

FAREHAM

BOROUGH COUNCIL

AGENDA PLANNING COMMITTEE

Date: Wednesday, 10 April 2024

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. Chairman's Announcements

3. Declarations of Interest

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

4. Deputations

To receive any deputations of which notice has been lodged.

5. Planning applications and Miscellaneous Matters including an update on Planning Appeals (Page 1)

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/18/0590/OA - LAND WEST OF LOCKSWOOD ROAD WARSASH SO31 1BX** (Pages 3 - 28)

(2) **P/24/0151/TO - 3 HILLCROFT FAREHAM PO15 5ES** (Pages 29 - 33)

ZONE 2 - FAREHAM

(3) **P/24/0296/TO - 37 HIGHLANDS ROAD FAREHAM PO15 6AU** (Pages 35 - 39)

ZONE 3 - EASTERN WARDS

(4) **P/23/1594/FP - ALCOTTS YARD CASTLE STREET PORTCHESTER PO16 9PY** (Pages 41 - 52)

(6) **Planning Appeals** (Pages 53 - 58)

6. Planning Designation Action Plan (Pages 59 - 61)



A WANNELL
Chief Executive Officer
Civic Offices
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02 April 2024

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**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

Agenda Annex

ZONE 1 – WESTERN WARDS

Park Gate

Titchfield

Sarisbury

Locks Heath

Warsash

Titchfield Common

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/18/0590/OA WARSASH	LAND WEST OF LOCKSWOOD ROAD WARSASH SOUTHAMPTON SO31 1BX OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS), FOR RESIDENTIAL DEVELOPMENT OF UP TO 62 DWELLINGS, ASSOCIATED LANDSCAPING, AMENITY AREAS & ACCESS FROM LOCKSWOOD ROAD.	1 OUTLINE PERMISSION
P/24/0151/TO TITCHFIELD	3 HILLCROFT FAREHAM PO15 5ES FELL T3 OAK PROTECTED BY TPO450.	2 CONSENT

OFFICER REPORT FOR COMMITTEE

DATE: 10 April 2024

P/18/0590/OA
FOREMAN HOMES LTD

WARD: WARSASH
AGENT: FOREMAN HOMES LTD

OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS), FOR RESIDENTIAL DEVELOPMENT OF UP TO 62 DWELLINGS, ASSOCIATED LANDSCAPING, AMENITY AREAS AND MEANS OF ACCESS FROM LOCKSWOOD ROAD

LAND WEST OF LOCKSWOOD ROAD, WARSASH

Report By

Peter Kneen – direct dial 01329 824363

1.0 Introduction

- 1.1 The major planning application has been presented to the Planning Committee previously in November 2022. At that meeting, Members resolved to grant planning permission for the development subject to conditions and the prior completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990.
- 1.2 The Section 106 was not completed by the time the Fareham Local Plan 2037 was formally adopted, and therefore the application now needs to be determined against the policies of the adopted Local Plan. There have been no substantive changes to the planning application itself since it was considered by the Planning Committee in November 2022. However, further survey works have now been undertaken to an area of woodland to the southern part of the site within which the proposed sustainable urban drainage system (SuDS) will be located. This is to ensure that the area is capable of accommodating the necessary features without impacting on protected habitats, protected species or important trees. Further details of this are set out in the Report.

2.0 Site Description

- 2.1 The site is located to the south of Cabot Close, west of Lockswood Road, north of Greenaway Lane and to the east of land subject to a further development site of up to 180 dwellings, which would be linked to this development site. The site is located within the defined Urban Settlement Boundary and forms part of the wider HA1 (North and South of Greenaway Lane) Housing Allocation. The site measures 3.19 hectares and presently comprises a mixture of woodland and rough grassland/scrub planting.

2.2 A public right of way (Footpath 13) runs north – south along the eastern side of the site, parallel with Lockwood Road, and connecting up to Cavendish Drive to the northeast corner of the site. The public right of way would be maintained and enhanced as part of the proposals.

2.3 Existing access to the site is from the site to the west via Brook Lane.

3.0 Description of Proposal

3.1 Outline planning permission is sought for the construction of up to 62 dwellings with all matters reserved except for means of access to the site from Lockwood Road to the east. The layout, appearance, scale and landscaping of the site are therefore matters reserved for a future application for consideration at a later date.

3.2 An illustrative masterplan has been submitted with the application which identifies the vehicular access point onto Lockwood Road, together with areas of open space and retained woodland. Pedestrian and cycle links and a vehicle link to the west are also indicated.

4.0 Policies

4.1 The following policies apply to this application:

Adopted Fareham Local Plan 2037

H1: Housing Provision

HA1: Land North and South of Greenaway Lane

HP1: New Residential Development

HP4: Five Year Housing Land Supply

HP5: Provision of Affordable Housing

HP7: Adaptable and Accessible Dwellings

HP9: Self and Custom Build Homes

CC1: Climate Change

CC2: Managing Flood Risk and Sustainable Drainage Systems

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

NE9: Green Infrastructure

NE10: Protection and Provision of Open Space

TIN1: Sustainable Transport

TIN2: Highway Safety and Road Network

- D1: High Quality Design and Place Making
- D2: Ensuring Good Environmental Conditions
- D3: Coordination of Development and Piecemeal Proposals

Other Documents:

- National Planning Policy Framework (NPPF) 2023
- Fareham Borough Design Guidance: Supplementary Planning Document (SPD) (excluding Welborne) December 2015
- Residential Car Parking Standards SPD 2009
- Planning Obligations SPD (February 2024)
- Self and Custom Build Housing SPD (October 2023)

5.0 Relevant Planning History

5.1 There is no recent relevant planning history relating to the application site itself, however, the following planning history relates to nearby sites which are relevant to have regard to for this application proposal:

P/19/0313/RM Reserved Matters application pertaining to layout, scale, appearance and landscaping for the construction of 85 dwellings and associated infrastructure, open space, landscaping and other associated development works, pursuant to outline planning permission P/16/1049/OA

Land to the East of Brook Lane and South of Brookside Drive, Warsash (Bramley Park Development)

APPROVED 23 February 2022

P/22/1629/RM Reserved Matters application for P/18/0756/OA. Construction of 28 dwellings together with associated landscaping, amenity space, parking and a means of access from Greenaway Lane

Land Between and to the Rear of 56-66 Greenaway Lane, Warsash

APPROVED 10 July 2023

P/17/0845/OA Outline planning permission with all matters reserved (except for access) for residential development of up to 180 dwellings, associated landscaping, amenity areas and access from Brook Lane

Land East of Brook Lane, Warsash

RESOLUTION TO GRANT Planning Committee October 2018

6.0 Representations

6.1 No third party letters of representation have been received since the committee resolution to grant planning permission from the November 2022 planning committee. Thirty five representations were received at the time of the application submission between 2018 and 2022. The representations received raised the following objections to the application:

- Overdevelopment of the area as a whole
- Impact on neighbouring amenities
- Highway safety
- Increased traffic
- Increased noise pollution
- Impact on wildlife
- Impact on water quality
- Impact on health services
- Impact on schools
- Loss of trees
- Impact on the character of Warsash
- Increased flood risk
- Loss of archaeological heritage
- Dust during the construction process
- Inaccuracies in submission documentation

7.0 Consultations

EXTERNAL

Natural England

7.1 Natural England were consulted on the Council's Habitat Regulations Assessment and Appropriate Assessment in October 2022, and no objections were received. Whilst Natural England provided an updated Nitrates Calculator in January 2024, given the application is in outline and possible changes in the number of units could arise at reserved matters stage, it is considered that sufficient mitigation is in place for the purposes of this application.

Lead Local Flood Authority – Hampshire County Council

7.2 No objections, subject to conditions.

Highway Authority – Hampshire County Council

7.3 No objection, subject to conditions and financial contributions secured by legal agreement.

Education Authority (Children’s Services) – Hampshire County Council
7.4 No objection, subject to financial contributions secured by legal agreement.

County Archaeologist – Hampshire County Council
7.5 No objection, subject to conditions.

Ecology – Hampshire County Council
7.6 No objection, subject to conditions.

Southern Water
7.7 No objection

Police Crime Preventions Officer
7.8 Recommended traffic calming measures.

INTERNAL

Principal Tree Officer
7.9 No objection, subject to conditions

Street Scene (Public and Open Spaces)
7.10 No objection

Fareham Housing
7.11 No objection, subject to a policy compliant provision secured by legal agreement.

Street Scene (Refuse and Recycling)
7.12 No objection

Environmental Health (Contaminated Land)
7.13 No objection, subject to conditions.

Environmental Health (Noise and Pollution)
7.14 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 the development;
- b) Impact on residential amenity;

- c) Design and layout;
- d) Protected Species, Ecology and Biodiversity Net Gain;
- e) Impact on Habitat Sites;
- f) Highways, parking and connectivity;
- g) Other matters.

a) Principle of the development

- 8.2 The application site comprises part of the adopted Housing Allocation: HA1 – Land North and South of Greenaway Lane within the Fareham Local Plan 2037. The allocation sets out a total indicative yield of approximately 824 dwellings across the entirety of what is collectively known as the Warsash Cluster.
- 8.3 Developments as part of the Warsash Cluster are at various stages, with some still at planning application stage, others currently discharging various conditions prior to commencement, and some developers are busily implementing their developments.
- 8.4 At present, the total number of dwellings for the Warsash Cluster are currently below the total indicative yield set out in Policy HA1.
- 8.5 The Housing Allocation also sets out a list of site-specific criteria which the above proposals must collectively adhere to. These include:
- Concentrating main vehicular access points to Brook Lane and Lockwood Road
 - Interconnectivity of vehicular highways between parcels;
 - Continuous north – south infrastructure corridors comprising open spaces, pedestrian and cycle paths, natural greenspaces and wildlife habitat links. Wildlife corridors east – west should also be provided;
 - Building heights limited to a maximum of 2.5 storeys, except where they front the perimeter roads where they should be limited to 2 storeys. Some 3 storeys permitted centrally in the sites;
 - Protection of trees covered by Preservation Orders; and
 - Construction Environmental Management Plans to protect The Solent environs.
- 8.6 The application proposal for this development has been considered against these site-specific criteria and whilst only submitted in outline, provision has been made to ensure full compliance with them. Further detailed consideration would need to be made at Reserved Matters stage. Officers therefore consider that the development proposal is fully compliant with the adopted Local Plan policy in this respect and is therefore considered to be

acceptable in principle, subject to compliance with the other relevant policies of the adopted Development Plan.

b) Impact on Residential Amenity

- 8.7 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...’.

- 8.8 In respect of ensuring developments accord with the provisions of Policy D2, it is important to have regard to the advice in the Council’s adopted Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015 (hereafter referred to as the Design SPD).
- 8.9 The planning application is submitted in outline with only an illustrative masterplan being provided to demonstrate broadly how up to 62 dwellings could be accommodated on the site. Given existing boundary treatments surrounding the site, there are no residential properties in the immediate proximity of those proposed. The closest properties are those on the eastern side of Lockwood Road, although all those properties back onto Lockwood Road, and are therefore set away from the road frontage. Those on the proposed development would also be set back, behind a line of trees and vegetation that front Lockwood Road. To the north are existing properties on the Strawberry Fields development, accessed via Cavendish Drive. However again, these would be separated by a line of trees between them, ensuring minimal impact on residential amenity. At Reserved Matters stage it would be important to ensure sufficient space and landscaping is incorporated to protect the living conditions of neighbouring occupiers. The illustrative masterplan shows that the site would be capable of accommodating up to 62 dwellings whilst minimising the environmental impact on existing and future residents. Officers therefore consider the proposal would be capable of according with Policy D2 of the Fareham Local Plan 2037.

c) Design and Layout

- 8.10 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 places.

- 8.11 The Policy continues to highlight 10 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.
- 8.12 The application is submitted in outline and the illustrative masterplan shows that the overall layout and form of the development could be designed to be sympathetic with the character of the area, provides an active frontage toward Lockswood Road and the public right of way that runs north – south along the frontage whilst providing a vehicle link to the west. Up to 62 houses are proposed which equates to an approximate average net density of 27 dwellings per hectare. Further, building heights would not exceed 2.5 storeys.
- 8.13 The illustrative layout provides an indication of how up to 62 dwellings might be accommodated on the site. The detailed reserved matters application would need to demonstrate and ensure that the scheme complies with the Council's adopted Design Guidance SPD.
- 8.14 The illustrative layout demonstrates that where possible, valuable landscape features would be retained and the development could be further mitigated by reinforcing green corridors of vegetation and greenspace, together with pedestrian and cycle links connecting this site to the neighbouring developments and existing highways. Further, the presence of a good structure of woodland, hedgerows and trees provides an opportunity for integration of new buildings within the existing landscape.
- 8.15 It is therefore considered by Officers that the potential design and layout would be acceptable, subject to detailed consideration of the Council's adopted Design Guidance SPD, and the development would be capable of according with the principles and objectives of Policy D1 of the Fareham Local Plan 2037.

d) Protected Species, Ecology and Biodiversity Net Gain

- 8.16 Policy NE1: Protection of Nature Conservation, Biodiversity and the Local Ecological Network highlights that developments which secures protected and priority habitats and species, including breeding and foraging areas would be permitted. Large parts of the site are woodland, and would largely be retained, and enhanced with further ecological buffers.

- 8.17 The application has been supported by a suite of protected species and ecology reports having regard to the impact of the various on-site habitats that would be impacted by the proposed development. Given the timescale since the original application was submitted, these reports have been updated including specialised badgers, bats and reptile reports. The updated report has been considered by the Council's Ecologist and no concerns have been raised, subject to appropriate conditions.

Trees/Woodland

- 8.18 Policy NE6: Trees, Woodland and Hedgerows confirms that appropriate measures are in place to ensure the unnecessary loss of non-protected trees and woodland, but where lost, suitable replacements are considered. A woodland is located within the site. This feature will be retained within the development and will be subject to development through the provision of the surface water attenuation drainage pond. In addition, indirect impacts could arise during construction works if dust is deposited on the woodland areas. In order to ensure that indirect impacts do not arise, it is recommended that a Construction Environmental Management Plan (CEMP) is produced prior to commencement, secured by planning condition. In addition, the proposed landscape strategy should be designed to reduce pressure on the retained woodland through managing access and protecting sensitive habitats in order to ensure the longevity of this priority habitat for its intrinsic biodiversity interest and for the species it supports.

- 8.19 The Council's Tree Officer has considered the proposals and raises no objection. A detailed landscaping scheme will need to be submitted as a reserved matter.

Biodiversity Net Gain

- 8.20 Policy NE2 sets out that new developments should incorporate a net gain of 10% in biodiversity on the site following the completion of the development. Since the adoption of the Fareham Local Plan 2037, the Government has published further advice regarding Biodiversity Net Gain (BNG), include further details on the Regulations. These make provision for BNG to be provided within a wider habitat area that is not restricted to the site or immediate locale, with broader habitat areas identified. The application is supported by a detailed Biodiversity Net Gain Report and Metric Calculation. In order to achieve net gain, the development must improve biodiversity in the area by 10% above the existing on-site conditions.
- 8.21 The Metric Calculation identifies that the site will be able to provide 10.53% increase in BNG on the site compared to the existing baseline conditions. The applicant has also secured a site at West Meon for off-site enhancements, which would therefore result in an overall net gain of +19.26%

in BNG. This has been considered by the Council's Ecologist, who has confirmed it is acceptable, and the mitigation would need to be secured by condition.

8.22 Officers therefore consider that appropriate BNG is provided, suitable measures can be put in place regarding protected species and the existing woodland on the site is satisfactorily secured. The proposals are therefore considered to comply with Policies NE1, NE2, and NE6 of the Fareham Local Plan 2037.

e) Habitat Sites

8.23 Policy NE1: Protection of Nature Conservation, Biodiversity and the Local Ecological Network confirms that development will only be permitted where international, national and local sites of nature conservation value, priority habitats and the Ecological Network are protected and enhanced.

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 HS 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 HS. 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.

8.27 To fulfil the requirements under the Habitat Regulations, Officers have carried out an AA in relation to the likely significant effects on the HS which concludes that there would be no adverse effects on the integrity of protected sites subject to mitigation measures. The key considerations for the assessment of the likely significant effects are set out below.

- 8.28 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. Policy NE3: Recreational Disturbance on the Solent SPAs confirms that development will only be permitted where the financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMP) has been made. The applicant has agreed to make the appropriate financial contribution towards the SRMP and 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 SPAs. The mitigation contribution will be secured by a section 106 legal agreement.
- 8.29 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).
- 8.30 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, secured through a S.111 agreement.
- 8.31 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 those 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. Policy NE4: Water Quality Effects on the SPAs, SACs and Ramsar Sites of The Solent confirms that permission will only be granted where the integrity of the designated sites maintained.

- 8.32 A nitrogen budget has been calculated in accordance with Natural England's 'National Generic Nutrient Neutrality Methodology' (February 2022) ('the NE Advice') and the updated calculator (January 2024) which confirms that the development will generate 72.89 kg TN/year. In the absence of sufficient evidence to support a bespoke occupancy rate, Officers have accepted the use of an average occupancy of the proposed dwellings of 2.4 persons in line with the NE Advice. The existing use of the land for the purposes of the nitrogen budget is considered to be a mixture of urban land and open space. Due to the uncertainty of the effect of the nitrogen from the development on the HS, adopting a precautionary approach, and having regard to NE advice, the Council will need to be certain that the output will be effectively mitigated to ensure at least nitrogen neutrality before it can grant planning permission.
- 8.33 The applicant has secured 73.64 kg TN/year of nitrate mitigation 'credits' from the Whitewool Farm scheme in the South Downs National Park as evidenced by the submission of credit agreement. Through the operation of a legal agreement between the landowners (William and James Butler), tenant (Butler Farms), the South Downs National Park Authority and Fareham Borough Council dated 16 February 2021, the purchase of the credits will result in a corresponding parcel of agricultural land at Whitewool Farm East Meon, Petersfield being removed from intensive agricultural use, and therefore providing a corresponding reduction in nitrogen entering The Solent marine environment.
- 8.34 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.
- 8.35 Natural England was consulted on the Council's updated Appropriate Assessment in October 2022 and raised no objection in respect of recreational disturbance on The Solent SPAs, New Forest SPA, SAC and Ramsar Site or on water or air quality implications. Whilst the consultation with Natural England pre-dates the revised calculator published in January 2024, no changes have been made to the calculator which has affected the level of nitrate mitigation required for this site. It is therefore considered that the development accords with the Habitat Regulations and complies with Policies NE1, NE3 and NE4 of the Fareham Local Plan 2037.
- f) Highways, Parking and Connectivity**
- 8.36 The application proposes access to and from the development from Lockswood Road via a T-junction. A number of representations have raised concern over the impact of the development on local roads due to increased volumes of traffic and disturbance during the construction process. The

Highway Authority has assessed the proposal which includes details relating to the access and concluded that from a highway safety perspective, the proposal would be acceptable and a safe means of access can be provided subject to the imposition of planning conditions and financial contributions towards a Travel Plan (to encourage residents to move towards more sustainable methods of transport), improved crossing points along Lockswood Road; a new footway/cycleway on the western side of Lockswood Road to connect to Greenaway Lane and improvements to several local junctions. The Highway Authority is a statutory consultee and their consultation response is a significant material consideration.

8.37 In addition to the matter above, the site will be linked with a vehicular connection to the further Foreman Homes site to the immediate west, and further pedestrian and cycle links to Greenaway Lane within the site ensuring continuity of the green infrastructure links throughout the northern part of the Warsash Cluster developments, in compliance with Policy NE9 of the Fareham Local Plan 2037.

8.38 In light of the above, Officers are satisfied that the proposal would not have any unacceptable highway safety implications, and would therefore comply with Policies TIN2 and NE9 of the Fareham Local Plan 2037.

g) Other Matters

8.39 **Affordable Housing:** The applicant is proposed to deliver 40% affordable housing in accordance with Policy HP5 of the Fareham Local Plan 2037. This would ensure the provision of up to 25 affordable dwellings on the site. The affordable dwellings will comprise a mixture of sizes, including both affordable rented and shared ownership properties. These details will be secured via a planning obligation within the Section 106 legal agreement.

8.40 **Adaptable and Accessible Homes:** The applicant is committed to ensuring a policy compliant provision of M4(2) and M4(3) houses in accordance with the provision of Policy HP7. Category M4(2) are considered adaptable homes whereas M4(3) are fully wheelchair compliant homes. The provision of these will also be secured via a planning obligation within the Section 106 legal agreement.

8.41 **Self and Custom Build Homes:** Policy HP9 seeks to ensure that 10% of the overall number of dwellings on sites of 40 dwellings or more are provided to address local self and custom build needs. The Council adopted a Self and Custom Build SPD in October 2023 which provides further guidance and advice on the delivery of self and custom build development within Fareham including within large residential and mixed use developments.

- 8.42 Self build and custom build are two different concepts. Self build is often touted as the more ambitious and individual ‘Grand Designs’ approach to development but can also involve the design and build of a home on serviced multi-plot development, such as can be seen locally on Greenaway Lane. Custom build homes are however tailored to an individual’s specification, but the construction is managed and completed by a developer.
- 8.43 The applicant has committed to ensure compliance with Policy HP9 and the adopted SPD, and the provision of these will also be secured via planning conditions and a planning obligation within the Section 106 legal agreement.
- 8.44 **Surface Water Drainage:** The development will include provision of a new attenuation pond within the wooded area to the southern part of the site to ensure that all surface water from roads and areas of public open space are adequately drained. The principles of the drainage solution have been considered acceptable by Hampshire County Council as the Lead Local Flood Authority, but further technical details will need to be provided at Reserved Matters stage when the detailed design of the scheme is known. Measures to ensure this will be secured by planning condition.
- 8.45 **Open Space:** On site open space is primarily proposed in the form of areas of retained woodland and is shown illustratively on the submitted plans. As part of the Section 106 legal agreement, it is considered appropriate to secure a plans as part of the agreement to ensure that appropriate areas of woodland are retained and managed. This is also to secure green infrastructure to support biodiversity.
- 8.46 In respect of play provision, and in accordance with the Council’s adopted Planning Obligation SPD, the proposed number of units would require the provision of a Locally Equipped Area of Play (LEAP). The LEAP is to be secured on the other Foreman Homes site to the west to cover the northern half of the Warsash Cluster, and as such, this site will make a financial contribution towards it provision and maintenance which will be secured in the Section 106 legal agreement.
- 8.47 **Effect on Local Infrastructure:** Concerns have also been raised over the effect of the number of dwellings on schools in the area. Hampshire County Council as the Education Authority have identified a need to increase the number of primary and secondary school places within the area to meet needs generated by the development. It is recommended that a financial contribution towards education provision is secured through the Section 106 legal agreement.

8.48 Concerns have also been raised by local residents regarding the impact of the development on health services in the area. This is an issue that is raised regularly in respect of new housing proposals however, it is ultimately for the health providers to decide how they deliver health services. Therefore a refusal on these grounds would not be sustainable.

Summary

8.49 Members have resolved to grant planning permission for this development at the Planning Committee in November 2022. The application is being presented to the Planning Committee for a decision due to the adoption of the Fareham Local Plan 2037 and the need to determine the proposals against the policies of the most up-to-date Development Plan. There have been no substantive changes with the application proposal itself with only an illustrative masterplan having been provided.

8.50 The delays in the determination of the application have been largely as a result of on-going discussions regarding the Section 106 legal agreements, and confusion between the two Foreman Homes applications. All matters regarding the Section 106 have now been substantially resolved.

8.51 The site lies within the defined urban settlement boundary as it forms a housing allocation within the adopted Fareham Local Plan 2037, Policy HA1, and the proposal is fully compliant with the provisions of this policy.

8.52 Having assessed the proposal against the policies of the adopted Fareham Local Plan 2037, and following careful consideration of all material planning considerations, Officers recommend that planning permission be granted subject to the imposition of appropriate planning conditions, and subject to the prior completion of a Section 106 legal agreement.

9.0 Recommendation

9.1 Subject to the applicant/owner first entering into a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council in respect of the following:

- a) To secure the timely delivery of the areas of open space and the option for these spaces to be adopted by Fareham Borough Council;
- b) To secure the provision of an Open Space Management and Enhancement Plan;
- c) To secure the necessary open space commuted maintenance sums prior to adoption by the Council; or
- d) In the event that the Council does not adopt the delivered open space, then the creation of a management company to maintain the open space in perpetuity including details of how that management company would be

funded to ensure the management and maintenance of the open space in perpetuity;

- e) To secure a financial contribution towards a locally equipped area of plan (LEAP);
- f) To secure a financial contribution towards the Solent Recreation Mitigation Partnership (SRMP);
- g) To secure 40% of the proposed units as on-site affordable housing; the type, size, mix and tenure to be agreed to the satisfaction of Officers;
- h) To secure 10% of the proposed units as self and custom build houses;
- i) To secure provision of Category M4(2) and M4(3) adaptable and accessible homes;
- j) To secure pedestrian and cycle connectivity access to adjoining land for members of the public through the site in perpetuity and a financial contribution towards the maintenance and associated lighting of the pedestrian and cycle link;
- k) To secure a financial contribution towards primary and secondary education provision;
- l) To secure a financial contribution towards highway improvements;
- m) To secure a Travel Plan and related monitoring cost and bond;
- n) To secure a sustainable travel contribution to be used towards off site improvements;
- o) To secure the provision of ecological buffers along the north, east and south boundaries;
- p) To secure a financial contribution for the maintenance of trees;
- q) To secure the preparation and provision of the off-site reptile translocation area.

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

1. Details of the appearance, scale, layout and landscaping of the site (hereafter called “the reserved matter”) shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved. The development hereby permitted shall be commenced in pursuance of this permission either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To allow a reasonable time period for work to start and to comply with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:
 - a) Location plan (Drawing: 18.07.01 Rev B)
 - b) Phase 2 Site Plan (Drawing: 18.057.03 Rev K)
 - c) Proposed Land Use Plan (Drawing 18.057.06 Rev F)
 - d) Site access to Lockwood Road (Drawing no. ITB1370-GA-00 Rev B)
 - e) Additional Transport Information Technical Note by iTransport (Ref: SJ/SH/ITB13-007 TN)
 - f) Framework Travel Plan by iTransport (Ref: SJ/AI/ITB13705-006C R)
 - g) ROAD ALIGNMENT (1 OF 3) (Drawing: 056.5031_020)
 - h) ROAD ALIGNMENT (2 OF 3) (Drawing: 056.5031_021)
 - i) ROAD ALIGNMENT (3 OF 3) (Drawing: 056.5031_022)
 - j) Reptile Survey & Proposed Mitigation by Ecosupport (dated June 2018)
 - k) Bat Surveys by Ecosupport (dated July 2018)
 - l) Initial Ecological Appraisal by Ecosupport (dated October 2019)
 - m) Ecology Addendum by Ecosupport (dated November 2020)
 - n) Badgers and Bats in Trees Report (dated 13th July 2021)
 - o) Ecology Update Report by Ecosupport (dated September 2023)
 - p) Biodiversity Net Gain Report by fpcr (dated July 2022)
 - q) Tree Survey Report by CBA Trees (CBA1028PS v1 dated October 2017)
 - r) Arboricultural Statement (CBA10528 v2 November 2016)
 - s) Arboricultural Impact Assessment & Tree Survey Sapling Arboriculture Ltd J1116/02/02 (dated July 2023)
 - t) Phase 1 Desk Study (Ref 1694/DS May 2018)
 - u) Outline Landscape Strategy Plan by Deacon Design (Drawing: DD126L02)
 - v) Outline Landscape Strategy Plan by Deacon Design (Drawing: DD126L02 Rev B)
 - w) FRA & Drainage Strategy by Paul Basham Associates (dated October 2019)
 - x) Drainage layout 1 (Drawing: 056.5031_005)
 - y) Drainage layout 2 (Drawing: 056.5031_006)
 - z) Drainage layout 3 (Drawing: 056.5031_007)
 - aa) Drainage layout 4 (Drawing: 056.5031_008)
 - bb) Drainage layout 5 (Drawing: 056.5031_009)
 - cc) Drainage Pond Details (received Sept 2023)
 - dd) Proposed Surface Water Network (Oct 2019) 056.5031B
 - ee) Proposed SW 100yr+40% (Oct 2019) 056.5031A, and
 - ff) Proposed SW 1yr30yr100yr (Oct 2019) 056.5031A.

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

3. No development shall commence on site until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved CEMP (unless otherwise agreed in writing by the local planning authority) which shall include (but shall not necessarily be limited to):
- a) Details of 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 implement to ensure that operatives'/contractors/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;
 - c) Arrangements for the routing of lorries and details for construction traffic access to the site;
 - d) The arrangements for deliveries associated with all construction works, loading/ unloading of plant & materials and restoration of any damage to the highway;
 - e) The measures for cleaning the wheels and underside of all vehicles leaving the site;
 - f) A scheme for the suppression of any dust arising during construction or clearance works;
 - g) The measures for cleaning Lockswood Road to ensure that they are kept clear of any mud or other debris falling from construction vehicles, and
 - h) A programme and phasing of the demolition and construction work, including roads, footpaths, landscaping and open space;
 - i) Location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction;
 - j) Measures to control vibration in accordance with BS5228:2009 which prevent vibration above 0.3mms⁻¹ at the boundary of the SPA;
 - k) Provision for storage, collection, and disposal of rubbish from the development during construction period;

- l) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- m) Temporary lighting;
- n) Protection of pedestrian routes during construction;
- o) No burning on-site;
- p) Scheme of work detailing the extent and type of piling proposed;
- q) A construction-phase drainage system which ensure all surface water passes through three stages of filtration to prevent pollutants from leaving the site;
- r) Safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site.

REASON: In the interests of highway safety; To ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period; In the interests of protecting protected species and their habitat; In the interests of protecting nearby sites of ecological importance from potentially adverse impacts of development. 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.

3. No development hereby permitted shall commence until a Phasing Plan setting out the location of the proposed self and custom build plots has been submitted to and approved in writing by the Local Planning Authority. The phases set out on the Phasing Plan can be implemented in any order.

REASON: To enable the delivery of self/custom build dwellings. The details secured by this condition are considered essential to be agreed prior to the commencement of the development on the site to ensure compliance with policies.

4. Development of any phase which consists of a self and custom build plot shall not commence until there is a direct connection to the relevant plot, less the final carriageway and footway surfacing, from the existing highway, and connection to services and utilities has been made to the permitted self and custom build plot boundaries. The final carriageway

and footway surfacing shall be completed in accordance with approved details within three months from the completion of the final dwelling hereby permitted.

REASON: To ensure the roads and footways are constructed and services and utilities are laid in a satisfactory manner, and to ensure safe and suitable access and servicing to the self/custom build plots.

5. No development shall take place until the Council has received the Notice of Purchase in accordance with the allocation agreement dated 31st August 2022 between William Northcroft Butler and James Nicholas Butler, (2) H N Butler Farms Ltd and (3) Foreman Homes Ltd

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

6. The development shall be carried out in accordance with the details included within the approved Biodiversity Net Gain Report (prepared by FPCR, dated July 2022) 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.

7. Full details of all necessary ecological mitigation and compensation measures (to be informed as necessary by up-to-date survey and assessment, particularly in relation to reptiles) shall be submitted for approval to the Local Planning Authority in the form of a Biodiversity Mitigation Strategy with each reserved matters application. Such details shall be in accordance with the outline ecological mitigation and compensation measures detailed within the approved: Reptile Survey & Proposed Mitigation Ecosupport dated June 2018; Bat Surveys Ecosupport dated July 2018; Initial Ecological Appraisal Ecosupport dated October 2019; Ecology Addendum Ecosupport dated November 2020; Badgers and Bats in Trees Report dated 13th July 2021; Biodiversity Net Gain Report fpcr dated 19th January 2022 & Ecology Letter by Ecosupport dated 12 September 2023.

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

8. No development shall commence on site until a scheme of lighting designed to minimise impacts on wildlife and habitats has been submitted to and approved in writing by the local planning authority. Construction stage elements of the approved lighting scheme shall be implemented as

agreed during the construction period. Prior to the first occupation of the development hereby permitted the operational stage elements of the approved lighting scheme shall be implemented in accordance with the approved details and those elements shall be permanently retained at all times thereafter unless otherwise agreed in writing by the local planning authority.

REASON: In order to minimise impacts of lighting on the ecological interests of the site. 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.

9. At least 50% of the new dwellings shall incorporate a minimum of a single integrated bat feature such as a bat brick or bat tube and a single integrated bird feature such as a swift brick.

REASON: to ensure provision of wildlife features and an enhancement in local biodiversity.

10. No development shall take place until details of the width, alignment, gradient and type of construction proposed for the roads, footways and accesses, to include all relevant horizontal and longitudinal cross sections showing the existing and proposed ground levels, together with details of street lighting (where appropriate), the method of disposing of surface water, and details of a programme for the making up of roads and footways have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure that the roads are constructed to a satisfactory standard.

11. (i) No development shall take place until the applicant has secured the implementation of a programme of archaeological evaluation and, where necessary, subsequent archaeological mitigation. The assessment shall take the form of trial trenches. The Written Scheme of Investigation shall be submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be undertaken in accordance with the approved details.

(ii) Following the completion of all fieldwork the post investigation assessment will be submitted to and approved in writing by the Local Planning Authority and the applicant shall make provision for analysis, publication and dissemination of results as well as the deposition of the archive with the relevant receiving body.

REASON: To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets and mitigate and record the effect of the associated works upon any heritage assets.

12. If, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered, all development in the affected area must stop unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence in the affected area before an investigation and risk assessment of the identified material/ground conditions has been undertaken and details of the findings along with a detailed remedial scheme, if required, has been submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall be fully implemented and shall be validated in writing by an independent competent person as agreed with the Local Planning Authority prior to the occupation of the dwellings where mitigation measures have been installed.

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

13. No development shall take place until details of the internal finished floor levels of all of the proposed buildings in relation to the existing and finished ground levels on the site shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: To safeguard the character and appearance of the area and to assess the impact on nearby residential properties.

14. No development hereby permitted shall commence until a surface water drainage strategy has been submitted to and approved by the Local Planning Authority in writing. The strategy shall include the following elements:

- a) Updated surface run-off calculations for rate and volume for pre and post development using the appropriate methodology;
- b) The detailed design of Sustainable Drainage Systems (SuDS) to be used on the site in accordance with best practice and the CIRIA SuDS Manual (C753) as well as details on the delivery, maintenance and adoption of those SuDS features;

The development shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

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.

15. Details of the long term management and maintenance 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 confirmation of maintenance responsibilities and maintenance schedules to include details of access to the pond given the level of surrounding vegetation.
REASON: In order to ensure the maintenance of the approved surface water drainage features.
16. No development hereby permitted shall commence until details of the means of 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 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.
17. No part of the development shall be occupied/brought into use until the access junctions and visibility splays have been constructed in accordance with the approved details ITB1370-GA-00 Rev B. The visibility splays shall thereafter be kept free of obstruction at all times.
REASON: In the interests of highway safety.
18. No dwelling erected on the site subject to this planning permission shall be first occupied until there is a direct connection from it, less the final carriageway and footway surfacing, to an existing highway. The final carriageway and footway surfacing shall be commenced within three months and completed within six months from the date upon which construction is commenced of the penultimate building/dwelling for which permission is hereby granted. The roads and footways shall be laid out and made up in accordance with the approved specification, programme and details.
REASON: To ensure that the roads and footways are constructed in a satisfactory manner.
19. None of the dwellings hereby approved shall be first 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

20. No work 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.

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

21. Tree protection measures shall be installed on site prior to any site operations (including site clearance and preparation) and in accordance with the recommendations contained within the submitted Tree Survey Report CBA Trees CBA1028PS v1 dated October 2017, the Arboricultural Statement CBA10528 v2 November 2016 and the Arboricultural Impact Assessment & Tree Survey Sapling Arboriculture Ltd J1116.04 (July 2023). The tree/hedgerow protection shall be retained through the development period until such time as all equipment, machinery and surplus materials have been removed from the site. There shall be no work undertaken or the storage of plant or materials within the tree protection areas.

REASON: To ensure protection of important trees and hedgerows.

INFORMATIVES:

- a) A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".
- b) Applicants should be aware that, prior to the commencement of development, contact must be made with Hampshire County Council, the Highway Authority. Approval of this planning application does not give approval for the construction of a vehicular access, which can only be given by the Highway Authority. Further details regarding the application process can be read online via <http://www3.hants.gov.uk/roads/apply-droppedkerb.htm> Contact can be made either via the website or telephone 0300 555 1388.

Then:

DELEGATE authority to the Head of Planning to:

- a) make any necessary modification, deletion or additions to the proposed conditions or heads of terms for the Section 106 legal agreement; 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.

10.0 Notes for Information

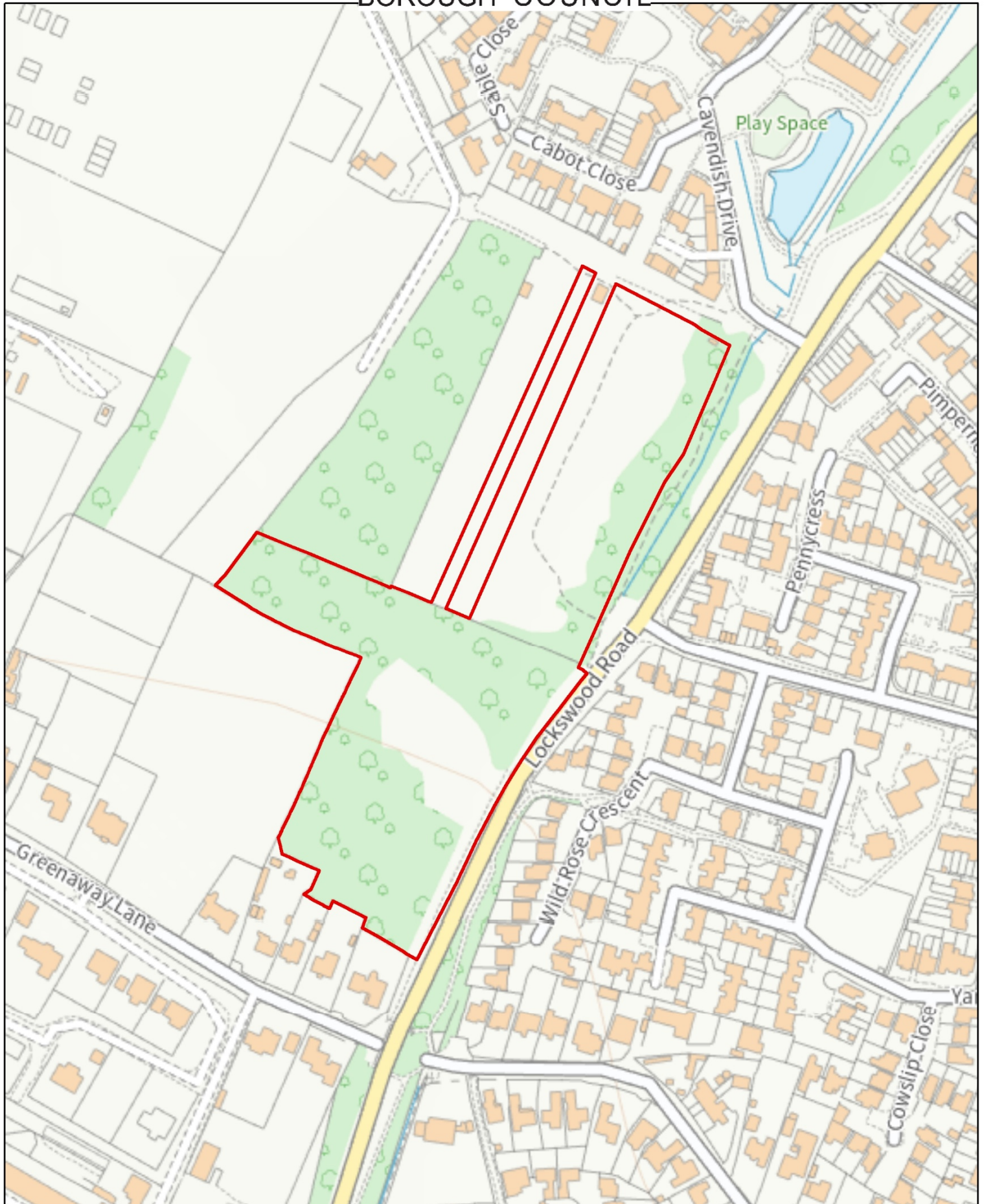
P/18/0590/OA

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 West of Lockwood Road
Warsash

Scale 1:2,500



OFFICER REPORT FOR COMMITTEE

DATE: 10 APRIL 2024

P/24/0151/TO
Mr THOMAS

TITCHFIELD WARD
AGENT: MWA ARBORICULTURE

FELL ONE OAK PROTECTED BY TPO 450

3 HILLCROFT, SEGENSWORTH, FAREHAM, PO15 5ES

Report By

Paul Johnston – direct dial 01329 824451

1.0 Introduction

1.1 The application is presented to the planning committee due to the receipt of seven representations objecting to the proposal.

2.0 Site Description

2.1 The property is a detached residential dwelling situated on the south side of Hillcroft, Titchfield, which is within the designated urban area. The property was built during the mid-1980s. The two-storey detached house is of traditional construction with brick and tile hanging walls surmounted by a pitched tiled roof. The tree pre-dates the surrounding residential development and is protected by a tree preservation order. No previous subsidence claims have been reported or noted.

3.0 Description of Proposal

3.1 The application is for the removal of one mature oak tree, which has been implicated as a material cause of subsidence damage to the dwelling. During the summer of 2022, cracking was noted to the interior and exterior of the building. The insured instructed a survey report which concluded that seasonal foundation movement had caused the damage.

4.0 Policies/Regulations

4.1 The following policies from the Fareham Local Plan 2037 apply to this application:

- NE6: Trees, Woodland and Hedgerows

4.2 In addition, The Town and Country Planning (Tree Preservation) (England) Regulation 2012 (as amended) is relevant, and set out the provisions for the creation of Tree Preservation Orders, and implications such as applications to lop, top or fell such trees.

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/17/0922/TO Crown reduce and crown lift 4 oak trees
Consent 25/09/2017

P/03/1039/TO Crown reduce and crown thin 4 oak trees
Consent 07/072003

6.0 Representations

6.1 Seven representations have been received objecting to the felling of the oak tree on the following grounds:

- The oak is an important tree with high amenity value.
- The oak tree has not been maintained properly.
- The Office of National Statistics, the tree owner, should fight to keep it.
- A CAVAT assessment of the tree's combined benefits far exceeds the cost of the claim or potential compensation.
- No evidence has been submitted to suggest the tree is unsound or unhealthy.
- The tree supports bats and other species as habitat and foraging.
- The Council should negotiate with the insurance company to identify alternative solutions to felling.
- No consideration has been given to the impact of climate change and the loss of mature trees to subsidence.
- A protected tree should only be felled in exceptional circumstances.
- The Council should refuse this application on environmental impact grounds.

7.0 Consultations

7.1 None undertaken.

8.0 Planning Considerations

8.1 Policy NE9 (Trees, Woodland and Hedgerows) sets out that the removal of protected trees...will only be permitted in exceptional circumstances.

Damage to the property (cracking) was first noted in the Summer of 2022.

The pattern and nature of the cracking is indicative of an episode of subsidence. The cause of movement is consistent with clay soil shrinkage.

8.2 The timing of the event, the presence of shrinkable clay beneath the foundations and the proximity of vegetation where there is damage indicates the shrinkage to be root induced – moisture abstraction at depth. The cause of the problem, soil dehydration, is reversible. Clay soils will rehydrate during

the winter months, causing the clay to swell and the cracks to close. Provided the cause of movement is dealt with there should not be a recurrence of movement.

8.3 No structural changes to the building have been carried out which have contributed to the current subsidence related damage and no previous underpinning has taken place. Generally the necessary subsidence site investigations involve trial pits to determine the depth and type of foundations, boreholes to determine the nature of the subsoil, the influence of any roots and monitoring to establish the rate and pattern of movement. The monitoring data provided must be sufficient to show a pattern of movement consistent with the influence of the vegetation and therefore it may be necessary to carry out the monitoring for up to a 12-month period over a winter and summer season.

8.4 Summary of the key points in this case:

- Engineering opinion is that the damage is related to clay soil shrinkage - subsidence.
- There is significant vegetation present with the potential to influence soil moisture and volumes below foundation level.
- Roots have been observed to the underside of the foundations and identified samples correspond to vegetation identified on site as oak.
- Laboratory tests indicate the soil has a high plasticity and hence will shrink and swell with changes in moisture content.
- Moisture content confirms desiccation within bore hole 1 and 2.
- Level monitoring indicates that there was significant downward movement to the building during the summer 2023 which is attributed to the drying action of the clay caused by the nearby oak trees.
- The arboricultural report confirms that the oak (T3) has been identified as the cause of the damage to the property and removal of the offending tree is recommended to help prevent any further foundation movement.

8.5 Part 6 of the Regulations sets out when compensation is payable (Reg 24 of the 2012 Trees Regulations (as amended)), and states:

1. If, on a claim under this regulation, a person establishes that loss or damage has been caused or incurred in consequence of—
 - a) the refusal of any consent required under these Regulations;
 - b) the grant of any such consent subject to conditions; or
 - c) the refusal of any consent, agreement or approval required under such a condition,that person shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.

8.6 The Council can only make a decision whether or not to grant the consent under the TPO, there is no mechanism available for negotiation. In the event that the Council refuses this application, someone seeking to claim for compensation only needs to show that they have incurred loss or damage as a result of the Council's refusal. Officers are not aware of circumstances where someone could save money by keeping the tree and investing in other measures, as removing the tree is always going to be the cheapest solution and removes the cause.

8.7 There are precedents in law for subsidence cases involving protected trees, where local authorities have resisted the removal of a tree implicated in a subsidence event where site investigations demonstrate that on the balance of probabilities the tree is a material cause. Officers are satisfied that sufficient investigations have been undertaken to demonstrate the influence the Oak tree is having on the building and therefore it is the probable cause. Having carefully reviewed all the submitted information Officers conclude that regrettably consent should be given to remove the Oak tree to avoid potential financial claims against the Council, which would run into tens of thousands of pounds.

8.8 Should Members approve the recommendation to fell the tree, it would be appropriate to impose a condition securing a replacement tree. In light of the space constraints and the scale of the existing Oak tree, Officers believe any replacement should be subject to discussions with the applicant.

9.0 Recommendation

9.1 **GRANT CONSENT**, subject to the following Conditions:

Replacement tree – size and species to be agreed.

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



3 Hillcroft
Fareham
Scale 1:1,250



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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/24/0296/TO	37 HIGHLANDS ROAD FAREHAM PO15 6AU	3
FAREHAM NORTH-WEST	FELL T1 OAK PROTECTED BY TPO 304. FELL T2 OAK PROTECTED BY TPO 305 (G1).	CONSENT

OFFICER REPORT FOR COMMITTEE

DATE: 10 April 2024

P/24/0296/TO
Ms HELEN STANIFORD

FAREHAM NORTHWEST WARD
AGENT: MWA ARBORICULTURE

FELL TWO OAK TREES PROTECTED BY TPO 304 & 305

37 HIGHLANDS ROAD, FAREHAM

Report By

Paul Johnston – direct dial 01329 824451

1.0 Introduction

1.1 This application is being presented to the Planning Committee for a decision as the applicant is a close relation of a Member of this Council.

2.0 Site Description

2.1 37 Highlands Road is a detached property situated on the south side of Highlands Road within the designated urban area. The property comprises a two-storey detached house built in 1928. It has been extended with a single-storey addition to the rear built in 2019. External areas comprise gardens to the front and rear.

2.2 The site is generally level with no adverse topographical features.

3.0 Description of Proposal

3.1 The application is for the removal of two mature oak trees, which have been implicated as a material cause of subsidence damage to the dwelling. The trees pre-date the dwelling and are protected by a tree preservation order. Damage is reported to have first been observed in late 2022. There is no history of previous subsidence claims.

4.0 Policies/Regulations

4.1 The following policies from the Fareham Local Plan 2037 apply to this application:

- NE6: Trees, Woodland and Hedgerows

4.2 In addition, The Town and Country Planning (Tree Preservation) (England) Regulation 2012 (as amended) are relevant, and set out the provisions for the creation of Tree Preservation Orders, and implications such as applications to lop, top or fell such trees.

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/22/1739/TO	Reduce height by 5 metres and spread by 2 metres of one oak tree
06/12/2022	Consent
P/11/0057/TO	Selected branch reduction to rebalance one oak tree
04/03/2024	Consent
P/04/0812/TO	Reduce one oak and fell several trees
30/06/2004	Consent
P/97/1115/TO	Fell one oak tree
15/12/1997	Consent

6.0 Representations

6.1 None received.

7.0 Consultations

7.1 None undertaken.

8.0 Planning Considerations

8.1 Policy NE9 (Trees, Woodland and Hedgerows) sets out that the removal of protected trees...will only be permitted in exceptional circumstances. External damage has been noted to the rear elevation, the left side elevation, the right-side elevation and the front elevation. Internally damage affects the lounge, bedroom 2, the landing, the master bedroom and bedroom 3.

8.2 The timing of the event, the presence of shrinkable clay beneath the foundations and the proximity of vegetation where there is damage indicates the shrinkage to be root induced – moisture abstraction at depth. The cause of the problem, soil dehydration, is reversible. Clay soils will rehydrate in the winter months, causing the clay to swell and the cracks to close. Provided the cause of movement is dealt with there should not be a recurrence of movement.

8.3 Generally the necessary subsidence site investigations involve trial pits to determine the depth and type of foundations, boreholes to determine the nature of the subsoil, the influence of any roots and monitoring to establish the rate and pattern of movement. The monitoring data provided must be sufficient to show a pattern of movement consistent with the influence of the

vegetation and therefore it may be necessary to carry out the monitoring for up to a 12-month period over a winter and summer season.

8.4 Summary of the key points in this case:

- Engineering opinion is that the damage is related to clay shrinkage subsidence.
- There is significant vegetation present with the potential to influence soil moisture and volumes below foundation level.
- Roots have been observed to the underside of the foundations and identified samples correspond to vegetation identified on site as oak.
- Laboratory tests indicate the soil has a high plasticity and hence will shrink and swell with changes in moisture content.
- Moisture content values confirm significant desiccation has occurred within bore hole 1.
- The arboricultural report confirms that the two oaks (T1 & T2) have been identified as the cause of the damage to the building and removal of the offending trees is recommended to help prevent any further foundation movement.

8.5 Part 6 of the Regulations sets out when compensation is payable (Reg 24 of the 2012 Trees Regulations (as amended)), and states:

1. If, on a claim under this regulation, a person establishes that loss or damage has been caused or incurred in consequence of—
 - a) the refusal of any consent required under these Regulations;
 - b) the grant of any such consent subject to conditions; or
 - c) the refusal of any consent, agreement or approval required under such a condition,that person shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.

8.6 The Council can only make a decision whether or not to grant the consent under the TPO, there is no mechanism available for negotiation. In the event that the Council refuses this application, someone seeking to claim for compensation only needs to show that they have incurred loss or damage as a result of the Council's refusal. Officers are not aware of circumstances where someone could save money by keeping the tree and investing in other measures, as removing the tree is always going to be the cheapest solution and removes the cause.

8.7 There are precedents in law for subsidence cases involving protected trees, where local authorities have resisted the removal of a tree implicated in a subsidence event where site investigations demonstrate that on the balance

of probabilities the tree is a material cause. Officers are satisfied that sufficient investigations have been undertaken to demonstrate the influence the Oak trees are having on the building and therefore it is the probable cause. Having carefully reviewed all the submitted information Officers conclude that regrettably consent should be given to remove the two Oak trees to avoid potential financial claims against the Council, which would run into tens of thousands of pounds.

- 8.8 Should Members approve the recommendation to fell the two trees, it would be appropriate to impose a condition securing two replacement trees. In light of the space constraints and the scale of the existing Oak trees, Officers believe any replacement should be subject to discussions with the applicant.

9.0 Recommendation

- 9.1 **GRANT CONSENT**, subject to the following Condition:

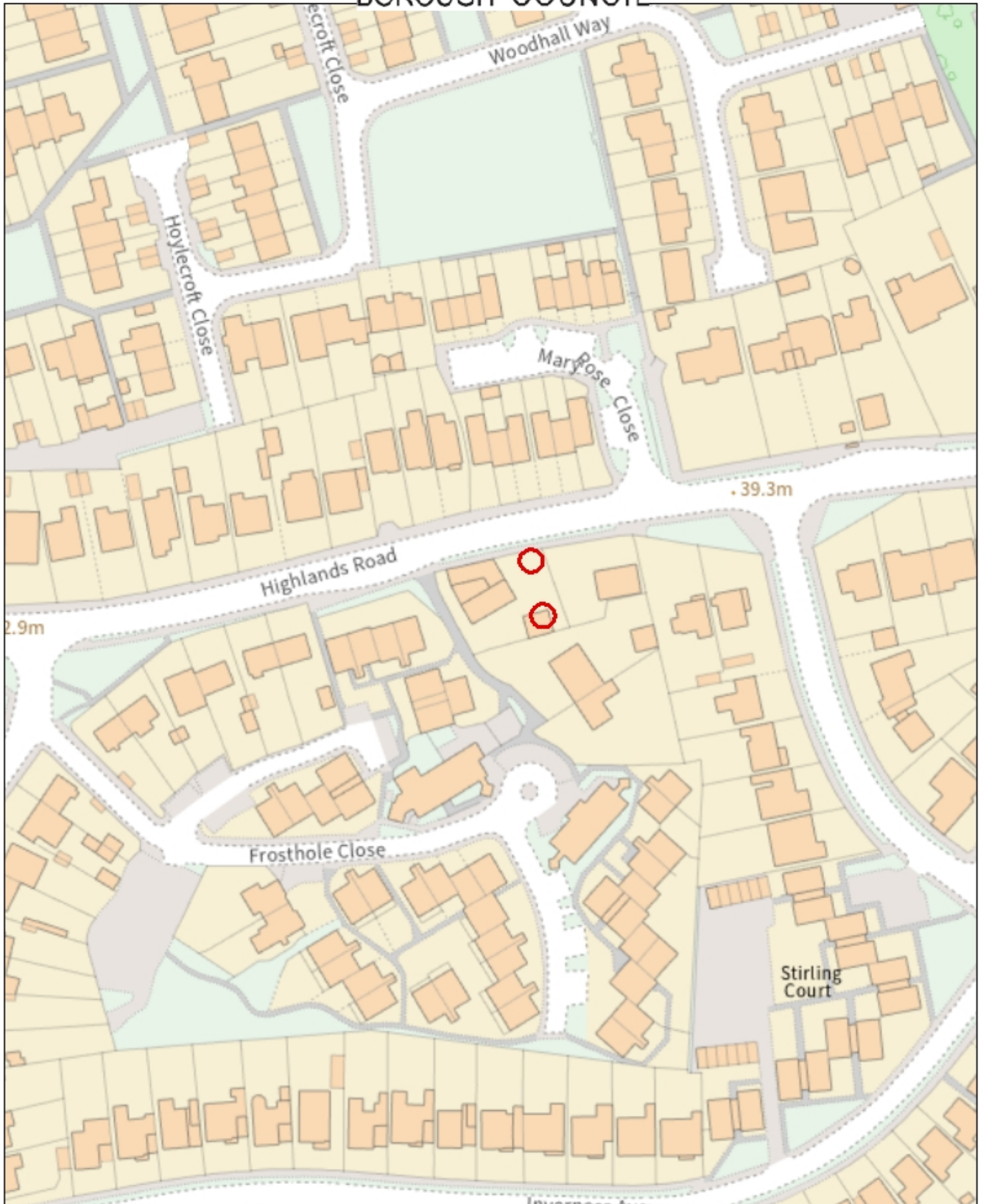
Two replacement trees – size and species to be agreed.

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



37 Highlands Road
Fareham

Scale 1:1,250



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Agenda Annex

ZONE 3 – EASTERN WARDS

Portchester West

Hill Head

Stubbington

Portchester East

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
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P/23/1594/FP PORTCHESTER EAST	ALCOTTS YARD CASTLE STREET PORTCHESTER FAREHAM PO16 9PY CONSTRUCTION OF A DETACHED GARAGE WORKSHOP/MOT CENTRE WITH ASSOCIATED PARKING FOLLOWING THE DEMOLITION OF THE EXISTING COMMERCIAL BUILDINGS	4
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OFFICER REPORT FOR COMMITTEE

DATE: 10 April 2024

P/23/1594/FP
MR J LAWRENCE

WARD: PORTCHESTER EAST
AGENT: ADP ARCHITECTS LTD

CONSTRUCTION OF A DETACHED GARAGE WORKSHOP/MOT CENTRE WITH ASSOCIATED PARKING FOLLOWING THE DEMOLITION OF THE EXISTING COMMERCIAL BUILDINGS

ALCOTTS YARD, CASTLE STREET, PORTCHESTER, FAREHAM, PO16 9PY

Report By

Hannah Goldsmith – direct dial 01329 824665

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 Alcotts Yard located on the west side of Castle Street, Portchester. Alcotts Yard consists of a number of single storey units which are occupied by different commercial uses which include a car maintenance company, flooring company and a builder's yard. The site is accessed via Castle Street.

- 2.2 The application site is predominantly surrounded by residential properties to the north, east and south of the site. Directly to the west of the site is the former Assheton Court site which is currently in the process of being redeveloped into 60 apartments which are intended to be used as sheltered accommodation (planning application reference: P/22/1012/FP). To the northwest of the site is the Portchester Precinct Car Park.

- 2.3 The application site is located within the defined urban settlement boundary and flood zones 2 and 3.

3.0 Development Proposal

- 3.1 Planning permission is being sought for the construction of a detached garage workshop/MOT centre following the demolition of the existing commercial buildings.
- 3.2 The workshop building would measure 13m in width and 20m in length. The building would host a pitched roof with a maximum height of 6.6m and eaves

height measuring 4.9m. Building materials would consist of concrete blockwork, light grey metal cladding and roofing.

- 3.3 The area surrounding the site including the builders' yard is proposed to be cleared to accommodate 18 car parking spaces.
- 3.4 The application is supported by a Noise Assessment, Flood Risk Assessment and Drainage Strategy.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Local Plan 2037

CC2: Managing Flood Risk and Sustainable Drainage Systems

TIN2: Highway Safety and Road Network

D1: High Quality Design and Place Making

D2: Ensuring Good Environmental Conditions

Other Documents

National Planning Policy Framework (NPPF) (2023)

Fareham Borough Non-Residential Parking Standards Supplementary Planning Document (SPD) (2015)

5.0 Relevant Planning History

- 5.1 P/09/0961/FP – Retention of scaffold structure and change of use of yard to general builders' storage yard. Permission January 2010

6.0 Representations

- 6.1 Seven letters have been received in support of the application, however, one of the representations raises highway safety concerns regarding vehicle movements from the site, in particular delivery lorries in connection with the carpet business.
- 6.2 One letter of objection has been received regarding pedestrian safety and the increase in traffic onto Sunningdale Road which will result in the further erosion of the surface of the access and lead to mud on the road.

7.0 Consultations

EXTERNAL

Local Highway Authority (Hampshire County Council)

- 7.1 No objection subject to conditions.

Lead Local Flood Authority (Hampshire County Council)

- 7.2 As this application relates to a site which is a commercial application less than 1 hectare in size and less than 1000m² floor space, we would consider this as a minor application and outside of our remit. However, please direct the applicant to our website for further information on recommended surface water drainage techniques.

County Archaeologist (Hampshire County Council)

- 7.3 The site is located close to but outside the historic core of Portchester and has been impacted by previous development at this site. In view of this, I would not raise any archaeological issues.

INTERNAL

Environmental Health (Contaminated Land)

- 7.4 Having reviewed available information, the recommendation of this section is that this application could be approved subject to a condition.

Environmental Health (Noise and Pollution)

- 7.5 No objection. Even with the doors remaining open during working times and with the insulated SIP panels in place as stated, that the noise arising from the garage activities stated, even where doubled in concentration, should not give rise to loss of amenity of the neighbouring residential buildings surrounding the application site including the new development of Assheton Court.

8.0 *Planning Considerations*

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

- a) The principle of the proposed development;
- b) Design;
- c) The amenity of adjoining occupiers;
- d) Access, transport impact and parking; and
- e) Flood Risk

a) The principle of the proposed development

- 8.2 The application site is recognised within the Council's Local Plan as being within the defined urban area boundary.
- 8.3 This application relates to the expansion of an established use on the site. Planning permission is being sought for the construction of a garage workshop/MOT centre to replace the existing garage on the site. The

proposed facility would enable a wider range of services, in particular MOTs to be carried out on the site.

- 8.4 Section 6 of the National Planning Policy Framework (2023) relates to building a strong, competitive economy and recognises the importance of supporting local businesses. Paragraph 85 of the NPPF states;

‘Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development’

- 8.5 This key principle of the NPPF is reiterated in paragraph 6.3 of the adopted Fareham Local Plan 2037 which recognises the importance of supporting existing businesses to grow.

- 8.6 Having regard to the above, the principle of the development is considered to be acceptable, subject to compliance with the relevant material planning considerations which will be considered below.

b) Design

- 8.7 Policy D1 of the Fareham Local Plan 2037 requires development proposals and spaces to be of high-quality design based on the principles of urban design and sustainability. The Policy goes on to state development proposals will be permitted where proposals appropriately respond to the positive elements of local character.

- 8.8 The area surrounding the site is predominantly residential in character with the site bound by residential properties and gardens to the north, east, south and southwest of the site. To the west of the site is Assheton Court a residential apartment building currently undergoing reconstruction and to the northwest of the site is the Portchester Precinct car park.

- 8.9 The proposed development would comprise of a 6.6m high building with a floor space of approximately 249sqm located towards the eastern and southern boundaries of the site. The proposed building would consist of predominantly blank elevations which would be externally clad in light grey metal cladding.

- 8.10 Having regard to the predominantly residential character of the surrounding area, the proposed building by virtue of its scale and industrial design is considered to form an incongruous and obtrusive addition which would not be in keeping with the character of the area.

- 8.11 As demonstrated in the submitted section drawings, the proposed structure would be significantly higher than existing buildings on the site and would be easily visible from surrounding residential properties. Furthermore, the proposed development would be easily visible from public viewpoints from Sunningdale Road to the south and the Portchester Precinct car park to the northwest.
- 8.12 The design of the building and whether the height of the building could be reduced to alleviate some of these concerns has previously been discussed with the applicant as part of pre-application discussions and as part of the current application. However, as explained by the applicant in their supporting Design and Access Statement, the height of the building is required to accommodate the MOT servicing ramps and cannot be reduced.
- 8.13 Consideration has been given to the appearance of the existing site which consists of a builder's yard and a number of containers and redundant buildings which would be removed to facilitate the proposed development. Whilst it is acknowledged the proposal would result in the rationalisation of some of the structures currently on the site, these structures are predominantly single storey which are largely screened from public viewpoints and therefore considered to not result in significant visual harm. The visual harm as a result of the proposed development is considered to outweigh any betterment from removal of existing buildings and uses on the site.
- 8.14 The proposed development by virtue of its design, height and external finishing material, would give rise to an incongruous form of development which fails to respond positively to the key characteristics of the area and is harmful to the character and appearance of the area, contrary to Policy D1 of the Fareham Local Plan 2037.

c) Amenity of Neighbouring Residents

- 8.15 Policy D2 of the Fareham Local Plan 2037 concerns the impact of development on environmental (including living) conditions. The Policy states that development proposals should ensure that there will be no unacceptable adverse impact upon living conditions on the site or neighbouring development, by way of the loss of sunlight, daylight, outlook and/or privacy. In addition, the proposal must not have an unacceptable adverse environmental impact on neighbouring occupants, adjoining land or the wider environment. Adverse environmental impacts include, but are not limited to, contamination, noise, heat, liquids, vibration, light or air pollution or excessive wind.

- 8.16 The proposed footprint of the garage would be situated along the eastern and southern boundary of the application site and would be situated within the vicinity of a number of residential properties.
- 8.17 The application is supported by a Noise Impact Assessment which includes a number of noise mitigation measures to protect the amenity of neighbouring residential properties. These measures include insulated cladding and acoustic plasterboard being installed and that all work should be carried out within the main workshop. The report concludes that, subject to these mitigation measures being implemented, the noise levels associated with the proposal would not be significantly higher than the existing garage on the site and would not have an adverse impact on the amenity of existing neighbouring properties and the future occupiers of Assheton Court.
- 8.18 The Council's Environmental Health Officer has been consulted on the application and following clarification from the applicant's noise consultant on a number of matters, has raised no objection to the proposal. The Environmental Health Officer is satisfied, subject to the noise mitigation measures being installed, the proposal should not give rise to loss of amenity in terms of noise of the neighbouring residential buildings. It is recommended a condition is imposed requiring the mitigation measures set out within the Noise Impact Assessment to be installed and a further condition to prevent any works being carried out on the forecourt.
- 8.19 In terms of other impacts on the amenity of neighbouring properties, the proposed development would be situated approximately 1.3m from the boundary shared with 27A Castle Street, 6.5m from the boundary shared with 1 Sunningdale Road, 12m from the boundary shared with Assheton Court and approximately 20m from the rear boundaries of 23a-27 Castle Street.

Sunningdale Road

- 8.20 While it is acknowledged the proposed development would be visible from properties fronting Sunningdale Road, having regard to the separation distance and the siting of the proposed development to the north, it is considered unlikely the proposal would have an adverse impact in terms of loss of light or privacy on these properties.

Assheton Court

- 8.21 In terms of the future occupiers of Assheton Court, several of the recently approved 60 units would face on to Alcotts Yard. However, the units on the ground floor level would be screened from the development by the existing boundary treatment and the units on the upper levels would be situated predominantly above the proposed development. It is therefore considered the development would not have an adverse impact on these properties.

23A – 27 Castle Street

- 8.22 Having regard to the properties situated along Castle Street, the proposed development would be well distanced from 23a-27 Castle Street and would be partly screened by existing buildings and garages on the site. It is noted the development would be situated further away from these properties than the existing garage.

27A Castle Street

- 8.23 However, having regard to the close proximity of the development to the boundary shared with 27A Castle Street, Officers are of the view the proposal has the potential to have a significant impact on the amenity of the occupiers of this property. The proposed development would abut the rear garden of 27A Castle Street and would project approximately 3m above the existing garage within the rear garden of 27A Castle Street. By virtue of its scale and design, the proposed development would appear dominant and overbearing and is considered to have an adverse impact on the environmental conditions for the occupiers of this property, contrary to Policy D2 of the Fareham Local Plan 2037.

d) Access, transport impact and parking

- 8.24 Policy TIN2 of the Fareham Local Plan states:

‘Development will be permitted where:

- a) There is no unacceptable impact on highway safety, and the residual cumulative impact on the road networks is not severe; and*
- b) The impacts on the local and strategic highway network arising from the development itself or the cumulative effects of development on the network are mitigated through a sequential approach consisting of measures that would avoid/reduce the need to travel, active travel, public transport, and provision of improvements and enhancements to the local network or contributions towards necessary or relevant off-site transport improvement schemes’*

- 8.25 Access to the site would be from the existing vehicular access from Castle Street. Whilst there is an alternative access to the site via Sunningdale Road, the applicant has confirmed the main access to the site would be via Castle Street. The Highway Authority has been consulted on the application and considers the proposal unlikely to result in any material highway/ transportation implications. The Local Highway Authority recognise the proposal would result in the removal of existing business on the site such as the builder’s yard and the flooring business which would likely result in a

reduction in vehicle movements to and from the site. Furthermore, the new workshop would facilitate MOTs to be carried out on site meaning vehicles would no longer have to be driven to a MOT test centre elsewhere.

- 8.26 While the Local Highway Authority has raised no objection to the proposal, a planning condition requiring the parking and turning of vehicles to be implemented prior to the garage being brought into use has been requested.
- 8.27 In terms of parking provision, the Council's Non-Residential Car Parking Standard SPD requires a vehicle servicing and MOT service station to provide 1 parking space per full time member of staff and 3 customer spaces per service bay. Four full time members of staff are proposed and 3 bays (1 MOT and 2 service) are proposed which equates to 13 parking spaces. The proposed site plan indicates 18 car parking spaces are proposed and therefore would comply with the Council's Non-Residential Parking Standards SPD.
- 8.28 For the reasons given above, it is considered the proposal would not have a harmful impact on the local and strategic highway network or highway safety and therefore would be in compliance with Policy TIN2 of the Fareham Local Plan 2037.

e) Flood Risk

- 8.29 The application site is located within flood zone 3.
- 8.30 Paragraph 173 of the National Planning Policy Framework states;

'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) *within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) *the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*
- c) *it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) *any residual risk can be safely managed; and*

- e) *safe access and escape routes are included where appropriate, as part of an agreed emergency plan'.*

- 8.31 Policy CC2 of the adopted Fareham Local Plan 2037 reiterates the aims and objectives of the NPPF.
- 8.32 Paragraph 174 of the NPPF goes on to state applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments.
- 8.33 The National Planning Practice Guidance defines minor development in relation to flood risk as including minor non-residential extensions (industrial/commercial/leisure) with a floorspace not in excess of 250sqm. In this instance the proposed development would relate to an extension to an existing use on the site and would have a floor space of less than 250sqm. The sequential and exception tests are therefore not applicable to this proposal.
- 8.34 However, the application is supported by a Flood Risk Assessment which sets out a number of Flood Risk Management Measures. Measures include raising the finished floor level of the workshop to no less than 3.25m Above Ordnance Datum (AOD) and including resistant and resilient fittings and finishes for the construction of the building in accordance with DCLG 'Improving the Flood Performance of New Buildings. The proposed measures would be secured by condition.
- 8.35 Subject to a condition securing the flood risk management measures, the proposed development is considered to accord with Policy CC2 of the Fareham Local Plan 2037.

Other Matters Raised in the Representations

- 8.36 Concerns have been raised in the representations regarding whether the existing pedestrian access through the site would be denied. There is no adopted public footpath or rights of way through the site and therefore future pedestrian access through the site would be the responsibility of the landowner.
- 8.37 Concerns have also been raised regarding the condition of the access on to Sunningdale Road and whether improvements can be made to the access. The proposed development is not considered likely to result in a significant increase in number of vehicle movements via Sunningdale Road and therefore improvements to the access are not justified. Furthermore, the access falls outside the application site.

Conclusion

- 8.38 The proposal would provide a new garage/MOT centre for an existing business on the site. Having regard to paragraph 85 of the NPPF which recognises the importance of supporting local businesses, it is acknowledged the proposal would improve the usability and viability for existing and future users of the business which would bring economic and social benefits.
- 8.39 However, in terms of impact on the character and appearance of the area, the introduction of a building of this scale on this site is considered to be harmful to the character of the surrounding residential area. The building by virtue of its design, fails to respond to the positive elements of the local character, contrary to Policy D1 of the Fareham Local Plan 2037.
- 8.40 Furthermore, by virtue of the height of the building and the close proximity to neighbouring residential properties, in particular 27A Castle Street, the proposal is considered to have an unacceptable adverse impact on the environmental conditions of the occupiers of this property, contrary to Policy D2 of the Fareham Local Plan 2037.
- 8.41 While Officers recognise the importance of supporting local businesses and encouraging economic growth, in this instance, the harm identified is considered to outweigh the benefits of the proposal.
- 8.42 In light of this assessment, and taking into account all other material planning considerations, Officers recommend that planning permission should not be granted for this application. A recommendation is set out below.

9.0 Recommendation

9.1 **REFUSE PLANNING PERMISSION** for the following reasons:

- 1) The proposed development is contrary to Policies D1 and D2 of the Fareham Local Plan 2037 and is unacceptable: in that;
 - i. By virtue of its design, height and external finishing material the proposed building would give rise to an incongruous form of development which fails to respond positively to the key characteristics of the area and is harmful to the character and appearance of the area;
 - ii. By virtue of its height and close proximity to the southern boundary of the application site, the proposed development would have an overbearing impact on the neighbouring garden and would have an

unacceptable adverse impact on the environmental conditions of the occupiers of 27A Castle Street.

10.0 Notes for Information

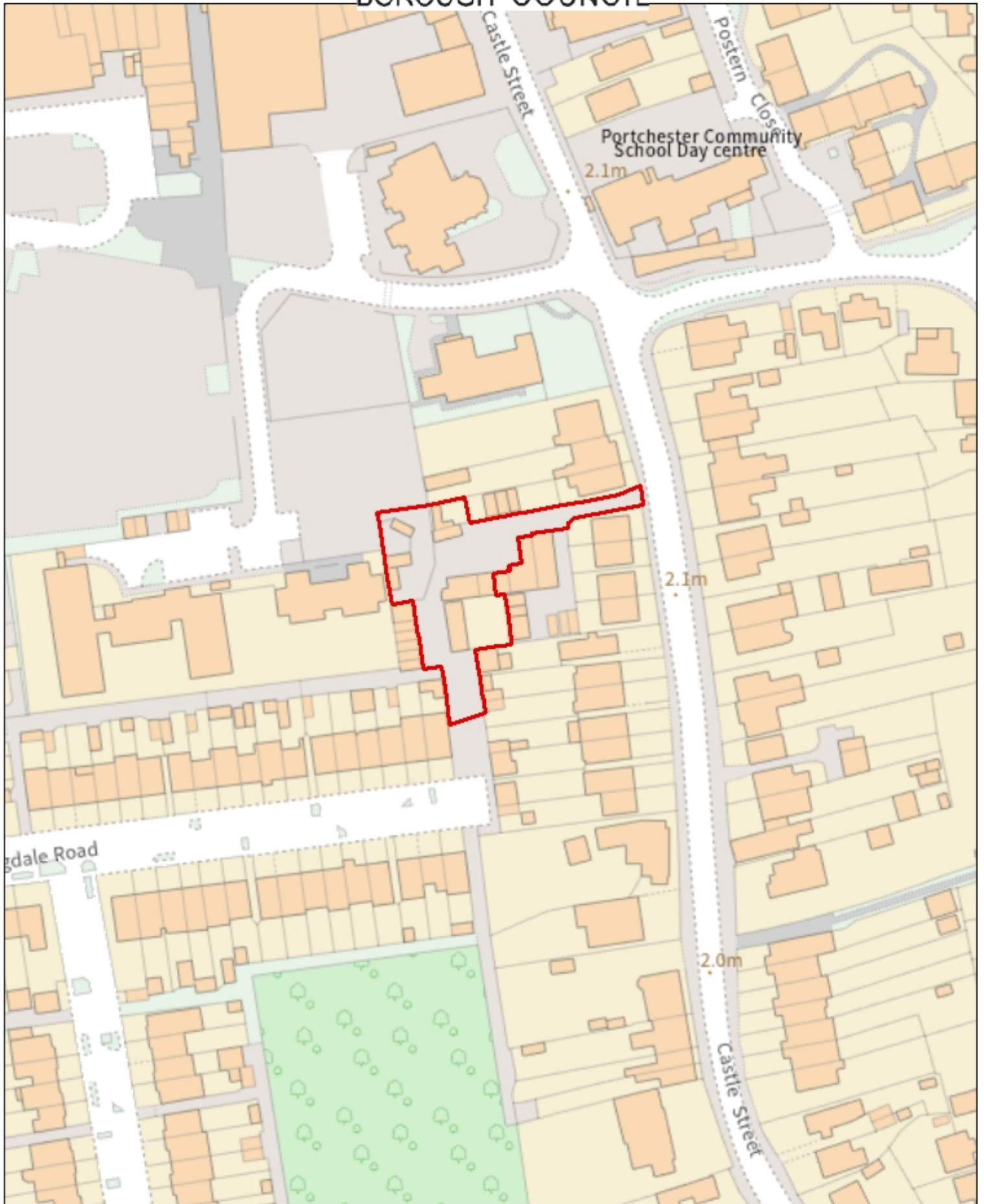
P/23/1594/FP

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



Alcotts Yard, Castle Street
Portchester

Scale 1:1,250



**Report to
Planning Committee**

Date 28/03/2024
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/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/23/0222/FP](#)

Appeal site address: 30 Cams Hill Fareham PO16 8RB

Ward: Portchester West

The appellant: Mr G Robson

Description of proposal: Demolition of Detached Garage and Construction of Detached Dwelling

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Date appeal lodged: 12/02/2024

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/23/0349/FP](#)

Appeal site address: 23 Bridge Road Park Gate Southampton SO31 7GD

Ward: Park Gate

The appellant: Mr Paul Zieba

Description of proposal: Construction of detached chalet bungalow with associated bike and bin storage (alternative to Plot 3 approved scheme P/20/0391/FP)

Council decision: APPROVE
Decision maker: Officer Delegated Powers
Date appeal lodged: 14/03/2024
Reason for Appeal: Appeal against conditions imposed on approval

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

Fareham Borough Council Reference: [P/24/0008/DA](#)

Appeal site address: 6 Brookview Close Fareham Hampshire PO14 3EE
Ward: Titchfield
The appellant: Miss Harriett Whitren-Jones
Description of proposal: Breach of Conditions (P/04/1355/FP) - Garage Conversion
Date appeal lodged: 30/01/2024
Reason for Appeal: Against serving of planning enforcement notice

PUBLIC LOCAL INQUIRY

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
Date scheduled for Public Local Inquiry to start and duration: 25/06/2024 for 2 days

Fareham Borough Council Reference: [P/24/0007/DA](#)

Appeal site address: Titchfield Festival Theatre 71-73 St Margarets Lane Fareham PO14 4BG
Ward: Titchfield Common
The appellant: Titchfield Festival Theatre Limited
Description of proposal: The material change of use of the Land to theatre use (sui generis) and an engineering operation to excavate and create an underground area beneath the Land - this an appeal to be decided by the Planning Inspectorate
Council decision: NONE
Date appeal lodged: 16/01/2024
Reason for Appeal: Against serving of planning enforcement notice
Date scheduled for Public Local Inquiry to start and duration: 14/05/2024 for 3 days

DECIDED PLANNING APPEALS

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
Reason for Appeal: Appeal against refusal of planning permission
Appeal decision: ALLOWED
Appeal decision date: 20/02/2024

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
Reason for Appeal: Appeal against refusal of planning permission
Appeal decision: DISMISSED
Appeal decision date: 19/02/2024

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
Reason for Appeal: Appeal against refusal of planning permission
Appeal decision: DISMISSED
Appeal decision date: 19/02/2024

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 **10 April 2023**

Report of: **Director of Planning and Regeneration**

Subject: **PLANNING DESIGNATION ACTION PLAN**

SUMMARY

A draft Planning Designation Action Plan was considered by the Planning Committee and Executive during March 2024 and submitted to the Department for Levelling Up, Homes and Communities for approval.

The Action Plan highlighted that Members raising questions on major planning applications in advance of the Planning Committee meeting, and the opportunities for Members to be involved in pre-application proposals, would be subject to further consideration by Members of the Planning Committee prior to implementation.

RECOMMENDATION

That Members note the contents of this report.

INTRODUCTION

1. When the Council was designated in late December 2023, it was required to prepare an Action Plan which identified 'actions that address the areas of weakness that led to the Council being designated.'
2. A draft Planning Designation Action Plan was considered by the Planning Committee and the Executive in March 2024. The Action Plan was submitted to the Department for Levelling Up, Housing and Communities for approval.
3. On the 25 March 2024, this Council received written confirmation from the Minister of State for Housing, Planning and Building Safety, that this Council was being de-designated on the 26 March 2024.
4. The letter acknowledged that for the period of the 1 April 2021 – 31 March 2023, 4.2% of the authority's decisions on major applications were allowed at appeal, against a threshold of 10%. In addition to this the Minister acknowledged receipt of the Council's Action Plan. The need to continuing to meet the required threshold and providing updates on the Council's performance and progress against the Action Plan to Departmental Officials, was also highlighted within the Minister's letter.
5. The large majority of the actions set out within the Action Plan have already been implemented. The following report relates to two actions which have not been fully implemented to date.

SUBMITTING QUESTIONS TO OFFICERS IN ADVANCE OF THE PLANNING COMMITTEE MEETING

6. The Planning Advisory Service identified that Members of the Planning Committee should be provided with an opportunity to send potential questions/ issues they are likely to raise, to Officers in advance of the Planning Committee meeting.
7. This would ensure that Officers have time to find all the necessary information ready for presentation at the meeting. The questions/ issues raised by Members, may also prompt the need for a specialist officer to attend the Committee meeting in order to be able to fully respond to a technical matter.
8. With effect from the next meeting, Officers will email Members following publication of the Planning Committee agenda and ask if there are any questions/ issues they would like to raise on the proposals and reports at the Planning Committee meeting. Members will be asked to submit their questions/ issues to Officers by midday on the Tuesday before the meeting takes place, in readiness for the Chairman's pre-meeting briefing.
9. Through submitting questions/ issues in advance, Officers can focus presentations on matters which are of particular interest to Members, helping to streamline meetings and ensuring Members have all relevant information available to them at the time of making their decision. Members will of course be able to continue asking any questions they wish during consideration of planning applications at the Planning Committee.

OPPORTUNITIES FOR MEMBER INVOLVEMENT WITH PRE-APPLICATION PROPOSALS

10. At the present time, the involvement of Members at Fareham in the pre-application planning process is relatively limited.
11. In their publication 'Probity in Planning' (December 2019), the Planning Advisory Service state that 'The Localism Act 2011 (as amended) acknowledges that councillors have an important role to play in pre-application discussions, bringing their local knowledge and expertise along with an understanding of community views.... Councillor involvement can help identify issues early on, help councillors lead on community issues, and help to make sure that issues don't come to light for the first time at committee. PAS recommends a 'no shocks' at committee approach.'
12. Officers will make a presentation at the Planning Committee setting out details of how Members could be involved in future discussions on pre-application planning proposals for major proposals.

RISK ASSESSMENT

13. If the Council does not achieve the Government's minimum thresholds in respect of speed of decision making or exceeds the Government's maximum thresholds for quality of decision making, the Government can consider designating the Council as 'underperforming'.
14. If the Council were to be designated as underperforming, applicants would have the choice of submitting applications directly to the Planning Inspectorate rather than to the Council for the type of applications for which the Council had been designated (major or non-major).
15. When applicants submit applications directly to the Planning Inspectorate the planning application fee is also paid to the Planning Inspectorate. This will result in a reduced planning income to this Council.

CONCLUSION

16. Members note the content of this report

Background Papers:

Probity in Planning: Advice for Councillors and Officers making planning decisions (December 2019)

Enquiries:

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