

P/16/1088/OA

SARISBURY

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AGENT: FOREMAN HOMES LTD

RESIDENTIAL DEVELOPMENT OF UP TO 22 UNITS (15 DWELLINGS PER HECTARE), ASSOCIATED LANDSCAPING, AMENITY AREAS AND A MEANS OF ACCESS FROM ROOKERY AVENUE

LAND TO SOUTH & EAST OF ROOKERY AVENUE FAREHAM HAMPSHIRE

Report By

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Site Description

The application site is essentially in two parts on land to the south of Rookery Avenue, Whiteley. The site is entirely within the countryside and outside of the urban settlement boundary.

The western parcel of land is approximately 0.65ha in area on which sits a detached bungalow (112 Botley Road) set in a generous plot sloping gently southwards towards the M27 motorway. The eastern parcel of land comprises an area of mature planting and trees measuring around 0.38ha. Access to the site would be provided through improving a section of highway which runs off the south side of Rookery Avenue.

The land to the west is covered with a group tree preservation order (TPO).

To the immediate north of the eastern parcel is land edged in blue on the submitted plans which indicates the applicant either owns or has control over this land about 0.45ha in area. A route running through the land is safeguarded in the adopted local plan for the remaining section of Rookery Avenue to be constructed to link the Whiteley Area Distributor Road to the east with Botley Road to the west. To the north of that route the remainder of the blue edged land is heavily treed and part of a designated Site of Importance for Nature Conservation (SINC) known as Gull Coppice.

The land to the east is designated by Natural England as being ancient woodland.

To the immediate south of the eastern parcel are two residential properties, 114 Botley Road and Windruff, accessed from that same road. The properties were once part of a wider commercial nursery use of the site. To the south of those properties lies the M27 motorway.

To the north of Rookery Avenue lie the residential streets of Caspian Close, Shetland Rise and the more recent Castillian Way.

Description of Proposal

Outline planning permission is sought for up to 22 new dwellings on the site with associated landscaping and amenity areas.

All matters are to be reserved except for means of access which would be provided by using and improving the existing leg of the highway off the south side of Rookery Avenue.

An illustrative layout has been provided showing how 22 dwellings could be laid out on the

site comprising a mixture of detached and semi-detached houses and flats.

It is proposed that the land edged blue located to the north of the eastern parcel of housing land be transferred to the Council in order that the long term safeguarded route of the Rookery Avenue link road be secured.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS2 - Housing Provision

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS14 - Development Outside Settlements

CS15 - Sustainable Development and Climate Change

CS16 - Natural Resources and Renewable Energy

CS17 - High Quality Design

CS18 - Provision of Affordable Housing

CS20 - Infrastructure and Development Contributions

Design Guidance Supplementary Planning Document (Dec 2015)

EXD - Fareham Borough Design Guidance Supplementary Planning Document

Development Sites and Policies

DSP1 - Sustainable Development

DSP2 - Environmental Impact

DSP3 - Impact on living conditions

DSP6 - New residential development outside of the defined urban settlement boundaries

DSP13 - Nature Conservation

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

DSP50 - Access to Whiteley

Representations

Two periods of consultation with local residents have been carried out resulting in 44 sets of objections being received. The representations raised the following concerns:

- Highway safety
- Objections to route of Rookery Avenue link road
- Increase in volume of traffic
- Problems caused by parking along Rookery Avenue
- Loss of trees and woodland
- Increase in noise from M27
- No need for more housing
- Impact on wildlife and habitat
- Effect on local schools and doctors surgery

One letter has been received in support of the application provided that the missing link in Rookery Avenue is completed at the same time as the houses are built.

One letter has been received from the Woodland Trust raising concerns over the effect of the development on the nearby designated ancient woodland and requesting a buffer of 30 metres be provided.

Consultations

EXTERNAL

Hampshire County Council (Archaeology) - No objection.

Hampshire County Council (Lead Flood Authority) - No objection. Further information should be submitted as part of a more detailed design phase.

Southern Water - Southern Water can provide foul disposal to service the proposed development. No objection raised subject to conditions.

INTERNAL

Environmental Health (Pollution) - No objection subject to a condition requiring sound attenuation measures to be provided.

Environmental Health (Contamination) - No objection.

Highways -

Whilst the submitted details of the access road improvements, including pedestrian provisions and access to the eastern site are now considered to be satisfactory in plan form, there remain concerns over the feasibility of the access works and the arrangements for refuse collection from the eastern site.

The proposal is to widen the adopted section of Botley Road which currently provides access to the site. The road is shown to be widened to between 4.8m and 6m which would enable the passage of refuse collection vehicles and cars. As the road is adopted, all the works would have to be agreed with Hampshire County Council (HCC), as highway Authority, under a Section 278 Agreement. A major element of the road construction would be the use of 'no-dig' construction techniques, relying on a cellular confinement system (CCS) in order to protect the roots of a number of protected trees. The area of road to be thus constructed, would be some 50m long by at least 6m wide. Given the extent of the area of the CCS and uncertainty over the existing ground conditions and the acceptance of the works by HCC, there is a considerable lack of evidence to demonstrate that the access works would be feasible and could thus be implemented.

It has been demonstrated that, subject to the above road improvements, a large refuse vehicle would be able to access the western site. There is a concern, however, that because of the excessive length (140m) and minimal net width (35m) of the eastern site, the refuse collection vehicle will either have to make an excessive reversing manoeuvre or residents will have to carry their refuse to a convenient collection point near to the western end of the site. These options would be considered unsafe or impractical given the illustrative layout submitted.

Trees -

The proposal to widen the adopted section of Botley Road, incorporating a no dig CCS, would have to be agreed by Hampshire County Council (HCC), as highway Authority, under a Section 278 Agreement.

Subject to such an agreement the proposed custom CCS as set out in the Sapling Arboriculture report (J937.03 - Feb 2017) could be used to manage the impact on existing tree roots. However, as detailed in section 8.3 and 8.4 of the tree report there are multiple constraints that will have to be assessed and defined before a viable design and specification can be produced.

Therefore given the significant area of the CCS1 and the considerable uncertainty over the existing soil conditions, there is insufficient evidence to ensure the existing trees would not be harmed by reconfiguring the access road as proposed.

Ecology -

Bats

In accordance with Natural England's standing advice and Circular 06/2005, the recommended bat survey work must be completed prior to further consideration of this application.

The applicant's proposal to carry out surveys during 2016 is in accordance with The Bat Conservation Trust's good practice survey guidelines (3rd edition, 2016) is appropriate. However, the results of these surveys, assessment of impacts and details of necessary mitigation must be provided prior to determination.

Reptiles

The applicant has proposed a new strategy for reptile mitigation, however, as recognised in the additional information submitted by the applicant, mitigation needs to be sufficiently detailed at this stage, in order for the LPA to determine the acceptability of the proposal, ensure the deliverability and success of the mitigation, and to be able to secure adherence to the proposed mitigation through a condition of any consent. This is in line with Natural England's Protected Species Standing Advice.

The additional information submitted by the applicant has confirmed that reptiles will be translocated to an off site receptor. As recognised within the additional information, the application must be supported by the following:

- details of the translocation works, including plans showing where reptile fencing will be erected relative to existing (and any retained) reptile habitat, methodology for capture, including timings and capture effort.
- Survey results from the chosen receptor site, with details regarding its capacity and how it will be enhanced for reptiles, including a commitment to future management and monitoring.

Adjacent ancient woodland

The proposed buffer between the development and ancient woodland is less than the expected minimum set out in Natural England's standing advice. As such, the proposal could be expected to lead to damage of an ancient woodland habitat which would be contrary to NPPF.

The updated information has confirmed that a dwelling is proposed within the 15m semi-natural buffer which Natural England advises is retained between an ancient woodland and development site. Woodland edge habitat planting is proposed as a means of compensation for the reduced buffer width, however, such planting would be expected for a buffer of 15m to ensure that edge effects are avoided. Given that a minimum buffer of 15m is expected in order to avoid impacts, the proposal for a 12m buffer could be expected to lead to damage of an ancient woodland habitat which would be contrary to NPPF.

Connectivity between Gull Coppice and woodland to the west

Further detail is required to demonstrate that functional ecological corridors between an established designated site and priority habitat will be preserved within the development.

Sufficient information to demonstrate how connectivity between Gull Coppice and the woodland to the west will be maintained is still outstanding. Corridor sizes will vary according to the ecology of different species and the objective of the corridor. The proposal currently allows for several 3m wide hedgerows which are associated with dormouse requirements. Whilst this habitat is suitable for dormice the edge effects are likely to degrade this habitat's value as a corridor which preserves connectivity between an established designated site and priority habitat.

Planning Considerations - Key Issues

Principle of development

Land supply

Design and layout

Landscape character

Highways

Ecology

Effect on neighbouring properties

Motorway noise

Affordable housing

Conclusion

PRINCIPLE OF DEVELOPMENT

Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. Policies CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries.

The application site lies within an area which is outside of the defined urban settlement boundary.

Policy CS14 of the Core Strategy states that:

'Built development on land outside the defined settlements will be strictly controlled to

protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function. Acceptable forms of development will include that essential for agriculture, forestry, horticulture and required infrastructure.'

Policy DSP6 of the Local Plan Part 2: Development Sites and Policies states - there will be a presumption against new residential development outside of the defined urban settlement boundary (as identified on the Policies Map).

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

LAND SUPPLY

The Council's current five year housing supply position is based upon the housing requirements in the Borough's adopted Local Plan; Part 2 - Development Sites and Policies (adopted June 2015) and Part 3 - Welborne (adopted June 2015). Over the five year period from 1st April 2016 to 31st March 2021, Fareham's housing requirement is 1,932 dwellings. In accordance with paragraph 47 of the NPPF, this requirement includes a 5% buffer brought forward from later in the plan period to ensure choice and competition in the market for land.

It is acknowledged that the Council's adopted housing requirement is not based on Objectively Assessed Need (OAN), as required by the NPPF. In light of this and in accordance with the Inspector's Report on Local Plan Part 2, the Council has committed to and commenced a review of the adopted Local Plan, in order to plan positively for meeting Objectively Assessed Housing Need. This figure was published in evidence to support the PUSH Spatial Position Statement in June 2016, to enable each PUSH Council to review its Local Plan and identify specific sites and locations for development to meet OAN. To reaffirm this commitment, the Council has recently adopted a new Local Development Scheme which provides the timetable for the production and adoption of the new Fareham Local Plan 2036.

The appeal decision in December 2014 for the site adjacent to The Navigator public house (reference P/13/1121/OA) is acknowledged, however since that decision, the approaches of both Local Plan Part 2 and Local Plan Part 3 have both been found sound by a Planning Inspector and adopted by the Council. In addition, the ministerial letter on Strategic Housing Market Assessments (dated 19th December 2014) states that "the outcome of a SHMA is untested and should not automatically be seen as a proxy for a final housing requirement in Local Plans. It does not immediately or in itself invalidate housing numbers in existing Local Plans". Therefore in accordance with this statement and the Planning Practice Guidance, the housing requirement figure used to calculate the Council's five-year housing supply position is based on the Council's adopted Local Plan. As such, until the new Fareham Local Plan 2036 has been subject to consultation and examination and been adopted by the Council, it is the Council's view that it would be premature to adopt the Objectively Assessed Housing Need figure as the Borough's housing requirement.

Taking the positions on housing requirement and housing supply into account, Fareham Borough Council is therefore currently able to demonstrate a five-year housing land supply position of 5.7 years.

The table demonstrating the five year lands supply position is appended to the report

(Appendix 1).

DESIGN AND LAYOUT

The illustrative site plan submitted with the application shows how the overall layout and form of the development might look like. However, since this application is in outline form the exact layout, scale and appearance of buildings and associated landscaping are all reserved matters to be agreed at a later date if the principle and quantum of development is found to be acceptable.

Officers have concerns over the amount of development proposed which is submitted as being "up to 22 dwellings". In particular it is not considered that the eastern parcel of the site can accommodate the amount of development the applicant indicates as being possible in the submitted illustrative layout.

The eastern part of the site has a number of important constraints limiting the space which is available to construct new housing. Sufficient space is provided within the blue edged land to the north to safeguard the route of the Rookery Avenue link as required through Policy DSP50 of the adopted Fareham Borough Local Plan Part 2 without raising concerns over the impact on the adjacent SINC (please see highways considerations below). Notwithstanding, the presence of the SINC to the north of the blue edged land will entail the route of the link road passing close by if not directly along the northern boundary of the eastern red edged parcel of the land where the applicant has illustrated nine dwellings could potentially be built.

The applicant's ecologist has meanwhile set out in the submitted Dormouse Mitigation Plan that, in order to provide connectivity between boundary habitats and adjacent woodland areas, 3 metre wide hedgerows should be planted along both the northern and southern boundaries of the eastern part of the site. Whilst these wildlife corridors are suitable in the opinion of the Council's ecologist to retain connectivity for dormice they would need to be located outside of private garden areas to ensure their retention and effectiveness in the long term.

The site's layout is a reserved matter however these constraints leave little space for housing to be provided in the quantity indicated by the applicant. Any proposed layout would be expected to provide adequate access, good quality landscaped frontages with the north facing elevations of houses sufficiently set back from the potential route of the Rookery Avenue link road and appropriately sized useable private rear gardens in accordance with Policy CS17 of the adopted Fareham Borough Core Strategy and the Council's adopted Design Guidance Supplementary Planning Document (Excluding Welborne). In this regard Officers are not satisfied that 22 dwellings can be accommodated on the site in a manner that accords with these expectations.

LANDSCAPE CHARACTER

Policy CS14 of the Core Strategy states that built development on land outside the defined settlements will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function.

The western parcel of the site comprises a single modest residential property located within a plot which is well screened from view by boundary vegetation and mature planting within

the site itself. Some of the boundary vegetation would inevitably be removed to provide access into the site and potentially properties facing north onto the adopted highway. Vegetation within the plot would be removed and the proposed homes would introduce built form and associated infrastructure into this countryside location affecting the character of the landscape and its visual amenity.

The eastern parcel of the site is currently heavily vegetated with a mixture of mature trees and low level planting. The construction of houses along its southern boundary would introduce a visually intrusive form of built development into the countryside when viewed from adjacent properties to the south and the motorway beyond them.

The proposal would urbanise the existing site and change its landscape character, appearance and function. As a result the proposal is found to be contrary to Core Strategy Policy CS14.

HIGHWAYS

Access to the site is a matter to be considered in determining this application. The applicant proposes to use the existing section of highway leading off the southern side of Rookery Avenue to provide access by widening and improving the surface of the road. Detailed drawings have been submitted prepared by the applicant's highway consultant showing how this proposal.

An arboricultural assessment has been submitted by the applicant proposing the use of a cellular confinement system over a stretch of highway some 50 metres long which is designed to prevent harm to the adjacent protected trees on the southern side of the access road. There is however some concern that the ground conditions in this area are currently uncertain and the use of this system on the adopted highway would need to be subject to the agreement of the highway authority Hampshire County Council. Without clarification on these points there is no certainty that the proposed solution to the road being widened in close proximity to these trees is feasible and could, in the event that planning permission was granted, be implemented.

Setting aside this concern, Officers are satisfied that the road layout shown and the volume of traffic generated by the development would not harmful to the safety or operation of the highway.

Had Officers been minded to recommend planning permission be granted the applicant would have been required to enter into a Section 106 agreement to secure a financial contribution towards amending the existing traffic regulation order (TRO) on Rookery Avenue to prevent parking on the southern side close to the junction with the access road. At the reserved matters stage it would also have been necessary to demonstrate that there would be sufficient space within the western and eastern parcels of the site for a refuse vehicle to turn.

Sufficient space has been retained in the land edged in blue to safeguard the route of a potential link between the two parts of Rookery Avenue. The proposal is therefore not in conflict with Policy DSP50 of the adopted Local Plan Part 2. If planning permission was granted the transfer of that land into the Council's ownership would be secured through the applicant entering into a Section 106 agreement.

ECOLOGY

The Council's ecologist has provided detailed comments in response to the information submitted by the applicant in support of their proposal. Those comments are summarised earlier in this report, however in conclusion it is considered that insufficient information has been provided in relation to the submission of bat surveys, reptile mitigation measures and to show how connectivity between Gull Coppice and the woodland to the west will be maintained. Harm to the adjacent woodland to the east has also been identified. As a result the proposal is found to be contrary to Policy DSP13 of the adopted Fareham Borough Local Plan Part 2.

EFFECT ON NEIGHBOURING PROPERTIES

The layout of the site and the scale of buildings to be constructed are reserved matters to be considered at a later date in the event that outline planning permission was granted. However, the location of the site in relation to neighbouring properties is not likely to result in any materially harmful effects on the living conditions of others (for example through loss of privacy, light or outlook).

MOTORWAY NOISE

The applicant has provided a noise assessment to accompany their application. Following discussions with Officers the methodology used in the noise assessment is considered to be appropriate. The applicant has proposed that acoustic fencing could be erected around certain boundaries of the site. The noise levels indicated as being likely within private garden areas of houses on the site are mainly within the acceptable range recommended by the Council's Environmental Health team. Internal noise levels meanwhile could be controlled by a suitable planning condition if planning permission were to be granted to require adequate glazing specification to all windows and whole house ventilation systems to all properties.

No objection is raised to the proposal on the basis of motorway noise adversely affecting the living conditions of future occupants of the proposed houses. Similarly, there is no evidence to suggest that removal of trees and vegetation on the site would have a material impact on noise experienced by other properties in the surrounding area.

AFFORDABLE HOUSING

The applicant is proposing to deliver 40% affordable homes in accordance with Policy CS18 of the adopted Core Strategy. If the scheme was considered to be acceptable in all other regards a suitably worded planning condition could be used to secure the on-site provision of affordable units.

CONCLUSION

Officers acknowledge the proposal could deliver housing, including affordable housing, which is a material planning consideration which needs to be given due weight. However, Officers do not consider that the site could deliver 22 dwellings due to significant constraints on the eastern parcel which limit the developable area.

It is also noted that whilst the development would lead to an increase in vehicle movements along Rookery Avenue and Botley Road it would not materially harm the safety or operation of the highway, subject to the TRO on Rookery Avenue being amended. In addition, the route of the Rookery Avenue link road would be safeguarded.

The application site is upon land which is entirely outside the defined urban settlement boundary where there is an in principle objection to new residential development except in exceptional cases. None of the exceptions set out within the adopted policies have been claimed here. This in principle policy objection weighs heavily against granting planning permission. Furthermore, the nature of the proposed development would introduce built form and associated infrastructure which will affect the character of the landscape and visual amenity. The proposal would urbanise the existing site and affect its landscape character, appearance and function.

The applicant has challenged whether this Council has a five year supply of housing land. Details of the Council's housing land supply have been provided earlier in the report and confirm there is in excess of a five year housing land supply.

There is a lack of information to be able to conclude that the proposal would not have an unacceptable impact on protected species and their habitat or designated sites.

Officers conclude that the benefits that would arise from the proposal do not outweigh the harm identified above. The proposals would be contrary to policies contained within the adopted Fareham Borough Core Strategy and Local Plan Part 2: Development Sites and Policies.

Officers therefore recommend that the planning application should be refused for the reasons set out below.

Recommendation

REFUSE:

The development would be contrary to Policies CS2, CS4, CS5, CS6, CS14, CS17 & CS18 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP6, DSP13, DSP15 & DSP50 of the adopted Local Plan Part 2: Development Sites and Policies Plan and is unacceptable in that:

(a) the proposal represents development outside the defined urban settlement boundary for which there is no justification or overriding need and would adversely affect its landscape character, appearance and function;

(b) the site is not capable of accommodating 22 dwellings without resulting in an unacceptable, cramped layout which would be harmful to the appearance and character of the area and the living conditions of future residents;

(c) the applicant has failed to demonstrate that the proposed means of access into the site can be implemented to the satisfaction of the highway authority without harming trees located on adjacent land;

(d) the applicant has failed to demonstrate that the development would not harm protected species and their associated habitats, adjacent designated sites and sites of nature conservation value or result in the fragmentation of the biodiversity network;

(e) in the absence of a financial contribution or a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas;

(f) had it not been for the overriding reasons for refusal the Council would have sought the means to secure a financial contribution towards amending the existing traffic regulation order (TRO) on Rookery Avenue in order to ensure the safe means of access into the site;

(g) had it not been for the overriding reasons for refusal the Council would have sought to secure the transfer of the land edged in blue on the submitted location plan to the Council's ownership in order to safeguard the land required for the remaining section of Rookery Avenue linking the Whiteley Area Distributor Road to Botley Road;

(h) had it not been for the overriding reasons for refusal the Council would have sought to secure the on-site provision of affordable housing at a level in accordance with the requirements of the local plan.

Note for information:

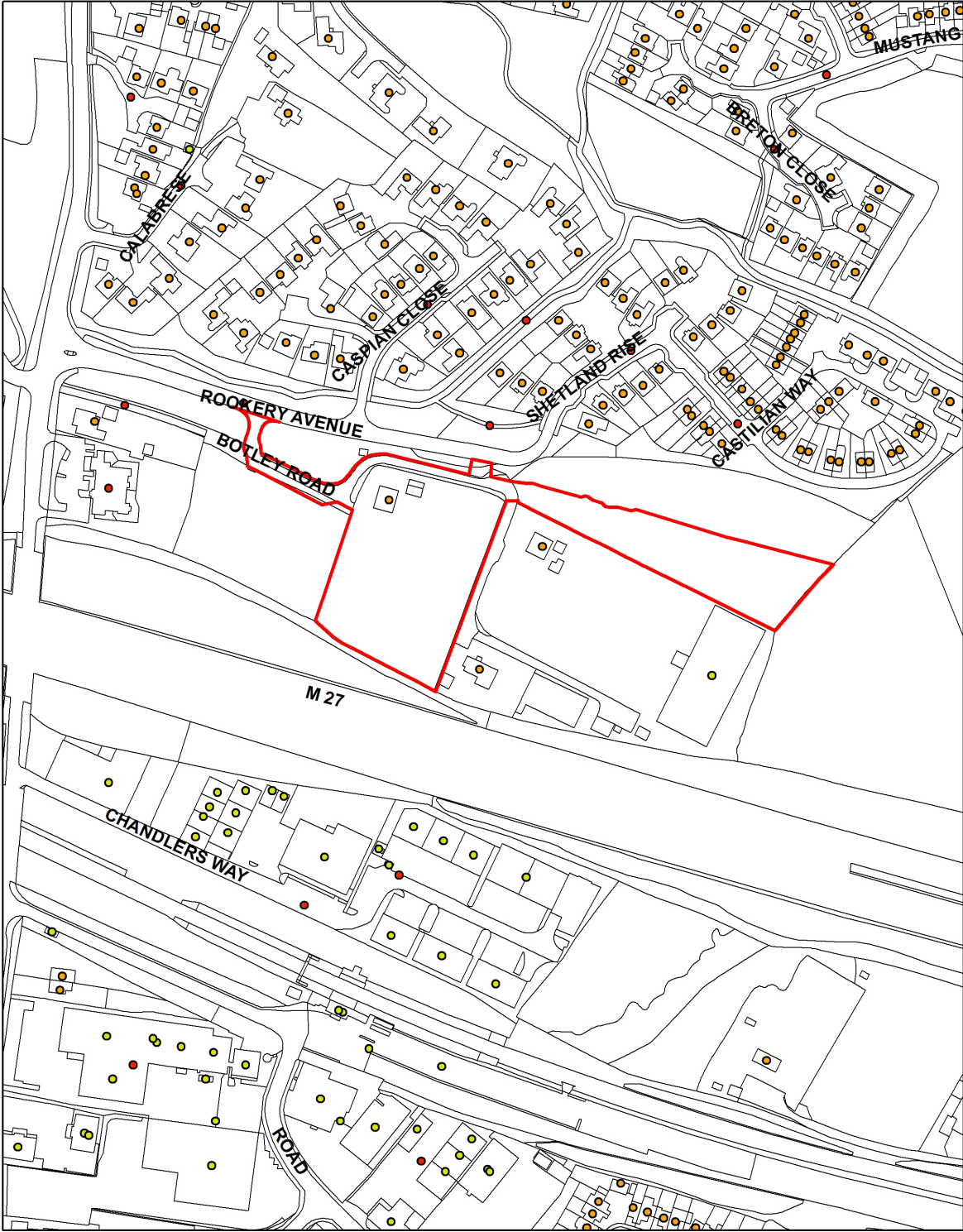
Had it not been for the overriding reasons for refusal to the proposal, the Local Planning Authority would have sought to address points e - h of the above by the applicant entering into legal agreement with Fareham Borough Council.

Background Papers

P/16/1088/OA

FAREHAM

BOROUGH COUNCIL



LAND TO SOUTH &
EAST OF ROOKERY AVENUE
Scale 1:2,500



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