

OFFICER REPORT FOR COMMITTEE

DATE: 16/01/2019

**P/18/0482/OA
BARGATE HOMES LTD**

**WARSASH
AGENT: WYG**

OUTLINE APPLICATION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS) FOR THE CONSTRUCTION OF UP TO 100 RESIDENTIAL DWELLINGS, ACCESS FROM GREENAWAY LANE, LANDSCAPING, OPEN SPACE AND ASSOCIATED WORKS

LAND ADJACENT TO 125 GREENAWAY LANE, WARSASH, SOUTHAMPTON SO31 9HT

Report By

Jean Chambers - direct dial 01329 824355

1.0 Introduction

- 1.1 This application is being presented to the Planning Committee due to the number of third party representations received.
- 1.2 Members will note from the 'Five Year Housing Land Supply Position' report elsewhere on this agenda that this Council currently has a housing land supply of 4.5 years (a shortfall of 282 dwellings within the 5 year period).
- 1.3 It is noted that the Planning Committee have resolved to grant outline planning permission for the following applications:

P/17/0746/OA	Taylor Wimpey, outline application for up to 85 dwellings, land to the east of Brook Lane and South of Brookside Drive, Warsash
P/17/0845/OA	Foreman Homes, outline application for up to 180 dwellings land to the East of Brook Lane, Warsash
P/17/0752/OA	Bargate Homes, outline application for up to 140 dwellings, land east of Brook Lane, North of Warsash Road,
P/17/0998/OA	Land and Partners, outline application for up to 157 dwellings land to the East of Brook Lane and West of Lockwood Road
P/18/0107/OA	Hanslip, outline application for up to 30 dwellings, East and West of 79 Greenaway Lane, Warsash

The Planning Inspectorate granted outline planning permission for up to 85 dwellings, land to the east of Brook Lane and South of Brookside Drive, Warsash on 17 May 2018 (P/16/1049/OA)

2.0 Site Description

- 2.1 The application site is to the south of Greenaway Lane and comprises of 3.4 hectares of land, designated as countryside for planning purposes. There are glasshouses and buildings on the site which reflect the sites' former horticultural use. The site is generally flat with the northern half of the site mostly consisting of open grassland. Trees and scrub in the south western corner of the site extend along the western and southern boundaries. The eastern boundary is lined with trees which are located within the adjoining site and are covered by a tree preservation order. There is a telecommunication aerial mast within the south-eastern corner of the site. The site is classified as predominantly Grade 3b agricultural land.
- 2.2 Residential properties are located on the northern side of Greenaway Lane, to the western boundary of the site and north-eastern corner of the site. Beyond the southern boundary is a nursery with fields and glasshouses. Commercial businesses are located beyond the eastern boundary as well as agricultural land.
- 2.3 Existing access to the main part of the site is off Greenaway Lane with an additional access track located further to the east which leads to the telecommunication mast. Greenaway Lane connects to Brook Lane located a short distance to the west.

3.0 Description of Proposal

- 3.1 Outline planning permission is sought for the construction of up to 100 dwellings with all matters reserved apart from the means of vehicular access to the site which would be off Greenaway Lane. The layout, appearance, scale and landscaping of the site are therefore reserved for a future reserved matters application and not for consideration at this time.
- 3.2 An illustrative masterplan has been submitted which identifies the vehicular access point to the site, areas of public open space, the potential for enhanced landscaping and inclusion of ecological buffers. Pedestrian and cycle links are also indicated.
- 3.3 A number of technical reports accompanied the application.

4.0 Policies

- 4.1 The following policies apply to this application:
- 4.2 National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

4.3 **Adopted Fareham Borough Core Strategy**

CS2: Housing Provision

CS4: Green Infrastructure, Biodiversity and Geological Conservation

CS5: Transport Strategy and Infrastructure

CS6: The Development Strategy

CS9: Development in the Western Wards & Whiteley

CS14: Development Outside Settlements

CS15: Sustainable Development and Climate Change

CS16: Natural Resources and Renewable Energy

CS17: High Quality Design

CS18: Provision of Affordable Housing

CS20: Infrastructure and Development Contributions

CS21: Protection and Provision of Open Space

4.4 **Adopted Development Sites and Policies**

DSP1: Sustainable Development

DSP2: Environmental Impact

DSP3: Impact on Living Conditions

DSP4: Prejudice to adjacent land

DSP6: New Residential Development Outside of the Defined Urban Settlement

DSP13: Nature Conservation

DSP15: Recreational Disturbance on the Solent Special Protection Areas

DSP40: Housing Allocations

4.5 **Other Documents:**

Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015

Residential Car Parking Standards 2009

5.0 ***Relevant Planning History***

5.1 There is no recent planning history.

6.0 ***Representations***

6.1 There have been 39 representations of objection received; of these, 5 persons have submitted comments more than once. The main issues raised within the representations can be summarised as follows:

6.2 **Policy/principle**

- Question need for dwellings in Warsash and no evidence of 5YHLS shortage
- Welborne should be expedited

- Cumulative impact of development needs to be considered and will be severe
- The adverse impacts of granting permission will significantly and demonstrably outweigh the benefits
- New rulings by the European Court of Justice have new implications for such sites and FBC should suspend planning decisions for new residential developments in view of this
- Deviation from draft Development framework
- Countryside location
- Not sustainable development

6.3 **Location**

- Out of character with the area and loss of identity, heritage and culture
- Overdevelopment of the site/ too high a density
- Adverse impact on landscape character
- Loss of green space
- Overlooking
- Loss of outlook
- Design
- Layout of dwellings too close to neighbouring properties

6.4 **Highways**

- Hazardous access onto Greenaway Lane, no pavements, impact on cyclists, horse riders, walkers
- Hazardous impact exiting Greenaway Lane onto Brook Lane, inadequate visibility
- Cumulative impact on highway congestion
- Insufficient parking on site and in the area
- Lack of cycle paths in the area
- Increased damage to Greenaway Lane surface and risk of accidents
- Impact on parking at Warsash shops and Locks Heath centre
- The road network is grid locked

6.5 **Ecology and Trees**

- Loss of wildlife
- Loss of trees

6.6 **Impact on local services**

- Lack of infrastructure – schools, healthcare, doctors, shops, dentists
- Lack of public transport
- Impact on Service providers, gas electric, water, sewerage
- Impact on emergency services

6.7 **Other matters**

- Noise and light pollution
- Air quality cumulatively impact

- Flooding
- Archaeology
- Affordability of houses
- Discrepancies in submitted information
- The Whiteley to Warsash bus service W2 has been withdrawn
- Post Brexit need for food and agriculture, site should be used for agricultural purposes
- Request to rescind other resolutions to grant due to cumulative impact

PETITION (signed by 2,390 people)

6.8 Members attention is also drawn to the fact that a petition has been received in response to the draft local plan consultation. It is titled "STOP the building of 1500 new homes in Warsash, Locks Heath, Park Gate and Titchfield Common" and includes the following Statement:

'We the undersigned petition the council to Stop the building of 1,500 new homes in Warsash, Locks Heath, Park Gate and Titchfield Common. Whilst it is appreciated that the task is not an easy one, there are many sites that we believe the council should be looking at that are more suitable than Warsash and the Western Wards, such as Newlands Farm. We also request that FBC look at SHLAA Ref 3127 and the surrounding area of Fareham north and east of the town centre. This appears to be a prime location as it already has direct access to the motorway and easy access to the public transport links in Fareham town centre and three senior schools. Fareham centre is also an ideal place for leisure facilities, and has space for doctors etc. to service the needs of any new houses. It would inject a new lease of life into what is already an established but underused town that is essentially being allowed to slide into disrepair.

Justification:

Below are the sites that we are protesting about.

HA1 - North and South of Greenaway Lane, Warsash - 700 dwellings

HA3 - Southampton Road, Titchfield Common - 400 dwellings

HA7 - Warsash Maritime Academy, Warsash -100 dwellings

HA9 - Heath Road, Locks Heath- 71 dwellings

HA11- Raley Road, Locks Heath- 49 dwellings

HA13- Hunts Pond Road, Titchfield Common- 38 dwellings

HA14 -Genesis Community Youth Centre, Locks Heath - 35 dwellings

HA15 -Beacon Bottom West, Park Gate -30 dwellings

HA17 -69 Botley Road, Park Gate -24 dwellings

HA19- 399 - 409 Hunts Pond Road, Titchfield Common- 22 dwellings

Traffic in this area is already at a gridlock during peak hours and since the new Strawberry Fields, Hunts Pond and Coldeast developments it has doubled the time for people to get to work. Improvements on major roads and motorways will try and ease congestion but it's not satisfactory as residents

will not be able to actually get to these major roads. Local roads such as Brook Lane, Osborne Road, Warsash Road and Barnes Lane cannot be made wider, they were built to service the traffic and community of small villages and the resulting influx of 3000+ cars in such a small square area will lead to more accidents. Warsash specifically is on a peninsular and the only roads in and out are Brook Lane and Warsash Road. Emergency vehicles will be unable to ensure safe response times - during rush hour it is likely they will not have space to get to their destination. The consequences will be catastrophic. Flooding is inevitable especially with recent climate changes; residents in local back garden developments are already experiencing this. Fareham is presently in trouble for poor air quality due to the amount of rush hour traffic. Bring another 3000+ cars in to the Western Wards and there will be more cases of asthma, lung disease and related illnesses - all for the surgeries with not enough resources to treat. Doctors, schools, hospitals and emergency services are already stretched to breaking point. If the plans go ahead there will be hundreds of children needing school places. New schools might take pressure off the overcrowded ones - then the influx of new children will put it back on again. Children walking to Brookfield already face a perilous journey due to the amount of traffic on Brook Lane. Brook Lane, Lockswold, Jubilee and Whiteley surgeries struggle to cope with the amount of patients they have. They wait an unacceptable amount of time for routine appointments (1 month plus) and often have very long waits when they get to there (30 minutes plus). Emergency appointments are becoming harder to book as there are not enough doctors or time. The very young, elderly and chronically ill are already vulnerable and bearing the brunt of this - add another 1,500 homes and these overstretched surgeries will be at crisis point. There will be an increased need for care homes, for which there is just no space. Residents' health will be at risk and possibly their lives. Warsash is a place of outstanding natural beauty and home to precious wildlife such as badgers, bats and deer. The greenfield land proposed as the area for development also provides a defined strategic gap from neighbouring villages. Residents have the right to breathe clean air, have facilities, space and sufficient infrastructure and the assurance that emergency vehicles have access and can meet response times in life threatening situations. We genuinely fear for the health and safety of people in the Western Wards.'

7.0 Consultations

EXTERNAL

7.1 HCC Highways

No objection is raised subject to the imposition of planning conditions and financial contributions to be secured through a Section 106 planning obligation.

Site Access, Parking and Servicing Arrangements - Access to the site is proposed in the form of a bell mouth junction with a proposed foot way of 2m width within the site and across a section of the site frontage to the west tapering down to 1.5m on the approach to the Greenaway Lane/Brook Lane junction. To achieve adequate Visibility at the Greenaway Lane/Brook Lane junction, overhanging vegetation needs to be removed, as the vegetation sits within highway land, this can be achieved.

The Highway Authority is satisfied that the proposed carriageway width is sufficient for accommodating the types of vehicles that regularly use Greenaway Lane to access the Vero site to the east. The visibility of private accesses to properties on the lane will not be affected by the proposed realignment of the carriageway.

Walking and cycling - Contributions will be secured towards sustainable travel improvements in respect of walking and cycling route to Swanwick Station. A 3m wide shared footway/cycleway will be provided through the development site to connect onwards to Footpath 14 with safety bollards to prevent direct access from the site onto the lane. Additional signage of the route and improvements to the footpath should be secured via a financial contribution. The proposed pedestrian/cycle crossing improvement on Brook Lane can be addressed at a detailed design stage as part of the S278 works.

The Highway Authority have requested a contribution towards the closure of the existing access track to the Vero site, they have also confirmed that the proposed impact of the development including the larger vehicular traffic generated as a result of the Veros site is acceptable as submitted. They advise that a vehicular link to the south should be explored at the reserved matters stage.

In respect of the cumulative impact of development, recommend a financial contribution to offset the identified cumulative impact of development for improvements at:

A27/Barnes Lane junction,
Barnes Lane/Brook Lane junction
A27/Station Road roundabout.

The Framework Travel Plan is considered acceptable.

7.2 **Natural England** - No objection subject to appropriate mitigation being secured.

7.3 **HCC Flood Water Management Team** - No objection subject to planning condition.

- 7.4 **HCC Archaeology** - no objection subject to planning condition.
- 7.5 **HCC Children's Services** - request for contribution towards education facilities.
- 7.6 **Southern Water** - no objection subject to planning condition.
- 7.7 **Crime Prevention Design Advisor** - provided advice in respect of crime prevention.

INTERNAL

- 7.8 **Ecology** - the survey results and mitigation are acceptable subject to the imposition of planning conditions. The Ecology officer recommends that due to the proximity of the site to the Solent and Southampton Water SPA, SAC and Ramsar, the likely significant effects as a result of increased recreational pressure can be mitigated through the Solent Recreation Mitigation Partnership payment which should be secured.
- 7.9 **Trees** - no objection subject to planning conditions.
- 7.10 **Recycling Coordinator** - no comment.
- 7.11 **Environmental Health** - no comment.
- 7.12 **Environmental Health (contamination)** – no objection subject to planning condition.
- 7.13 **Housing Officer** - advice has been provided in respect of the affordable housing mix to be secured which will be the subject of detailed negotiations.

8.0 Planning Considerations

- 8.1 The following matters represent the key material planning considerations which would need to be assessed to determine the suitability of the development proposal. The key issues comprise:
- a) Implication of Fareham's current 5-year housing land supply position;
 - b) Residential development in the countryside;
 - c) Policy DSP40;
 - d) Other matters;
 - e) The Planning balance

a) Implications of Fareham's current 5-year housing land supply position

- 8.2 A report and updates titled "Five year housing land supply position" is reported for Member's information elsewhere on this agenda. That report sets out this Council's local housing need along with this Council's current housing land supply position. The report concluded that this Council has 4.5 years of housing supply against the new 5YHLS requirement meaning there is a shortage of 282 dwellings.
- 8.3 On the 26 October, the Government issued a 'Technical consultation on updates to national planning policy and guidance'. The consultation on the proposed updates ran from 26 October 2018 until 7 December 2018. Currently the government have not published the results of the consultation or confirmed which of those proposed changes will be made.
- 8.4 The introductory section of the consultation sets out the background for the consultation and the Government's priority to deliver more homes and to do so faster. The Government is of the view that the household growth projections published very recently by the Office for National Statistics, that predict a lower level of household growth than previously, does not mean fewer homes need to be built. The objective of the consultation proposes changes to the standard method to ensure consistency with the objective of building more homes. In the short-term, the Government proposes to use the 2014-based data on household growth to provide the demographic baseline for assessment of local housing need. Such an approach will further increase Fareham Borough Council's local housing need.
- 8.5 In the absence of a five year supply of deliverable housing sites, officers consider that policy DSP40 is the principal development plan policy that guides whether schemes will be considered acceptable.

b) Residential Development in the Countryside

- 8.6 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. The application site lies within an area which is outside of the defined urban settlement boundary.
- 8.7 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.'

- 8.8 Policy CS9 of the Core Strategy supports development in the Western Wards within the settlement boundaries. The site is outside of the settlement boundary.
- 8.9 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).
- 8.10 The site is clearly outside of the defined urban settlement boundary and the proposal is therefore contrary to Policies CS2, CS6, CS9 and CS14 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan.

c) Policy DSP40

- 8.11 Policy DSP40: Housing Allocations, of Local Plan Part 2, states that:

"Where it can be demonstrated that the Council does not have a five year supply of land for housing against the requirements of the Core Strategy (excluding Welborne) additional housing sites, outside the urban area boundary, may be permitted where they meet all of the following criteria:

- i. The proposal is relative in scale to the demonstrated 5 year housing land supply shortfall;*
- ii. The proposal is sustainably located adjacent to, and well related to, the existing urban settlement boundaries, and can be well integrated with the neighbouring settlement;*
- iii. The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps;*
- iv. It can be demonstrated that the proposal is deliverable in the short term; and*
- v. The proposal would not have any unacceptable environmental, amenity or traffic implications".*

- 8.12 Each of these five bullet points are worked through in turn below:

Policy DSP40 (i)

- 8.13 The proposal for up to 100 dwellings is relative in scale to the 5YHLS shortfall and therefore bullet a) of Policy DSP40 is satisfied.

Policy DSP40 (ii)

- 8.14 The urban settlement boundary is located within relatively close proximity to the north, east and south of the site. The site is in close proximity to leisure and community facilities, schools and shops. Officers consider that the proposal can be well integrated into the neighbouring settlement including other nearby development proposals that have resolutions to grant outline planning permission. The proposal would therefore be in accordance with point ii of Policy DSP40.

Policy DSP40 (iii)

- 8.15 The site is within an area of countryside but is not designated as a strategic gap. Policy CS14 of the Core Strategy confirms that built development will be strictly controlled to protect it from development which would adversely affect its landscape character, appearance and function.
- 8.16 The area is identified within the Fareham Landscape Assessment 2017 (LLCA 2.2A) as relatively visually contained from views from surrounding areas. This area is classed as being of a lower sensitivity mainly because the character and quality of the landscape has been adversely affected by urban influences. This area is therefore more tolerant of change and there is scope for development to bring about positive opportunities.
- 8.17 If the development were to go ahead, the main people who would be potentially affected by visual changes would be residents in close proximity to the site. It is therefore acknowledged that the development of this site would introduce a change in character and outlook particularly from nearby properties and the Greenaway Lane frontage of the site. This change would primarily have a localised visual impact and the visual impact from longer distance views would be limited.
- 8.18 The illustrative masterplan shows how the overall layout and form of the development might be laid out. Whilst acknowledging that this plan is for illustrative purposes only as the layout and design of the site would be the subject of a reserved matters application, Officers consider that this aspect will need to be the subject of careful consideration at the reserved matters stage to ensure that the proposal complies with adopted policy. The layout would need to incorporate areas of accessible public open space, consideration of play provision and ecological mitigation and would need to accommodate a pedestrian and cycle link as well as the opportunity to have vehicular connectivity to land to the south. This is to ensure appropriate green infrastructure in compliance with Policy CS4 and comprehensive development in accordance with Policy DSP4.

- 8.19 Officers consider that subject to more detailed considerations at the reserved matters stage, the development of up to 100 dwellings could be acceptable on this site in accordance with point iii) of Policy DSP40.

Policy DSP40 (iv)

- 8.20 In terms of delivery, the agent has advised that the site is capable of delivering 20 dwellings in 2020/21 and 40 dwellings in 2021/22 and 2022/23. The proposal would therefore be in accordance with point iv of policy DSP40.

Policy DSP40(v)

- 8.21 The final test of Policy DSP40: The proposal would not have any unacceptable environmental, amenity or traffic implications” is discussed below:

Ecology

- 8.22 An Ecological Appraisal and surveys in respect of reptiles, bats, badgers, wintering birds and dormouse have been submitted. The Ecology officer and Natural England are satisfied with the proposal subject to the imposition of planning condition and appropriate mitigation.
- 8.23 To fulfil the requirement under the Habitat Regulations, Officers have carried out an Appropriate Assessment in relation to the likely significant effects on the coastal Special Protection Areas (SPAs) and have concluded that the application’s compliance with the Solent Recreation Mitigation Strategy means that there will be no adverse effect on the integrity of the designated sites.

Agricultural land

- 8.24 Policy CS16 seeks to prevent the loss of the best and most versatile agricultural land. The NPPF does not place a bar on the development of the best and most versatile agricultural land. The site is classified as Grade 3b which is outside of the ‘best and most versatile’ agricultural land category.

Amenity

- 8.25 Matters of scale, appearance and layout are reserved for consideration at the future reserved matters application stage. It is at that stage that the detailed consideration of these issues would need to comply with policy CS17 and the adopted design guidance SPD to ensure appropriate amenity standards. Officers are satisfied that there is sufficient flexibility and control in the description of up to 100 units that this can be satisfactorily addressed to ensure that the proposal would be policy compliant.

Highways

- 8.26 The Highway Authority comments are set out in the consultation section of this report and conclude that from a highway safety perspective, the proposal

would be acceptable subject to the imposition of planning conditions and financial contributions.

- 8.27 A number of representations have raised concern over the impact of the development on the safety of users of Greenaway Lane and at the Greenaway Lane/Brook Lane junction. Reference to the draft local plan has also been made which discusses the preferred approach to ensure that the inherent character of Greenaway Lane is retained. The draft Local Plan carries limited weight at this time.
- 8.28 The Highway Authority is satisfied that a safe means of access can be provided; this is a significant material planning consideration. Officers have carefully considered whether or not the impact on Greenaway Lane in terms of physical alterations are such that it would make the development otherwise unacceptable. The proposed bell mouth junction is located approximately 60 metres east of Brook Lane. The physical alterations would include the access to facilitate the development, a pavement on the southern side of Greenaway Lane which would extend towards Brook Lane and pedestrian crossing points, and a minor realignment of the carriageway. There would also be signage and bollards which would relate to pedestrian and cycle connectivity. It should be noted that the detailed highway works would be the subject of a S278 agreement with the Highway Authority. Officers have concluded that the physical 'interventions' are not of a level that would adversely detract from the character of Greenaway Lane or justify refusal of outline planning permission.
- 8.29 It is acknowledged that an alternative access to the south of the site would be preferred which would limit the number of vehicles that would enter and exit the proposed Greenaway Lane access. However, this current application needs to be determined as submitted. The applicant's agent has advised that the potential access to the south is on third party land. If a link could be facilitated there would be a "time ransom" and the developer would have to wait for a road link to be built through the site to the south (Land and Partners site).
- 8.30 The developer is willing to "downgrade" the Greenaway Lane access to emergency/pedestrian/cycles in the event that an access to the south is secured without a timing and financial ransom to them.
- 8.31 As part of the proposed legal agreement in relation to the Land and Partners site, Officers are seeking to secure a vehicular connectivity link which could facilitate a vehicular route between the two sites. Bargate Homes could then provide a similar link on its land. It is noted that any change to the access routes in terms of trip generation and dispersal of traffic would need to be

supported by updated highway technical reports at the reserved matters stage.

- 8.32 This issue is somewhat complex due to the timing and consideration of the separate applications. Officers anticipate that the reserved matters applications for both sites will be submitted but ultimately cannot control this or the resultant actual timing of the delivery of each site.
- 8.33 Policy DSP4 of the adopted plan relates to 'prejudice to adjacent land' and piecemeal development and supports connectivity to adjoining land. The developer's position on a financial ransom is noted but ultimately this is a matter for dialogue between the developer and the various land owners. Officers consider it is important to ensure that vehicular connectivity is secured via a Section 106 planning obligation.
- 8.34 In summary, Members are advised that whilst it is entirely reasonable to seek to secure the vehicular connectivity to the south and a downgrading of the Greenaway Lane access should the latter be achievable, fundamentally this current application needs to be determined as submitted with the access off Greenaway Lane. On the basis of the Highway Authority advice and noting the discussion above, officers consider that the proposal does comply with point (v) of DSP40, policy CS5 of the Core Strategy and DSP4 of the Local Plan part 2.
- 8.35 In respect of the Highway Authority request for a contribution towards the closure of the access track off Greenaway Lane that serves the Veros site, Officers note that the Highway Authority is satisfied that the proposed access and related traffic implications for this current application are acceptable as submitted without the closure of the track. It is noted that the access to the Vero site is in private ownership and currently serves premises other than the Veros site. The contribution request is on the basis that the closure of the track can be explored through a Traffic Regulation Order process if there are no valid objections.
- 8.36 Members are advised that it would be appropriate to secure a financial contribution towards the closure of the access track if this can be achieved, however, this cannot be guaranteed.
- 8.37 Overall, through the imposition of planning conditions and the completion of a planning obligation pursuant to Section 106 of the Town and Country Act 1990, Officers recommend that the proposal would not have any unacceptable environmental, amenity or traffic implications in compliance with criteria (v) of DSP40.

d) Other matters

Affordable Housing

- 8.38 The proposal includes the provision of 40% affordable housing. Subject to appropriate size, mix and tenure being agreed to meet the identified local need to comply with Policy CS18, officers consider this acceptable and appropriate to secure via a Section 106 legal agreement.

Open Space, Play Provision, Green Infrastructure, Connectivity and Nature Conservation

- 8.39 On site open space is proposed and is shown illustratively on the submitted plans. As part of the recommended Section 106 legal agreement, it is considered appropriate to secure a plan to accompany the agreement to ensure that a swathe of open space links through to land to the south. This is to secure green infrastructure and vehicular, pedestrian and cycle connectivity.
- 8.40 In respect of play provision and in accordance with the Council's adopted Planning Obligation SPD, the proposed number of units would require the provision of a Locally Equipped Area of Play (LEAP). It is noted that resolutions to grant planning permission have already sought to secure play provision on land to the south of Greenaway Lane.
- 8.41 Due to the development proposals coming forwarding at different times, it will be necessary to secure play provision on this application site. In the circumstance that play provision is delivered earlier on other land to the south of Greenaway Lane, a financial contribution towards the provision and maintenance of this equipment should be secured.
- 8.42 The above can be secured via a Section 106 legal agreement.

Effect upon Local Infrastructure

- 8.43 Concerns have been raised over the effect of the number of dwellings on schools, doctors and other services in the area. Hampshire County Council have identified a need to increase the number of primary school places within the areas to meet needs generated by the development. A financial contribution can be secured through the Section 106 legal agreement.
- 8.44 The difficulty in obtaining doctor's appointments and dental services is an issue regularly raised in respect of new housing proposals. It is ultimately for the health providers to decide how they deliver their services. A refusal on these grounds would not be substantiated.
- 8.45 With regard to concern over drainage and flood risk, the Lead Flood Authority are content with the submitted information. During the course of the

application, the Highway Authority requested further information to assess the potential impact of water draining off the proposed development into the carriageway. Sufficient information has demonstrated a fall away from Greenaway Lane to ensure that any surface water drainage occurs internally back into the site, rather than out onto the carriageway. The drainage design will be addressed further at the detailed design stage.

Draft Local Plan

- 8.46 Members will be aware that the Draft Local Plan which addresses the Borough's development requirements up until 2036 was subject to consultation between 25th October 2017 and 8th December 2017. The site of this planning application is proposed to be allocated for housing within the draft local plan. The draft plan carries limited weight in the assessment and determination of this planning application.
- 8.47 With regard to concern over the cumulative effect of development and whether it would be so significant that to grant planning permission would undermine the plan-making process, a number of background documents and assessments support the proposed allocation of the site in terms of its deliverability and sustainability which are of relevance. For the reasons set out in this report, Officers consider that the proposal is acceptable and would not therefore have a significant impact.

Other third party concerns

- 8.48 With regard to concern over noise, air and light pollution, the Environmental Health officer has not raised concern in this regard.

e) The Planning Balance

- 8.49 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

- 8.50 The site is outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of Local Plan Part 2: Development Sites and Policies Plan.
- 8.51 Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations which is engaged as this Council cannot demonstrate a

5YHLS. Officers have also given due regard to the updated 5YHLS position report presented to the Planning Committee elsewhere on this agenda and the Government steer in respect of housing delivery.

- 8.52 In weighing up the material considerations and conflict between policies; the development of a greenfield site weighted against Policy DSP40, Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall, well related to the existing urban settlement boundaries such that it can be integrated with those settlements whilst at the same time being sensitively designed to reflect the area's existing character and minimising any adverse impact on the Countryside.
- 8.53 It is acknowledged that the proposal would have an urbanising impact through the introduction of housing and related infrastructure onto a site which is at present largely undeveloped. However, that impact would be localised. Officers consider that the change in the character of the site and the resulting visual effect would not cause any substantial harm.
- 8.54 Officers are satisfied that there are no outstanding amenity and ecology issues which cannot otherwise be addressed through planning conditions and obligations. There would be no materially harmful impact on highway safety.
- 8.55 Affordable housing as 40% of the units, along with the delivery of onsite open space, and play provision can be secured through a planning obligation.
- 8.56 In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage in housing supply, Officers acknowledge that the proposal could deliver up to 100 dwellings, including affordable housing, in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply is a substantial material consideration, in the light of this Council's current 5YHLS.
- 8.57 There is a conflict with development plan policy CS14 and CS16 which ordinarily would result in this proposal being considered unacceptable. Ordinarily CS14 would be the principal policy such that a scheme in the countryside should be refused. However, in light of the Council's lack of a five-year housing land supply, development plan policy DSP40 is engaged and Officers have considered the scheme against the criterion therein. The scheme is considered to satisfy the five criteria and in the circumstances, officers consider that more weight should be given to this policy than CS14 such that, on balance, when considered against the development plan as a whole, the scheme should be approved.

- 8.58 Officers are satisfied that amenity and ecology issues can be addressed through the design of the scheme, planning conditions and a section 106 planning obligation. In addition a section 106 planning obligation can secure an education contribution, highway contribution and connectivity.
- 8.59 Officers consider that the implications of the CJEU judgement (People Over Wind, Peter Sweetman v Coillte Teoranta) and paragraph 177 of the NPPF mean that the application of the presumption in favour of sustainable development set out in paragraph 11 of the same Framework is not a relevant consideration.
- 8.60 In the event that this approach is subsequently found to be incorrect as a consequence of a Court decision or a clarification in government policy, Officers have considered the application in the alternative and assessed the proposals having regard to the 'tilted balance' test set out at paragraph 11 of the NPPF.
- 8.61 In undertaking a detailed assessment of the proposals throughout this report and now applying the 'tilted balance' to those assessments, Officers consider that:
- (i) there are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed, particularly when taking into account that any significant effect upon Special Protection Areas can be mitigated through a financial contribution towards the Solent Recreation Mitigation Strategy; and
 - (ii) any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.
- 8.62 Therefore, even if paragraph 11 of the NPPF were a relevant consideration, Officers find that having applied the 'tilted balance', they would have similarly concluded that planning permission should be granted for the proposals.
- 8.63 Having carefully considered all material planning matters, officers recommend that outline planning permission should be granted subject to the following matters.

9.0 Recommendation

9.1 Subject to:

- 1) the applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council in respect of the following:

- a) To secure the provision and transfer of the areas of open space to Fareham Borough Council, including associated financial contributions for its future maintenance;
- b) A financial contribution towards the delivery of a play area and associated maintenance;
- c) To secure a financial contribution towards the Solent Recreation Mitigation Partnership (SRMP);
- d) To secure 40% of the proposed units as on-site affordable housing; the type, size, mix and tenure to be agreed to the satisfaction of officers;
- e) To secure vehicular, pedestrian and cycle connectivity access to adjoining land for members of the public through the site in perpetuity and a financial contribution towards the maintenance and associated lighting of the pedestrian and cycle link;
- f) To seek to secure a downgrade of the proposed Greenaway Lane access if an alternative access route to the south of the site can be secured subject to there being sufficient specification and capacity and agreement of the Highway Authority.
- g) To secure a financial contribution towards education provision;
- h) Financial contribution towards highway impacts at the following junctions' A27/Barnes Lane Barnes Lane/Brook Lane, A27/Station Road roundabout
- i) Travel Plan and related monitoring cost and bond.
- j) A sustainable travel contribution to be used towards offsite improvements

GRANT OUTLINE PLANNING PERMISSION:

9.2 Subject to the following conditions:

1. Details of the appearance, scale, layout and landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
REASON: To comply with the procedures set out Section 91 of the Town and Country Planning Act 1990.
2. Applications for approval of all reserved matters shall be made to the local planning authority not later than 12 months beginning with the date of this permission.
REASON: To comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun before the expiration of 12 months from the date of the approval of the last of the reserved matters.

REASON: To comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents: Site Location Plan BARG170909 SLP-01; Access plans, ITB13162-GA-013 Rev B and ITB13162-GA-016.

REASON: To avoid any doubt over what has been permitted.

5. No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Hampshire County Council Highway Authority). This shall include construction traffic routes and their management and control, parking and turning provision to be made on site, measures to prevent mud being deposited on the highway, adequate provision to address any abnormal wear and tear to the highway and a programme for construction including the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the development. The approved measures shall be fully implemented upon the commencement of development and shall be retained for the duration of construction of the development unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of highway safety and the amenity of the area.

6. No part of the development shall be occupied/brought into use until the access junctions and visibility splays have been constructed in accordance with the approved details. ITB13162-GA-013 Rev B and ITB13162-GA-016. The visibility splays shall thereafter be kept free of obstruction at all times.

REASON: In the interests of highway safety.

7. Other than initial site preparation, no development shall commence until details of the width, alignment, gradient and type of construction proposed for the roads, footways and accesses, to include all relevant horizontal and longitudinal cross sections showing the existing and proposed ground levels, together with details of street lighting (where appropriate), the method of disposing of surface water, and details of a programme for the making up of roads and footways have been submitted to and approved in writing by the local planning authority.

Development shall be carried out in accordance with the approved details.

REASON: To ensure that the roads are constructed to a satisfactory standard.

8. No dwelling erected on the site subject to this planning permission shall be first occupied until there is a direct connection from it, less the final carriageway and footway surfacing, to an existing highway. The final carriageway and footway surfacing shall be commenced within three months and completed within six months from the date upon which erection is commenced of the penultimate building/dwelling for which permission is hereby granted. The roads and footways shall be laid out and made up in accordance with the approved specification, programme and details.

REASON: To ensure that the roads and footways are constructed in a satisfactory manner.

9. No development shall take place until the applicant has secured the implementation of a programme of archaeological evaluation and, where necessary, subsequent archaeological mitigation. The assessment shall take the form of trial trenches. The Written Schemes of Investigation shall be submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be undertaken in accordance with the approved details.

Following the completion of all fieldwork the post investigation assessment will be submitted to and approved in writing by the Local Planning Authority and the applicant shall make provision for analysis, publication and dissemination of results as well as the deposition of the archive with the relevant receiving body.

REASON: To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets and mitigate and record the effect of the associated works upon any heritage assets.

10. Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an investigation and risk assessment of the identified material/ground conditions has been undertaken and details of the findings along with a detailed remedial scheme, if required, has been submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall be fully implemented and shall be validated in writing by

an independent competent person as agreed with the LPA prior to the occupation of the dwellings.

REASON: To ensure that any contamination of the site is properly taken into account before development takes place.

11. Prior to the construction of the dwellings, details of the internal finished floor levels of all of the proposed buildings in relation to the existing and finished ground levels on the site shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
REASON: To safeguard the character and appearance of the area and to assess the impact on nearby residential properties.
12. No development shall proceed beyond damp-proof course level until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are first occupied or in accordance with a timetable agreed in writing with the local planning authority and shall thereafter be retained at all times.
REASON: To protect the privacy of the occupiers of the neighbouring property, to prevent overlooking, and to ensure that the development harmonises well with its surroundings.
13. Prior to occupation of the development, provisions to prevent surface water from the site discharging on to the adjacent highway shall have been made in accordance with plans to be submitted to and approved by the Local Planning Authority. Thereafter the development shall proceed and be retained in accordance with the approved details.
REASON: To ensure adequate provision for surface water drainage and avoid discharge of water onto the public highway.
14. No development shall proceed beyond damp proof course level until details of the finished treatment [and drainage] of all areas to be hard surfaced have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and the hard-surfaced areas subsequently retained as constructed.
REASON: To secure the satisfactory appearance and drainage of the development.
15. The landscaping scheme, submitted under Condition 1 shall be implemented in accordance with a scheme to be submitted (including a delivery timetable) or as otherwise agreed in writing with the local planning authority and shall be maintained commencement of the

development or as otherwise agreed in writing with the local planning authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the local planning authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

REASON: To ensure the provision, establishment and maintenance of a standard of landscaping.

16. No work relating to the construction of any of the development hereby permitted (Including works of demolition or preparation prior to operations) shall take place before the hours of 0800 or after 1800 Monday to Friday, before the hours of 0800 or after 1300 Saturdays or at all on Sundays or recognised public holidays, unless otherwise first agreed in writing with the local planning authority.

REASON: To protect the occupiers of nearby residential properties against noise and disturbance during the construction period.

17. No development shall commence on site until details of foul sewerage and surface water drainage works to serve the development hereby permitted including implementation phasing works have been submitted to and approved in writing by the local planning authority. Where possible a Sustainable Urban Drainage System (SUDS) shall be used and full details of predicted flows, responsibilities and future management provided. The dwellings shall be occupied in accordance with the submitted drainage scheme.

REASON: In order to ensure adequate drainage is provided to serve the permitted development.

18. Full details of all necessary ecological mitigation, compensation and enhancement measures (to be informed as necessary by up-to-date survey and assessment) shall be submitted for approval to the Local Planning Authority in the form of a Biodiversity Mitigation and Enhancement Plan with each reserved matters application. Such details shall be in accordance with the outline ecological mitigation, compensation and enhancement measures detailed within the submitted Ecological Appraisal Report (January 2018), Badger Survey Report (October 2018), Bat Survey Report (October 2018), Reptile Survey report (August 2018), Winter Bird Survey Report (August 2018) and Dormouse Survey Report (September 2018) by Lindsay Carrington Ecological Services Ltd. Any such approved measures shall thereafter be implemented in strict accordance with the agreed details and with all

measures maintained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

REASON: to provide ecological protection, compensation and enhancement in accordance with Wildlife & Countryside Act 1981 (as amended), NERC Act 2006, NPPF and Policy DSP13 of the Fareham Local Plan Part 2.

19. The development shall be undertaken in accordance with the recommendations contained within the submitted Arboricultural Assessment and Method Statement report, Barrell Tree Consultancy, 29 March 2018, 17387-AA2-PB, accompanying Tree Protection Plan (17387-BT3) and Manual for Managing Trees on Development Sites information. The tree/hedgerow protection shall be retained through the development period until such time as all equipment, machinery and surplus materials have been removed from the site.

REASON: To ensure protection of important trees and hedgerows.

20. No materials obtained from site clearance or from construction works shall be burnt on the site.

REASON: In the interests of the living conditions of the occupiers of neighbouring properties.

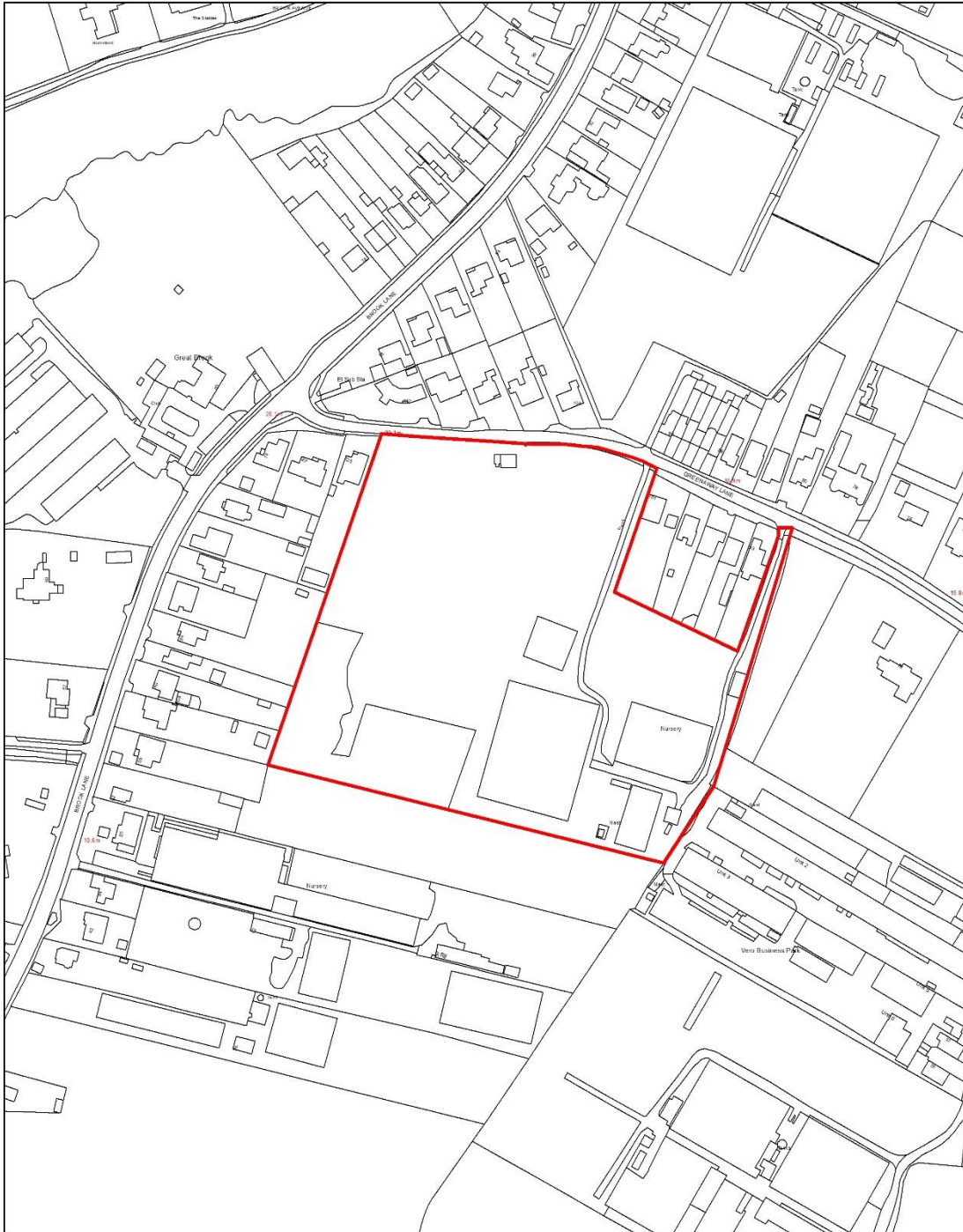
INFORMATIVES:

- a) A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".
- b) Applicants should be aware that, prior to the commencement of development, contact must be made with Hampshire County Council, the Highway Authority. Approval of this planning application does not give approval for the construction of a vehicular access, which can only be given by the Highway Authority. Further details regarding the application process can be read online via <http://www3.hants.gov.uk/roads/apply-droppedkerb.htm> Contact can be made either via the website or telephone 0300 555 1388.(II))

10.0 Background Papers

P/18/0482/OA

FAREHAM
BOROUGH COUNCIL



Land Adjacent to 125 Greenaway Lane
Scale 1:2500



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