

FAREHAM

BOROUGH COUNCIL

AGENDA PLANNING COMMITTEE

Date: Wednesday, 13 December 2023

Time: 2.30 pm

Venue: Collingwood Room - Civic Offices

Members:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

Councillors Miss J Burton
D G Foot
M J Ford, JP
Mrs C L A Hockley
S Ingram
P Nother
Mrs S M Walker

Deputies: Ms C Bainbridge
F Birkett
S Dugan
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 15 November 2023.

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/23/0835/VC - 29 CATISFIELD ROAD FAREHAM PO15 5LT (Pages 11 - 19)**

(2) **P/23/1141/FP - LAND AT BURSLEDON BRICKWORKS COAL PARK LANE SWANWICK SO31 7GW (Pages 20 - 46)**

(3) **Q/1554/23 - 79 GREENAWAY LANE WARSASH SO31 9HT (Pages 47 - 50)**

(4) **P/23/0944/FP - MEON BYE FARM TRIANGLE LANE FAREHAM PO14 4HB (Pages 51 - 67)**

ZONE 2 - FAREHAM

(5) **P/23/1490/TO - 27 HEATH LAWNS FAREHAM PO15 5QB (Pages 69 - 71)**

(6) **Q/1558/23 - LAND TO THE SOUTH OF FUNTLEY ROAD FAREHAM (Pages 72 - 74)**

ZONE 3 - EASTERN WARDS

(7) **P/23/0460/FP - THE CROFTON 48 CROFTON LANE FAREHAM PO14 3QF (Pages 77 - 102)**

(8) **P/23/1445/VC - 53 OLD STREET HILL HEAD FAREHAM PO14 3HQ (Pages 103 - 111)**

(9) **P/23/1386/FP - LAND TO THE REAR OF 20 THE FAIRWAY
PORTCHESTER PO16 8NS** (Pages 112 - 117)

(10) **P/22/0896/RM - LAND TO THE EAST OF DOWNEND ROAD
PORTCHESTER PO16 8TS** (Pages 118 - 131)

(11) **Planning Appeals** (Pages 132 - 138)

7. Tree Preservation Orders (Pages 139 - 147)

To consider a report by the Director of Planning and Regeneration on Tree Preservation Order No. 784 at 9 & 11 Buttercup Way, and to which an objection has been received.



A WANNELL
Chief Executive Officer
Civic Offices
www.fareham.gov.uk
05 December 2023

**For further information please contact:
Democratic Services, Civic Offices, Fareham, PO16 7AZ
Tel:01329 236100
democraticservices@fareham.gov.uk**

FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Wednesday, 15 November 2023

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

Councillors: Miss J Burton, M J Ford, JP, Mrs C L A Hockley, S Ingram, P Nother, Mrs S M Walker and S Dugan (deputising for D G Foot)

Also Present: Councillor Mrs P Hayre (Item 6(1)) and Councillor Mrs J Needham (Item 6(1))



1. APOLOGIES FOR ABSENCE

Apologies of absence were received from Councillor D G Foot and Councillor M J Ford, JP (who confirmed that he would join the meeting but would not be there for the first item).

2. MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee meeting held on 11 October 2023 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements made at this meeting.

4. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

5. DEPUTATIONS

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

Name	Spokesperson representing the persons listed	Subject	Supporting or Opposing the Application	Minute No/ Application No/Page No	Dep Type
ZONE 1 – 2.30pm					
ZONE 2 – 2.30pm					
ZONE 3 – 2.30pm					
Mr Andy Pomfrett		LAND EAST OF CROFTON CEMETERY AND WEST OF PEAK LANE STUBBINGTON – DEED OF VARIATION TO SECTION 106 UNILATERAL	Opposing	6(1) Q/0826/23 Pg 19	Written

		UNDERTAKING DATED 10 NOVEMBER 2021 REGARDING APPLICATION P/20/0522/FP, RELATING TO TEMPORARY ACCESS ARRANGEMENTS TO ENABLE OCCUPATION OF DWELLINGS IN ADVANCE OF COMPLETION OF MAIN SITE ACCESS ROAD FROM PEAK LANE			
Mr Paul Bulgari		-DITTO-	-Ditto-	-Ditto-	Written
Mr Andy Barron		-DITTO-	Supporting	-Ditto-	In Person (3 mins)
Mr Tom Stocker (Agent)		LAND AT FARADAY BUSINESS PARK DAEDALUS DRIVE LEE-ON-THE-SOLENT – SEARCH AND RESCUE TRAINING CENTRE WITH ACCESS, PARKING, LANDSCAPING AND OTHER ASSOCIATED WORKS	Supporting	6(2) P/23/1155/FP Pg 23	In Person (3 mins)

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 on new appeals and decisions.

(1) Q/0826/23 - LAND EAST OF CROFTON CEMETERY AND WEST OF PEAK LANE STUBBINGTON

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

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

At the invitation of the Chairman, Councillor Mrs P Hayre addressed the Committee on this item.

Upon being proposed and seconded the officer recommendation to authorise a deed of variation to the legal agreement to enable the provision of the temporary access arrangements in accordance with the advice of the Highway Authority into the site for residents and the occupation of no more than 30 dwellings on site until the primary access road from Peak Lane is constructed and completed, was voted on and CARRIED.

(Voting: 8 in favour; 0 against)

RESOLVED that the deed of variation to the legal agreement to enable the provision of the temporary access arrangements in accordance with the advice of the Highway Authority into the site for residents and the occupation of no more than 30 dwellings on site until the primary access road from Peak Lane is constructed and completed be APPROVED.

(2) P/23/1155/FP - LAND AT FARADAY BUSINESS PARK DAEDALUS DRIVE FAREHAM

(Councillor M J Ford, JP joined the meeting at the start of this item and was present for the whole of the item).

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

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

Amend Paragraph 9.3 to state:

DELEGATE authority to the Head of Planning to:

- (a) Make any necessary modification, deletion or addition to the proposed conditions or heads of terms for the section 106 legal agreements; and*
- (b) Make any necessary changes arising out of detailed negotiations with the applicant which may necessitate the variation, addition or deletion of the conditions and heads of terms as drafted to ensure consistency between the two sets of provisions.*

Amend Conditions 4 and 16

Following receipt of an intrusive ground survey report and further consideration by the Council's Contaminated Land Officer, the prior commencement intrusive survey is no longer required, and Conditions 4 and 16 amended to the following:

Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered. Works 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.

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

Delete Conditions 6 and 7

These conditions relate to the submission of a Written Scheme of Investigations for archaeology for the element of the application relating to Phase 1, access road and was based on the consultation response from the County Archaeologist which cover the whole site. Following further consideration of the phasing of the development, the County Archaeologist is content that the level of risk to any archaeology below the already tarmacked access road would be negligible to warrant the removal of the requirements to undertake archaeological assessments of this part of the site.

The archaeological assessment Condition relating to the main application site (building etc) remains.

The Planning Officer also provided the following Verbal Update:

Since the publication of the report the no objections to the application has been received from the Lead Local Flood Authority.

Upon being proposed and seconded the officer recommendation to:

- (i) GRANT planning permission, subject to: -
 - (i) Consideration of the following:
 - i) Any comments of Hampshire County Council (Highways);
 - ii) Any comments received from Natural England in response to the Council's Appropriate Assessment;
 - iii) Any comments received from the Solent Airport Manager; and
 - iv) Any conditions, additional conditions or modification to the proposed conditions, any of the Consultees may recommend;
 - (ii) The completion of legal undertakings pursuant to Section 106 of The Town and Country Planning Act 1990, on terms to the satisfaction of the solicitor to the Council, relating to:
 - Securing the use of suitable land for off-site Biodiversity Net Gain provision;
 - Securing the use of the site at Mill Lane, Titchfield as compensatory habitat for the partial loss of the Secondary Support Area (F13A) of the Solent Waders and Brent Geese network; and
 - Securing the provision and implementation and monitoring of a Travel Plan
 - (iii) The Conditions in the report;

- (iv) The amended conditions 4 and 16 as set out in the Update Report; and
- (v) The deletion of conditions 6 and 7 of the Update Report.

Then

- (ii) DELEGATE authority to the Head of Planning to:
 - (a) Make any necessary modification, deletion or addition to the proposed conditions or heads of terms for the section 106 legal agreements; and
 - (b) Make any necessary changes arising out of detailed negotiations with the applicant which may necessitate the variation, addition or deletion of the conditions and heads of terms as drafted to ensure consistency between the two sets of provisions.

Was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that: -

- (i) PLANNING PERMISSION be granted, subject to: -
 - (i) Consideration of the following:
 - i) Any comments of Hampshire County Council (Highways);
 - ii) Any comments received from Natural England in response to the Council's Appropriate Assessment;
 - iii) Any comments received from the Solent Airport Manager; and
 - iv) Any conditions, additional conditions or modification to the proposed conditions, any of the Consultees may recommend;
 - (ii) The completion of legal undertakings pursuant to Section 106 of The Town and Country Planning Act 1990, on terms to the satisfaction of the solicitor to the Council, relating to:
 - Securing the use of suitable land for off-site Biodiversity Net Gain provision;
 - Securing the use of the site at Mill Lane, Titchfield as compensatory habitat for the partial loss of the Secondary Support Area (F13A) of the Solent Waders and Brent Geese network; and
 - Securing the provision and implementation and monitoring of a Travel Plan
 - (iii) The Conditions in the report;
 - (iv) The amended conditions 4 and 16 as set out in the Update Report; and

- (v) The deletion of conditions 6 and 7 of the Update Report.

Then

- (ii) AUTHORITY BE DELEGATED to the Head of Planning to:
 - (a) Make any necessary modification, deletion or addition to the proposed conditions or heads of terms for the section 106 legal agreements; and
 - (b) Make any necessary changes arising out of detailed negotiations with the applicant which may necessitate the variation, addition or deletion of the conditions and heads of terms as drafted to ensure consistency between the two sets of provisions.

(3) Planning Appeals

The Committee noted the information in the report.

(4) UPDATE REPORT

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

(The meeting started at 2.30 pm
and ended at 3.37 pm).

..... Chairman

..... Date

Agenda Item 6



Report to Planning Committee

Date:

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 Collingwood Room, Civic Offices, Civic Way, Fareham, PO16 7AZ. All items will be heard from 2.30pm. 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) and Zone 3 (Stubbington, Hill Head, Portchester East and Portchester West wards) will start no earlier than 4pm.

<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/23/0835/VC TITCHFIELD	29 CATISFIELD ROAD FAREHAM PO15 5LT REMOVE CONDITION 3 (PERSONAL PERMISSION) OF P/17/0290/VC: TO ALLOW USE OF THE PROPERTY FOR SWIMMING LESSONS AT 29 CATISFIELD ROAD, FAREHAM, PO15 5LT	1 PERMISSION
P/23/1141/FP SARISBURY	LAND AT BURSLEDON BRICKWORKS COAL PARK LANE SWANWICK SOUTHAMPTON SO31 7GW CONSTRUCTION OF 12 - TWO AND THREE BEDROOM DWELLINGS WITH CAR PARKING ALONG WITH USE OF EXISTING ACCESS ONTO SWANWICK LANE. ENABLING DEVELOPMENT TO SECURE FUNDING FOR THE RESTORATION OF DRYING SHEDS 1 & 2 WITHIN BURSLEDON BRICKWORKS	2 PERMISSION
Q/1554/23 WARSASH	79 GREENAWAY LANE WARSASH SOUTHAMPTON SO31 9HT DEED OF VARIATION TO A UNILATERAL UNDERTAKING PURSUANT TO SECTION 106 OF THE TOWN & COUNTRY PLANNING ACT	3 APPROVE

1990 DATED 20TH JANUARY 2021 RELATING
TO APPLICATION P/18/0107/OA

P/23/0944/FP	MEON BYE FARM TRIANGLE LANE FAREHAM	4
TITCHFIELD	PO14 4HB	PERMISSION
	LAND RE-PROFILING WORKS AND ASSOCIATED LANDSCAPING TO DELIVER DRAINAGE IMPROVEMENTS	

OFFICER REPORT FOR COMMITTEE

DATE: 13 December 2023

P/23/0835/VC
MR DANTE NWODO

TITCHFIELD

REMOVE CONDITION 3 (PERSONAL PERMISSION) OF P/17/0290/VC: TO ALLOW USE OF THE PROPERTY FOR SWIMMING LESSONS AT 29 CATISFIELD ROAD, FAREHAM, PO15 5LT

29 CATISFIELD ROAD, FAREHAM

Report By

Kim Hayler – 01329 824688

1.0 *Introduction*

1.1 This application is reported to the Planning Committee for determination due to the number of representations which have been received.

2.0 *Site Description*

2.1 This application relates to a residential property located on the southern side of Catisfield Road on its corner with Cherrygarth Road, Fareham.

2.2 The property is a large detached dwelling within which is an indoor swimming pool located in the rear part of the house. The swimming pool, and associated changing facilities, can be accessed independently from the rest of the house via a separate door in the front elevation.

2.3 To the front of the dwelling is a hard surfaced driveway. A high brick boundary wall encloses the frontage of the property with vehicular access provided onto Catisfield Road.

3.0 *Description of Proposal*

3.1 Planning permission was granted in 2016 for the mixed use of the property as a dwellinghouse and the continued use of the indoor swimming pool and associated areas for swimming lessons (a 'sui generis' use) reference P/15/1231/CU.

3.2 A planning condition was imposed on the permission stating the use shall be carried on by then applicant, Miss Lucy Evans and for a limited period of one year.

3.3 In 2017, under planning reference P/17/0290/VC an application was submitted seeking to remove the limitation on the period of the permission, in order to make it a permanent permission, but still personal to Miss Evans.

3.4 Condition 3 of that planning permission reads:

The swimming lesson element of the mixed use hereby permitted shall be carried on only by the applicant Miss Lucy Evans.

REASON: In the interests of highway safety.

3.5 This current application seeks relief from condition 3 (personal permission) and to allow the continued use of the property for swimming lessons whilst also including the residential use of the property by the applicant, Mr Nwodo and his family. No personal condition is now proposed.

3.6 The applicant/property owner rents the pool out for swimming lessons during the following times (term times only):

Monday 0930 – 1030

Thursday 1600 – 1800

Friday 0900 – 1100
1545 – 1900

Saturday 0745 – 1300

3.7 There are a maximum of three children in each class. They arrive, ready changed for swimming five minutes before the elected class. The children in the class beforehand are changed and ready to leave within ten minutes of the class ending. On some occasions there may not be a 15 minute gap; this is when siblings swim in consecutive classes.

3.8 Consistent with the previous two permissions this proposal does not allow customers of the swim school to park on the site. The proposal requires customers to park off site on the highway. The application includes an on street parking plan as part of the submission which details where customers are requested to park when visiting the site.

4.0 Policies

4.1 The following policies apply to this application:

Adopted Fareham Local Plan 2037

TIN2: Highway Safety and Road Network

D2: Ensuring Good Environmental Conditions

Other Documents:

National Planning Policy Framework (NPPF) 2023

Residential Car Parking Standards 2009

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/15/1231/CU Change of use from single dwellinghouse (use class C3) to a mixed use comprising continued residential use and continued use of indoor swimming pool & associated areas of the building to provide swimming lessons (Sui Generis)

APPROVE 12 February 2016

P/17/0290/VC Variation of Condition 2 of planning permission reference P/15/1231/CU to allow use of the property for swimming lessons by Miss Lucy Evans with no limited period of consent

APPROVE 27 April 2017

6.0 Representations

6.1 Fourteen representations from 11 households, including the Catisfield Village Association have been received raising the following concerns:

- Dangerous indiscriminate parking;
- More than three cars are parked during swimming lessons so how will the claimed three car maximum be enforced?
- The parking map has not been followed for years;
- Why cannot users of the pool park within the property?
- A great asset to the community but needs to be managed better;
- Loading and unloading of children obstructs the pavement;
- Greater traffic volumes and average speeds along the road increase the danger to pedestrians and other road users;
- Who will enforce the parking plan?
- The business is operating as a franchise rather than by an individual;
- The timetable does not reflect the online website.

6.2 The parking plan and timetable were amended and readvertised. Six comments were received as a result of further publicity raising the following points:

- The planning permission should continue to be specific to one person in order for neighbours to have one point of contact and opens the possibility for more unscheduled classes;

- The revised parking plan is disappointing and worse than before and does not clearly show no further parking in Cherrygarth Road beyond the four parking spaces shown;
- Cars parked on the roads make it difficult for people walking, crossing the road, cycling and result in poor visibility;
- No objection to the use of the swimming pool, but often unable to access own property;
- The parking conditions on the original application were not being met; that is why there are so many objections;
- The policing of the parking is put on local residents; it should be the property owner;
- Motivation to park close is human nature; inclement weather being a factor;
- This is change of use from ad hoc swimming lessons to a commercial franchise;
- The narrowness of Larches Gardens results in parking on pavements, photographs taken support this;
- If permitted, the hours should not be increased; no more than three cars associated with the lessons to be parked in local roads and as this is a sui generis use they cannot change to another use class;
- The timetable is inconsistent and is inadequate for children travelling on foot or public transport.

7.0 Consultations

EXTERNAL

Hampshire County Council - Highways

7.1 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) Impact on the neighbouring residential properties;
- c) Highways;
- d) Other matters.

a) Principle of development

8.2 The use of the property for swimming lessons was established some years ago and has been operating for approximately seven years, albeit by different individuals. The principle of the mixed use of the property for swimming lessons and residential use is now long established and considered acceptable.

b) Impact on the neighbouring residential properties

8.3 The representations received relate only to highway matters.

8.4 When planning permission was originally granted in 2016 the pool was used for a similar number of hours, over five days. The current lessons are held over four days.

8.5 Officers are satisfied the level of use, specifically relating to comings and goings to the property over a reduced period of four days, the amount of available on street parking and the width, design and spacious nature of the roads, does not result in material harm to the environmental conditions of the occupiers of neighbouring residential properties. The proposal complies with Policy D2 of the adopted Fareham Local Plan 2037.

c) Highways

8.6 The primary issue raised by local residents relates to parking. The main issue to be considered when determining this application is the demand for parking generated by users of the swimming pool and how they park on the roads outside or in the surrounding streets and whether this is harmful to highway safety. There are a maximum of three cars per 30 minute swimming session. There should not be an overlap of cars, however if this does occur there is available on street parking.

8.7 The applicant provided with both previous applications a set of terms and conditions for all customers and a parking map showing areas, off site, that were considered suitable for on street parking. A planning condition was imposed stating the swimming lesson use was to be carried out in accordance with the approved parking plan and map and user terms and conditions.

8.8 The swimming lesson use has carried on for some time without any known issues. More recently the swimming lessons have been carried out by a swim school franchise, overseen by the applicant Mr Nwodo, the property owner, hence the application for relief of the condition personal to Miss Evans. Although the swimming lessons are currently run by a franchise, the level of use is controlled by the planning application; 14 hours a week in this case. New terms and conditions have been submitted as part of this application. These terms and conditions are given to the pool users, together with a parking plan suggesting appropriate places to park within the street, in a similar fashion to previous permissions.

- 8.9 The current timetable is for 14 hours of swimming lessons over a period of four days a week, during term time only, which is a slight reduction on that previously approved. A 15 minute gap has been factored in between lessons to prevent an overlap for parking.
- 8.10 It is accepted that the parking plan is dependent on the spaces shown for parking being available on the street. This approach to parking off site has previously been found as acceptable by the Planning Authority. It is considered that, commensurate with the scale of swim school operations, that three cars parked on Catisfield Road or the neighbouring roads is not considered to be a detriment to the operation and safety of the local highway network. Furthermore, the Highway Authority has reviewed the situation through the application consultation and raise no objection.
- 8.10 During the consideration of the application Officers have had the opportunity to monitor the parking situation during September. At the beginning of the new term there were occasions, particularly on a Saturday morning, where parking was not in accordance with the parking plan. However, once the users of the pool were familiar with the on street parking arrangements and timetable there were no material issues. Notwithstanding these occasions, there remains safe, adequate, on street parking provision beyond the extent of the parking plan that could be freely used by the driving public in any event.
- 8.11 The property has a large forecourt parking area. This area is used by the residents of the property and the staff associated with the swimming school use. Customers of the swim school are not permitted to park on site. When planning permission was first approved for the swimming pool use, the applicant, at that time, was advised by the Highway Authority that the property access to Catisfield Road was considered to have inadequate visibility splays making unsafe any material increase in vehicle exit manoeuvres at the scale anticipated from the swim school hence the resultant on street parking plan was secured. Officers have re-consulted with the Highway Authority (HA) as part of this application. The HA consider there appears to be space on site to allow for the parking of four vehicles. However, the resident and teacher vehicles have to be factored in for these spaces, together with space for vehicle manoeuvring on site in order to egress back onto the highway in a forward gear. As such, it continues to be the case that customers of the swim school will park off site on the highway.
- 8.12 Given the trip generation associated with the proposals, the Highway Authority do not consider the proposal to be to the detriment of highway operations and safety in the event of the on-street parking. Hampshire County Council, Highways have raised no objection. The proposal therefore complies with Policy TIN2 of the Fareham Local Plan.
- d) Other Matters:
- 8.13 A number of representations have stated that if planning permission is to be granted it should be limited to one person through a personal permission again. Government Guidance on the use of planning conditions states that personal

permissions can be used in exceptional circumstances where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission. In this case, planning permission has been granted previously on two occasions; one under a temporary permission and then under a full permission. A swim school has been operating from the property for some eight years. The principle of the swimming pool lessons at the property for this level and scale of use has therefore been established irrelevant of who the operator is. As a result it is not considered reasonable, relevant or necessary to impose a personal permission this time around. Other conditions are adequate in controlling the scale and extent of the swim school operations.

9.0 Summary

9.1 Notwithstanding the objections received the proposal is considered acceptable in environmental and highway terms and complies with both Policies D2 and TIN2 of the Fareham Local Plan 2037.

10.0 Recommendation

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

1. The development shall be carried out in accordance with the following approved documents:
 - a) Location plan - scale 1:1250
 - b) Parking Map
 - c) Terms & Conditions
 - d) Timetable

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

2. The use hereby permitted shall be carried on in accordance with the approved swimming timetable, parking map and customer Terms & Conditions only unless otherwise agreed in writing by the local planning authority.

REASON: In the interests of highway safety and the amenity of the area.

3. The application site shall only be used for swimming lessons, with a maximum of three students per class, during the following times (and during term times only):

- Monday 0930 – 1030
- Thursday 1600 – 1800
- Friday 0900 – 1100
 1545 – 1900
- Saturday 0745 – 1300

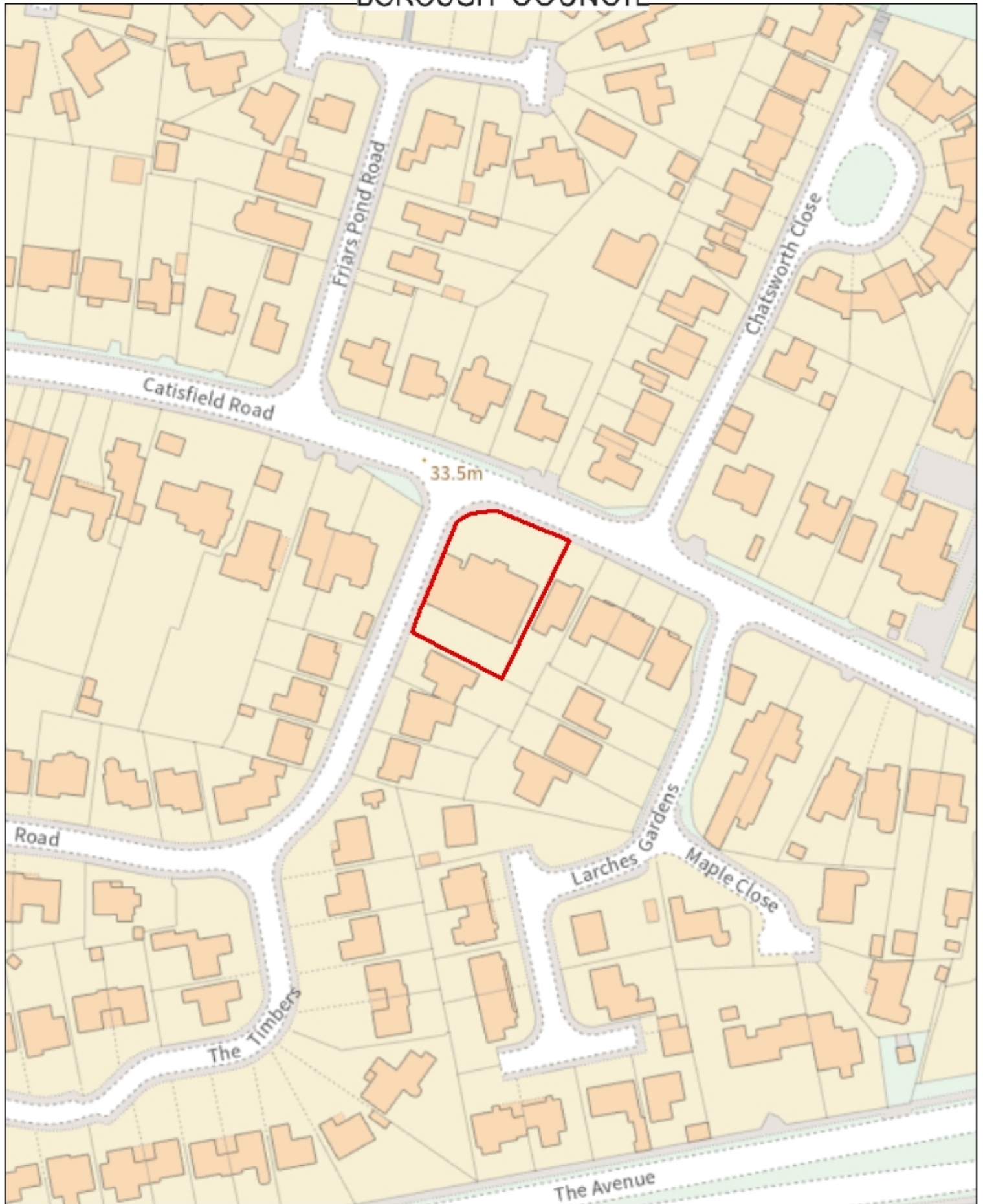
REASON: In the interests of highway safety and the amenity of the area.

11.0 Background Papers

- 11.1 Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

FAREHAM

BOROUGH COUNCIL



29 Catisfield Road
Fareham

Scale 1:1,250



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Agenda Item 6(2)

OFFICER REPORT FOR COMMITTEE

DATE: 13 December 2023

P/23/1141/FP
IMPERIAL HOMES SOUTHERN
COUNTIES

SARISBURY WARD
AGENT: VIVID DESIGN STUDIO LTD

CONSTRUCTION OF 12 – TWO AND THREE BEDROOM DWELLINGS WITH CAR PARKING ALONG WITH USE OF EXISTING ACCESS ONTO SWANWICK LANE. ENABLING DEVELOPMENT TO SECURE FUNDING FOR THE RESTORATION OF DRYING SHEDS 1 & 2 WITHIN BURSLEDON BRICKWORKS

LAND AT BURSLEDON BRICKWORKS, COAL PARK LANE, SWANWICK, SOUTHAMPTON, S031 7GW

Report By

Peter Kneen – direct dial 01329 824363

1.0 Introduction

1.1 The application is presented to the planning committee due to the number of third party letters received during the course of the planning application.

2.0 Site Description

2.1 The Bursledon Brickworks Industrial Museum site lies within Swanwick and is situated between the main Fareham to Eastleigh railway line (southern boundary) and the M27 motorway (northern boundary). The Museum site currently benefits from two access points, from Coal Park Lane (to the west) and Swanwick Lane (to the east). The main museum buildings, including the drying sheds are located to the western side of the site with the eastern side of the site comprising car parking and open storage areas. The proposed development would be located on part of the eastern open storage area which is considered surplus to requirements.

2.2 The site is situated to the north of Swanwick Lane and is accessed via the main gated entrance to the Brickworks site. The site comprises the unmade gravelled and hardcore access road into the Museum car park, and further areas of hardcore to the west of this track which has been used for car parking and outdoor storage over the years.

2.3 To the east of the access road is an area of woodland leading to the embankment down to the M27 motorway. To the west of the site bounding the car parking area is a further wooded area which leads to a further embankment down to the railway line. Beyond the railway line lies the main urban settlement area of Swanwick, fronting Swanwick Lane.

3.0 Description of Proposal

- 3.1 The development proposal seeks to construct three rows of terraced properties laid out in a 'T' shape comprising 11 of the properties. A further single coach house style property would be created to the rear of these, with the overall appearance of the development likened to a row of Victorian styled workers' cottages.
- 3.2 The housing development will see the construction of 4 x 2-bedroom and 8 x 3-bedroom dwellings, with car parking and private gardens. Each property would also benefit from appropriate space for bin storage and secure cycle storage.
- 3.3 The main gated entrance from Swanwick Lane will be retained, although the gates will be permanently opened. A new set of security gates will be constructed to the northern end of the development to separate the housing development from the wider Museum site.
- 3.4 The proposed development is proposed as 'enabling development' as the funds generated from the sale of the land for housing will be used to fund the restoration of two drying sheds located within the Bursledon Brickworks Industrial Museum. The two drying sheds have recently been added to Historic England's Heritage at Risk register, and their restoration would see them made wind and water tight.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Local Plan 2037

DS1	Development in the Countryside
DS3	Landscape
H1	Housing Provision
HP1	New Residential Development
NE1	Protection of Nature Conservation, Biodiversity and the Local Ecological Network
NE2	Biodiversity Net Gain
NE3	Recreational Disturbance on the Solent Special Protection Areas (SPAs)
NE4	Water Quality Effects on the Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar Sites of The Solent
NE6	Trees, Woodland and Hedgerows
TIN1	Sustainable Transport
TIN2	Highway Safety and Road Network

D1	High Quality Design and Place Making
D2	Ensuring Good Environmental Conditions
D5	Internal Space Standards
HE1	Historic Environment and Heritage Assets
HE3	Listed Buildings and Structures and/or their Settings
HE6	Heritage at Risk

Other Documents:

National Planning Policy Framework (NPPF) 2023
 Historic England – Enabling Development and Heritage Assets Good Practice Advice (2020)
 Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015
 Residential Car Parking Standards 2009

5.0 Relevant Planning History

5.1 There is no recent relevant planning history directly relating to this application site. However, the following planning history is of relevance, and relates to the Drying Sheds 1 and 2:

P/22/0664/FP	Conservation and alteration works to sheds 1 & 2 to create office space
APPROVED	19 August 2022
P/22/0665/LB	Conservation and alteration works to sheds 1 & 2 to create office space
GRANTED	19 August 2022

6.0 Representations

6.1 Six representations have been received regarding the planning application, including from The Fareham Society and the Burrigge and Swanwick Residents Association. Two of the letters support the proposals, including The Fareham Society who recognise the benefits of supporting the restoration of the Drying Sheds, and the simple design approach employed. Four letters of objection however raise the following concerns:

- Noise impacts from M27 motorway
- Highway safety concerns with Swanwick Lane
- Negative impacts on nearby listed buildings
- Restoration of sheds should not mean deviations from local plan policies
- Set a precedent for further development along Swanwick Lane
- Out of character with the museum

- Insufficient car parking for museum and future residents
- Lack of infrastructure
- Would limit future expansion of museum

7.0 Consultations

EXTERNAL

Archaeology – Hampshire County Council

7.1 No objection

Lead Local Flood Authority – Hampshire County Council

7.2 No objection, subject to conditions

Highway Authority – Hampshire County Council

7.3 No objection, subject to conditions

Ecology – Hampshire County Council

7.4 Final comments awaited

Southern Water

7.5 No objection – formal consent required for a connection to the public foul sewer to be made.

Historic England

7.6 Supports application on heritage grounds. The development would be well screened from the Museum, and the simple design and brick facades would be in keeping with the character of workers' cottages set within the demise of the brickworks.

Natural England

7.7 Comments awaited on the Council's Appropriate Assessment

INTERNAL

Conservation Planner – Fareham Borough Council

7.8 No objection - Subject to detailed consideration of the finished appearance of the building materials, the development would be acceptable on Historic Environment grounds, and would secure the future of a heritage asset considered to be of national importance.

Environmental Health (Noise and Pollution) – Fareham Borough Council

7.9 The application was supported by a detailed Noise Impact Assessment. Appropriate whole house ventilation system would be needed to address

overheating. No objection, subject to full compliance with the submitted Noise Report to ensure that noise levels do not affect the future occupants of the development.

Environmental Health (Contaminated Land) – Fareham Borough Council

7.10 No objection, subject to appropriate de-contamination conditions.

Fareham Housing

7.11 Independent Financial Viability Assessment undertaken, confirming that no affordable housing can be provided with the development proposal. No objections raised based on conclusion of the Council's Viability Assessment.

Tree Officer – Fareham Borough Council

7.12 No objection, subject to conditions regarding compliance with submitted Tree Reports.

Refuse and Recycling – Fareham Borough Council

7.13 No objection based on submitted tracking drawings. Comment on possible indemnity regarding use of unadopted road.

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 as enabling development;
- b) Impact on Heritage Assets
- c) Design and appearance;
- d) Impact on living conditions;
- e) Ecology and Biodiversity Net Gain;
- f) Impact on Habitat Sites;
- g) Highways and Parking;
- h) Other matters;
- i) The Planning Balance

a) Principle of Development

8.2 The development site is located within the designated countryside area, and is situated within the Lower Hamble Valley Area of Special Landscape Quality. The designated urban settlement boundary of Lower Swanwick is situated less than 50 metres away from to the site, on the western side of the railway line.

8.3 The residential development of the site would be contrary to Policies DS1, DS3 and HP1 of the adopted Fareham Local Plan 2037 as it does not accord with the overarching objectives of protecting the countryside. Furthermore, the proposal does not accord with the small-scale development in the countryside Policy HP2, where developments of up to 4 houses in the countryside can be permitted.

8.4 However, Policy HE6 (Heritage at Risk) of the Local Plan makes provision for appropriate development to depart from the principal policies governing the location of development where the harm of that development would be outweighed by the benefits of conservation of designated heritage assets. Policy HE6 accords with the objectives of Paragraph 208 of the NPPF which states:

'Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.'

8.5 Historic England has provided Good Practice Advice (GPA4) entitled Enabling Development and Heritage Assets (2020) which provides further advice to Local Planning Authorities, developers and other interested parties set against the background of the NPPF and related advice given in the Planning Practice Guidance (PPG). Essentially, in order to determine whether or not a development proposal is 'enabling development' relates to the conservation deficit (i.e. the amount by which the cost of repair (and conservation to optimum viable use if appropriate) of a heritage asset exceeds its market value on completion of repairs and conservation, allowing for all appropriate development costs).

8.6 Harm caused by an enabling development to a heritage asset is likely to be permanent and irreversible, and therefore enabling development should be considered a last resort. A comprehensive scheme which demonstrates that the restoration can be fully funded, repaired and maintained for the future is required to demonstrate that the enabling development is sufficient to undertake the necessary works.

8.7 The GPA4 also sets out seven necessary steps in order to assess the justification for enabling development and to ensure accordance with Paragraph 208 of the NPPF. These consist of:

1. Condition Survey
2. Assessment of Alternative Options
3. Assessment of Cost of repairs

4. Assessment of the market value of the heritage asset in current and repaired condition
 5. Detailed scheme design for the preferred option
 6. Development appraisal of required financial contribution
 7. Delivery plan for restoration works.
- 8.8 Further consideration of these points is set out in this Report. The two drying sheds (Drying Sheds 1 & 2) at the Bursledon Brickworks are of national importance due to the relationship and working understanding of the Brickworks site. It is the only remaining Victorian steam-driven brickworks left in the UK, built in the late 19th Century. Bursledon Brickworks buildings, including the derelict drying sheds are all Grade II* listed and are considered nationally important historic industrial buildings, comprising a Staffordshire brick-making kiln, brick processing sheds and other ancillary specialised enclosures and engine and machine houses.
- 8.9 The only surviving elements of the Drying Sheds are the unsupported brick walls, and substantial weather damage over the years requires significant repair and restoration works to the flooring and walls, before a new roof can be constructed over them to make sure they become weather tight and as such preserved for future generations. Planning and Listed Building permissions were granted in 2022 for the restoration works to the Drying Sheds, and for their conversion to flexible office accommodation to be let out to provide both a small fund to the museum directly and remaining funds used for the future repairs and maintenance of the rest of the building. That application provided a detailed conditions assessment of the condition of the drying sheds, and information regarding an assessment of alternative options which could be employed to secure the future of the buildings.
- 8.10 The Drying Sheds were added to the Historic England's Heritage at Risk Register in 2023 due to continuing degradation of the walls. As such, the need for works to restore them has become more urgent. The Brickworks Museum Trust has successfully obtained National Lottery Heritage Funding to contribute towards the conversion of the sheds to employment generating units for future long-term maintenance of the Museum site, but this is subject to conditions that the main restoration works are undertaken, and the Trust was required to fund this themselves. The Museum Trust has sought for many years funding for the restoration of the Drying Sheds. However, none came to fruition and therefore the only means of achieving the goal of restoring the Drying Sheds would be through the release of part of the underutilised areas of the site for an appropriate enabling development which is required to secure the additional funding needed.

- 8.11 As required in the Historic England GPA4, which requires a comprehensive scheme is evidenced, the applicant Imperial Homes has entered into a Joint Contracts Tribunal (JCT) contract with the Bursledon Brickworks Museum Trust setting out the scale and scope of works to be undertaken to the Drying Sheds to ensure that all parties within the construction process are aware of their responsibilities. The contract also sets out the scale and nature of the proposed works and confirms the projected costing for undertaking the works and a timeframe for their implementation.
- 8.12 The proposed housing development would be situated on an area of the brickworks site furthest from the Listed structures, in an area of largely overgrown car parking that has not been used for car parking purposes to a significant degree for a number of years. The area is subsequently used as external storage by the Museum and has become predominantly overgrown with vegetation. The area has been deemed surplus to requirements by the Museum and as such, its sale for enabling development has been argued by the Applicant to be a better use of the site and would contribute towards the restoration of the Drying Sheds.
- 8.13 The Council has reviewed the contract and had a Viability Assessment undertaken to establish that the extent of the costs of undertaking the enabling development is no greater than necessary to make the conservation of the heritage asset viable, in accordance with the requirements of Policy HE6 and advice from Historic England. In accordance with the contract, the money paid for the site will be provided to the Museum Trust into an escrow account to ensure the monies are only used by the Trust for the restoration works. The works for the enabling development will be secured by a section 106 legal agreement pursuant to the Town and Country Planning Act 1990 to restrict occupancy of the houses in phases until the restoration works are completed.
- 8.14 The scale and extent of the works and the impact of the development on the Brickworks site have been carefully considered by Historic England and the Council's Conservation Planner, and both have raised no objection to the scheme. Officers have considered the advice of Historic England's GPA4 and consider that the benefits of securing the future conservation of nationally significant heritage assets outweighs the disbenefits of a modest housing development on part of the site in close proximity to the urban settlement area which would otherwise be in conflict with policies DS1, DS2 and HP1 of the Local Plan. The development is considered therefore to accord with Policy HE6 of the Fareham Local Plan 2037 and paragraph 208 of the NPPF.

b) Impact on Heritage Assets

- 8.15 As set out above, the application site is located to the eastern end of the Bursledon Brickworks Museum site, as far as possible from the Grade II* listed buildings that form the main brickworks site. At its closest the rear gardens of Plots 9 – 12 would be located over 185 metres away from the southern elevation of the brickworks building. There is also a significant number of trees and other vegetation between the designated heritage assets and the development site, which would effectively screen views of the houses from the brickworks itself.
- 8.16 The application has been supported by a detailed Heritage Statement where the impact of the proposed development on the significance of the Grade II* listed buildings is considered. The Statement considers that despite the location of the development within the historic grounds of the Brickworks site, the level of separation means the development would be visually disassociated from the brickworks. Further, the design of the proposals is characteristic of existing built form in close proximity to the listed buildings (on Riverview Terrace), the Statement concludes that any harm caused to the setting would be mitigated through careful design, choice and use of materials, scale, form, and massing.
- 8.17 Consideration of the impacts has been undertaken by both Historic England and the Council's Conservation Planner, having regard to the test within Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), which seeks to ensure that, when considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The level of impact of the development on the listed buildings is also considered in the NPPF, in order to establish a level of harm, whether that be significant or substantial. Officers consider that, given the level of separation, the proposed development would result in no harm to the listed buildings themselves or their setting. The works would enable the restoration of the heritage assets for the preservation of their special architectural and historic interest for future generations.
- 8.18 Officers therefore consider that the development proposal would not impact on the nearby heritage assets or their setting and would therefore accord with Policy HE3 of the adopted Fareham Local Plan 2037.

c) Design and Appearance

- 8.19 Policy D1: High Quality Design and Place Making of the adopted Fareham Local Plan 2037 seeks to ensure that development proposals and spaces will

be of a high quality, based on the principles of urban design and sustainability to ensure the creation of well designed, beautiful and safe quality spaces.

- 8.20 The Policy continues to highlight ten key characteristics of high quality design, comprising context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and lifespan. Developments should appropriately respond to the positive elements of local character, ecology, history, culture and heritage.
- 8.21 The development proposal has been carefully laid out to ensure a simple form of development is created, that would reflect a more utilitarian approach that would have been employed in the creation of workers cottages which would be associated within close proximity to an industrial complex. The scheme is designed to reflect traditional Victorian workers cottages that would be expected to be seen in the vicinity of an industrial environment such as the Brickworks. A similar row of cottages exists to the west of the Brickworks, opposite their entrance on Coal Park Lane. The cottages at Riverview Terrace comprises a row of 11 cottages of a simple bricked appearance under a plain tiled roof, with single sliding sash windows and in some cases front porch details. The same design approach has been employed for the application.
- 8.22 The form and appearance of the proposed dwellings take these key characteristics with simple bricked elevations, under plain clay tiled roofs. Symmetrical facades and some variation to the roof forms are in keeping with the general architectural approach used elsewhere locally and as such, the overall design and appearance is sympathetic to the historic setting of the development within close proximity of the brickworks.
- 8.23 All the properties benefit from 11 metre private rear gardens, and the layby parking and angled parking along the access road is proposed to create a more informal parking arrangement. The spaces would be interspersed with ornamental trees planted along the access road, with each of the properties having 1.5m to 2m long front garden areas. The remainder of the site would maintain many of the existing boundary planting and trees, which would be further enhanced as part of the ecological enhancements for the site.
- 8.24 Therefore, it is considered by Officers that the design of the properties and the layout and appearance of the scheme is acceptable. The development accords with the principles of urban design and place making, in accordance with Policy D1 of the Fareham Local Plan 2037.

d) Impact on Living Conditions

- 8.25 Policy D2: Ensuring Good Environmental Conditions of the adopted Fareham Local Plan 2037 states that development must ensure good environmental conditions for all new and existing users of buildings and external spaces. The Policy continues to state that:

'Development proposals...will be permitted where they...do not have an unacceptable adverse impact on the environmental conditions of future occupiers and users or on adjacent/nearby occupants and users through ensuring appropriate outlook and ventilation and providing adequate daylight, sunlight and privacy; and, do not individually, or cumulatively, have an unacceptable adverse environmental impact, either on neighbouring occupiers, adjoining land, or the wider environment...'

- 8.26 In respect of ensuring the development accords with the provisions of Policy D2, it is important to have regard to the advice in the Fareham Borough Design Guidance (excluding Welborne): Supplementary Planning Document, December 2015 (Design SPD).
- 8.27 The development proposal has been assessed against the guidance in the Design SPD, and it is considered that the development proposal complies with the advice in terms of levels of separation for privacy and overlooking, and garden lengths for provision of suitable external spaces and outlook. The only minor discrepancy relates to the outlook from Plot 7 towards the side flank wall of Plot 8. The Design SPD seeks a minimum separation of 12.5 metres between rear facing windows and a two storey blank flank wall. Due to the presence of a main sewer and its easement, a separation of only 12 metres can be achieved between plots 7 and 8. Given the lowered eaves of Plot 8, the width of its rear garden (6m) and the open character of the site, it is considered that this relationship is acceptable in this particular instance.
- 8.28 In respect of existing neighbours, due to the location of the site, between the railway line and M27 motorway, the closest residential neighbours are those located opposite the site entrance on the southern side of Swanwick Lane, and those to the west of the site between the railway line and Swanwick Lane. Due to the levels of separation, it is considered that the proposals would not result in an unacceptable adverse impact on the living conditions of these occupiers.
- 8.29 In respect of future occupiers of the site, the proximity of the railway line and the M27 motorway form an important material consideration likely to impact the living conditions of future residents. The layout of the site has been carefully considered to ensure that the private amenity spaces are orientated either side on or away from the M27 motorway, which would represent the

greatest noise impact. Railway noise is intermittent and would not occur during the quieter night-time period, with the exception of an occasional freight train.

- 8.30 The application has been supported by a detailed Noise Impact Assessment, which has been carefully considered by the Council's Environmental Health Officers. Outside private amenity areas will largely accord with the World Health Organisation recommended noise levels of being below 55 dB, although there might be some moments where the noise in rear gardens of Plots 9 – 12 might exceed this, but this would be intermittent and not to an unacceptable level. Appropriate acoustic fencing to the sides of these gardens would contribute towards reducing this impact.
- 8.31 In terms of internal noise levels, with appropriate acoustic design of the houses (windows and whole house mechanical means of ventilation/cooling), an acceptable level of noise reduction would be achievable to ensure no unacceptable adverse impact from noise pollution would be caused for future occupiers. The Environmental Health Officer concurs with these recommendations and conclusions, subject to a condition ensuring compliance with the submitted Noise Assessment.
- 8.32 Officers consider that the proposal complies with the advice within the Design SPD to and would not therefore result in an unacceptable adverse impact on the environmental conditions of existing or future occupiers. The proposal is therefore considered to accord with the provisions of Policy D2 of the adopted Fareham Local Plan 2037.
- 8.33 In addition, Policy D5 requires new dwellings to adhere to the minimum standards set out within the Nationally Described Space Standards. All the proposed dwellings accord with these standards and would therefore comply with the provisions of Policy D5 of the Fareham Local Plan 2037.

e) Ecology and Biodiversity Net Gain

- 8.34 Policies NE1 and NE2 of the Fareham Local Plan have regard to the protection of biodiversity and nature conservation, and require that all new residential developments achieve a 10% net gain in biodiversity. The application has been supported by a detailed Ecological Assessment having regard to protected species on the site and the provision of Biodiversity Net Gain (BNG).
- 8.35 Dormice were recorded on the site and subject to appropriate additional planting, suitable compensatory habitat around the development can be achieved on site to ensure no harm to these protected mammals takes place either before, during or after construction. Final details have yet to be agreed

with the Council's Ecologist, and the recommendation is subject to this matter being formally addressed before any decision can be issued.

- 8.36 With regard to BNG, DEFRA 4.0 Metric calculations have been submitted with the planning application which demonstrates that the scheme can achieve, in the communal areas around the site (outside the private garden areas) a biodiversity net gain of 13%. Again, like the dormouse issue, this matter needs further clarification before the Council's Ecologist can confirm the specific details are acceptable, and the recommendation is subject to this matter being formally addressed before any decision can be issued.
- 8.37 Therefore, subject to formal agreement with the Council's Ecologist, and subject to appropriate conditions to secure the protection of the dormice and provision of BNG, Officers considered that the development would accord with the provisions of Policy NE1 and NE2 of the adopted Fareham Local Plan 2037.

f) Impact on Habitat Sites

- 8.38 Policy NE1 of the Fareham Local Plan 2037 sets out the strategic approach to Nature Conservation and Biodiversity and confirms that development will be permitted where designated sites are protected and enhanced. Policy NE3 requires that development that result in a net increase in residential units will be permitted subject to compliance with the Solent Recreation Mitigation Strategy. Policy NE4 confirms the requirement to ensure the integrity of the designated sites is maintained having regard to the effect of nutrients.
- 8.39 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10% 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.
- 8.40 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 'Habitat Sites' (HS).
- 8.41 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.

- 8.42 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the HS. The key considerations for the assessment of the likely significant effects are set out below.
- 8.43 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 in increased recreational disturbance in combination with other development in The Solent area. The application has confirmed that appropriate financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMP) will be paid prior to the issuing of planning permission. The contribution will be secured by a section 111 agreement pursuant to the Local Government Act 1972 which will be completed by the applicant.
- 8.44 Additionally, research undertaken by Footprint Ecology has identified that planned increases in housing around the New Forest designated sites will result in an increase in use of the sites and exacerbate recreational impacts. It was found that the majority of visitors to the New Forest designated sites on short visits/day trips from home originated from within a 13.8km radius of the sites, referred to as the 'Zone of Influence' (ZOI). The Council's Interim Mitigation Solution to address this likely significant effect was approved by the Council's Executive on 7th December 2021. The mitigation comprises a financial contribution from the developer to mitigate against this impact through improvements to open spaces within Fareham Borough and a small contribution to the New Forest National Park Authority. The applicant has confirmed that the appropriate financial contribution will be made prior to the issuing of planning permission and will be secured by the completion of a section 111 agreement pursuant to the Local Government Act 1972.
- 8.45 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 HS.
- 8.46 A nitrogen budget has been calculated in accordance with Natural England's *Nutrient Neutrality Generic Methodology* (Feb 2022) (the 'NE' advice) and

updated calculator (April 2022) which confirms that the development will generate 11.47kg 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 a mixture of open urban land and woodland. Due to the uncertainty of the effect of the nitrogen from the development on the HS, adopting a precautionary approach, and having regard to the 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.

- 8.47 The applicant has agreed to purchase 11.47kg TN/year of nitrate mitigation 'credits' from the scheme at Warnford Park, within the South Downs National Park, which will see the farmland taken out of intensive agricultural use and would be managed and maintained over the lifetime of the development. A contract to purchase the credits is in the process of being completed and will need to be provided before the issuing of planning permission. Through the operation of a legal agreement between the landowners at Warnford Park (Andrew Sellick), Fareham Borough Council and the South Downs National Park Authority in April 2021, the purchase of the credits will result in a corresponding reduction in nitrogen entering The Solent marine environment.
- 8.48 The purchase of the nitrate mitigation credits has the effect of ensuring a piece of land at Warnford Park is retained and managed in a way which ensures a reduction in nitrates entering that land of 11.47kg TN/year for the lifetime of the development for which planning permission is being sought. This will ensure that the scheme can demonstrate nitrate neutrality.
- 8.49 A condition will be imposed to ensure that details of the water efficiency measures to be installed within the dwellings to ensure that water consumption would not exceed 110 litres per person per day to reflect the assumptions of the nitrate budget calculation.
- 8.50 The third aspect is impact on air quality, where the designated sites can be adversely affected through airborne pollution from development sites generated either during construction or operation / occupation. The Council's Air Quality Habitat Regulations Assessment for the adopted Fareham Local Plan 2037 identifies that from the development proposed to be brought forward in the Local Plan there would not be a significant impact as a result of air pollution on the Habitat Sites for the life of the plan, up to 2037.
- 8.51 The Council's Appropriate Assessment concludes that the proposed mitigation and planning conditions will ensure no adverse effects on the integrity of the HS 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 their formal comments are awaited. The recommendation for the Committee is that the decision is not issued until such time that the comments from Natural England have been received and considered. Subject to receipt of those comments, Officers consider that the development accords with the Habitat Regulations and complies with Policies NE1, NE3 and NE4 of the adopted Fareham Local Plan 2037.

g) Highways and Parking

- 8.52 The access arrangements from Swanwick Lane to the site remain unchanged from the existing situation, including the retention of the existing Brickworks gated entrance, although these gates would remain permanently opened. A new security gate would be erected at the northern end of the site. Access arrangements, including suitable tracking diagrams for various vehicles such as the Council's refuse vehicle, have been provided, demonstrating there is suitable space on site for these vehicles to enter, turn and exit in a forward gear.
- 8.53 The access and turning arrangements have been considered by the Highway Authority at Hampshire County Council and no objections have been raised, subject to appropriate conditions. The Council's Refuse and Recycling Manager has also raised no objection to the proposals, and bin collection can be accommodated outside each property.
- 8.54 In terms of car parking, for 2 and 3 bedroomed properties, two allocated car parking spaces are required to accord with the Council's adopted Residential Car Parking Standards. Each property will have two car parking spaces, one immediately adjacent to their property and another in close proximity (usually opposite on the other side of the access road). This ensures compliance with the car parking standards. Two visitors' car parking spaces would also be provided for the residents.
- 8.55 The application makes no reference to the provision of Electric Vehicle (EV) charging for the properties, and therefore this is subject to a condition. Given the car parking layout, there is space immediately adjacent to each property to provide EV charging facilities for each property. Each property would also benefit from secure cycle storage within each rear garden. These would be secured by condition.
- 8.56 The development is therefore considered by Officers to accord with Policy TIN2 of the Fareham Local Plan 2037.

h) Other Matters

- 8.57 **Affordable Housing** – The application is proposing to provide no affordable housing provision and evidence of the viability of the scheme has been provided by the applicant. That evidence has been independently assessed by the Council's Viability Consultants who concurs with the evidence submitted. Having regard to Policy HE6, the nature of enabling developments requires that the extent of any such development should be no greater than necessary to make the conservation of the heritage asset viable.
- 8.58 The Viability Consultant has confirmed that, given the funding level required for the implementation of the restoration works to the drying sheds, and the scale of the development being limited to no more development than is required for those enabling works, there is no capacity within the funding arrangements to provide any on-site or off-site affordable housing. The viability assessments have been considered by the Council's Housing Development Officer and no objections to the lack of affordable housing provision on this site has been raised.
- 8.59 **Foul and Surface Water Drainage** – The application has been supported by a detailed Surface Water Drainage Design and SuDs Management and Maintenance Plan, together with details of Ground Soakage levels. Those details have been carefully considered by the Lead Local Flood Authority at Hampshire County Council who have raised no objections to the proposed drainage strategy, subject to appropriate conditions.
- 8.60 **Area of Special Landscape Quality** – The site lies within the eastern edge of the Lower Hamble Valley Area of Special Landscape Quality (ASLQ) (Policy DS3). Policy DS3 highlights that any development would therefore need to ensure that the landscape features would be protected and enhanced. The majority of the vegetation around the perimeter of the site would be retained and enhanced, and whilst views of the development would be visible from the site entrance along Swanwick Lane, a comprehensive landscaping scheme would be subject to condition to ensure the landscape setting would be preserved. The location of the site, on the edge of the ASLQ would not result in the intrinsic landscape character, quality or any important features being irreversibly harmed or lost.

i) The Planning Balance

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

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

made in accordance with the plan unless material considerations indicate otherwise’.

8.62 The site is located outside the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture or required infrastructure. The principle of the proposed development of the site would be contrary to Policies DS1, DS3, HP1 and HP2 of the adopted Fareham Local Plan 2037.

8.63 Officers have carefully considered the proposal against the provisions of Policy HE6 (Heritage at Risk) which states:

‘Where a proposed development would conflict with other policies in the Plan, but would secure the conservation of a heritage asset, the Council will consider whether the benefits of conservation would outweigh any harm caused from departing from other policies’.

8.64 Officers have also considered the information provided by Historic England in their consultation response and the supporting advice from Historic England in their Good Practice Advice entitled Enabling Development and Heritage Assets (2020). It is considered, given the inclusion of the drying sheds within the Heritage at Risk Register, and the detailed consideration on the viability of the proposed development by the Council’s independent consultants, the development would accord with the requirements of Policy HE6

8.65 It is necessary to balance the objectives of the relevant adopted policies of the Local Plan which seek to restrict development in the countryside alongside the conservation benefits of the proposal.

8.66 Whilst there is a clear conflict with development plan Policy HP1 as this would be development in the countryside, the development is considered to fully accord with the requirements of Policy HE6. The conservation benefits of supporting the scheme which would fund the restoration of Grade II* listed structures on the Heritage at Risk Register is a material consideration to which significant weight should be afforded.

8.67 Having carefully considered all material planning matters, Officers recommend that the benefits of aiding the restoration of the drying sheds in accordance with Policy HE6 and NPPF paragraph 208, would outweigh the harm caused by development in the countryside, and that planning permission should be granted subject to the imposition of appropriate planning conditions and the prior completion of a planning obligation pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) to secure the restoration funds.

9.0 Recommendation

9.1 Subject to:

- a) Consideration of comments from the Council's Ecologist regarding updated details for on-site Biodiversity Net Gain and protected species;
- b) Receipt of payment of appropriate contributions towards the Solent Recreation Mitigation Partnership Strategy and the Council's New Forest interim mitigation solution;
- c) Consideration of any comments from Natural England in response to consultation on the Council's Appropriate Assessment;
- d) Any conditions, additional conditions or modification to the proposed conditions, any of the Consultees may recommend; and
- e) Evidence being provided of a completed contract between the developer and the mitigation provider at Warnford Park demonstrating that the necessary nitrate credits have been secured;

And

Subject to the prior completion of legal undertakings pursuant to section 106 of the Town and Country Planning Act 1990 (as amended), on terms to the satisfaction of the Solicitor to the Council, relating to:

- Phased restriction of the occupation of the new residential development until the restoration of the Drying Sheds has been carried out.

9.2 **GRANT PLANNING PERMISSION**, subject to the following Conditions:

1. The development hereby permitted shall be implemented within 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:
 - a) Site Location Plan (Drawing: 01)
 - b) Block Plan (Drawing: 02A)
 - c) Proposed Site Plan (Overall) (Drawing: 03A)
 - d) Proposed Site Plan (Part 1) (Drawing: 04A)
 - e) Proposed Site Plan (Part 2) (Drawing: 05A)
 - f) Proposed Floor Plans (Plots 1,2,3&4) (Drawing: 06)
 - g) Proposed Plans and Elevations (Plots 1,2,3&4) (Drawing: 07)

- h) Proposed Floor Plans (Plots 5,6&7) (Drawing: 08)
 - i) Proposed Plans and Elevations (Plots 5,6&7) (Drawing: 09)
 - j) Proposed Floor Plan and Elevations (Plot 8) (Drawing: 10)
 - k) Proposed Floor Plans (Plots 9,10,11&12) (Drawing: 11)
 - l) Proposed Plan and Elevations (Plots 9,10,11&12) (Drawing: 12)
 - m) Proposed Site Sections (Drawing: 13)
 - n) Proposed Typical Material Elevations (Drawing: 16)
- REASON: To avoid any doubt over what has been permitted.

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 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 development hereby permitted shall proceed beyond damp proof course level until details of the finished treatment [and drainage] of all areas to be hard surfaced have been submitted to and approved by the Local Planning Authority in writing. The development shall thereafter be carried out in accordance with the approved details and the hard surfaced areas subsequently retained as constructed.

REASON: To secure the satisfactory appearance of the development

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

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

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

6. None of the dwellings hereby permitted shall be first occupied until the bin and bicycle storage relating to them, as shown on the approved plan, has been constructed and made available. This storage shall thereafter be retained and kept available at all times.

REASON: To ensure that the character and appearance of the development and the locality are not harmed, and to encourage cycling as an alternative mode of transport.

7. No development shall begin until a detailed surface water drainage scheme for the site, based on the principles within the submitted Drainage Strategy (prepared by Cowan Consultancy, dated October 2023), has been submitted to and approved in writing by the Local Planning. The submitted details should include:
 - i. A technical summary highlighting any changes to the design from that within the approved Drainage Strategy
 - ii. Detailed drainage plans to include type, layout and dimensions of drainage features including references to link to the drainage calculations
 - iii. Detailed drainage calculations to demonstrate existing runoff rates are not exceeded and there is sufficient attenuation for storm events up to and including 1:100 + climate change
 - iv. Evidence that urban creep has been included within the calculations
 - v. Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753
 - vi. Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages o storms exceeding design criteria.

The submitted details, once approved shall be implemented and completed before occupation and retained for the lifetime of the development.

REASON: In order to ensure satisfactory disposal of surface water. 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 adverse impacts of inadequate drainage.

8. Details for the long term management arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings. The submitted details shall include:
 - i. Maintenance schedules for each drainage feature type and ownership

ii. Details of protection measures.

The maintenance details, once approved, shall be retained for the lifetime of the development.

REASON: In order to ensure satisfactory maintenance of the surface water drainage system.

9. The development hereby approved shall proceed in accordance with the recommendations within the Noise Assessment (prepared by Hawkins Environmental, dated 10 March 2023). Once implemented, the noise attenuation measures shall be retained as such for the lifetime of the development.

REASON: To prevent avoidable disturbance to residents from noise.

10. No dwelling, hereby approved, shall be first occupied until the approved parking and turning areas (where appropriate) for that property have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking and turning of vehicles at all times unless otherwise agreed in writing by the Local Planning Authority following the submission of a planning application for that purpose.

REASON: In the interests of highway safety.

11. No development shall take place beyond damp proof course (dpc) level until details of how and where Electric Vehicle (EV) charging points will be provided. At least one Electric Vehicle (EV) charging point shall be provided per dwelling with allocated parking provision. The development shall be carried out in accordance with the approved details with the charging point(s) provided prior to first occupation of the dwelling to which it serves.

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.

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

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

13. The landscaping scheme, submitted under Condition 12, shall be implemented and completed within the first planting season following the commencement of the development or as otherwise agreed in writing with the Local Planning Authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

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

14. No development shall commence until the measures of tree and hedgerow 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.

15. No development shall commence until the applicant has undertaken the following:

- An intrusive site investigation and an assessment of the risks posed to human health, the building fabric and the wider environment including water resources should be carried out. The site investigation shall not take place until the requirements of the LPA have been fully established. This should be submitted to and approved in writing by the LPA.
- Where the site investigation and risk assessment reveals a risk to receptors, a strategy of remedial measures and detailed method statements to address identified risks shall be submitted to and approved in writing by the LPA. It shall also include the nomination of a competent person (to be agreed with the LPA) to oversee the implementation of the measures.

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.

16. Prior to the occupancy of any dwelling hereby permitted:
- Any agreed scheme of remedial measures shall be fully implemented.
 - Remedial measures shall be validated in writing by an independent competent person as agreed with the LPA. The validation is required to confirm that the remedial works have been implemented in accordance with the agreed remedial strategy and shall include photographic evidence and as built drawings where required by the LPA. The requirements of the LPA shall be agreed in advance.
 - Should contamination be encountered during works that has not been investigated or considered in the agreed scheme of remedial measures, investigation, risk assessment and a detailed remedial method statement shall be submitted to and agreed with the LPA. The remediation shall be fully implemented and validated in writing by an independent competent person as agreed with the LPA.

REASON: To ensure that any contamination of the site is properly taken into account before development takes place.

17. Protected Species – to be agreed following final comments from the Council’s Ecologist

18. The development hereby permitted shall not commence unless the Council has received the Notice of Purchase in accordance with the legal agreement between FBC, SDNPA and Andrew Sellick of Gawthorpe Estate dated 1 April 2021 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 the Protected Sites around The Solent.

19. The development shall be carried out in accordance with the details included within the approved Ecological Assessment, BNG Metric Assessment, Technical Assessment, Baseline Ground Conditions V1.5, Proposed Ground Conditions (with trees) V1.5, and Proposed Ground Conditions (with trees and off-site scrub) V1.5 (prepared by Peach Ecology) and the Biodiversity Net Gain measures shall be provided prior to the first occupation of the development hereby permitted. Thereafter the approved Biodiversity Net Gain measures shall be managed, maintained, monitored and funded in accordance with the approved details.

REASON: To secure at least 10% net gains for biodiversity.

20. None of the residential units hereby permitted shall be occupied until details of water efficiency measures to be installed in each dwelling have been submitted to and approved in writing by the Local Planning Authority. These water efficiency measures should be designed to ensure potable water consumption does not exceed 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

21. 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.

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

- a) How provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;
- b) the measures the developer will be implementing to ensure that operatives'/contractors/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;
- c) the measures for cleaning the wheels and underside of all vehicles leaving the site;
- d) a scheme for the suppression of any dust arising during construction or clearance works;
- e) no burning on-site;
- f) the measures for cleaning Swanwick Lane to ensure that they are 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.

Then

- 9.3 DELEGATE authority to the Head of Planning to make any necessary modifications, deletion or addition to the proposed conditions or heads of terms of the planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990.

10.0 Notes for Information

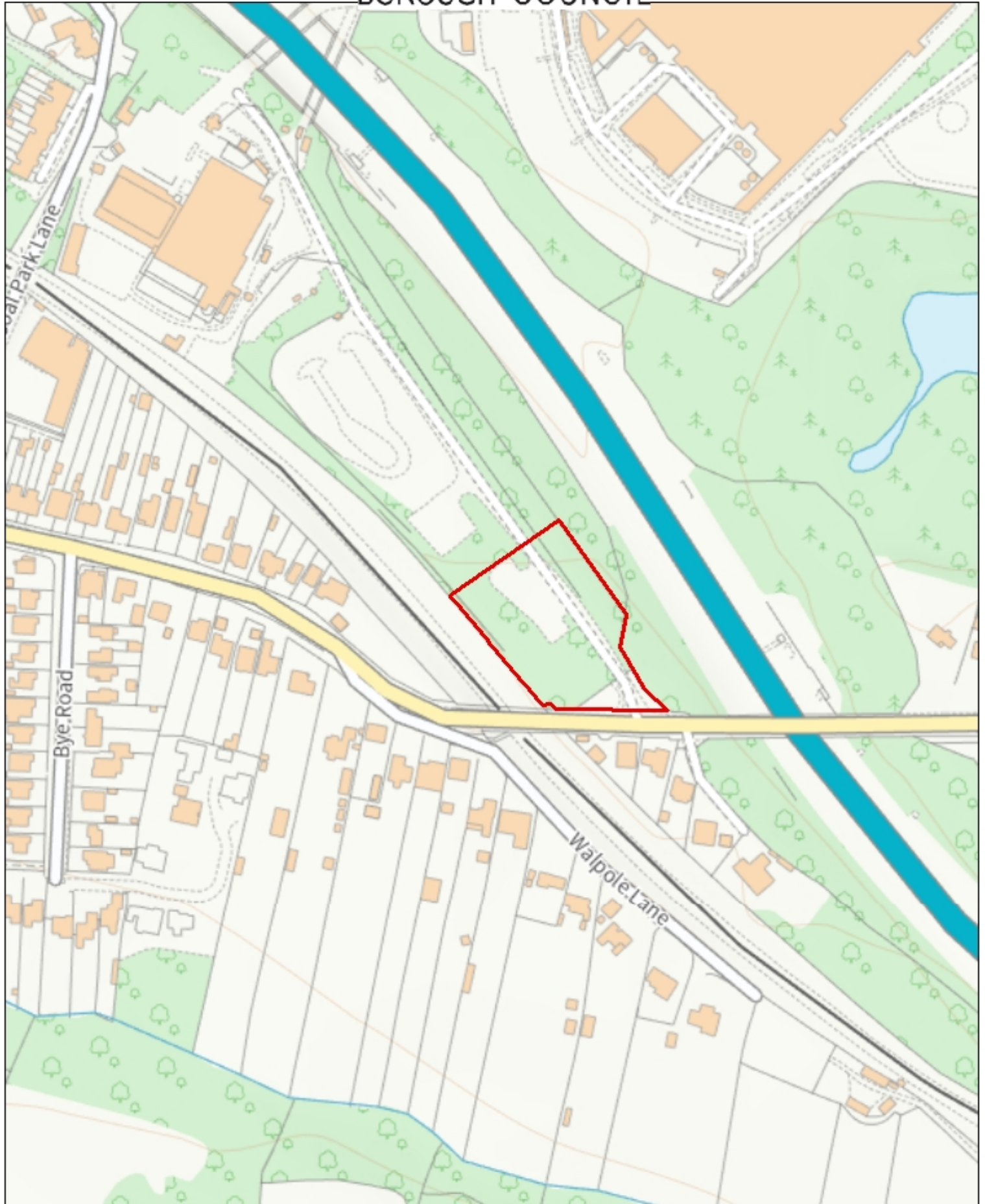
P/23/1141/FP

11.0 Background Papers

- 11.1 Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

FAREHAM

BOROUGH COUNCIL



Land at Bursledon Brickworks
Coal Park Lane, Swanwick

Scale 1:2,500



Page 46

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OFFICER REPORT FOR COMMITTEE

DATE: 13/12/2023

Q/1554/23

WARSASH

MRS L HANSLIP

DEED OF VARIATION TO AN AGREEMENT PURSUANT TO SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 DATED 20 JANUARY 2021, RELATING TO APPLICATION P/18/0107/OA SEEKING VARIATION OF OBLIGATION FOR FINANCIAL CONTRIBUTION TOWARDS OFF-SITE AFFORDABLE HOUSING PROVISION

LAND TO EAST AND WEST OF GREENAWAY LANE (PHASE 1), WARSASH

Report By

Susannah Emery – direct dial 01329 824526

1.0 Introduction

- 1.1 In January 2021 outline planning permission (access only) was granted on land surrounding 79 Greenaway Lane for the erection of up to 30 residential units and associated detached garages with access from Greenaway Lane (P/18/0107/OA).
- 1.2 Policy CS18 of the Core Strategy, which was the relevant local plan policy at that time, required the provision of 40% affordable units or an equivalent off-site contribution.
- 1.3 The planning permission is subject to a Section 106 planning obligation which secures various obligations, including Affordable Housing obligations within Schedule 1.

2.0 Description of Proposal

- 2.1 Schedule 1 of the Section 106 planning obligation requires the owner of the land to pay to the Council an off-site affordable housing contribution for the six houses to be built on the frontage of the site. Payment of this contribution is linked to the transfer of each of the first four plots to a subsequent owner in four separate instalments. A standard formula was used to establish a figure for the contribution based on a policy compliant requirement for 40% affordable housing for six dwellings using local market information. The sum of the off-site affordable housing contribution to be secured for the frontage properties was £245,520.00.

- 2.2 The remainder of the site subject to the outline consent extending to the rear of the frontage properties was required to deliver 40% affordable housing on-site and the extent of this area was shown hatched on a plan appended to the S106.
- 2.3 In September 2022 a further full planning application at the site (P/21/1823/FP) was permitted. Instead of the remaining 24 homes being constructed on the land, permission was granted for six detached dwellings. The red line boundary for this application overlapped the rear of the site that had previously been subject to the outline planning permission, incorporating the aforementioned hatched area. The frontage properties permitted by the outline application became known as Phase 1 with the six dwellings permitted at the rear by the full permission becoming known as Phase 2.
- 2.4 It was agreed by Officers that an off-site affordable housing contribution would be accepted for Phase 2 of the development in lieu of on-site provision which again was calculated on the basis of a policy compliant 40% affordable housing and the provision of six dwellings using local market information. The additional contribution of £294,889.88 for Phase 2 was secured within a Section 106 planning obligation dated 16 September 2022.
- 2.5 Development on Phase 1 of the development is now substantially complete. The plots were sold off individually and have been constructed as self-build dwellings with now all but one occupied. However, there are only five dwellings on the Greenaway Lane frontage and not the six that originally had been anticipated when the terms of the S106 were agreed. The reason for this is that access to Phase 2 of the development from Greenaway Lane is shared with Phase 1 and in order to access the rear part of the site it was necessary to remove one of the plots.
- 2.6 The off-site affordable housing contribution secured within the S106 has not been paid in full for Phase 1 of the development. The applicant/liable party has requested that the Council agrees to a reduction by 1/6th to account for the loss of the sixth dwelling. Whilst construction works on Phase 2 of the development are still on-going the affordable housing contribution for Phase 2 has been paid in full.
- 2.7 The formula used to calculate the off-site affordable contribution for Phase 1 was based on the provision of six dwellings. Officers are of the view that it would be reasonable to enter into a deed of variation to reduce the off-site affordable housing contribution to fairly reflect the affordable housing requirements for the five dwellings constructed.

3.0 Recommendation

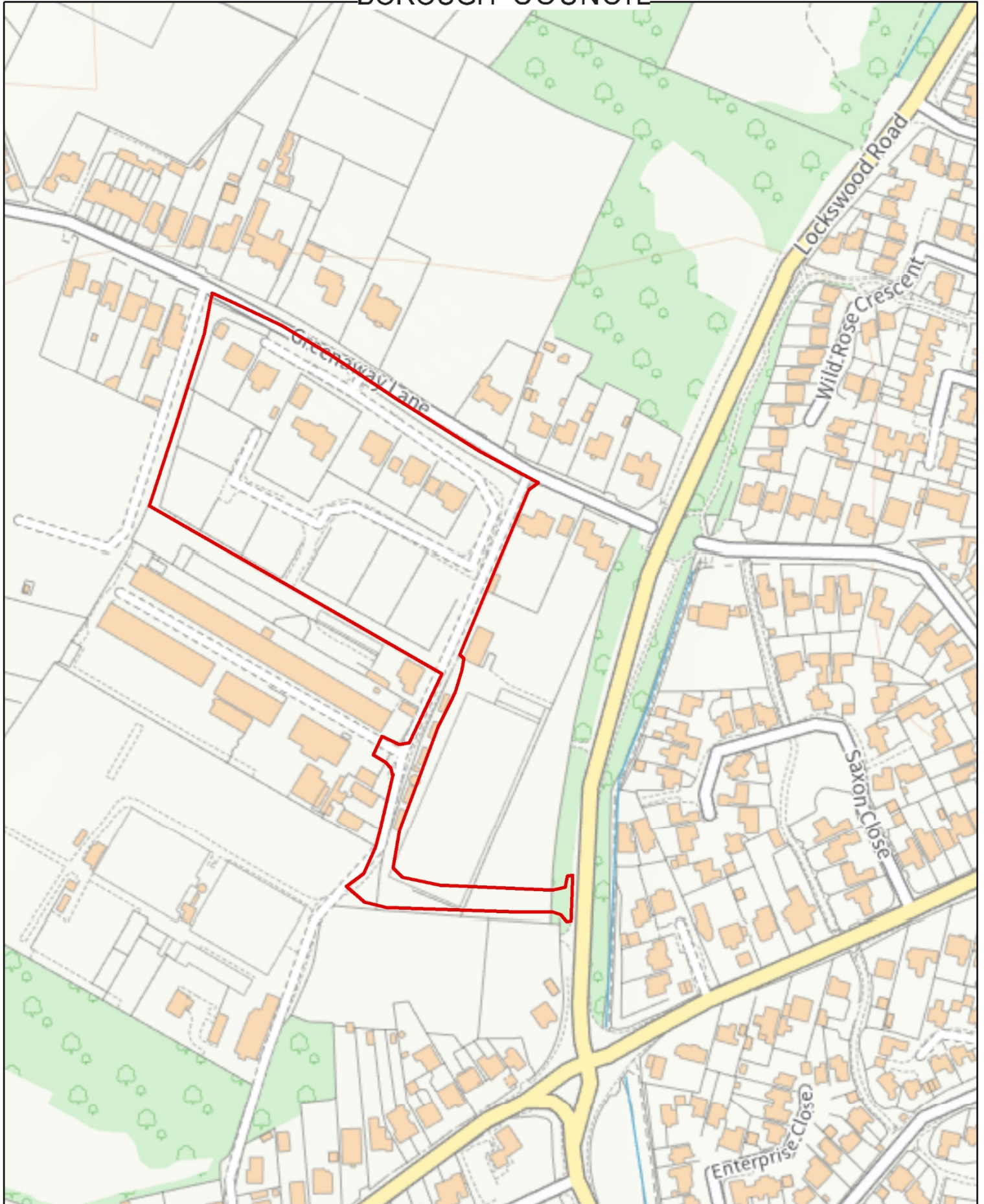
- a) 3.1 DELEGATE to the Head of Planning in consultation with the Solicitor to the Council to complete a deed of variation to the existing Section 106 legal agreement dated 20th January 2021 to: Amend the off-site affordable housing contribution required from £245,520.00 to £204,600.

4.0 Background Papers

Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

FAREHAM

BOROUGH COUNCIL



79 Greenaway Lane
Warsash

Scale 1:2,500



OFFICER REPORT FOR COMMITTEE

DATE: 13/12/2023

P/23/0944/FP
MR MARK HARRIS

TITCHFIELD
AGENT: IRUK WASTE
PLANNING & CONSULTANCY

LAND RE-PROFILING WORKS AND ASSOCIATED LANDSCAPING TO DELIVER DRAINAGE IMPROVEMENTS

MEON BYE FARM, TRIANGLE LANE, FAREHAM, PO14 4HB

Report By

Jenna Flanagan – direct dial 01329 824 815

1.0 Introduction

- 1.1 This application is reported to the Planning Committee in accordance with the Council's Scheme of Delegation due to the number of third party letters received exceeding the five letter threshold and their content being contrary to the Officer recommendation.
- 1.2 The Local Planning Authority have received a total of 10 representations regarding the application. All are letters of objection which oppose the recommendation of the Planning Officer.

2.0 Site Description

- 2.1 The application site is established agricultural land which sits within the countryside. The land is in a Strategic Gap, an Area of Special Landscape Quality and a Low Use site for Brent Geese and Waders as designated in the adopted local plan
- 2.2 The application site is located to the south of Triangle Lane, with the northern boundary abutting the highway. The majority of the land surrounding the site is established agricultural land, with a small woodland located along the southern boundary and wetland further south of the site. Three residential properties are sited to the west of the site, one of the three residential properties shares a small section of the western boundary of the site at the northern end, with the other two residential properties fronting Triangle Lane to the west of the site.
- 2.3 The application site is a roughly rectangular piece of land which measures approximately 320 metres in length and covers an area of 2.57 hectares. Prior to any development at the site, the site was grassland, with a stream running through the site from north to south lined with reeds and scrub. The stream

joins the River Meon which meanders in a southerly direction to the east of the site.

- 2.4 In September 2019, there was a significant Southern Water sewage leak which impacted upon the application site. Emergency excavation works took place at the site to prevent the Southern Water Sewage leak pollution reaching Titchfield Haven Nature Reserve. The applicant seeks approval to remedy the emergency excavation works which will enable the site to be brought back into agricultural use.
- 2.5 In June 2021, the applicant received permission from Hampshire County Council under the Ordinary Watercourse Consent (OWC) OWC/2021/0296, which granted permission for the installation of a culvert to convey surface water from Triangle Lane and land north of the site, through the culvert to a pond at the southern end of the application site. The OWC application addressed the reprofiling of the land to retain a depression running from the north of the site to the southern end of the site, through the centre, in a similar route as the stream to direct run off water from the application site to the pond.
- 2.6 At this time, the applicant overlooked the requirement for planning permission for the engineering operations undertaken to reprofile the land. As the culvert was installed, and the reprofiling of the land commenced, amendments were made to improve drainage at the site and the future use of the land. The profile of the land was further changed so that, instead of a depression running through the middle of the site being retained, the centre of the site would be raised to encourage the surface run off water to travel to the eastern and western boundaries before being directed to the pond at the south of the site.
- 2.7. The pond at the south of the site was excavated to receive the inflow from the culvert and run off water from the site.

3.0 *Description of Proposal*

- 3.1 The applicant seeks to retain and complete the land reprofiling, which includes the retention of the culvert, and pond to the south of the site, and the completion of the reprofiling of the land to improve the drainage characteristics of the site.
- 3.2 The proposed reprofiling has included the infilling of the previous existing stream running through the centre of the land from north to south. The ground level of the land previously occupied by the stream has been increased. Pre-commencement the land ranged from 9.00mAOD (above ordnance datum) high in the north-eastern corner to 5.00mAOD in the south-east of the site.

Following the restoration of the land the levels now range from 9.5mAOD to 7.00mAOD. The changes to the levels have been made to allow the runoff water to flow from the highest land which now runs through the centre of the site, north to south, into two conveyancing channels created along the east and west boundaries, which remain at the same levels of the original land, to carry runoff surface water to the pond at the south of the site. Therefore, the application site will no longer have a stream and depression running through the centre of the site from north to south and the proposed levels will have an elevation running through the centre of the site from north to south, with the land gently sloping towards to the eastern and western boundaries. These levels are required to ensure the surface water travels over the land into the conveyancing channels and into the pond at the southern end of the site.

- 3.3 Further proposals to create scrapes at the southern end around the pond are proposed, along with seeding the land with a neutral grassland mix which will be left in place for a minimum of two years. The site will be enhanced with the installation of two bat boxes and two hibernacula.
- 3.4 The long-term proposal for the site is to return the land to agricultural use, retaining a one metre wide strip of grassland along the eastern hedgerow, along with grassland at the southern end of the site around the pond and scrapes. The use of the land for agricultural purposes would not require planning permission and does not form part of this proposal.

4.0 Policies

- 4.1 The following policies apply to this application:

4.2 National Legislation/Policy/Guidance

- Town and Country Planning Act 1990
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

4.3 Fareham Local Plan 2037

- DS1 - Development in the Countryside
- DS2 - Development in the Strategic Gaps
- DS3 – Landscape
- CC2 – Managing Flood Risk and Sustainable Drainage Systems
- NE1 – Protection of Nature Conservation, Biodiversity and the Local Ecological Network
- NE5 – Solent Wader and Brent Goose Sites

- NE6 – Trees, Woodland and Hedgerows

5.0 Relevant Planning History

5.1 There is no planning history recorded for the site.

6.0 Representations

6.1 Ten representations were received during the notification period, all of which object to the development.

The following points were raised:

Character and appearance

- Site has been fundamentally changed from a field with a gully that ran down the middle
- Land raised in height by at least 8-10 feet in middle
- Landscape and views have been materially transformed
- No fill zone has been reprofiled
- Development does not comply with FBC Policy DS1, DS2, NE2 and NE6 relating to visual amenity, countryside setting and appearance

Ecology

- Ecology report is meaningless as the comparison is not against the original field
- Protected species were impacted (killed) during the construction works
- The mitigation/compensation proposed does not address the impacts that have already happened – clearly a net loss
- There is no compensation proposed that would provide the 10% biodiversity net gain required by the FBC policy
- No ecological/biodiversity assessment undertaken before the works commenced
- Ecologist completing Ecological Impact Assessment did not visit the site until April 2023 – infilling of the valley had already been completed
- Ecology Impact Assessment confirms wildlife, including protected reptiles were almost certainly harmed during vegetation clearance
- Ecology Impact Assessment does not recognise stream and valley were present at the site
- Water voles at the site is not adequately assessed
- Not recognised that otters could have made use of the stream
- No recognition that the low use site for Brent Goose and Waders habitat has diminished
- Development results in a net loss in biodiversity in relation to habitat value and species
- Grassland only restored for two years

- Complete disregard for local environment
- Proposal does not sufficiently deal with protecting and enhancing the site
- Application should be refused, if permitted, as a minimum appropriate mitigation and compensation must be provided for the habitats and lost species
- An EMCP must be conditioned and fully implemented if application approved
- Area should be reprofiled under ecological supervision to restore natural swale that was previously present

Flood risk

- Not a drainage improvement for the environment or biodiversity
- There may be a risk of flooding on dangerous bend of Triangle Lane
- Development does not comply with Ordinary Watercourse Consent
- Destroying a natural valley and infilling the floodplain is not a drainage improvement
- Pre-existing northern pond is no longer present
- Conveyance channel along western edge has not been provided
- No recognition that water ponding to the north of the site in storm events
- Land raising activities with no consideration as to where flood water will go

Land Contamination

- Soil imported contained building and construction waste
- More than 13,000 cubic metres of intern soil have been imported
- If land use changes to cropping, there will be a change in water quality risks due to use of herbicides, pesticides and fertilisers

Trees

- Trees and hedges were removed
- Mature Oak trees along roadside are important part of local landscape and have been buried
- Oak trees along the roadside are being suffocated
- Piling of soil is detrimental to trees
- Loss of mature oak that had its crown removed
- No fill zone has been ignored

Other

- Information justifying the works are misleading

- Applicant should be required to commission an independent and expert remediation assessment
- Creation of the lake at the southern end and additional tree at northern end are a positive contribution

7.0 Consultations

EXTERNAL

Hampshire County Council - Ecology

7.1 Final comments awaited

Hampshire County Council - Lead Flood Authority

7.2 This is a retrospective planning application where the original watercourse running across the site has been diverted and culverted. An online pond has been created at the downstream southern end of the site and a smaller, pre-existing pond at the northern end of the site. The land has been raised in the centre of the site where the original watercourse was located. The high point is now the centre of the site, and this had been sloped so that runoff flows towards the eastern and western boundaries of the site where two drainage channels have been provided along the site boundaries.

7.3 We can confirm that the watercourse works received Ordinary Watercourse Consent from Hampshire County Council in June 2021 under the reference OWC/2021/0296. We can confirm that the information submitted showing 600mm pipe with inspection manholes provided every 50m is in line with the details consented.

7.4 In terms of surface water drainage, the original site was greenfield. The land raising has been done with an inert material and the original topsoil replaced. As such, no new impermeable areas have been provided. However, the change in ground slope and permeability of the new underlying material may alter how the site is drained. Given that the boundary channels should be collecting any surface water runoff and channelling this into the pond, these changes should be mitigated. The pond outfall pipe was agreed as part of the consent application. The outfall pipe size was based on an existing downstream pipe diameter. Given this we are not concerned that the application will detrimentally affect the surface water drainage or offsite flood risk.

7.5 We consider that the information provided is sufficient to address our comments and as such we have no objection to this application.

Natural England

- 7.6 As submitted, the application could have potential significant effects on Solent and Southampton Water Solent Special Protection Areas (SPAs). Natural England requires further information in order to determine the significance of these impact and the scope for mitigation.

The following information is required:

- Assessment of impact of SPA functionally lined land, and details of mitigation measured required to address impacts and/or loss of 'Site F81'.

Without this information, Natural England may need to object to the proposal. Please re-consult Natural England once this information has been obtained.

INTERNAL

Trees

- 7.7 The landscape restoration plan shows a hatched area to the north of the site highlighted as 'No fill zone'. As witnessed through the autumn of 2022 this entire area was filled with subsoil material, around the existing mature trees, which can be seen in Google Street View images from February this year. Since then, a crude attempt to remove some soil immediately adjacent to each stem has been undertaken, but the rooting environment of all the trees remains covered in fill soil. What appears to be 'topsoil' has continued to be brought onto the site and large machines are compacting the ground further. The landscape restoration plan should reflect what has happened on this site and have a contingency for replacement tree planting as the existing trees are unlikely to thrive and more than likely will decline in the coming years as a consequence of the level changes and soil compaction.

Contaminated Land Officer

- 7.8 No objection

8.0 Planning Considerations

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

- a) Impact on Area of Special Landscape Quality and Strategic Gap;
- b) Flood Risk and Drainage;
- c) Ecological Impact;
- d) Other matters

a) Impact on the Area of Special Landscape Quality and Strategic Gap

- 8.2 The application seeks retrospective permission to complete the reprofiling of the site, following the installation of the culvert. Prior to the development commencing, and before the contamination of the site by the sewage leak, water travelled along a watercourse running from the northern boundary through the centre of the site, to the southern end. The land on either side of the stream was agricultural fields.
- 8.3 Policy DS1 of the adopted Fareham Local Plan 2037 seeks to control proposals for development in the countryside. It states:

“Proposals for development in the countryside, which is defined as land outside the Urban Area boundary as shown on the Policies map, will be supported where the proposal:

- a) ...*
- b) ...*
- c) ...*
- d) ...*
- e) ...*
- f) ...*
- g) ...*
- h) Provides infrastructure that meets an overriding public need.
or...*
- i) Can demonstrate a requirement for a location outside of the urban area.*

In addition, proposals will need to demonstrate that they;

- j) Protect and enhance landscapes, sites of biodiversity or geological value and soils, and*
- k) Recognise the intrinsic character and beauty of the countryside and, if relevant, do not significantly affect the integrity of a Strategic Gap, and*
- l) Maintain the character of the undeveloped coast, and*
- m) Demonstrate a preference for the development of poorer quality agricultural land rather than that of higher quality.”*

- 8.4 The applicant has provided a Planning Statement with the application to demonstrate the proposal is essential for restoration of the site, which was previously in a long established agricultural use, to improve drainage following the Southern Water sewage leak. The culvert has been installed, and as part of these works, the profile of the land has evolved during the development, under the instruction of an engineer, to create an elevation in the ground level where previously there was a depression following the course of the stream.

8.5 The site restoration and improved drainage is required in this location to provide improved land drainage and conveyancing of water, and to improve the agricultural land quality. The development therefore complies with part i) of Policy DS1 in that this location, outside of the urban area, is inevitably required. Turning to the criteria j) – m), Officers consider these to be satisfied. The impact of the development on the landscape, character and beauty of the countryside is considered further below.

8.6 Policy DS3 states:

“Areas of Special Landscape Quality have been identified in the Borough and are shown on the Policies map. Development proposals shall only be permitted in these areas where the landscape will be protected and enhanced.

Development in the countryside shall recognise the intrinsic character and beauty of the countryside, paying particular regard to:

- a) Intrinsic landscape character, quality and important features;*
- b) Visual setting, including to/from key views;*
- c) The landscape as a setting for settlements, including important views to, across, within and out of settlements;*
- d) The landscape’s role as part of the existing Local Ecological network;*
- e) The local character and setting of buildings and settlements, including their historic significance;*
- f) Natural landscape features, such as trees, ancient woodland, hedgerows, water features and their function as ecological networks; and*
- g) The character of the Borough’s rivers and coastline, which should be safeguarded...”*

8.7 The effect of the development in visual terms has been the alteration to the levels of the land so that the centre of the site is, in places, approximately 3 metres higher than before infilling the stream. A series of site sections have been provided showing the profile of the land pre and post the works taking place. The site sections also show a ‘no fill zone’ at the north of the site, where the land levels will remain the same and the mature oak trees are to be retained. The eastern and western hedgerows will be reinforced and infilled with native tree and hedge planting. Conveyancing channels run parallel to the eastern and western boundaries to convey run off water from the north of the site to the pond at the southern end of the site and scrapes and swales to the southern end of the site which surround the existing pond and the southern area of the site will be maintained as neutral grassland.

- 8.8 The development has resulted in the level of the land being raised though the centre of the site, however the site remains an open agricultural field, retaining views across the land, and in turn the contribution the site makes to the landscape character of the area is not materially affected. The landscape is considered to have been protected and, through the proposed landscaping, enhanced in accordance with the expectations of Policy DS3.
- 8.9 There are no proposals to erect any structures or buildings at the site once it has been returned to agricultural use. The development does not significantly affect the integrity of the Strategic Gap nor the physical and visual separation of settlements in accordance with Policy DS2.

b) Flood Risk and Drainage

- 8.10 Policy CC2 of the adopted local plan states:

“Planning permission will be granted where:

- a) ...*
- b) The proposal does not prejudice land required for current or future flood management, including natural floodplains; and*
- c) ...*
- d) ...*
- e) Run-off rates from proposed development do not exceed existing run-off rates; and*
- f) Onsite surface water run-off is managed as close to the source as possible...”*

- 8.11 The site sits within Flood Zone 1, and the applicant has obtained Ordinary Watercourse Land Drainage Consent (OWC) for the installation of a culvert to divert the watercourse through the culvert away from the natural course of the stream. The reprofiling works have created elevated land levels in the centre of the field, which reduce towards the eastern and western boundaries. Conveyancing channels have been created along the eastern and western boundaries of the site to allow surface water to run off of the land into the channels to be carried to the pond at the southern end of the site. The development does not propose an increase in impermeable areas.
- 8.12 The submitted details have been carefully considered and the culvert and alterations to the drainage of the run-off water is considered acceptable by the Lead Flood Authority Hampshire County Council who have also granted the OWC. Officers consider the development complies with Policy CC2.

c) Ecological Impact

8.13 An Ecological Impact Assessment has been submitted with the planning application. It recognises the site is within one kilometre of five statutory designated sites and six non statutory designated sites and the site itself is classified as a low use site for Brent Geese and Waders. In addition, there is offsite habitat of principal importance in the form of lowland mixed deciduous woodland located on the southern boundary. The site is also considered suitable for foraging and commuting bats, tree roosting bats, badgers, hazel dormouse, breeding birds, reptiles, hedgehog and common toad.

8.14 Local plan Policy NE1 states:

“Development will be permitted where:

- a) Designated international, national sites and local sites of nature conservation value are protected and enhanced, reflecting their status in the hierarchy of nature conservation designations; and*
- b) Protected and priority habitats and species, including breeding and foraging areas are protected and enhanced; and*
- c) Proposals do not prejudice the Ecological Network or result in its fragmentation.*
- d)*

Development within the Borough whose primary objective is to conserve and enhance biodiversity (including the Local Ecological Network), geodiversity and natural resources through restoration, re-creation or management will be supported.”

8.15 Officers recognise that the emergency works carried on the site as a result of the Southern Water sewage leak have had a detrimental ecological impact as a result of the loss of habitat. However, the applicant has responded positively to concerns raised by Officers in this regard and has provided a range of mitigation, compensation and enhancement measures accordingly. The compensation measures include, for example, the proposed area of neutral grassland in the south of the site, accommodating shallow scrapes and swales. The enhancements meanwhile include, for example, the installation of two bat boxes and hibernacula. It is also recognised that, had no such emergency works been carried out, the harm caused by sewage on the land and furthermore its unmitigated release into the wider water environment further downstream, would have had significant ecological consequences of its own.

8.16 The final advice from the Council’s ecologist is awaited however as a recent meeting with the applicant’s ecologist and planning consultant resulted in

amendments being made to the submitted 'Landscape Restoration Plan'. Those amendments brought the proposed development in line with the County Ecologist's recommendations for the inclusion of a neutral grassed area, and the creation of scrapes and swales at the southern end of the site. Officers understand these amendments will address the County Ecologist's concerns and await clarification of this. It is anticipated that this clarification should be available for the Planning Committee meeting.

8.17 In summary, the development is considered to accord with Policy NE1. The outstanding concerns previously raised by the Council's ecologist are believed to have been addressed in that proposed development will result in the site being made suitable and enhanced for waders and Brent geese once the works have been completed, through the inclusion of scrapes and swales.

8.18 Local plan Policy NE5 relates to the Solent Wader and Brent Goose sites within the Borough. In relation to low use sites, the policy states:

"Development on Low Use Sites (as shown on the Policies map) will only be permitted where:

- f) On site mitigation is provided which is agreed by the Council; or*
- g) Where it can be demonstrated that criteria f is not appropriate, off-site enhancement and/or a financial contribution (consistent with the approach taken to mitigating and off-setting adverse effects on the Solent Wader and Brent Geese Network) is provided towards a suitable identified site for Solent Waders and Brent Geese."*

8.19 The applicant has responded to the Council's concerns regarding the loss of habitat Waders and Brent Geese and amended plans have been submitted to provide scrapes, swales and grassland at the southern end of the site to mitigate the loss of habitat as a result of the stream being infilled. This is considered to be appropriate on site mitigation and the development therefore complies with Policy NE5.

8.20 A Habitat Regulations Assessment has been carried out which concludes that the development has a likely significant effect in the absence of avoidance and mitigation measures on a number of Habitat Sites – the Solent and Southampton Water SPA and Ramsar, Solent and Dorset Coast SPA and Portsmouth Harbour SPA and Ramsar. However, there will be no adverse effects on the integrity of the Solent and Southampton Water SPA and Ramsar and the Portsmouth Water SPA and Ramsar sites as the temporary loss of a low use Solent Wader and Brent Geese site will be mitigated through the restoration and management of the site to suitable grassland for waders and Brent Geese and its enhancement through inclusion of scrapes and

swales. Furthermore, any disturbance of birds utilising the SPA supportive habitat during the remaining construction activity will be mitigated through the use of correct machinery and minimising the duration of the works. There will be no adverse effects on the integrity of the Habitat Sites as a result of any hydrological changes provided the measures in the Flood Risk Assessment and Sustainable Drainage Strategy are adhered to.

- 8.21 Natural England have been consulted on the Habitat Regulations Assessment and their final comments are awaited.

d) Other matters

Trees

- 8.22 Local plan Policy NE6 states:

“All trees, woodlands and hedgerows within the Borough provide benefits in terms of habitats, biodiversity, climate change mitigation and adaptation as well as being important to the character and amenity value of the Borough’s urban and rural landscapes. There is a presumption against the loss and damage to trees, woodland and hedgerows.”

- 8.23 No trees or hedgerows have been removed, nor is there a proposal to remove any. The trees and hedgerow around the perimeter of the site provide benefits in terms of habitats, biodiversity and amenity value, therefore, their retention complies with Policy NE6.

- 8.24 In the northern end of the site are a group of mature trees, which sit within the ‘no fill zone’ of the “Landscape Restoration Plan”. This area was not protected during the development and due to the spreading of materials in the ‘no fill zone’, unfortunately the works are likely to have had a detrimental impact on the tree along the northern boundary. The trees are not protected by a tree preservation order (TPO), however, they are considered to be very prominent and on amenity grounds would be worthy of a group tree preservation order (subject to the normal criteria). In the interests of maintaining the character and appearance of the landscape, Officers recommend a planning condition is imposed to require the replacement of any trees which die within the next 5 years.

Land contamination

- 8.25 The Council’s Contaminated land Officer has not raised any objection to the application subject to a conditions relating to unexpected contamination during further works.

Traffic

- 8.26 During the initial stages of construction and in the aftermath of the sewage leak, the reprofiling of the site required a large number of heavy vehicles to enter the site with inert material, which Officers consider may have had a significant impact on the highways network. However, the importation of the vast majority of materials on to the site is believed to be largely complete, therefore it is no longer anticipated that further traffic movements will have any material impact on the highway network.

Conclusion

- 8.27 The development is not harmful to the appearance or character of the countryside, including taking account of the local plan designation of the site as part of an Area of Special Landscape Quality which would be protected and enhanced. There would be no adverse impact on the integrity of the Strategic Gap. The lead local flood authority Hampshire County Council have raised no objection to the development after considering flood risk and surface water drainage. Similarly, whilst final comments are awaited from the Council's ecologist and Natural England, in response to the Council's Habitat Regulations Assessment, Officers consider the proposals to comply with Policies NE1 & NE5 and there would be no adverse effects on the integrity of Habitat Sites as a result of the development.

9.0 Recommendation

- 9.1 DELEGATE authority to the Head of Planning to:

- a) consider any comments received from Natural England relating to the consultation on the Appropriate Assessment and to make any minor modifications to the proposed conditions, addition of conditions, or any other subsequent minor changes arising;
- b) consider the final comments received from Hampshire County Council (Ecology) and any additional or revised conditions they may propose;

- 9.2 **GRANT PLANNING PERMISSION**, subject to the following Conditions:

1. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:
 - a) Location plan (Land Restoration Application Plan)
 - b) J01208-MP-01 Rev.C_Landscape Restoration Plan_2023-11-02
 - c) Triangle Lane, Sholing - Ecological Impact Assessment FINAL (Rev. 3) 021123
 - d) Restoration Levels Plan drawing no. SUR-01 W3

- e) Construction Environment Management Plan
- f) Flood Risk Assessment and Sustainable Drainage Strategy

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

2. Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered. Works 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.

The remediation scheme shall be fully implemented in accordance with the approved details.

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

3. The development hereby approved shall be carried out in full accordance with the mitigation, compensation and enhancement measures set out at Section 5.0 of the recommendations and enhancements set out in the approved Ecological Impact Assessment FINAL (Rev. 3) 021123. The approved measures shall be fully implemented within six months from the date of this decision and shall be subsequently retained at all times thereafter.

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

4. Any trees located along the northern boundary of the site which, within a period of five years from the date of this decision, 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.

5. The planting shown on the approved drawing J01208-MP-01 Rev.C_Landscape Restoration Plan_2023-11-02 shall be implemented and completed within six months of the date of this decision 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.

THEN:

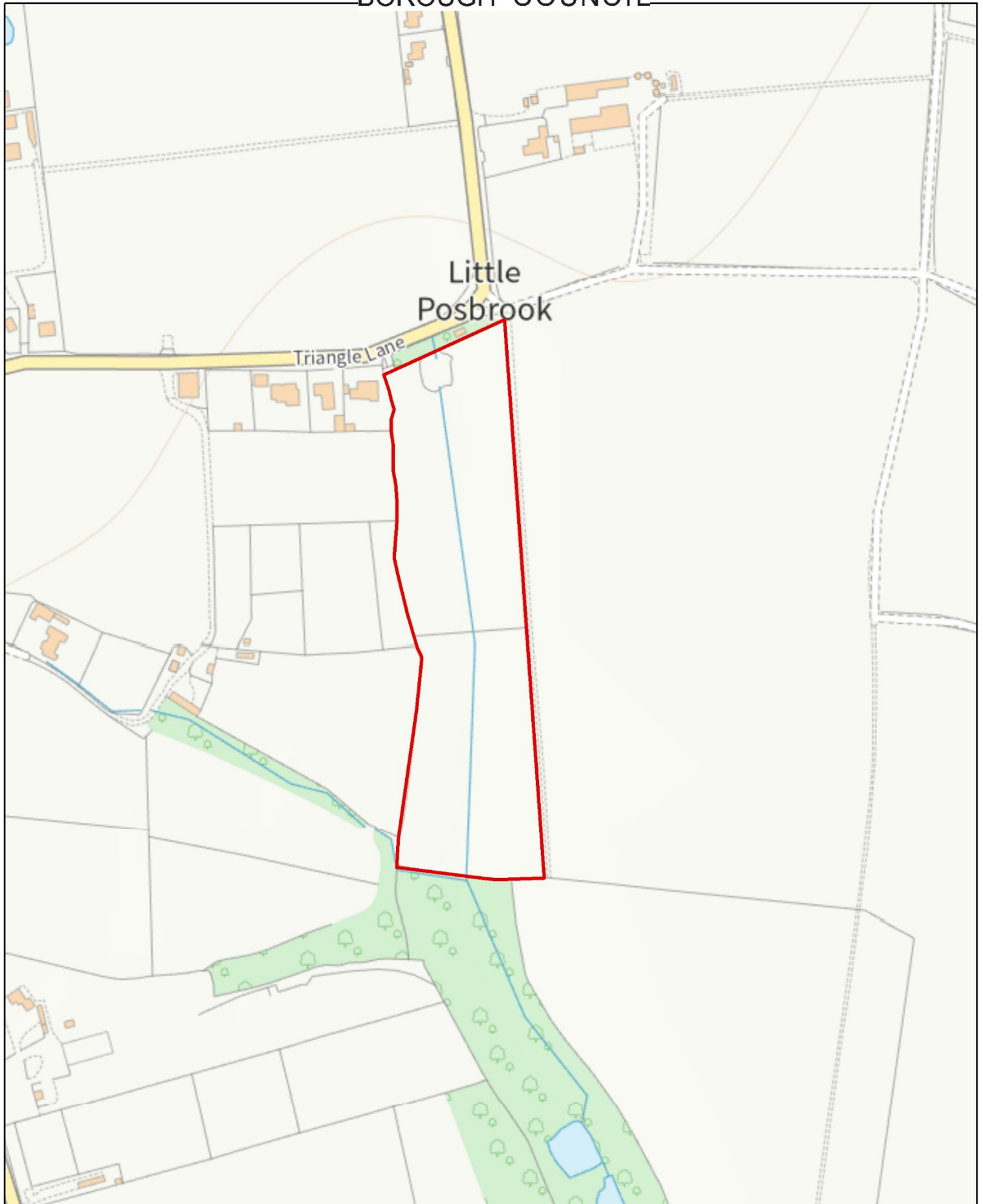
DELEGATE authority to the Head of Planning to make any necessary modification, deletion or addition to the proposed conditions.

10.0 *Background Papers*

- 10.1 Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

FAREHAM

BOROUGH COUNCIL



Meon Bye Farm
Triangle Lane, Fareham
Scale 1:3,000



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Agenda Annex

<p style="text-align: center;">ZONE 2 – FAREHAM Fareham North-West Fareham West Fareham North Fareham East Fareham South</p>
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REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/23/1490/TO FAREHAM WEST	27 HEATH LAWNS FAREHAM PO15 5QB OAK TREE PROTECTED BY TPO 629 (T5): REDUCE AND RESHAPE CROWN BY 2.5 METRES TO NATURAL TARGET PRUNING POINTS - MAXIMUM DIAMETER OF LIVE PRUNING WOUNDS < 75MM. CROWN LIFT TO 8 METRES ABOVE GROUND LEVEL BY REMOVING SMALL DIAMETER BRANCHES < 75MM.	5 CONSENT
Q/1558/23 FAREHAM NORTH	LAND TO THE SOUTH OF FUNTLEY ROAD FAREHAM PROPOSED DEED OF VARIATION TO EXTEND DEADLINE FOR SUBMISSION OF DETAILS OF CUSTOM AND SELF BUILD PLOTS UNTIL END OF APRIL 2024	6

OFFICER REPORT FOR COMMITTEE

DATE: 13 DECEMBER

P/23/1490/TO
MRS C HOCKLEY

FAREHAM WEST

OAK TREE PROTECTED BY TPO 629 (T5): REDUCE AND RESHAPE CROWN BY 2.5 METRES TO NATURAL TARGET PRUNING POINTS – MAXIMUM DIAMETER OF LIVE PRUNING WOUNDS <75MM; CROWN LIFT TO 8 METRES ABOVE GROUND LEVEL BY REMOVING SMALL DIAMETER BRANCHES < 75MM

27 HEATH LAWNS, FAREHAM

Report By

Paul Johnston – direct dial 01329 824451

1.0 Introduction

1.1 This application is reported to the Planning Committee for a decision as the applicant is an elected Councillor/ serving Member of the Council.

2.0 Site Description

2.1 27 Heath Lawns is a detached property situated on the north side of the street within the urban area.

3.0 Description of Proposal

3.1 The proposal relates to one oak tree situated in the centre of the rear garden of the property. Consent is sought to carry out remedial works to reduce and reshape the crown by 2.5 metres and raise the crown to 8 metres above ground level.

4.0 Relevant Planning History

4.1 The following planning history is relevant:

P/01/0588/TO Crown raise by 2.5 metres - CONSENT

P/03/0925/TO Crown thin, balance and raise by 2.5 metres – CONSENT

P/07/0387/TO Shorten branch work on SW side by 2 metres, crown raise to 5 metres and crown clean – CONSENT

P/10/0654/TO Fell one oak tree – REFUSE

P/10/0998/TO Reshape and balance crown; and crown lift to 7 metres – CONSENT

P/14/0005/TO Fell one oak tree – REFUSE

5.0 Representations

5.1 None

6.0 Planning Considerations

6.1 The proposed tree works are to maintain the oak tree at reasonable dimensions relative to the tree's situation. The proposed tree works will have no significant adverse impact on the health and public amenity value of the tree.

7.0 Recommendation

7.1 GRANT CONSENT, subject to the following conditions:

1. The works hereby approved shall be carried out within two years from the date of this consent.

REASON: To ensure the works are carried out within a reasonable timescale taking into account the current health and condition of the tree(s) and their circumstances.

2. The works shall be carried out in accordance with the British Standard 3998:2010 Tree Work - Recommendations.

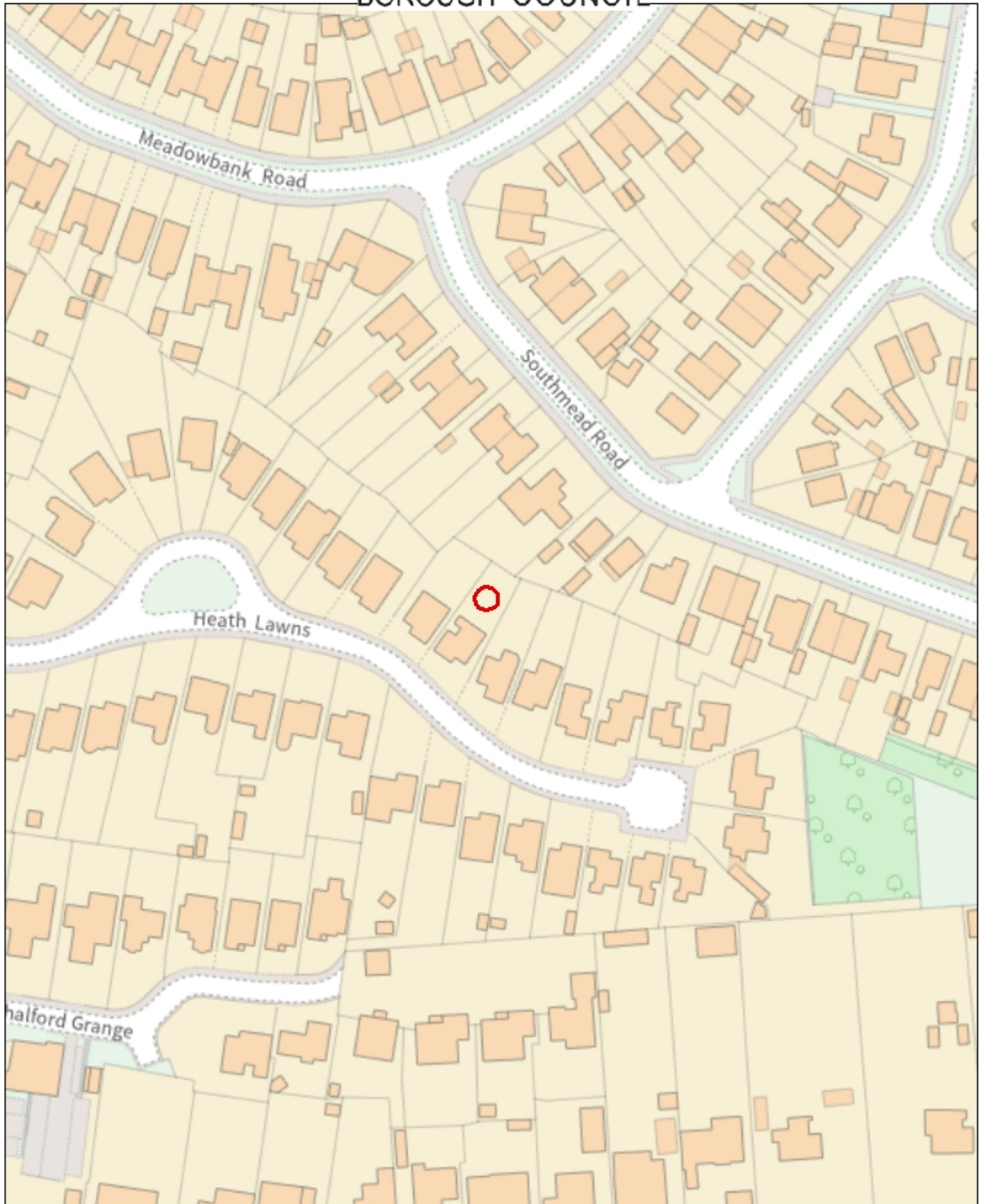
REASON: To ensure the works are carried to an appropriate standard.

8.0 Background Papers

8.1 Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

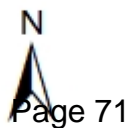
FAREHAM

BOROUGH COUNCIL



27 Heath Lawns
Fareham

Scale 1:1,250



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Agenda Item 6(6)

OFFICER REPORT FOR COMMITTEE

DATE: 13/12/2023

Q/1558/23

FAREHAM NORTH

RESIDE DEVELOPMENTS LIMITED

DEED OF VARIATION TO SECTION 106 UNILATERAL UNDERTAKING DATED 9 MARCH 2022 TO ALLOW FOR ADDITIONAL FIVE MONTHS FOR SUBMISSION OF CUSTOM OR SELF BUILD SCHEME, MARKETING STRATEGY AND MARKETING TERMS

LAND SOUTH OF FUNTLEY ROAD, FUNTLEY

Report By

Richard Wright – direct dial 01329 824758

1.0 Introduction

1.1 In May 2022, following a Planning Inquiry earlier that year, outline planning permission was granted on appeal for up to 125 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 the demolition of existing buildings at land to the south of Funtley Road, Funtley.

1.2 The Section 106 unilateral undertaking provided at the appeal inquiry contains obligations in relation to the six self or custom build plots. Amongst these obligations is a requirement to submit details of the self and custom build plots prior to the submission of the first reserved matters application. The details are to include a Custom or Self Build Scheme setting out the proposals for the six plots, a Marketing Strategy explaining how the plots will be marketed and the Marketing Terms for those plots.

2.0 Description of Proposal and Consideration of Planning Issues Arising

2.1 The provision of six self or custom build plots formed part of the proposals considered by the Planning Inspector when determining the appeal. The Inspector recognised that this provision was a benefit of the development and took that into account when reaching his decision to grant permission.

2.2 Condition 2 of the outline planning permission granted on appeal required reserved matters to be submitted no later than eighteen months from the date of the appeal decision (so by the end of November 2023). Commonly a period of three years is allowed for the submission of reserved matters of this kind, however in this case the Planning Inspector considering the appeal recognised the need to address the Council's shortfall in housing land supply

at the time of the appeal being heard and so imposed a shorter period. An application for reserved matters relating to 119 dwellings (not including the self and custom build properties) was received on 27th November and is currently under consideration (reference P/23/1544/RM).

- 2.3 The Council has recently approved an amendment to condition 2 to allow the reserved matters for the remaining six self and custom build plots to be submitted by the end of May 2025 (reference P/20/1168/MA/A). This is to allow sufficient time for the marketing of these plots for at least 12 months and for prospective purchasers to be found – something that, regrettably, was not allowed for in the Inspector’s appeal decision. Once each of the six plot purchasers have finalised the details of their self or custom build homes they will then be able to submit reserved matters applications individually for the Council’s approval.
- 2.4 To allow sufficient time for the developer to prepare the details of the self and custom build plots ahead of the marketing of these plots starting, the Council has received a request for a Deed of Variation to the Section 106. The proposed variation would allow the submission of the details of the self and custom build plots before the end of April 2024 instead of before the reserved matters application is submitted. Doing so would allow an additional five months for the preparation of these details.
- 2.5 Having regard to the shortened timescale allowed by the Planning Inspector for submission of reserved matters and noting that this did not provide a reasonable timescale for preparation of details of the self and custom build plots ahead of their marketing, Officers recommend that Members agree to entering into a Deed of Variation as requested by the developer.

3.0 Recommendation

3.1 DELEGATE to the Head of Planning in consultation with the Solicitor to the Council to complete a Deed of Variation to the existing Section 106 dated 9th March 2022 to:

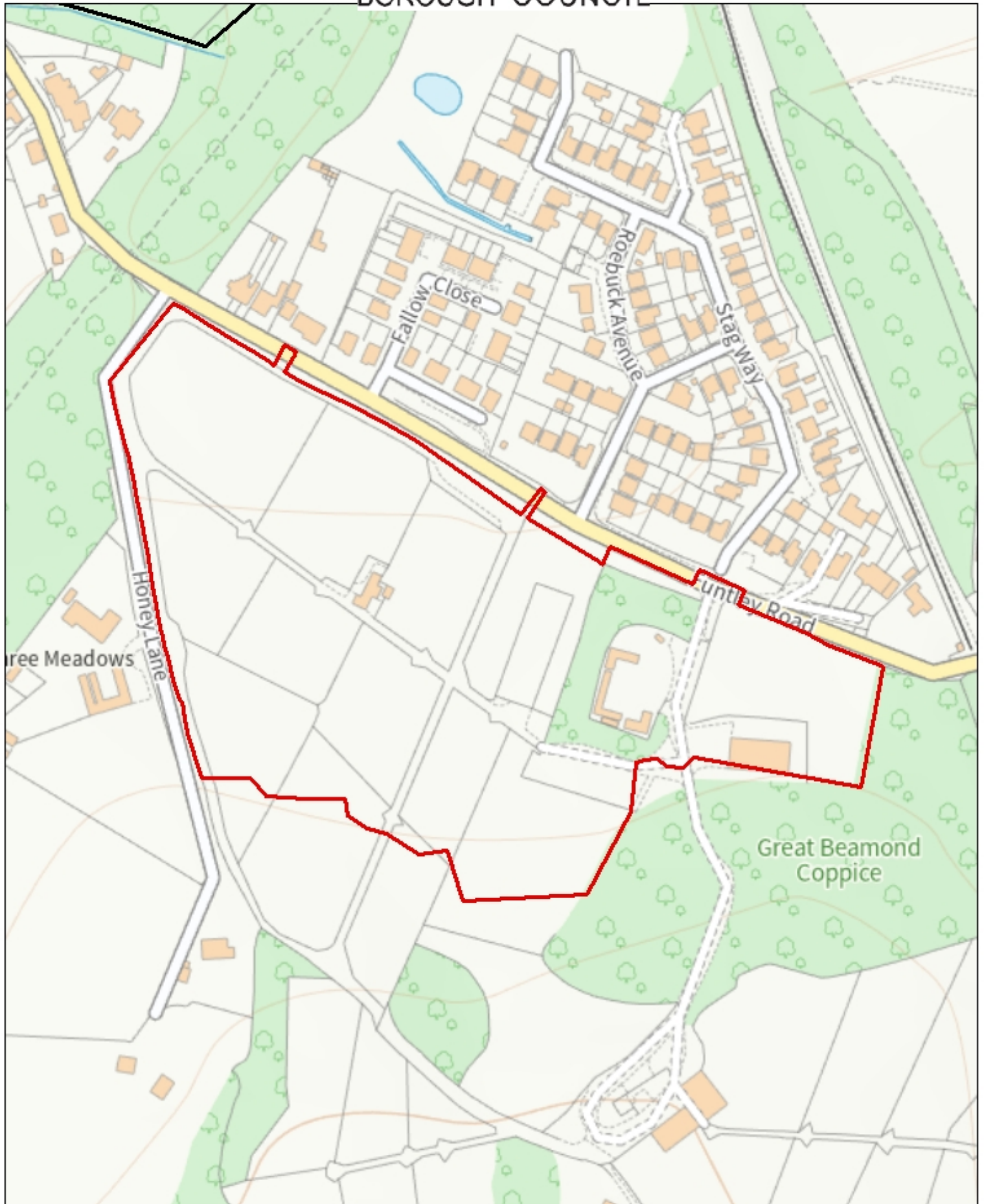
- a) Require the submission of the Custom or Self Build Scheme, Marketing Strategy and Marketing Terms prior to 30th April 2024.

4.0 Background Papers

4.1 Application documents and all consultation responses and representations received as listed on the Council’s website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

FAREHAM

BOROUGH COUNCIL



Land to the South of Funtley Road
Fareham

Scale 1:2,500



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ZONE 3 – EASTERN WARDS

Portchester West

Hill Head

Stubbington

Portchester East

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/23/0460/FP HILL HEAD	THE CROFTON 48 CROFTON LANE FAREHAM PO14 3QF CONSTRUCTION OF TWO THREE-BED DWELLINGS (USE C3) ON LAND ADJACENT TO THE PUBLIC HOUSE UTILISING A NEW VEHICULAR ACCESS AND ASSOCIATED PARKING AND LANDSCAPING, INCLUDING RECONFIGURATION OF BEER GARDEN AND CAR PARK.	7 PERMISSION
P/23/1445/VC HILL HEAD	53 OLD STREET HILL HEAD FAREHAM PO14 3HQ VARIATION OF CONDITION (P/07/0742/FP) FOR VEHICULAR ACCESS TO FRONT OF PROPERTY	8 REFUSE
P/23/1386/FP PORTCHESTER EAST	LAND TO THE REAR OF 20 THE FAIRWAY PORTCHESTER FAREHAM PO16 8NS DETACHED GARAGE FOR RESIDENTIAL STORAGE PURPOSES, WITH ANCILLARY BUSINESS STORAGE FOR ASSOCIATED	9 PERMISSION

BUILDER, UNRELATED TO DWELLING AT 20
THE FAIRWAY

P/22/0896/RM	LAND TO THE EAST OF DOWNEND ROAD	10
PORTCHESTER	PORTCHESTER PO16 8TS	APPROVE
WEST	PHASE TWO: APPLICATION FOR THE APPROVAL OF ALL OUTSTANDING RESERVED MATTERS FOR THE ERECTION OF 170 RESIDENTIAL DWELLINGS WITH ASSOCIATED INTERNAL ACCESS ARRANGEMENTS; PARKING; LANDSCAPING; OPEN SPACES, INCLUDING PLAY AREA AND SPORTS PITCHES AND ANCILLARY INFRASTRUCTURE WORKS (PHASE TWO PURSUANT TO OUTLINE CONSENT P/20/0912/OA)	

OFFICER REPORT FOR COMMITTEE

DATE: 13th December 2023

P/23/0460/FP

HILL HEAD

APPLICANT: PUNCH PARTNERSHIP
(PML) LIMITED

AGENT: JENNA LAI

CONSTRUCTION OF TWO THREE-BED DWELLINGS (USE C3) ON LAND ADJACENT TO THE PUBLIC HOUSE UTILISING A NEW VEHICULAR ACCESS AND ASSOCIATED PARKING AND LANDSCAPING, INCLUDING RECONGIFURATION OF BEER GARDEN AND CAR PARK

THE CROFTON, 48 CROFTON LANE, FAREHAM, PO14 3QF

Report By

Katherine Alger – direct dial 01329 824666

1.0 Introduction

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

2.0 Site Description

- 2.1 This application relates to part of the car park and beer garden at The Crofton Public House which is located on the eastern side of Crofton Lane. The site is accessed via a large car park from Crofton Lane and Moody Road to the south of the site. The public house is set back from the highway by a car park and a beer garden including outdoor seating area. The surrounding area is predominantly residential in character with a variety of detached dwellings. There is also a parade of shops to the north of the site.

3.0 Description of Proposal

- 3.1 The proposal is to construct two three bedroom detached dwellings within the existing beer garden located to the northern part of the application site. The dwellings would be accessed to the north of the existing Public House access, with the creation of a separate, shared access directly onto Crofton Lane. A shingle driveway would be constructed which would provide two car parking spaces for each dwelling. There would also be an area of landscaping in front of the driveway adjacent to the access.
- 3.2 Both dwellings would have a kitchen/dining area, living room and WC at ground floor. The first floor would include three bedrooms including one ensuite and a separate family bathroom. Plot One would have a total floor

area of 88 square metres and Plot Two would have a total floor area of 98 square metres.

- 3.3 The dwellings would both be slightly different in appearance with different roof pitches adding to the variety already within the street. Plot One would include pitched roof features and would be finished in brickwork. Plot Two would include a bay window feature and would be predominantly finished in brickwork with a white rendered plinth. 3.4 Both dwellings would have a garden depth of at least 11 metres.
- 3.5 The existing beer garden would be reconfigured and would be re-located to the south of the site. Additional landscaping would be planted between the two plots and beer garden together with acoustic fencing to the southern boundary. The existing outdoor seating would be situated adjacent to the existing realigned car park and outside the front of the pub.
- 3.6 The car park would also be reconfigured to allow for the beer garden reconfiguration and the number of car parking spaces would reduce from 37 to 26. There would be no changes to the existing access from Crofton Lane and Moody Road. Two disabled car parking spaces would also be provided.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Local Plan 2037

H1:	Housing Provision
HP1:	New Residential Housing Development
HP5:	Provision of Affordable Housing
R4:	Community and Leisure Facilities
NE1:	Protection of Nature Conservation, Biodiversity and the Local Ecological Network
NE2:	Biodiversity Net Gain
NE3:	Recreational Disturbance on the Solent Special Protection Areas (SPAs)
NE4:	Water Quality Effects on the Special Protection Areas (SPAs) Special Areas of Conservation (SACs) and Ramsar Sites of The Solent
TIN1:	Sustainable Transport
TIN2:	Highway Safety and Road Network
D1:	High Quality Design and Placemaking
D2:	Ensuring Good Environmental Conditions
D4:	Water Quality and Resources
D5:	Internal Space Standards

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 relevant planning history is detailed below:

P/11/10/46/FP	Single Storey rear extension. Approved 14/12/12
P/08/0633/FP	Provision of covered pergola on existing raised decking to form covered smoking area. Approved 4/7/2008
P/07/1151/FP	Retention of raised timber decking area and balustrade. Approved 3/10/2007
P/99/0912/FP	Retention of children's play equipment in garden. Approved 22/9/1999

6.0 Representations

6.1 Seventy two representations, including one from Hill Head Residents Association, have been received objecting on the following grounds:

Design/Impact on character of surrounding area

- Inappropriate design
- Inappropriate materials
- Out of keeping
- Cramped and contrived
- Loss of green space
- New dwellings does not reflect the scale of other plots in the street
- Does not respect building line

Impact on neighbours

- Overbearing
- Overlooking
- Noise and disturbance

Heritage

- No amendments to heritage statement

- Impact on the character and appearance of the neighbouring Grade II Listed building
- Discrepancies with consideration of application within Heritage Statement

Parking/access

- Loss of parking
- Highway safety
- Discrepancies with parking survey data
- Unsuitable alternative parking
- Driveway encroaches onto FBC land
- Parking spaces unusable once trees have fully grown
- No opportunities to expand parking spaces
- No safe space around parked cars for unloading
- Only pedestrian access is via shared driveway creating highways safety issues
- Bicycle storage is below minimum requirement
- No visitor parking
- No space to wash cars or carry out maintenance
- Swept path analysis diagrams inaccurate and does not represent average car size
- Inappropriate access
- Loss of on-street car parking
- Side roads inappropriate for off-site parking
- No disabled car parking spaces

Ecology/Biodiversity (BNG)

- Unclear how trees can be managed for 30 years
- Initial planning, design and access statement did not include BNG details
- Inaccuracies on application form regarding whether there are trees/hedges
- Large trees felled before application was submitted
- Ecological data did not take into consideration the trees which were felled and their current condition
- Biodiversity Metric Calculation illegible and unclear how ecologist has made conclusions
- Inaccuracies with ecological report
- Impact on badgers
- Existing habitats not taken into consideration when calculating metric calculation

Other

- Inaccuracies with plans and documents

- Impact on the business of The Crofton Pub
- Dimensions not included on the plans
- No details on beer garden reconfiguration
- Loss of pub as a community asset
- Restrictive covenant on site
- No details on drainage
- Impact on right to light
- Ownership of boundary hedging
- Unclear whether canopy in beer garden will be retained
- Inappropriate shared access
- Inaccurate levels
- Flooding
- Footpath to dwellings inaccessible for disabled access

7.0 Consultations

EXTERNAL

Highway Authority – Hampshire County Council

7.1 No objection subject to conditions

Natural England

7.2 No objection subject to appropriate mitigation being secured.

Ecology – Hampshire County Council

7.3 No objection subject to conditions

INTERNAL

Tree Officer – Fareham Borough Council

7.4 No objection subject to conditions

Environmental Health (Contaminated Land) – Fareham Borough Council

7.5 No objection

Conservation Planner – Fareham Borough Council

7.6 No objection

Environmental Health (Noise & Pollution) – Fareham Borough Council

7.7 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:

- a) Principle of development
- b) Design/impact on character of surrounding area
- c) Impact on setting of Grade II Listed Building
- d) Impact on residential amenity
- e) Highways
- f) Trees
- g) Ecology
- h) Biodiversity Net Gain
- i) Impact on Habitat Sites
- j) Other issues raised in objections
- k) Conclusion

a) Principle of development

- 8.2 Having regard to the policy provision of the Development Plan, the site is located within the designated Urban Settlement Boundary, where there is a presumption in favour of appropriate development, subject to compliance with the provisions of the National Planning Policy Framework (NPPF) and the policies of the Development Plan.
- 8.3 Policy H1 of the Fareham Local Plan 2037 sets out the housing requirement for the Borough between 2021 and 2037, and Policy HP1 states that new residential development within the Urban Area boundary will be supported in principle.
- 8.4 The application relates to a public house which is considered to be a community facility. Policy R4 relates to community and leisure facilities. It states that development proposals that would result in the loss of community or publicly owned or managed facilities will be permitted where:
- i. The facility is no longer needed and no alternative community use of the facility is practical or viable; or
 - ii. Any proposed replacement or improved facility will be appropriate to meet the communities needs or better in terms of quality, function and accessibility.
- 8.5 The proposed development would only result in the loss of part of the outdoor beer garden and would not result in the loss of the pub. The beer garden would be re-located within the site and there is adequate space within the front of the site for the beer garden to be re-located. The relationship between the garden and the car parking arrangement would also be improved, reducing the potential conflict between users of the garden and the car park. There is no provision within this policy for the loss of outdoor space within a public house. Therefore, given the public house would not be lost as part of

the proposal, and a suitable beer garden retained, which whilst reduced in size is considered sufficient for the requirements of the facility. Officers therefore consider that the development would be acceptable and would accord with Policy R4 of the Fareham Local Plan 2037.

- 8.6 Concerns have also been raised that the development would result in the loss of green space. The application site is not a designated area of public open space as defined in the Development Plan, and as such is not subject to the same policy considerations as required by Policy NE10 (Protection and Provision of Open Space).
- 8.7 Therefore, the principle of development is acceptable in accordance with Policies H1, HP1 and R4 of the Fareham Local Plan 2037.

b) Design/impact on character of surrounding area

- 8.8 Policy D1: High Quality Design and Place Making of the adopted Fareham Local Plan 2037 seeks to ensure that development proposals and spaces will be of a high quality, based on the principles of urban design and sustainability to ensure the creation of well designed, beautiful and safe quality spaces.
- 8.9 The Policy continues to highlight ten key characteristics of high quality design, comprising context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and lifespan. Developments should appropriately respond to the positive elements of local character, ecology, history, culture and heritage.
- 8.10 The Fareham Borough Design Guidance: Supplementary Planning Document (Excluding Welborne) (hereinafter referred to in this report as the Design SPD) highlights the importance of new dwellings having regard to the scale and character of the surrounding area.
- 8.11 Crofton Lane is varied in character with a variety of different styles of dwellings. The proposed development would sit comfortably within the plot and would include two different property styles and finished appearance, including two different roof forms and material finishes. This complements the variety seen elsewhere along Crofton Lane. Concerns have been raised that the proposed dwellings do not respect the building line, would be out of character and would be cramped and contrived. However, given the varied nature of the existing dwellings along Crofton Lane and as there is no distinct building line within this part of Crofton Lane, it is considered that the proposed development would be an appropriate addition to the streetscene. Furthermore, the plots are considered to be adequately sized and would reflect the spaciousness and character of the area.

- 8.12 The gardens of each property would have a depth of at least 11 metres which would meet the advice specified in the Design SPD. There are a number of trees located within the rear gardens of the site however, these are not large trees and would be located a suitable distance from the proposed properties. Therefore, they would not result in overshadowing.
- 8.13 Details of the boundary treatments have been provided. The development would have a 1.2m brickwork wall with wrought iron railing and brick piers at the front entrance to the site. There would also be a 0.9m picket fence located to the south of the site with 1.8m high close boarded fencing to the rear of the site separating the proposed development from The Crofton and separating Plot 1 and 2. These boundary treatments are considered to be acceptable and would have an appropriate visual appearance within the streetscene.
- 8.14 The proposal would include landscaping at the front and southern side of the site which is considered to be acceptable. A condition has been imposed to secure details of the proposed landscaping. An area of hard standing would also be created to provide car parking for the proposed dwellings, which is considered to be appropriate and would not dominate the front garden.
- 8.15 Officers therefore consider that the proposal is acceptable in design terms and would have regard to the key characteristics of the surrounding area in accordance with Policy D1 of the Fareham Local Plan 2037.

c) Impact on setting of Grade II Listed Building

- 8.16 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a duty on the Local Planning Authority to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.
- 8.17 Strategic Policy HE1 relates to the Historic Environment and Heritage Assets. It states that all development should seek to conserve and enhance the historic environment and heritage assets, in line with local and national policy. The Council will take appropriate positive steps to conserve and enhance the Borough's historic environment and heritage assets.
- 8.18 Policy HE3 (Listed Buildings and Structure and/or their Settings) states that where a development would affect a listed building/structure and/or its setting proposals should preserve or enhance any features of special architectural or historic interest they possess proposals must demonstrate sufficient understanding of and respond to the historic environment.

- 8.19 The application site is not located within a Conservation Area and there are no heritage assets on the site itself. The site is immediately adjacent to the Grade II listed Crofton Farmhouse which is believed to originally date to the 18th Century. The principal western elevation faces the street and the listed building is visible when travelling north and south along Crofton Lane. There are a few other buildings of architectural or historic interest in the vicinity of the application site and the Crofton Farmhouse does make a positive contribution to the streetscape. Crofton Farmhouse is associated with a 17th Century granary which is immediately adjacent to the building to the south-east and is considered to be of local interest.
- 8.20 Following amendments to the development, the Council's Conservation Planner is satisfied that the development would have regard to the setting of the Crofton Farmhouse and the granary. Having undertaken the test required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and having assessed the proposal against Policies HE1 and HE2 of the Fareham Local Plan 2037, Officers are satisfied and the development would preserve the setting of the adjacent listed building and any features of special architectural or historic interest which it possesses

d) Impact on Residential Amenity

- 8.21 Policy D2 of the Fareham Local Plan 2037 concerns the impact of development on living and environmental conditions. The Policy states that development proposals should ensure that there will be no unacceptable adverse impact upon environmental conditions on the site or neighbouring development, by way of the loss of sunlight, daylight, outlook and/or privacy.
- 8.22 The Design SPD states that first floor windows should be at least 11 metres from the boundaries they look towards and no less than 22 metres from facing windows in neighbouring houses.
- 8.23 Following amendments to the design, Plot 1 would have a separation distance of 12 metres and Plot 2 would have a separation distance of 13.5 metres from the rear elevations to the rear boundary with the bungalows to the rear on Walnut Drive. There would also be a separation distance of 22 metres between the first floor rear facing bedroom window of Plot 1 and the neighbouring property to the rear at 15 Walnut Drive. The rear bathroom window would only have a separation distance of 20 metres; however, this window will be obscure glazed. The rear windows on Plot 2 would have a separation distance of 22 metres. Therefore, the proposal complies with the requirements specified within the Design SPD.
- 8.24 In terms of the impact on the neighbouring property to the north 50 Crofton Lane (Crofton Farmhouse), there would be a separation distance of

approximately 6 metres between Plot 1 and the side elevation of The Granary which is an outbuilding associated with Crofton Farmhouse to the side. The Granary is occupied as a home office. There are two windows on the southern elevation which would face the application site; however, these are not the sole windows serving The Granary as there are also two windows on the northern elevation and a window on the western and door on the eastern elevation. Therefore, given the separation distance and presence of other windows providing adequate natural light, it is considered that the proposed development would not result in an unacceptable impact in terms of overbearing/overshadowing on the users of The Granary.

- 8.25 There would be a 12 metre separation distance between Plot 1 and the conservatory of 50 Crofton Lane. Given the separation distance and the large amount of glazing on the conservatory, it is considered that the proposed development would not result in an unacceptable adverse impact upon the occupiers of 50 Crofton Lane in terms of loss of light/outlook.
- 8.26 Concerns have been raised regarding loss of privacy. There would be two side (north elevation) windows on the ground floor of Plot 1. However, these would face onto boundary fencing and would therefore not result in an unacceptable adverse impact in terms of loss of privacy to the occupiers of the adjoining neighbours.
- 8.27 The existing boundary treatment between the application site and No 50 would be retained as well as the existing large hedge. Furthermore, the existing hedge would be extended to create adequate screening between the proposed development and 50 Crofton Lane.
- 8.28 Therefore, it is concluded the proposed development would not result in an unacceptable adverse impact upon living conditions of the neighbouring properties by way of the loss of sunlight, daylight, outlook and/or privacy.
- 8.29 In terms of the impact on the proposed future occupiers, the development has been assessed against the Nationally Described Space Standards. The Nationally Described Space Standards set out acceptable minimum standards for property sizes based on the number of bedrooms and intended number of occupants and contains minimum standards for single and double bedroom sizes. The proposal is fully compliance with the Space Standards and therefore complies with Policy D5 of the Fareham Local Plan 2037.
- 8.30 In considering the impact of the future residents of the proposed dwellings in relation to the close proximity of the pub, there is a separation distance of approximately 4 metres between the side elevation of Plot 2 and the re-located beer garden. This is a similar separation distance between the

existing beer garden and the rear garden of 50 The Crofton. Plot 2 does not have any side windows which would face onto the beer garden. Furthermore, a 1.8m acoustic close boarded timber fence would be installed along the southern boundary of the rear garden to Plot 2, and a landscape buffer is proposed to be planted along northern side of the existing pub garden adjacent to the boundary with Plot 2. The landscape buffer would both soften the appearance of the proposed building and fence from the beer garden and create a robust barrier preventing anti-social activity within the immediate vicinity of the private amenity space for Plot 2. Therefore, it is considered that the occupiers of Plot 2 would not be significantly impacted by noise and disturbance.

- 8.31 The Council's Environmental Health Officers have reviewed the application and have raised no objection to the proposed development.
- 8.32 Officers therefore considered that the proposal would not result in an unacceptable adverse impact on the living conditions on the site or neighbouring developments. Furthermore, the development proposal is considered to accord with the requirements of the Design SPD and would be in accordance with Policies D2 and D5 of the Fareham Local Plan 2037.

e) Highways/Parking

Proposed Dwellings

- 8.33 In considering the highway safety aspect of the proposal, Hampshire County Council (HCC) as Highway Authority has reviewed the application. A swept path drawing has been submitted in support of the planning application which shows a large car being tracked on-site. The vehicle is shown to be able to manoeuvre on-site in order to egress back onto the highway in a forward gear. The turning movements shown on the plan can be done unhindered with very few turns and are considered acceptable.
- 8.34 With regards to the proposed location of the dropped kerb, the Highway Authority raise no objection in principle to this subject to obtaining a highway license in order to construct the access.
- 8.35 The applicant has submitted a Personal Injury Accident (PIA) Data assessment from the latest 5-year period. A total of five accidents occurred within the vicinity of the site, three being serious and two being recorded as slight in nature. The Highway Authority is satisfied that the identified accidents are unlikely to be exacerbated by the development. As such, the Highway Authority can confirm that the proposed development will not have an adverse effect on highway safety in close proximity to the site and on the wider highway network.

- 8.36 The Residential Car Parking Standards Supplementary Planning Document requires two car parking spaces for a 3-bedroom dwelling. Both dwellings would have two allocated car parking spaces located within the front driveway.
- 8.37 Concerns have been raised regarding the size of the car parking spaces and whether there is enough space for car washing and maintenance. Furthermore, concerns have also been raised regarding the size of the trees and the close proximity of trees to the car parking spaces. The proposed parking spaces are considered to be of an appropriate size and would meet the requirements of the Residential Car Parking Standards SPD. Details of the size and species of the trees as well as the maintenance will be secured via a planning condition. The trees can be maintained to prevent any encroachment.
- 8.38 Concerns have been raised regarding the lack of visitor car parking for the proposed dwellings. However, there is no requirement with the SPD for the applicant to provide additional visitor car parking for a development of this size.
- 8.39 Concerns have also been raised regarding the sizes of the bin and cycle storage and their location. The applicant has provided details of the bin and cycle storage details and they are considered to be acceptable and appropriately located within the rear gardens. A refuse collection point is positioned adjacent to the entrance on the front driveway and this is also considered to be acceptable as it is the same location for all the other properties along Crofton Lane.

Loss of Parking to The Crofton Public House

- 8.40 The land proposed for the development would result in the removal of 11 car parking spaces associated with the Public House car park and reduce the total number of spaces from 37 to 26.
- 8.41 The Non-Residential Car Parking Supplementary Planning Document (SPD) requires public houses to provide 1 car parking space per 5 square metres of dining/bar/dance floor area. The dining/bar area of the Crofton Public House is 311.15 square metres which requires 62 car parking spaces and therefore already falls short of the requirement specified within the SPD.
- 8.42 The applicant has provided a parking survey which has demonstrated that the busiest trading periods were Friday evening peak and Sunday lunch time. The results demonstrated that on Friday evening peak (between 20:30-21:00) there were 32 cars and Sunday lunchtime (14:00) there were 29 cars.

Therefore, the site currently operates within the existing car parking capacity. The parking surveys were also undertaken on roads surrounding the application site and illustrated that on-street parking demand peaked at just 13% on each day of the survey with more than 120 car parking spaces within a short walk of the site. Therefore, whilst the current car parking provision operates within capacity at peak times, there is slight increase in on-street parking demand during the peak periods.

- 8.43 The reduction of 11 spaces will result in overspill of on street parking on the local highway network within the vicinity of the site however, this is only during peak hours. The submitted Transport Statement states that where parking surveys are undertaken it is generally accepted that highway safety issues are only like to arise where on-street parking demand exceeds 85% occupancy.
- 8.44 The applicant has also carried out a sensitivity test which can be utilised in order to consider the worst-case impact upon on street parking. Taking the difference between the existing level of on-site parking provision and that proposed where there is a reduction of 11 parking spaces, the worst-case impact upon on-street parking would be 11 additional cars parking on-street in the vicinity of the site. Adding 11 cars to the peak level of on-street parking demand recorded over the three-day survey, peak on-street parking demand would increase to 29 vehicles, out of a total of 120 available on-street car parking spaces, therefore occupancy of on-street parking would increase to 24%.
- 8.45 The sensitivity test therefore shows that, in the worst-case scenario, there would be 112 safe and legal parking spaces available on-street, within a short walk of the site during the busiest period of the day.
- 8.46 The Highway Authority do not consider on-street parking as an entirely acceptable alternative, however, after consulting the PIA data submitted and regular on-site observations, the Highway Authority have taken the view that there is no existing safety concern relates to the presence of existing on-street parking and it is unlikely that this may be exacerbated by the slight increased possibility of further on-street parking. Therefore, the proposals that will result in the removal of 11 on-site car parking spaces is considered to be acceptable and would not have a severe detriment to the safety and operation of the local highway network.
- 8.47 Concerns have been raised from local residents regarding the discrepancies with the parking survey data. However, the Highway Authority is satisfied with the data provided.

- 8.48 It should also be noted that The Crofton is located 100 metres from the nearest bus stop to the north of the site access. Furthermore, it is located within a largely residential environment where many patrons would be able to walk to use it. It is also only a 15-minute walk from Stubbington Local Centre. Therefore, the pub is in a sustainable location and easily accessible by public transport.
- 8.49 Officers consider that the proposal would not result in an unacceptable impact on highway safety and the proposed dwellings would comply with the Residential Car Parking Standards. The proposal is therefore considered to accord with Policy TIN2 of the Fareham Local Plan 2037.

f) Trees

- 8.50 The Tree Officer has considered the impact on the existing trees on the site and raises no objection to the development.
- 8.51 A number of residents have raised concerns regarding the removal of trees from the site prior to the submission of the planning application. These trees were not protected and therefore there was no requirement to notify the Council prior to their removal.
- 8.52 A condition has been imposed to secure details of tree planting and landscaping.

g) Ecology

- 8.53 Strategic Policy NE1: Protection of Nature Conservation, Biodiversity and the Local Ecological Network states that development will be permitted where:
- a) *Designated international, national sites and local sites of nature conservation value are protected and enhanced, reflecting their status in the hierarchy of nature conservation designations; and*
 - b) *Protected and priority habitats and species, including breeding and foraging areas are protected and enhanced; and*
 - c) *Proposals do not prejudice the Ecological Network or result in its fragmentation.*
- 8.54 Concerns have been raised from local residents regarding the presence of badgers on the site. The applicant has carried out a Badger Survey Report by Kingdom Ecology. The Council's Ecologist has reviewed this report and agrees with the conclusions of an active outlier badger sett. Therefore, a Natural England development license or class license will be required to close the sett legally prior to the development starting. The detailed strategy including timing of the works outside the closed season and provision of one-way gates, monitoring for 21-days, permanent closure etc is standard

mitigation and therefore acceptable. As this is an outlier sett, provision of a compensatory sett is not required. Therefore, subject to a condition being imposed requiring that the works are carried out in accordance with Section 3 of the 'Recommendations' of the report Officers are content that no harm will occur to protected species using the site.

8.55 Therefore, the proposal is considered to be in accordance with Policy NE1 of the Fareham Local Plan 2037.

h) Biodiversity Net Gain

8.56 Policy NE2: Biodiversity Net Gain states that development of one or more dwellings or a new commercial/leisure building should provide at least 10% net gain for biodiversity for the lifetime of the development.

8.57 The Metric assessment has been provided and the Council's Ecologist considers the submitted Metric represents an accurate result for the site having regard to the existing and proposed ground conditions. The site is able to achieve a 10% gain by planting 7 trees within the frontage of the development which is in accordance with the requirement specified in Policy NE2.

8.58 A Biodiversity Net Gain Management Plan has been submitted with the application which details how the on-site BNG will be managed, maintained, monitored and funded in accordance with the approved details. The Council's Ecologist has reviewed this and is satisfied with the management plan proposals.

8.59 Officers therefore consider that the development would be compliant with Policy NE2 of the Fareham Local Plan 2037.

i) Impact on Habitat Sites

8.60 Policies NE1, NE2, NE3 and NE4 of the Fareham Local Plan 2037 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.

8.61 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 percent 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 referred to as protected Habitat Sites (HS).

- 8.62 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 Habitat 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 Habitat Sites. This is done following a process known as an Appropriate Assessment (AA). 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.
- 8.63 To fulfil the requirements under the Habitats Regulations, an AA has been carried out in relation to the likely significant effects on the HS which concludes that there would be no adverse effects on the integrity of the protected sites subject to mitigation measures. The key considerations for the assessment of the likely significant effects are set out below.
- 8.64 The first likely significant effect on HS relates to deterioration in the water environment through increased nutrients (particularly nitrates) entering The Solent. 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 Habitat Sites.
- 8.65 Achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites. Natural England has provided a methodology for calculating nutrient budgets and options for mitigation should this be necessary. The nutrient neutrality calculation includes key inputs and assumptions that are based on the best available scientific evidence and research, however for each input there is a degree of uncertainty. Natural England advise Local Planning Authorities to take a precautionary approach when addressing uncertainty and calculating nutrient budgets.
- 8.66 A nitrogen budget has been calculated with Natural England's 'Nutrient Neutrality Generic Methodology' (February 2022) and The Solent Nutrient Budget Calculator (March 2022) which confirms the development will generate 2.1kg TN/year. In the absence of sufficient evidence to support a bespoke occupancy rate, the Council 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 purposes of the nitrogen budget is considered to be a mixture of residential urban land and commercial/industrial urban land. Due to the uncertainty of the effect of nitrates from the development on the HS, adopting a precautionary approach, and having regard to the NE advice, Officers will need to be certain that the output will effectively be mitigated to ensure at least nitrogen neutrality before it can grant planning permission.

- 8.67 The applicant has purchased 2.04kg TN/year of nitrate mitigation 'credits' from Whitewool Farm. This has been secured through the operation of a legal agreement between Whitewool Farm South Downs National Park Authority and Fareham Borough Council. The purchase of credits has the effect of allocating a proportion of this reduction in nitrates to this development, meaning that the scheme can demonstrate nutrient neutrality.
- 8.68 It should be noted that due to an error in the nutrient budget calculation, there is a shortfall in the amount of credits purchased. The calculation initially proposed that the development would generate 2.04kg TN/year. However, due to an error with the incorrect rainfall being inputted this total increased to 2.1kg TN/year. The applicant has agreed to amend the legal agreement to make up the minor 0.06kg TN/year shortfall.
- 8.69 In addition to water quality impacts, air quality impacts are also a factor that needs consideration. The Council's Air Quality Habitats Regulations Assessment for the Fareham Local Plan 2037 identifies that from the development proposed to be brought forward in the Local Plan there would not be a significant impact as a result of air pollution on the Habitat Sites for the life of the plan, up to 2037.
- 8.70 The second likely significant effect on the HS, relates to disturbance on The Solent coastline and New Forest SPA, SAC and Ramsar sites through increased recreational use by visitors to these sites.
- 8.71 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 applicant has made the appropriate financial contribution towards The Solent Recreational Mitigation Partnership Strategy (SRMP). Therefore, the Appropriate Assessment concludes that the proposals would not have an adverse effect on the integrity of the HS as a result of recreational disturbance in combination with other plans or projects on the Solent SPA.
- 8.72 In addition, the development lies within 13.8km of the New Forest Special Protection Area (SPA), New Forest Special Area of Conservation (SAC) and

the New Forest Ramsar site. Research undertaken by Footprint Ecology has identified that planned increases in housing around the New Forest's designated sites will result in a marked increase in use of the sites and exacerbate recreational impacts. It was found that the majority of visitors to the New Forest designated sites on short visits/day trips from home originated from within a 13.8km radius of the sites referred to as the 'Zone of Influence' (ZOI).

- 8.73 The Council has produced an Interim Mitigation Solution to address this newly identified likely significant effect of development in Fareham within the ZOI. The Interim Mitigation Solution was approved by the Council's Executive on 7th December 2021. The Interim Mitigation Solution was prepared in consultation with Natural England. The mitigation comprises a financial contribution from the developer to mitigate against impacts through improvements to open spaces within Fareham Borough and a small financial contribution to the New Forest National Park Authority. The applicant has made this contribution, which has been secured by an agreement pursuant to Section 111 of the Local Government Act 1972.
- 8.74 The Council's Appropriate Assessment concludes that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the HS either alone or in combination with other plans or projects. The difference between the nitrates credits secured and the output will result in a small annual net reduction of nitrogen entering The Solent.
- 8.75 Natural England were consulted on the Council's Appropriate Assessment in October 2023 and raised no objection in respect of recreational disturbance on The Solent SPAs or on water or air quality implications subject to the rainfall calculation being amended. It is therefore considered that the development accords with the Habitat Regulations and NE1, NE2, NE3 and NE4 of the Fareham Local Plan 2037.

j) Other issues raised in objections:

- 8.76 **Inaccuracies with plans and documents-** It is considered that the plans and documents submitted are accurate and accurately represent the proposed development.
- 8.77 **Impact on the business of The Crofton Pub-** The Crofton Pub is supportive of the application and has not raised concerns that the development would impact the business of the pub.
- 8.78 **Dimensions not included on plans-** There is no requirement for the applicant to provide dimensions on the plans. However, the plans need to be scale. The submitted plans are to a correct scale.

- 8.79 **Restrictive covenant on site-** This is not a material planning consideration.
- 8.80 **Impact on right to light-** This is not a material planning consideration.
- 8.81 **Ownership of boundary hedging-** The agent has confirmed that the hedge along the northern boundary is within the applicant's ownership.
- 8.82 **Unclear whether the canopy in beer garden will be retained-** The proposed context elevation shows that the canopy will be re-located within the pub beer garden.
- 8.83 **Inappropriate shared side access-** There is a shared side access between Plots 1 and 2. This has ample room for cycle and refuse storage to be accessed and this design solution is considered to be acceptable.
- 8.84 **Inaccurate Levels-** There are varying levels across the whole development plot. A levelling exercise will have to be undertaken in order to create the foundations and the new driveway. As the foundations will not be above the ground level, it is not necessary to provide these measurements in the determination of a planning application. The external levels provided on the submitted plans are considered to accurately reflect the proposed development.
- 8.85 **Flooding-** The application site is located within Flood Zone 1 and therefore there is no increased risk of flooding within this location.
- 8.86 **Footpaths to dwellings do not meet disabled access requirements-** This matter will be dealt with by building control when Building Regulations approval has been obtained. The Building Regulations specify minimum size standards which need to be provided with regarding disabled access. Therefore, the development will need to comply with this as part of the Building Regulation approval process.

k) Conclusion

- 8.87 The principle of the development is acceptable at the site and the proposed houses are of high quality, respect the character of the area and the setting of the nearby heritage assets. Furthermore, the loss of 11 car parking spaces within the Crofton Public House curtilage would not result in an unacceptable impact on highway safety or an unacceptable demand for on-street car parking.
- 8.88 Notwithstanding the objections received, Officers consider on balance that the proposal accords with the Council's adopted planning policies and

Supplementary Planning Documents and that subject to the imposition of appropriate planning conditions, planning permission should be granted.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, Subject to the following conditions:

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

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 22.3400.100 P1
- b) Existing Site Plan 22.3400.001 P1
- c) Proposed Site Plan 22.3400.101 P21
- d) Plot 1 Floor Plans 22.3400.102 P6
- e) Plot 2 Floor Plans 22.3400.103 P5
- f) Existing Elevations 22.3400.003 P1
- g) Plot 1 Elevations 22.3400.104 P7
- h) Plot 2 Elevations 22.3400.105 P5
- i) Existing Context Elevation 22.3400.002 P1
- j) Proposed Context Elevation 22.3400.106 P10

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

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. Notwithstanding the provisions of Classes A, B, C, D, E, F and G of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no extensions, no additions, or alterations to the roof, porches, outbuildings or hard surfaced areas shall be constructed within the curtilage of the/any dwelling house hereby approved unless first agreed in writing with the Local Planning Authority following the submission of a planning application.

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

5. The first-floor window proposed to be inserted into the rear (eastern) bathroom window of Plot 1 of the approved development shall be:
 - a) Obscure-glazed; and
 - b) Of a non-opening design and construction to a height of 1.7 metres above internal finished floor level;and shall thereafter be retained in that condition at all times.

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

6. The Development shall be carried out in accordance with the measures detailed in Section 3 'RECOMMENDATIONS' of the Badger Survey Report by Kingdom Ecology, dated 21st July 2023.

REASON: To ensure the safeguarding of the protected species and retained habitats on site

7. The development shall be carried out in accordance with the Biodiversity Management Plan 28th September 2023. Thereafter the approved Biodiversity Net Gain measures shall be managed, maintained, monitored and funded in accordance with the approved details.

REASON: To secure at least 10% net gains in biodiversity.

8. No development hereby permitted shall commence until details of the means of surface and foul water drainage from the site 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 unless otherwise agreed with the local planning authority in writing.

REASON: To ensure satisfactory disposal of surface and foul water. 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 adverse impacts of inadequate drainage.

9. No dwelling, hereby approved, shall be first occupied until the approved parking and turning areas (where appropriate) for that property have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking and turning of vehicles at all times unless otherwise agreed in writing by the Local Planning Authority following the submission of a planning application for that purpose.

REASON: In the interests of highway safety.

10. No development shall take place beyond proof course (dpc) level until details of how and where Electric Vehicle (EV) charging points will be provided at the following level:

At least one Electric Vehicle (EV) charging point per dwelling with allocated parking provision;

The development shall be carried out in accordance with the approved details with the charging points provided prior to first occupation of the dwelling to which it serves.

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.

11. None of the development hereby approved shall be first occupied until the bicycle and bin storage relating to them, as shown on the approved plan, has been constructed and made available. This storage shall thereafter be retained and kept available at all times.

REASON: To ensure that the character and appearance of the development and the locality are not harmed and to encourage cycling as an alternative mode of transport.

12. No development shall start on site until the access, including the footway and/or verge crossing shall be constructed and lines of sight of 2.4 metres by 43 metres and 32 metres provided in accordance with the approved plans. The lines of sight splays show on the approved plans shall be kept free of any obstruction exceeding 0.6 metres in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

REASON: to provide satisfactory access and in the interests of highway safety.

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

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

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

- c) the measures for cleaning the wheels and underside of all vehicles leaving the site;
- d) a scheme for the suppression of any dust arising during construction or clearance works;
- e) the measures for cleaning Crofton Lane to ensure that they are kept clear of any mud or other debris falling from construction vehicles, and
- f) the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development.

The development shall be carried out in accordance with the 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.

- 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.

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

- 15.The landscaping scheme, submitted under Condition 14, shall be implemented and completed within the first planting season following the commencement of the development or as otherwise agreed in writing with the Local Planning Authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be

replaced, within the next available planting season, with others of the same species, size and number as originally approved.

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

16. None of the residential units hereby permitted shall be occupied until details of water efficiency measures to be installed in each dwelling have been submitted to and approved in writing by the Local Planning Authority. These water efficiency measures should be designed to ensure potable water consumption does not exceed 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

17. No development shall take place until the Council has received evidence that the required nitrate mitigation capacity has been allocated to the development pursuant to the allocation agreement dated 13th October 2023 between (1) William Northcroft Butler and James Nicholas Butler, (2) H N Butler Farms Ltd and (3) Punch Partnerships (PML) Limited

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

18. 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.

THEN

9.2 DELEGATE authority to the Head of Planning to:

Make any necessary modification, deletion or addition to the proposed conditions.

10.0 Background Papers

Application documents and all consultation responses and representations received as listed on the Council's website under the application reference

number, together with all relevant national and local policies, guidance and standards and relevant legislation.

P/23/0460/FP

FAREHAM

BOROUGH COUNCIL



The Crofton, 48 Crofton Lane
Fareham

Scale 1:1,250



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OFFICER REPORT FOR COMMITTEE

DATE: 13/12/2023

P/23/1445/VC

HILL HEAD

MRS ANGELA BURD

VARIATION OF CONDITION (P/07/0742/FP) FOR VEHICULAR ACCESS TO FRONT OF PROPERTY

53 OLD STREET, HILL HEAD, FAREHAM, PO14 3HQ

Report By

Jenna Flanagan – 01329 824815

1.0 Introduction

- 1.1 This application is reported to the Planning Committee in accordance with the Council's Scheme of Delegation due to the number of third-party letters received.
- 1.2 The Local Planning Authority has received a total of eight representations regarding this planning application including three letters of support which oppose the recommendation of the Planning Officer.

2.0 Site Description

- 2.1 The application relates to a detached dwellinghouse, located on the west side of Old Street, with an enclosed front garden. The property benefits from pedestrian access, a garage and parking to the rear of the property via an access road to the north.
- 2.2 The western side of Old Street in this location is designated in the adopted local plan as being outside of the urban area and so within the countryside. The eastern side of the road is however within the urban settlement boundary.

3.0 Description of Proposal

- 3.1 Planning permission was approved on 18th July 2007 (our reference P/07/0742/FP) for the erection of a detached dwelling and garage at the application site. Planning condition (no. 4) of that planning permission states:

“The planting as since hatched on the approved plan shall be retained at all times in accordance with a scheme which is to be submitted to the local planning authority within 4 weeks of the date of this decision notice. At no time shall vehicular or pedestrian access/egress be created through the planting hatched on the plan unless first agreed in

writing with the local planning authority following the submission of an appropriate planning application.

REASON: In the interests of residential amenity; in the interests of the visual amenity of the area; in accordance with Policies DG3 and DG5 of the Fareham Borough Local Plan Review.”

3.2 The planting along the eastern boundary has been removed by the applicant in preparation to install a dropped kerb. The removal of the planting is contrary to condition 4; and the applicant retrospectively seeks planning permission to vary condition 4 of P/07/0742/FP to regularise the removal of the planting, and to enable the creation of a vehicular access from Old Street into the front garden of the property.

3.3 In 2012, an application was refused by this Council to vary the condition to allow the creation of a pedestrian/disabled access through the front boundary from Old Street. A similar application to that was also refused and a subsequent appeal dismissed in 2008.

4.0 Policies

4.1 The following policies apply to this application:

Adopted Fareham Local Plan 2037

- TIN2 – Highway Safety and Road Network
- D1 - High Quality Design and Placemaking
- D2 - Ensuring Good Environmental Conditions

Other Documents:

National Planning Policy Framework (NPPF) 2023

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

Residential Car & Cycle Parking Standards 2009 Supplementary Planning Document

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/12/0665/VC	Variation of Condition 4 of P/07/0742/FP (To Enable Pedestrian Access Through Planting Area for a Disabled Person)
Refused	19/09/2012

P/07/1208/VC Vary Condition 4 of P/07/0742/FP (To Enable Provision of New Pedestrian Access Gate in Existing Gap in Hedgerow)

Refused 05/11/2007

Appeal Dismissed 18/08/2008

P/07/0742/DP/A Erection of Detached Dwelling and Garage (Alternative to P/06/1418/FP): Details Pursuant – Conditions 4 and 5 (Landscaping)

Approval 21/08/2007

P/07/0724/FP Erection of Detached Dwelling and Garage (Alternative to P/06/1618/FP)

Approval 18/07/2007

6.0 Representations

6.1 During the 21 day notification period, seven representations were received. Of these representations, 5 are letters of objection, and 2 are letters of support (a third letter of support was received from a household who has already commented). The following points have been raised:

Objections:

- Safety and convenience of other road users and pedestrians
- Proposed access not visible when approaching from south
- Narrowest part of the road
- Four new properties approved nearby – will cause an increase in traffic volume
- The driveway will be inaccessible/restricts access to properties on eastern side if car park nearby
- Will encourage parking on dropped kerbs of eastern side of the highway
- Already adequate parking at rear of property
- Property is much closer to the road than other properties
- Lack of privacy now planting removed - planting should be reinstated
- Pedestrian access already refused (P/12/0665/VC)
- Nothing has materially changed since previous decision

Support

- Good visibility from either side
- Advantageous to remove/reduce parked vehicles from the road
- Will bring property in line with all others in the road
- Will improve visibility turning out of Meon View Farm
- Reduce number of vehicles using dirt track to the farm - less mud on the highway

7.0 Consultations

EXTERNAL

Hampshire County Council - Transport

- 7.1 The application site comprises a detached house which fronts onto Old Street. Old Street is an unclassified road subject to a 30mph speed limit. Based on the records available, there is a narrow strip of highway verge between the property boundary and the carriageway. There is a footway available on the eastern side of the carriageway.
- 7.2 Although not shown on the application drawings, there is a parking area/garage to the rear of the property accessed via the shared private driveway adjacent to No. 57. This shared driveway is of suitable geometry and has satisfactory visibility where it joins Old Street.
- 7.3 The application proposal is for the formation of a vehicular access onto Old Street. Planting/vegetation within the highway verge has been removed in preparation for the construction of the vehicle crossover (dropped kerb). The drawing entitled Frontage Existing & Proposed Vehicle Access indicates that a parking area will be laid out to accommodate three cars (without space to turn around). The surface details have not been provided. The parking area/driveway should be designed to prevent surface water from the site draining onto the public highway and designed to prevent loose material (such as gravel) being deposited onto the public highway.
- 7.4 Visibility splays of 2m ('x' distance) by 43m ('y' distance) are necessary in both directions from the proposed access to ensure that a driver of a vehicle emerging from the access can see an oncoming vehicle travelling at 30mph in sufficient time to allow them to make their manoeuvre safely. Correspondingly, the visibility splays allow the driver of an oncoming vehicle to be aware of the exiting vehicle to be able to slow down and stop safely if necessary (the Highway Authority's publication Technical Guidance Note 3: TG3 - Stopping Sight Distances and Visibility Splays refers). Visibility to the south of the access (right on exit) is significantly reduced to below this requirement by the adjoining property's boundary hedge. A driver of an emerging vehicle will not be able to see an oncoming vehicle until the exiting vehicle has significantly protruded into the carriageway, which would be detrimental to highway safety.
- 7.5 The Highway Authority recommends refusal as the proposed access from the application site onto Old Street is substandard in terms of visibility and egressing vehicles could cause danger and inconvenience to other highway users.

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) Planning history
- b) Highway safety;
- c) Visual amenity;

a) Planning history

- 8.2 Planning permission was approved on 18th July 2007 (our reference P/07/0742/FP) for the erection of a detached dwelling and garage at the application site with Planning condition (no. 4) secured the retention of the planting along the eastern boundary at all times and prevents the creation of a vehicular or pedestrian access/egress through the planted area, unless first approved by the Council.
- 8.3 Shortly after planning permission was granted, a further application was submitted seeking approval for a new pedestrian access gate to be installed in an existing gap in the boundary hedgerow (our reference P/07/1208/VC). That application was refused, and an appeal was subsequently lodged. The appeal was dismissed as the Planning Inspector was unable to conclude categorically that no harm to the character and appearance of the locality or unacceptable highway dangers would arise from the appeal proposal.
- 8.4 A further application was then submitted in 2012 (P/12/0665/VC), again requesting the variation of condition 4 of P/07/0742/FP, to enable pedestrian access through the planted area for a disabled person. The application was refused and considered unacceptable on the following grounds:
- (i) *the available length of frontage to Old Street is insufficient to enable a satisfactory pedestrian access, with adequate visibility splays, to be provided. Use of the access would be hazardous for pedestrians and would cause undue interference with the safety and convenience of the users of the adjoining highway.*
 - (ii) *the proposed access would encourage the parking of vehicles on the adjacent section of Old Street thereby causing an obstruction and adding to the hazards of highway users at this point.*
- 8.5 This current application seeks permission to again vary Condition 4, to create a vehicular access/egress from Old Street, through the eastern boundary into a driveway, which will be laid in the front garden.

b) Highway safety

- 8.6 The property already benefits from a vehicular and pedestrian access at the rear of the property via an access road to the north of the site. A double garage and a hard standing with off road parking for at least 2 vehicles is available to the rear of the property.
- 8.7 The applicant has sought permission from Hampshire County Council for the installation of a dropped kerb and this was approved on 31st May 2023. The applicant was of the belief that only the permission from Hampshire County Council was required and therefore planning permission was overlooked.
- 8.8 Preparations to install the dropped kerb commenced in June 2023 by removing planting along the eastern boundary, contrary to Condition 4 of planning reference P/07/0742/FP. Therefore, the Council approached the homeowner to resolve the breach of Condition 4, and an application was submitted to regularise the unauthorised removal of the planting and to seek permission for the installation of the dropped kerb to create a vehicular access through the eastern boundary.
- 8.9 Policy TIN2 of the adopted local plan states that development will be permitted where there is no unacceptable impact on highway safety. Despite Hampshire County Council approving the applicant's request to install a dropped kerb, during consultation with Hampshire County Council, the Highway Authority have objected to the application and a recommendation for refusal has been made on the grounds of highway safety.
- 8.10 Old Street is an unclassified road subject to a 30 mph speed limit. The road is narrow, with a footpath on the eastern side of the highway. No footpath is available on the western side of the highway where no. 53 is located. The required visibility splays for the speed limit of the road cannot be achieved across the land within the applicant's ownership or the adopted highway. Due to the substandard visibility for egressing vehicles, which could cause danger and inconvenience to other highway users, the development is not considered to comply with Policy TIN2.
- 8.11 Improvements to the poor visibility for egressing vehicles cannot be achieved to meet the visibility splay requirements within the land outlined within the red edge of the application site shown on the submitted location plan. Although the hedgerow planting at the adjoining property to the south (51 Old Street) has been cut back to improve visibility, that visibility crosses land owned by a third party which is not part of the adopted highway and which is outside of the applicant's control. It would not be acceptable to rely on this visibility since the applicant has no control over it being retained in perpetuity as required.

8.12 The application has also raised the prospect of installing traffic/safety mirrors to help driver's see one another, however, the installation of a mirror would not mitigate the poor visibility as it is difficult to judge speed and distance of approaching vehicles and can reflect light and dazzle drivers. In any case, Hampshire County Council will not permit the erection of a mirror on the highway.

c) Visual amenity

8.13 The application site is permitted infill development within the countryside. The aforementioned condition 4 of planning reference P/07/0742/FP was imposed in the interests of residential amenity and in the interests of the visual amenity of the area.

8.14 Policy D1 of the adopted local plan states, amongst other things:

“Development proposals will be permitted where compliance with the following key characteristics of high quality design, has been demonstrated:

i. Context – where proposals appropriately respond to the positive elements of local character, ecology, history, culture and heritage;...”

8.15 The boundaries along the western side of Old Street mostly consist of mature hedgerows, planting and low fences. The property to the north of the site has removed planting along the eastern boundary, and erected a low picket fence, however, other properties have maintained planting alongside other boundary treatments. The character of the western side of Old Street is of a rural lane which reflects its countryside designation on the edge of the urban settlement area. Meanwhile, properties sited on the eastern side of Old Street sit within the urban settlement and display characteristics of a residential estate. The eastern side of the street is more urbanised, and many properties have open frontages with hardsurfaced driveways and relatively sparse boundary treatment.

8.16 The removal of the planting at the application site, and creation of a hard standing driveway will have a harmful urbanising effect on the more rural character of the western side of the road. The proposed dropped kerb and opening in the planting along the eastern boundary is not considered to respond to the positive elements of local character, despite the proposal to plant of native shrubs either end of the eastern boundary. Therefore, the development is contrary to Policy D1.

- 8.17 In summary, the removal of the planting and creation of the dropped kerb to allow vehicular access to a hardstanding area at the front of the property does not respond positively to the local character of the area, and the visibility to the south of the site is significantly reduced, and cannot meet the required visibility splays, therefore, the vehicular access would be detrimental to highway safety. Officers acknowledge comments supporting the additional off road parking, however, the property already benefits from a garage and off road parking to the rear of the property, providing adequate off road parking.
- 8.18 Having carefully considered all the relevant planning matters, Officers consider the proposal contrary to the policies of the adopted Local Plan and recommend that planning permission be refused.

9.0 Recommendation

- 9.1 REFUSE PLANNING PERMISSION, on the following grounds:

The proposed development is contrary to Policy D1 and TIN2 of the Fareham Local Plan 2037 and is unacceptable in that:

- i) the removal of planting to support the development of the proposed vehicular access would fail to respond positively to the character of the western side of Old Street;
- ii) the visibility (within the control of the applicant), available south of the proposed vehicular access, would be very limited for vehicles leaving the application site. The use of the access would have an unacceptable impact upon highway safety.

10.0 Background Papers

- 11.1 Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

FAREHAM

BOROUGH COUNCIL



53 Old Street
Hill Head, Fareham
Scale 1:1,250



Agenda Item 6(9)

OFFICER REPORT FOR COMMITTEE

DATE: 13/12/2023

P/23/1386/FP
MRS C KIDBY

PORTCHESTER EAST

DETACHED GARAGE FOR RESIDENTIAL STORAGE PURPOSES, WITH ANCILLARY BUSINESS STORAGE FOR ASSOCIATED BUILDER, UNRELATED TO DWELLING AT 20 THE FAIRWAY

LAND TO THE REAR OF 20 THE FAIRWAY, PORTCHESTER, PO16 8NS

Report By

Emma Marks – direct dial 01329 824756

1.0 Introduction

1.1 The application is reported to the Planning Committee to be decided due to the number of third-party representations received.

2.0 Site Description

2.1 This application relates to piece of land to the rear of 20 The Fairway which is a mid-terrace property on the eastern side of The Fairway. The piece land was previously owned by 20 The Fairway but is now under separate ownership. The land is accessed via a track further along The Fairway which, together with other access points along The Fairway and The Downsway provide rear accesses to those properties that front onto The Fairway and The Downsway.

2.2 The property is within the urban settlement boundary.

3.0 Description of Proposal

3.1 Planning permission is sought for the erection of a detached garage. The foundations, base and part of two walls have been erected. The construction stopped once the Council's planning Compliance Officers advised the owner that planning permission was required.

3.2 The building is proposed to be used for storage purposes which includes 35% of storage for materials/equipment relating to a building business.

3.3 A corrugated sheet metal garage was previously on the piece of land but has now been removed.

3.4 The proposed brick-built garage will measure 3.2 metres wide, 5.5 metres deep, 2 metres to the eaves and 3.4 metres to the ridge.

4.0 Policies

4.1 The following policies apply to this application:

Adopted Fareham Local Plan 2037

The following draft policies of the emerging plan are of relevance: -

- D1: High Quality Design and Placemaking
D2: Ensuring Good Environmental Conditions

5.0 Relevant Planning History

5.1 None

6.0 Representations

6.1 Six letters of representation have been received raising the following concerns: -

- It will restrict accessibility to large vehicles
- May have to resort to reversing our van down the service road making this worryingly unsafe
- The deeds state that the land behind our properties is our land but must not restrict right of access
- There is a Southern Water sewer through the service road
- The storage is in connection to building materials for a building business
- A soak away would need to be constructed 5 metres away from the building

7.0 Consultations

7.1 None

8.0 Planning Considerations

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

- a) Design of the proposal
- b) Impact on neighbouring properties
- c) Highway safety/vehicle access
- d) Use of the Building
- e) Other matters

a) Design of the proposal

- 8.2 Policy D1 (High Quality Design and Placemaking) of the adopted Fareham Local Plan 2037 seeks to ensure that development proposals and spaces will be of high quality, based on the principles of urban design and sustainability to ensure the creation of well designed, beautiful and safe quality places.
- 8.3 The piece of land is located on a private access road behind the rear gardens of several residential properties within The Downsway and The Fairway. There are various different garages/outbuildings which have been erected along the access drive over previous years. The proposal is for a brick-built building with a dual pitched tiled roof.
- 8.4 Officers are of the view that the design of the structure is acceptable and would result in an improvement from the appearance of the original corrugated metal structure. The replacement would not have a detrimental impact on the character of the area in design terms and accords with Policy D1 of the Fareham Local Plan 2037.

b) Impact on neighbouring properties

- 8.5 Policy D2 (Ensuring Good Environmental Conditions) of the adopted Fareham Local Plan 2037 sets out that development must ensure good environmental conditions for all new and existing users of buildings and external space.
- 8.6 The structure is located a minimum of 32 metres away from the closest neighbouring property and therefore the building will not create an unacceptable adverse impact on any neighbouring properties with regards to light or outlook.
- 8.7 The development is considered by Officers to accord with Policy D2 of the Fareham Local Plan 2037.

c) Highway safety/vehicle access

- 8.8 Concern has been raised that the structure will restrict access for large vehicles, meaning that neighbours may need to reverse along the access track. Neighbours also point out that the deeds of their properties state that the right of access should not be restricted.
- 8.9 Once the building is built vehicular access would still be possible along the side of the building down the access track. Officers have checked on site and the track will remain at 3.1 metres wide. If the building did encroach onto land which should legally be kept clear for access, then this is a private legal matter between the respective owners.

d) Use of the building

- 8.10 The applicant proposes to use the building as a mixture of domestic/residential storage and to a lesser extent, commercial storage for some equipment or materials associated with their employment as a builder.
- 8.11 Concern has been raised by third parties that the building is to be used for the storage of equipment in relation to a business use. Whilst the building will not be wholly for residential use, the applicant anticipates that only a third of the floor area would be for commercial storage. The building is for storage which is unlikely to result in frequent visits on a day-to-day basis.
- 8.12 Officers believe it would be appropriate to limit the type and extent of storage which could take place within the building to minimise any impact upon nearby residential properties. Planning conditions are recommended to control these elements. Subject to these conditions, the proposal would accord with Policy D2 of the Fareham Local Plan 2037.

e) Other Matters

- 8.13 **Surface Water Drainage** - It has been raised that a soakaway would be required for the building and generally this should be positioned 5 metres away, which is not possible in this case due to the size of the land available and could impact on the access. The applicant has advised that a soak away will be put in next to the garage door and would not impact on the access track. The original corrugated metal garage building which originally sat on this site had no drainage with all surface water draining straight into the adjoining ground. Whilst no specific details of the soakaway has been provided, the creation of one would be a benefit to the track and an improvement from the original situation. If the soakaway impacts on the surrounding land then this would be private matter between the landowners or the properties with a legal right of way.
- 8.14 It has also been mentioned that a Southern Water sewer runs down the access track. This is a matter which the applicants have been made aware of and would need to contact Southern Water directly if required.

9.0 *Summary*

- 9.1 Notwithstanding the objections received the proposal is considered acceptable in respect of its relationship to neighbouring properties, design and vehicular access to nearby properties, and complies with both Policies D1 and D2 of the Fareham Local Plan 2037.

10.0 *Recommendation*

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

1. The development hereby permitted shall be begun before the expiration of a period of three 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) Site Plan
- b) Floor Plan and Front Elevation
- c) Proposed Rear Elevation
- d) Proposed Side Elevation

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

3. The garage hereby approved shall be used for the storage of domestic items and for the storage of materials and equipment used in connection with a building and maintenance business. No more than one third of the garage floorspace shall be used for the storage of materials and equipment used in connection with a building and maintenance business.

REASON: To protect the amenities of neighbouring occupiers

Then:

DELEGATE authority to the Head of Planning to make any necessary modification, deletion or addition to the proposed conditions.

10.0 Background Papers

- 10.1 Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

FAREHAM

BOROUGH COUNCIL



20 The Fairway
Portchester

Scale 1:1,250



Agenda Item 6(10)

OFFICER REPORT FOR COMMITTEE

DATE: 13/12/2023

P/22/0896/RM
MILLER HOMES LTD

PORTCHESTER WEST
AGENT: LUKEN BECK

PHASE TWO: APPLICATION FOR THE APPROVAL OF ALL OUTSTANDING RESERVED MATTERS FOR THE ERECTION OF 170 RESIDENTIAL DWELLINGS WITH ASSOCIATED INTERNAL ACCESS ARRANGEMENTS; PARKING; LANDSCAPING; OPEN SPACES, INCLUDING PLAY AREA AND SPORTS PITCHES AND ANCILLARY INFRASTRUCTURE WORKS (PHASE TWO PURSUANT TO OUTLINE PLANNING PERMISSION P/20/0912/OA)

LAND EAST OF DOWNEND ROAD, PORTCHESTER

Report By

Richard Wright – direct dial 01329 824758

1.0 Introduction

- 1.1 This application has been reported to the Planning Committee for determination due to the number of third party letters of objection received.
- 1.2 Members will be aware that in October 2021, outline planning permission was granted on appeal for the construction of up to 350 homes on land east of Downend Road, Portchester (our reference P/20/0912/OA, appeal reference APP/A1720/W/21/3272188). That appeal determined the principle of development to be acceptable as well as the means of access.
- 1.3 In January this year Members considered an application for reserved matters relating to the first 180 homes at this site (Phase 1) and approval was granted (our reference P/21/2048/RM).

2.0 Site Description

- 2.1 This application is for the second phase of the development granted outline planning permission on appeal. The application site comprises the eastern part of the wider site.
- 2.2 The site is located on the slopes of Portsdown Hill north of the Portsmouth to Southampton railway line which forms the development's southern boundary. The site comprises agricultural land and paddocks with farm buildings at its centre. It is in the countryside and lies outside of the urban settlement boundary but within a Housing Allocation (HA4) in the adopted local plan. To the west of the site lies land which is to be developed in the first phase of the scheme. To the south is the railway line. To the east lies Portchester

Crematorium, the memorial gardens and the residential park at Northfield Park. To the north are agricultural fields beyond which is the M27 motorway.

3.0 Description of Proposal

- 3.1 Approval is sought for the reserved matters pursuant to the outline planning permission for the appearance, scale and layout of the buildings and the landscaping of the site insofar as it relates to the next 170 dwellings (Phase 2).
- 3.2 The proposed layout of the site is arranged in so-called 'perimeter blocks' of dwellings. Three perimeter blocks lie to the north of a central area of public open space containing a play area and sports pitches. A further five perimeter blocks are located to the south of the public open space between it and a series of drainage infiltration basins along the southern boundary of the site with the railway. A green corridor with pedestrian paths runs north to south through both the northern and southern areas of housing. Pedestrian routes are also provided around the edge of the development and through the centre running west (connecting to the public open space in Phase 1) to east (where a footpath will lead all the way to Upper Cornaway Lane).
- 3.3 The new homes proposed are a mixture of two- and two-and-a-half storey detached and semi-detached houses and three-storey apartment buildings of which there are two located on the southern side of the public open space. Sixty-eight of the 170 homes (40%) are to be affordable homes comprising a mixture of units available for shared ownership and affordable rent.
- 3.5 Officers are of the view that the information submitted with this application is sufficient to consider the discharge of condition 11 (levels) of the outline planning permission granted on appeal (our reference P/20/0912/OA, appeal reference APP/A1720/W/21/3272188).

4.0 Policies

- 4.1 The following policies apply to this application:

Fareham Local Plan 2037

HP1 - New Residential Development

HA4 - Downend Road East

NE1 - Protection of Nature Conservation, Biodiversity and the Local Ecological Network

NE3 - Recreational Disturbance on the Solent Special Protection Area (SPA's)

NE4 - Water Quality Effects on the SPA/SAC and Ramsar Sites of the Solent

NE6 - Trees, Woodland & Hedgerows

NE9 - Green Infrastructure

- TIN1 - Sustainable Transport
- TIN2 - Highway Safety & Road Network
- D1 - High Quality Design & Placemaking
- D2 - Ensuring Good Environmental Conditions
- D4 - Water Quality & Resources
- D5 - Internal Space Standards

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/21/2048/RM Phase One: Application For The Approval Of All Outstanding Reserved Matters For The Erection Of 180 Residential Dwellings With Associated Internal Access Arrangements, Parking, Landscaping, Open Space And Ancillary Infrastructure Works (Phase One Pursuant To Outline Consent P/20/0912/Oa)
APPROVE 10/02/23

P/20/0912/OA Outline Planning Application With All Matters Reserved (Except The Means Of Access) For Residential Development, Demolition Of Existing Agricultural Buildings And The Construction Of New Buildings Providing Up To 350 Dwellings, The Creation Of New Vehicular Access With Footways And Cycleways, Provision Of Landscaped Communal Amenity Space, Including Children's Play Space, Creation Of Public Open Space, Together With Associated Highways, Landscaping, Drainage And Utilities.
ALLOWED ON APPEAL 18/10/2021

P/18/0001/OA Outline Planning Application for Improvements to Cams Bridge and the Approaches to Enable Use by Pedestrians and Cyclists and Continued Vehicle Access to the Workshop Including Lighting, Raising the Bridge Parapets, Signage, Re-Surfacing and New Road Markings

6.0 Representations

6.1 Fifty-nine letters of objection from forty-five individuals have been received in response to this application. Some of the comments made relate to matters of principle and the means of access to the site which were issues considered when the Planning Inspector determined the appeal and granted outline planning permission. However, the following matters were raised which are material to the consideration of this current application for approval of reserved matters:

- Building heights exceed 2.5 storeys contrary to Policy HA4
- Development not high quality
- Some plant specifications are unsuitable, prone to disease or become a nuisance
- Spine road indicates possible further development to north
- Earlier iterations showed an area for more houses in “Phase 3”
- The lack of solar panels on south facing roofs is a missed opportunity
- Homes are not affordable
- Where will overhead powerlines go?
- Inadequate car parking and cycle storage
- Bin storage and collection inadequate
- Sports pitches should not just be football
- Sports pitches should be spread around site
- Houses are characterless
- Internal layout to some houses not appropriate
- More houses should have ‘swift bricks’
- Attenuation ponds and drainage will become blocked, littered and overflow and will be a safety problem

7.0 Consultations

EXTERNAL

Hampshire County Council - Highways

7.1 No objection.

Hampshire County Council - Ecology

7.2 Minor concerns raised in relation to ecology information submitted.

Hampshire County Council – Flood & Water Management Team

- 7.3 The drainage strategy follows the same principles as previously identified however there are changes to layout and drainage runs. As such, revised calculations and exceedance flow route plans should be provided.

Hampshire Police – Designing Out Crime Officer

- 7.4 Advice provided regarding north/south green corridor pathway design and specification (including lighting).

INTERNAL

Trees

- 7.5 No objection.

Housing

- 7.6 No objection. The amount, tenure and size of affordable homes are compliant with the Unilateral Undertaking. The placement of the affordable housing has been improved. Smaller cluster of affordable housing are now integrated and distributed throughout the site, helping to maximise integration of tenures.

8.0 *Planning Considerations*

- 8.1 This reserved matters application provides the detail of the scale, appearance, layout and landscaping proposals for the 170 dwellings in Phase 2 of this development for up to 350 homes. As referred to earlier in this report, the outline planning permission granted on appeal in October 2021 considered the principle of development and the means of access to be acceptable. The reserved matters relating to the first 180 dwellings in Phase 1 were approved earlier this year.
- 8.2 Policy HA4 of the Fareham Local Plan 2037 gives site-specific requirements for development of the site. Those elements of the policy relating to the principle of development (including the quantum) and access have already been considered during the appeal for outline planning permission. However, a number of more detailed requirements are relevant to the determination of this reserved matters application and these are considered below in this report.
- 8.3 The outline planning permission granted by the Planning Inspector requires the development to be carried out in accordance with the approved Landscape Parameter Plan. That plan shows which areas of the site are to be developed, areas of informal and formal open space and surface water attenuation features amongst other things. The outline planning permission granted is also subject to a number of planning conditions covering matters such as archaeological investigation (condition 4), surface water drainage

(conditions 5 & 6), land contamination (conditions 7 & 8), a Construction Environmental Management Plan (condition 9), reptile and great crested newt mitigation (condition 10), finished levels (condition 11), electric vehicle charging (condition 12), permitted hours of construction work (condition 13), ecological mitigation and enhancement measures (condition 14), sound attenuation (condition 15), a Landscape and Ecological Management Plan (condition 16), biodiversity enhancement (condition 17) and water efficiency (condition 18).

- 8.4 Officers have carefully considered the extent to which this reserved matters application broadly conforms with the outline planning permission, specifically the parameters imposed through the approved Landscape Parameter Plan and planning conditions, and are satisfied in this regard. In terms of the development's layout there are one or two areas where for various reasons it has been necessary to deviate slightly from the approved parameter plan. These are considered minor in nature and are both essential and beneficial to achieving a well-designed and functioning layout.

Landscaping, public realm and open space

- 8.5 Officers have worked closely with the applicant Miller Homes and their consultant team to achieve a well thought out and high-quality layout to the scheme. The proposals would deliver an attractive public realm orientated around the central area of public open space, the north/south green corridor running through the site and the north/south corridor between Phases 1 and 2.
- 8.6 A significant amount of time has been spent with the developer working on the proposals for the central area of public open space. This new park would feature a large play area (a neighbourhood equipped area for play) and sports pitches. The park has been designed to respond to the natural gradient of the site. Whilst flat areas are to be created for the proposed sports pitches, the park slopes from north to south but without the need for significant engineering interventions such as high retaining walls. In addition, both the play area and sports pitches have been designed to take account of the likely need and demand generated by the new development and existing patterns of need in the local area, particularly with regards the sports pitches. A series of well connected routes run around the park with a mixture of sensory planting around the play area, amenity grass and sports turf over large areas in the centre and semi-ornamental groundcover and tussocky grassland around the periphery.
- 8.7 Along the eastern boundary of the site with the crematorium and southern boundary where drainage basins are to be located, more native scrubland planting is proposed. Houses are shown to face out onto these areas of open

space which would have a more informal character and arrangement than the park.

- 8.8 Through the centre of the site a north/south green corridor provides an important break in the built form of housing across the site whilst also allowing pedestrian connectivity in a pleasant landscaped setting.
- 8.9 The proposals are for an attractive, well laid out and well connected series of public spaces which accord with the design-led criteria of local plan policy D1. In addition, Officers consider the proposed layout, having been derived from the approved Landscape Parameter Plan, successfully takes account of the site's constraints and context in particular the hillside setting so as to meet criterion b) of local plan policy HA4. The proposed network of green and public access corridors throughout the site with pedestrian and cycle connectivity further complies with criteria d) & e) of that policy also.

Living conditions of future residents

- 8.10 The layout of the site has been carefully considered to ensure a high-quality living environment is being provided for the scheme's future residents. Officers are satisfied that, subject to ensuring that any windows shown to be obscure glazed and fixed shut to a specific height are retained in that manner, there would be no unacceptable overlooking through views from dwelling to dwelling. The arrangement of buildings on the site avoids any unacceptable impacts on light or outlook. Overall, there would be no unacceptable adverse impacts on the environmental conditions of future occupiers as adequate daylight, sunlight and privacy would be ensured.
- 8.11 With regards to external space, each of the houses proposed has a rear private garden which either meets or exceeds 11 metres in length to satisfy the minimum requirement in the Council's adopted Design Guidance (excluding Welborne) SPD. Officers have worked with the applicant to ensure that gardens are not unacceptably overlooked by neighbouring properties and are not excessively overshadowed by other buildings. Because of the significant gradient of the land across much of the site, the proposals have been prepared to ensure that gardens are not created with slopes which would be too severe so as to make them unusable in practice. The applicant proposes to grade the land in a way to avoid unacceptably steep differences in levels between gardens and also within the streetscene. Retaining walls are to be used throughout the development but these have been limited so that large unsightly or unneighbourly retaining structures are avoided.
- 8.12 There are two buildings containing flats proposed. A pleasant external amenity area with small seating area surrounded by shrub planting is shown

to the southern side of each building. Both flatted buildings are however located immediately opposite the southern boundary of the park and so are in very close proximity to public open space. Members will be aware that the Council's Design Guidance (excluding Welborne) SPD recommends flats be provided with at least 25 square metres of private or communal garden each. Whilst neither of the communal gardens would provide enough space to meet the guidance in the SPD some of the proposed flats benefit from Juliet balconies. Taking into account the positioning of flats relative to the park, the provision of good quality communal garden space and Juliet balconies, Officers consider the proposals acceptable in terms of the type, amount and quality of external amenity space being provided.

- 8.13 The applicant has submitted a checklist to demonstrate that all of the proposed homes meet the minimum space standards set out in the government's Nationally Described Space Standards and Policy D5 of the local plan.
- 8.14 In summary, Officers consider the proposals to accord with the relevant criteria relating to living conditions within adopted local plan policies D2 & D5.

Scale, appearance and design of buildings

- 8.15 The proposed housing is predominantly two storey in scale with single storey outbuildings. There are some 2.5 storey dwellings within the development also. The two flatted blocks located just south of the park are three storey in scale albeit the eaves height of the main roof on each building is lowered slightly.
- 8.16 Criterion f) of Policy HA4 requires:
- “Building heights limited to a maximum of 2.5 storeys, except for buildings which front onto the site access or perimeter, where heights will be limited to a maximum of 2 storeys...”*
- 8.17 It is acknowledged that, with the two flatted buildings three storeys high, the proposals do not meet this criterion. Notwithstanding, having regard to the design and appearance of each of the flatted blocks in question, Officers do not consider those buildings to be excessively bulky or visually obtrusive when considered individually or together. These buildings are located on the south side of the park and not, for example, on the highest point of the site further north. The inclusion of these two buildings at a scale in excess of that stated in policy HA4 is not considered to be harmful to the visual appearance of the development or to have any wider landscape implications.

- 8.18 The proposed housing across the wider phase one site is a mixture of traditional and more contemporary styles of architecture as promoted by the applicant Miller Homes. Officers are satisfied that the variety of housing proposed is an appropriate response to the varied character of the surrounding Portchester settlement area. Whilst the applicant has broadly indicated a proposed mixture of materials to be used, the exact details of those materials is recommended as the subject of a further planning conditions attached to the reserved matters approval.

Parking and highways

- 8.19 Every house in Phase 2 has allocated off-street, on-plot parking provided in accordance with the Council's adopted Residential Car & Cycle Parking Standards SPD. Some houses are also provided with garages which is in addition to the standard requirements. The two buildings containing flats each have their own parking courts to the rear with unallocated parking to meet the SPD standards. Every house is shown to have a 13amp wall or pedestal mounted electric vehicle charging point. Unallocated spaces within the parking courts for the flatted blocks are shown to have one charging point for every two spaces. Forty-six visitor car parking spaces are provided in parallel parking bays on the street. A large number of these are concentrated around the edge of the central area of open space.
- 8.20 The Highway Authority Hampshire County Council have raised no objection to the final revised proposals following further information being provided and amendments made by the applicant. It is understood that Miller Homes intend to offer the main estate spine road for adoption by the Highway Authority however other secondary and tertiary routes would likely remain the responsibility of a private management company.

Surface water drainage

- 8.21 The consultation response from Hampshire County Council in their capacity as the lead local flood authority has requested further information in the form of revised calculations and exceedance flow route plans. In any case, a detailed surface water drainage strategy is required to be provided pursuant to condition 5 of the outline permission. With that in mind there is no reason why this reserved matters application cannot be determined with any outstanding information being provided as part of that strategy submitted to discharge condition 5 in due course.

Ecology

- 8.22 The advice from the Council's ecologist raised a number of minor concerns relating to the ecological information provided. These concerns do not relate to the scale, appearance, layout or landscaping proposals for the site and so this reserved matters application could be approved notwithstanding. Conditions applied to the outline permission require, amongst other things, a Construction Environmental Management Plan (condition 9), reptile and great crested newt mitigation (condition 10), ecological mitigation and enhancement measures (condition 14), a Landscape and Ecological Management Plan (condition 16) and biodiversity enhancements (condition 17) to be approved by the Council and the matters raised by the Council's ecologist can be addressed through that separate process.

Impact on Habitat Sites

- 8.23 Local plan Policy NE1 sets out that development will be permitted where designated international, national and local sites of nature conservation value and protected and priority habitats and species are protected and enhanced. Policy NE3 requires a financial contribution to be made towards the Solent Recreation Mitigation Strategy as a result of the net increase in residential units from new housing development. Policy NE4 meanwhile states that planning permission will be granted where the integrity of the designated sites is maintained, having regard to the effect of nutrients on the designated sites arising from increased wastewater production.
- 8.24 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.
- 8.25 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 'Habitat Sites' (HS).
- 8.26 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.

- 8.27 Officers have undertaken an Appropriate Assessment to assess the likely significant effects of the development on the HS. The key considerations for the assessment of the likely significant effects are set out below.

Recreational Disturbance

- 8.28 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 Section 106 unilateral undertaking provided by Miller Homes for the previous outline planning permission includes obligations on the developer to make the appropriate financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMS) in accordance with Policy NE3.

Water Quality (nitrates)

- 8.29 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 HS.
- 8.30 A nitrates statement has been provided by the applicant to explain that the situation remains the same as when considered for the Phase 1 reserved matters application. At that time, a nitrogen budget was calculated in accordance with Natural England's '*National Generic Nutrient Neutrality Methodology*' (Feb 2022) ('the NE Advice') and the updated calculator (20 April 2022) which confirmed that the development of all 350 homes over phases one and two will generate 212.62 kgTN/year. In the absence of sufficient evidence to support a bespoke occupancy rate, Officers accepted the use of an average occupancy of the proposed dwellings of 2.4 persons in line with the NE Advice. The applicant provided a breakdown summary of the existing use of the land and Officers concurred with the information provided. This showed that the existing land use generates 481.94 kgTN/year. Officers note that no changes have occurred in the overall quantum of the proposal or the methodology used to assess the impacts since Phase 1 at the start of 2023. With that in mind, Officers consider the nutrient budget provided by the applicant previously demonstrates that the development would be nutrient neutral and therefore no further mitigation would be required.

- 8.31 The Council's appropriate assessment concludes that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the HS either alone or in combination with other plans or projects. Natural England has been consulted on the Council's Appropriate Assessment and their comments are awaited. It is considered that the development accords with the Habitat Regulations and complies with Policy NE1 & NE4 of the local plan.

Summary

- 8.32 In summary, the reserved matters application from Miller Homes is considered acceptable having regard to the proposed scale, appearance, layout and landscaping of the second phase of this development.
- 8.33 The application proposes an attractive, well laid out and well connected series of public spaces, internal roads and green infrastructure. The new dwellings proposed would provide adequate internal and external space, sunlight, daylight and privacy for residents and appropriate levels of car parking space in accordance with local plan policy D2. The design and appearance of the proposed buildings is of sufficiently high quality to create a well designed, beautiful and safe quality place in accordance with local plan policy D1. There would be no adverse effects on the integrity of Habitat Sites in compliance with local plan policies NE1, NE3 & NE4.
- 8.34 The details provided by the applicant in relation to finished internal and external levels are considered acceptable to discharge the requirement for such details under condition 11 of the outline planning permission.

9.0 Recommendation

- 9.1 DELEGATE authority to the Head of Planning to:

a) consider any comments received from Natural England relating to the consultation on the Appropriate Assessment and to make any minor modifications to the proposed conditions, addition of conditions, or any other subsequent minor changes arising.

- 9.2 **APPROVE** the reserved matters and details pursuant to condition 11 of the outline planning permission reference P/20/0912/OA, subject to the following Conditions:

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

Note: full list of approved drawings/documents to be provided as an update prior to Planning Committee meeting.

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

2. 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 materials to be used in the external facing elevations of buildings, boundary walls and fences and hardsurfaced areas 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.

3. The following windows shall be:
 - a) Obscure-glazed; and
 - b) Of a non-opening design and construction to a height of 1.7 metres above internal finished floor level;

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

- 1) *Note: full list of windows subject to this restriction to be provided as an update prior to Planning Committee meeting.*

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

THEN:

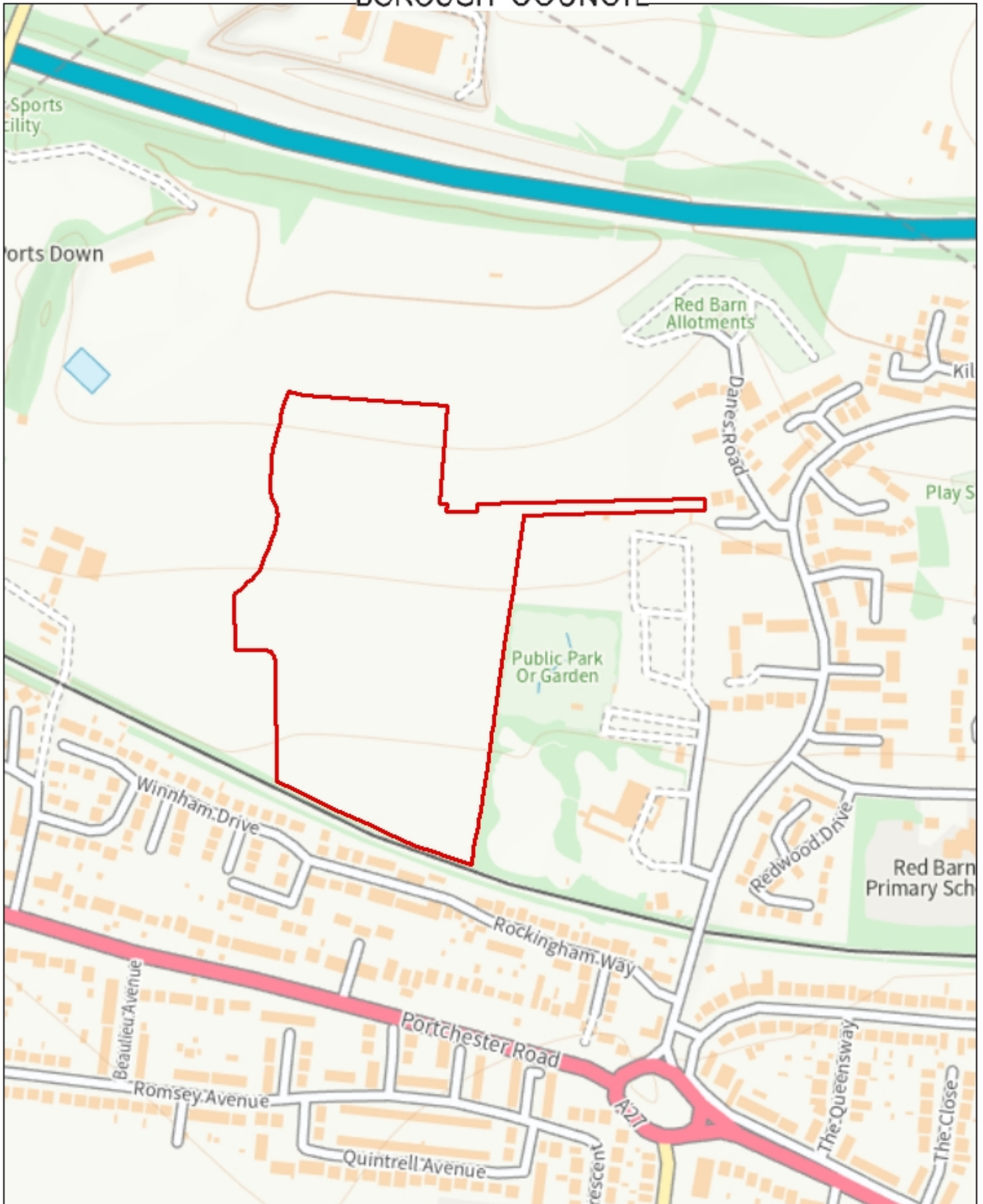
DELEGATE authority to the Head of Planning to make any necessary modification, deletion or addition to the proposed conditions.

10.0 Background Papers

Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

FAREHAM

BOROUGH COUNCIL



Land to the East of Downend Road
Portchester

Scale 1:5,000



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FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date 29/11/2023

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/21/1317/FP](#)

Appeal site address: Andark 256 Bridge Road Swanwick Southampton SO31 7FL
Ward: Sarisbury
The appellant: Mr & Mrs Andrew Goddard
Description of proposal: Change of Use of Land adjacent to Diving Lake to a Motorhome and Camping site for up to 7 Motorhomes and 6 Tents (Excluding Caravans) & Construction of Toilet/Shower Facilities
Council decision: REFUSE
Decision maker: Committee
Date appeal lodged: 19/09/2023
Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/22/0295/OA](#)

Appeal site address: 50 Paxton Road Fareham PO14 1AD
Ward: Fareham South
The appellant: Mr George Bell
Description of proposal: Outline application for 1 x 3 bedroom dwelling (with all matters reserved)
Council decision: REFUSE
Decision maker: Officer Delegated Powers
Date appeal lodged: 21/02/2023
Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/22/0337/OA](#)

Appeal site address: Land to South of 16/17 Glenthorne Close Fareham PO14 2NP
Ward: Stubbington
The appellant: Mr Peter Day
Description of proposal: Outline planning application for proposed erection of nine live/work (research/development/industrial/residential - Class E and C3) hangar buildings for aviation sector and public open space, with matters relating to access, layout and scale sought (appearance and landscaping reserved).
Council decision: REFUSE
Decision maker: Committee
Date appeal lodged: 03/11/2023
Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/22/0338/FP](#)

Appeal site address: Turret House Hospital Lane Portchester Fareham PO16 9LT
Ward: Portchester East
The appellant: Mr Anthony Lawrence
Description of proposal: New detached dwelling (self build)
Council decision: REFUSE

Decision maker: Committee
Date appeal lodged: 27/02/2023
Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/22/1409/FP](#)

Appeal site address: Hunters Lodge Care Home 39 Kiln Road Fareham PO16 7UQ
Ward: Fareham North
The appellant: Mr Stephen Geach
Description of proposal: Construction of a detached single-storey four-bedroomed lodge (containing five beds) in rear garden and retention of two internal single bedrooms to achieve 48 rooms (with 49 beds); retention of patio doors to the southwest elevation of dayspace room (Resubmission of application P/21/1163/FP).
Council decision: REFUSE
Decision maker: Officer Delegated Powers
Date appeal lodged: 12/10/2023
Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/22/1582/FP](#)

Appeal site address: Land adj to Meadow Brook Oslands Lane Swanwick Southampton SO31 7EG
Ward: Sarisbury
The appellant: C R Aquisitions Ltd
Description of proposal: Construction of detached dwelling with associated parking and access from Oslands Lane
Council decision: REFUSE
Decision maker: Officer Delegated Powers
Date appeal lodged: 01/11/2023
Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/23/1439/DA](#)

Appeal site address: Land at Titchfield Road Titchfield Fareham Hampshire PO14 3EW
Ward: Titchfield
The appellant: Mr Stuart Banks
Description of proposal: Change of Use of Land to Haulage Yard
Date appeal lodged: 30/10/2023
Reason for Appeal: Against serving of planning enforcement notice

PUBLIC LOCAL INQUIRY

Fareham Borough Council Reference: [P/22/0363/OA](#)

Appeal site address: Land at Pinks Hill Fareham
Ward: Fareham East
The appellant: Mr Stephen Clark
Description of proposal: Outline Planning Application With All Matters Reserved (Except For Access) For The Development Of Up To 109 Residential Dwellings (C3 Use) With Access From Pinks Hill, Informal And Formal Open Space And Associated Landscaping, Drainage Infrastructure, Acoustic Bund And Fence And Other Associated Works Including Demolition Of Existing Buildings & Associated Highway/Pedestrian Improvement Works to Pinks Hill Road and Military Road
Council decision: REFUSE

Decision maker: Committee

Date appeal lodged: 25/10/2023

Reason for Appeal: Appeal against refusal of planning permission

Date scheduled for Public Local Inquiry to start and duration: 23/01/2024 for 6 days

Fareham Borough Council Reference: [P/23/0954/DA](#)

Appeal site address: Meon View Farm 57 Old Street Fareham PO14 3HQ

Ward: Hill Head

The appellant: Mr Nicholas Chappell

Description of proposal: Change of Use of land & laying hard surface

Date appeal lodged: 10/07/2023

Reason for Appeal: Against serving of planning enforcement notice

DECIDED PLANNING APPEALS

Fareham Borough Council Reference: [P/22/1046/FP](#)

Appeal site address: 106 Funtley Road Fareham PO17 5EF
Ward: Fareham North
The appellant: Mr Paul MacDonald
Description of proposal: Timber garage for use as ancillary storage for the existing dwelling
Council decision: REFUSE
Decision maker: Committee
Reason for Appeal: Appeal against refusal of planning permission
Appeal decision: DISMISSED
Appeal decision date: 07/11/2023

Fareham Borough Council Reference: [P/22/1071/DA](#)

Appeal site address: Land adjacent to 83 Swanwick Lane Swanwick Fareham
Ward: Sarisbury
The appellant: Mr N Assar
Description of proposal: Without planning permission, the erection of a wooden building on the Land
Council decision: REFUSE
Decision maker: Officer Delegated Powers
Reason for Appeal: Against serving of planning enforcement notice
Appeal decision: DISMISSED
Appeal decision date: 16/11/2023

Fareham Borough Council Reference: [P/22/1771/DA](#)

Appeal site address: 106 Funtley Road Funtley Fareham PO17 5EF
Ward: Fareham North
The appellant: Mr P Macdonald
Description of proposal: Erection of Detached Timber Garage
Council decision: REFUSE
Decision maker: Officer Delegated Powers
Reason for Appeal: Against serving of planning enforcement notice
Appeal decision: DISMISSED
Appeal decision date: 07/11/2023

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](#)

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date 13 December 2023

Report of: Director of Planning and Regeneration

Subject: TREE PRESERVATION ORDER (TPO 784) – 9 & 11 BUTTERCUP WAY, PARK GATE – THREE PENDUNCULATE OAK TREES

SUMMARY

The report details an objection to the making of a provisional order in September 2023 and provides officer comment on the points raised.

RECOMMENDATION

That Tree Preservation Order 784 be confirmed.

BACKGROUND

1. Section 198 of the Town and Country Planning Act 1990 gives local planning authorities the power to make tree preservation orders [TPOs]:

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

2. Fareham Borough Council Tree Strategy.

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

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

3. A tree preservation order was made to protect three pedunculate oak trees adjacent to 9 & 11 Buttercup Way.

INTRODUCTION

4. In early September the Council received communication from the owner of no 9 Buttercup Way as to whether three oak trees adjacent their property were protected. The three trees are situated on frontage land adjacent to 9 Buttercup Way. As there was a potential threat to the trees, Officers considered whether they were worthy of a tree preservation order.
5. On 7 September 2023, a provisional order was made in respect of three pedunculate oak trees in front of 9 Buttercup Way. The trees are mature specimens, which are prominent in the street scene and make a significant contribution to the visual amenity of the area.

OBJECTIONS

6. One objection has been received from the owner of no 9 Buttercup Way. The main grounds of objection are as follows:
 - The trees are causing damage to parked vehicles.
 - The trees are preventing the use of the driveway due to bird droppings.
 - The trees are now getting too close to the house day by day.
 - The increased maintenance of the cars and the driveway is expensive, causing significant stress.
 - There are enough trees around the property and in the vicinity.
 - Our children can't play outside due to bird droppings.

PUBLIC AMENITY

7. The trees are situated approximately 9 metres to the southeast of the adjacent dwellings (Site map at Appendix A).
8. The three oak trees are clearly visible from the public highway, adjacent to the property frontages. The trees are large prominent specimens, which make a significant contribution to the character of the street scene and to local public amenity (Photographs at Appendix B).

PLANNING HISTORY - TPOs

9. TPO 83 was made on 20 December 1985 to protect those trees retained at the time of the Buttercup Way development. The TPO was an Area Order protecting 40 oak trees and 1 Silver birch.
10. The Council reviewed TPO 83 in 2013 and subsequently served TPO 655 on 17 May 2013 to protect 8 oak trees and one field maple. TPO 655 was confirmed as made and served on 11 September 2013 and TPO 83 was revoked on the same date.
11. The three oak trees subject to TPO 784 appear to have been protected by the original TPO 83, but were excluded from TPO 655. The reason for this may have been because they were considered to be on public open space, as with the group of adjacent oak trees situated on the other side of the driveway.
12. There is an area of public open space at the northeast end of the street and another linked to a greenway to the southwest, opposite no's 5 – 11 Buttercup way (map and aerial photo at Appendix A).

DAMAGE TO PROPERTY

13. The Council has not received any evidence to suggest the subject oaks are the cause of any damage to property due to tree root activity. In circumstances where a protected tree has been identified as a material cause of structural damage to property, the Council will not unreasonably withhold consent for the offending tree to be removed if such a course of action is justified by the facts.
14. The periodic clearing of debris, albeit an inconvenience, is considered to be part of routine household maintenance when living in close proximity to trees and provides no justification for their removal.
15. Officers acknowledge that for some residents, trees can be a source of frustration. However, these very same trees contribute to the pleasant appearance of Fareham and provide many benefits to our communities.

TREE WORK APPLICATIONS

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

RISK ASSESSMENT

18. The Council will not be exposed to any significant risk associated with the confirmation of TPO 784 as made and served. Only where an application is made for consent to carry out work on trees subject to a TPO and subsequently refused does the question of compensation payable by the Council arise.

CONCLUSION

19. When making tree preservation orders the Council endeavours to consider the rights of those affected and use their powers responsibly. However, the rights of the individual must be balanced against public expectation that the planning system will protect trees when their amenity value justifies such protection.
20. Tree preservation orders seek to protect trees in the interest of public amenity. Therefore, the exclusion of trees from an order should only be sanctioned where their public amenity value is outweighed by other considerations. In this instance Officers consider the reasons put forward for objecting to the protection of the pedunculate oaks are not sufficient to outweigh their public amenity value.
21. Officers therefore recommend that Tree Preservation Order 784 is confirmed as originally made and served.

Background Papers: TPO 784.

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

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

APPENDIX A – TPO SITE MAPS



<p>Fareham Tree Preservation Order No. 784 FRONT OF 9 BUTTERCUP WAY, PARK GATE</p>	<p>FAREHAM BOROUGH COUNCIL</p>	Date: 13 December 2023	Ref: 1	
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<p>Fareham Tree Preservation Order No. 784 FRONT OF 9 BUTTERCUP WAY, PARK GATE</p>	<p>FAREHAM BOROUGH COUNCIL</p>	Date: 13 December 2023	Ref: 2	
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APPENDIX B – OAKS T1, T2 & T3 VIEWED FROM BUTTERCUP WAY







