

P/17/0189/FP

FAREHAM EAST

B S T WAREHOUSES LTD

AGENT: SAVILLS

DEMOLITION, SITE CLEARANCE AND REMEDIATION WITH THE ERECTION OF 72 C3 RESIDENTIAL DWELLINGS AND ASSOCIATED ACCESS, PARKING, ANCILLARY INFRASTRUCTURE AND LANDSCAPING WORKS.

SAWMILLS INDUSTRIAL PARK WICKHAM ROAD FAREHAM

Report By

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Introduction

Discussions between the applicants and Officers regarding the application site first commenced in Autumn 2016 when formal pre-application planning advice was sought.

During these pre-application discussions a site visit was undertaken at the end of 2016 and a meeting was held between Officers and the Applicant in January 2017. Officers raised a number of issues at this initial meeting and highlighted the issues that needed addressing. Of these issues, two particular key issues were focused on:

- 1) The Planning Authority had a large number of concerns at the formality of the proposed layout, the design and the scale of the development; and
- 2) There was a need for the development to make appropriate contributions to the wider infrastructure requirements at Welborne;

These issues were formally set out in detail in a letter to the applicant in February 2017.

Being within the boundary of the Welborne Plan area, this Council's Local Information Requirements require any application submitted within the Welborne Plan area to be accompanied with a suite of supporting documents. The planning application which was submitted was not accompanied by all the necessary documents. As a result this Council issued a "Non-Validation Notice" which set out the documents that needed to be submitted to validate the application.

Simultaneously this Council undertook the Screening of the proposal for Significant Effects on the Environment under the Environmental Impact Assessment (EIA) Regulations. The Council adopted an Opinion that, as part of a wider Welborne scheme, the proposal was an EIA development and should also be supported by an Environmental Statement.

The Applicant disagreed with this Screening Opinion and sought the judgment of the Secretary of State on the matter. The Secretary of State issued a Screening Direction in May 2017 that the proposal is not an EIA development.

Following the issue of the Screening Direction a further meeting was held with Officers in June 2016, where the applicant was advised of the documents that needed to be submitted so that the planning application could be made valid. As part of the meeting the two principal areas raised early in the pre-application process by Officers were once again discussed.

It was clear at that meeting that the applicant remained unwilling to make any meaningful changes at that time to address the concerns Officers raised in regard to the layout and design of the scheme. Whilst Officers considered that in design terms the scheme was not acceptable for a range of reasons, Officers were keen to try and negotiate an acceptable

scheme if at all possible. To this end Officers offered to commission an independent design review of the scheme, at this authority's cost, to see if the impasse could be resolved. In August 2017 the applicant submitted the agreed set of documents in order to make the application valid and the application was validated accordingly.

Officers met with the applicant again in August 2017 to discuss the Affordable Housing offer and separately LDA Design were instructed in September 2017 to undertake an independent design review of the application proposal. The independent design review undertaken by LDA Design was received on 10th November and shared with the applicant on 20th November with additional design comments from Officers included also. The LDA Design Review raised a large number of concerns around the design approach sharing many of the concerns raised by Officers. Notwithstanding the findings of the LDA Design review the applicant remained unwilling to make any meaningful design changes to the scheme. The information submitted by the applicant in respect of the level of financial contribution towards the wider Welborne infrastructure also remained weak.

On the 28th December 2017 the applicant lodged an appeal against Non-Determination to the Planning Inspectorate (PINS). The appeal has been accepted as Valid by PINS and the Planning Authority is now waiting for the appeal timetable for the submission of documents and the agreed procedure through which the appeal will be heard.

Officers engaged with the applicant during the last year on a number of occasions in an attempt to resolve a number of principal issues to enable a scheme to be bought before the Planning Committee that could be supported. The submission of the planning appeal means that this Council is no longer able to decide the planning application.

Whilst this Council is no longer able to decide this application it is necessary for Members to confirm the position that this Council will present to the Planning Inspectorate. The following report sets out all the relevant planning policies, planning guidance and relevant material planning considerations, and invites Members to confirm the decision they would have made if they had been able to determine the planning application. This will then become the Council's case in respect of the forthcoming appeal.

Site Description

The appeal site is due north of Fareham town between the east side of the A32, Wickham Road and Forest Lane. Immediately to the south of the site are fourteen residential dwellings and the former Bahn Thai restaurant.

The 2.2 hectare site is irregular in shape with a fall in levels from the west down into the site to the east.

The current site has a number of large buildings and some smaller buildings as well and a number of compounds used for storage and some general industrial uses.

Along Forest Lane, on the eastern side of the site is a small brick built single storey building just to the north of the access to Mill House. This used to be the office for the site but is now empty and marked for removal, along with all the other buildings on the appeal site.

There are a number of trees along the southern boundary that border the neighbouring dwellings to the south. North of the existing access there is some hedge planting to the A32 highway verge and a hedge to the northern boundary. The eastern edge of the site to Forest Lane provides for a site access, the aforementioned former office and a palisade fence enclosing one of the storage compounds.

Beyond the site to the north and the east are agricultural fields. To the west, across the

A32, are agricultural fields currently however this is part of the Welborne Plan Area.

Description of Proposal

The application seeks full planning permission for the demolition of the existing buildings on the site, to undertake the necessary ground remediation and then the erection of seventy two new residential units. The primary access to the A32 is to be moved south from its current location to just north of the neighbouring dwelling known as Gingerbread Cottage. This access is to be utilised by sixty six of the new homes. The remaining six dwellings will be accessed directly from Forest Lane on the eastern side of the site.

The housing mix proposed includes:

- Two x one bedroom units
- Thirty three x two bedroom units
- Twenty x three bedroom homes; and
- Seventeen x four bedroom houses.

The application proposal also provides for a mix of on plot and off plot parking plus a central area of public open space, a local area for play and drainage pond and other associated landscaping.

There is no vehicular route through the site from the A32 to Forest Lane however there is a proposed footpath running east to west through the site.

The application is supported by the following documents to accompany the plans and drawings:

- Infrastructure Delivery Plan Comparison Tables and Commentary;
- Structural and detailed landscaping scheme;
- Design and Access Statement;
- Planning Statement (including an Affordable Housing Statement);
- Statement of Community Involvement;
- Contamination Assessment;
- Transport Assessment;
- Noise Impact Assessment;
- Heritage Assessment;
- Ecology Assessment;
- Landscape and Visual Impact Assessment;
- Open Space and Green Infrastructure Strategy;
- Energy Strategy;
- Foul Sewerage and Utilities Assessment;
- Tree Survey;
- Lighting Assessment.

Policies

The following Guidance and Policies apply to this application:

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

The Welborne Design Guidance Supplementary Planning Document (January 2016)

Approved Fareham Borough Core Strategy

CS13 - North of Fareham Strategic Development Allocation

Approved SPG/SPD

The Welborne Plan

WEL1 - Sustainable Development

WEL2 - High Level Development Principles

WEL3 - Allocation of Land

WEL4 - Comprehensive Approach

WEL5 - Maintaining Settlement Separation

WEL6 - General Design Principles

WEL8 - Protection and Enhancement of the Historic Environment

WEL18 - Affordable Housing

WEL20 - Wheelchair Adapted Homes

WEL21 - Custom Build Homes

WEL23 - Transport principles for Welborne

WEL24 - Strategic Road Access

WEL29 - On-Site Green Infrastructure

WEL30 - Avoiding and Mitigating the Impact on Internationally Protected Sites and Off-Site (

WEL31 - Conserving and Enhancing Biodiversity

WEL32 - Strategic Green Corridors and Connections

WEL33 - Structural Landscaping

WEL35 - Governance and Maintenance of Green Infrastructure

WEL37 - Water Efficiency, Supply and Disposal

WEL38 - Water Quality and Quifer Protection

WEL41 - Phasing and Delivery

WEL43 - Development Construction and Quality Control

Relevant Planning History

The following planning history is relevant:

<u>P/17/0357/EA</u>	Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as Amended [The EIA Regulations] for the demolition, site clearance and remediation with the erection of 72 C3 residential dwellings and associated access, parking, ancillary infrastructure and landscaping works.	APPROVE	29/03/2017
<u>P/15/0640/CU</u>	CHANGE OF USE OF UNITS 1 AND 2 AND ADJACENT YARD FROM TYRE BALING TREATMENT/ RECYCLING FACILITY (SUI GENERIS) TO ANY USE WITHIN USE CLASSES B2 OR B8.	APPROVE	21/08/2015
<u>P/10/0258/MW</u>	TYRE RECYCLING FACILITY PERMISSION (MIN)		21/04/2010

<u>P/04/1470/CU</u>	Continued Use of Site for B2/B8 including Outside Storage, ancillary Offices, Amended Access & Parking, Relocate Portacabin and Provision of New Landscaping	PERMISSION	22/12/2004
<u>P/04/0024/CU</u>	Temporary Change of Use to Class B1/B2 & B8 Uses including Siting of Five Portable Buildings and One Security Caravan for a period of Five Years	WITHDRAWN	12/02/2004
<u>P/03/1703/CU</u>	Change of Use from Sawmill/Timber Yard to Class B1/B2 & B8 Uses, Including 5 Portacabins & 1 Security Caravan	WITHDRAWN	07/01/2004
<u>P/01/0838/OA</u>	Redevelopment of Site for Residential Purposes (Outline Application)	REFUSE APPEAL: DISMISSED	28/09/2001 03/09/2002

Representations

A total of 40 representations were received. Thirty one representations received were raising objections and five are in support. Four representations made comments only. The main issues identified in the representations are as follows:

Supporting comments:

- More houses in this area are needed to take the strain off coastal areas
- The proposed plans will provide additional housing including affordable housing on a brownfield site.

Principle & relationship with wider Welborne site:

- It is inappropriate to approve this application before the application for the wider Welborne site. The application will impact on roads and services which will hinder the wider development at Welborne.
- Welborne is supposed to be comprehensively developed
- The proposed development is not required in addition to Welborne

Highways Implications:

- The proposed access is dangerous
- The crossroads by Turnpike, Kiln Rd and North Hill are poorly designed
- Increased congestion
- Existing road network is unsuitable
- Access should be from the back road from Knowle which is currently only used for buses
- Access should be from the Forest Lane
- The Wickham road from the M27 to Wickham should be reduced to 40mph
- The proposed additional 30 cars during the peak AM period is unrealistic
- The plans make reference to existing cycleways which don't exist

Design/Character

- Removal of green gap between Wickham and Fareham
- Inappropriate layout
- Inappropriate density
- Poor design, appearance and materials

- The proposed three storey, Georgian style housing with terraces is not rural in character and does not comply with the proposed Woodland character area described in the Welborne Design Guidance SPD
- The development will progress the urban sprawl and negatively impact on the character of Wickham
- Re-development of the site is acceptable in principle, however the houses should be of a higher quality with larger plot sizes and the traffic impact needs to be carefully considered.

Infrastructure

- Lack of adequate drainage
- Wessex/Albion Water have already exceeded their existing capacity for dealing with sewage and dispose of it onto Knowle Paddocks, Mayles Lane. Increased housing will result in increased sewage that must be dealt with more appropriately.
- Relying on Wickham exchange for Broadband is highly optimistic as existing fibre from BT only achieves 18mps
- Inadequate infrastructure

Ecology

- Impact on resident kestrels

Other Issues

- The site was identified in the Welborne Plan for the new Household Waste and Recycling Centre. Where is the new HWRC now located?
- It will set an undesirable precedent for developing rural areas
- Increased pollution

Consultations

INTERNAL CONSULTEES:

Refuse and Recycling:

Comment:

- The developer must have regard to the Refuse and Recycling Guidance on the Council's website
- Some of the bin collection points will need to accommodate a considerable number of bins and garden waste sacks

Highways:

Objection

- The parking for cars is poorly distributed. This would result in overparking and cause obstruction and conflict

Environmental Health: Pollution

No objection subject to conditions

Environmental Health : Contaminated Land

Objection:

- Insufficient site investigation information has been submitted regarding the ground contamination on site, specifically the gas risk assessment and remediation strategy.

Ecology:

Objection:

- Inadequate survey and mitigation information has been submitted in order for the Local Planning Authority to conclude that the development would not have an adverse impact on protected species, specifically Dormice.

EXTERNAL CONSULTEES:

Hampshire County Council: Minerals and Waste:
No objection

Hampshire County Council: Highway Authority:
Comments awaited

Environment Agency:
No objection subject to conditions.

Planning Considerations - Key Issues

The key considerations are:

- The principle of development
- Implications for Welborne
- Design
 - o Character of the development;
 - o Layout;
 - o Scale;
 - o Private amenity space;
 - o Internal highway assessment and parking; and
 - o Private amenity space
 - o Open Space and Green Infrastructure
 - o Conclusions on design issues
- Contributions to Welborne Infrastructure Delivery
- Ground Conditions and Contamination
- On site Ecology
- Access and Highways Safety
- Neighbouring Amenity
- Affordable housing
- Utilities and services
- Trees
- Special Protection Area (SPA) Mitigation
- The Historic Environment
- Other Matters
- The Planning Balance

THE PRINCIPLE OF DEVELOPMENT:

The appeal site lies within the strategic development allocation for Welborne. Policy CS13 of the Core Strategy provides the strategic direction for Welborne and provided the allocation for the Welborne Plan area. The Core Strategy therefore, sets the context and important background for the development at Welborne.

In June 2015 the Council adopted the Welborne Plan as the Local Plan Part 3. The Welborne Plan is a comprehensive document that provides the main policy guidance for delivery of development at Welborne. Policy WEL3 allocates the land for the new community to accommodate approximately 6,000 dwellings, 20ha of employment land, along with new education and retail facilities, associated infrastructure and open space, phased to enable completion by 2041. The appeal site falls within this site allocation boundary.

The Strategic Framework Diagram (Appendix B.2 of the Welborne Plan) sets a framework of principles for the development of Welborne and is referred to within Policy WEL4 in so far as development should taken forward in accordance with the principles within the Strategic Framework Diagram (SFD) and on a comprehensive basis. In the introductory chapter of the Welborne Plan, para 1.61, the development plan sets out that "Planning applications

within the Welborne Plan boundary will need to comply with the policies set out within this Plan and be consistent with the Strategic Framework Diagram".

The SFD identifies the appeal site as being developed for residential use with a strategic green infrastructure corridor running east to west through the site.

In January 2016 the Council adopted the Welborne Design Guidance Supplementary Planning Document. This SPD aims to provide further guidance on the design principles and objectives of the Welborne Plan.

It is considered that the appeal site, falling within the Welborne Plan boundary and proposing residential use as per the SFD within the Welborne Plan, that the principle for the redevelopment of the appeal site is acceptable in principle subject to the consideration of the other relevant policies of the development plan

IMPLICATIONS FOR WELBORNE:

Policy WEL4 of the Welborne Plan requires the development to come forward on a comprehensive basis reflecting the phasing in the Plan. The Policy also requires promoting landowners to jointly prepare a Structuring Plan which sets out the disposition of the main land uses and the location of key items of infrastructure.

This application is not supported by a Structuring Plan, however the currently undetermined outline application from Buckland Developments (P/17/0266/OA) is. The appellant is not one of the promoting landowners. It is public knowledge now that over ninety percent of the land within the Welborne Plan area is controlled by a single majority land owner and that this is not the appellant.

Paragraph 3.49 of the Welborne Plan indicates that the Strategic Framework for Welborne has allowed for smaller land holdings, such as the appeal site, and other property to come forward to contribute to the wider Welborne development although none of the smaller, third party land holdings are specifically required to achieve the overall vision for Welborne.

Paragraph 3.50 of the Welborne Plan then continues to advise that should third party landholdings become available for development, the appropriate use is established by the SFD and that individual proposals will be judged on their merits. Such applications are expected to accord with the policy framework in place for Welborne. In this case the appeal proposal appears to accord with the SFD in so far as is relevant to the appeal site.

There is no definition within the Welborne Plan of what would constitute "Comprehensive development". On consultation with the Oxford English Dictionary the definition of "Comprehensive" would be "including or dealing with all or nearly all elements or aspects of something". It is clear, therefore that the comprehensive development sought by the Welborne Plan doesn't have to necessarily include all of the land within the Welborne Plan Area within its application site. Conversely, by the appeal proposal providing only development for a small portion of the much larger Welborne Plan Area, to consider this parcel of land in isolation does not prevent the consideration of a more comprehensive approach to the delivery of Welborne as required by the Welborne Plan.

As a third party landowner, the appellant has proposed a scheme in the form of the proposed site layout plan which is submitted in accordance with the principles for the Sawmills site in the Strategic Framework Diagram; in so far as it is a residential development scheme with a green link running east to west. The appellant submits through their Planning Statement therefore, that the scheme will accord with any Structuring Plan and Policy WEL4 (Comprehensive Approach) to be provided by the promoting landholders.

It is the appellant's case that the Sawmills Industrial Park Site provides an opportunity to deliver much needed housing in accordance with the Welborne Plan and the Strategic Framework Diagram, well in advance of the other phases of Welborne being progressed.

Third party comments have expressed concern at the delivery of this site without the other necessary supporting infrastructure within Welborne being in place. It is considered that the delivery of housing on the appeal site as the first phase of Welborne would, whilst in the absence of any supporting amenities such as schools, healthcare or retail provision (for example), not result in a development that would be unsustainable or inappropriate. Whilst the Welborne Plan sets out the appeal site would be developed in phase three of the delivery of Welborne, it is noted that the sequencing plan submitted by Buckland Developments Ltd as part of the outline planning application (P/17/0266/OA) includes the appeal site within the first phase.

It is considered that the proposed delivery of housing on the Sawmills site in advance of the outline permission being granted for the wider Welborne Area would, in this case be acceptable and would not prevent the delivery of the overall vision for Welborne and as such is acceptable in principle and as a stand alone phase from the wider Welborne project.

DESIGN:

The Welborne Plan requires a comprehensive approach to planning and design for Welborne (Policy WEL4). As described above, an outline Planning Application for the whole of the Welborne site has been submitted, but is not yet determined. If approved the outline application by Buckland will set the overarching structure for the site and include principles such as height, density and land use. However, as the design for the wider Welborne site has not yet been agreed, either at a strategic or more detailed level, it is difficult to ascertain whether the proposed design for the appeal site would be compatible with that of the wider Welborne area other than by guidance from the development plan and the Design Guidance SPD.

A number of the representations received raise concerns about the proposed design, both in terms of the density and layout, but also in terms of the overtly urban architectural style and the materials.

In order to grasp and understand how this critical issue is addressed in the scheme, as detailed above, the Council has sought external design advice. The design advice is incorporated in to the assessment into the design of the scheme below and throughout this report. As can be seen from the list of planning considerations above the issue of design covers a number of issues in the proposal. These are broken down into component parts but combine as a whole as a design focused reason for refusal.

Character of the development:

A key component of the vision for Welborne is that the development has a distinctive character that is derived both from the landscape characteristics of the site itself and the countryside adjoining it. The Welborne Plan identifies four character areas derived from the landscape characteristics of the area. The appeal site falls within the character area known as the Woodland Character Area.

The design advice to the Council is that there are several 'missed opportunities' within the Design and Access Statement (DAS). For example, the DAS refers to a north south urban axis running through the centre of the site which could have facilitated views of trees to the north and south, however the proposed layout includes terraced houses at both ends of the

axis which would effectively block off any views of woodland beyond the site.

Instead of embracing the woodland character, it appears that an approach has been taken to the appeal site which draws on a Georgian theme and organises development around a formal, rectilinear green space. The proposed formal layout, which incorporates a high number of terraced dwellings and dwellings of three storeys in height would, combined with architectural details such as parapet upstands and imposing elevations, create an overtly urban and civic character. This character is considered to be out of context with the site's location at the edge of Welborne.

Layout:

The Design SPD refers to the importance of providing clear and direct routes and encourages the use of perimeter blocks as the basic pattern of development to provide legibility and structure. The central part of the site is formed around a rectilinear green running north-south which suggests a legible structure to the central part of the site, however the structure is less legible throughout the remainder of the site.

The development along the northern edge of the site has a weak structure, with large car parking courts and several areas lacking natural surveillance: for example, the side elevations of plots 57 and 47 provide limited windows and the elevations for 59 and 46 on the opposite side suggest completely blank facades. This means that the majority of the street is defined by gable ends with little or no surveillance and high walls around rear gardens. Similarly plots 4, 5, 6, 48, 50, 55, 56, 68 and 71 provide very limited overlooking of the adjacent parking courtyards. The combined effect is that this area to the north ends up dominated by parking courts and access to parking courts. It is considered that the large proportion of hard surfacing would be visually unattractive and the lack of surveillance could result in anti-social behaviour in these areas.

In favour of the scheme is the Forest Lane Frontage. This frontage works well from a design perspective, with detached houses at a lower density retaining the rural character of this route. In layout terms Plots 17-24 along the A32 would also create a positive edge that would relate well to the A32, however the implications for the service lane serving these dwellings is discussed elsewhere in this report. Plots 7-16 and 72 would comprise terraced properties that would back onto the A32 and compromise what is achieved by plots 17-24. The Design SPD specifically requires a positive frontage to all roads and states that 'private rear garden areas backing onto green corridors, connections, buffers and green spaces must be avoided.' Although there is a drop in ground level from the A32 onto the site, the cross section drawings submitted as part of the application (section K-K), shows that the properties backing onto the A32 would be visible.

The Design Guidance SPD suggests that flats are included to provide a focal point at the entrance to the site, however in the appeal scheme the flatted block has been designed to take a similar form and appearance to the housing frontage further north. The flats are also located very close to existing trees and the south boundary with a blank southern elevation is considered to be a poor architectural feature adjacent to the communal garden area as is discussed further later in this report. It is considered that the overall design of the flats fails to provide the focal point suggested by the Welborne Design Guidance SPD.

Scale:

The Design Guidance SPD describes the site as being a residential area with built form being predominantly 2 storey with occasional 2.5 storeys, and predominantly detached and semi-detached with occasional short terracing and mews lanes. The proposed layout is for predominantly terraced housing broken up only by very narrow gaps and therefore contrasts

with the recommendations in the design guidance. The principle for some proposed terraced form may be acceptable if the proportions and treatment were of a rural character, however the proposed terraces are over scaled and of an overtly urban character which would be inappropriate for the site's location on the rural edge of Welborne.

The majority of the proposed dwellings are 2 storey in accordance with the Design Guidance SPD, however there are some 3 storey buildings which exceed the 2.5 storey upper limit recommended by the Design Guidance SPD. The proposed 3 storey buildings also incorporate gable ends which emphasises their height. The exaggerated scale contributes to the concerns of the overtly urban and formal character of the proposed development in this peripheral location of Welborne.

Private amenity space:

The majority of the proposed dwellings would incorporate rear gardens of at least 11m in depth and therefore satisfy the minimum amount recommended in the Design Guidance SPD, however some are right on the margins of acceptability of satisfying the minimum requirement.

The proposed flats (no's 21-24, 50 and 59) would have a communal garden, however it would be extremely limited in size with a maximum depth of only 6m and extending essentially the length of the building but tapering to the east to form an almost triangular shape. The Welborne Design Guidance requires a minimum communal garden area of 25sq.m per unit. As a consequence of the flat building accommodating six units this equates to a communal garden requirement of 150sq.m versus the provision of approximately just over 60sq.m.

In addition to the inadequacy of the communal garden size, the garden is narrow and enclosed by the bulk of the building itself on the northern side and there are several retained trees to the south of the proposed communal garden to serve the flats.

The size, number and proximity of the trees directly south of the proposed communal garden would result in significant overshadowing which, when coupled with the dominance of the building itself, would compromise the communal garden to such an extent that it would not be considered useable. As such the proposal fails to accord with the Design Guide and is unacceptable.

Internal highway assessment and parking:

There are concerns over the distribution of car parking spaces throughout the site. This is particularly so for plots 61-67 and 37-46. Whilst plots 61-67 have some limited on street parking, four spaces, to the front of these dwellings these spaces and the remainder to the east and north are unallocated. Plots 37 - 46 appear to have unallocated parking also but the most convenient area of parking would appear to be at the northern end of the central green and along the western side of the green. This arrangement could lead to the prospect of on-street parking and potential conflicts over parking spaces as people will habitually try and park as close to their homes as possible. In the event that convenient parking areas are full this could lead to a possible increase in on street parking, outside of the defined parking spaces, which could lead to a risk to the obstruction of and safe use of the road network.

The access layout for plots 17-20 (fronting the A32, north of the new access) is considered to be unacceptably tight. This service road is approximately 3.6m wide when in fact this should enable cars to pass in the access, as a minimum. Further consideration is also given to how this service road interacts at the site entrance with the East to West green link

elsewhere in this report.

Refuse collection provisions will need to accord with the Waste and Recycling requirements. The Council operates a kerb side collection service and the expected bin carry distance of 30m (from storage area to collection point) for residents are required along with level routes provided for wheelie-bins. A bin collection point is proposed at the end of the service road for plots 17-20, at the junction with the access road and east to west link. This location would, as well as being in excess of the expected bin carry distances for the northern most dwelling on this service road, further clutter this part of the site which is discussed elsewhere in this report as a failing part of the scheme layout.

The bin collection location for the residents of plots 37-46 is proposed to be on the western side of the central open space. Some residents will have to drag their bins across the central park. For some, the drag distances would also be in excess of the expected carry distance of 30m. The bin collection points may well also have an impact on the attractiveness of the edge of the central green space and may also accommodate a significant number of bins at a time.

The majority of the parking around the crescent of housing in the south of the site is allocated or on plot; there are four spaces here marked as unallocated. As the majority of parking spaces in this part of the site are allocated it is considered appropriate, in accordance with the Residential Parking Standards SPD, that visitor parking should be provided for plots 25-35.

Policy WEL6 seeks to ensure that the layout and design of Welborne will help create safe and well connected neighbourhoods. A layout whereby the parking arrangements have the potential to give rise to conflict would not accord with this policy which seeks to set the general design principles for Welborne. Furthermore there are parts of the parking layout which is at odds with the advice in the Welborne Design Guide SPD.

Open space and green infrastructure:

The application proposal is laid out with a central open square. The 'Open Space and Green Infrastructure Statement' in support of the application details that this central open space will provide a parkland character by the planting of mature deciduous trees. The layout of this central park is designed to be simple to reflect the Georgian Square layout of the houses around the open space. The space is proposed to be enclosed with a boundary hedge and some under storey planting is proposed with the trees to provide seasonal interest throughout the year.

Due north of the central park, on the north side of the proposed road is the SUDS (Sustainable Urban Drainage System) area square. The drainage solution proposed is considered later in this report, however the SUDS space is a central pond with a planting mix suited to the wet and dry nature of a SUDS feature. The SUDS area is a formal square shape to reflect the form of the building to which it sits in front of.

On the western side of the development scheme is a small Local Area for Play (LAP). The Design and Access Statement in support of the scheme details that this will be a timber tower with various play equipment spanning out from the tower. Seating areas will be provided for in the LAP area also.

Running east to West through the site, the application proposes a tree lined Green Infrastructure Link.

The northern boundary has been identified as the Green Ecology Corridor to accommodate

any reptiles relocated from the main development site as well as being identified for enhancement planting.

The application submits that the scheme seeks to provide all the necessary green infrastructure required for the Sawmills redevelopment on the site itself.

The central green space is, in principle, a welcome feature. The size of the green space is given in the application submission as approximately 110 x 38m. At this size it is considered that it has potential to provide a fantastic feature for people living here. This particular green space is well fronted by surrounding houses and the fact it connects to the east - west green infrastructure corridor is also considered to be a positive allowing it to form part of a wider network of green infrastructure as indicated on the Welborne Plan Strategic Framework Diagram.

The design advice received has queried that given the prominence of the central park in the overall layout that it is surprising that the submitted design material does not bring this space to life more as an important social space within this new neighbourhood. In fact, the uses of the green infrastructure seem to be separated rather than brought together. The three main areas of open space do not relate to each other well with the SUDS and play area provided in different and much smaller spaces to the north and west. Furthermore these two spaces are separated by roads and parking. The Green Space containing the LAP in particular is small in scale, isolated from other parts of the open space network and will be dominated by the roads enclosing three of its sides which is not considered particularly attractive nor appropriate for this use.

Policy WEL29 deals with the on-site green infrastructure at Welborne. The policy seeks to deliver play areas that are located and laid out to ensure that access by foot and cycle is safe and convenient. More importantly though is the need, within WEL29, for the open spaces to be useable and of high quality. It is noted that there is a footpath around part of the LAP however its relationship to the road network is not considered to make this a particularly attractive place for play. It is considered that having the LAP area laid out and designed as described above that the proposal will not accord with the requirements of this policy.

The SUDS area has a primary function as part of the drainage strategy and solution for the site. A water feature is not considered to be a fully usable part of the open space offer of the site and as such caution is needed when considering this part of the site as publicly accessible open space.

The strategic green infrastructure corridors shown on the Strategic Framework Diagram are an important part of delivering the vision for Welborne. As required by the Design Guidance SPD the route is generally wide enough to include tree planting. The route is however squeezed at both the eastern and western boundaries. The inclusion of the service lane at the main site entrance (serving plots 17 - 20) and the footpath/cycleway in this arrangement is considered to compromise the quality of the green link. It fails, in this arrangement, to create the separation from the highway required by the Design Guidance SPD and creates small areas of awkward planting which is also discouraged within the Design Guidance SPD. This green infrastructure link is key to connecting the Sawmills site to the rest of Welborne in time and its future significance is considered to warrant significant further work. Policy WEL32 seeks to provide for an integrated network of attractive multi-functional green corridors throughout the site. The policy requires (amongst other things) for the network to be usable and attractive. The failings of the east to west link by the design at the site access and the squeezing of the route at either end compromise its attractiveness and in turn its usability such that the proposal fails to satisfy the requirements of policy WEL32.

The appellant relies on the northern boundary as the ecology corridor. The Ecology Considerations elsewhere in this report also identify this part of the site as important for ecological mitigation. However, the housing layout along the northern boundary does not relate well to this significant landscape and important biodiversity edge; this landscape is enclosed primarily by rear gardens and parking courts. Policy WEL31 seeks to make sure that biodiversity interests will be protected. The current layout may well compromise the ability of this northern edge to function as it is intended as part of the ecological mitigation.

Weight is also given to the importance of the southern tree and scrub buffer within the appellants ecology reports and this is identified as important in the ecology advice to the Council. It is difficult to successfully integrate the planting to the southern boundary of the site against the back of the existing properties and as part of the gardens of the new homes in the proposed crescent. The trees are positioned within back gardens of proposed houses which offers little comfort that they can be retained in the long term unless any measures are in place to secure their future. This will need to be considered as part of the ecological mitigation and long term management of the onsite landscaping. The most appropriate means of securing the trees and scrub along the southern site boundary is through the creation of a buffer corridor incorporating these trees and moving them out of the domestic gardens. This buffer could be incorporated in any open space management regime.

Policy WEL35 requires details of green infrastructure implementation, phasing and management with the latter part incorporating how the infrastructure will be maintained in perpetuity. The appellant has indicated to the Planning Authority that the open space is to be maintained and managed by a private management company rather than it be offered to the Council for adoption. Subject to suitable safeguards being included in any planning obligation to facilitate the Council's step in rights should the maintenance be sub-standard or the management company fail to exist the principle for a management company arrangement is acceptable. However, in the absence of a completed planning obligation to secure this the Planning Authority has no certainty on either the open space delivery, its quality or its future maintenance. The proposal is, therefore, considered to conflict with policy WEL35.

Conclusions on Design issues:

Whilst the appellants comments in response to the design advice sought by the Council are noted they do not persuade the Local Planning Authority that the design solution being advocated is acceptable. Officers have advised the appellant of the concerns at the layout throughout the process but so far the appellant has no desire to change the scheme fundamentally.

It is considered, therefore, that the proposed layout fails to adequately embrace the woodland character area as articulated within policy WEL6 of the Welborne Plan and the Welborne Design Guide SPD. The development, by virtue of the proposed formal layout, arrangement of buildings, parking areas and the scale and bulk of the buildings would not accord with the general design principles in the Welborne Plan, specifically policies WEL2, WEL6, WEL29, WEL31 and WEL32 or the advice in the design guide SPD.

CONTRIBUTIONS TO WELBORNE INFRASTRUCTURE DELIVERY:

Policy WEL41 requires initial applications at Welborne to be accompanied by a detailed phasing and Infrastructure Delivery Plan (IDP). In this case there is no phasing plan as a result of the scale of the development proposed and the Appellant's assertion that this site is offered as an opportunity for early delivery of housing at Welborne. It is not necessary to require a phasing plan for a development of this scale such that it would all be delivered in one phase.

The Council prepared an IDP as part of the Welborne Plan evidence base and this was considered by the Inspector during the Local Plan examination in public. This IDP was closely linked to the concept masterplanning work undertaken by the Council in the plan preparation. In essence the IDP sets out what infrastructure would be required to support the development of the Council's vision for Welborne in the Welborne Plan.

The appellant, with the original application submission, submitted an overview of the development costs associated with the proposed Sawmills Industrial Park scheme. This was done in order to demonstrate how the appeal site will contribute its fair share towards the Welborne Infrastructure Delivery Plan (IDP) prepared by Buckland Developments Limited for the current outline planning application (P/17/0266/OA refers). The Appellant has since submitted further information on these costs for consideration.

The costs of developing the Sawmills site, according to the submission, includes the costs associated with the site preparation works, green infrastructure, highways works and upgrading utilities. The appellant has put a total cost to this of £7.153 million for infrastructure.

The issue, for consideration is whether the appellant is providing proportionate contributions to the wider Welborne infrastructure as required by WEL41 and if the £7.153million is adequate and appropriate.

It is the appellants case that these costs of £7.153 million would equate to an overprovision towards the wider IDP by the Sawmills proposals.

Whilst the appellant has sought to demonstrate their IDP contributions, the infrastructure figures claimed to amount to £7.153 million need, in the opinion of the Planning Authority, to be evidenced. The Planning Authority Officers would need to understand exactly what is required, why and how it has been costed such as through the provision of a full viability assessment. This would enable the Planning Authority to see how the appellant is (or is not) contributing to the Welborne IDP. A viability assessment can also make sure that this does not include additional costs that are associated with the scheme coming forward in isolation, or which are normal development costs, and to look at this in the context of the Welborne position on the IDP and CIL.

Whilst the appellant has repeatedly claimed that the development would provide £7.153m worth of 'contributions' towards the development of Welborne, Officers consider, based in the details submitted so far, much of the £7.153m represents normal development costs to enable the construction of 72 dwellings at this site.

For example, £2.9m of the £7.153 million is proposed to cover piling, ecological measures, site remediation, demolitions, site clearance and retaining walls. These are considered to be site specific development costs rather than contributions to the wider Welborne Infrastructure costs. Furthermore the application sets out that £1.7m is attributed to paving, kerbs, signage, drainage in roads, street furniture, street lighting, fencing and site boundary treatments. Officers are of the view that these costs are part and parcel of developing a parcel of land and would be typical development costs to deliver housing in the manner proposed. The provision of the internal road, for example, would not contribute to the wider Welborne Infrastructure costs.

The originally submitted schedule and the updated IDP comparison table in support of the proposal appears to support the Officer assessment that the costs the appellant is quoting are, in a number of circumstances, normal development costs. A full financial appraisal would identify all costs, and enable development costs to be identified.

In the absence of a financial appraisal to detail the appropriate apportionment of costs attributed to the Welborne IDP, such as to the Highway Infrastructure along the A32 or the works to Junction 10 of the M27 or such as a contribution to the education offer at Welborne; the Local Planning Authority cannot come to an informed view that the proposal is providing an appropriate proportion of Infrastructure to the wider Welborne infrastructure costs. In the absence of this necessary financial justification, the proposal is considered to be contrary to policy WEL41.

GROUND CONDITIONS AND CONTAMINATION:

As a consequence of the former industrial uses on the site as a Sawmill and more recently for other B2 General Industrial uses the site is considered to be subject to significant levels of ground contamination. The application is supported by a Phase 1 and Phase 2 Site Investigation Report and an Outline Remediation Statement.

The Contaminated Land documents have been reviewed by the Environmental Health Officer and concern has been raised. The concern regards the detail of the submitted documents and specifically that there is insufficient information within the application to allow the Local Planning Authority to be satisfied that gas risks within the development site will be adequately mitigated and that the recommended remedial measures are feasible.

It is considered that further intrusive surveys are required in addition to the trial pits and surveying already done by the appellant. These further intrusive surveys would inform a revised remediation strategy and detail how the contamination on the site would be properly and safely dealt with.

The additional survey work and revised remediation strategy cannot currently be addressed by a suitably worded planning condition given that the current remediation method statement states that the gas data gathered to date indicates the site is considered unsuitable in its current condition for residential development."

In addition to the insufficient information regarding gas risks from ground contamination the application lacks specific detail regarding the impacts on the ground water. The southern part of the site is within the outer catchment area for the main public water supply. A ground water risk assessment could, however, have been dealt with through a planning condition had other matters been found to be acceptable.

Policy WEL38 seeks to ensure that development at Welborne will protect the quality of water through suitable pollution prevention measures which addresses the issue in the previous paragraph. However, there are no specific policies related to the below ground contamination at Welborne and the impacts of this upon public health. In the absence of a development plan policy, the National Planning Policy Framework (paragraphs 120-121) advises that to prevent unacceptable risks from pollution planning decisions should ensure that new development is appropriate for its location. The effects of pollution on health, the natural environment or general amenity should be taken into account.

The Local Planning Authority is not currently able to make an assessment that the submission has adequate site investigation information to demonstrate that the site is suitable for the proposed redevelopment and as such the application appears to conflict with paragraphs 120 and 121 of the NPPF.

The absence of the necessary contamination information is therefore listed within the reasons for refusal however it is noted that this matter may well be overcome by the time the appeal is heard. In the event that an acceptable level of information is presented to the Council and the Inspector to address this issue the Council would not seek to defend this

reason for refusal.

ON SITE ECOLOGY:

The application is supported with a 'Preliminary Ecological Appraisal', a 'Preliminary Bat Roost Assessment and Barn Owl Survey', 'Dawn Emergence and Dawn Return to Roost Bat Surveys', a 'Reptile Survey' and a 'Reptile Mitigation Method Statement'.

These surveys found that despite the condition of the site and the uses on the site that the site is of ecological importance specifically regarding protected species. In summary the appellants ecology work has identified that whilst some of the buildings on site have the potential to support nesting Barn Owls, no evidence of Owls using the site was found.

During the dusk emergence surveys and dawn return to roost surveys a total of eleven species of bat were recorded foraging and commuting within or in close proximity to the appeal site.

One common pipistrelle bat was recorded entering and leaving on building on the site and the presence of bat droppings was found in the loft area of another although it was not conclusive as to whether this second building is being used as a hibernation roost or a maternity roost.

It is clear that the proposal will affect protected species. Under the Habitats Regulations, if a proposal would affect a European Protected Species (in the case of this development, bats), planning permission can only be granted if the development proposals can meet three tests:

1. '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)).

Advice from Natural England states that "Natural England applies the tests on a proportionate basis; thus the justification required increases with the severity of the impact on the species or population concerned". It is considered that in this instance, sufficient information has been provided for the LPA to be assured that the three derogation tests set out in the Regulations have been met:

1 - the 'Purpose' test: The supporting documents with the appeal submission clearly set out that the proposal will help meet local housing needs. This application will therefore provide development within the Welborne Plan Allocation boundary that would help the Borough meet its forecast housing need and reduce the need to build on other Greenfield land.

2 - the 'No Satisfactory Alternative' test: In order to meet the 'purpose', as set out in the previous point, it has been demonstrated that the existing buildings will need to be demolished. If retained, the existing buildings in which there is recorded bat activity will at some point likely need repair and restoration in order for them to be retained and incorporated in any layout. This work would likely result in the bat roost being either disturbed, or probably destroyed in any event. Additionally, it is noted that the agreed mitigation and enhancements (discussed in the point 3 below), would have the effect of providing a good deal of additional roosting opportunity within the new houses, which should be supported.

3 - the ' Favourable Conservation Status' test: A comprehensive mitigation strategy has been submitted by the appellant and the detail of this has been integrated into the plans and designs for the application. The mitigation measures include:

- Retention and management of the species rich hedgerow in the north of the site which has value for foraging bats and is identified as connecting habitat;
- Retention of the existing mature landscaping at the south of the site;
- Using predominantly native trees and shrubs in the new landscape design; and
- Provision of alternative roosting opportunities for bats on the new buildings and trees

Consultation with the Council's ecologist has confirmed that provided these mitigation proposals are secured by planning conditions, the favourable conservation status of the bat population will be maintained.

In addition to the implications for bats, suitable habitat for dormouse is also present on the site in the form of species rich hedgerow which provides connectivity to the wider network of hedgerows and habitat. These areas are predominantly along the northern and southern site boundaries.

No surveys have been carried out to establish the presence or absence of dormice from the appeal site and to assess the impact of vegetation clearance required as part of the works. Circular 06/2005 identifies that full information on protected species must be available before a decision is made, and this is supported by Natural England's standing advice on protected species. Planning authorities are required to engage with the Habitats Regulations and without the right level of information (survey, impact assessment and appropriate, proportional avoidance, mitigation and compensation measures), this engagement is not possible. Therefore, further information is required from the appellant in relation to the status of dormice on site and the impact of the development on this species.

Policy WEL31 seeks to ensure that ecological assessments shall clearly set out how biodiversity interests will be protected and enhanced and that any adverse impacts on protected species should be avoided. In the absence of this information at the time the decision is taken it is not possible to conclude that there would be no adverse impact upon all protected species.

The absence of the necessary dormice survey information is therefore listed within the reasons for refusal however it is noted that this matter may well be overcome by the time the appeal is heard. In the event that an acceptable level of information is presented to the Council and the Inspector to address this issue the Council would not seek to defend this reason for refusal.

The Reptile Survey identified that a small population of slow worms is also on the site. The reptiles are to be translocated to the ecological buffer along the northern edge of the site. However, this northern boundary is disrupted by the presence of a parking bay and small building such that a more detail is required from the appellant on the precise location of the receptor point for the translocated reptiles and the connectivity of the habitat along this northern edge.

ACCESS AND HIGHWAYS SAFETY:

The primary proposed vehicle access into the appeal site is from the A32 via a new proposed right turn lane arrangement. This new access is due south of the current access point off the A32, closer to the neighbouring dwelling of Gingerbread Cottage. This new access is due to serve 66 dwellings with the remaining 6 accessed directly from Forest Lane.

The primary new access requires the re-alignment and widening of the northbound A32 to move the north bound carriageway slightly to the west in order to provide the dedicated right

hand turn lane into the application site.

The access is shown to serve the development as a stand alone scheme and therefore the highway works do not include the A32 upgrades proposed as part of the Buckland Developments application for Welborne. The appellant puts weight to the Secretary of State's Screening Direction that the application can proceed in isolation from the other wider development and be delivered independently of the Buckland Proposal.

However, notwithstanding this, the proposed plans demonstrate how the A32 can be realigned for both the proposed alignment for this appeal scheme and for the Welborne alignment with the proposed roundabout at the Forest Lane junction and the slightly different A32 arrangement as proposed by Buckland Development Limited. The plans show how the proposed access designs could be accommodated by others (namely Buckland Development Limited) as a part of the Welborne main access scheme including the necessary land take. However, the appeal proposal does not propose to construct the access consistent with the Buckland application proposals but rather it illustrates that Buckland or others could construct their highway access and incorporate the proposed access.

Many third party comments have made comment regarding the safety of the access onto the A32 and the speed limit of the A32. The application does not propose any amendments to the A32 speed limit. This road is currently subject to a 50mph limit and the access has been designed and modelled on this basis.

The comments of Hampshire County Council, as the Highway Authority, are still awaited and commentary on this matter will be provided in the written update paper to the Planning Committee.

NEIGHBOURING AMENITY:

The proposed development would be visible from some of the existing dwellings in the vicinity, however the separation distances would prevent any adverse impact on their amenities. None of the representations received have raised concerns about the impact the proposed development would have on neighbouring amenity.

AFFORDABLE HOUSING:

Policy WEL18 requires development at Welborne to provide a total of 30% affordable housing unless a robust and transparent viability appraisal proving this not to be possible is accepted by the Council. In terms of tenure, Policy WEL18 states that the initial tenure split will be 70% affordable or social rent with the remaining 30% intermediate tenures.

Policy WEL18 also states that approximately 15% of all affordable homes to be delivered within each phase of the development shall be designed to meet higher accessibility standards equivalent to the Lifetime Homes standards.

The application proposes 22 affordable houses with 15 rented and 7 shared ownership with 3 (affordable rented) houses designed to be wheelchair accessible. The proposed number and tenure of affordable housing is policy compliant.

UTILITIES AND SERVICES:

The application sets out that the occupants of the site currently discharge treated waste water to the existing watercourse on the east side of Forest Lane via a sewage package treatment plant on the site.

The application seeks to provide a connection to the local sewerage mains network as a result of this application. The nearest foul main to connect to is on Wickham Road due north of the site such that a pumped connection would be required. The application details set out that a capacity check has been undertaken with Southern Water and there is adequate capacity in the foul water network to accommodate the development and as such a pumping station is included on site to provide the necessary connection to the mains sewer.

The application also details that the pumping station would have the capacity and capability to give the existing houses neighbouring the site the opportunity to connect to the mains public sewer via the on site proposed pumping station.

The application is supported by a Flood Risk Assessment (FRA). The FRA addresses the matter of flood risk and surface water drainage. The site is within flood zone 1 (the lowest flood risk zone) and is not considered to be at risk of tidal or fluvial flooding.

Surface water is to be managed through a Sustainable Urban Drainage System (SUDS). The FRA sets out that as a consequence of the development the extent of hard surfacing on site would be reduced by a small amount. On this basis the application proposes to continue to discharge surface water runoff to the existing drainage network via the existing outfall.

Policy WEL37 of the Welborne Plan requires a comprehensive waste water conveyance solution including a phasing strategy for its delivery. The policy also sets out that applications should demonstrate how the Sawmills site redevelopment can connect existing nearby dwellings to the Welborne waste water network.

As is a common theme with the appeal proposal, the appellant submits that the scheme is being promoted as a stand alone scheme such that it is not proposing to be a part of nor contribute towards the wider Welborne waste water strategy. It does, however, include details of how the adjoining properties can be connected to the waste water mains network via the proposed pumping station.

On the basis that the appeal proposal is delivered alone and separate from the wider Welborne development the utility strategy proposed by the applicant appears to be acceptable.

TREES:

The application is supported by a Tree Survey and an Arboricultural Impact Assessment and Method Statement. Given the layout of the existing site the majority of the trees and hedgerow to be retained is around the site boundaries with the centre of the site being laid to hard standing or buildings currently.

The Arboricultural Method Statement describes the trees and hedgerow to be removed on the site and to facilitate the A32 alterations are not of significant quality or classification that they are worthy of retention. None of the trees to be protected are protected by a Preservation Order and new landscaping is proposed as part of the scheme to mitigate for any loss.

SPECIAL PROTECTION AREA (SPA) MITIGATION:

Policy WEL30 of the Welborne Plan seeks to avoid impacts on internationally protected sites. The Welborne Plan seeks to provide 84 hectares of Suitable Alternative Natural Green Space (SANGS) on the Welborne Site as alternative green space for site occupants

than the sensitive coastal habitats. This figure represents seventy percent of the SANGS Standard with the remainder amount being agreed as acceptable as a financial contribution towards the Solent Recreation Mitigation Strategy (SRMS).

An assessment is required by the Local Planning Authority to determine whether the proposal is likely to have a significant effect on a European site. If necessary, avoidance or mitigation measures could be included to remove the harm which otherwise would have occurred. It is also necessary to look at the proposal in combination with other developments in the local area.

In this case the appellant again relies on the findings of the SoS in the EIA Screening Direction in that the development at the Sawmills site, with the mitigation proposed by contribution to the SRMS being accepted, would mean that the identified protected sites would not be affected to the extent that a significant likely effect is identified. It is the appellants case, therefore, that there is no need for the Sawmills site to provide any physical SANGS infrastructure on site or to contribute to the wider Welborne SANGS delivery and that the impact of the proposal can be adequately managed through the SRMS contribution route. On this point Officers agree with the appellants conclusions regarding the interpretation of the SoS Direction.

It is noted that in the application and the appeal papers that the Appellant has indicated a willingness to provide the necessary contribution. However, notwithstanding the offer from the appellant to pay the necessary contribution, at the time of the drafting of this report, the appellant has not provided the necessary financial contribution towards the Solent Recreation Mitigation Strategy interim strategy. As such that the proposed development is not considered to mitigate its impact and would, in combination with other developments, increase the recreational pressure and habitat disturbance to the Solent Coastal Protection Areas. The scheme is therefore considered to be contrary to policy WEL30.

The absence of the necessary contribution is therefore listed within the reasons for refusal however it is noted that this matter may well be overcome by the time the appeal is heard. In the event that an acceptable legal agreement is presented to the Council and the Inspector to address this issue the Council would not seek to defend this reason for refusal.

THE HISTORIC ENVIRONMENT:

The submitted Heritage Strategy and Historic Environment Management Plan details that just outside of the eastern edge of the site but directly adjacent to the site is the Grade II Listed Mill House. The listing description for the Mill House dates it to the early eighteenth century.

This listed building is the only acknowledged heritage asset to be affected by the proposed development. The impact of the scheme is solely related to its setting with no direct impacts to the structure itself.

Policy WEL8 seeks to protect and enhance the historic environment. The industrial setting to the Mill House, whilst long established, is now unattractive in views from the house consisting of palisade fencing, office buildings, industrial units and areas of open storage. The appeal proposal seeks to provide a more open visual setting for the heritage asset which in turn will provide greater visibility of the asset and allow for a better appreciation of the listed building.

OTHER MATTERS:

Policy WEL21 requires no less than 1% of all homes at Welborne should be delivered as

custom build plots. The appeal proposal sets out that the appeal proposal will incorporate elements of custom build homes. The submitted planning statement indicates that this could be secured by planning condition.

Policy WEL43 requires the careful management of construction activities and these impacts are to be secured by suitable conditions and planning obligations. The same policy also requires initial planning applications to be accompanied by employment and training plans. The application makes no reference to this policy in the assessment of the application. However, the management of construction traffic routing and a Construction Employment and Skills Plan could be secured by obligation.

THE PLANNING JUDGEMENT:

Within the appeal papers the appellant refers to the Council having less than the required five years housing land supply.

In such circumstances Paragraph 14 of the NPPF (National Planning Policy Framework) clarifies that the presumption in favour of sustainable development should be seen as a golden thread running through planning. For decision making, this means one of two pathways should be followed:

1) that proposals in accordance with the development plan should be approved without delay; and

2) Where the development plan is absent, silent or relevant policies are out-of-date then authorities are directed to grant permission unless the adverse impacts of the development would significantly and demonstrably outweigh the benefits.

The second approach detailed within the preceding paragraph, has become known as the "tilted balance" in that it tilts the planning balance in favour of sustainable development and against the Development Plan.

Unlike other schemes before the Planning Committee recently and elsewhere in this agenda where this balancing exercise has taken place, the appeal site is not outside of the defined urban settlement boundary and within the countryside, but instead fits squarely within the strategic site allocation for Welborne and as such the principle of development is significantly different. The Welborne Plan has not been found to be "absent, silent or out of date" and as such the scheme does not require the decision maker to therefore apply the "tilted balance" in the second pathway of paragraph 14.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 directs that planning permission should be granted for schemes that accord with the development plan unless material considerations indicate otherwise. As such, In the event that the second pathway in paragraph 14 is not engaged then the appropriate test in the NPPF therefore is that set out in the first pathway of paragraph 14 namely that proposed development that accords with the development plan should be approved without delay. In turn, it follows that development which does not accord with the development plan should be refused in the absence of any Material Considerations indicating otherwise.

In applying this planning judgement and assessing the scheme against the development plan, it is acknowledged that the principle for residential development on this site is firmly established and is acceptable.

This report has considered the proposal against the Welborne Plan policies. Officers are not convinced that the proposal will contribute proportionately to the delivery of Welborne

Infrastructure. The need for a comprehensive infrastructure delivery plan is a key component in the successful delivery of Welborne as a new community and the absence of the necessary information to demonstrate this point is a significant flaw in the scheme.

The Council is seeking to deliver Welborne as a new Garden Village. One of the key principles of a garden village is the provision of beautifully and imaginatively designed homes with gardens which will combine the best of town and country living to create healthy communities. The clear vision for Welborne in the Welborne Plan is to create "A distinct new community set apart but connected to Fareham, whose spirit, character and form are inspired by its landscape setting" (Welborne Plan, para 2.4). The proposed design solution fails to be inspired by the landscape setting of the site within the Woodland Character Area. Furthermore the scale of a number of the new homes at three stories and the formal arrangement of terraces and other large buildings would not result in an acceptable layout or form of development and would fall some way short of the Council's aspirations for development at Welborne in terms of the quality articulated in the Welborne Plan and Welborne Design Guide.

Whilst the NPPF advises that Planning Authorities should not impose architectural styles or stifle architectural innovation this is balanced with the need to refuse poor design. Paragraph 57 of the NPPF seeks to plan positively for the achievement of high quality and inclusive design for all development but most importantly includes wider area development schemes which, in this case, given how the site relates to the wider Welborne Plan area, is crucial.

It is considered that the design of the scheme; from the confused layout through to the imposing scale of the architecture, would not provide the high quality design which meets the garden village principles advocated by the Council and the proposal is not inspired by the woodland landscape setting. The consideration of the design, layout and scale of the development is a significant issue especially given the importance of the need to deliver a high quality environment at Welborne and the fact that this would be seen as the first phase.

In addition to the design failings of the scheme the application fails to have full regard to the implications for protected species on the site and has provided insufficient information to give confidence that the on site ground contamination has been suitably assessed and mitigated for.

It is clear that the scheme is in conflict with the development plan policies. It is necessary to assess, therefore, if there are any other Material Considerations that would have sufficient weight to justify a departure from the Welborne Plan policies in order to grant planning permission.

It is noted that the appeal proposal provides a quantum of development that would contribute to the five year housing land supply deficit and this is a Material Consideration worthy of some weight in favour of the scheme. Also weighing in favour of the scheme is the provision of thirty percent of the appeal scheme being affordable homes. Of these affordable units provision is also included for fully wheelchair accessible units for which there is a demand in North Fareham. Coupled with these issues is the provision of potential new jobs through the construction process and the removal from the site of some unsightly buildings, removal of un-neighbourly uses and the provision of a new play area and open space with the development.

However, the lack of clarity over the financial contribution the appeal scheme will make to the delivery of important infrastructure at Welborne, and the failings in the scheme design including matters of concept, scale and layout are such that the contribution the appeal site housing would make to the five year housing land supply shortfall is not considered to be a Material Consideration afforded sufficient weight to outweigh the policies of the Welborne

Plan given the importance over the delivery of a high quality environment at Welborne. Furthermore Officers are concerned that accepting this quality of design here could make it more difficult to secure a high quality of design elsewhere within the Welborne development.

Recommendation

Members are invited to confirm that had they had the opportunity to determine the planning application, they would have REFUSED it for the following reasons:

1) The design of proposed development, by virtue of the overall layout, the arrangement of buildings, open spaces and the scale and bulk of the buildings, the parking arrangements and the inadequacy of the communal garden area for the proposed flats would not accord with the general design principles set out within the Welborne Plan, specifically policies WEL2, WEL6, WEL29, WEL31 and WEL32 or the advice in the Welborne Design Guide Supplementary Planning Document. The resulting development would result in a poorly planned residential scheme to the detriment of an area identified as the edge of the Welborne development within the woodland character area.

2) In the absence of a financial appraisal to detail the appropriate apportionment of costs attributed to the Welborne Infrastructure Delivery Plan; the Local Planning Authority cannot come to an informed view that the proposal is providing an appropriate proportion of Infrastructure to the wider Welborne infrastructure costs. In the absence of this necessary financial justification, the proposal is considered to be contrary to policy WEL41 of the Welborne Plan.

3) Insufficient site investigation information has been submitted regarding the ground contamination on site, specifically the gas risk assessment and remediation strategy. In the absence of an appropriate gas risk assessment the Local Planning Authority cannot conclude that the development would not have an adverse impact on health and general amenity. The proposed development is therefore considered to be contrary to paragraphs 120 and 121 of the National Planning Policy Framework.

4) Inadequate survey and mitigation information has been submitted in order for the Local Planning Authority to conclude that the development would not have an adverse impact on protected species, specifically Dormice. The proposed development is therefore considered to be contrary to Policy WEL31 of the Welborne Plan and the advice in Circular 06/2005 and paragraph 118 of the National Planning Policy Framework.

5) In the absence of a legal agreement pursuant to Section 106 of the Town and Country Planning Act to secure;

- Public Open Space provision on site;
- Provision of the local area for play;
- Management arrangements for the onsite open space including a management plan, bonded maintenance sum and step in rights for the local authority in the event that the management company fails to exist or the management of the open space does not meet the expected standards within the management plan;
- Contribution towards the Solent Recreation Mitigation Strategy (SRMS);
- A32 / New Site access junction works;
- Forest Lane Improvement works;
- Travel plan;
- Routing agreement for construction traffic;
- 30% affordable housing (70% affordable or social rent with the remaining 30% intermediate tenures) including their subsequent retention in perpetuity to occupation by households in housing need and ensuring that the units are dispersed throughout the development;

- 3 (affordable rented) houses designed to be wheelchair accessible;
- Construction Employment and Skills Plan;

The proposed development would place an unacceptable burden on the existing local infrastructure exacerbating deficiencies in the provision or quality of local services and amenities. The development would therefore be contrary to Policies WEL18, WEL20, WEL23, WEL27, WEL29, WEL30, WEL35 and WEL43 of the Welborne Plan.

Notes for Information

Had it not been for the recommended overriding reasons for refusal to the proposal (reasons 1 and 2 above), the Local Planning Authority would have sought to, and will continue to in advance of the appeal being heard, address reasons 3) and 4) through the receipt of additional information from the appellant and the consideration of suitably worded planning conditions following receipt of this further information; and reason 5) above by inviting the applicant to enter into a legal agreement with Fareham Borough Council pursuant to Section 106 of the Town & Country Planning Act 1990.

Background Papers

see "relevant planning history" section above.

FAREHAM

BOROUGH COUNCIL



Sawmills Industrial Park
Wickham Road
Scale: 1:2,500



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