

FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Wednesday, 19 June 2013

Venue: Collingwood Room - Civic Offices

PRESENT:

N J Walker (Chairman)

A Mandry (Vice-Chairman)

Councillors: B Bayford, T M Cartwright (deputising for K D Evans) , P J Davies, M J Ford, JP, R H Price, JP, D C S Swanbrow and P W Whittle, JP (deputising for Mrs K K Trott)



1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors K D Evans and Mrs K K Trott

2. MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes of the meeting of the Planning Committee held on 22 May 2013 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

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

4. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

5. DEPUTATIONS

The Committee received deputations from the following in respect of the applications indicated and the deputies were thanked accordingly:-

Name	Spokesperson representing the persons listed	Subject	Supporting or Opposing the Application	Minute No/ Application No
ZONE 1				
Mr P Bennett		16 St Pauls Road, Sarisbury Green, Southampton - Fell one sycamore protected by TPO568	Supporting	6 (6) P/13/0413/TO
ZONE 3				
Mr R Tutton (Agent)		18 Haven Crescent, Fareham - Variation of Condition 3 of Planning Permission P/11/0237/VC to allow Roof Light in South East Elevation Serving En-Suite to be Fitted with a Restrictor allowing opening of 5CM	Opposing	6 (12) P/13/0358/VC

Mr J Nathu		4 Cliff Road, Fareham - Proposed extensions and alterations to include front balcony, porch and garage extensions, change garage roof to pitched roof, build link porch between garage and house, add single storey extension to rear and change front fenestration with tile hanging and gable	Opposing	6(13) P/13/0369/FP
Mrs J Farr (on behalf of Ms Davison and Ms Donaghy)		-ditto-	-ditto-	-ditto-
Ms J Noble		30 Corfe Close, Fareham - Erection of Single Storey Side and Rear Extensions and Provision of New Front Entrance	Opposing	6 (14) P/13/0390/FP
Ms T Noguera		-ditto-	Supporting	-ditto-
Mr D Marlow (Agent)		10 Down End Road, Fareham - Erection of revised west boundary garden fence	Supporting	6 (15) P/13/0396/FP

DECISIONS UNDER DELEGATED POWERS

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

The Committee noted a report by the Director of Planning and Environment on development control applications and miscellaneous matters, including the current situation regarding planning appeals (copy of report circulated with agenda). An Update Report was tabled at the meeting.

(1) P/13/0233/FP - 35 BURRIDGE ROAD BURRIDGE

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

(Voting: 9 in favour; 0 against).

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

Reasons for the decision: The development is acceptable taking into account the policies of the Development Plan as set out below. The proposal is not considered likely to result in any significant impact on the amenity of adjoining occupiers, or the character of the area. There are no other material considerations that are judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies: Approved Fareham Borough Core Strategy: CS17 - High Quality Design, CS14 - Development Outside Settlements. Approved SPG/SPD: EXTDG - Extension Design Guide (1993). Fareham Borough Local Plan Review: H13 - Extensions to Dwellings and Ancillary Buildings in the countryside.

(2) P/13/0273/CU - THE WHITELEY SURGERY YEW TREE DRIVE WHITELEY

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

(Voting: 6 in favour; 3 against).

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

Reasons for the decision: The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposed change of use would have no unacceptable implications for parking provision on the site or residential amenity. Other material considerations are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies: Approved Fareham Borough Core Strategy: CS5 - Transport Strategy and Infrastructure CS17 - High Quality Design.

(3) P/13/0332/TO - 1 THE FARTHINGS TITCHFIELD COMMON

Upon being proposed and seconded, the officer recommendation to:-

- (a) grant consent for application (A), to shorten lateral branches to northeast of crown to provide 3 metres clearance from dwelling and remove small diameter <50 mm branches fouling overhead telephone lines; and
- (b) refuse consent for application (B), crown reduction by 3 metres

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

RESOLVED that:-

- (a) CONSENT be GRANTED to shorten lateral branches to northeast of crown of the oak tree (covered by TPO 501) to provide 3 metres clearance from dwelling and remove small diameter <50 mm branches fouling overhead telephone lines; and
- (b) CONSENT be REFUSED for a crown reduction by 3 metres.

Reasons for the decision: It is not considered that the extent of the proposed pruning is necessary. Reducing the crown by 3 metres is refused because it is deemed unnecessary and poor arboricultural practice. There are insufficient arboricultural grounds to justify such significant pruning, which would be harmful to the tree's appearance and condition and therefore the public amenity value of the oak. The works for shortening of the lateral branches on the north east of the crown of the oak tree are however acceptable in arboricultural terms

Policies: Fareham Borough Local Plan Review: DG4 - Site Characteristics

(4) P/13/0393/FP - 6 LYNDAL ROAD PARK GATE

Upon being proposed and seconded, the officer recommendation to grant planning permission was voted on and CARRIED.
(Voting: 9 in favour; 0 against).

RESOLVED that PLANNING PERMISSION be granted.

Reasons for the decision: The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The development is not likely to result in unacceptable impacts upon key planning issues (such as on the street scene or character of the area, or upon the amenities of neighbouring properties, or on the local highway network), other material considerations being judged not to have sufficient weight or direction to justify a refusal of the application, and, where applicable, conditions having been applied in order to satisfy these matters. Further to Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

Policies: Approved Fareham Borough Core Strategy: CS17 - High Quality Design. Approved SPG/SPD: EXT DG - Extension Design Guide (1993). RCCPS - Residential Car and Cycle Parking Standards Supplementary Planning Document.

(5) P/13/0403/TO - 41 SANDRINGHAM ROAD FAREHAM

Upon being proposed and seconded, the officer recommendation to refuse consent was voted on and CARRIED
(Voting: 8 for refusal; 0 against refusal; 1 abstention)

RESOLVED that consent be REFUSED.

Reason for the decision: Insufficient arboricultural evidence has been provided to support felling of the tree. The reasons given for felling the tree are not considered sufficient to outweigh the tree's public amenity value.

Policies: Fareham Borough Local Plan Review: DG4 - Site Characteristics.

(6) P/13/0413/TO - 16 ST PAULS ROAD SARISBURY GREEN

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

Upon being proposed and seconded the officer recommendation to refuse consent was voted on and CARRIED.
(Voting: 9 for refusal; 0 against refusal)

RESOLVED that consent be REFUSED.

Reason for the decision: Insufficient arboricultural evidence has been provided to support the felling of the tree. It is not considered that the reasons given for felling the tree outweigh the tree's public amenity value.

Policies: Fareham Borough Local Plan Review: DG4 - Site Characteristics

(7) ENF/10/0192 - LAND TO THE REAR OF 18 HISPANO AVENUE WHITELEY

Upon being proposed and seconded the officer recommendation that the Solicitor to the Council be authorised to issue a Planning Enforcement Notice under the provisions of the Town and Country Planning Act 1990, in respect of the breach of planning control consisting of the change of use of the land from landscaping area to garden land, was voted on and CARRIED.
(Voting: 9 in favour; 0 against)

RESOLVED that:-

- (i) the Solicitor to the Council be authorised to issue a Planning Enforcement Notice under the provisions of the Town and Country Planning Act 1990, in respect of the breach of planning control consisting of the change of use of the land from landscaping area to

garden land and the culverting of the original ditch with associated backfilling of earth; and

- (ii) the time for compliance be three months.

Reason for the decision:

- (i) It appears to the Council that the above breach of planning control has occurred within the last ten years;
- (ii) The culvert increases the risk of flooding (having been undertaken to facilitate the use of the land as garden land) in that:- The culvert will be difficult to maintain in the long term and is likely to become partially blocked with leaves and autumn debris due to the nature of the surrounding land and gardens. The culvert itself is poorly constructed and currently sits several inches above the level of the ditch. This prohibits flow except when high volumes flow within the channel. The reduced flow capacity compared to the original ditch is likely to increase the risk of flooding with blockages further increasing the risk. Accordingly the development is contrary to Policy CS15 of the Adopted Fareham Borough Core Strategy (2011) (Avoiding unacceptable levels of flood risk);
- (iii) One of the fundamental design approaches implemented in the Whiteley Development was incorporating new development within existing landscaped areas. The retained trees, hedgerows and landscaping contribute greatly to the character of the development and the visual amenity of the area. The land enclosed forms part of one of those retained areas of landscaping. The loss of part of this area is harmful to the character of the area and if repeated elsewhere would cause further harm to the character and appearance of the area. The enclosure of this land into the garden of 18 Hispano Avenue is contrary to policy CS17 of the Fareham Borough Core Strategy and Policy DG4 of the Fareham Borough Local Plan Review which seek to retain landscaping. Fareham Borough Council does not consider that planning permission should be given, because planning conditions could not overcome these objections.

(8) P/13/0342/CU - 168 WEST STREET FAREHAM

The Committee was referred to the Update Report which provided the following information:- *Comments of the Director of Regulatory and Democratic Services (Environmental Health)- No objection, however there is some concern that a more odorous restaurant business may operate from the premises in the future. Officers are mindful however that similar nearby uses are not restricted in any way.*

Upon being proposed and seconded the officer recommendation to grant planning permission for a change of use, subject to a condition restricting no cooking processes for the sale of food on the premises shall be undertaken on the premises other than the baking of cakes and pastries without the further consent of the local planning authority, was voted on and CARRIED.

(Voting: 9 in favour; 0 against).

RESOLVED that, subject to a condition restricting no cooking processes for the sale of food on the premises shall be undertaken on the premises other than the baking of cakes and pastries without the further consent of the local planning authority, PLANNING PERMISSION for a change of use be granted.

Reasons for the decision: The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The proposal is not considered likely to result in an impact on the amenity of adjoining occupiers, highway safety or the vitality and viability of the area. There are no other material considerations that are judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies: Approved Fareham Borough Core Strategy: CS17 - High Quality Design. CS5 -Transport Strategy and Infrastructure. Fareham Borough Local Plan Review - S12 - Hot Food Shops.

(9) P/13/0359/FP - 80 FAIRFIELD AVENUE FAREHAM

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

- (i) 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, to ensure the annexe is not sold or let as a separate dwelling or used for any commercial purpose, by 31 July 2013; and
- (ii) the conditions in the report

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

RESOLVED that subject to:-

- (i) 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 to ensure the annexe is not sold or let as a separate dwelling or used for any commercial purpose, by 31 July 2013; and
- (ii) the conditions in the report

PLANNING PERMISSION be granted.

Reasons for the decision: The development is acceptable taking into account the policies of the Development Plan as set out below. The proposal is not considered likely to result in any significant impact on the amenity of adjoining occupiers, highway safety or the character of the area. There are no other material considerations that are judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in

accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies: Approved Fareham Borough Core Strategy: CS17 - High Quality Design; CS5 - Transport Strategy and Infrastructure. Fareham Borough Local Plan Review: H9 - Annexes for Dependant Relatives.

**(10) P/13/0400/FR - LAND ADJACENT TO 128 PAXTON ROAD
FAREHAM**

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

(Voting: 9 in favour; 0 against).

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

Reasons for the decision: The development is acceptable taking into account the policies of the Development Plan as set out below. The proposal is not considered likely to result in any significant impact on the amenity of adjoining occupiers, the character of the area, or highway safety. There are no other material considerations that are judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies: Approved Fareham Borough Core Strategy: CS2 - Housing Provision; CS5 - Transport Strategy and Infrastructure; CS6 - The Development Strategy; CS7 - Development in Fareham; CS15 - Sustainable Development and Climate Change; CS16 - Natural Resources and Renewable Energy; CS17 - High Quality Design; CS20 - Infrastructure and Development Contributions. Fareham Borough Local Plan Review: DG4 - Site Characteristics.

(11) P/13/0351/FP - NORTHEND HOUSE LONGS LANE FAREHAM

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

(Voting: 9 in favour; 0 against).

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

Reasons for the decision: The development is acceptable taking into account the policies and proposals of the Development Plan as set out below, the development is not likely to result in unacceptable impacts upon key planning issues (such as on the street scene or character of the area, or upon the amenities of neighbouring properties, or on the local highway network), other

material considerations being judged not to have sufficient weight or direction to justify a refusal of the application, and, where applicable, conditions having been applied in order to satisfy these matters. Further to Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

Policies: Approved Fareham Borough Core Strategy: CS5 - Transport Strategy and Infrastructure;; CS17 - High Quality Design.

(12) P/13/0358/VC - 18 HAVEN CRESCENT FAREHAM

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

The Committee was referred to the Update Report which provided the following information:- *Officers have further considered the details of the submitted application and have found the proposed window restrictor would, by virtue of it being able to be unlocked and detached, be ineffective in securing the permanent condition of the roof light. A revised recommendation is given in full below including a suggested condition requiring details of an alternative window restrictor to be submitted within two weeks.*

PERMISSION: rooflight obscure glazed at all times; within two weeks of decision notice details of alternative restrictor to be fitted to roof light submitted in writing to LPA; window restrictor fitted within two weeks of approval of details; reimpose all other relevant conditions from P/11/0237/VC so far as they are still capable of taking effect (obscure glaze and fix shut dormer window in SE elevation, remove Permitted Development rights re first floor windows in NW and/or SE elevations of extensions).

A motion was proposed and seconded to refuse the application for the variation of condition 3 of planning permission P/11/0237/VC. The motion was voted on and CARRIED.

(Voting: 9 for refusal; 0 against refusal).

RESOLVED that, the application for the variation of condition 3 of planning permission P/11/0237/VC be REFUSED.

Reasons for the decision: The ability to open the roof light, were it openable to the extent specified in the application, would give rise to the overlooking of neighbouring property (7 Old Street) harmful to the privacy of the occupants.

Policies: Approved Fareham Borough Core Strategy: CS17 - High Quality Design.

(13) P/13/0369/FP - 4 CLIFF ROAD FAREHAM

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

The Committee was referred to the Update Report which provided the following information:- *Second to last paragraph from bottom of page 72 should read 'The nursing home has three ground floor and three first floor windows*

A motion was proposed and seconded that the application be determined as follows:-

(i) planning permission be granted for the proposed development to the main dwelling i.e. single storey rear extension; front porch; new front gable at first floor level and front first floor balcony on the western side of the dwelling; and

(ii) planning permission be refused for the proposed garage extensions i.e. front extension to one half of the existing garage incorporating a new pitched roof; a pitched roof over the remaining double garage and a new roof with a ridge running east to west to link the garage to the main dwelling.

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

RESOLVED that:-

(i) planning permission be granted for (A) Proposed extensions and alterations to include front balcony, porch and single storey extension to rear and change front fenestration with tile hanging and gable; and

(ii) planning permission be refused for (B) Garage extensions, change garage roof to pitched roof, build link porch between garage and house.

Reasons for the decision: The proposed development to the main dwelling (A) is considered acceptable taking into account the policies of the Local Plan as set out below. However, it is considered that the proposed works (B) by virtue of its size, height, design and proximity to the eastern boundary the garage extensions, link to the dwelling and pitched roof would result in an overbearing and unneighbourly form of development unacceptably reducing the level of outlook from and light available to the neighbouring property to the east (Solent Cliffs Nursing Home, 2 Cliff Road) to the detriment of the amenities of occupiers of that property.

Policies: Approved Fareham Borough Core Strategy: CS17 - High Quality Design.

(14) P/13/0390/FP - 30 CORFE CLOSE FAREHAM

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

Upon being proposed and seconded the officer recommendation to grant planning permission was voted on and CARRIED.
(Voting: 9 in favour; 0 against).

RESOLVED that PLANNING PERMISSION be granted.

Reasons for the decision: The development is acceptable taking into account the policies of the Local Plan as set out below. The proposal is not considered likely to result in an impact on the amenity of adjoining occupiers and the character of the area. There are no other material considerations that are

judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies: Approved Fareham Borough Core Strategy: CS17 - High Quality Design.

(15) P/13/0396/FP - 10 DOWN END ROAD FAREHAM

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

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

(Voting: 9 in favour; 0 against).

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

Reasons for the decision: The development is acceptable taking into account the policies of the Local Plan as set out below. The proposal is not considered likely to result in an impact on the amenity of adjoining occupiers and the character of the area. There are no other material considerations that are judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted

Policies: Approved Fareham Borough Core Strategy: CS17 - High Quality Design.

(16) PLANNING APPEALS

The Committee noted the information in the report.

(17) UPDATE REPORT

The Update Report was tabled at the meeting and considered with the relevant agenda items.

7. REVIEW OF LOCAL REQUIREMENTS

The Committee considered a report by the Director of Planning and Environment which informed members of the recent review of "Local Requirements" and invited comments on the proposed changes prior to consultation.

Members were referred to Appendix B to the report, which showed Fareham Borough Council's current list of Local Requirements with the proposed

changes highlighted. It was noted that an eight week period of public consultation will be carried out on the revised list, commencing shortly. A further report detailing the comments received and any further recommended changes will be reported to the Committee at its meeting on 11 September 2013.

A motion was proposed and seconded that the Committee agree that public consultation be undertaken on the proposed changes to Fareham Borough Council's list of Local Requirements, shown in Appendix B. The motion was CARRIED.

(Voting : 9 for; 0 against).

RESOLVED that the proposed changes to Fareham Borough Council's Local Requirements, shown in Appendix B to the report, be approved for public consultation.

8. TREE PRESERVATION ORDERS

The Committee considered confirmation of the following Tree Preservation Order which had been made by officers under delegated powers and to which no formal objections had been received.

(1) Fareham Tree Preservation Order No 658 - Land fronting River Hamble, Crableck Lane, Sarisbury

Order made on 26 April 2013 covering 2No. individual oaks, one group (G1 – 1No. larch and 19No. oak) and 2 woodlands (W1 and W2 both consisting of oak).

RESOLVED that:-

- (i) Fareham Tree Preservation Order No.658 be confirmed as made and served; and
- (ii) Fareham Tree Preservation Order No.195 be revoked, as all the trees in the older Order have, where appropriate, been included in the new Order.

(The meeting started at 2.30pm
and ended at 5.00pm).