

Statement of Case

Land to the south of Funtley Road, Fareham

Appeal by Reside Developments Limited and Atherfold Investments Limited against the non-determination of two applications by Fareham Borough Council at Land South of Funtley Road, Funtley.

Council application references: P/20/1168/OA and P/20/1166/CU

September 2021

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Tim Burden
tim.burden@turley.co.uk

Our reference
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1. Introduction

1.1 This Statement of Case ('SoC') has been prepared by Turley on behalf of Reside Development Limited and Atherfold Investments Limited (the 'Appellants') to support an appeal against Fareham Borough Council's (the 'Council') failure to determine an outline application (ref: P/20/1168/OA) for residential development ('*the residential development*') and a full application (ref: P/20/1166/CU) for a community park ('*the community park*') on Land To The South Of Funtley Road Fareham (the 'Appeal Site').

1.2 Site location plans are enclosed at **Appendix 1** and **Appendix 2**.

1.3 The description of development for the residential development is as follows:

"Outline Application To Provide Up To 125 One, Two, Three And Four-Bedroom Dwellings Including 6 Self Or Custom Build Plots, Community Building Or Local Shop (Use Class E & F.2) With Associated Infrastructure, New Community Park, Landscaping And Access, Following Demolition Of Existing Buildings."

1.4 This application was made in parallel with an application for the change of use of land to the south of the outline application site, for it to become a community park. That application was given reference P/20/1166/CU and seeks full planning permission for:

"Change Of Use Of Land From Equestrian/Paddock To Community Park Following Demolition Of Existing Buildings"

1.5 It is anticipated that the implementation of the community park can be tied to the outline application as part of a legal agreement, as occurred on previous approved schemes at this site. The appeals should be considered concurrently.

The Application Process

1.6 The applications were both registered on 6th October 2020, and following a number of agreed extension of time to determine them, the latest of which lapsed on 19th May 2021, the Appellants have felt that it is unfortunately necessary to appeal them both due non-determination.

1.7 The Appellants have sought to positively engage with the Council regarding these applications, but progress has stalled.

1.8 Despite the residential site benefitting from an extant outline planning permission for 55 dwellings on the same site, as well as an extant permission for the community park, in addition to the residential site being included as a draft allocation in the Emerging Fareham Local Plan, and the Council having a significant five year housing land supply shortfall, little progress has been able to have been made over the past 11 months.

1.9 The Appeal Sites are not subject to any landscape, ecological or other environmental designations that would constrain development. Indeed, the Appeal Site is not subject to any policy or designation which indicates that development should be restricted as it is allocated for residential development.

Appeal Procedure and Witnesses

- 1.10 The issues raised by the appeal include complex matters, namely issues relating to the Council's spatial strategy, housing land supply, design/density and landscape and visual impact, which require thorough cross-examination. The Appellants' case is likely to require submissions of law relating to the interpretation of the Council's planning policies. Further, there is significant public interest in these proposals, and it is envisaged that a 6 day inquiry will be required. For these reasons a public inquiry is considered essential to ensure a thorough consideration of the issues raised, as per our procedural statement.
- 1.11 At this stage (and bearing in mind the matters raised during the determination of the application by consultees) the Appellants consider that it will be necessary for evidence to be presented in respect of the following matters:
- Planning, compliance with the development plan and overall planning balance;
 - Housing Land Supply;
 - Affordable Housing;
 - Townscape/Design;
 - Ecology;
 - Sustainability and Transport; and
 - Landscape and visual impact.
- 1.12 The Appellants will consider whether it is necessary for its evidence to address the evidence of other parties once this is received, and indeed, upon sight of the Council's Statement of Case.

Documentation

- 1.13 In addition to those documents referred to above, the following documents are considered to be of relevance to the determination of the Appeal. The Appellants will seek to agree a Core Document numbered list with the Council in the SOCG, including the following:
- *Planning Application Documentation;*
 - *Other Documentation submitted in relation to the Planning Application;*
 - *Relevant Planning Policy Documentation (other than produced by the Council);*
 - *Local Planning Policy and Guidance;*
 - *Relevant planning appeals;*
 - *Landscape Character Documents; and*
 - *Relevant technical research and design guidance.*

2. The Appeal Sites, Planning History and EIA Screening

The Appeal Sites

- 2.1 The Appellants have set out a description of the Appeal Sites and their surroundings within the draft SOCG. This matter is also set out in the material submitted during the course of the determination period.

Planning history

- 2.2 A change of use of land from equestrian/paddock to Community Park was granted full planning permission in October 2018 (reference P/18/0066/CU).
- 2.3 Following this consent, an outline planning application for 55 units was granted permission in September 2020 (P/18/0067/OA), following extensive delays to its determination.
- 2.4 Copies of the relevant committee reports, decision notices and Section 106 Agreements are included in **Appendices 3-7**.
- 2.5 The planning history is set out with the draft SOCG.

Environmental Impact Assessment (EIA) Screening

- 2.6 The site falls within Schedule 2 to the 2017 EIA Regulations, however, does not exceed the thresholds for screening, of 150 dwellings, above 5ha in size or 1ha of non-residential development.
- 2.7 Following the previous Screening Request, and in discussion with the Council, it has been agreed with the Appellants verbally that it was the Authority's opinion that the proposal was unlikely to generate significant effects on the environment and that the proposed development was not, therefore, EIA development.
- 2.8 Consequently no Environmental Statement was prepared to accompany the planning application.

3. The Development Proposals

Overview of appeal proposals

- 3.1 The Appellants aspiration is to contribute to the quality of place at Funtley. This aspiration is broad and includes:
- Sustainability;
 - A great place to live;
 - Homes for young people;
 - Attractive homes for down sizers;
 - A landscape-led approach inspired by the Meon Valley but tailored for the local landscape context (noting that the site is not within the Meon Valley);
 - A landscape that complements Fareham – and the Meon Valley Trail - activity, access to the countryside, sustainably;
 - A place which is richer for biodiversity after development than before; and
 - A development which is distinctive to this place.
- 3.2 The residential application was submitted with all matters reserved except means of access. The proposed description of development for this application reads:
- “Outline application to provide up to 125 one, two, three and four-bedroom dwellings including 6 Self/Custom build plots, Community Building or Local Shop (Use Class E and F.2) with associated infrastructure, new community park, landscaping and access, following demolition of existing buildings.”*
- 3.3 This application was made in parallel with an application for the change of use of land to the south of the outline application site for it to become a community park following the demolition of existing buildings. That application seeks full planning permission for:
- “Change Of Use Of Land From Equestrian/Paddock To Community Park Following Demolition Of Existing Buildings”*
- 3.4 Further details regarding the proposals are included within the draft SOCG and application documentation.
- 3.5 The application is also accompanied by an Illustrative Masterplan (RD1731-F3-L100 P4) to help show how the site could potentially be developed in the future in accordance with the known constraints. This Masterplan is for illustrative purposes only but shows a potential approach to the development of the site. Whilst these plans are submitted for illustration, they show that there is sufficient land available within the site to deliver a well-designed and sustainable residential development. It should also be noted that the application is for “up to 125 dwellings”, which would allow some flexibility at reserved matters stage if required.
- 3.6 The Community Park will be delivered in conjunction with the adjoining proposed residential led development the subject of a revised outline planning application. Although the community park scheme is submitted as a separate application it is not a

‘standalone proposal’; its delivery will be dependent on the permission being granted for the outline scheme.

Overview of planning application status

- 3.7 It is the Appellant’s position that the applications should be granted permission as they accord with the development plan, as we set out in the following chapter. To date, the Council have not provided any details of identified harm, and as such the Appellants must reserve their position until their Statement of Case is received.
- 3.8 In this following section we consider how the proposals have responded to all technical considerations, and the approach taken by the Appellants through the determination process.

Highways

- 3.9 It is understood that there are no in -principle objections to the proposals from the highways authority, or regarding the submitted access drawings. The submitted highways drawings are capable of being approved and secured by an appropriately worded planning condition in order to secure a safe means of access into the site.
- 3.10 The Transport Assessment (TA) produced by Motion sets out the following:
- The site is located adjacent to Funtley Road with access taken via a priority junction (design as per a previous consent on site);
 - The development proposes additional footway links on Funtley Road to improve access from the site to the wider footway network;
 - The development will make use of, and formalise, an existing pedestrian and cycle route which has recently been created and designated as a public right of way, which links to amenities and bus services south of the M27;
 - Fareham railway station is located within cycle distance of the site, providing links to Southampton, Portsmouth, Brighton, London Victoria and London Waterloo;
 - Car and cycle parking for the development will be provided in accordance with the Fareham Residential Parking Standards SPD, with numbers and layout to be confirmed at the reserved matters stage;
 - The proposal allows for a new bus turning area at the front of the site, following discussions with the local bus company;
 - Servicing will be undertaken within the site, with the site able to accommodate the movements of a refuse vehicle entering and leaving the site in a forward gear;
 - The development would generate additional vehicular trips in the morning and evening peak hours, equivalent to less than two vehicles every minute; and
 - Capacity analysis indicates that the Kiln Road signal junction will operate in excess of capacity in the 2025 baseline scenarios. There is however scope to improve the operation of the junction through banning right turn movements on Kiln Lane and Old Turnpike. This has the effect of not only mitigating the development proposals, but would enable the junction to operate with greater capacity in 2025 than the observed scenarios.

- 3.11 It is envisaged that the internal road layout will be formed off the new means of access in accordance with Manual for Streets and relevant local guidance. The detail of the internal road layout will be the subject of a reserved matters application following the grant of outline consent.
- 3.12 The TA concludes that the proposed development is considered to be acceptable in transport policy terms and meets with national and local policy criteria. The assessment work undertaken has indicated that there would be no demonstrable harm arising from the proposed scheme and there are no identifiable severe impacts. Therefore, there are no traffic and transport related reasons why the development should not be granted planning consent.

Accessibility

- 3.13 With the exception of those facilities located within Fareham Town Centre (i.e. Aldi and Fareham Shopping Centre), a number of key services and facilities (schools, convenience store, public house, employment locations at Funtley Court and Knowle Village Business Park, the services at Knowle Village Centre and Highlands Road) to be within a 2km walking distance of the site. Two kilometres is an acceptable maximum walking distance, as per 'Guidelines for Providing for Journeys on Foot' (CIHT, 2000). The TA sets out a walking distance isochrones map which shows a number of key facilities, including schools and the local centre at Highlands Road, being within a 25-minute walk of the site, using the M27 bridge as a link.
- 3.14 The proposal presents an opportunity to develop a site which is sustainably located, and where sustainable transport opportunities are available and will be encouraged, including options for walking and cycling. This will give rise to further potential health benefits.
- 3.15 The Council have proposed to allocate the site for development, recognising its suitability and sustainability in principle.
- 3.16 Government guidance in respect to cycling indicates that people are prepared to cycle up to 5 kilometres in order to access local facilities or travel to work. A cycle isochrones plan is also provided which demonstrates that all facilities considered are within a 5km cycle, including some services within the neighbouring localities of Whiteley, Knowle and Fareham.
- 3.17 The Travel Plan (which is beyond what would normally be required for this scale of application) is also submitted to support this application. The Travel Plan includes (inter alia) the following measures:
- A travel plan coordinator;
 - Provision of cycle parking facilities through either provision of garages or sheds for residents, or cycle stores for any apartments;
 - All residents will be provided with a Welcome Pack which will include maps of local cycle routes and information;
 - £50 worth of sustainable travel tickets;
 - £150 worth of bike vouchers per dwelling; and
 - The inclusion of a Doctor Bike event for residents

3.18 The NPPF recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas (paragraph 29). The approach taken to encouraging maximisation of sustainable transport need to be tailored to specific circumstances of a particular location, as is the case here. The provision of free bus and bike vouchers and a Bike Doctor event and improvements to pedestrian/cycle routes including the new public link across the M27 represent a more than proportionate approach to encouraging modal shift.

3.19 Discussions have been held with the highways authority and the public rights of way officers to ensure that appropriate access to facilities is secured from the site. The latest response (dated 13th September 2021 – see **Appendix 8**) summarised the latest position as follows:

- *“It has been accepted by all parties that an acceptable cycle route from the site to Henry Cort currently exists that does not use the footpath via the deviation line. Whilst upgrading of this route would provide a shorter and more convenient option, in planning terms it is not considered necessary in this instance.*
- *The area of the deviation line between the two sets of stairs has been priced up by the applicant for improvement. HCC is providing an estimate for the improvement of the footpath either side of the stairs up to the metalled surfacing on Fareham Park Road and to the rear of Kingston Gardens.*
- *The upgrading of the footpath will likely be put forward as a contribution by the applicant, although it was discussed that it could be more cost effective for the applicant to deliver the works. In terms of planning, either option is acceptable.”*

3.20 It is therefore expected that an agreed scheme of works and/or contribution will be secured and a Statement of Common Ground with the highways authority will be presented to the Inspector.

3.21 In light of the above, it is clear that the site relates well to Fareham (and other localities) and its key facilities. The link over the M27 will further increase the accessibility of the site to key services and facilities. In addition, there is also the future development proposals at Welborne, which will further increase the site’s sustainability credentials.

Impact on European Protected Sites

3.22 Paragraph 11(d)(i) of the Framework states that where policies are out of date, permission should be granted “*unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.*” Footnote 6 identifies the areas or assets or particular importance, which includes “habitats sites.”

Nitrates

- 3.23 An Integrated Water Management Study (IWMS) for South Hampshire was commissioned, in 2016, by the Partnership for Urban South Hampshire (PUSH) Authorities, alongside the Environment Agency and Natural England. This study examined the projected delivery of development growth with regard to legislative and government policy requirements for designated sites and wider biodiversity issues. This updated an earlier study undertaken in 2008.
- 3.24 The IWMS for South Hampshire, which was completed in March 2018, identified currently uncertainty as to whether new housing growth can be accommodated without having a detrimental effect upon the water environment. It identified uncertainty as to the efficacy of catchment measures to deliver the required reductions in nitrogen levels, and uncertainty as to whether upgrades to wastewater treatment works will be sufficient to accommodate the quantity of new housing proposed.
- 3.25 In order to examine the issue further, relevant local planning authorities, together with the Environment Agency, Natural England and water companies, set up a Water Quality Working Group in South Hampshire to compliment that already in existence for Chichester. The objectives of these groups include identifying and analysing any existing gaps in evidence and evaluating the need for strategic level mitigation measures. The primary focus of the work is to address the aforementioned uncertainty associated with strategic local plan growth.
- 3.26 Following from the above, in 2018, Natural England specifically assessed the condition of relevant 'Solent harbours' designated sites. The aim was to evaluate the levels of nitrogen within the water environment and the associated impact on the designated sites.
- 3.27 This assessment revised and updated the condition assessment information for water quality pursuant to the qualifying interest features of the designated sites. Recorded levels of nitrogen in the harbours were analysed and then compared with evidence of phytoplankton and macroalgae (percentage cover of dense opportunistic green macroalgae).
- 3.28 Natural England has since published guidance relating to achieving nutrient neutrality, for use by Local Planning Authorities and developers. It describes how a nitrogen budget should be calculated such that a quantified mitigation package can be brought forward to ameliorate the increases in nutrient nitrogen arising from a project. One way of achieving this is through the reversion of land in a relevant surface water catchment, from management practices requiring (e.g. high) Nitrogen input to those of low input, or none.
- 3.29 The latest guidance issued by Natural England was published in June 2020. This guidance introduced an additional step in the calculation which reflects an amount of discharged nitrogen (2mg per litre) deemed acceptable on the basis of naturally occurring levels in rivers and groundwater.
- 3.30 The development proposals (125 units) gives rise to a nitrogen budget 67.3 kg/N which needs to be mitigated. The open space (Community Park) associated with the

development proposals forms a key part of the required mitigation and this is discussed below.

- 3.31 The useable area of the community park is 7.43ha of which 3.06ha has been 'allocated' for use within the (nutrient nitrogen) mitigation package for development associated with planning application P/17/1135/OA. This was secured in a Section 106 agreement. However, that requirement was based on the old guidance which did not reflect naturally occurring levels in rivers and groundwater. Since it is the net position which is important, it is considered appropriate to reflect the current advice of Natural England when calculating the remaining balance of the community park available to the development proposals. Under the current guidance, development associated with planning application P/17/1135/OA would in fact require 2.29ha of the community park.
- 3.32 The applicant has an agreement with the Warnford Estate and its proposal for reducing nitrogen across the estate. This program of work will create 'nitrogen credits', which can be used to offset the impact of nitrogen on a development site, to ensure nitrogen neutrality. The Warnford Estate is transforming current agricultural uses to new uses where nitrogen is no longer used, including tree planting and other habitat creation.
- 3.33 This scheme has been designed in close consultation with, and has the full support of, Natural England, The South Downs National Park Authority and The Forestry Commission. Since securing the credits for application P/17/1135/OA the Warnford Estate has established a standalone Section 106 agreement in place securing this site as nitrogen credits.
- 3.34 It is proposed that the measures required to mitigate the Nitrogen budget associated with the development proposals will be delivered at the Warnford Estate. The precise location of the parcel of land that will be allocated to this scheme (at Warnford Estate) is detailed in the letter from the Warnford Estate which confirms that Reside has purchased. This proposal is supported by a Nitrate Budget and appropriate mitigation which demonstrates that nutrient neutrality will be achieved. As such paragraph 11(d)(i) of the Framework is not applicable as the evidence supporting this application demonstrates that the impact on *habitat sites* in the Solent will be mitigated and consequently there is no "*clear reason for refusing the development proposed.*"

Solent Recreation Mitigation Strategy (SRMS)

- 3.35 The application site falls within the zone of influence relevant to the Solent Recreation Mitigation Strategy (SRMS). This is a strategic approach to mitigation for three SPAs, namely the Chichester & Langstone Harbours SPA, Portsmouth Harbour SPA and the Solent & Southampton Water SPA. Mitigation is based on a tariff system, with funding securing visitor management initiatives at the relevant designated sites.
- 3.36 The applicant will pay the relevant financial contribution, which will be secured through the undertaking of a legal obligation, such as through the Section 106 Agreement.

Ecology

- 3.37 A suite of protected species surveys and assessments have been undertaken. The site provides habitat for a low number of reptiles (Slow Worm, Grass Snake) and a translocation of these reptiles prior to any works clearance works is required. Dormouse surveys recorded three nests considered to be that of a Dormouse, and appropriate buffers are proposed. The hedgerows and trees offer nesting and foraging opportunities for birds, and also offer suitable foraging and navigational resources for bats.
- 3.38 Within the site lies the Great Beamond Coppice Site of Importance for Nature Conservation (SINC) which comprises three blocks of woodland, the two larger blocks also being classified as Ancient (Replanted) Woodland.
- 3.39 The majority of the site consists of grazed grassland of limited intrinsic ecological value. With the retention of habitats of relatively greater ecological value (woodland, hedgerows and treelines) where possible, and the provision of areas of species-rich habitats such as new woodland / tree, shrub and grassland planting, and new wetland features, it is considered that any habitat losses to the development footprint will be more than mitigated through new planting and biodiversity net gain. Further, it is considered that overall an enhancement in the quality of the habitats present within the application site will be delivered post-development.
- 3.40 The site is around 3km from the Portsmouth Harbour European / international designated sites (Ramsar/SPA/SAC), located to the southeast and some 1km from Botley Wood and Everett's and Mushes Copses SSSI, to the north-west. Component SSSIs of the Solent and Southampton Water SPA and Solent Maritime SAC are located to the west and south west, the closest of which is Titchfield Haven SSSI (at around 3.6km) further designated as part of the Solent and Southampton Water SPA. No direct effects on the designations are considered likely. Contributions towards strategic mitigation proposed by the local authority and its partners will mitigate any indirect effects of the proposal on these European / international designated sites.
- 3.41 Appropriate mitigation and enhancement measures have been proposed and subject to the implementation of these measures, opportunities will be maintained and moreover enhanced post-development, in some instances significantly, through extensive meadow grassland and woodland / tree / shrub planting.
- 3.42 In conclusion, on the evidence of the ecological surveys undertaken, the majority of the site is not considered to be of high intrinsic value from an ecology and nature conservation perspective. There is no outstanding objections from Natural England or the County Ecologist. The design of the proposed development and the implementation of mitigation measures as recommended in this report will ensure there are no adverse effects on any designated sites or protected species as a result of development at the application site.
- 3.43 It is considered that the proposals offer enhancements for biodiversity over the existing situation. The proposals therefore fully accord with current legislation and policy pertinent to ecology and nature conservation.

Trees

- 3.44 A full arboricultural survey / assessment has been undertaken. The Tree Report prepared by SJA Trees concludes that no mature, veteran or ancient trees, no trees of high landscape or biodiversity value, no trees subject to a Tree Preservation Order and no category 'A' or 'B' trees are to be removed (save for partial removal of G2 (category A) and G4 (category B)). None of the main arboricultural features of the site are to be removed. The proposed removal of individuals and groups of trees will represent only a very minor alteration to the main arboricultural features of the site, and would not have a significant adverse impact on the arboricultural character and appearance of the local landscape.
- 3.45 Currently no pruning of trees will be required; but if some pruning is necessary at the reserved matters stage to provide clearance above proposed footpaths or cycleways, this will be minor in extent, will not detract from the health or appearance of these trees, and can be specified to comply with current British Standards. Very minor cutting back of the hedgerow on Funtley Road to accommodate the new access will be required.
- 3.46 The incursions into the Root Protection Areas of trees to be retained are minor, and subject to implementation of the measures recommended on the Tree Protection Plan, no significant or long-term damage to root systems or rooting environments will occur.
- 3.47 Subject to detailed design, no proposed dwellings with the development parcels are likely to be shaded by retained trees to the extent that this will interfere with their reasonable use or enjoyment by incoming occupiers, which might otherwise lead to pressure on the Local Planning Authority to permit felling or severe pruning that it could not reasonably resist. Root protection areas have been considered.
- 3.48 There are no incursions into the adjacent ancient woodland (Great Beamond Coppice), or into the associated minimum 15m buffer zone; and consequently, the proposals will not result in any loss of ancient woodland, will avoid any potentially harmful effects on the woodland, and comply with current UK Planning and development guidance. Currently there is a large area of hard-standing surrounding a large barn on the north side of Great Beamond Coppice, and much of this is within the 15m buffer. Removal of the barn and the hard surfacing, as proposed, will return an area of approximately 1340m² to a seminatural soft landscape. Further, an existing footpath through the woodland will be removed, removing public access. This represents a significant enhancement of the environment surrounding the ancient woodland, and will give greater protection to its northern edge.
- 3.49 The visual amenity of the retained trees has been an important design consideration in the evolution of the present masterplan, which will include additional landscape buffer planting and new tree planting within the development areas. Further planting may also be secured as part of the community park proposal. This will mitigate the proposed removals, improve the age class balance of the trees on site, enhance the local landscape, and re-establish a framework for the ongoing and long-term wooded character of the site.

- 3.50 Overall, it considered that the proposals would lead to an overall benefit in tree planting on the site.

Landscape

- 3.51 The site is set within an undulating landscape where the dominant feature is the topography and its wooded horizons which are characteristic. There are two railway embankments giving further containment. This mature landscape effectively unifies the landscape and helps contain development, where it has occurred. The site itself contributes to the wooded horizons with remnant coppice woodland on the higher ground in the south.
- 3.52 Other significant landscape features on the site include areas of ancient replanted woodland in Great Beamond Coppice, tree belts and mature trees. The proposed development ensures that these key landscape features are retained and enhanced. The smaller scale field pattern that once compartmentalised the site (now only indicated by a few remnant trees) once linked the wooded horizons to the valley floor.
- 3.53 This pattern will be reinstated through the proposed north-south green links which will incorporate the remaining trees and provide access routes, SuDS, biodiversity corridors and new native tree and shrub planting, as well as species-diverse grasslands across both site.
- 3.54 An interconnected network of footpath and cycle routes will link the site to Fareham North to the south, and the Meon Valley trail and wider countryside beyond the site to the north, also allowing existing and new communities to access the Community Park.
- 3.55 The Community Park will provide significant areas of open space for informal recreation, with habitats enhanced through management and planting. The landscape will be managed as part of the development adding to its amenity, biodiversity, recreational, educational and landscape value. Management regimes that might be considered could include traditional methods such as coppicing of woodland and diversification of meadows through green haying or grazing.
- 3.56 The character of Funtley Road frontage will be designed to reflect the essence of other Meon Valley village frontages, helping to connect the existing and new communities but also providing a locally distinctive setting within which to integrate development.
- 3.57 In conclusion, therefore, with careful consideration of the constraints and opportunities of the site, an appropriate high quality development can be provided without identified harm to landscape or views, but which provides a number of community and landscape benefits, including the potential for more members of the public to experience and enjoy the landscape.

Open space provision

- 3.58 The NPPF states at paragraph 96 that “*access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and wellbeing of communities*”. We understand that there is no objection in principle by the Council to the new community park.

- 3.59 Local Plan Policy EM5 (Green Infrastructure) allows development proposals which clearly demonstrate that green infrastructure can be provided and phased to support the requirements of the proposed development and be in accordance with the Council's Adopted Green Space Standards.
- 3.60 The Council's recent assessment of open space provision within the Borough (Fareham Greenspace Study Addendum 2 – January 2014), identified a shortfall in Parks & Amenity Open Space, with the majority of this available space located to the east toward the centre of Funtley.
- 3.61 The proposal provides an opportunity to provide a significant quantum of additional open space through provision of a new community park and amenity space that will assist in addressing the identified open space deficiency in this settlement area. A new and Locally Equipped Area of Play is also proposed.
- 3.62 This new open space and community park will, through the provision of the new public right of way link across the M27, also be accessible to those residents to the south of the motorway, where there is identified shortfall in Parks and Amenity open space.
- 3.63 Provision of open space is significantly above that required by the Council's adopted SPD, and above that being sought by the emerging policy. This, together with the proposed new play space, is a considerable benefit to all residents weighing in favour of granting planning permission.

Heritage

- 3.64 A desk-based assessment has been undertaken by RPS to clarify the significance of any archaeological assets on the site and its archaeological potential. The site does not lie within an Archaeological Alert Area as defined by Hampshire County Council.
- 3.65 There are no designated archaeological assets on the study site, nor does the study site lie within an Archaeological Alert Area as defined by Hampshire County Council.
- 3.66 Based on the available information, the study site is considered to have a low to moderate archaeological potential for Prehistoric evidence, and a good potential for evidence relating to the former brickworks. Therefore, the proposed development has the potential to impact upon archaeological remains of no more than a local significance.
- 3.67 Consequently, it is likely that further archaeological mitigation measures will be required by the local authority's archaeological advisor. These measures can follow planning permission secured by an appropriately worded archaeological planning condition. There has been no objections raised to the proposals on grounds of heritage or archaeology.

Contamination

- 3.68 A Phase 1 Desk Study, undertaken by Soils Limited has been submitted in support of the application.
- 3.69 Based on the information obtained during the compilation of this Phase I Desk Study and the preliminary conceptual site model which has indicated a very low to high risk of contamination.
- 3.70 Based on the information obtained during the desk study, a Phase 2 Study will be required. A planning condition can be imposed to deal with this matter, as imposed on the previous 55 unit scheme. Again, there has been no objection from statutory consultees on this matter.

Flood risk and drainage

- 3.71 The EA Flood Map shows that the entirety of the site is located within Flood Zone 1, having less than 1 in 1000 chance of flooding per annum from the rivers or seas.
- 3.72 All other forms and causes of flooding have been assessed and the development site is considered to be at very low risk of flooding from sewers, groundwater and artificial sources.
- 3.73 The proposed development will increase the amount of hardstanding areas on site due to the new commercial area and associated access road. Therefore, there will be an increase in surface water runoff from the development.
- 3.74 In order to attenuate the additional surface water from the development it is proposed to have swales, three ponds and a combination of permeable paving and attenuation tanks. The proposed drainage strategy is to have ponds towards the centre of the site, which will include wet and dry ponds.
- 3.75 The proposed drainage strategy has been designed to cater for the 1 in 100 + 40% Climate Change event in accordance with policy. The nearest point of connection to the Southern Water network is located within Roebuck Avenue opposite the site. The estimated peak foul flow rate generated by the proposed development site has been calculated as 5.75l/s Southern Water will need to be consulted with regard to new connections to this network.
- 3.76 A Flood Risk Assessment has been submitted in support of the application. This FRA demonstrates that the flood risk for the proposed development can be managed on site without increasing the risk to any neighbouring developments or downstream areas, and therefore fulfils the requirements of the PPG and NPPF. No objection was raised to the drainage strategy or Flood Risk Assessment on the previous 55 unit scheme or this current application, and the proposed approach is therefore considered acceptable.

Noise

- 3.77 An Noise Risk Assessment submitted in support of this application shows that the site adjacent to Funtley Road during the day, and the West Coastway Railway Line during the night falls within the category of Low risk, for which the guidance indicates that, *“At low noise levels, the site is likely to be acceptable from a noise perspective provided that a good acoustic design process is followed and is demonstrated in an ADS which confirms how the adverse impact of noise will be mitigated and minimised in the finished development.”*
- 3.78 During the night-time for Funtley Road, and the daytime for the West Coastway Railway Line, the noise exposure increases to a Medium risk, for which the guidance states, *“The site is likely to be less suitable from a noise perspective and any subsequent application may be refused unless a good acoustic design process is followed and is demonstrated in an ADS which confirms how the adverse impacts of noise will be mitigated and minimised, and which clearly demonstrates that a significant adverse noise impact will be avoided in the finished development.”*
- 3.79 The assessment confirms that a good standard of acoustic design, in accordance with the latest ProPG guidance can be achieved, using reasonable and practicable design measures. It is considered that with the implementation of the specified mitigation strategy, sound levels across the proposed development can be readily attenuated. No objections have been raised by the Environmental Health department.

Utilities

- 3.80 A Utilities Report is submitted in support of the application. This report reviews the existing utilities and drainage records for the area and comments on likely requirements.
- 3.81 Given the presence of existing Water, Gas, Electricity and Telecommunications infrastructure located within close proximity to the site, it is anticipated that the size and location of these services would be able to provide sufficient capacity to accommodate the proposed development, including the need for an electricity substation.
- 3.82 It is anticipated that a Foul Water will discharge via gravity into the existing Public Water Sewer opposite the site and within Roebuck Avenue.

Economic benefits

- 3.83 The proposed development represents an opportunity to support private sector investment into the local economy of Fareham Borough. The scheme will also deliver new homes and create a range of direct, indirect and induced economic impacts in the local area that are both quantifiable and non-quantifiable.
- 3.84 Some of the quantifiable economic impacts of the proposed development at Funtley include:
- Injection of private sector investment into the Borough;

- Creating around 124 construction jobs;
- Creating 151 supply chain jobs supported over the 3 year build period;
- Helping to deliver a boost to the local economy through ‘first occupation expenditure’ of £688,000 on goods and services, a proportion of which will be retained locally;
- Generating £1.5 million of additional resident expenditure in shops and services, of which £626,900 will be net to local businesses within Fareham Borough. This increased expenditure will also support 16 jobs in the local area;
- Delivering £216,000 of net additional Council Tax receipts per annum once the scheme is built-out and occupied, and in the region of £905,000 of New Homes Bonus payments over a four-year period (i.e. albeit profiled to reflect the build period for the development scheme). In addition, around £8,000 of business rates could be retained by the local authority per annum; and
- Providing circa £1.3m in planning contributions towards community infrastructure/services.

3.85 The proposed residential development will also benefit the local community in a number of less tangible ways, including:

- Improving the residential environment in Fareham Borough by delivering a high quality housing scheme which helps meet the needs of future household growth;
- Delivering new high-quality family homes at a range of sizes to meet local needs;
- Inclusion of 40% affordable housing units that are much needed in the area;
- 6 units of self-build accommodation;
- Providing an increased level of community infrastructure, including a local shop, for both residents of the proposed development and existing residents of Funtley village; and
- Supporting the sustainability of existing local shops and services within the Borough.

3.86 The proposed development will increase the supply of high-quality homes within the local area, which will help meet the Borough’s annual housing need and support the vitality and sustainability of Funtley, Fareham Borough and the wider area.

3.87 These economic benefits align with a wide range of national, sub-regional and local policy objectives and should be given significant weight.

Sustainability

3.88 The proposed development supports the sustainability objectives and includes a range of sustainable design measures to respond positively to Local Policy and National Policy. A Sustainability Assessment has been submitted in support of the application.

3.89 The proposed development will include the following sustainable design measures which will provide a range of economic, social benefits, protect and enhance the environment, as well as mitigating and adapting to the effects of climate change.

- 3.90 The development will incorporate a range of measures to reduce carbon emissions, mitigating the effects of climate change, and adaptation measures to ensure the long term resilience of the development to the effects of climate change.
- 3.91 As a result of climate change, summer maximum temperatures are predicted to increase; during the design of the proposed development, the following passive design measures will be considered:
- Appropriate orientation of homes and buildings;
 - Appropriate window area to balance daylighting and overheating risk;
 - Passive cooling;
 - Tree planting to cool and shade public spaces; and
 - Passive ventilation.
- 3.92 The proposed development will also aim to provide electric vehicle charging points for approximately 10% of homes. As a result of the energy measures, it is anticipated the development will exceed the requirements of the 2013 Building Regulations through a range of passive and active energy efficiency measures.

Overview

- 3.93 The Appellants' case is that the proposed development addresses all necessary on and off site technical requirements and the requirements set out within relevant planning policy and guidance (for example in relation to flood risk and drainage, ecology, arboriculture, services and utilities, open space provision, sustainable travel, highways and access, design and the need to provide a mix of accommodation including market and affordable housing). As such, the proposal will provide for a sustainable and high quality development.

4. The Appellants' Case

- 4.1 The relevant planning policy context for the site is enclosed at **Appendix 8** of this Statement of Case. A description of relevant planning policies and guidance is included within the draft SOCG.
- 4.2 Section 70(2) of the Town and Country Planning Act 1990 provides that, in dealing with an application for planning permission, regard is to be had to the development plan so far as material to the application, local finance considerations and other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act requires that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Conformity with the development plan

- 4.3 The statutory development plan comprises the adopted Local Plan Part 1: Core Strategy (August 2011) (LPP1), the Local Plan Part 2: Development Sites and Policies (June 2015) (LPP2), and the Local Plan Part 3: The Welborne Plan (LPP3) (June 2015).
- 4.4 LPP3 relates only to Welborne, to the north of Fareham and so the policies in this plan are generally not considered relevant to this application.

Adopted Development Plan

- 4.5 Relevant development plan policies are summarised below, and expanded upon in **Appendix 8**.

Local Plan Part 1: Core Strategy (August 2011)

- 4.6 The following policies are relevant to the appeal scheme:

CS2: Housing Provision.

CS4: Green Infrastructure, Biodiversity and Geological Conservation

CS5: Transport Strategy and Infrastructure

CS6: The Development Strategy

CS14: Development Outside Settlements

CS15: Sustainable Development and Climate Change

CS16 Natural Resources and Renewable Energy

CS17: High Quality Design

CS18: Affordable Housing

CS20: Infrastructure and Development Contributions

CS21: Protection and Provision of Open Space

Fareham Local Plan Part 2: Development Sites and Policies Plan

- 4.7 The following policies are relevant to the appeal scheme:

DSP1: Sustainable Development

DSP2: Environmental Impact

DSP6: New Residential Development Outside of the Defined Urban Settlement Boundaries

DSP13: Nature Conservation

DSP 15: Recreational Disturbance on the Solent Special Protection Areas

DSP38: Local Shops

DSP40: Housing Allocations

DSP52: Community Facilities

Status of the Development Plan

- 4.8 The Appellants' case, set out in more detail below, is that the proposal complies with the development plan and should accordingly be granted permission without delay.
- 4.9 In any event, even if it is considered that the proposal is in conflict with the development plan, the Appellants' case is that, applying NPPF para. 11(d) of the National Planning Policy Framework ('NPPF'), the policies in the development plan which are most important for determining the appeal are out-of-date.
- 4.10 Firstly, this is because the Council is not able to demonstrate a five year housing land supply, as evidenced in the application submission, and recognised in a number of recent appeal decisions in the Borough.
- 4.11 In the recent "*Land East of Newgate Lane East, Fareham*" (ref: APP/A1720/W/21/3269030) dated 28th July 2021, it was common ground that the Council could not demonstrate a five year housing land supply.
- 4.12 In terms of housing land supply, at paragraph 45 of that decision, the Inspector noted that:

"FBC cannot currently demonstrate a Framework compliant supply of housing land. Although the main parties have differing views on the extent of the housing delivery shortfall, FBC and the appellant agree that supply lies in the range of 0.95 to 3.57 years. Although it seems likely to be lower based on the evidence before me, I have used FBC's figure of 3.57 years as a benchmark to assist in making my decision. On that basis, the fact that the appeals development would be at odds with the area's strategy for the

location of new housing and conflict, in that regard, with the development plan, including with LP1 Policies CS2, CS6 and CS14, and LP2 Policy DSP6, currently carries limited weight.”

- 4.13 There is therefore a significant shortfall of housing supply in the Borough. This triggers the “*tilted balance*” in NPPF para. 11(d).

- 4.14 Relevant policies relating to the supply of housing are similarly out of date. The status of the development plan was also considered in that decision. The Inspector concluded at paragraph 16 that:

“...because the LP1 pre-dates the Framework, Policy CS2 does not represent an up-to-date Framework compliant assessment of housing needs, nor has the housing requirement of the development plan been reviewed within the last 5 years, and applying the Standard Methodology generates a higher housing need figure. In these circumstances, I agree with his conclusion that LP1 Policies CS2 and CS6 are out-of-date in the terms of the Framework and that against this background, the weight attributable to conflicts with Policies CS14 and CS22 of the LP1 and LP2 Policy DSP6 is reduced to the extent that they derive from settlement boundaries that in turn reflect out-of-date housing requirements.”

- 4.15 In this case, we therefore submit that NPPF para. 11(d)(ii) of the presumption in favour of sustainable development is engaged, whereby planning permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole. It is not considered that there are any policies in the NPPF the application of which is capable of providing a “*clear reason for refusal*” for the purposes of NPPF paragraph 11(d)(i).

- 4.16 As we come on to consider, the Council’s ongoing delay in determining this application, on a site where it supports development in principle, is not justified. The proposal accords with the development plan, and in particular Local Plan policy DSP40, being the most relevant development plan policy in the circumstances of this case. We now turn to consider the conformity of the residential development against policy DSP40 of LLP.

Conformity with LLP2 Policy DSP40

- 4.17 LPP2 policy DSP40 sets out contingency measures to allow greenfield sites, such as the appeal site, to come forward in circumstances that the Council cannot demonstrate a five-year housing land supply.
- 4.18 The site was considered against the five criteria of the policy in the Officer’s Report for the previously approved application P/18/0067/OA and was found to be in accordance with them all.
- 4.19 We have considered this current proposal against the five criteria of the policy below.

(i) The proposal is relative in scale to the demonstrated 5-year housing land supply shortfall

- 4.20 The proposal would provide up to 125 new homes is relative in scale to the shortfall (which is now significant) and it would make a positive contribution towards the housing land supply.

(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

- 4.21 The first part of this policy criterion (sustainable location) is considered below.
- 4.22 In terms of the subsequent part of the policy, the Funtley settlement boundary does not include the well-established residential area to west of the railway line at Roebuck Avenue, Deer Leap and Stag Way. This development adjoins the application site to the north of Funtley Road. However, a pragmatic view should be taken in this instance as the site is well related to Funtley and is adjacent to residential development to the north that functions as part of settlement. The development will be integrated with Funtley and the surrounding residential development, including that located to the south of the M27.
- 4.23 The Council's DLP also proposed amendments to the settlement boundary of Funtley which corrects the above anomaly and subsumes the application site within the urban area as a residential allocation. The emerging policy direction provides further justification for reducing the weight attributed to the partial conflict with this element of criterion 2.

(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

- 4.24 The submitted Landscape and Visual Appraisal indicates that the proposed development will not significantly alter the landscape character at the national, county and district levels. Local level adverse landscape character effects (which would not be unexpected for green field development site) will reduce over time as landscape mitigation matures.
- 4.25 The site is not located in a Strategic Gap or any other existing landscape designation.
- 4.26 The immediate landscape setting is influenced by the existing settlement of Funtley to the east and Fareham to the south. The proposed development will comfortably sit within the adjacent built context and represents as a logical extension to the built form.
- 4.27 It is an area that will see immense change in coming years with the commencement of the Welborne new town. A planning application was submitted in 2017 and the planning application site is 377 hectares (932 acres) in area. A further 38 hectares (94 acres) of land known as Dashwood is located immediately to the north of the application site and is proposed to be used in association with the development. D

4.28 The current proposals comprise:

- A new community of up to 6000 homes;
- A district centre and smaller village centre, with shops and community facilities;
- Commercial, industrial, warehousing and employment space;
- A secondary school and 3 primary schools;
- Parks, green open spaces and sports pitches;
- A remodelled M27 J10 to turn it into an all moves junction;
- Works to the A32 including the creation of three highway junctions and new crossing(s); and
- Connections to the surrounding cycleway and pedestrian network.

4.29 The location and context of the site, together with replacement and new structural planting along the site boundaries will minimise any potential adverse impacts on the appearance and character of the countryside.

4.30 The proposal will be sensitively designed and reflect the character of the neighbouring area. The Appellant has offered to accept a planning condition that sets out design requirements for future reserved matters application. A landscape management plan could also be secured through a planning condition ensuring the longevity and vigour of the existing and proposed vegetation within the application boundary.

(iv) It can be demonstrated that the proposal is deliverable in the short term

4.31 Reside are an established house builder, with a track record of delivery. Given the scale of this proposal, the lead in time until first completions are considered to be minimal. The site at Funtley North, immediately adjoining the appeal site, commenced development swiftly and is already being occupied.

4.32 A Parameter Plan has been submitted to support the outline application and provides information on land-use and location of access points. Detailed approval of access has been sought.

4.33 Assuming that outline planning permission is granted early in 2022, it is envisaged that it would take circa 9-12 months for the submission of reserved matters, and then a further 9-12 months for development to commence, assuming no issues arise in the interim. This would allow first completions in 2023.

4.34 Following a prompt grant of planning permission, the delivery of the full 125 units is easily achievable within five years, and will make a meaningful contribution towards the Council's shortfall of deliverable housing supply (particularly affordable housing need). The proposal also includes 6 self or custom build plots, for which there is an identified need for in the Borough.

(v) The proposal would not have any unacceptable environmental, amenity or traffic implications

- 4.35 In terms of amenity, following grant of outline planning permission the detailed application(s) would need to ensure the dwellings are built in a manner which meets this Council's requirements in respect of light, outlook and privacy as set out in the recently adopted Fareham Borough Council Design Guidance (excluding Welborne) Supplementary Planning Document. As indicated in the submitted DAS careful design and boundary landscaping will help to mitigate any effects. It is considered that a scheme can be developed for the site which preserves the amenity of the area and nearby residents
- 4.36 Environmental and traffic implications have been assessed and no adverse impacts have been identified.
- 4.37 As the above analysis demonstrates, with the exception of a minor breach with the first part of criterion ii, the proposal meets the requirements of policy DSP40. The policy support provided by DSP40 weighs in favour of granting planning consent.

Material considerations

- 4.38 Other material planning policy considerations include the National Planning Policy Framework (2021) (the 'NPPF') and the Planning Practice Guidance.
- 4.39 The Fareham Local Plan Part 1: Core Strategy makes provision for housing up to 2026, however, the Core Strategy was adopted in 2011, so is over five years old. Paragraph 73 of the Framework sets out that where the housing requirement set out in adopted strategic policies is more than five years old, that local housing need should be calculated using the standard method set out in national guidance.
- 4.40 As the Core Strategy is more than five years old and Policy CS2 Housing Provision sets out a housing need which is not based on the standard method, the policy is considered out of date, in accordance with paragraph 73 and footnote 37 of the Framework.
- 4.41 When the standard method is applied, it equates to a housing need of 514 dwellings per annum for Fareham Borough Council, which is significantly higher than the Core Strategy provides for.
- 4.42 On the basis of the identified shortfall in the Council's housing land supply, the most important policies for determining the application, which are 'CS6 The Development Strategy' and 'CS14 Development Outside Settlements' should be considered out of date as set out in footnote 7, Paragraph 11 of the NPPF. This triggers the NPPF's tilted balance mechanism at paragraph 11(d), which states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.
- 4.43 The impact on European Protected Sites is discussed in Chapter 3 and within the Ecological Assessment submitted in support of this application. Mitigation measures

are proposed to ensure that the scheme achieves nutrient neutrality. As such paragraph 11(d)(i) of the Framework is not applicable as the evidence supporting this application demonstrates that the impact on habitat sites in the Solent will be mitigated and consequently there is no “*clear reason for refusing the development proposed.*”

- 4.44 In the following section we note a variety of other material considerations which weigh considerably in support of the proposals.

Principle of development

- 4.45 The principle of residential development on this site has already been established by the granting of planning permission for application P/18/0067/OA for up to 55 dwellings (including 3 custom-build homes, a community building incorporating a local shop, accesses and associated landscaping, infrastructure and development works.
- 4.46 Similarly, the community park has also been approved by the Council previously.

Emerging site allocation

- 4.47 The site has been consistently promoted throughout the Local Plan process for a period of 5 years for circa 125 homes. The Appellants will refer to their multiple submissions made through the local plan process in support of a higher dwelling number within the draft allocation.
- 4.48 Most recently, the site has been proposed for allocation through policy HA10 of the Regulation 19 Publication Draft Fareham Local Plan 2037.
- 4.49 At its meeting on 10th June 2021, Council approved the Revised Publication Local Plan for consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation ran for a six week period between 18th June and 30th July 2021. We understand that the Council are currently reviewing the responses but there no indication as to when the plan will be submitted for Examination.
- 4.50 This proposed allocation policy follows on from the site’s inclusion as a draft allocation through policy HA10 in the Regulation 18 Draft Local Plan published in October 2017, and which has continued in all more recent iterations.
- 4.51 The emerging allocation is a material consideration indicating that the principle of development is acceptable. The residential development proposals fall wholly within the ‘red line’ boundary of the draft allocation, albeit it proposes development of up to 125 dwellings, rather than up to 55 dwellings as in the emerging policy.
- 4.52 To conclude on the principle of development, the outline approval establishes the principle of new housing on the site. The increase in units from 55 to 125 makes more efficient use of land, as required by government policy without, as we will demonstrate, harm to the site or surrounding area. The community park benefits from an extant planning permission and has been found to be acceptable previously by the Council.

- 4.53 Furthermore, the Council cannot demonstrate a five-year housing land supply, and this position is unlikely to be rectified in the short term due to continuing delays in the preparation of the Local Plan. As such, the presumption in favour of sustainable development must be applied. The site is sustainably located at the edge of Funtley, and within 400m of the new Welborne new settlement development. As such the site is close to a range of services and facilities, both existing and proposed.
- 4.54 The proposal offers a number of benefits and would result in sustainable development in accordance with the Framework and there are no adverse impacts of granting permission that would significantly or demonstrably outweigh these benefits.

Affordable Housing

- 4.55 The proposal will deliver affordable housing in line with the policy requirement of 40%.
- 4.56 On this basis, and applying the capacity of up to 125 dwellings, the proposal is capable of delivering 50 affordable dwellings.
- 4.57 The application site would make a valuable contribution of 50 affordable homes towards the Borough's considerable shortfall. This benefit should be given significant weight in the decision making process. The Appellant in evidence will identify a significant affordable housing supply shortfall in the Borough.
- 4.58 The scheme will provide a mix of small and family units. The exact mix will be determined at the Reserved Matters stage with the scheme designed to reflect the character of the area and market requirements. The Illustrative Masterplan shows a layout which accommodates a range of detached, semi-detached and terraced units together with units which could form a small block of flats.

Market housing

- 4.59 Based on the assessment of housing requirements undertaken within this Statement, the provision of 75 market housing will assist in meeting an identified shortfall within the Borough. This would be of significant benefit to those residents that are keen to establish a foothold in the housing market, either directly through the provision of new housing on site, or indirectly through the sales chain.

Self-build housing

- 4.60 The application sets out provision for 6 self-build units, which will assist the Council in meeting its obligation with regard to meeting the needs of those who wish to develop their own homes. This provision of market housing is a further significant benefit of the proposal.

Efficient Use of Land

- 4.61 The net density of the 55-home scheme was approximately 17 dwellings per hectare (dph). For comparison, this is significantly lower than the density of existing housing development at Roebuck Avenue/Deer Leap/Stag Way which is around 28 - 32 dph.

- 4.62 The increase in the number of homes, would make more efficient use of land, as required by government policy. The scheme would be at an average density of approximately 34 dph, with different densities across the site as shown on the submitted drawings. This is more comparable to the surrounding area and in line with policy guidance to make efficient use of land.
- 4.63 The developable area increases in size by 0.4ha from the previously approved scheme for 55 homes. This facilitates a further 70 homes to be provided on the site. However, this increase in developable site area is still entirely within the same emerging site allocation boundary. This is considered to be an efficient use of land and would prevent other greenfield sites in the Borough having to come forward for development in the future.

Application of the 'tilted balance'

- 4.64 As the Council is unable to demonstrate sufficient deliverable five-year housing land supply, the policies for the supply of housing (i.e. CS2, CS6 and CS14) should be considered out of date and the approach set out in paragraph 11(d) of the NPPF is engaged.
- 4.65 The development should not be restricted in accordance with paragraph 11(d)(i) of the Framework as nutrient neutrality will be achieved and as such, there is no clear reason for refusing the development due to its impact on habitats sites.
- 4.66 Consequently, national and local planning policy indicates that the 'presumption in favour of sustainable development' (i.e. the 'tilted balance') as set out in paragraph 11(d)(ii) should be applied and permission should be granted unless any adverse impacts of doing so would **significantly** and **demonstrably** outweigh the benefits when assessed against the policies of the NPPF as a whole (Turley emphasis).

Overall planning balance

- 4.67 The Appellants will present evidence to show that the Appeal proposals have potential to deliver a range of benefits, including:
- Contribution to the Council's housing land supply in the next five years is a material benefit that should be afforded significant weight in the overall planning balance given the present shortfall in the Borough;
 - Delivery of affordable homes, which should be afforded significant weight;
 - Provision of a new country park, community centre and bus turning area;
 - The proposed housing will enhance and support the vitality of Funtley and the surrounding rural communities through spending within the local economy and its support for services and facilities;
 - Economic benefits including direct local employment opportunities, indirect benefits through demand for goods and services to support the construction phase, increased local use of retail and other services, maximising the viability of

local businesses and additional Council Tax revenues which will provide further benefits to the local economy and Fareham Borough Council; and

- The proposal will result in a biodiversity net gain on-site.
- 4.68 The above will be fully detailed in evidence, but these matters have expanded upon in a letter issued to the Council on 26th March 2021, which is included at **Appendix 9**.
- 4.69 No objections have been raised by technical and/or statutory consultees on the following matters:
- Archaeology;
 - Ground contamination;
 - Impacts to Public Rights of Way;
 - Agricultural Land;
 - Ecology;
 - Drainage and Flood Risk;
 - Air Quality;
 - Public Open Space;
 - Affordable Housing; or
 - Highway capacity impacts or safety.
- 4.70 In the event that the appeal scheme is found to conflict with the development plan, the tilted balance applies and there are no adverse impacts arising from the proposed that would significantly and demonstrably outweigh the benefits. Indeed, it is clear in this case that the benefits of the proposal significantly outweigh the adverse effects and so, even if the tilted balance were not engaged then, in accordance with Section 38(6) the Planning and Compulsory Purchase Act 2004, there are nonetheless important material considerations that exist in this case that indicate that planning permission should still be granted.

Third party responses

- 4.71 The PINS Procedural Guide on Planning Appeals requires that a Statement of Case should take due account of any representations received by the Local Planning Authority at the application stage.
- 4.72 Letters were received raising objections to the application based on the following matters. We have briefly summarised where we consider these matters are adequately summarised in the application or appeal submission.
- *Sustainability* – to be addressed in Appeal evidence
 - *Impact on the character of the village* – to be addressed in Appeal evidence;
 - *Loss of amenity* – to be addressed in Appeal evidence
 - *Flooding issues* – addressed in application Flood Risk Assessment; and

- *Highway impacts* – addressed in application Transport Assessment.
- 4.73 The Appellants do not consider that there are any additional matters raised in representations on the application which significantly and demonstrably outweigh the benefits as assessed above.
- 4.74 The Appellants will cover the above matters in evidence for the appeal, and reserve the right to submit evidence on issues raised by third parties raised during the Appeal process.

Planning Conditions

- 4.75 The parties will seek to reach agreement on planning conditions with the Council in advance of the inquiry and an update will be provided in due course.

5. Conclusion

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 For the reasons given above, it is considered that the proposal accords with the development plan when read as a whole, and there are no material considerations to justify refusal. The scheme accords with the emerging spatial strategy, which identifies Funtley and specifically this site, as a location for growth.
- 5.3 As noted in paragraphs 4.22 and 4.33, there is a minor conflict with policy DSP40, given that the Funtley settlement boundary does not currently include the well-established residential area to west of the railway line at Roebuck Avenue, Deer Leap and Stag Way which adjoins the application site to the north of Funtley Road. The Council's emerging Local Plan DLP also proposed amendments to the settlement boundary of Funtley which corrects the above anomaly and subsumes the application site within the urban area as a residential allocation. The emerging policy direction provides further justification for reducing the weight attributed to the partial conflict with this element of criterion 2 of policy DSP40.
- 5.4 The Appellants will demonstrate that, furthermore, there is a shortfall in the Council's 5 year housing land supply.
- 5.5 It will also be shown that, for reasons given above, the most important policies in the development plan are out-of-date irrespective of the 5YHLS position.
- 5.6 In accordance with paragraph 11 of the NPPF, it will be demonstrated that there are no material adverse impacts arising from the Appeal proposal that would significantly and demonstrably outweigh the benefits that the development will deliver.
- 5.7 As will be set out in evidence, there are significant environmental, social and economic benefits associated with the proposed development. The Appellants will demonstrate that the benefits associated with the proposed development outweigh any alleged harms and that permission should be granted when having regard to other material considerations, as well as the level of support provided for the proposed development against the development plan and the NPPF when taken as a whole.
- 5.8 In summary, the Appellants consider the following matters to be central to this Appeal:
 - (a) The Government's top planning priority is to increase the delivery of new housing - and this is reflected by the clear thrust and emphasis of the NPPF;
 - (b) Notwithstanding the above, there is no up-to-date development plan for Fareham and the local planning authority is not able to demonstrate a five year housing land supply;
 - (c) There is a substantial outstanding need for market and affordable housing in Fareham;

- (d) Funtley is a sustainable location for housing growth which is not constrained by landscape designations or Green Belt. This is a settlement where growth should be located;
- (e) The proposed development is of a high quality and the submitted plans and drawings show how the scheme could be comprehensively developed for residential use in a manner appropriate to the character of the local area;
- (f) The proposed development represents the culmination of extensive technical, design and consultative work prior to submission, which has demonstrated that there are no technical or environmental constraints to development;
- (g) The proposed development have been subject to very limited objection from statutory consultees;
- (h) Through the determination process to date, the Council has failed to demonstrate any significant adverse impacts; and certainly none that could not be considered to outweigh the benefits of the proposed development that weigh heavily in support of granting approval, in particular the provision of much-needed market and affordable housing; and
- (i) Overall the proposed development represents sustainable development in the context of the NPPF, including the three 'dimensions' set out at paragraph 8, and when considering the level of support provided by the Development Plan as a whole. Even if it is found that there is conflict with existing Development Plan policies, this is very clearly outweighed by other material considerations, especially if the tilted balance is found to apply.

5.9 The Appellants' assessment of the planning balance overall therefore is that permission should be granted and a robust case in favour of allowing the Appeal will be made to the Inspector at an inquiry.

5.10 As such, for the reasons set out in the Statement of Case, which will be expanded on through the submission of evidence to the inquiry, the Inspector will be respectfully requested to conclude that the reasons for refusal are not justified, and accordingly allow the appeal and grant planning permission for residential development on the Appeal Site.

Turley Office
The Pinnacle
20 Tudor Road
Reading
RG1 1NH

T 0118 902 2830