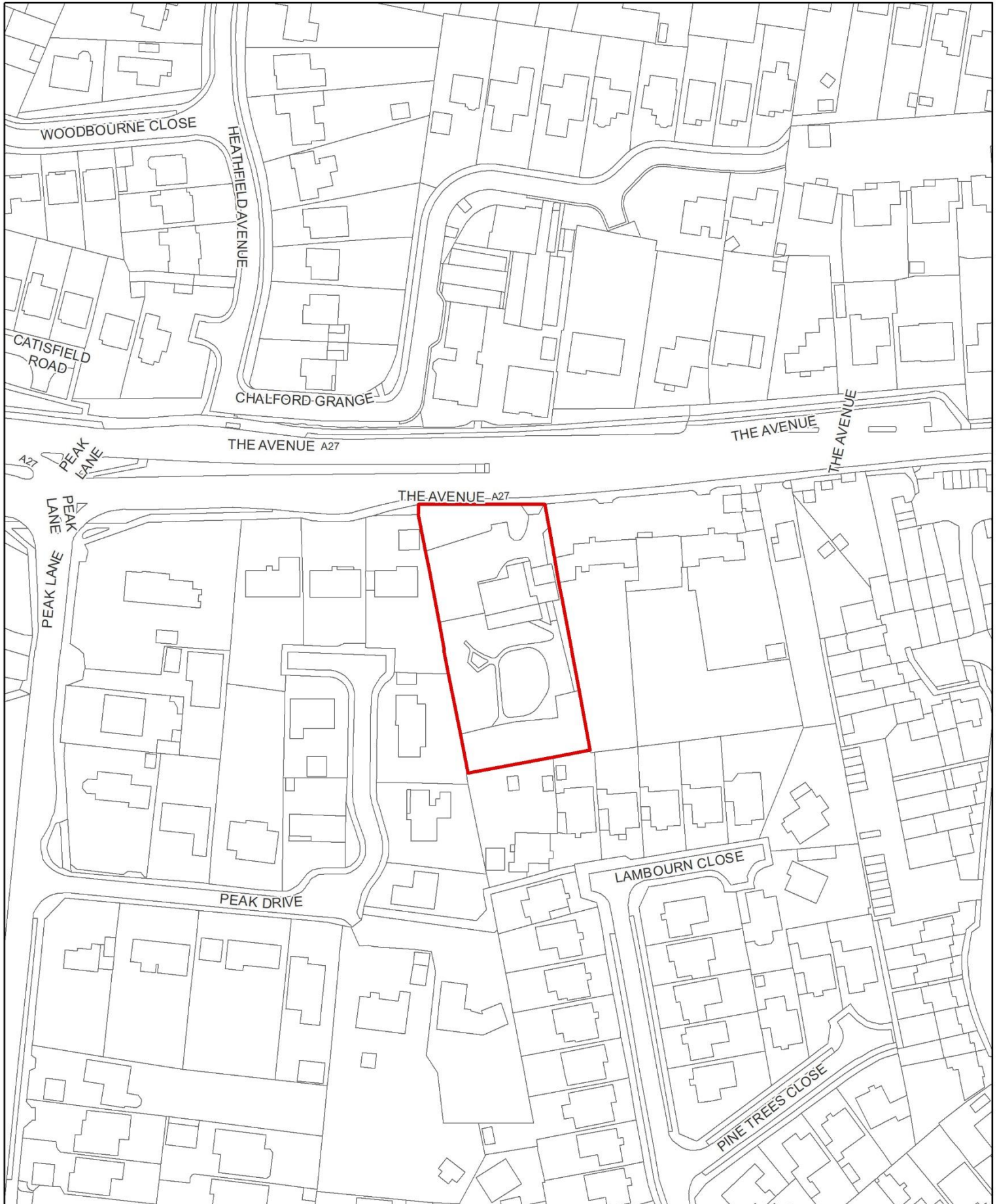
- i) The proposed variation of Condition 17 of P/18/0260/FP (to enable unrestricted children numbers in the outdoor play area between the hours of 10:00-17:30) would be likely to result in unacceptable levels of noise and disturbance which would have a significant adverse impact upon the living conditions of occupants of neighbouring properties.

10.0 Background Papers

P/21/1642/VC; P/18/0260/FP; P/11/0312/FP

FAREHAM

BOROUGH COUNCIL



67 The Avenue
Fareham
Scale 1:1250



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OFFICER REPORT FOR COMMITTEE

DATE: 15/09/2021

P/20/1359/FP
IMPERIAL HOMES LTD

FAREHAM EAST
AGENT: PHILIP DUDLEY

ERECTION OF 18 NO. 2 AND 3 BED DWELLINGS WITH 40% AFFORDABLE PROVISION (7 DWELLINGS) TOGETHER WITH CAR PARKING. ACCESS VIA EXISTING ROAD ONTO BATH LANE

LAND TO THE EAST AND WEST OF THE RED LION CAR PARK

Report By

Rachael Hebden – direct dial 01329 824424

1.0 Introduction

1.1 The application is being reported to the Planning Committee for a decision because the number of representations received.

2.0 Site Description

2.1 The site comprises 2 parcels of land to the east and west of the Red Lion Hotel car park within Fareham Town Centre. The parcel of land to the west of the Hotel car park will hereafter be referred to as parcel 1 and the parcel of land to the east referred to as parcel 2.

2.2 Access to both parcels is via a road that continues westwards from the end of Bath Lane. The road provides access to both parcels, however access further west (towards Tesco) is restricted to pedestrians and cyclists.

2.3 The western boundary of parcel 1 runs alongside the gardens of houses in Adelaide Place and a private car park. The northern boundary of parcel 1 is adjacent to the Red Lion's beer garden. The eastern boundary of parcel 1 runs parallel to the Red Lion and the accompanying hotel car park. The southern boundary of parcel 1 is bound by the pedestrian and cycle route that leads through to Tesco.

2.4 The gradient within parcel 1 slopes slightly from the east down to the west and from the north down to the south. Parcel 1 is also located at a lower level than the access road to the south, with ventilation holes along the southern boundary providing air to Tesco's below surface level car park. Parcel 1 is of an open character with no noteworthy features or vegetation. The surface of the site comprises bare ground, rubble and areas of concrete.

- 2.5 The western boundary of parcel 2 is adjacent to the Red Lion's car park. The northern boundary runs alongside a private car park serving dwellings to the north. The majority of the eastern boundary runs alongside the rear gardens of properties within Bath Lane, with the southern part of the eastern boundary adjoining the Bath Lane car park (operated by FBC.) The southern boundary of parcel 2 is bounded by the aforementioned access road that terminates at parcel 1 and turns into a pedestrian and cycle route only.
- 2.6 The gradient within parcel 2 slopes from the north slightly down towards the south. Parcel 2 is also of an open character with no noteworthy features or vegetation. The surface of the site comprises block paving in a poor state of repair.

3.0 Description of Proposal

- 3.1 The application proposes 18 terraced dwellings of up to 2.5 storeys in height of which 5 would be 2 bedroom houses and 13 would be 3 bedroom houses. Ten houses are proposed within parcel 1 and 8 are proposed within parcel 2. Both parcels incorporate unallocated car parking and soft landscaping.
- 3.2 The layout of the dwellings in both parcels roughly takes the form of an upside down 'L' with development running approximately north to south together with an additional dwelling in the north east section of each parcel.
- 3.3 Parcel 1 contains 10 dwellings evenly split into 2 rows of terraced dwellings and Parcel 2 contains 8 dwellings also split across 2 terraces. Forty percent of the houses are proposed to be affordable housing and Vivid Housing have been identified as the potential housing provider.
- 3.4 Access to both parcels would continue to be via the existing road which leads off Bath Lane and terminates at parcel 1.

4.0 Policies

- 4.1 The following guidance and policies apply to this application:

4.2 National Planning Policy Framework Planning Practice Guidance

4.3 Adopted Fareham Borough Core Strategy

CS2 - Housing Provision

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS7 – Development in Fareham

CS15 - Sustainable Development and Climate Change

- CS16 - Natural Resources and Renewable Energy
- CS17 - High Quality Design
- CS18 - Provision of Affordable Housing
- CS20 - Infrastructure and Development Contributions

4.4 **Adopted Development Sites and Policies**

- DSP1 - Sustainable Development
- DSP2 - Environmental Impact
- DSP3 - Impact on living Conditions
- DSP4 - Prejudice to adjacent land
- DSP13 - Nature Conservation
- DSP15 - Recreational Disturbance on the Solent Special Protection Areas
- DSP40 - Housing Allocations

4.5 **Other Documents:**

- Fareham Borough Design Guidance: SPD (excluding Welborne) December 2015
- Planning Obligation SPD for the Borough of Fareham (excluding Welborne) (April 2016)
- Residential Car & Cycle Parking Standards SPD 2009

5.0 ***Relevant Planning History***

5.1 The following planning history is relevant:

P/13/0408/FP	CONSTRUCTION OF TWO, PART 2 AND PART 3 STOREY BUILDINGS (WITH ROOF ACCOMMODATION) COMPRISING 55 DWELLINGS WITH A MIX OF 27 X 1 BED UNITS AND 28 X 2 BEDROOM UNITS WITH ASSOCIATED LANDSCAPING, PARKING, SERVICING AND REFUSE AREAS
APPROVED	5 June 2014
P/07/1490/OA	RESIDENTIAL DEVELOPMENT OF 30-55 AFFORDABLE DWELLINGS (OUTLINE APPLICATION WITH ACCESS ONLY TO BE CONSIDERED)
APPROVED	11 June 2010

6.0 ***Representations***

6.1 Eighteen representations have been received of which 7 support the application, 2 support the application but raise queries, and 9 object to the proposal.

6.2 The letters of support make the following comments:

- Use of a brownfield site is positive
- The site is in a sustainable location
- High proportion of affordable housing welcomed
- Relatively low density supported

6.3 The letters of objection raise the following issues:

- Community consultation was limited
- Density too high
- Additional traffic
- Additional noise and atmospheric pollution
- Insufficient car parking
- Impact on pay and display car park
- Space for bin collection required
- Renewable energy should be incorporated
- New trees are needed to provide privacy between the site and the car park for Madison Court
- New boundary needed between the site and Madison Court
- The maintenance of the soft landscaping will need to be considered
- Will the affordable units be affordable?
- Potential overlooking of 1 Adelaide Place
- Impact on well at number 5 Adelaide Place
- Loss of light to ground floor flats at Madison Court
- Impact of construction on structural integrity of adjacent properties
- Impact on wildlife
- Noise and disturbance during the construction process

6.4 The Fareham Society responded to the plans originally submitted and made the following comments:

- Use of a brownfield site is acceptable in principle
- A high quality surface is required
- Standard house types will not be appropriate a more bespoke solution is required
- A noise barrier is required to ensure satisfactory living conditions for future occupiers
- Sufficient space is required for bins to be collected

7.0 Consultations *EXTERNAL*

7.1 Hampshire County Council - Highways

No objection subject to condition requiring the provision of an access and visibility splays prior to occupation.

7.2 Hampshire County Council – Lead Local Flood Authority

No objection subject to conditions

INTERNAL

7.3 Ecology

No objection subject to mitigation to ensure no adverse impact on the integrity of the designated sites and conditions to ensure the Japanese knotweed is removed and to secure a biodiversity enhancement plan.

7.4 Affordable Housing

The provision of 40% affordable housing requires 7 no. affordable houses (5 no. shared ownership and 2 no. social rent) and the equivalent of 0.2% provided as a contribution towards off-site provision is acceptable.

7.5 Refuse & Recycling

A sweep plan must be provided and agreed by a Transport Planner.

7.6 Environmental Health

No objection subject to conditions to secure: electric vehicle charging points; glazing in accordance with (or above the standard specified in) the glazing strategy; gas fired boilers to meet a minimum standard of <40 mgNO_x/kWh; acoustic barriers in accordance with the acoustic assessment and provision of an overheating study;

7.7 Environmental Health (Contamination)

No objection subject to conditions requiring an intrusive site survey and the removal of the Japanese Knotweed in accordance with the submitted report.

7.8 Conservation Planner

The proposed development is considered to preserve the key characteristics of the heritage assets.

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) Principle of Development
- b) Design and Impact on the Character of the Area
- c) Impact on Heritage Assets

- d) Impact on Neighbouring Properties
- e) Impact on the Highway
- f) Affordable Housing
- g) Ecology including Habitats Regulation Assessment
- h) Other Issues (contamination, Japanese Knotweed, SUDS)

a) Principle of Development

- 8.2 Policies CS2 (Housing Provision), CS6 (the Development Strategy) and CS7 (Development in Fareham) of the adopted Fareham Borough Core Strategy place priority on reusing previously developed land within the defined urban settlement boundaries to provide housing. The site is located within the defined settlement boundary such that the principle of re-development of the land is acceptable subject to satisfying the requirements of the policies listed in section 4 of this report.
- 8.3 The site was previously granted Planning Permission in 2014 for 55, 1 and 2 bedroomed dwellings although this permission has lapsed.
- 8.4 The site is currently identified in the submitted Fareham Local Plan 2037 as an allocated housing site with an indicative yield of 18.

b) Design and Impact on the Character of the Area

- 8.5 The layout of the dwellings in both parcels roughly takes the form of an upside down 'L' with development running approximately north to south together with an additional dwelling in the north east section of each parcel.
- 8.6 Parcel 1 contains 10 dwellings evenly split into 2 rows of terraced dwellings and Parcel 2 contains 8 dwellings also split across 2 terraces.
- 8.7 The dwellings on plots 8 and 18 are two storeys high. The remainder of the dwellings are two and a half storeys high with small dormer windows at second floor level. The design takes the form of a series of contemporary terraces and incorporates first floor bay windows, oriel windows and metal clad dormers. The proposed materials include red brick, small areas of timber cladding and clay roof tiles together with metal clad dormers and aluminium fenestration.
- 8.8 Direct access is provided to all of the rear gardens to enable easy access for the storage of bins and bikes. The parking courtyard has been carefully designed to incorporate walls rather than fences with space strategically provided for specimen trees and hedges to help soften the impact of the hard landscaping required for car parking.

- 8.9 Representations have been received that both support and object to the proposed density of development. The site is identified within the draft Local Plan as having the potential to yield 18 dwellings. The proposed 18 dwellings (43dph) are considered to be appropriate.
- 8.10 The scale, form and layout of the dwellings responds to the local character in particular the terraced dwellings to the west of the site in Adelaide Place and is considered to accord with the requirements of policy CS17.
- 8.11 The site occupies a central location where a degree of noise pollution is to be expected. To avoid elevated noise levels of an unacceptable degree the application proposes acoustic fences around all of the gardens with the exception of plots 17 and 18 (next to the Red Lion's beer garden) which would have 2m walls. Appropriate acoustic glazing is proposed within the acoustic assessment and can be secured by condition to ensure that noise does not have a significant adverse impact on internal living conditions.
- 8.12 The dwellings satisfy the requirements of the Nationally Described Space Standards and all of the houses have private gardens that satisfy the size and quality recommendations in the Fareham Residential Design Guidance SPD.
- 8.13 Overall, the development is considered to be of a high quality design that would provide much needed accommodation for families in a highly accessible location.

c) Impact on Heritage Assets

- 8.14 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the local planning authority to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 8.15 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.
- 8.16 The north and eastern boundaries of parcel 1 and the north and western boundaries of parcel 2 are adjacent to the Fareham High Street Conservation Area. Plot 1 is also adjacent to The Red Lion Hotel and public house, a Grade II listed building.
- 8.17 Paragraph 199 of the NPPF states that: '*When considering the impact of a proposed development on the significance of a designated heritage asset, great*

weight should be given to the asset's conservation' and Policy DSP5 states that Listed Buildings will be conserved by ensuring the development does not harm and if desirable enhances their settings.

- 8.18 The scale, form and layout of the dwellings in both plots responds to the local character in particular the linear form of the Red Lion and development in Adelaide Place and the High Street. The development has been sensitively designed with an attention to detail in order to preserve the character of the Fareham High Street Conservation Area. The proposed development also preserves the setting of The Red Lion by limiting the scale of the dwelling closest to The Red Lion to 2 storeys (The previously approved development was up to 3.5 storeys in height with a far greater number of dwellings.) The provision of car parking within the majority of the eastern side of plot 1 will also retain a sense of spaciousness to the west of The Red Lion which will preserve the setting.
- 8.19 The owners of the Red Lion hotel and pub adjacent to the site have expressed concern regarding the heritage statement submitted with the application. Officers acknowledge the brevity of the heritage statement submitted, however paragraph 194 of the NPPF states that the level of detail required should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Officers consider that they have sufficient information available to them to understand the potential impact of the proposal on the adjacent heritage assets therefore it was not considered necessary to request a more detailed heritage statement to be provided.
- 8.20 The development is considered to be of high quality design that will preserve the character and appearance of the Fareham High Street Conservation Area and preserves the setting of nearby listed buildings including any features of special architectural or historic interest which they possess. The development furthermore accords with the National Planning Policy Framework and Policy DSP5 of Local Plan Part 2.

d) Impact on Neighbouring Properties

Parcel 1

- 8.21 The terraces in Adelaide Place to the west of parcel 1 will be separated by over 31m and will not be significantly adversely affected by the proposed development in terms of loss of outlook, privacy or amount of available sunlight.
- 8.22 Office premises are located to the north west of parcel 1. The south west corner of the offices would be separated from the nearest dwelling (plot 17) by

approximately 15m and would only be located at an oblique angle. The proposed development would therefore not have a significant adverse impact on the amenities of those using the offices in terms of loss of outlook, privacy or amount of available sunlight.

- 8.23 The owner of The Red Lion has expressed concerns about the potential for hotel guests to overlook the garden of the dwelling in plot 18. The dwelling in plot 18 has been designed so that the garden and window at ground floor level is protected from overlooking by the 2m high brick boundary wall and rooms at first floor level have windows in the south elevation (rather than the north elevation which would be overlooked). It is also important to note that the bedroom windows within the south elevation of the hotel are 20m from the dwelling in plot 18 such that overlooking would be from an acceptable distance in line with recommended distances contained within the Residential Design Guidance SPD and given the town centre location of the site these relationships are considered to be acceptable. The windows in the west elevation of the Red Lion (east of the dwelling in plot 18) serve a landing rather than habitable rooms and the oriel window in the east elevation of the dwelling in plot 18 is a secondary window that has been designed to avoid any overlooking from the landing windows in the hotel to the east.
- 8.24 The owners of the Red Lion have also raised concerns about the proximity of the dwelling in plot 18 to the Red Lion and in particular concerns regarding the future pressure on the hotel to limit the impact of noise on the proposed residential properties. The Red Lion is a pub and a restaurant with a beer garden positioned immediately north of plot 18 (in parcel 1). To minimise the potential for users of the beer garden to disturb occupiers of plot 18 the application proposes a 2m wall along the northern boundary to restrict noise pollution. Officers have been advised by the Manager of the Red Lion that activities at the Red Lion pub are designed to minimise noise pollution in order to prevent disturbance to guests making use of the hotel accommodation. It is therefore considered unlikely that activities from the pub would have a significant adverse impact on the residential amenities of occupiers of the proposed development in particular the dwelling in plot 18 as this would result in complaints from their hotel customers.
- 8.25 The owners of the Red Lion have also requested that soft landscaping and an acoustic barrier is provided between the site and the Red Lion's car park. Plans have been submitted confirming that a wall would be provided between the site and the Red Lion's car park and sufficient space has been allocated for soft landscaping, details of which can be secured by planning condition.

Parcel 2

- 8.26 Concerns have been raised regarding a loss of light to the ground floor flats at Madison Court however the nearest dwellings (in plots 17 and 18) would be located over 20m south and would therefore not have a significant adverse impact on the amount of sunlight available to the ground floor flats in Madison Court. The separation distance and absence of windows above first floor level in the north elevations of the dwellings in plots 17 and 18 would also ensure the development would not have a significant adverse impact on the amenities of those in Madison Court in terms of loss of outlook or privacy. The dwellings closest to Madison Court are 2 storeys tall with the remainder limited to 2.5 storeys. The modest height of the buildings will prevent the development from appearing overbearing when viewed from adjacent sites including Madison Court. A new boundary has also been requested between the site and Madison Court. The application proposes a new boundary fence between site 2 and Madison Court.
- 8.27 There are dwellings on Bath Lane to the east of parcel 2. The dwellings in Bath Lane have long rear gardens of over 37m in depth. The impact of the proposed development upon the amenities of the dwellings in Bath Lane would be minimal given the depth of their gardens. Number 15 Bath Lane is positioned closer to the site with a garden of only 8m in depth, however there is a separation distance of 24m between no. 15 and the closest dwelling in parcel 2 (plot 6) which will ensure no significant adverse impact on the amenities of no. 15. The incorporation of an oriel window at first floor level of the east elevation of the proposed dwelling in plot 8 has also been designed to prevent any overlooking of gardens of dwellings in Bath Lane.
- 8.28 Concerns have been raised regarding the potential disturbance that would result from construction activities. Officers acknowledge the disruption that construction activities can have on residential amenity and it is recommended that a condition is included to restrict the days and hours of construction to ensure residents have periods during the early hours of the day, the evening and at weekends during which they are not disturbed by construction activity at the site.
- 8.29 Concerns have also been raised regarding the impact of construction on the structural integrity of adjacent properties. Any damage to adjacent properties would be a private matter and is not a material consideration.
- 8.30 Overall, the proposed development has been designed to avoid any significant adverse impact on the amenities of neighbouring properties and is therefore considered to be in accordance with the requirements of policies DSP 2 and DSP3.

e) Impact on the Highway

- 8.31 Vehicular access to both sites is via a short section of road owned by Fareham Borough Council that links Bath Lane and both sites. The road terminates at parcel 1 with a pedestrian and cycle route providing access westwards to Tesco and Fareham Town centre.
- 8.32 The application is supported by plans that demonstrate that a large refuse vehicle can enter and exit the site in a forward gear. The access road has a pinch point that prevents two way traffic at this point therefore signage is proposed confirming a speed limit of 15mph together with priority being given to westbound traffic. The signage is designed to enable safe access and egress given the existing visibility and pinch point. Hampshire County Council, as Highway Authority, has reviewed the proposed access arrangements and confirmed that they are appropriate and would not have an adverse impact on the safety of the highway thus complying with policy CS5.
- 8.33 The site occupies a highly accessible location in Fareham Town Centre close to the bus station and within easy walking distance of the train station which is 0.8 mile from the site. The Residential Car & Cycle Parking Standards SPD states that reduced car parking provision will only be considered acceptable in certain situations including sites that are in areas of high accessibility.
- 8.34 The proposed development incorporates 29 car parking spaces which is in line with the requirements for unallocated car parking set out in the Residential Car & Cycle Parking Standards SPD. The site does not include any additional parking spaces for visitors however this is considered to be acceptable given the site's highly accessible location. Each dwelling has secure long term cycle storage provided in line with the standards set out in the Residential Car & Cycle Parking Standards SPD.
- 8.35 The proposed access and egress together with the level of car parking provision is considered to be acceptable, would not have an adverse impact on the safety of the road and is in accordance with policy CS5.

f) Affordable Housing

- 8.36 The application proposes 40% affordable housing in accordance with policy CS18. The affordable housing would comprise 2 no. 3 bed social rent units and 5 no. shared ownership units (of which 3 would be 2 bed units and 2 would be 3 bed units.) The housing is tenure blind and would be located evenly across the 2 sites with 3 units provided in parcel 1 and 4 units provided in parcel 2. Fareham Housing have confirmed that the proposed affordable housing provision is appropriate in terms of tenure, size and location. It is recommended

that the affordable housing is secured by planning condition and that the contribution (the equivalent to 0.2 of a dwelling) is secured by legal agreement.

g) Ecology including Habitats Regulation Assessment

- 8.37 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.
- 8.38 The site is of low ecological value however there are opportunities to enhance the biodiversity. A condition is therefore recommended to require measures to improve biodiversity to be approved and implemented prior to occupation.
- 8.39 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. 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).
- 8.40 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.
- 8.41 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the PS. The key considerations for the assessment of the likely significant effects are set out below.
- 8.42 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 agreed to provide the appropriate financial contribution towards the Solent Recreational Mitigation Partnership Strategy prior to the application being determined 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.

- 8.43 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.
- 8.44 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) which confirms that the development will generate 12.7 kg/TN/year. 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.
- 8.45 The applicant has entered into a contract (conditional on the grant of planning permission) to purchase 12.7kg of nitrate mitigation 'credits' from the Hampshire and Isle of Wight Wildlife Trust. Through the operation of a legal agreement between the HIWWT, Isle of Wight Council and Fareham Borough Council dated 30th September 2020m, the purchase of the credits will result in a corresponding parcel of agricultural land (0.547 hectares) 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. A condition will be imposed to ensure that the development does not commence on site until confirmation of the purchase of the credits from the HIWWT has been received by the Council.
- 8.46 The Council has concluded within an Appropriate Assessment 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 no increase in the amount of nitrogen entering The Solent. Natural England has been consulted on the Council's Appropriate Assessment and their comments are currently awaited; Natural England have endorsed the principle of using nitrate credits to off-set nitrate production from new development.

8.47 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.

h) Other Issues

8.48 The application is supported by an Air Quality Assessment which confirms that the risk of exceeding the annual mean National Air Quality Objectives for nitrogen dioxide due to emissions from the A27 and Tesco's car park is low. Notwithstanding the low risk an acoustic fence is proposed and will provide mitigation that will disrupt the pathway between the source and receptor and will protect the site from emissions.

8.49 Japanese knotweed has been identified within the site therefore the application is supported by a Japanese Knotweed Report that confirms that all the Japanese Knotweed will be removed in an appropriate manner before any work commences on the site. It is recommended that the removal of the Japanese knotweed is secured by condition.

8.50 The application is supported by a drainage strategy that confirms that surface water runoff from the site will be managed through attenuation storage tanks and discharged into the public sewer. It is recommended that the SUDS are secured by condition.

9.0 Recommendation

9.1 Subject to:

A) consideration being given to any comments received from Natural England relating to the consultation on the Appropriate Assessment;

and

B) receipt of the appropriate financial contribution towards the Solent Recreational Mitigation Partnership Strategy;

and

C) completion of a s106 legal agreement to secure a financial contribution towards off-site affordable housing (of the equivalent to 0.2 dwelling);

Then

GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development hereby permitted shall be begun before the expiry of three years from 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 hereby permitted shall be carried out strictly in accordance with the following drawings/documents:

- Location plan Drawing 2 A
- Overall site plan (including location of affordable housing and cycle storage details) Drawing no. 3 C
- Site plan 1-8 Drawing 4 B
- Site plan 9-18 Drawing 5 B
- Proposed ground floor plans 1-8 Drawing 6 B
- Proposed first floor plans 1-8 Drawing 7 B
- Proposed second floor plans 1-8 Drawing 8 A
- Proposed ground floor plans 9-18 Drawing 11 C
- Proposed first floor plans 9-18 Drawing 12 C
- Proposed second floor plans 9-18 Drawing 13 B
- Proposed elevations 1-8 Drawing no. 10 C
- Proposed elevations 9-18 Drawing no. 15 C
- Proposed roof plan 9-18 Drawing no. 14 A
- Proposed streetscenes Drawing no. 17 A
- Location of acoustic barriers Drawing no. 18
- Survey Report and Management Plan for Japanese Knotweed Report No. 1962
- Highways Report produced by Nick Culhane dated June 2020 (including Drawing no. NJC-001
- Flood Risk and Drainage Strategy ref TB/435064/eg dated 7th July 2021

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

3. The development shall be undertaken in full accordance with the recommendations contained within the Survey Report and Management Plan for Japanese Knotweed Report No. 1962.

REASON: To ensure that all Japanese knotweed is removed from the site.

4. No development shall take place until an intrusive site investigation and assessment of the risks posed to human health, building fabric and the wider environment including water resources has been undertaken and the results submitted to and approved in writing by the Local Planning Authority (LPA). Should contamination be found at the site, the intrusive site investigation and

assessment must include a scheme for decontamination including remedial measures and detailed method statements shall be submitted to and approved by the LPA in writing.

The approved scheme shall be fully implemented and validated by an independent competent person as agreed with the LPA with confirmation submitted to and approved in writing by the LPA before any dwelling hereby permitted is first occupied.

REASON: To ensure that any potential contamination of the site is properly taken into account before development takes place. The details secured by this condition are considered essential to be agreed prior to the commencement of the development on the site to ensure adequate mitigation against land contamination on human health.

5. No development shall take place until the Council has received and acknowledged in writing the Notice of Purchase in accordance with the legal agreement between Fareham Borough Council, the Isle of Wight Council and the Hampshire and Isle of Wight Wildlife Trust 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.

6. No development shall take place until details of the internal finished floor levels of all of the proposed buildings in relation to the existing and finished 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.

7. No development shall take place on site (including ground preparation works and site clearance) 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 for cleaning the wheels and underside of all vehicles leaving the site;
- c) a scheme for the suppression of any dust arising during construction or clearance works;
- d) 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.

8. If, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered all works in the affected area shall cease immediately. Works in the affected area shall not recommence before an investigation and risk assessment of the identified ground conditions have been undertaken and details of the findings, along with a detailed remedial scheme, if required, have been submitted to and approved in writing by the Local Planning Authority.

Prior to the occupation of the dwellings hereby permitted the remediation scheme shall be fully implemented and shall be validated in writing to the Local Planning Authority by an independent competent person.

REASON: To ensure any potential contamination found during construction is properly taken into account and remediated where required.

9. No development hereby permitted shall proceed beyond damp proof course (dpc) level until details of how and where two 'fast charge' electric vehicle charging points (1 for each parcel) will be provided, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the electric vehicle charging points shall be in place and operational prior to the first occupation of the dwellings in that parcel hereby permitted.

REASON: To promote sustainable modes of transport, to reduce impacts on air quality arising from the use of motorcars and in the interests of addressing climate change.

10. No development hereby permitted shall proceed beyond damp proof course level until details and samples of all proposed external facing 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.

11. No development shall proceed beyond damp proof course level until details of the drainage system have been submitted to and approved in writing by the Local Planning Authority. The drainage system shall be constructed in accordance with the approved details prior to occupation of the first dwelling.

REASON: To ensure satisfactory drainage.

12. Details of the long term maintenance of the surface water drainage system to include details of ownership, protection measures and maintenance schedules for each drainage feature type shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the dwellings. The drainage features shall thereafter be protected and maintained in accordance with the approved measures and schedules.

REASON: To ensure the drainage features are appropriately protected and maintained.

13. The development hereby approved shall be undertaken in accordance with the Flood Risk and Drainage Strategy ref TB/435064/eg dated 7th July 2021 and surface water discharge to the public sewer network shall be limited to 1.6l/s.

REASON: To provide appropriate drainage.

14. 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.

The landscaping scheme submitted shall be implemented and completed within the first planting season following the completion 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.

15. No development shall take place until a detailed biodiversity enhancement strategy (which includes the timing of implementation) has been submitted to and approved in writing by the Local Planning Authority. Development shall subsequently be carried out in accordance with the approved details.

REASON: To ensure that habitat is enhanced as a result of the proposed development.

16. No part of the development shall be first occupied until the access junctions, visibility splays and signage have been implemented in accordance with the approved details in appendix 4 of Nick Culhane's Highways Report dated June 2020 (which includes Drawing no. NJC-001.) The visibility splays shall thereafter be kept free of obstruction at all times.

REASON: In the interests of highway safety

17. The approved parking and turning areas for each parcel of land hereby approved (which, although unallocated to individual dwellings, are sufficient to serve that part of the overall development completed at that time) shall be constructed in accordance with the approved details and made available for use prior to the occupation of any dwellings in that parcel. Those 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 made for that purpose.

REASON: In the interests of highway safety.

18. None of the development hereby permitted shall be first occupied until details of the proposed bin storage areas and bin collection points have been submitted to and approved by the Local Planning Authority and the approved areas fully implemented. The details shall include the siting, design and the materials to be used in construction. The areas shall be subsequently retained for bin storage or collection at all times.

REASON: To ensure that the character and appearance of the development and the locality are not harmed.

19. Prior to the first occupation of the dwellings hereby permitted details of water efficiency measures to be installed in each dwelling shall first be 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 with the approved water efficiency measures being installed prior to the occupation of each dwelling.

REASON: In the interests of preserving water quality and resources

20. Prior to the first occupation of the dwellings hereby permitted details of any gas fired boilers shall be submitted to and approved in writing by the Local Planning Authority. The boilers shall be installed in line with the approved details.

REASON: In the interest of minimising air pollution in the town centre and to ensure the boilers meet a minimum standard of <40 mgNO_x/kWh.

21. Details of the glazing and trickle vents for all windows serving habitable rooms shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The glazing and trickle vents shall be installed in accordance with the approved details prior to occupation of the dwellings.

REASON: To protect the amenities of the residents.

22. Prior to the first occupation of each dwelling hereby permitted the bicycle storage as shown on the approved plan for that dwelling, shall be constructed and made available. This storage shall thereafter be retained and kept available for storing bicycles at all times.

REASON: To encourage cycling as an alternative mode of transport.

23. Notwithstanding the detail on drawing no. 18 none of the development hereby permitted shall be first occupied until details of the design of the acoustic barriers have been submitted to and approved in writing by the Local Planning Authority. The acoustic barriers shall be erected in accordance with the approved details prior to the occupation of the first dwelling hereby approved and shall be retained thereafter.

REASON: To protect the amenities of the residents.

24. The development hereby approved shall be carried out in accordance with the details regarding the size and location of the affordable housing contained in Drawing no. 03 Rev C.

Prior to development commencing, full details of the tenure of all homes/plots at the site, including the type of affordable tenure and level of affordable/social rent, shall be submitted to and approved in writing by the Local Planning Authority and shall comprise a minimum of 7no. of the homes shall be provided

as affordable housing (as defined in the NPPF) and shall for the avoidance of doubt comprise 2 no. 3 bed social rent units, 3 no. 2 bed shared ownership units and 2 no. 3 bed shared ownership units. The development shall thereafter be carried out in accordance with the approved details.

All affordable homes provided on the site shall be provided and managed by a housing association, housing company or companies or a trust registered as a registered social landlord pursuant to the Housing Act 1996, or a non-profit provided pursuant to section 80 of the Housing and Regeneration Act 2008. None of the properties hereby permitted shall be occupied until that provider has entered into a Nominations Agreement with Fareham Borough Council.

All affordable homes provided on the site shall thereafter be used only as affordable housing provided that should any of the following events occur then the requirement for the affordable home to be used only as affordable housing shall cease to have effect with respect to that specific plot(s):

- (a) If the affordable housing unit is transferred to the tenant thereof under the Right to Buy (or preserved right to buy) provisions of the Housing Act 1985 or the Right to Acquire provisions of the Housing Act 1996 (or any subsequent legislation amended or replacing the same)
- (b) If in respect of an affordable housing unit held under a shared ownership lease the lessee has staircased to a 100% share in the unit
- (c) if any mortgagee or chargee (or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a receiver)) of the whole or any part of the affordable housing or any persons or bodies deriving title through such mortgagee or chargee or receiver has exercised a power of sale.
- (d) If the affordable housing unit is purchased under a shared equity scheme and the unit is then sold by its original purchasers.
- (e) the mortgagees and chargees, plus successors in title and their mortgagees and chargees of the owners under points (a),(b) and (d) above.

REASON: To ensure the affordable provision reflects the housing needs of the local population in accordance with the requirements of Policy CS18 of the adopted Local Plan.

25. 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 bank and 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.

26. No materials obtained from site clearance or from construction works shall be burnt on the site.

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

10.0 Notes for Information

1. The development hereby permitted is subject to The Community Infrastructure Levy (CIL). The payment is due before development commences and the parties liable to pay the charge will receive a Liability Notice shortly to explain the amount due and the process thereafter. Further details about CIL can be found on the Council's website on the following link:

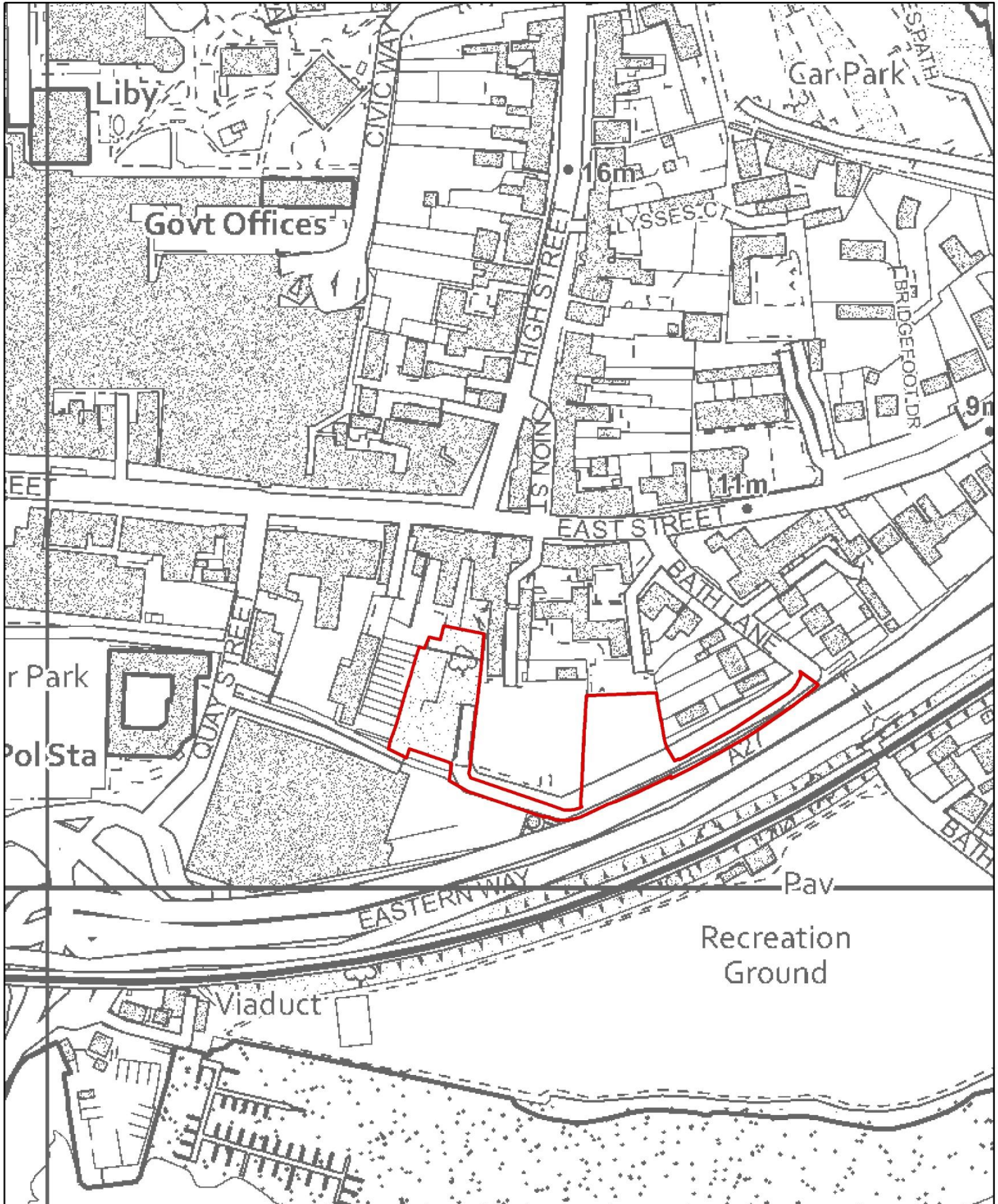
http://www.fareham.gov.uk/planning/local_plan/ciladopt.aspx

11.0 Background Papers

P/20/1359/FP

FAREHAM

BOROUGH COUNCIL



Land East and West of The Red
Lion Hotel, Bath Lane, Fareham
Scale 1:2500



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Agenda Annex

ZONE 3 – EASTERN WARDS

Portchester West

Hill Head

Stubbington

Portchester East

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/20/1080/FP PORTCHESTER WEST	LAND AT WINNHAM DRIVE (REAR OF 64 AND 66 PORTCHESTER ROAD) FAREHAM PO16 8QJ ERECTION OF DETACHED 3-BED CHALET BUNGALOW & GARAGE WITH ACCESS FROM WINNHAM DRIVE	6 PERMISSION

OFFICER REPORT FOR COMMITTEE

DATE: 15/12/2021

P/21/1080/FP
MR & MRS BETTS

PORTCHESTER WEST
AGENT: K F PLANNING
CONSULTANCY

ERECTION OF DETACHED 3-BED CHALET BUNGALOW & GARAGE WITH
ACCESS FROM WINNHAM DRIVE

LAND AT WINNHAM DRIVE TO REAR OF 64 & 66 PORTCHESTER ROAD,
PORTCHESTER

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 This application relates to a site within the urban area which extends to the rear of Nos 64 & 66 Portchester Road. These properties are positioned to the north of Portchester Road just to the east of the junction with The Thicket.

2.2 The application site currently forms part of the rear garden of No.64 Portchester Road as the end of the rear garden of No.66 was purchased by a previous owner of this property many years ago and the application site therefore has an 'L' shape arrangement.

2.3 There is currently a gated vehicular and pedestrian access from the rear garden of No.64 Portchester Road which emerges on to the turning head at the end of a service road off Winnham Drive. The service road provides access to the rear of properties fronting Winnham Drive to the west and Trent Walk to the east with the rear gardens of these properties backing on to either side of the service road.

3.0 Description of Proposal

3.1 Planning permission is sought for the erection of a detached 3-bed chalet bungalow with vehicular access from Winnham Drive.

3.2 The dwelling would have a detached double garage on the frontage and in addition parking for a minimum of two vehicles.

- 3.3 A garden measuring 17m in length would extend to the west of the dwelling
- 3.4 The dwelling is a simple chalet style design with a single storey eaves height and two small pitched roof front and rear facing dormers. It would be finished in red brick and concrete roof tiles with tile hanging to the dormers.
- 3.5 The proposal complies with the Nationally Described Minimum Space Standards.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

- CS2: Housing Provision;
- CS4: Green Infrastructure, Biodiversity and Geological Conservation;
- CS5: Transport Strategy and Infrastructure;
- CS6: The Development Strategy;
- CS11: Development in Portchester, Stubbington & Hill Head & Titchfield
- CS15: Sustainable Development and Climate Change;
- CS17: High Quality Design;
- CS20: Infrastructure and Development Contributions

Adopted Development Sites and Policies

- DSP1: Sustainable Development;
- DSP2: Environmental Impact;
- DSP3: Impact on Living Conditions;
- DSP13: Nature Conservation;
- DSP15: Recreational Disturbance on the Solent Special Protection Areas

Other Documents:

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

5.0 Relevant Planning History

- 5.1 The following planning history is relevant:

- P/10/0080/FP Retention of Entrance Gates in Excess of 1 Metre Adjacent to Highway
Permission 3 February 2010
- P/96/0812/OA Erection of Five Dwellings with Garages and Car Parking

	Land Rear of 66-70 Portchester Road Refused 24 September 1996 Appeal Dismissed 21 July 1997
FBC 3345/78	Erection of Two Detached Dwellings with Garages Land to Rear of 66-68 Portchester Road Refused 25 August 1988 Appeal Dismissed
FBC 3345/72	Erection of Two Detached Dwellings (Outline Application) Land to Rear of 66-68 Portchester Road Refused 4 June 1984 Appeal Dismissed
FBC 3345/69	Erection of Two Pairs of Houses Land to Rear 66-68 Portchester Road Refused 18 July 1983
FBC 3345/57	Erection of Two Pairs of Houses and Garages Land to rear of 68-70 Portchester Road Refused 11 February 1980

6.0 Representations

6.1 Twenty-one representations have been received raising the following main issues:

- Inappropriate development of garden land
- Out of character
- Disproportionally large dwelling in relation to plot
- Proximity to eastern boundary
- Access to the site is too narrow and often obstructed by vehicles and refuse bins
- Larger vehicles and emergency services would not be able to access the property
- Service road has previously been used as the access point for works to the dwelling causing obstruction
- Development of rear gardens has previously been refused due to inadequate access
- On-site parking for contractors should be required
- Loss of parking
- Detrimental to pedestrian safety

- Overlooking and loss of privacy
- Impact to adjacent trees
- Increased noise from occupants and vehicles
- Loss of light
- Loss of vegetation and wildlife
- A single dwelling will not be of much benefit
- Local services are oversubscribed

One letter of support has also been received

7.0 Consultations

EXTERNAL

Natural England

- 7.1 Fareham's appropriate assessment, dated 15 November 2021, 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.

Highways (Hampshire County Council)

- 7.2 The access is located on a turning head, which should be kept clear at all times to allow service vehicles to turn. It was noted that indiscriminate parking from existing residents occurs in this location. It is considered that a dropped kerb access in this location will aid in preventing parking in this area and thus allow service vehicles more room to manoeuvre. However due to the location of the access, there are concerns regarding the construction period, specifically in relation to deliveries and contractor parking. A Construction Management Plan should therefore be produced and approved by the local planning authority and highway authority. This can be secured through a suitably worded condition.
- 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 Residential Car and Cycle Parking Standards Supplementary Planning Document (SPD) as adopted in November 2009. The parking on site is in line with the published standards, however the internal dimensions of the double garage should be a minimum of 6.0m by 6.0m to be counted towards parking.
- 7.4 After reviewing the proposals, the Highway Authority is satisfied that there is no direct or indirect impact upon the operation or safety of the local highway network and would therefore raise no objection.

INTERNAL

Principal Tree Officer

- 7.5 If adequate precautions to protect the retained trees are specified and implemented in accordance with the arboricultural method statement included within the tree report (Barrell Tree Consultancy, Oct 2019), the development proposals will have no significant adverse impact on the contribution of the trees to the public amenity or the character of the wider setting.

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) Principle of Development;
- b) Planning History;
- c) Impact on Character & Appearance of the Area;
- d) Impact on Living Conditions of Neighbouring Residential Properties;
- e) Highways;
- f) Trees & Ecology;
- g) Impact on Protected Sites

- a) Principle of Development

- 8.2 Policies CS2 (Housing Provision) and CS6 (The Development Strategy) of the adopted Fareham Borough Core Strategy place priority on reusing previously developed land within the defined urban settlement boundaries to provide housing. The National Planning Policy Framework (NPPF) excludes private residential gardens from the definition of previously developed land but sets out there should be a strong presumption in favour of sustainable development. It is recognised that garden sites can assist in meeting housing needs provided that the proposed development is acceptable in all other respects.
- 8.3 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 17th February 2021. The report concluded that this Council has 4.2 years of housing supply against the 5YHLS requirement. Officers accept that the Council cannot currently demonstrate a 5-year supply of deliverable housing sites.

8.4 The site is located within the defined settlement boundary such that the principle of re-development of the land is acceptable subject to all other material considerations.

b) Planning History

8.5 There have been a number of planning applications considered for the erection of additional dwellings within the rear garden of Nos 66-70 Portchester Road over the last few decades. The most recent application was in 1996 for outline planning permission for the erection of five dwellings. The dwellings were to be arranged fronting the turning head of the service road with a parking forecourt in between. This application was refused for a number of reasons as follows;

- i) *The use of the proposed access would be likely to cause undue interference with the safety and convenience of the users of the adjoining highway;*
- ii) *The proposed layout does not provide adequate rear garden lengths in accordance with the Council's adopted privacy standards;*
- iii) *It would result in development out of character with the surrounding area*

8.6 The application was subject to an appeal and the Inspector was of the view that the service road was an unappealing environment as the principal approach to a new dwelling. A previous Inspector has asserted the view that this was largely a matter for the developer and future occupant to consider, a view with which Officers would concur. The Inspector was also concerned that the quality of the setting of the dwellings overlooking the service area would detract from the character of the area. It was considered that the garden lengths of 10m would not provide adequate amenity space and would result in overlooking of the properties to the rear. The Inspector considered that the proposal would result in unacceptable conflict between vehicles and pedestrian on the access road, as had been the case with the two preceding appeals.

8.7 The current proposal differs to the previous application in that the single dwelling would be sited within a more enclosed plot having less of a relationship to the service road. Existing boundary hedging along the boundary with the service road would be retained which would provide intervening screening. It is not considered that the proposed dwelling would have an unacceptable outlook from the front elevation and the dwelling would not be prominent in views down the service road so as to detract from the character or appearance of the area. The property would have an amenity space of ample size, well exceeding the minimum length of 11m typically sought. The issue of access is discussed in more detail later in this report.

c) Impact on Character & Appearance of the Area

- 8.8 Policy CS17 (High Quality Design) of the adopted Fareham Borough Council Core Strategy requires that all development should be designed to;

‘Respond positively to and be respectful of the key characteristics of the area, including landscape, scale, form, spaciousness and use of external materials’

- 8.9 The design of the dwelling has been amended during the course of the application from a 4-bed two storey dwelling to a 3-bed chalet bungalow. This serves to reduce the height from 9.1m to 7.3m and also the scale and bulk of the dwelling and therefore its visual prominence when viewed from adjacent land. Officers are satisfied that the design of the dwelling is appropriate its siting and that the proposed dwelling would also not be overly intrusive when viewed from neighbouring properties on Portchester Road viewed within the foreground of development on Winnham Drive.
- 8.10 Due to the size of the existing plot to No.64 Portchester Road it is considered that the proposed sub-division would have no unacceptable impact to the character of the area. Whilst the proposed dwelling would be located on garden land it would be within close proximity to neighbouring properties on Winnham Drive and would therefore not appear as isolated development. The existing dwelling would retain a rear garden measuring in excess of 32m which is in keeping with neighbouring properties to the west and slightly longer than the rear garden of No.66 to the east. It is not considered that the proposal would result in a cramped or unsympathetic form of development which would be harmful to the character of the area.

d) Impact on Living Conditions of Neighbouring Residential Properties

- 8.11 The proposed dwelling would be positioned to the eastern side of the plot to the rear of No.66 Portchester Road. The distance from the rear facing windows of No.66 and the proposed dwelling would be in excess of 35m. The Councils adopted Design Guide SPD seeks to secure minimum separation distances of 22m metres between facing windows within dwellings to protect the privacy of neighbouring properties and 11m from new first floor windows to adjacent private garden areas. In this instance the first floor windows within the south (rear) elevation of the dwelling would be less than 11m from the garden boundary with No.66 Portchester Road. These windows would be conditioned to be obscure glazed and fixed shut to 1.7m above internal floor level. One window serves a bathroom and the other a bedroom. The bedroom would have an additional clear glazed window within the west elevation facing

over the garden of the proposed dwelling to ensure an acceptable living environment for future residents.

- 8.12 Concerns have been raised by the occupant of the neighbouring property to the east (No.68) that the proposal would result in loss of privacy and light. The first floor en-suite window proposed within the east elevation of the proposed dwelling would be conditioned to be obscure glazed and fixed shut to 1.7m to prevent overlooking of the rear garden of No.68 Portchester Road. An appropriate boundary screen would be secured by planning condition to ensure privacy at ground floor level. Due to the separation distance between the two properties being in excess of 35m and the size of the adjacent garden area of No.68 Portchester Road it is not considered that the proposal would have an unacceptable adverse impact in terms of loss of light or outlook.

e) Highways

- 8.13 Planning permission was granted in 2010 for retention of the existing gates providing access to No.64 Portchester Road from the service road and Winnham Drive. At that time it was understood that the gates were required to provide access/egress for a lawn mower so that it may be serviced annually. No other vehicular access was intended on a regular basis and it was advised that any such access would require a licence from the highways authority for a new highway access and crossing before that use began. It was however considered that the provision of a vehicular access in this location was, in planning terms, not considered to pose a hazard to highway safety.
- 8.14 Whilst the planning history of the site is a material planning consideration there has been a considerable period of time since the last appeal decision in 1996 and Local and National Planning Policy has changed in that period. The National Planning Policy Framework (NPPF) states that when considering development proposals, development should only be prevented or refused if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (Para 111). In light of the small scale of development no concerns are raised with regards to highway safety by the Highway Authority (HCC).
- 8.15 Officers acknowledge that the means of vehicular access to the site would not be ideal in terms of its limited width or aesthetics and that there is not a pedestrian footpath leading to the site. The concrete hardstanding alongside the service road is used for car parking and bin storage and it is understood that the refuse lorry also collects refuse from this point. There are a number of garages and pedestrian gateways into rear gardens so the area is clearly in use by pedestrians. It is Officers view that the number of vehicle movements generated by a single dwelling would not be so significant as to undermine the

existing conditions in terms of pedestrian or highway safety. Whilst the proposed dwelling would not have a dedicated pedestrian approach vehicle speeds on the service road would be low and it is not considered that a refusal on these grounds could be substantiated.

- 8.16 The Highway Authority identifies that the turning head is sometimes used for indiscriminate parking meaning it become unavailable for its intended purpose. In that respect the provision of a dropped kerb access in this location would assist in reducing some of this parking in this area thus allowing service vehicles more room to manoeuvre. It is not accepted that the proposal would result in the loss of car parking as the turning head should not be used for parking and vehicles should also not be parked overhanging the turning head or service road.
- 8.17 The proposal makes adequate provision for on-site car parking in accordance with the Council adopted Residential Car & Cycle Parking SPD. In addition to the garage, which would not be counted towards parking provision, there would be ample space to park two vehicles.
- 8.18 To encourage sustainable modes of transport cycle parking could be provided within the garage and the provision of an electric vehicle charging point would be secured by planning condition.

f) Trees & Ecology

- 8.19 There are no trees on the application site which would need to be removed to facilitate development however there are a number of trees on the boundaries with neighbouring properties which are not covered by a Tree Preservation Order. The application is supported by an Arboricultural Assessment and Method Statement which includes tree protection measures. It is not considered that the proposal would have a detrimental impact on any of the adjacent trees which can be retained and adequately protected during the construction of the dwelling. The Council's Principal Tree Officer raises no concerns.
- 8.20 The site is a well kept garden largely laid to lawn with an area of gravel adjacent to the access. As such there are no concerns in relation to the impact of development on protected species. A planning condition would be imposed to seek further details of the biodiversity enhancements to be incorporated into the development.

g) Impact on Protected Sites

- 8.21 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.

- 8.22 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.
- 8.23 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).
- 8.24 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 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 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.
- 8.25 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the PS. The key considerations for the assessment of the likely significant effects are set out below.
- 8.26 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 paid the appropriate financial contribution towards The Solent Recreational Mitigation Strategy (SRMS) and therefore the Appropriate Assessment concludes that the proposals would not have an adverse effect on the integrity of The Solent PS as a result of recreational disturbance in combination with other plans or projects.

- 8.27 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.
- 8.28 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 0.7 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.
- 8.29 The applicant has purchased 0.75 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.
- 8.30 The Council has carried out an appropriate assessment and concluded 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.

Summary

- 8.31 In summary it is not considered that the proposal would have a detrimental impact on the character or appearance of the surrounding area, the living conditions of neighbouring residential properties, or highway/pedestrian

safety. It is not considered that the proposal would have an adverse effect on the integrity of PS as appropriate mitigation has or will be secured prior to planning permission being granted. The proposal accords with the relevant local plan policies and is recommended for approval.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to the following conditions;

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

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

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

- a) Proposed Floor Plans & Elevations, Site Plan & Location Plan – drwg No. 01 Rev E
- b) Arboricultural Assessment & Method Statement (Barrell Tree Consultancy, 7 October 2019)
- c) Tree Protection Plan drwg No. 19257-BT1
- d) Nitrogen Nutrient Assessment (Aqua Callidus, 12 August 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. 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.

5. The development shall be undertaken in accordance with the Arboricultural Assessment & Method Statement (Barrell Tree Consultancy, 7 October 2019) and Tree Protection Plan (drwg No. 19257-BT1) unless otherwise first agreed with the Local Planning Authority in writing.

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

6. Prior to the commencement of development details of biodiversity enhancements to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details.

REASON: To enhance biodiversity in accordance with the Natural Environment and Rural Communities Act 2006 and the National Planning Policy Framework.

7. The dwelling, hereby approved, shall not be first occupied until the approved parking and turning areas 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.

8. No development shall take place beyond damp proof course (dpc) level until details of how and where one Electric Vehicle (EV) charging points will be provided. The development shall be carried out in accordance with the approved details with the charging point provided prior to first occupation of the dwelling.

REASON: To promote sustainable modes of transport, to reduce impacts on air quality arising from the use of motorcars and in the interests of addressing climate change.

9. Notwithstanding the provisions of Classes A and B of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no extensions shall be constructed within the curtilage of the dwelling house and no roof additions/alterations shall be carried out unless first agreed in writing with the Local Planning Authority following the submission of a planning application.

REASON: To protect the outlook and privacy of the adjacent residents;
To protect the character and appearance of the locality; To ensure the retention of adequate garden area.

10. The dwelling hereby permitted shall not be occupied until details of water efficiency measures to be installed 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 a maximum 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

11. 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;

a) 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;

b) the arrangement for deliveries associated with construction works;

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

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

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

g) 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.

12. No work relating to 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 amenities of the occupiers of nearby residential properties; in accordance Policy DSP3 of the Development Sites and Policies Plan.

Note to applicant

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 license agreement with, the Highway Authority. Full details of how to apply can be found at:

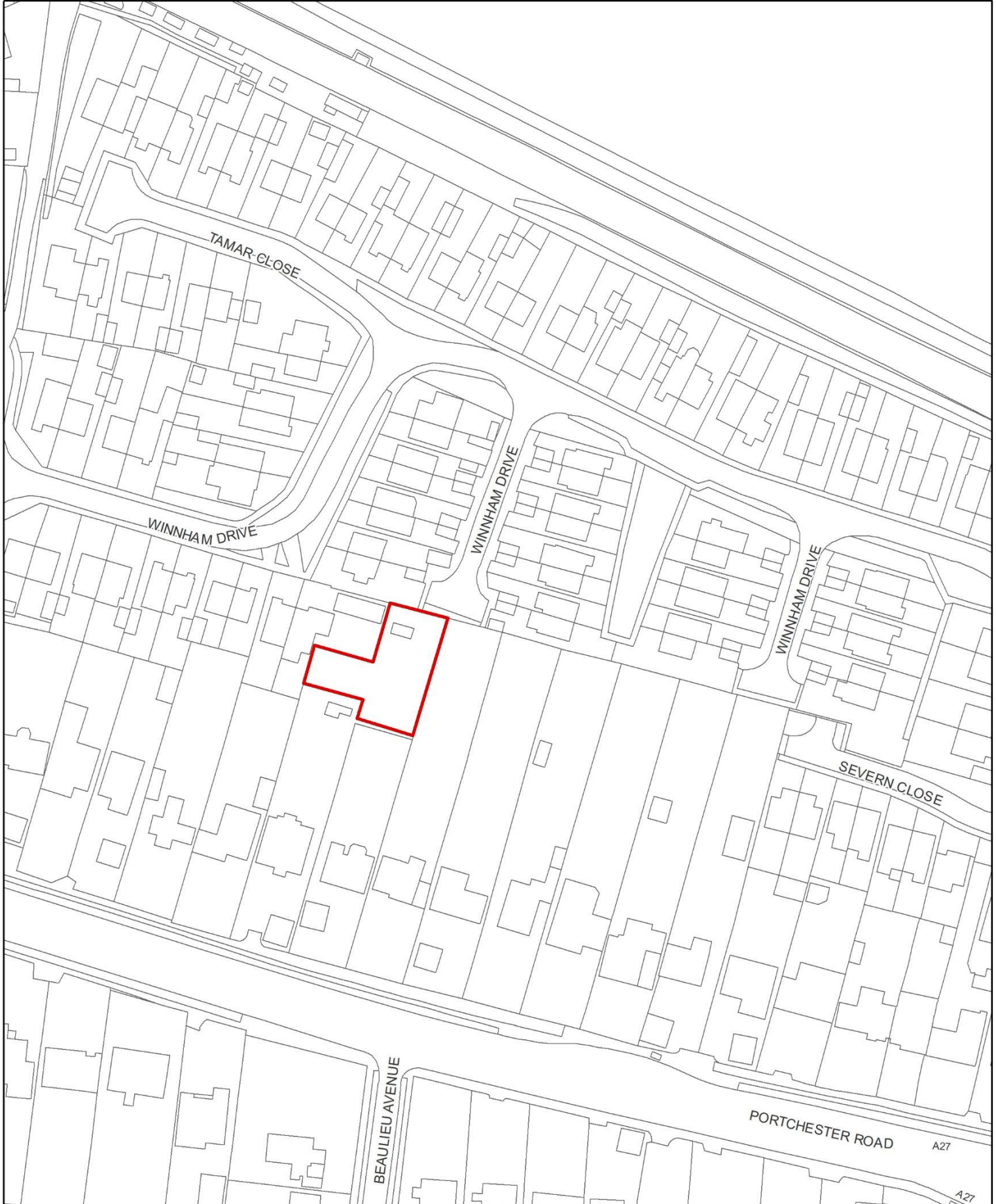
<https://www.hants.gov.uk/transport/licencesandpermits/roadopening>.

The granting of planning permission is independent of the license application, and it is strongly recommended the applicant understands the criteria to be met in order for a license to be granted.

11.0 Background Papers;
P/20/1080/FP

FAREHAM

BOROUGH COUNCIL



Land at Winnham Drive (rear of 64
& 66 Portchester Road) Fareham
Scale 1:1250



**Report to
Planning Committee**

Date 06/12/2021
Report of Director of Planning and Regeneration
Subject PLANNING APPEALS

SUMMARY

The following report provides details of all current planning appeals, in particular the procedures under which the appeal will be considered and details of any planning appeal decisions received since the previous Planning Committee meeting.

RECOMMENDATION

That the Committee note the content of the report.

CURRENT PLANNING APPEALS

The following details set out all current planning related appeals and the procedures under which they will be dealt with

WRITTEN REPRESENTATIONS & HOUSEHOLDER

Fareham Borough Council Reference: [P/18/0363/OA](#)

Appeal site address: 84 Fareham Park Road Fareham PO15 6LW

Ward: Fareham North-West

The appellant: T Ware Developments Limited

Description of proposal: Residential development of up to 28 units including the provision of 8 affordable homes, along with parking, landscaping and access road.

Council decision: REFUSE

Decision maker: Committee

Date appeal lodged: 26/08/2021

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/20/0103/FP](#)

Appeal site address: Hollam Farm 74 Bridge Street Titchfield Fareham PO14 3QL

Ward: Titchfield

The appellant: Colin Bell, Helen Bell, Adrian Bell & Rachel Kirby

Description of proposal: Demolition of Existing Buildings and the Erection of Two Dwellings and Garages & Ecological Enhancement of Hollam Farm Fields

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Date appeal lodged: 02/12/2021

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/20/0506/OA](#)

Appeal site address: Land at Eversdown Farm Quarantine Kennels 285 Botley Road BurrIDGE SO31 1ZJ

Ward: Sarisbury

The appellant: Workham European Property Ltd

Description of proposal: Demolition of agricultural buildings and erection of up to 38 dwellings with associated landscaping and access.

Council decision: REFUSE

Decision maker: Committee

Date appeal lodged: 31/08/2021

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/20/1228/VC](#)

Appeal site address: 65 Old Street Fareham PO14 3HQ

Ward: Hill Head

The appellant: Ms Lily Beveridge

Description of proposal: Removal of Condition 3 of planning permission- P/16/0301/FP for the construction of 14 stable barn with horse walker and 60 x 30 manege, new toilet /store building and gravel/tarmac hardstanding

Council decision: REFUSE
Decision maker: Committee
Date appeal lodged: 19/05/2021
Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/21/0087/FP](#)

Appeal site address: Land South of Chartwell Brownwich Lane Titchfield PO14 4NZ
Ward: Titchfield
The appellant: Miss Filkins & Mr Putman
Description of proposal: Erection of Detached 4-Bed Self Build Dwelling adjacent to Existing Dwelling
Council decision: REFUSE
Decision maker: Officer Delegated Powers
Date appeal lodged: 12/10/2021
Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/21/0796/FP](#)

Appeal site address: 240 Botley Road Burrridge SO31 1BL
Ward: Sarisbury
The appellant: Mr & Mrs Ailes
Description of proposal: Single storey rear extension and front & rear dormer extensions
Council decision: REFUSE
Decision maker: Officer Delegated Powers
Date appeal lodged: 18/11/2021
Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/21/1016/FP](#)

Appeal site address: 8 Titchfield Road Fareham Hants PO14 2JH
Ward: Stubbington
The appellant: S Diana Deary
Description of proposal: Detached garage (resubmission of P/20/1339/FP)
Council decision: REFUSE
Decision maker: Officer Delegated Powers
Date appeal lodged: 17/11/2021
Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/21/1812/DA](#)

Appeal site address: Land at 31 Rossan Avenue Warsash Southampton SO31 9JQ
Ward: Warsash
The appellant: Mr James Hitchcock
Description of proposal: Changes to ground levels in rear garden
Date appeal lodged: 05/11/2021
Reason for Appeal: Against serving of planning enforcement notice

INFORMAL HEARING

Fareham Borough Council Reference: [P/19/0419/DA](#)

Appeal site address: 137 Newgate Lane Fareham PO14 1BA

Ward: Stubbington
The appellant: Mr Patrick Cash
Description of proposal: Unlawful development of two structures
Date appeal lodged: 11/05/2020
Reason for Appeal: Against serving of planning enforcement notice
Date scheduled for Informal Hearing to start and duration: 12/10/2021 for 1 day

Fareham Borough Council Reference: [P/21/1614/DA](#)

Appeal site address: Newlands Farm Stroud Green Lane Fareham PO14 2HT
Ward: Stubbington
The appellant: Mr Ashley Barlow
Description of proposal: Landscaping business not operating in accordance with the approved plans
Date appeal lodged: 29/09/2021
Reason for Appeal: Against serving of planning enforcement notice

PUBLIC LOCAL INQUIRY

Fareham Borough Council Reference: [P/18/1073/FP](#)

Appeal site address: Land to the South of Romsey Avenue Fareham
Ward: Portchester West
The appellant: Foreman Homes Ltd
Description of proposal: Outline planning application for residential development of 225 dwellings, bird conservation area and area of public open space with all matters reserved except for access
Council decision: REFUSE
Decision maker: Committee
Date appeal lodged: 07/04/2021
Reason for Appeal: Appeal against refusal of planning permission
Date scheduled for Public Local Inquiry to start and duration: 10/08/2021 for 6 days

Fareham Borough Council Reference: [P/19/1193/OA](#)

Appeal site address: Land East of Posbrook Lane Titchfield Fareham
Ward: Titchfield
The appellant: Foreman Homes
Description of proposal: Outline planning application for the erection of up to 57 dwellings, together with associated parking, landscaping and access from Posbrook Lane
Council decision: NONE
Decision maker: Non Determined
Date appeal lodged: 29/01/2021
Reason for Appeal: No formal decision within determination period
Date scheduled for Public Local Inquiry to start and duration: 07/12/2021 for 4 days

Fareham Borough Council Reference: [P/20/0522/FP](#)

Appeal site address: Land East of Crofton Cemetery and West of Peak Lane, Stubbington Fareham
Ward: Stubbington
The appellant: Persimmon Homes Ltd
Description of proposal: Development comprising 206 dwellings, access road from Peak Lane maintaining link to Oakcroft Lane, stopping up of a section of Oakcroft Lane (from Old Peak Lane to access road), with car parking, landscaping, substation, public open space and associated

works.

Council decision: REFUSE

Decision maker: Committee

Date appeal lodged: 15/06/2021

Reason for Appeal: Appeal against refusal of planning permission

Date scheduled for Public Local Inquiry to start and duration: 19/10/2021 for 8 days

Fareham Borough Council Reference: [P/20/1166/CU](#)

Appeal site address: Land to the South of Funtley Road Fareham

Ward: Fareham North

The appellant: Reside Developments Limited and

Description of proposal: Change of use of land from equestrian/paddock to community park following demolition of existing buildings

Council decision: NONE

Decision maker: Non Determined

Date appeal lodged: 03/11/2021

Reason for Appeal: No formal decision within determination period

Fareham Borough Council Reference: [P/20/1168/OA](#)

Appeal site address: Land to the South of Funtley Road Fareham

Ward: Fareham North

The appellant: Reside Developments Limited and

Description of proposal: Outline application to provide up to 125 one, two, three and four-bedroom dwellings including 6 Self or Custom build plots, Community Building or Local Shop (Use Class E & F.2) with associated infrastructure, new community park, landscaping and access, following demolition of existing buildings.

Council decision: NONE

Date appeal lodged: 03/11/2021

Reason for Appeal: No formal decision within determination period

Date scheduled for Public Local Inquiry to start and duration: 08/02/2022 for 6 days

DECIDED PLANNING APPEALS

Fareham Borough Council Reference: [P/18/0756/OA](#)

Appeal site address: Land between and to the rear of 56-66 Greenaway Lane Warsash
Southampton SO31 9HS

Ward: Warsash

The appellant: G R Dimmick, C D Dimmick & A W Williams

Description of proposal: Outline application for up to 28 dwellings together with associated landscaping, amenity space, parking and a means of access from Greenaway Lane

Council decision: REFUSE

Decision maker: Committee

Reason for Appeal: Appeal against refusal of planning permission

Appeal decision: ALLOWED

Appeal decision date: 02/12/2021

Fareham Borough Council Reference: [P/20/0778/FP](#)

Appeal site address: THE TITHE BARN MILL LANE TITCHFIELD FAREHAM PO15 5RB

Ward: Titchfield

The appellant: TITCHFIELD FESTIVAL THEATRE

Description of proposal: Laying of a top surface to the existing tarmac surface consisting of a top layer of a thin coat of bitumen rolled with 6mm grit.

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Reason for Appeal: Appeal against refusal of planning permission

Appeal decision: DISMISSED

Appeal decision date: 01/11/2021

Fareham Borough Council Reference: [P/20/1007/FP](#)

Appeal site address: 21 Burridge Road Burridge Southampton SO31 1BY

Ward: Sarisbury

The appellant: RGOM

Description of proposal: Residential development of 4 self-build dwellings, amenity areas with access off Burridge Road (Amended Scheme to P/18/1252/FP)

Council decision: NONE

Decision maker: Non Determined

Reason for Appeal: No formal decision within determination period

Appeal decision: DISMISSED

Appeal decision date: 26/11/2021

Fareham Borough Council Reference: [P/21/0713/CU](#)

Appeal site address: 42 Pennycress Locks Heath Southampton SO31 6SY

Ward: Park Gate

The appellant: Miss Emma Harding

Description of proposal: Change of Use of Garage to Hair and Beauty salon

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Reason for Appeal: Appeal against refusal of planning permission

Appeal decision: ALLOWED

Appeal decision date: 24/11/2021

Further information about Planning Appeals

Introduction

Under the English planning system, only the applicant has a right of appeal. There is currently no right of appeal for third parties. Planning decisions can only be challenged by third parties through the Courts. The Courts can examine whether the decision was lawfully made- the Courts' role is not to consider whether they agree with the decision itself.

When are planning appeals lodged?

A very small proportion of all planning decisions made by this Council end up being considered through the planning appeal system. When planning applications are refused, Government advice is that applicants should firstly contact the Council to see if their proposal can be modified to address the Council's concerns.

The most common type of planning appeal is against the refusal of a planning application. Planning appeals can also be made against specific conditions that have been imposed on a planning permission or where a Council has not made a decision within prescribed time periods.

Who decides planning appeals?

Planning appeals are handled and decided by the Planning Inspectorate. The Planning Inspectorate is an executive agency of the Ministry of Housing, Communities and Local Government.

Nearly all appeals are decided by Planning Inspectors from the Planning Inspectorate and in each case the Inspectors are solely responsible for their decisions. A very small percentage are decided by the Secretary of State - these tend to be the very largest or most contentious schemes.

The different types of appeal procedures

There are different types of procedures for different types of planning appeals, often depending on the complexity of the issues. The Planning Inspectorate decide which type of procedure will be used for any given appeal.

There is an 'expedited procedure' for Householder appeals, with most other appeals being determined through the written representations' procedure. Larger scale and/ or more controversial planning appeals may be dealt with by way of an Informal Hearing or by a Public Local Inquiry.

With all planning appeals, the Planning Inspector will visit the site and will notify the outcome of the planning appeal by way of a written decision. A summary of the three main procedures are set out below:

Appeal by Written Representations

Under this procedure, the Planning Inspector will decide the appeal on the basis of the written material provided by all interested parties and following a visit to the appeal site.

The key aspect of this procedure is that submissions made by the Council, the applicant or interested parties, can only be made in writing for the Planning Inspector to consider.

Appeal by Informal Hearing

The hearing is an inquisitorial process led by the Planning Inspector who identifies the issues for discussion based on the evidence received and any representations made. The hearing may include a discussion at the site.

Interested parties including residents, amenity groups and councillors can normally attend and take part in the discussion. Most hearings last a day, but more complex cases may continue over several days.

Appeal by Public Local Inquiry

Public Local inquiries are the most formal procedure and are used for complex cases where legal issues may need to be considered, or evidence needs to be taken under oath.

An Inquiry is open to the public and provides for the investigation into, and formal testing of, evidence, usually through the questioning ("cross examination") of expert witnesses and other witnesses. Parties may be formally represented by advocates.

Interested parties including residents, amenity groups and councillors can normally attend and speak if they would like to do so.

The length of an inquiry depends on the complexity of the case and can range between a day and several weeks.

Further reading

You can find out more details about the planning appeal process on the [Planning Portal](#)

A [detailed procedural guide on planning appeals](#) can be viewed on the Government website.

You can look at planning appeal decisions made by the Planning Inspectorate across England [via their website](#)