

OFFICER REPORT FOR COMMITTEE

DATE: 02/11/2021

P/20/1168/OA

FAREHAM NORTH

**RESIDE DEVELOPMENTS LIMITED AND
ATHERFOLD INVESTMENTS LTD**

AGENT: TURLEY

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

LAND TO THE SOUTH OF FUNTLEY ROAD, FAREHAM

Report By

Richard Wright - direct dial 01329 824758

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 An appeal against the non-determination of this application has been submitted to the Planning Inspectorate. The Inspectorate has not yet confirmed how the appeal will be determined however the Appellant has requested an Inquiry.
- 1.3 Whilst this Council is no longer able to decide this application it is necessary for Members to confirm the case that this Council will present to the Planning Inspector. This report sets out all the relevant planning policies and relevant material planning considerations and invites Members to confirm the decision they would have made if they had been able to determine the planning application. This will then become the Council's case in respect of the forthcoming appeal.
- 1.4 Members will note from the 'Five Year Housing Land Supply Position' report to Planning Committee on the 17th February 2021 that the Council currently has a housing land supply of 4.2 years including a 20% buffer.

2.0 *Site Description*

- 2.1 This application relates to a 6.09ha site on land to the south of Funtley Road. The site lies outside of the defined urban settlement boundary.

- 2.2 The site comprises grass land used for the grazing of horses and associated stabling and other structures, including a larger barn towards the eastern end of the site. A portion of the western part of the site is designated in the adopted local plan as an area of existing public open space and lies adjacent to The Deviation Line, a public bridleway (Bridleway 515).
- 2.3 The land rises from north to south away from the road. Alongside Funtley Road runs an established mature hedgerow, with some trees in places along that boundary. This vegetated frontage is broken at two points; firstly where the existing vehicular entrance to the site is located towards the site's eastern end on the opposite side of Funtley Road to the southern end of Stag Way (which is closed to vehicular traffic), and secondly where relatively recently in May 2020 a new gate was formed further west along Funtley Road initially to provide alternative day-to-day access into the site but currently not used for such purposes.
- 2.4 On the opposite side of Funtley Road to the north lies the existing housing development of Roebuck Avenue/Deer Leap/Stag Way which was built on the site of the former abattoir following planning permission being granted in 1997. To the west of that housing, also opposite the current application site on the northern side of the road, lies a site where a development of 27 houses is nearing completion (planning references P/17/1135/OA, P/19/0864/RM & P/19/1185/RM). The land on the northern side of Funtley Road is not within the defined urban settlement boundary as shown on the proposals map accompanying the adopted local plan. The nearest edge of the urban settlement boundaries lies further to the east on the eastern side of the railway line.
- 2.5 To the south of the site the level of the land noticeably rises. This land which occupies the higher slopes of the hill is also currently given over to use as paddocks. A group of larger agricultural buildings and stables is located near the highest point of the land and these buildings and the surrounding paddocks are accessed via a track which runs from the entrance to the site at Funtley Road. In November 2020 planning permission was granted for this track (planning reference P/20/0809/FP) which replaces the vehicular access previously provided via another track up the hill through an area of mature woodland but which is now used as a permissive path for pedestrians and cyclists (secured through the Section 106 legal agreement for the development of 27 houses on the north side of Funtley Road). The woodland the permissive path runs through (Great Beamond Coppice), borders the application site to the south-east and is designated as an Ancient Woodland Site of Importance for Nature Conservation (SINC).
- 2.6 The land to the south of the application site, including Great Beamond Coppice, is subject of another planning application (which in turn is the subject of another non-determination appeal) by the same applicant which proposes the use of the site as

a community park (planning reference P/20/1166/CU). A report in relation to that application is included as a separate item on this Planning Committee agenda.

- 2.7 Beyond the land proposed to be used as a community park lies the M27 motorway. The permissive path through the land leads to a bridge over the M27 providing pedestrian and cycle access to the southern side of the bridge where the urban area of Fareham lies. On the immediate south side of the bridge is a designated public footpath running east to west (Footpath 91a).

3.0 ***Description of Proposal***

- 3.1 Outline planning permission is sought for the construction of up to 125 homes comprising a mixture of one, two, three and four bed dwellings and including six self or custom build plots. Also proposed is a community building or local shop (falling within use class E & F2 respectively) and associated infrastructure, open space, landscaping and access following the demolition of the existing buildings on the site presently. All matters are reserved except for the means of access.
- 3.2 The scheme proposes to reuse and amend the existing vehicular access into the site. The submitted drawing (drawing no. 1908016-01 Rev C) shows the proposed access arrangements with a 7.86m wide carriageway at the junction with Funtley Road narrowing to 6.0m. A swept path analysis drawing (drawing no. 1908016-TK03 Rev B) shows how a standard 12m bus would be able to enter and exit the junction.
- 3.3 Matters of scale, appearance, layout and landscaping are to be reserved however the applicant has submitted a number of parameter plans (which would become approved documents in the event planning permission was to be granted on appeal) and an illustrative masterplan (which is for illustrative purposes only and would not be an approved plan).
- 3.4 The plans show the developable areas of the site where housing and roads would be built. There are broadly three of these areas shown on the parameter plans divided by what are referred to as “green links” with “rural edge green space” around the perimeter. The housing within the developable areas would be two storey in scale (with up to 2.5 storey key buildings) with the exception of an area along the southern edge of the development which would be limited to 1.5 storeys. In terms of density, the parameter plans show three bands of descending density the further the development extends from Funtley Road – up to 40 dwellings per hectare (dph), up to 35dph and up to 25 dph. A locally equipped area of play (LEAP) would be sited close to the southern boundary of the site. The community building/local shop would be located near to the vehicular entrance from Funtley Road.
- 3.5 A pedestrian and cycle public right of way is proposed through the site from

Funtley Road (north) to Thames Drive (south). The right of way would pass through the land to the south of the application site which would be secured as a new community park as part of this proposal.

4.0 ***Policies***

4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS2:	Housing Provision
CS4:	Green Infrastructure, Biodiversity and Geological Conservation
CS5:	Transport Strategy and Infrastructure
CS6:	The Development Strategy
CS14:	Development Outside Settlements
CS15:	Sustainable Development and Climate Change
CS16:	Natural Resources and Renewable Energy
CS17:	High Quality Design
CS18:	Provision of Affordable Housing
CS20:	Infrastructure and Development Contributions
CS21:	Protection and Provision of Open Space

Adopted Development Sites and Policies

DSP1:	Sustainable Development
DSP2:	Environmental Impact
DSP3:	Impact on Living Conditions
DSP6:	New residential development outside of the defined urban settlement boundaries
DSP13:	Nature Conservation
DSP15:	Recreational Disturbance on the Solent Special Protection Areas
DSP40:	Housing Allocations

Other Adopted Documents:

Planning Obligation SPD for the Borough of Fareham (excluding Welborne) (April 2016)

5.0 ***Relevant Planning History***

5.1 P/20/1454/VC – Variation to Condition 2 Of Approved P/19/0290/FP - Provision Of A Permissive Footpath Link And New Surfacing From Funtley Road Over The M27 Motorway Connecting To Footpath Public Right Of Way 91A And Associated Bridge Improvement Works
APPROVE 01/04/2021

5.2 P/20/0809/FP – Installation of Haul Road (Retrospective)

APPROVE 09/11/2020

- 5.3 P/18/0067/OA - Following Demolition of Existing Buildings, Residential Development of Up To 55 Dwellings (Including 3 Custom-Build Homes) (Use Class C3), Community Building Incorporating a Local Shop 250 Sqm (Use Classes A1, A3, D1 & D2), Accesses And Associated Landscaping, Infrastructure And Development Works
APPROVE 02/09/2020

6.0 ***Representations***

- 6.1 A total of 77 objections have been received in response to this application. The following material planning considerations were raised:

Principle and Location

- Too many additional dwellings (70 more)
- Overdevelopment in local area
- No need for more housing given the Welborne development
- Too high density / cramped appearance
- Poor design and layout (illustrative masterplan)
- Visual impact of the development
- Not in keeping with local environment
- Harm to countryside
- Land is an Area of Special Landscape Quality
- Development should be restricted to more appropriate level
- The benefits of the scheme are overstated by the applicant
- Lack of evidence of viability/need/support for proposed community facilities
- Poor access to local services and facilities
- Poor public transport links (no bus service)
- Insufficient support for sustainable transport options
- Proposed public right of way to the south will be uphill and unlit
- Effect on local schools and health care

Highways and Transport

- Increased traffic and congestion
- Unacceptable impact on road network
- Accident history on Funtley Road
- Concern that local roads are not suitable for, and bridges will not withstand load of, construction traffic
- Entrance/exit is dangerous
- Poor access for pedestrians and cyclists
- Ineffective Travel Plan

Environment and Ecology

- Effect on Great Beamond Coppice Ancient Woodland SINC
- Proposal is not nutrient neutral
- Increase in air pollution
- Noise pollution
- Flooding historical problem in area
- Surface water drainage concerns

7.0 Consultations

EXTERNAL

HCC Highways

- 7.1 Final comments awaited. Previous comments received 7th April 2021 identified a number of outstanding comments that need to be addressed in relation to vehicular access drawings, improvements to pedestrian access to Funtley and Henry Cort College, bus service provision and travel plan implementation costs.

Natural England

- 7.2 No objection. Advice provided in relation to nutrient neutrality, recreational disturbance to protected sites and impacts on Ancient Woodland SINC.

HCC Flood Water Management Team

- 7.3 No objection subject to planning conditions.

HCC Archaeology

- 7.4 No objection subject to planning condition securing written scheme of investigation.

HCC Children's Services

- 7.5 A contribution towards education infrastructure across the primary and secondary phase of education and its use towards production of school travel plans, monitoring and any associated infrastructure has been agreed with the applicant.

Southern Water

- 7.6 No objection. Southern Water can facilitate foul sewerage disposal to service the proposed development. Advice provided regarding surface water drainage.

INTERNAL

Ecology

- 7.7 No objection subject to planning conditions relating to planting plan and Biodiversity Enhancement and Management Plan (BEMP), the development

being carried out in accordance with the outline mitigation and enhancement measures as submitted, a Construction Environment Management Plan (CEMP) and a scheme of sensitive lighting designed to minimise impacts on wildlife and designated sites.

Trees

- 7.8 No objection.

Environmental Health

- 7.9 No objection subject to planning conditions.

Contaminated Land Officer

- 7.10 No objection subject to planning condition.

Public Open Spaces Manager

- 7.11 No objection. If the open space land is intended to transfer to the Council then an appropriate maintenance contribution will be required and further comments on the progression of any transfer including site inspections prior to handover will be discussed and agreed with the developer. Alternatively, if a local management proposal is preferred by the developer then comments may be offered as to the appropriate arrangements to be put in place.

Landscape consultation response (by consultancy Lockhart Garratt)

- 7.12 Lockhart Garratt, a private consultancy firm, were instructed by the Council at the start of 2021 to provide Officers with advice on the landscape and visual implications of the development proposal. Due to restrictions imposed as a result of the COVID-19 pandemic during the early part of the year, the initial consultation response from Lockhart Garratt was based on the landscape and visual assessments already carried out by the applicant. The conclusion from that initial consultation response dated 3rd March 2021 reads as follows:

“Based upon the above analysis, the proposed development would result in significant harm upon both the local landscape character and visual environment and would fail to satisfy the requirements of Policy DSP40(iii) and paragraph 170 of the NPPF [now paragraph 174 following revision of NPPF in July 2021].”

- 7.13 Following further discussion with the applicant and the easing of some COVID-19 restrictions, it was agreed with the applicant that a consultant from Lockhart Garratt would visit the application site and area and provide a further updated consultation response. The conclusion from that second consultation response dated 4th May 2021 read as follows:

“Since visiting the site, my interpretation of its character has not changed, although I now have a greater appreciation of its topographic character. I have also identified two publicly accessible viewpoints within the wider landscape to the north that I consider to be important, but which have not been considered within the Appellant’s submissions, either for the previous 55-unit scheme or the current 125-unit scheme.

The Appellant has adjusted their Parameter Plan to retain built development within the boundary of the proposed HA10 housing allocation, which is a positive measure, although this still exceeds the extent of development within the currently consented scheme.

I remain of the opinion that a scheme of up to 125 dwellings is not appropriate in this village edge location, although having visited the site, I consider that it may be possible for the revised site boundary to accommodate a greater number than the current consent without unacceptable landscape and visual harm. This would be dependent upon the submission of a set of wireframe views to demonstrate the extent of visibility within the wider landscape, and also the commitment to a small number of positive design measures to seek to minimise landscape harm, as current policy requires.”

8.0 **Planning Considerations**

8.1 The following matters represent the key material planning considerations which need to be assessed to determine the suitability of the development proposal. The key issues comprise:

- a) Planning history and previous outline consent
- b) Implications of Fareham's current 5-year housing land supply position;
- c) Residential development in the countryside;
- d) The impact on European Protected Sites;
- e) Policy DSP40;
- f) Other matters
- g) The Planning Balance

a) Planning history and previous outline consent

8.2 Outline planning permission was previously applied for by the same applicant for a development of up to 55 dwellings (including three custom-build homes, a community building incorporating a local shop and associated landscaping, infrastructure and development works). That application was considered by the Council's Planning Committee in October 2018 and a resolution to grant permission made. Planning permission was granted in September 2020 and a further Officer report was produced. The permission granted is referred to

throughout the remainder of this report as the “2020 consent”.

- 8.3 The October 2018 report to the Planning Committee set out the relevant material planning considerations. At the time the Council could demonstrate a housing land supply position of 4.95 years meaning that, by virtue of not being able to demonstrate a five year housing land supply, the contingency position set out in Policy DSP40 of the adopted Fareham Borough Local Plan Part 2 was engaged.
- 8.4 In relation Policy DSP40 Officers considered four of the five tests to be met.
- 8.5 In relation to Policy DSP40(ii) the report acknowledged that the site is located beyond, and is not located adjacent to, the existing settlement policy boundary. As a result there was a technical breach of that policy requirement. It continued by saying:

“However, a significant section of the northern boundary of the site lies on the opposite side of Funtley Road to the existing housing estate at Roebuck Avenue, Deer Leap and Stag Way. This housing estate, which was granted planning permission in the late 1990s on the site of an abattoir, is also within the countryside in terms of its status within the current adopted local plan however its character and appearance is typical of an area found within the urban settlement boundary.”

- 8.6 With regards to the relative sustainability of the site in terms of access to local services and facilities by sustainable modes of transport, the report had the following to say:

“Bus stops are located close to the site on Funtley Road and the bus service runs approximately once an hour to Fareham and Wickham. However, the service neither starts particularly early nor finishes late and no buses run on a Sunday. There are very limited services within Funtley itself. The closest shop (McColls Newsagent) in Kiln Road for example is in the region of 1,200 metres (3/4 mile) from the site. Furthermore, Officers are not convinced that the pedestrian and cycling arrangements from the application site to facilities are ideal at present either in the vicinity of the site itself or taking into account the steep climb up from Funtley into Fareham. [In the subsequent final Officer report dated September 2020 it was observed that the bus service had since been re-routed so it does not pass through Funtley village].

The proposed pedestrian and cycle right of way through the site southwards and over the M27 motorway bridge represents a substantial improvement to the accessibility of the site by providing sustainable transport links through to the existing urban area of Fareham. This new link brings Orchard Lea Infant

and Junior Schools within a walking/cycling distance of approximately 650 metres from the application site and the shops and other services at Highlands Road Local Centre within 1.5km. Through the submitted travel plan the applicant proposes contributions towards the cost of new bikes for new residents to facilitate the use of this new pedestrian/cycle connection with Fareham. Bus vouchers are also proposed as part of that same scheme.

It should also be noted that part of the development proposed by the applicant comprises space for a shop and community building on the site itself meaning such facilities would be within a very short distance relatively speaking from those new homes being constructed. Officers acknowledge that the provision of a commercial enterprise such as a shop, cafe or other such use is dependent on market forces and a suitable and viable end use coming forward. Notwithstanding, the provision of space for such assists in increasing the relative accessibility of the site as would the provision of a community building subject to that facility being in a form which responded to local need.”

- 8.7 Officers considered the package of measures proposed by the applicant in relation to that first application materially improved the sustainability of the location. In particular the proposed public right of way for pedestrians and cyclists to be formed through the site and over the M27 bridge to the urban area of Fareham was considered to be an essential element of the proposal delivering sustainable transport links to make the development acceptable in planning terms.

- 8.8 With regards to Policy DSP40(iii) the Officer report read:

“Development on the site would have significant detrimental effects on the character and quality of local views. The eastern part of the site is enclosed by strong hedgerows and tree cover and is less visible from Funtley Road. However, the land further west is more open and built development on this land will be clearly evident thereby affecting the integrity and quality of the rural character of the surrounding landscape.”

- 8.9 The report continues to explain that the applicant had sought to minimise the adverse impacts of the development in their proposals in a number of ways.

“The masterplan as well as the submitted parameter plan show two 'green' or 'view' corridors through the site. These corridors have been devised following the advice of the Council's Urban Designer that the importance of the high ground and its relationship back to the development core and Funtley Road, linking with the existing housing development on the north

side of the road, is a key element. The corridors act to integrate key landscape features of the community park land to the south and reduces the urbanising impact on the rural character of the area.

In comparison with the existing built form, namely the housing estate on the site of the former abattoir on the north side of Funtley Road, Officers consider the proposal compares favourably. The proposed development would provide up to 55 dwellings on a site which the revised parameters plan identifies as having a developable area of 2.48 hectares. The overall density of the scheme is therefore approximately 22 dwellings per hectare (dph). This is lower than the density of the existing housing development at Roebuck Avenue/Deer Leap/Stag Way which is around 28 - 32 dph.

Whilst matters of scale, appearance, layout and landscaping are all reserved matters, Officers consider the quantum proposed and the parameters set out in the submission mean the proposed development would be capable of being sensitively designed to respond positively to the character of the existing housing development nearby. The work carried out by the applicant in setting the parameters for development on the site, particularly the incorporation of key 'green' or 'view' corridors through the land, acts to minimise the adverse impact on the landscape character of the countryside.”

- 8.10 The report concluded by carrying out the ‘planning balance’ and commented as follows:

“The site is not located adjacent to the existing urban area as identified in the adopted local plan and its location has been found by Officers to be relatively poor in terms of its accessibility. However, the proposed improvements to sustainable transport links to service the site and surrounding area are a substantial improvement which Officers consider satisfactorily address the issue of accessibility.

Taking into account the parameters indicated by the applicant and the site's constraints, the quantum of development proposed would be capable of being delivered at a scale and density which responds well to the adjacent existing built up area. Measures have been proposed to mitigate the visual impact of the development, notwithstanding, the proposal would harm the landscape character, appearance and function of the countryside.”

- 8.11 It was found that the proposal accorded with four of the five criteria in Policy DSP40. Officers considered that, on balance, when considered against the development plan as a whole, the scheme should be approved.

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

position

- 8.12 A report titled "Five year housing land supply position" was reported to Planning Committee on the 17th February 2021. That report sets out this Council's local housing need along with the Council's current housing land supply position. The report concluded that the Council has 4.2 years of housing supply against its five year housing land supply (5HLS) requirement.
- 8.13 Officers accept that the Council cannot currently demonstrate a 5-year supply of deliverable housing sites.
- 8.14 Had a non-determination appeal not been lodged and had the Council been in a position to determine the application, the starting point would have been section 38(6) of the Planning and Compulsory Purchase Act 2004:

"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".

- 8.15 In determining planning applications there is a presumption in favour of the policies of the extant Development Plan unless material considerations indicate otherwise. Material considerations include the planning policies set out in the National Planning Policy Framework (NPPF).
- 8.16 Paragraph 60 of the NPPF seeks to significantly boost the supply of housing.
- 8.17 Paragraph 74 of the NPPF states that local planning authorities should identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement including a buffer. Where a local planning authority cannot do so, and when faced with applications involving the provision of housing, the policies of the local plan which are most important for determining the application are considered out- of-date.
- 8.18 Paragraph 11 of the NPPF then clarifies what is meant by the presumption in favour of sustainable development for decision-taking, including where relevant policies are "out-of-date". It states:

"For decision-taking this means:

c) Approving development proposals that accord with an up-to-date development plan without delay; or

d) Where there are no relevant development plan policies, or the

policies which are most important for determining the application are out-of-date (see footnote 7 below), granting planning permission unless:

- i. The application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed (see footnote 7 below); or*
- ii. 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."*

8.19 Footnote 7 to Paragraph 11 reads:

"The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change."

8.20 Footnote 8 to paragraph 11 reads:

"This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirements over the previous three years."

8.21 This planning application proposes new housing outside the defined urban settlement boundaries. Whilst the Housing Delivery Test results in December 2020 confirmed that the Council has not substantially under delivered its housing requirement, the Council cannot demonstrate a five year housing land supply. Footnote 8 to NPPF paragraph 11 is clear that in such circumstances those policies which are most important for determining the application are to be considered out-of-date meaning that the presumption in favour of sustainable development in paragraph 11(d) is engaged.

8.22 Taking the first limb of NPPF paragraph 11(d), as this report sets out, in this instance there are specific policies in the NPPF which protect areas of assets of particular importance namely habitat sites which are specifically mentioned in

footnote 7. Therefore a judgement will need to be reached as to whether policies in the Framework would have provided a clear reason for refusing the development. Where this is found to be the case, the development should be refused. The second limb of NPPF paragraph (d), namely whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole (the so called 'tilted balance') will only apply if it is judged that there are no clear reasons for refusing the development having applied the test at Limb 1.

8.23 Members will be mindful of Paragraph 182 of the NPPF which states that:

"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site."

8.24 The wording of this paragraph clarifies that the presumption in favour of sustainable development set out in Paragraph 11 does not apply unless an appropriate assessment has concluded that the proposal would not adversely affect the integrity of the habitats site subject to mitigation.

8.25 The following sections of the report assesses the application proposals against this Council's adopted local planning policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

c) Residential Development in the Countryside

8.26 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.

8.27 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.'

- 8.28 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).
- 8.29 The site is clearly outside of the defined urban settlement boundary and the proposal is therefore contrary to Policies CS2, CS6 and CS14 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan.

d) The impact upon Protected Sites

- 8.30 Core Strategy Policy CS4 sets out the strategic approach to Biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policy DSP13: Nature Conservation of the Local Plan Part 2 confirms the requirement to ensure that designated sites, sites of nature conservation value, protected and priority species populations and associated habitats are protected and where appropriate enhanced.
- 8.31 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 per cent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within The Solent which are of both national and international importance.
- 8.32 In light of their importance, areas within The Solent have been specially designated under UK/ European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'Protected Sites'(PS) (previously 'European Protected Site').
- 8.33 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'competent authority' if it can be shown that the proposed development will either not have a likely significant effect on designated European sites or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated European sites. This is done following a process known as an Appropriate Assessment. The competent authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The competent authority is either the local planning authority or the Planning Inspectorate, depending on who is determining the application. In this case, because an appeal has been lodged, it is the Planning Inspectorate.

- 8.34 When considering the proposed development there are two main likely significant effects on PS.

Nutrient neutrality

- 8.35 The first likely significant effect on PS relates to deterioration in the water environment through increased nitrogen. Natural England has highlighted that there is existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted that increased levels of nitrates entering The Solent (because of increased amounts of wastewater from new dwellings) will have a likely significant effect upon the PS.
- 8.36 Achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites. Natural England have provided a methodology for calculating nutrient budgets and options for mitigation should this be necessary. The nutrient neutrality calculation includes key inputs and assumptions that are based on the best-available scientific evidence and research, however for each input there is a degree of uncertainty. Natural England advise local planning authorities to take a precautionary approach when addressing uncertainty and calculating nutrient budgets.
- 8.37 The applicant originally submitted a nitrate budget as Appendix 5 to the Ecological Assessment which accompanied the application. Officers wrote to the applicant in April 2021 to raise several issues with the nutrient budget which, if found to be erroneous, would have knock-on effects to the efficacy of the proposed mitigation measures. The applicant responded with a revised nitrogen statement and nutrient budget on 24th September 2021, the same day as their appeal against non-determination was lodged with the Secretary of State.
- 8.38 The applicant's revised nutrient budget corrects an error relating to the site area and adjusts the proposed land uses to reflect amendments made to the parameter plan after submission of the application. The budget follows the Natural England methodology (v5, June 2020) and Officers are satisfied with the conclusion that the scheme would need to mitigate against a surplus of 68.8 kg/N/year that would be generated by the proposed development.
- 8.39 The applicant's revised nitrogen statement identifies that the proposed new community park on land to the south of the application site comprises 9.88ha of which 6.78ha is in use for lowland grazing. Part of that grazing land (3.06ha) is already set aside to mitigate the near complete housing development on the north side of Funtley Road and this area of land is secured through the Section 106 accompanying that development. In their nitrogen statement the applicant contends that not all of this land is required to mitigate that development since

the figure contained in the Section 106 was calculated using an earlier version of the Natural England guidance. They consider 2.29ha to be needed to mitigate the development at Funtley North meaning 4.49ha of mitigation land would be available at the community park site to assist in mitigation the surplus nitrogen generated from the current application proposals. Notwithstanding, 4.49ha would only mitigate 35.92 kg/N/yr leaving 32.88 kg/N/yr of nitrate mitigation still needed. The applicant has previously submitted details of an agreement to purchase 26.20 kg/N/yr in nitrate mitigation credits from Warnford Estate, however this amount would not be sufficient to address the unmitigated surplus identified.

8.40 Officers take a contrary view to the applicant's approach to nitrate mitigation. Whilst it is agreed that additional nitrate mitigation will be required and that the community park land cannot provide sufficient mitigation by itself, the Council considers that more nitrate credits would be required from a third-party nitrate scheme in order to successfully achieve nutrient neutrality. The applicant has not provided a revised budget for the development north of Funtley Road to back up their assertion that less mitigation land is needed than originally calculated. Notwithstanding, the amount of mitigation land required is secured through a unilateral undertaking pursuant to Section 106 and planning permission for that development was granted following an Appropriate Assessment being carried out at the time which concluded no adverse effects on the integrity of PS. The development north of Funtley Road is nearing completion meaning the point at which the mitigation is required to take effect is imminent. It is not clear from the applicant's nitrogen statement how they consider that matter could be addressed satisfactorily. Assuming therefore that 3.06ha of the community park land would be required to mitigate the development at land north of Funtley Road the remaining site of 3.72ha would mitigate 29.76 kg/N/yr leaving 39.04 kg/N/yr unmitigated. No information has been provided by the applicant that agreement has been reached with a third-party nitrate mitigation scheme such as Warnford Estate for the applicant to purchase the required nitrate mitigation credits.

8.41 In summary, Officers do not consider that the applicant has satisfactorily demonstrated that the appropriate mitigation is in place to address the likely significant effects arising from increased wastewater from the development entering The Solent leading to adverse effects on the integrity of the PS of The Solent. The failure to provide appropriate and appropriately secured mitigation means the application is contrary to Policies CS4 & DSP13 of the adopted local plan as a result.

Recreational disturbance

8.42 The second of these likely significant effects on PS concerns recreational disturbance on The Solent coastline through an increase in population. Policy DSP15 of the adopted Fareham Borough Local Plan Part 2: Development Sites

and Policies explains that planning permission for proposals resulting in a net increase in residential units may be permitted where the 'in combination' effects of recreation on the Special Protection Areas are satisfactorily mitigated through the provision of a financial contribution to The Solent Recreation Mitigation Strategy (SRMS). Had the Council been able to determine the application and had the proposal been found acceptable in all other regards the applicant would have been invited to make a financial contribution through the SRMS. In the absence however of a legal agreement to secure such a contribution, or the submission of evidence to demonstrate that the 'in combination' effects of the development can be avoided or mitigated in another way, the proposal is held to be contrary to Policy DSP15.

e) Policy DSP40

8.43 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.

8.44 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".*

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

Policy DSP40(i)

8.46 The proposal for up to 125 dwellings is relative in scale to the 5YHLS shortfall and therefore bullet i) of Policy DSP40 is satisfied.

Policy DSP40(ii)

- 8.47 In respect of Policy DSP40(ii) there are four different policy requirements that must be met. Firstly, whether the proposal would be sustainably located. Secondly, whether the site is adjacent to the existing urban settlement boundary. Thirdly, that the development is well-related to the existing settlement boundary. Fourth, that the development would be capable of being well-integrated with the existing neighbouring settlement.

Whether the proposal would be sustainably located

- 8.48 Without improvements to enhance accessibility for pedestrians, cyclists and users of public transport to local services and facilities, the application site is not sustainably located. Having regard to relevant guidance, Officers have assessed the application site's location in terms of what is considered to be a reasonable walking and cycling distance to those facilities. Distances to the nearest services and facilities have been identified and the walking/cycling route involved. Regard has also been had to the relative importance the destination and the quality of the walking/cycling route which may have a significant impact on its attractiveness.
- 8.49 Taking into account the proposed new public right of way for pedestrians and cyclists from the application site, up the hill and across the M27, Orchard Lea Junior School is brought within an acceptable distance following a suitably surfaced and lit route. Highlands Road local centre, where shops, hairdressers, food takeaways and a pharmacy are located, is approximately 1500m away. The doctor's surgery and dental practice on Highlands Road are a similar distance.
- 8.50 The application includes proposals for a community building/local shop. As before with the 2020 consent, it is not known at this stage what the building would comprise or actually, as is always the case with a commercial enterprise such as a shop or café which is dependent on market forces, whether it would be delivered depending on the level of interest or demand. However, the fact that space for such a facility is to be provided on the site in close proximity to the proposed housing assists in increasing the relative accessibility of the site subject to the facility being in a form which responds to local need.
- 8.51 Officers have also discussed further improvements which might be made in the surrounding area to make services and facilities more accessible. The applicant has carried out an audit which has identified possible improvements to the walking route from the site to Henry Cort Community College (the nearest secondary school). Improvements have also been identified to the available width of the pavement through vegetation clearance and resurfacing works between the application site and the urban area of Funtley east of the railway bridge along Funtley Road. Discussions with public transport officers at Hampshire County Council have revealed that a financial contribution from the

developer to fund access rights for the bus route through Funtley to Knowle village would be a positive measure reinstating the bus service. The applicant has indicated they would be willing to undertake the above measures as well as ensuring the access into the site is suitable to allow a bus to enter and turn around within the site if required at some point in the future. These measures could be secured through a combination of planning conditions and obligations in a Section 106 legal agreement.

- 8.52 When the Council considered the 2020 consent it was acknowledged that the poor accessibility to local services and facilities from the site would be materially improved by the package of measures proposed by the applicant. Whilst those same measures are proposed with this current application the development scheme is materially different and, in proposing up to 125 dwellings, could result in more than double the number of residential units previously consented. Officers consider that the assessment of whether the proposal is sustainably located must be relative in scale and have regard to the quantum of development and the resultant number of residents living on the site in the future. Even taking into account the additional improvements to the walking route to Henry Cort College, the footway along Funtley Road east of the application site and the potential to fund the reinstatement of the bus service for an initial period, the proposal would still be on the margins of what would be considered acceptable in terms of acceptable walking and cycling distances to key local services.
- 8.53 As a result of these findings, Officers consider there to be some conflict with Policy DSP40(ii) in that the proposal for 125 dwellings would not be sustainably located. Officers do accept however that the degree of conflict with the policy in this particular instance would not by itself be sufficient to lead to the application having been refused. Instead, this matter must be taken into account when carrying out the planning balance, weighing the benefits of the proposal against the relative harms. The Planning Balance section is to be found towards the end of this report.

Whether the site is located adjacent to the existing urban settlement boundaries

- 8.54 The application site is not located adjacent to the existing urban settlement boundary which lies on the other side of the railway line to the east. This was acknowledged in the report for the 2020 consent which also noted the proximity of the site to housing development on the north side of Funtley Road. However, the development is proposed adjacent to an area which, for all intents and purposes bears all of the characteristics of the urban area. Whilst full weight cannot be given to the proposals map of the emerging Fareham Local Plan 2037, it is noted that the land to the north of Funtley Road is proposed to be included within the defined urban settlement boundary.

Whether the proposal would be well related to the existing urban settlement boundaries

- 8.55 Whilst not adjoining the existing urban settlement boundary, the development on the north side of Funtley Road provides a definitive edge to the built up area. Officers consider that in principle development on the south side of the road could be accommodated so that it related well to the existing urban area. This would however be dependent on the form of development being of a suitable scale and appearance so as to represent a logical extension to the edge of the urban area and not to appear incongruous when encroaching into an area of countryside. The visual impact of the proposed development on the character and appearance of the area are discussed further below in this report.

Whether the proposal can be well integrated with the neighbouring settlement

- 8.56 This particular policy test looks to ensure that extensions to the urban area have good connectivity with the existing settlement area. The application proposes vehicular and pedestrian access from Funtley Road with two further indicative locations for pedestrian access at the northern boundary (as shown on the submitted illustrative masterplan). Connectivity through the site to the south over the M27 is provided by the pedestrian/cycle public right of way.
- 8.57 As set out above, improvements have been identified to the footway between the application site and the eastern side of the railway bridge along Funtley Road to the east where the existing urban area is closest. The railway bridge separates the urban area of Funtley and the housing development on the western side of the bridge. Currently the larger part of Funtley lies on the eastern side where approximately 180 dwellings are located as well as The Miners Arms public house and the Funtley Social Club. The only means of travelling on foot between the western and eastern sides of Funtley is via the railway bridge and along the pavement. At present the journey is made less attractive by the narrowness of the footway. Improvements to increase the effective width of that footway by vegetation clearance and/or resurfacing would provide better connectivity between the two settlement areas, not only promoting journeys on foot from the application site but also integrating the application site with the urban area of Funtley.

Summary

- 8.58 In summary, the site is located immediately adjacent to housing development of an urban nature. The proposed and improved pedestrian and cycle connections mean the proposal can be well integrated with the neighbouring settlement. However, as set out above, there is some conflict with Policy DSP40(ii) in that the proposal is not sustainably located adjacent to, and well-related to, the existing urban settlement boundaries.

Policy DSP40(iii)

- 8.59 The third test of Policy DSP40(iii) is that 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'.

Sensitively designed to reflect character of neighbouring settlement

- 8.60 This part of the policy comprises two tests, the first of which is that *the proposal is sensitively designed to reflect the character of the neighbouring settlement*. In this instance the neighbouring settlement, although not part of the defined urban area, is the housing development on the north side of Funtley Road and then further eastwards the rest of the settlement of Funtley within the defined urban settlement boundaries.
- 8.61 Officers have had the benefit of advice provided by the Council's Urban Designer which provides a useful description of the character of the settlement of Funtley. The Appellant has also provided a design response which has been taken into account in preparing this report.
- 8.62 It is important to note that matters of layout, scale, appearance and landscaping are all reserved matters for consideration at a later date should outline permission be granted. However, in considering whether to grant permission for 125 dwellings on the land the Council must first be satisfied that this can be delivered in an appropriate form which not only accords with the policy test at DSP40(ii) but also delivers the high quality of design expected through local policy which responds positively to the character of the neighbouring settlement as required by Policy CS17. A further material consideration is NPPF paragraph 130 which requires, amongst other things, development to be sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 8.63 The Council's urban designer notes in his comments that the illustrative masterplan shows very compact, urban perimeter blocks with many plots having substandard gardens and separation distances. The perimeter blocks are of high density and will be much more visually cramped than both the historic examples within the Meon Valley provided as part of the submission and the contextual development that exists within Funtley.
- 8.64 In response the Illustrative Layout Plan 'Parcel C' submitted by the Appellant with their design response shows how such a block could be laid out to provide the minimum garden sizes, separation distances and number of parking spaces required. This is a useful demonstration however the drawing appears to confirm that, if 125 houses are to be accommodated on site, at least some if not all of the development parcels across the site will need to be built out at a similar

if not higher intensity as that shown here with minimal frontages to close knit plots and streets dominated by vehicles and hardsurfacing occupying a mixture of on- and off-street parking. No details of other parcels have been provided but even if there were to be sufficient space to deliver dwellings meeting the minimum amenity standards expected, Officers are concerned that the form of the development would not reflect the character of Funtley.

- 8.65 Consideration must also be given to how the proposal responds to the existing settlement area by creating a new settlement edge. The Appellant considers there to be no reason not to try to use new development of appropriate form and density to create a distinctive edge to the village. Nonetheless, they propose having varying density gradients within the scheme and a fragmented, landscape dominated southern edge with the community park. In turn the Council's urban designer considers the most appropriate approach to be one where development becomes less dense and more spacious the further it goes away from Funtley Road allowing the development to visually 'bleed' into the landscape.
- 8.66 Officers agree that in edge of settlement locations such as this where the sensitivity of the landscape is high, a 'fading out' of the development would provide a more sympathetic new edge to the settlement. Whilst the applicant has latterly submitted a parameter plan showing densities decreasing across the site this is from a starting density of some 40dph, a materially higher density than the adjacent housing development on the north side of Funtley Road. The decrease in density does not seem to be evident from looking at the illustrative masterplan which appears to show a fairly consistent development form throughout notwithstanding the inclusion of some smaller perimeter blocks on the southern edge.
- 8.67 In summary, the proposal is not sensitively designed to reflect the character of the neighbouring settlement of Funtley and therefore this particular policy test is failed.

Minimising adverse impact on the countryside

- 8.68 The second part of DSP40(iii), insofar as it is relevant here, considers whether *the proposal is sensitively designed to minimise any adverse impact on the countryside.*
- 8.69 The character assessment of this area (6.2b) in the Fareham Landscape Character Assessment (LCA) 2017 includes the following observations (underlining added for emphasis):

"There is a typically sparse pattern of settlement within the whole of area 6.2, consisting mainly of individual farms or dwellings, or small clusters of buildings. The exceptions to this are a localised area of 'ribbon' development along the Southampton Road (in area 6.2a) and a rather anomalous area of

recent residential development off the Funtley Road in the northern tip of area 6.2b. Lying on the opposite side of the railway line, the latter has no visual connection with the settlement of Funtley and is out of character with the surrounding landscape. However, its influence is limited by surrounding woodland (including SINC)s and vegetation along the rural Funtley Road and the character of the landscape within the triangle of land between the two sections of disused railway line and the motorway corridor remains essentially rural and unspoilt.’ (p121)

This area is generally of high sensitivity as one of the most distinctive and important landscape resources within the Borough. It contains a range of highly valued landscape, ecological and heritage assets across a large proportion of the area, and its natural and unspoilt qualities and the sensitivity of those valued assets, mean that it would be highly susceptible to the intrusion of built development. The potential for development to be accommodated within this area is consequently very low (p122)

This area retains a predominantly rural character, with relatively few urban influences or ‘fringe’ characteristics, and has an important role in maintaining the distinction between urban and countryside areas. The clear distinction between town and countryside, and the integrity of the valley landscape as a whole, would be compromised by significant development extending into the area beyond the existing urban edge. (p125)

The only opportunity may be to accommodate development within small pockets of undeveloped land within existing residential areas, e.g. off the Funtley Road, along Southampton Road or St Margarets Lane, as long as it is of a similar character and scale to other dwellings within the locality and can be sensitively integrated within the landscape to avoid adverse impacts. (p129)”

- 8.70 The applicant has produced a LVA Addendum by Rummey Environmental (appended to which is the LVA by Fabrik carried out for the 2020 consent) and rebuttal comments in response to the Council’s own advice which has been provided by Lockhart Garratt, a landscape consultancy instructed by Officers.
- 8.71 Starting with the harm in landscape and visual terms, the LVA Addendum by Rummey Environmental finds that the current proposal would have ‘minor to moderate adverse’ visual effects in the short term with potential for long term benefits. Despite the proposal being for more than double the number of homes and on a larger site than the 2020 consent scheme, the LVA Addendum suggests short-term landscape effects would be less harmful - ‘moderate adverse’ rather than ‘moderate-major negative’ as in the original LVA. In their consultation response Lockhart Garratt refer to these “*contradictory conclusions*

of less harm or new benefit from a greater extent of development". Nonetheless, both the addendum and original LVA identify that significant adverse impacts are anticipated in the early years of the development but that the significance is likely to reduce in time. Lockhart Garratt similarly concludes that the proposed development would result in significant harm upon both the local landscape character and visual environment.

- 8.72 There is therefore clearly agreement by all parties that there would be significant adverse impacts in both visual and landscape terms. By design, Policy DSP40(iii) acknowledges that there will always be 'in principle harm' arising from development in the countryside and by seeking to only permit proposals which minimise adverse impacts it seeks to prevent that which would have actual, specific and significant harm.
- 8.73 The Officer report for the 2020 consent found that the development would have significant detrimental effects on the character and quality of local views, a view that was not disputed by the applicant and was in line with the conclusions of the submitted LVA. Notwithstanding this, the previous scheme was considered to satisfy Policy DSP40(iii). As set out at paragraph 8.9 of this report, the previous Officer report to the Planning Committee highlights the high sensitivity of the landscape and the measures taken in that earlier application to minimise the adverse impacts of the development. The report acknowledges in particular the green/view corridors which align with the high ground to the south and the favourable lower density.
- 8.74 The current application proposes up to 125 dwellings over a larger site area. The overall density of the development is much higher and the form the development would take as a result considerably different. In comparison to the previous low density scheme which would be capable of delivering a loose-knit, landscape-led housing development, the proposal is now for an urban village type development as shown in the illustrative masterplan provided with the application.
- 8.75 The higher density of the development would, as shown on the illustrative masterplan, dictate a more urbanised built form. Urban perimeter blocks have replaced the landscape led character which would have previously been achievable with the lower density scheme. Whilst green/view corridors are retained and break up the urban form to an extent, they do not appear to relate to the wider landscape or the higher ground to the south which was previously an effective way of minimising the impact on the countryside. Lockhart Garratt refer to the current proposal as having watered down the positive design measures embodied within the consented scheme whilst more than doubling the amount of housing within the site. The proposal is clearly at odds with the observation made at p129 of the Fareham LCA 2017 which specifically mentions

development within small pockets such as off Funtley Road needing to be *“sensitively integrated within the landscape to avoid adverse impacts”*.

- 8.76 With the above observations in mind, Officers have concluded there would be harm to the countryside as a matter of principle because the development would be outside the settlement boundary. However, and more importantly there would be an actual harmful and significant effect to the countryside in this location as a result of the site specific development proposals. On that basis, the harm would not be minimised in accordance the requirements of Policy DSP40(iii). It is also considered that the proposed development would fail to be sensitively designed to reflect the settlement character of the neighbouring settlement of Funtley.
- 8.77 Officers have raised the foregoing concerns with the applicant and engaged in discussions with them over a reduced quantum of housing on the site. The applicant did not share Officers views on the scale of reduction that is likely to be necessary to make the scheme acceptable in design and landscape terms and have not revised the application to propose fewer units.

Policy DSP40(iv)

- 8.78 In terms of delivery, the applicant has not provided any specific details on when, if granted planning permission on appeal, they anticipate the development to come forward. It is understood that the applicant does not intend to build the development themselves and there is currently no confirmation of a developer lined up to acquire and bring the site forward. Notwithstanding, Officers consider that a scheme of up to 125 dwellings is capable of being delivered at the site within the next five years. The proposal would therefore be in accordance with Policy DSP40(iv) in that the proposal is deliverable in the short term.

Policy DSP40(v)

- 8.79 The final test of Policy DSP40 requires that the proposal does not have any unacceptable environmental, amenity or traffic implications.

Ecology

- 8.80 An Ecological Assessment was provided with the original application and subsequently, following consultation responses from the Council’s ecologist and Natural England, the applicant has submitted an Ancient Woodland Impact Assessment and Woodland Management and Monitoring Plan which has satisfactorily addressed initial concerns over potential impacts on Great Beamond Coppice Ancient Woodland SINC.

Surface water drainage

- 8.81 The applicant submitted additional information to satisfy initial concerns raised by the lead local flood authority (LLFA) Hampshire County Council. The LLFA therefore raise no objection to the proposed development and, had it been

possible for the Council to favourably determine the planning application, they recommend the imposition of planning conditions requiring a detailed surface water drainage strategy based on the principles of the submitted information to date, details of long-term maintenance for the surface water drainage system and an investigation into the condition of the existing watercourse into which surface water would discharge.

Amenity

- 8.82 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.

Highways

- 8.83 Hampshire County Council, the highway authority, provided detailed comments most recently on 7th April 2021. In those comments the highway authority raised issues in relation to vehicular access drawings, improvements to pedestrian access to Funtley and Henry Cort College, bus service provision and travel plan implementation costs. Since that time discussions have continued between the parties and the applicant's position has been clarified. The applicant confirmed on 24th September 2021 amended drawings they wished to be taken into account. Officers have reconsulted the highway authority and asked for updated comments to be provided. Should those comments arrive before the Planning Committee meeting they will be summarised for Members in an update to this report.

Summary

- 8.84 As set out above, detailed matters relating to the amenity of future residents (for example, internal and external space, privacy, light, etc) would be considerations for the reserved matters stage. Final comments from the highway authority are awaited however it is not anticipated that any unacceptable traffic implications will be raised due to the revised drawings submitted by the applicant. However, there are unacceptable environmental impacts arising from the failure to provide appropriate and appropriately secured nitrate mitigation leading to adverse effects on the integrity of PS as set out earlier in this report. As a result the development does not meet the requirements of criteria (v) of DSP40.

f) Other matters

Effect upon Local Infrastructure

- 8.85 Concerns have been raised over the effect of the number of dwellings on schools, doctors and other services in the area.
- 8.86 Hampshire County Council have identified a need for a financial contribution towards primary and secondary education infrastructure, production of school

travel plans and monitoring. The applicant is able to provide a unilateral undertaking pursuant to Section 106 so that, in the event that the appeal is allowed, this financial contribution is secured.

- 8.87 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. In the view of Officers, a refusal on these grounds could not be substantiated.

Fareham Local Plan 2037

- 8.88 On 30th September 2021 the Council submitted the Fareham Local Plan 2037 to the Secretary of State for independent examination.
- 8.89 The proposals map accompanying the emerging local plan shows that much, but not all, of the application site is designated as a housing allocation. Housing Allocation Policy HA10 covers an area of 5.74ha. An indicative yield of 55 dwellings is stated in the policy. The policy reads as follows:

"Proposals should meet the following site-specific requirements:

- a) The quantum of housing proposed should be broadly consistent with the indicative site capacity; and*
- b) Primary highway access should be from Funtley Road; and*
- c) Building heights are limited to a maximum of 2 storeys; and*
- d) Safe pedestrian and cycle crossing points across Funtley Road and connectivity with the existing footpath/bridleway network in the vicinity of the site and eastwards towards the centre of Funtley village in order to maximising connectivity to nearby facilities and services; and*
- e) The creation of a vehicular loop road on the site, allowing for pedestrian and cycle permeability across the site; and*
- f) Proposals shall take account of the site's landscape context by incorporating view corridors from Funtley Road through to the public open space allocation to the south of the residential allocation. The view corridors should form part of the on-site open space and should incorporate pedestrian and cycle links, whilst vehicular crossing of links should be limited; and*
- g) The existing woodland on-site shall be retained and incorporated within the design and layout of proposals in a manner that does not impact on living conditions or prevent damage to any nearby dwellings, roads, footpaths or*

other infrastructure; and

h) A landscape buffer shall be incorporated between development and the Great Beamond Coppice SINC to the east of the site; and

i) The provision of a building/ buildings for community uses, located in an accessible location to enable a range of uses for both existing and new residents; and

j) The site is identified as a mineral safeguarded site (brick clay is likely to underlay site). A Minerals Assessment will be required prior to any development in accordance with the Hampshire Minerals and Waste Plan (2013); and

k) Infrastructure provision and contributions including but not limited to health, education and transport shall be provided in line with Policy TIN4 and NE3.”

- 8.90 A small area of the southern part of the application site lies outside of the designated housing allocation land and is instead designated as a public open space allocation, strategic gap and an Area of Special Landscape Quality (ASLQ) whilst also remaining outside of the defined urban settlement boundary.

Proposed benefits

- 8.91 The benefits of the proposed development include the provision of market and affordable housing including six self-build units which Officers consider ought to be afforded significant weight in the decision making process.
- 8.92 Also to be afforded significant weight is the provision of a new dedicated public right of way in the form of a new pedestrian and cycle way from Funtley Road, through the development site up to and over the M27 bridge and on to Thames Drive. This route would make a significant contribution towards improving the accessibility of the site for future residents and also enhancing sustainable transport options for existing residents of that part of Funtley. Assuming the applicant agreed to make financial contributions to improving access to Henry Cort Community College and along Funtley Road either side of the railway bridge further weight can be given as these also constitute wider benefits to the existing community. Finally in relation to sustainable transport, the funding of the no. 20 bus service and provision of turning on site, whilst required to improve the site's accessibility, would have further benefit by helping maintain a bus service for the village.
- 8.93 The proposals for the community park and community building/local shop remain as before for the 2020 consent and which Officers previously indicated would be of significant benefit to new and existing residents alike. The community park

would be smaller as a result of the increase in the housing development site but Officers still consider the overall benefit would be great.

- 8.94 Lastly, it is important to acknowledge the economic benefits of the development during the construction phase and additional resident expenditure in local shops and services after occupation.
- 8.95 Overall it is acknowledged there would be substantial benefits arising from the development in terms of housing provision, accessibility enhancements and the provision of a community building/local shop and park.

g) The Planning Balance

- 8.96 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".

- 8.97 As set out in paragraph 8.23 above, the effect of Paragraph 182 of the NPPF is that:

"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site".

- 8.98 The effect of NPPF paragraph 182 means that if having carried out an Appropriate Assessment it is concluded that the proposal is likely to have an adverse effect on the integrity of a habitats sites, then the application can be determined in accordance with paragraph 38(6) under the 'straight' balance.
- 8.99 In this instance Officers have identified likely significant effects on a upon PS as a result of an unmitigated surplus of nitrate pollution generated by the development entering the water environment of the Solent. If the Council had been able to determine this application, the applicant would have been invited to address that issue by producing revised mitigation proposals. If those mitigation proposals had been satisfactory to Officers, an Appropriate Assessment would have needed to have been carried out concluding no adverse effects on PS before a decision to grant planning permission could have been made. In the absence of such an agreement, the proposal would fail to appropriately secure this mitigation and would be contrary to Policies CS4 & DSP13. In this particular

case however the Officer recommendation would have been to refuse planning permission and so since the application is not able to be favourably determined it has not been necessary for the authority to carry out an Appropriate Assessment.

- 8.100 As the application is the subject of Appeal, should the Inspector be minded to grant permission for the development then it would fall to the Inspector as the Competent Authority to undertake this Appropriate Assessment.
- 8.101 If having carried out an Appropriate Assessment, the Inspector judges that the proposal would not adversely affect the integrity of the habitat sites, then the application, given a 5YHS shortfall, must be determined in accordance Paragraph 11(d). In this instance, Limb i) of Paragraph 11 d would be met (there would be no clear reason for refusing the development remaining if potential impacts on habitat sites have been addressed) and the application would fall to be determined under Limb ii), applying the presumption in favour of sustainable development. This approach detailed within the preceding paragraphs, has become known as the 'tilted balance' in that it tilts the planning balance in favour of sustainable development and against the Development Plan.
- 8.102 The site is outside of the defined urban settlement boundary and the proposed development 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.
- 8.103 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 5YHLS position report presented to the Planning Committee in February this year and the Government's steer in respect of housing delivery.
- 8.104 In weighing up the material considerations and conflict between policies; the development of a greenfield site weighed against Policy DSP40, Officers have concluded that the proposal satisfies two of the five policy tests - points (i) and (iv).
- 8.105 With regard to Policy DSP40(ii) Officers consider that there is some conflict with the policy requirement for the proposal to be sustainably located. It is acknowledged however that the degree of conflict with this policy test would not have been sufficient by itself to lead to a refusal of the planning application. Nonetheless the conflict with this policy weighs against granting planning permission on the negative side of the planning balance.

- 8.106 With regards to Policy DSP40(iii) Officers considered that there would be a harmful and significant effect to the countryside in this location as a result of the site specific development proposals and on this basis the harm has not been minimised in accordance the requirements of Policy DSP40(iii). It is also considered that the proposed development would fail to be sensitively designed to reflect the settlement character of Funtley. The proposal therefore fails to satisfy this policy test and is also considered contrary to Policies CS14 and CS17.
- 8.107 With regard to Policy DSP40(v) there would be an unacceptable environmental impact arising from the failure to appropriately mitigate the nitrate surplus generated by the development as described above.
- 8.108 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 125 affordable and market dwellings in the short term, including some self and custom build plots. The contribution the proposed scheme would make towards boosting the Borough's housing supply is in itself a significant material consideration, in the light of this Council's current 5YHLS. Added to this are the wider benefits identified in this report from the creation of the community park, provision of a community building/local shop and accessibility enhancements. There is the modest benefit of the additional jobs and expenditure in the locality arising from construction activity and the completed development itself. Other benefits purported by the applicant, such as ecological enhancement measures, are in reality mitigation measures which offset the harm arising in various matters.
- 8.109 Officers have carefully weighed the benefits which would be delivered by the proposals, having regard for the Council's 5 year housing land supply position, against the conflict with adopted local plan policies and paragraphs 130 and 174 of the NPPF. In Officer's views, the harm to the character and appearance of the countryside and the unsustainable location for the proposal (albeit of less significance) outweigh the benefits arising from the scheme.
- 8.110 In summary, in undertaking a detailed assessment of the proposals throughout this report, and assuming that the 'tilted balance' is applied to those assessments (the Inspector having carried out an Appropriate Assessment concluding there would be no adverse effects on the integrity of the Habitats sites) Officers consider that in respect of NPPF Paragraph 11(d):
- (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; and
 - (ii) any adverse impacts of granting planning permission would significantly and

demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.

- 8.111 In light of this assessment, and taking into account all other material planning considerations, had the Council been able to determine this application, Officers would have recommended that planning permission should not have been granted.

9.0 ***Recommendation***

- 9.1 Subject to final comments being received from the highway authority (Hampshire County Council) and authority being delegated to the Head of Development Management to include any additional submissions to the Planning Inspector considered appropriate taking into account those comments;

Members to confirm that had they been able to determine the planning application they would have resolved to REFUSE PERMISSION for the following reasons:

The development is contrary to Policies CS2, CS4, CS5, CS6, CS14, CS16, CS17, CS18, CS20 and CS21 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP6, DSP13, DSP15 & DSP40 of the Adopted Local Plan Part 2: Development Site and Policies Plan, paragraphs 130 and 174 of the NPPF and is unacceptable in that:

- a) The proposed development is not sensitively designed to reflect the character of the neighbouring settlement of Funtley and fails to respond positively to and be respectful of the key characteristics of the area harmful to the character and appearance of the countryside;
- b) The proposal would not be sustainably located;
- c) The proposal would have likely adverse effects on the integrity of European Protected Sites in combination with other developments due to the additional generation of nutrients entering the water environment and the lack of appropriate and appropriately secured mitigation;
- d) In the absence of a legal agreement to secure such, the proposal fails to appropriately secure mitigation of the likely adverse effects on the integrity of European Protected Sites which, in combination with other developments, would arise due to the impacts of recreational disturbance;
- e) In the absence of a legal agreement to secure the provision of open space and facilities and contributions toward the associated management and maintenance, the recreational needs of residents of the proposed development would not be met;

- f) In the absence of a legal agreement to secure such, the proposal fails to make on-site provision of affordable housing at a level in accordance with the requirements of the local plan;
- g) In the absence of a legal agreement to secure contributions to education, the needs of residents of the proposed development would not be met;
- h) In the absence of a legal agreement to secure the submission and implementation of a full Travel Plan, payment of the Travel Plan approval and monitoring fees and the provision of a surety mechanism to ensure implementation of the Travel Plan, the proposed development would not make the necessary provision to ensure measures are in place to assist in reducing the dependency on the use of the private motorcar.

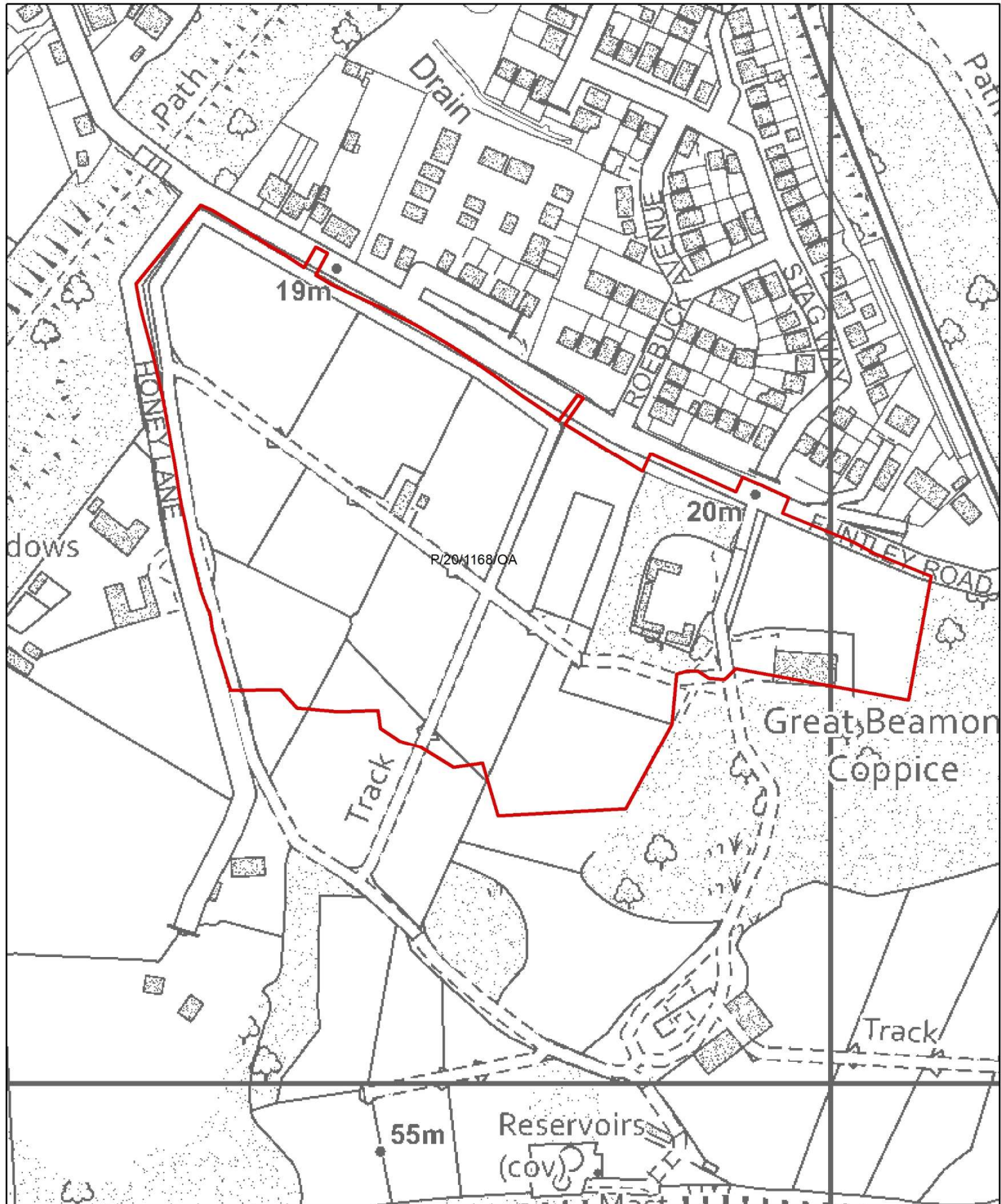
10.0 ***Notes for information:***

10.1 Had it not been for the overriding reasons for refusal to the proposal, the Local Planning Authority would have sought to address points e) - i) above by inviting the applicant to enter into a legal agreement with Fareham Borough Council under Section 106 of the Town & Country Planning Act 1990.

11.0 ***Background Papers***
P/20/1168/OA

FAREHAM

BOROUGH COUNCIL



Land to the South of
Funtley Road, Fareham
Scale 1:2500



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