

P/17/0651/OA

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WARSASH

AGENT: PAUL AIREY PLANNING
ASSOCIATES

DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF EIGHT DETACHED HOUSES AND CREATION OF Paddock (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)

EGMONT NURSERIES BROOK AVENUE WARSASH SOUTHAMPTON HAMPSHIRE
SO31 9HN

Report By

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Site Description

The application site comprises an area of countryside around 1.9 hectares in size and located on the northern side of Brook Avenue, Warsash. Approximately 60% of the site is covered by derelict buildings, glasshouses and hard standing and was used up until the 1990s as a commercial nursery. A horse paddock forms a considerable portion of the site in its north-western corner. Adjacent to the northern site boundary is Holly Hill Woodland Park.

Residential properties fronting Brook Avenue lie close by as does the small housing development at Yorkdale (to the immediate west of the application site).

Description of Proposal

Outline planning permission is sought for eight detached dwellings. All matters are reserved meaning the application seeks simply to establish the principle and quantum of development on the site. Notwithstanding this, an illustrative site layout plan has been provided showing the possible arrangement of eight dwellings on the site with an area of open space/paddock shown along the western site edge.

Submitted in support of the application are Phase I and II ecology surveys (carried out in June and November 2014 respectively) and a Ecological walkover survey report (carried out in January/February 2016 and updated in May 2017) to accompany those earlier studies. Also submitted with the application is a Desk Top Study in respect of potential land contamination and a Landscape and Visual Assessment (May 2017).

The application is described as a resubmission following the refusal of a similar application last year. Planning application reference P/16/0243/OA proposed eight houses on the same site and was refused in June 2016 on the following grounds:

The development would be contrary to Policies CS2, CS6, CS14, CS17 and CS18 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP6 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. Furthermore development of this site by the erection of eight detached dwellings would be harmful to the character of this countryside location;

(b) 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;

(c) in the absence of a financial contribution or a legal agreement to secure such, the proposal would fail to contribute to the off-site provision of affordable housing in the Borough;

(d) insufficient information has been submitted to demonstrate that Dormice, a protected species, and their habitat would be protected and enhanced during the development.

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

CS17 - High Quality Design

CS18 - Provision of Affordable Housing

Development Sites and Policies

DSP1 - Sustainable Development

DSP3 - Impact on living conditions

DSP5 - Protecting and enhancing the historic environment

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

DSP13 - Nature Conservation

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

Relevant Planning History

The following planning history is relevant:

P/16/0243/OA

DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF EIGHT DETACHED HOUSES AND CREATION OF Paddock (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)
REFUSE 28/06/2016

P/15/0540/OA

INSTALLATION OF 2820 PHOTOVOLTAIC PANELS AND USE OF EXISTING OFFICE BUILDING FOR INSTALLATION OF INVERTER & CONTROL EQUIPMENT (OUTLINE APPLICATION)
APPROVE 19/11/2015

Representations

Forty-six letters of objection have been received raising the following concerns:

- Harmful to countryside and contrary to planning policy
- Visual impact of development
- Inappropriate location of access off Brook Avenue
- Harmful impact on highway safety of users of Brook Avenue
- No pavements / poor access along Brook Avenue will be exacerbated
- The traffic generated by the nursery was not as significant as the applicant contends
- Pressure on local services and infrastructure
- Impact on wildlife and negative effect on nearby river and nature reserve
- Drainage concerns
- Disturbance from construction traffic
- The dereliction of the site should not be a reason to grant planning permission. The Council should use powers under section 215 of the Act to require the site to be tidied up instead.

Twenty-eight letters of support have been received with the following points:

- The existing greenhouses and buildings on site are ugly and an eyesore
- The proposed development is sympathetic and would improve the area
- There is a need for housing

Consultations

INTERNAL

Contaminated Land -

The site is a horticultural nursery and therefore there is potential for land to be affected by contamination.

The application could be approved subject to a condition that takes account of the following: an intrusive site investigation and risk assessment if required, a strategy of remedial measures if required, the implementation of those remedial measures and their validation by an independent competent person. In addition, should contamination be encountered during works that has not been investigated or considered, details of remedial measures should be agreed with the LPA and implemented and validated.

Trees -

No objections subject to a more details information on tree protection measures, new landscaping and tree planting.

Highways -

The proposal is to create a new access to the site, close to the western end of the site frontage and the existing access. Clarification is required that the applicant has control over the western boundary hedgerow so that, by foreshortening the southern end of the hedge, a visibility splay of 2.4m by 45m can be provided to the west.

Additional information has been received from local residents and interested parties that the most recent use of the site as a nursery, generated minimal traffic associated with seasonal tomato and bedding plant growing and distribution. This is contrary to the submitted Planning, Development and Access Statement which indicated that a high volume of traffic, including HGVs, was generated.

Whilst it is acknowledged that there may have been only minimal traffic associated with the former use and that the site could legitimately come back into use with a higher level of intensity and traffic, the proposals are likely to only generate some 5-6 vehicle movements in peak hours (one vehicle every ten minutes on average) and less throughout other hours. It is thus concluded that, given its nature, Brook Avenue has the capacity to safely accommodate this additional level of traffic.

Subject to the above clarification and conditions, there is no highway objection to the application.

Ecology -

Local designated sites: Subject to the provision of a 15m buffer and appropriate pollution management during construction, there are no anticipated impacts on the interest features of adjacent designated sites (Holly Hill Woodland Park Local Nature Reserve and Winnard's & Cawte's Cpses Site of Importance for Nature Conservation).

Bats: The retention and protection of identified bat foraging habitat and sensitive lighting as recommended by the applicant's ecologist should be secured by condition if consent is to be granted.

Reptiles: Further details on proposed receptor locations and on-going management should be secured by condition if consent is to be granted.

Great Crested Newts: There is agreement with the conclusion of the ecological report that impacts on great crested newts are not anticipated.

Breeding Birds: The applicant's ecologist has recommended suitable measures in respect of breeding birds which can be secured in a construction environment management plan.

International Designated Sites: With respect to Solent SPA sites, funding is to be provided by the applicant towards the Solent Recreation Mitigation Partnership (SRMP).

No objection subject to conditions.

EXTERNAL

Hampshire County Council (Minerals and Waste) -

In line with a previous response for an earlier application on the same plot of land (P/15/0529/OA) we have no objections to make on this application. Whilst the site's boundary is within a mineral safeguarded area (as defined by Policy 15 of the adopted Hampshire Minerals and Waste Plan) the site area is less than three hectares and therefore the potential loss of safeguarded mineral resource through sterilization is minimal.

Planning Considerations - Key Issues

PRINCIPLE OF DEVELOPMENT

The development of eight houses is proposed on the site of a derelict commercial nursery. The site at present is not considered to constitute 'previously developed land' under the definition of such given in the Glossary to the National Planning Policy Framework (NPPF) which excludes land that is or has been occupied by agricultural buildings. The site is also within an area which is outside of the defined urban settlement boundary.

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 states "There will be a presumption against new residential development outside of the defined urban settlement boundary (as identified on the Policies Map)."

This application site has been submitted for the Council's consideration in the 'Call for Sites' exercise which is an important part of the currently ongoing Local Plan Review. The site is comparable to a number of other sites in the locality containing glasshouses, which have also been submitted for the Council's consideration in the 'Call for Sites' or which are subject to consultation by site promoters prior to the submission of planning applications. It is considered most appropriate for sites such as these to be properly considered as part of the Local Plan Review, whereby suitable sites come forward through the plan led process and are properly consulted upon as the emerging plan moves through to adoption.

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.

In the applicant's submission comparisons have been made with the nearby sites at Cawtes Reach (the site of the former Keileen Nurseries) and Yorkdale (the site of a former concrete works). Whilst the proposal is also similar to these two nearby developments in that it would be located behind the ribbon development of older houses which front Brook Avenue, it should be noted that the circumstances which led to the granting of planning permission for those developments are materially different from those at Egmont Nurseries.

The Cawtes Reach/Keileen Nursery site, first granted outline permission for six detached dwellings in 2008 (ref P/08/0101/OA), is located immediately alongside the urban settlement boundary. The Officer report to the Planning Committee in that case acknowledged that the development would enhance the outlook from neighbouring properties which were particularly close by to large and derelict greenhouses on land in need of remediation. The report explained that Officers felt that there was a fine balance between the benefits and disbenefits of the proposal but concluded that the environmental improvements from the proposed development would outweigh the conflict with countryside policy and so

permission should be granted. It is not considered that the same benefits are evident with the proposed redevelopment of Egmont Nurseries and notably the current application site is not adjacent to houses within the urban area.

The development at Yorkdale, granted outline permission for six detached dwellings in 2000 (ref P/98/1398/OA), was carried out on the site of a former concrete works. The Planning Officer's report put forward the following view which importantly draws a distinction between the site and adjacent commercial nurseries:

"The present use could readily be regarded as an established commercial use not requiring a countryside/coastal area that should be better situated in an existing commercial area within the Borough. Setting aside everything else the removal of this non-conforming use from this countryside location and the cessation of associated commercial vehicle movements along Brook Avenue may be regarded as desirable. The consequence of supporting the above notion may raise the aspirations of owners of commercial businesses that occupy adjoining land. The uses, some of which may be regarded as redundant, are in the main of an horticultural nature, a use appropriate to a countryside area and therefore in Officers' opinion are different, albeit they are both commercial business buildings in the countryside. In visual terms redundant glasshouses can often be regarded as obtrusive. The removal of such glasshouses may be regarded desirable but such land could readily return to other forms of agricultural use which is not the case of the application site".

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 (Partnership for Urban South Hampshire) 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 AND VISUAL IMPACT

This application is presented in outline form only meaning that permission is not sought at this stage for the precise layout of the site. Notwithstanding, the illustrative site layout provided with the application shows a possible development at a density of 5.5 dwellings per hectare (dph). This is similar in comparison to the adjacent housing development at Yorkdale (approx. 4.5 - 5 dph) and nearby Cawtes Reach (approx. 4 dph).

The scale, appearance and layout of the development are all matters which the applicant has asked to be reserved so that they can be considered at a later date should the principle of development be held to be acceptable. The applicant has submitted a detailed landscape and visual assessment notwithstanding which Officers remain concerned that the proposed housing development would have a harmful urbanizing effect on this countryside location. The indicative site plan and the quantum of development proposed suggests two-storey housing would be constructed which would clearly significantly alter the visual appearance of the site notwithstanding that there are some glasshouses and other ancillary buildings on the site at present. Such a development would harm the site's landscape character, appearance and function contrary to Core Strategy Policy CS14.

For the reasons set out earlier in this report, there is an objection in principle to residential development upon this site under the policies of the adopted Core Strategy and adopted Local Plan Part 2. Officers furthermore consider that development in the manner proposed would be harmful to the character of this countryside location.

ACCESS

The means of access to the site is a reserved matter however it is unrealistic for vehicular access to the site to be provided by any other route than Brook Avenue. Some of the comments received have raised the issue of the private road's suitability to cope with additional vehicle movements along it.

The advice received from the Council's Highways Officer is that, notwithstanding the condition of the road surface, lack of street lighting and pedestrian footway, the number of vehicle movements created by the development would not be adverse taking into account the site's previous use as a commercial nursery. No detailed information has been provided by the applicant concerning the type and extent of traffic generated by the use of the site as a nursery up until the 1990s. In reality the now derelict site is unlikely to have generated any large number of vehicle movements for some twenty or more years. However, even after taking this into account, it is not considered that the amount of development proposed would have a materially harmful effect on the safety or convenience of highway users.

AFFORDABLE HOUSING

Policy CS18 of the adopted Fareham Borough Core Strategy, requires residential developments on sites that can accommodate between 5 and 9 dwellings to provide 30% affordable units or the equivalent financial contribution towards off-site provision.

A recent Court of Appeal decision (West Berkshire DC/Reading BC v SoS CLG) has resulted in the reinstatement by the government of certain paragraphs of the Planning Practice Guidance (PPG) which relate to Planning Obligations. Paragraph 31 of the

relevant section of the PPG explains that "there are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development". It goes on to set out these circumstances including that "contributions should not be sought from developments of 10-units or less, AND which have a maximum combined gross floorspace of no more than 1000sqm" (emphasis added). In this instance although the number of units is less than 10, the construction of eight large detached houses would inevitably constitute a development with a gross floorspace of more than 1000sqm.

Had the application been considered acceptable in all other regards the applicant would have been invited to enter into a section 106 agreement to secure a financial contribution towards the off-site provision of affordable housing.

ECOLOGY

Policy DSP15 of the adopted Fareham Borough Local Plan Part 2 requires the 'in combination' effects of recreation on the Solent Special Protection Areas to be satisfactorily mitigated where additional residential units are proposed. Had the proposal been found to be acceptable in all other regards the applicant would have been invited to make a financial contribution or a legal agreement to secure such towards the Solent Recreational Mitigation Strategy (SRMS) in order to offset the 'in combination' effects.

The Council's ecologist has confirmed that there are no ecological issues which cannot be satisfactorily controlled by means of planning conditions.

THE PLANNING BALANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that when making decisions on planning applications the local planning authority must do so in accordance with the adopted development plan.

This report explains that Officers consider this application to be contrary to policies contained within the adopted Fareham Borough Core Strategy and Local Plan Part 2: Development Sites and Policies. Specifically the proposal is found to conflict with Core Strategy Policies CS2, CS6, CS14, CS17 & CS18 and Local Plan Part 2 Policies DSP6 & DSP15.

The application site is not previously developed land and is located outside the defined urban settlement boundary where there is an in principle objection to new residential development, and 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 harm the character of the landscape and visual amenity. The proposal would urbanise the existing site and adversely affect the countryside's landscape character, appearance and function.

It is acknowledged that the principal benefit of granting permission would be the delivery of housing. However, notwithstanding this, it is considered that the harm caused through the conflict with the development plan is not outweighed and so planning permission should be refused.

Even if the Council could not demonstrate a five year housing land supply as the applicant contends, the Council considers that, under the required approach to decision making set

out in paragraph 14 of the National Planning Policy Framework (NPPF), it would have concluded that the adverse impacts of granting planning permission would significantly and demonstrably outweighed 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 policy CS17 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. The application is therefore recommended for refusal.

Recommendation

REFUSE for the reasons:

The development would be contrary to Policies CS2, CS6, CS14, CS17 and CS18 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP6 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. Furthermore development of this site by the erection of eight detached dwellings would be harmful to the character of this countryside location;

(b) 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;

(c) in the absence of a financial contribution or a legal agreement to secure such, the proposal would fail to contribute to the off-site provision of affordable housing in the Borough.

Notes for Information

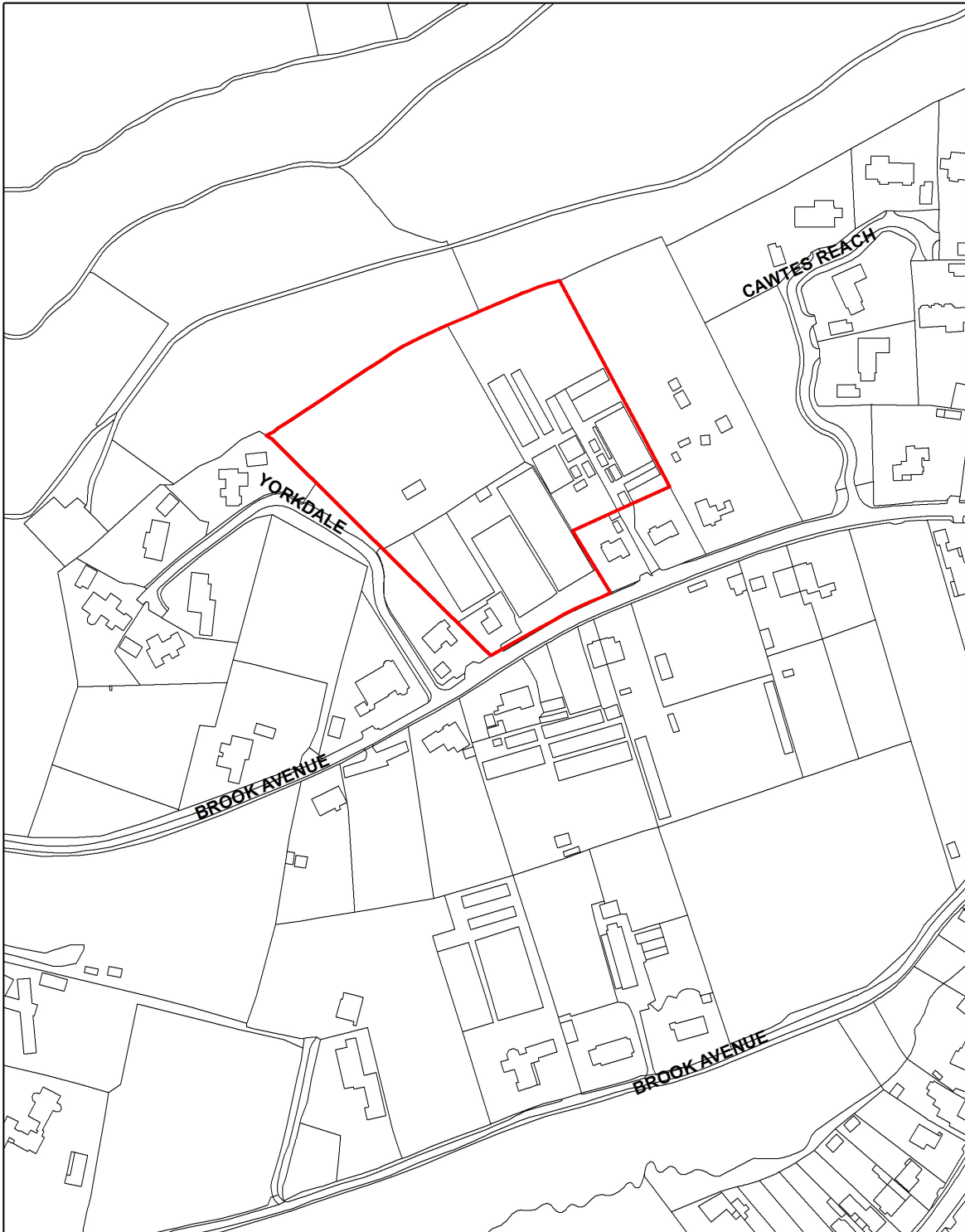
Had it not been for reason for refusal (a), the Council would have sought to address reasons for refusal (b) and (c) by inviting the applicant to enter into a legal agreement under Section 106 of the Town & Country Planning Act 1990 to secure financial contributions to mitigate the harm to the Solent Coastal Special Protection Areas and for the off-site provision of affordable housing in the Borough.

Background Papers

P/17/0651/OA; P/16/0243/OA

FAREHAM

BOROUGH COUNCIL



Egmont Nurseries
Scale 1:2500



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