

SUPPLEMENTARY AGENDA PLANNING COMMITTEE

Date: Wednesday, 9 November 2022

Time: 3.30 pm

Venue: Collingwood Room - Civic Offices

6. Planning applications and Miscellaneous Matters including an update on Planning Appeals

To consider a report by the Director of Planning and Regeneration on development control matters, including information regarding new planning appeals and decisions.

(8) UPDATE REPORT (Pages 1 - 6)



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8 November 2022

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UPDATES

for Committee Meeting to be held on 09/11/2022

ZONE 1 – WESTERN WARDS

- (1) P/18/0590/OA Warsash
Land west of Lockwood Road

Representations:

An additional representation has been received however it does not raise any new issues.

Recommendation:

Amend condition 19 as follows:

Full details of all necessary ecological mitigation and compensation measures (to be informed ~~as necessary~~ by an up-to-date **reptile** survey) shall be submitted for approval to the Local Planning Authority in the form of a Biodiversity Mitigation Strategy with each reserved matters application. Such details shall be in accordance with the outline ecological mitigation and compensation measures detailed within the approved: ~~Reptile Survey & Proposed Mitigation Ecosupport dated June 2018~~; Bat Surveys Ecosupport dated July 2018; Initial Ecological Appraisal Ecosupport dated October 2019; Ecology Addendum Ecosupport dated November 2020; Badgers and Bats in Trees Report dated 13th July 2021; Biodiversity Net Gain Report fpcr dated ~~19th January~~ **July** 2022. Any such approved measures shall thereafter be implemented in strict accordance with the agreed details and with all measures maintained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To provide ecological protection and compensation in accordance with Wildlife & Countryside Act 1981.

- (2) P/19/0402/DP/B Warsash
Land adjacent to 125 Greenaway Lane

Additional Representations

Further representations from a resident have been received which raise the following issues:

- The ecologist's updated comments aren't available to view online
- The ecologist's comments are based on the understanding that there were previous structures located where the proposed car park will be positioned
- Concern re impact of parking on hedge

Updated Ecology Response

I now understand that the car parking area is located on the existing track/areas already compacted, which lead to the old green houses and not located within the area of the old greenhouses. This knowledge will not change my previous comments.

Regarding the impact of car parking on the hedge, from the photos provided and based on the Ecological Appraisal by Lindsay Carrington Ecological Services Limited (September 2020), this hedge is intensively managed and a species-poor (privet hedge). Considering that any parking of cars will be set back from the hedge by at least 1m, I do not consider there to be any direct or indirect impacts on this hedge.

Officer comment

Section 8.9 of the report is to be amended as follows with the italics replacing the words with a line struck through them:

The car parking area is positioned on the location of an existing track and in *leading* to the location of old greenhouses where there is no existing notable habitat and the area is already compacted.

Conclusion

The car parking area is compacted due to the location of the track with no existing notable habitat. The proposed car parking would not have any impact on the hedge which has limited ecological value.

ZONE 2 – FAREHAM

(4) P/22/0913/FP Titchfield Common
377 Hunts Pond Road, Fareham, PO14 4PB

Following receipt of an amended landscape plan showing replacement planting along the northern boundary, conditions 2 and 9 have been reworded as follows;

2. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:

- i) Location and Block Plan 6133-WLA-ZZ-XX-DR-A-0012 Rev B
- ii) Proposed Site Plan 6133-WLA-ZZ-XX-DR-A-0013 Rev B
- iii) Proposed House Type Elevations 6133-WLA-ZZ-XX-DR-A-0111 Rev C
- iv) House Type Plans 6133-WLA-XX-ZZ-DR-A-0110 Rev D
- v) Street Scene 6133-WLA-A-0016 Rev A
- vi) Site Section 6133-WLA-XX-ZZ-DR-A-0018
- vii) Proposed Car Port 6133-WLA-ZZ-XX-DR-A-0031 Rev A
- viii) Preliminary Ecological Appraisal (dated June 2022)
- ix) Landscape Plan LANDP001 Rev 003

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

9. The landscaping scheme shall be implemented in accordance with the approved Landscape Plan ref.LANDP001 Rev 003 and completed within the first planting season following the commencement of the development or as otherwise agreed in writing with the Local Planning Authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

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

In addition, condition 5 has been amended to include a roof light which would serve the ensuite bathrooms. The condition would read as follows;

The roof light and first-floor windows, which would serve an ensuite bathroom, bathroom and a stairwell, proposed to be inserted into the north and south elevations of plots 1 and 2 shall be:

- a) Obscure-glazed; and
 - b) Of a non-opening design and construction to a height of 1.7 metres above internal finished floor level;
- and shall thereafter be retained in that condition at all times.

REASON: To prevent overlooking and to protect the privacy of the occupiers of the adjacent properties.

ZONE 3 – EASTERN WARDS

- (6) P/22/0337/OA Stubbington
Land South of 16 & 17 Glenthorne Close

Representations:

The applicant has provided a further rebuttal to third party comments:

- Glenthorne Close will remain a residential/light cul-de-sac even with the development;
- None of the users use large vans or have deliveries like normal businesses
- The road doesn't require any changes as the traffic generated is minimal
- The TRICS data does not take account of "live/work" units and nor does it account for customers flying into the Airport.
- The TRICS estimate, therefore, is a massive overestimate to the actual traffic.
- There is no agreement with Frontier Estates but the Care Home operator (Barchester Healthcare) and Highwood (the contractor) are both amenable to access through their site.
- Hardstanding will use a pervious surface and a rain water harvesting system in underground tanks so there is no issue with water runoff.

The applicant has also issued a rebuttal to reasons for refusal in the committee report and in response to the outstanding consultations. Whilst the applicant disagrees with the conclusions Officers have drawn, there are no new issues or material considerations raised other than those already in the application submission plus those summarised above and in the main agenda.

Consultations:

Environmental Health: Comments:

- The applicant has submitted a noise statement but does not provide any assessment of the current noise climate or the noise levels likely to be introduced through the development

- We would require a BS4142 type assessment in order to understand the impacts, and the mitigation proposed, where this is required, to ensure these are acceptable in preventing disturbance.
- In addition, the following matters should also be considered:
 - Permitted delivery times for the commercial elements of the proposal so as to prevent disturbance.
 - Operating hours for the commercial units
 - Noise impacts on outdoor living areas (for the development and existing domestic properties).
- Currently and without further information it would seem likely that future occupiers of the application site and neighbouring residential premises may be impacted by the proposals

Planning Considerations:

Amenity of future occupants and neighbouring properties:

As set out in the main report (para 8.143 onwards, page 146) it is unclear that the proposal will provide for an acceptable living environment for the future residents of the development.

The submitted Noise Statement is not a technical report taking account of the existing noise climate at the site and it is not possible, therefore, to conclude on the likely implications on residential amenity of bringing a domestic use onto an active airport.

The applicants Noise Statement indicates that the residential first floor of the building will be constructed with triple glazing and high specification insulation to combat noise. The Statement also assumes that because the occupants will be engaged in aviation businesses that residents will not be concerned at noise because they choose to live there.

The noise issue is unlikely to just be the consequence of bringing a residential use into the active airport and having a residential use closer to moving aircraft on the airport. The noise issue would also arise as a result of the layout and the proximity of each unit to its neighbour. The arrangement is such that the starting and moving of an aircraft at close quarters may have an unacceptable impact upon the amenity of other residents of the proposal as well as those adjoining the application site plus the other noise associated with a residential use being located on an active airport.

Policy DSP2 sets out that development should not, alone or cumulatively, have a significant adverse impact upon neighbouring development, adjoining land or the wider environment by virtue of noise. Advice in the NPPF is that decisions should aim to prevent "...new and existing development from...being adversely affected by unacceptable levels of ...noise pollution." (para 174e).

Noise limits for commercial uses are determined based on the measured noise survey data in accordance with the relevant British Standard (BS4142) and the requirements of the Local Authority. As per the Environmental Health consultation comments; no such noise assessment has been undertaken.

In this case the application has inadequate information submitted to enable the Planning Authority to conclude that the development would not have a significant

adverse impact by virtue of noise for either the proposed residents or those of the adjoining area. An additional reason for refusal is added to the recommendation accordingly.

Affordable Housing:

Paragraph 8.169 (page 150) onwards in the main report sets out the development plan requirements for affordable housing from a development of this type.

The application submission sets out that, based on a standard developers profit of 17.5% of the Gross Development Value (GDV) the scheme shows a deficit – based on the applicants assumptions on land value, sales prices and build costs etc. The applicants Viability Report concludes, as a result, that in the absence of any surplus profit that the development cannot support any affordable housing provision whether on site or as an off site contribution.

Given the specialist nature of the proposed units, delivery as affordable housing would not be appropriate and Fareham Housing has indicated that, if viability allows, a contribution towards off site provision should be secured.

The Council's Viability Consultant has reviewed the applicant's submission. The report challenges a number of the assumptions and inputs to the viability model such that the Council's consultant concludes differently to the applicant.

In terms of the viability inputs, there is agreement that the sales values for the proposed residential component of the scheme are fair and reasonable. With regard to the commercial element of the proposed units, the Council's consultant is of the view that the applicant has attributed a value that is too low to this part of the proposal. The Council's consultant also attributes a lower build costs for the units than those proposed by the applicant.

The Council's consultant has attributed a greater value to the CIL contribution and other mitigation such as nitrate credits than that of the applicant.

Within the applicant's submission, as set out above, the developer seeks 17.5% profit. The Council's review of the scheme suggests that 17.5% would be reasonable for the residential component part but that 15% would be appropriate for the hangars.

There is a difference in the valuation of the land and its value with the applicant's report concluding that the land value is significantly higher than the conclusion of the Council's consultant.

When the Council's consultant adds their inputs to the industry standard viability model, the output shows a development surplus of over £1.6m. This is in marked contrast to the applicants viability report which indicates a significant deficit from the development of some two hundred and fifty eight thousand pounds. At this level of deficit the developer would need to take a commercial view as to whether or not a lower level of return should be accepted for the site to come forward on a viable basis and without any contribution towards the 2.7 affordable homes required by the development plan.

It is clear that there are a number of assumptions in the applicant's viability report that are challenged by the review of the submission by the Council's consultant. It is clear that if the assumptions and inputs are adjusted that the application would be in profit to the extent that some affordable housing contribution can be secured and the scheme would still remain viable.

As such, it is considered that the proposal can provide for a contribution towards offsite affordable housing as required by policy CS18 of the Core Strategy and the emerging policy HP5 of the Fareham Local Plan 2037. In the absence of such a contribution a further reason for refusal is added to the recommendation as set out below.

Recommendation:

The comments of Environmental Health and the Council's Viability Consultant have been received and are considered above.

As such parts i), ii) and iii) of the recommendation in part 9 of the main agenda are no longer required and the application is recommended for refusal as per the reasons in the agenda plus the following additional reasons:

- 12) Inadequate information has been submitted in order for the Local Planning Authority to conclude that the development would not have a significant adverse impact by virtue of noise for either the proposed residents or those of the adjoining area. The proposed development is therefore considered contrary to policy DSP2 of the Development Sites and Policies Plan and policy D2 of the emerging Fareham Local Plan 2037.**
- 13) In the absence of a legal agreement to secure an off-site affordable housing contribution the scheme fails to assist the Borough in addressing its current housing need. The proposal is therefore considered contrary to policy CS18 of the Fareham Borough Local Plan Part 1 (Core Strategy) and policy HP2 of the emerging Fareham Local Plan 2037.**