

P/17/0045/OA

FAREHAM NORTH

RESIDE DEVELOPMENTS
LIMITED AND

AGENT: TURLEY

OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS), FOR RESIDENTIAL DEVELOPMENT OF UP TO 27 DWELLINGS (USE CLASS C3) WITH ASSOCIATED INFRASTRUCTURE, LANDSCAPING, MEANS OF ACCESS AND DEMOLITION OF AGRICULTURAL BUILDING.

LAND TO NORTH OF FUNTLEY ROAD FAREHAM PO15 6DN

Report By

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Site Description

The site measures 0.96 hectares (2.4 acres) in area and is situated immediately to the north of Funtley Road.

To the north and east the site adjoins housing development on the site of the former Funtley Abattoir. To the north west of the site is a designated area of public open space. To the west of the site are a small number of frontage dwellings with long rear gardens.

The site is relatively flat, falling gently to the north. It currently comprises horse paddocks.

There is an existing access to the site in the south eastern corner and an unmade track runs diagonally across the site to an agricultural storage building/stables located in the north west corner.

The existing southern boundary to Funtley Road is marked by a hedgerow containing some trees towards its eastern end. The western boundary is largely defined by an evergreen hedgerow, with the eastern and northern boundaries formed with varying types and sizes of planting.

The site lies outside of the urban settlement boundary.

Description of Proposal

Outline planning permission is sought for up to 27 new dwellings on the site, together with a new vehicle access from Funtley Road, landscaping, and demolition of an agricultural building in the northwestern corner of the site.

The application is submitted in outline with all matters reserved for future approval except for access. The proposed access is shown towards the western end of the frontage.

Policies

The following policies apply to this application:

Residential Car and Cycle Parking Standards Supplementary Planning Document

Fareham Borough Design Guidance (Excluding Welborne)

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

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

Representations

Fifty two representations (of which 51 are in objection and 1 is in support) raise the following main issues:

- The proposal will detract from the natural environment;
- The site is a SINCE and should be protected;
- Flooding and problems with surface water drainage;
- There are more appropriate brownfield sites available with access to existing infrastructure;
- The site is not in a sustainable location and public transport is poor, therefore residents of the proposed scheme would have to drive which would put additional pressure on roads in the area;
- The water meadow bridge and the railway bridge would be unable to cope with intense traffic;
- The proposed play area is not required and would create unnecessary noise and disturbance;
- The proposed play area would segregate the village;
- Increased traffic will make it harder for drivers to exit Roebuck Avenue;
- The development at Welborne was supposed to prevent the need for any further housing at Funtley;
- The construction process would cause disturbance;
- There is no school, doctors or dentist in Funtley. Where would the new residents go?
- There is no justification for housing in a countryside location;
- The development would erode the semi-rural character of Funtley;
- The proposed 'potential pedestrian path' leads onto a neighbour's land rather than into the meadow;
- Loss of views;
- Inability of the existing pumping facility to cope with additional waste water disposal;
- The land to the rear of nos 29, 31 and 33 is not available for Reside to compulsorily

- purchase for drainage purposes;
- Increased light and air pollution;
- Overlooking of existing properties;
- Boundaries are incorrect;
- The speed limit should be reduced to 30 mph;
- There is no public transport after 5 pm and on Sundays.

The Funtley Village Society

- The site is beyond the settlement policy boundary for which no justification has been made;
- Consultation feedback from Reside is inaccurate and does not include feedback provided at workshops;
- The proposed development would jeopardise flora and fauna;
- Flooding;
- Roads are at full capacity;
- Traffic measures are required if additional houses are to be built;
- Impact on local services which are already oversubscribed;
- Inadequate existing access;
- The roads are not suitable for use by HGVs;
- Public transport is patchy and expensive;
- FBC has a 5 year housing land supply, therefore no additional houses are required &
- Inappropriate impact on the character of the area.

The Fareham Society

- The site is located beyond the settlement policy boundary;
- The site is countryside for which there is no justification;
 - FBC have a 5 year housing land supply;
 - The site is contrary to the local Development Plan;
 - The site could set an undesirable precedent given that the applicant owns further land within the countryside.

Consultations

EXTERNAL

Police Crime Prevention Design Advisor -

The proposed layout works fairly well. Any footpath to the open space beyond should be well lit and planting should be cleared to allow good natural surveillance.

Hampshire County Council (Archaeology) - no objection subject to conditions.

Hampshire County Council (Lead Flood Authority) -

The general principles for the surface water drainage proposals are acceptable; we would recommend that further information on the proposals be submitted as part of a more detailed design phase.

Southern Water Services - no objection

Natural England -

This application is within 5.6km of Solent and Southampton Water SPA and will lead to a net increase in residential accommodation. Natural England is aware that Fareham Borough

Council has recently adopted a Supplementary Planning Document (SPD) or planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP).

Provided that the applicant is complying with the SPD or policy, Natural England is satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and has no objection to this aspect of the application.

Natural England does not consider that any other aspects of the above application pose likely or significant risk to those features of the natural environment for which we would otherwise provide a more detailed consultation response and so does not wish to make any additional comments on the details of this consultation.

INTERNAL

Environmental Health (Pollution) - no objection.

Environmental Health (Contamination) - no objection subject to conditions.
Trees - no objection.

Highways -

A Transport Assessment has been submitted with the application to investigate matters of sustainable travel options, traffic impact, highway safety and access layout.

To aid pedestrian and bus journeys, a footway is proposed along the north side of Funtley Road, between the site and Roebuck Avenue.

In traffic impact terms, whilst the predicted traffic generation from the site is considered to be low given the site's location, it is accepted that the circa 16 vehicles per peak hour would have no material impact on the surrounding road network.

In highway safety terms, the record of personal injury accidents does not indicate there is a particular defect affecting the safe operation of the highway. It is recommended however that the location of the present 30mph speed limit zone should be reviewed with a view to including within it, the proposed site access or even the bends on Funtley Road to the west of the site. This should be included in any road safety audit that promotion of the site and its junction on Funtley Road would require.

The location and form of the site access, with visibility splays, would be acceptable.

Ecology -

Internationally Designated Sites

The application site is in proximity to the Solent and Southampton Water Special Protection Area (SPA) and Solent Maritime Special Area of Conservation (SAC) and Solent and Southampton Water Ramsar site, each of which are situated approximately 650 metres west of the western boundary of the site.

The development will result in a net increase in residential dwellings within 5.6 km of the Solent and Southampton Water SPA. It has been demonstrated and agreed by Natural

England that any increase in dwellings would have a significant effect on the SPAs when considered in combination with other plans and projects.

Fareham Borough Council has adopted a strategy whereby a scale of developer contributions has been agreed that would fund the delivery of measures to address these issues which can be secured through planning conditions and a Section 106 Obligation.

European Protected species

Reptiles

A detailed Reptile Mitigation Strategy has been submitted in support of the application. The strategy is for the translocation of the existing reptile population to an off-site receptor site as the retention of reptiles in-situ was not considered to be deliverable.

No objection subject to a condition requiring the submission of a reptile mitigation strategy.

Bats

The illustrative site plan has been updated to increase connectivity along the southern boundary of the site. The EMEP identifies that it will be necessary to design the lighting strategy to retain dark corridors and prevent illumination of roost areas. This information can be provided in the reserved matters application.

No objection subject to conditions requiring a scheme of lighting (to minimise the impact on wildlife in particular bats) and a landscaping scheme to provide biodiversity enhancements.

Dormice

Dormice receive protection under UK law via the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Habitats Directive, which is transposed into UK law by the Conservation of Habitats and Species Regulations 2010. Where developments affect European protected species, permission can be granted unless:

- the development is likely to result in a breach of the EU Directive underpinning the Habitats Regulations, and
- is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.
- Is the development likely to result in a breach of the EU Directive?

The application is supported by a report of the thorough and professional dormouse survey work that has been carried out at the site to appropriate methodologies and standards (Ecology Solutions, January 2016). This report includes results and conclusions of the full survey work, an assessment of the impacts to dormice and the measures to ensure that any impacts to dormice are avoided or compensated for.

The survey work identified that the scrub and hedgerow habitat within the development support dormice. A single dormouse nest was recorded within a survey tube within the south-west of the site during surveys conducted during 2015.

The proposal will result in the loss of dormouse resting places and if avoidance measures

are not taken then the work has the potential to kill / injure individual dormice. The development will therefore result in a breach of the EU Directive.

- Is the development unlikely to be licensed?

An EPS licence can only be granted if the development proposal is able to meet three tests:

1. the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e))
2. there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and
3. the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).

The vegetation within the application site is considered to be of limited ecological value. The applicant's ecologist has made a number of recommendations for enhancing species diversity within the site which could be secured by condition.

Refuse and Recycling -No objection.

Planning Considerations - Key Issues

PLANNING POLICY

For the purposes of the development plan, the site is located outside of the settlement boundaries and thus within the countryside.

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. Policy CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries.

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 goes on to state that - there will be a presumption against new residential development outside of the defined urban settlement boundary (as identified on the Policies Map).

The application site being outside of the settlement boundaries would be contrary to the above policies (CS2, CS6, CS14 and DSP6) and not in accordance with the development plan.

HOUSING 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.

The PUSH OAN study, the PUSH Spatial Position Statement, and the CLG ministerial Letter of December 2014 all note that OAN figures remain untested until they have passed through the Local Plan process, and the importance of Councils being given adequate time to respond to these figures in preparing plans for their areas. The Council thus considers at the current time that it remains appropriate to rely on the Adopted Local Plan housing requirement to determine the five year housing land supply. It is acknowledged that this approach was not accepted in the Navigator appeal decision, however the circumstances of that decision differ as it predated the Adoption of Local Plan Parts 2 and 3.

The Council's land supply figures from April 2016, updated as part of the preparation of evidence to the recent Cranleigh Road Inquiry, is that it has a five year deliverable supply of 2,003 dwellings. This represents a 5.2 year supply, and this means that the determination of the application should be in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

LANDSCAPE CHARACTER

The site comprises grassland and vegetation with trees surrounding the boundaries. Glimpsed views of the site can be seen from Funtley Road and the site is currently overlooked by properties in Roebuck Avenue to the east and north. An indicative layout plan submitted with the application shows how development could be undertaken whilst retaining much of the planting around the northern and eastern boundaries.

A section of the existing planting alongside Funtley Road towards the western end of the frontage would need to be removed to enable vehicular access to the site. In addition it is suggested that pedestrian access would need to be formed through the frontage planting towards the eastern end of the frontage. Visibility splays alongside the main site access are likely to lead to existing boundary planting being cut back. It is also proposed to construct a footpath upon the existing grass verge from the junction of Roebuck Avenue/ Funtley Road to the eastern edge of the application site frontage.

Creating openings in the frontage planting would open up the site to views from Funtley Road. Furthermore much of the planting along the Funtley Road frontage is not of sufficient height to screen the two storey buildings proposed. The proposed development at two storey height along with its associated infrastructure would substantially change the existing rural appearance of the site to one of an intensively developed housing estate.

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 proposal would involve the development of part of a broader area of countryside which forms the setting of the southern and western edge of Funtley.

The proposals would adversely affect the landscape character, appearance and function of the site and the proposal is therefore contrary to Policy CS14.

AFFORDABLE HOUSING

The applicant is proposing to deliver 40% affordable homes in accordance with Policy CS18 of the adopted Core Strategy.

The affordable dwellings would comprise a mixture of sizes, including both affordable rented and shared ownership properties.

Subject to the provision of affordable housing being secured through a Planning Obligation the proposal would be in accordance with Policy CS18 of the adopted Core Strategy.

SUSTAINABILITY OF THE SITE AND HIGHWAY ISSUES

A number of objections received have raised concerns regarding the sustainability of the site in terms of its location. It is acknowledged that the site is located beyond the settlement policy boundary and is therefore contrary to policies which aim to secure the majority of new housing within the urban area.

Whilst bus stops are located fairly close to the site, the bus service runs approximately once an hour to Fareham and Wickham. The service neither starts particularly early nor finishes late and no buses run on a Sunday.

The applicant's Transport Statement confirms that there are very limited services within Funtley itself. The closest shop (McColls Newsagent) in Kiln Road for example is in the region of 1,200 metres (3/4 mile) from the site.

Officers are not convinced that the pedestrian and cycling arrangements from the application site to facilities are ideal either in the vicinity of the site itself or taking into account the steep climb up from Funtley into Fareham. The proposed development is likely to be highly car dependent.

Officers are not satisfied that the development would be located in an accessible area that is served by good quality public transport, walking and cycling facilities. Similarly Officers are concerned that the development would not meet the 'Social Role' set out in Paragraph 7 of the NPPF in terms of creating 'high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well being'.

In terms of sustainability Officers do not consider that the proposal complies with Policies CS5 or DSP1.

A number of the objections received also raise concerns regarding the potential impact that the proposed development would have on local roads in terms of highway safety.

Policy CS5 (Transport Strategy and Infrastructure) states that the Council will permit development which does not adversely affect the safety and operation of the strategic local road network, public transport operations or pedestrian and cycle routes.

The Council's Transport Planner believes that the location and form of the site access with

visibility splays would be acceptable and would not have an adverse impact on the safety of the highway. He has recommended that the existing 30mph zone be reviewed with a view to including the proposed site access within it. This is not required in order to make the proposed development acceptable, but if planning permission were granted it could be included in the road safety audit required as part of new works onto an adopted highway.

In 'technical' highway terms, the vehicular access arrangements are not considered likely to materially harm highway safety.

ECOLOGY

Under the consultation section of this report the potential effects on wildlife have been set out in detail.

The Council's Ecologist is satisfied that reptiles currently present within the site can be translocated to other sites. Natural England has confirmed that measures can be secured which seek to avoid potential impacts on the European Sites, including financial contributions towards the Solent Recreation and Mitigation Partnership.

Subject to above matters being secured through appropriate planning conditions and a Section 106 Planning Obligation no objection is raised in respect of protected species and the potential impacts upon nearby designated European sites..

EFFECT ON NEIGHBOURING PROPERTIES

A small number of properties close to the site in Roebuck Avenue have an outlook across the application site. The outlook from these properties into the site would change from undeveloped grassland to a housing estate if the proposal were to go ahead. Policy DSP3 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.

The illustrative layout demonstrates how up to 27 dwellings could be positioned within the site. In the event that outline planning permission were granted the detailed application would need to ensure that this number of dwellings would be built in a manner which meets this Council's requirements in respect of light, outlook and privacy as set out in the recently adopted Fareham Borough Council Design Guidance (excluding Welborne) SPD.

Local residents have expressed concern regarding the impact that the proposed development would have upon their enjoyment of their properties and are very sensitive to changes particularly in views. Officers consider that careful design and boundary landscaping could ensure that these effects are mitigated. In light of this officers believe that development could be undertaken in a fashion which ensures that the light, outlook and privacy of neighbouring properties is not materially harmed.

Concerns have also been raised regarding noise and disturbance during the construction process. In the event that planning permission was granted the timing of construction works could be controlled via condition.

IMPACT ON LOCAL INFRASTRUCTURE

A number of residents raise concern about the effect 27 further homes would have on what

are already perceived as strained schools, doctors and other services in the area. When developments of this scale come forward on individual sites, the expectation is that the needs of future residents should be met by the providers of those services. Whilst Officers acknowledge the strong local feeling on these issues, Officers do not believe that a reason for refusal can be substantiated on these grounds.

THE PLANNING BALANCE

The Council maintains that it has a five year housing land supply and so the correct approach to the determination of the application is under Section 38 (6) of the 2004 Act - in accordance with the Development Plan unless material considerations indicate otherwise.

As described in the preceding sections, the application site is in the countryside outside of the defined settlement boundaries and so the principle of residential development is contrary to Policies CS2, CS6, CS14, CS17 and DSP6. In addition the poor accessibility of the site is contrary to Policies CS5 and DSP1 and weighs against its proposed intensive housing use.

Whereas matters relating to affordable housing, design, ecology and highways, together with the need for financial contributions towards the Solent Recreation and Mitigation Partnership works could be dealt with through suitably worded conditions and planning obligations, the conflict with the other development plan policies remain.

Other material considerations include the benefit of the proposed development in terms of the housing that will be provided, together with the fact that 40% of the units are proposed to be provided as affordable.

The applicant asserts that this Council cannot demonstrate a five year housing land supply. Even if the Council could not demonstrate five year housing land supply, the Council considers that it would, under the required approach to decision making set out in NPPF Paragraph 14, have concluded that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of doing so. In this regard, whilst policies for the supply of housing would have to be considered out of date, the conflict with development plan policies CS5, CS6, CS14 and DSP6 would be given significant weight in the decision making process. The Council has considered the extent to which these policies accord with the NPPF, and it concludes that they do accord with the NPPF. Notwithstanding the benefits arising from the application proposals, identified above, the adverse impacts of granting planning permission significantly and demonstrably outweigh the benefits of doing so.

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

Recommendation

The development would be contrary to Policies CS2, CS4, CS5, CS6, CS14, CS17 and CS18 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP1, DSP6, DSP13 and DSP15 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 which would adversely affect its landscape character, appearance and function;

(b) by virtue of its distance from facilities, and having regard for the public transport, walking and cycling facilities serving the site, the proposed housing development would not be located in an accessible sustainable location.

(c) had it not been for the overriding reasons for refusal (and notwithstanding the Flood Risk Assessment and Drainage Strategy submitted with the application) the Council would have sought further details in respect of a surface water drainage strategy to demonstrate that surface water drainage can be satisfactorily addressed at the site and subsequently managed without material harm to adjoining land or uses;

(d) 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;

(e) had it not been for the overriding reasons for refusal the Council would have sought ecological mitigation, compensation and enhancement measures to ensure that all protected species are taken into account during and after construction. These would include alternative provision for habitats, including networks and connectivity and future management and maintenance arrangements;

(f) had it not been for the overriding reasons for refusal the Council would have sought to secure the provision of 40% affordable housing at the site;

(g) had it not been for the overriding reasons for refusal the Council would have sought to secure the open space and any play facilities at the site along with the arrangements for their future maintenance.

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 (d) - (g) of the above through the applicant entering into a legal agreement pursuant to Section 106 of The Town and Country Planning Act 1990, with Fareham Borough Council.

Background Papers

P/17/0045/OA

FAREHAM

BOROUGH COUNCIL



Land to the north of Funtley Road
Scale 1: 2,500



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