

FAREHAM

BOROUGH COUNCIL

AGENDA PLANNING COMMITTEE

Date: Wednesday, 12 December 2018

Time: 2.30 pm

Venue: Collingwood Room - Civic Offices

Members:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

Councillors F Birkett
T M Cartwright, MBE
P J Davies
K D Evans
M J Ford, JP
Mrs K Mandry
R H Price, JP

Deputies: S Cunningham
S Dugan
Mrs C L A Hockley
Mrs K K Trott



1. Apologies for Absence

2. Minutes of Previous Meeting (Pages 1 - 6)

To confirm as a correct record the minutes of the Planning Committee meeting held on 14 November 2018.

3. Chairman's Announcements

4. Declarations of Interest

To receive any declarations of interest from members in accordance with Standing Orders and the Council's Code of Conduct.

5. Deputations

To receive any deputations of which notice has been lodged.

6. Five Year Housing Land Supply Position (Pages 7 - 21)

To consider a report by the Director of Planning and Regulation which provides and update on the Council's 5 Year Housing Land Supply Position.

7. Planning applications and Miscellaneous Matters including an update on Planning Appeals (Page 22)

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

ZONE 1 - WESTERN WARDS

(1) P/18/0068/OA - LAND EAST OF SOUTHAMPTON ROAD TITCHFIELD
(Pages 26 - 52)

(2) P/18/0897/FP - LAND TO THE SOUTH OF SEGENSWORTH ROAD
ROUNDAABOUT (Pages 53 - 73)

(3) P/18/0473/CU - LAND TO WEST OF 237 SEGENSWORTH ROAD PO15
5EW (Pages 74 - 96)

(4) P/18/0625/OA - LAND TO THE REAR Of 195-205 SEGENSWORTH ROAD
TITCHFIELD PO15 5EL (Pages 97 - 113)

(5) P/18/0592/OA - EGMONT NURSERIES BROOK AVENUE WARSASH
(Pages 114 - 131)

(6) P/18/0690/FP - 123 BARNES LANE SARISBURY GREEN SO31 7BH (Pages
132 - 152)

(7) P/18/1140/FP - 25 BEACON BOTTOM PARK GATE SO31 7GQ (Pages 153 -
163)

(8) P/18/1193/OA - 247 TITCHFIELD ROAD STUBBINGTON PO14 3EP (Pages 164 - 182)

(9) P/18/1197/FP - 85 CHURCH ROAD WARSASH SO31 9GD (Pages 183 - 187)

ZONE 2 - FAREHAM

(10) P/28/1192/FP - LAND NORTH & SOUTH OF JUNCTION 10 OF M27 FAREHAM (Pages 189 - 209)

(11) P/18/1130/FP - WOODCOTE LODGE 6 BRIDGEFOOT DRIVE PO16 0DB (Pages 210 - 214)

ZONE 3 - EASTERN WARDS

(12) P//18/0654/FP - LAND TO THE WEST OF SEAFIELD ROAD & MORAUNT DRIVE; SOUTH OF TATTERSHALL CRESCENT (Pages 216 - 252)

(13) P/16/0557/MA/B - IFA2 NATIONAL GRID LAND AT DAEDALUS AIRFIELD LEE-ON-THE-SOLENT PO13 9YA (Pages 253 - 258)

(14) Planning Appeals (Pages 259 - 261)

8. **Fareham Tree Preservation Order No. 748 2018 - Woodbourne Close, Titchfield** (Pages 262 - 271)

To consider a report by the Director of Planning and Regulation on Tree Preservation Order No. 748 (2018) to which an objection has been received.



P GRIMWOOD
Chief Executive Officer
Civic Offices

www.fareham.gov.uk

04 December 2018

For further information please contact:
Democratic Services, Civic Offices, Fareham, PO16 7AZ
Tel:01329 236100
democraticservices@fareham.gov.uk

FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Wednesday, 14 November 2018

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

Councillors: F Birkett, T M Cartwright, MBE, P J Davies, K D Evans,
M J Ford, JP, Mrs K Mandry and S Cunningham (deputising for
R H Price, JP)

Also Present: Councillor Miss S M Bell (Item 6 (3)) and Councillor R H Price,
JP (Item 6 (3)).



1. APOLOGIES FOR ABSENCE

An apology of absence was received from Councillor R H Price, JP.

2. MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee meeting held on 10 October 2018 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements made at this meeting.

4. DECLARATIONS OF INTEREST

In accordance with Standing Orders and the Council's Code of Conduct the following declarations of interest were made at this meeting:

Councillor N J Walker declared a non-pecuniary interest in Item 6 (3) – Land to the West of Seafield Road & Moraunt Drive, South of Tattershall Crescent in that he is the Chairman of the Parish Hall Trust Board of which 2 church wardens are also members and who are also member trustees of the Churchlands Trust which owns part of the site.

5. DEPUTATIONS

The Committee received a deputation from the following in respect of the applications indicated and were thanked accordingly.

Name	Spokesperson representing the persons listed	Subject	Supporting or Opposing the Application	Minute Application No/Page No
ZONE 1 – 2.30pm				
Ms A Dedman		OASIS BEAUTY 1 WHITELEY LOCAL CENTRE YEW TREE DRIVE WHITELEY PO15 7LA – CHANGE OF USE FROM SUI GENERIS USE (BEAUTY CLINIC) TO A MIXED USED BEAUTY CLINIC AND A3 (USE CLASS) CAFÉ/RESTAURANT (PROPOSED TEA	Supporting	6 (2) P/18/1076/CU Pg 38

		ROOM)		
ZONE 2 – 2.30pm				
ZONE 3 – 2.30pm				
Mr R Price		LAND TO THE WEST OF SEAFIELD ROAD/MORAUNT DRIVE SOUTH OF TATERSHALL CRESCENT PORTCHESTER – RESIDENTIAL DEVELOPMENT OF 48 DWELLINGS AND PROVISION OF OPEN SPACE AND HABITAT LAND ACCESS OFF MORAUNT DRIVE	Opposing	6 (3) P/18/0654/FP Pg 46
Mr S Maharg		-Ditto-	-Ditto-	-Ditto-
Mrs P Rook		-Ditto-	-Ditto-	-Ditto-
Mrs C Wilkinson	C.H.I.P	-Ditto-	-Ditto-	-Ditto-
Mr B Jezeph (Agent)		-Ditto-	Supporting	-Ditto-
Mr P Jarman		256 WARSASH ROAD – TREE PRESERVATION ORDER NO 747	Opposing	7 TPO-747 Pg 84

6. PLANNING APPLICATIONS AND MISCELLANEOUS MATTERS INCLUDING AN UPDATE ON PLANNING APPEALS

The Committee noted a report by the Director of Planning and Regulation on the development management matter applications and miscellaneous matters including the information on Planning Appeals.

(1) P/18/0874/FP - 69 CHURCH ROAD WARSASH SO31 9GD

Upon being proposed and seconded the officer recommendation to grant planning permission subject to the conditions in the report and an additional condition requiring that no contractors or delivery vehicles to be parked on road outside site between 8.30-9.30am and 3-4pm during school times during the construction period, was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that, subject to the conditions in the report and an additional condition requiring that no contractors or delivery vehicles to be parked on the road outside the site between 8.30-9.30am and 3-4pm during school times during the construction period, PLANNING PERMISSION was granted.

(2) P/18/1076/CU - OASIS BEAUTY 1 WHITELEY LOCAL CENTRE YEW TREE DRIVE PO15 7LA

The Committee received the deputation referred to in Minute 5 above.

Upon being proposed and seconded the officer recommendation to grant planning permission subject to the conditions in the report, was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that, subject to the conditions in the report, PLANNING PERMISSION be granted.

(3) P/18/0654/FP - LAND TO THE WEST OF SEAFIELD ROAD & MORAUNT DRIVE; SOUTH OF TATTERSHALL CRESCENT PORTCHESTER

The Committee received the deputations referred to in Minute 5 above.

At the Invitation of the Chairman, Councillor Miss S Bell addressed the Committee on this item.

At the Invitation of the Chairman, Councillor R H Price addressed the Committee on this item, he left the room after making his representation and was not present for the discussion or vote on the application.

Councillor N J Walker declared a non-pecuniary personal interest in this item as he is the Chairman of the Parish Hall Trust Board of which 2 church wardens are also members, and who are also member trustees of the Churchlands Trust which owns part of the site.

The Committee's attention was drawn to the Update Report which contained the following information: -

One further third party letter of objection has been received reiterating several of the issues already raised.

The Environment Agency have raised no objection in principle.

For clarity in planning condition number 21 the following words should be inserted:

- *('updated' September 2018) should be added after (Lindsay Carrington Ecological Services, May 2018).*

Officers recommend no change to the recommendation as set out in the report.

A motion was proposed and seconded to refuse the application, and was voted on and CARRIED.

(Voting: 5 in favour; 4 against)

RESOLVED that PLANNING PERMISSION be REFUSED.

Reasons for Refusal

The development would be contrary to Policies CS17, CS18, CS20 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP13, DSP15, DSP40 of the adopted Local Plan Part 2: Development Sites and Policies Plan and Fareham Borough Design Guidance Supplementary Planning Document (Excluding Welborne) December, 2015: And is unacceptable in that:

- (a) The Council is not satisfied with the proposed future management and maintenance arrangements for the southern part of the site and is not in turn satisfied that all relevant ecological interest would be fully safeguarded;
- (b) In the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas;
- (c) In the absence of a legal agreement to secure the provision of open space, the ecological enhancement area and associated management and maintenance, the recreational needs of residents and ecological enhancement of the proposed development would not be met;
- (d) In the absence of a legal agreement to secure provision of a financial contribution towards education, the educational needs of residents of the proposed development would not be met;
- (e) Had it not been for the overriding reasons for refusal the Council would have sought to secure on-site affordable housing provision at a level compliant with the adopted local plan.

Note for Information: Had it not been for the overriding reasons for refusal of the proposal, the Local Planning Authority would have sought to address points b – e above through inviting the applicant to enter into a legal agreement with Fareham Borough Council under Section 106 of the Town and Country Planning Act 1990.

(4) Planning Appeals

The Committee noted the information in the report.

(5) UPDATE REPORT

The Update Report was tabled at the meeting and considered with the relevant agenda item.

7. TREE PRESERVATION ORDER NO 747 2018 - 256 WARSASH ROAD

The Committee received the deputation referred to in Minute 5 above.

The Committee considered a report by the Director of Planning and Regulation on Tree Preservation Order No. 747, to which an objection has been raised.

A motion was proposed and seconded that TPO 747 be confirmed with an amendment in that only T1 be included in the order, and was voted on and LOST.

(Voting: 4 in favour; 5 against)

A motion was proposed and second that the officer recommendation to confirm TPO 747 without amendment was voted on and CARRIED.

(Voting: 8 in favour; 1 against)

RESOLVED that Tree Preservation Order No. 747 be confirmed without amendment.

8. TREE PRESERVATION ORDERS

The Committee considered the confirmation of the following Fareham Tree Preservation Order(s), which have been made under delegated powers and to which no formal objection had been received.

Fareham Tree Preservation Order No. 746 2018 – 122 Locks Heath Park Road (Locks Heath Memorial Hall), Titchfield Common.

Order served on 23 July 2018 for which there were no objections.

RESOLVED that Fareham TPO 746 is confirmed as made and served.

Fareham Tree Preservation Order No 749. 2018 – 171-181 (Odds) Stubbington Lane, Hill Head.

Order served on 8 August 2018 for which there were no objections.

RESOLVED that Fareham TPO 749 is confirmed as made and served.

Fareham Tree Preservation Order No. 751 2018 – Springfield Way Open Space, Hill Head.

Order served on 23 August 2018 for which there were no objections.

RESOLVED that Fareham TPO 751 is confirmed as made and served.

(The meeting started at 2.30 pm
and ended at 5.30 pm).

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date **12 December 2018**

Report of: **Director of Planning and Regulation**

Subject: **FIVE YEAR HOUSING LAND SUPPLY POSITION**

SUMMARY

At their meeting on the 9th October 2017, the Executive resolved that Officers present a report to the Planning Committee on the Council's current 5-Year Housing Supply (5YHLS) position on a regular basis.

The following report provides the latest update, and supersedes the update previously provided to the Planning Committee on 10th October 2018.

RECOMMENDATION

That the Committee note: -

- (i) the content of the report and the current 5-Year Housing Land Supply position;
- (ii) that the 5-Year Housing Land Supply Position set out in the attached report (which will be updated regularly as appropriate) is a material consideration in the determination of planning applications for residential development;
- (iii) when the Government publishes the Housing Delivery Test results, Officers believe that this Council will be required to apply a 20% buffer to the 5-Year Housing Land Supply position, and Members should make decisions on planning applications on that basis; and
- (iv) that the Government are consulting on adjustments to the new standard method used to calculate Local Housing Need, following publication of the new household growth projections on 20th September 2018. If implemented these adjustments will further increase the Council's housing requirements, above that arising from the Housing Delivery Test.

INTRODUCTION

1. The following 5YHLS position updates and supersedes those previously provided to the Planning Committee. It will continue to be regularly updated as appropriate and will represent a material consideration in the determination of planning applications. It should be noted that the Council's housing land supply position can go down as well as up depending on the circumstances relevant at any given time.

NATIONAL PLANNING CHANGES

2. The revised NPPF and PPG changed how Local Planning Authorities must calculate their housing need figure. Prior to publication of the revised Framework and Guidance, housing need was calculated through a process called Objectively Assessed Need (OAN). The requirement of the revised NPPF is for housing need to now be calculated by a new standard method, as set out in the PPG.
3. The standard method uses household growth projections and house-price to earnings affordability data (produced by the Office for National Statistics) to calculate the Local Housing Need figure for a Local Planning Authority.
4. In September, the Office for National Statistics published new household growth projections. The new projections are 2016-based and update the previous 2014-based projections which were used to calculate the annual housing need figure.
5. At the Planning Committee meeting in October, Members were advised that using the new household growth projections within the standard method reduced Fareham's housing need by 65 dwellings per annum from the figure reported to September Planning Committee. The housing need figure for Fareham, using the standard method, became 479 dwellings per annum.
6. Calculation of the Council's 5-Year Housing Land Supply Position based on an annual dwelling requirement of 479 gives a projected position of 4.95 years.
7. The Housing Delivery Test results which the Ministry of Housing, Communities and Local Government (MHCLG) were due to publish in November had still not been published as at the 3rd December. Officers believe that when these results are published they will require this Council to apply a buffer of 20%.
8. On 26th October 2018, the Government issued a further technical consultation on changes proposed to both national planning policy and guidance in respect of housing need assessment and housing land supply. The technical consultation proposes the use of the older 2014-based ONS household projections, rather than the up-to-date lower 2018 projections, as part of the current application of the standard method to calculating local housing need. If implemented this will further increase the Council's housing requirements, above that arising from the Housing Delivery Test.

RISK ASSESSMENT

9. There are no significant risk considerations in relation to this report.

CONCLUSION

10. That the Committee note the content of the report and the updated 5YHLS position.

11. That the 5YHLS position set out in the attached report (which will continue to be updated regularly as appropriate) is a material consideration in the determination of planning application for residential development.
12. Members note the forthcoming Housing Delivery Test result implications and the potential effect upon this Council's housing requirements as a result of other proposed changes to national planning policy and guidance.

Enquiries:

For further information on this report please contact Lee Smith. (Ext 4427).

Fareham Borough Council

Five-Year Housing Land Supply Position

December 2018

1.0 INTRODUCTION

- 1.1 The National Planning Policy Framework (NPPF) requires Local Planning Authorities to identify and update annually a supply of specific deliverable sites to provide five years supply of housing against their housing requirements. The NPPF also requires an additional buffer of 5% (or 20% in the case of persistent under-delivery) to ensure choice and competition in the market for land.
- 1.2 This document has been prepared to provide the latest position on the 5 Year Housing Land Supply (5YHLS) in Fareham Borough. It will be updated at regular intervals to ensure the most accurate and up-to-date position is available. Updates will be provided to the Planning Committee when relevant and will also be advised on the Council's website.
- 1.3 This document is iterative/live and will only provide the most accurate position of 5YHLS at the time of publication. It is possible that sites will be omitted from the 5YHLS and then subsequently when circumstances change may feature again in a future iteration of the 5YHLS position (and vice versa). Likewise, delivery rates for included sites are not fixed and are subject to revision following correspondence with site promoters/ developers.

2.0 HOUSING NEED

- 2.1 The revised NPPF (July 2018) and PPG change how Local Planning Authorities must calculate their housing need figure. Prior to publication of the revised Framework and Guidance, housing need was calculated through a process called Objectively Assessed Need (OAN). The requirement now for Local Authorities, through the revised NPPF is for housing need to be calculated through a new standard method.
- 2.2 The new standard method is based on household growth projections and house-price to earnings affordability data published by the Office for National Statistics (ONS).
- 2.3 In September, the Office for National Statistics published new household growth projections for each local authority in England. The new projections are 2016-based and update the previous 2014-based projections which were used to calculate the annual housing need figure for the September Committee.
- 2.4 Use of the new 2016-based household growth projections within the standard method reduced the Council's Local Housing Need figure by 65 dwellings per annum from 544 dwellings to 479 dwellings.
- 2.5 There remains a requirement in the revised NPPF to include at least a 5% buffer on top of the 5-year housing requirement, "to ensure choice and competition in the market for land". The 5% buffer increases the dwellings per annum requirement to 503.
- 2.6 The level of the buffer (5% or 20%) is now determined through the Housing Delivery Test, which has been introduced as part of the revised NPPF. The NPPF advises that each Council's Housing Delivery Test result will be calculated and published by MHCLG in November of each year, with the first result due in November 2018. As at the time of completing this report (3rd December) the Housing Delivery Test results had not been published.
- 2.7 Based on the Housing Delivery Test guidance that is available, Officers consider there a very strong likelihood that this Council will be required to apply a 20% buffer on its 5-year housing requirement.

- 2.8 A number of planning consultancies have undertaken their own assessments as to which Councils will be required to apply a 20% buffer, which in turn has been reported in the planning press. In all the instances that Officers have seen, planning consultancies have concluded like Officers that this Council will be required to apply a 20% buffer.
- 2.9 Applying a 20% buffer will increase this Council's annual requirement from 503 to 575 dwellings per annum. As at the date this report was prepared, this would equate to a housing land supply at Fareham of 4.3 years (a shortfall of 386 dwellings) up to 31st March 2023
- 2.10 The revised Planning Practice Guidance confirms that past under-delivery in housing supply is not required to be taken account of when using the standard method, as the affordability adjustment is applied to take account of past under-delivery.
- 2.11 On 26th October 2018, the Government issued a further technical consultation on changes proposed to both national planning policy and guidance in respect of housing need assessment and housing land supply. The response to this consultation (which closes on 7th December 2018), was agreed by the Council's Executive on the 3rd December.
- 2.12 The technical consultation proposes the use of the older 2014-based ONS household projections, rather than the up-to-date lower 2018 projections, as part of the current application of the standard method to calculating local housing need. If implemented this will further increase the Council's housing requirements, above that arising from the Housing Delivery Test.

3.0 HOUSING SUPPLY

- 3.1 The revised National Planning Policy Framework requires Local Planning Authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their local housing need. As such, this section sets out the different sources which make-up the Council's projected five-year housing supply.

Planning Permissions

- 3.2 A comprehensive list of all sites with outstanding planning permission at the start of each monitoring year (1 April 2018) is provided annually to the Council by Hampshire County Council. However, to ensure that this 5YHLS position provides the most accurate and up-to-date position, all new planning permissions up until 30th November 2018 are also taken account of. Sites with planning permission are only included within the projected supply where there is clear evidence that the site is being delivered, or will be delivered within the 5-year period. As such, where there is some indication that a planning permission will not be implemented then the site has been omitted from the 5YHLS on a precautionary basis. However, this may change if subsequent information comes to light to suggest the development will take place in the five-year period.
- 3.3 The monitoring of new permissions and the delivery projections of existing sites with planning permission will continue to be kept regularly up-to-date by Fareham Borough Council Officers, through regular correspondence with site developers.

Resolutions to Grant Planning Permission

- 3.4 Housing delivery from sites with a resolution to grant planning permission form a significant component of the projected supply. These consist of sites which have been approved by the Council's Planning Committee, but the formal grant of planning permission remains subject to the agreement of a legal agreement (i.e. Section 106).

- 3.5 Based on information provided by the applicant, this site is expected to contribute fully to the Council's 5YHLS, however projections will be kept under review by the Council. It has been assessed that the 'up to' figures in the resolutions to grant permission are reasonable and achievable, however, should the subsequent reserved matters applications revise the development quantum then this may need to be reflected in future updates on the 5YHLS position, should those quantum be acceptable.

Adopted Local Plan Housing Allocations and Emerging Brownfield Sites

- 3.6 Officers have undertaken a review of the residual allocations and policy compliant sites from the adopted Local Plan to inform the 5YHLS position. This has been based on correspondence with the site promoter and Planning Officer judgement. The applicants for the Welborne development are expected to submit revised/ additional information on a range of matters in mid- December including projected housing completions within the next 5 years. This element of the Council's Housing Land Supply will be updated accordingly when the projected completions and supporting information have been received and considered.
- 3.7 In instances where Officers have gathered information on the timing and delivery rates from site landowners or developers, the Council have in some instances taken a more precautionary approach to delivery than may have been proposed by the site developer. This could be, for example, if they failed to allow sufficient time for planning permissions to be secured, or if the delivery rates were considered too optimistic. It is important that the Council has a robust basis for its 5YHLS calculations, as adopting a set of unrealistic assumptions may result in a 5YHLS figure that may not be accepted by an appeal Inspector.
- 3.8 This process of liaison with site promoters and developers will remain ongoing to ensure a robust and evidenced position on 5YHLS can be demonstrated.

Windfall Allowance

- 3.9 Paragraph 70 of the revised NPPF allows for an allowance to be made for housing delivery from windfall sites, providing that there is compelling evidence that they will provide a reliable source of supply having regard to historic windfall delivery rates and expected future trends. An allowance for windfall housing from small sites (1-4 units) has been included within the projected 5-year supply, but avoids any small-site windfall development in years 1-3 of that projection and any large-site windfall from the entire 5-year projection.
- 3.10 The windfall rates used in the 5YHLS projection are set out in the Council's Housing Windfall Projections Background Paper (2017)¹.

Calculating the 5YHLS

- 3.11 In summary, the 5YHLS position in this paper is based on the following: -
- Local Housing Need figure of 479 dwellings per annum.
 - Application of a 5% buffer on the Local Housing Need figure.
 - Outstanding planning permission data provided by Hampshire County Council up until

¹ Available at: http://www.fareham.gov.uk/PDF/planning/local_plan/DraftLocalPlanEvidenceBase/EV24-BackgroundPaperHousingWindfallProjections.pdf

31st March 2018 and Fareham Borough Council records from 1st April 2018 until 23rd September 2018.

- Sites with a resolution to grant planning permission, allocated within the adopted Local Plan and emerging brownfield sites which are expected to deliver housing over the 5-year period 1st April 2018 to 31st March 2023.
- Expected windfall development from small sites (1-4 units) in years 4 and 5 (i.e. 1st April 2021 – 31st March 2023).
- Delivery projections and rates which are derived from detailed liaison with site developers (particularly for larger development sites).

4.0 FIVE-YEAR HOUSING LAND SUPPLY POSITION

4.1 The following table provides a summary of the Council's current 5YHLS position as per the date of this paper.

HOUSING REQUIREMENT		
A	Local Housing Need: Dwellings per annum 2018-36	479
B	Local Housing Need: Total requirement for 1 st April 2018 to 31 st March 2023 (A x 5)	2395
C	5% buffer to ensure choice and competition in the market for land (B x 5%)	120
D	Total housing requirement for period from 1st April 2018 to 31st March 2023 (B+C)	2,515
E	Annual requirement for period from 1 st April 2018 to 31 st March 2023 (d/5)	503
HOUSING SUPPLY		
F	Net outstanding planning permissions for small sites (1-4 units) expected to be built by 31 st March 2023 (discounted by 10% for lapses)	135
G	Net outstanding planning permissions for large sites (5 or more units) expected to be built by 31 st March 2023	767
H	Dwellings with a Resolution to Grant Planning Permission that are expected to be built by 31 st March 2023	710
I	Dwellings allocated in Adopted Local Plan (LP2 & LP3) that are expected to be built by 31 st March 2023	657
J	Dwellings from emerging brownfield sites (Adopted Local Plan - LP1 & LP2) that are expected to be built by 31 st March 2023	145
K	Small site windfall allowance (years 4 – 5) (37 dwellings x 2 years)	74
L	Expected housing supply for the period from 1st April 2018 to 31st March 2023 (F+G+H+I+J+K)	2488
M	Housing Land Supply Position over period from 1st April 2018 to 31st March 2023 (L – D)	-27
N	Housing Supply in Years (L / E)	4.95 years

4.2 The above table shows the Council to currently have 4.95 years of housing supply against the 5YHLS requirement. In numerical terms, the housing supply shortfall is 27 dwellings.

4.3 The full detail behind the projected five-year supply of 2,488 dwellings is provided in Section 5.

5.0 DETAILS OF PROJECTED HOUSING SUPPLY FOR THE 5-YEAR PERIOD (1ST APRIL 2018 – 31ST MARCH 2023)

PROJECTED SUPPLY	2018/ 19	2019/ 20	2020/ 21	2021/ 22	2022/ 23	Totals	Notes for 5Y Position
OUTSTANDING PLANNING PERMISSIONS - SMALL (1-4 dwellings) (10% discount)	50	50	35			135	10% reduction rate applied to account for likely lapses in permission. Final permission figures provided by HCC - August 2018.
OUTSTANDING PLANNING PERMISSIONS - LARGE (5 dwellings+)						767	
Cold East Hospital, Cold East Way, Sarisbury Green (03/1867/RM)	2					2	Site under construction and almost complete (HCC 2017/18 completions data).
16 Botley Road, Park Gate (03/1439/FP)	12	8				18	Development of 11 units commenced in 2017/18 (HCC 2017/18 completions data).
122 Leydene Nursery, Segensworth Road (06/0907/RM)		3				3	Nothing to indicate that the site will not be developed in the 5-year period at this stage.
70 Trinity Street, Fareham (07/0848/FP)	19	4				23	Development of 19 units commenced in 2017/18 (HCC 2017/18 completions data).
3-33 West Street, Portchester (07/0042/FP)		16				16	Planning permission has been commenced. Staircases to serve flats in place, but no flats built (May 18). Nothing however to indicate that the site will not be developed in the 5-year period.
New Park Garage, Station Road, Park Gate (09/0672/FP)		14				14	Development of all 14 units commenced in 2017/18 (HCC 2017/18 completions data).
Land off Cartwright Drive, Titchfield (14/0741/FP)	40	46				86	Site is under construction and development of all units commenced in 2017/18 (HCC 2017/18 completions data). Delivery projections as informed by HCC LAMS (2018).
100 Wickham Road, Fareham (14/1252/FP)		13				13	Details Pursuant to conditions now in P/14/1252/DP/A. Nothing to indicate that the site won't be developed in the 5-year period at this stage (May 18)
Land at Windmill Grove, Portchester (14/0033/FP)	24					24	Site is under construction and understood to almost be complete (HCC 2017/18 completions data).

PROJECTED SUPPLY	2018/ 19	2019/ 20	2020/ 21	2021/ 22	2022/ 23	Totals	Notes for 5Y Position
Swanwick Marina, Bridge Road (15/0424/VC)		20	30			50	There is an outstanding permission for 50 dwellings at this site. The site is still considered to be developed in the 5-year period at this stage. Delivery projections as informed by HCC LAMS (2018).
Fareham College, Bishopsfield Road (15/0690/RM)	40	8				48	Site under construction. Development of outstanding units commenced in 2017/18 (HCC 2017/18 completions data). Delivery projections as informed by HCC LAMS (2018).
The Meadows, Hamilton Road, Sarisbury Green (15/0626/FP)	71					71	Site is under construction and development of all units commenced in 2017/18 (HCC 2017/18 completions data). Delivery projections as informed by HCC LAMS (2018).
123 Bridge Road, Sarisbury Green (15/0391/FP)		5				5	Site owned by FBC. Detailed planning in place. Final stage of ecology translocation in October 2018 and development expected to start in Spring 2019. May deliver slightly earlier than projected.
Land adj. The Navigator, Swanwick (16/0398/RM)	3					3	Site under construction and almost complete (HCC 2017/18 completions data).
10-20 Land to rear of Tewkesbury Avenue (16/1333/FP)	6					6	The development is currently under construction (May 18)
4-14 Botley Road, Park Gate (16/0295/FP)		46				46	Site commenced construction in 2017/18 (HCC 2017/18 completions data). Delivery projections as informed by HCC LAMS (2018).
Former Catholic Church of our Lady of Walsingham, Portchester (16/0905/FP)	8					8	Site is under construction and almost complete (HCC 2017/18 completions data).
Land to rear of 94,96,98,100 and 102 Southampton Road (16/1147/FP)	6					6	Site is under construction and understood to almost be complete (May 18).
Land to rear of 405 & 409 Hunts Pond Road (P/16/1251/FP)		10				10	Development is under way (May 18).
Hope Lodge, 84 Fareham Park Road (P/16/1178/FP and/or P/17/1385/FP)		6				6	Site is understood to be under new ownership. Development is under way (May 18).
189-199 West Street, Fareham (P17/0293/PC)	7					7	Commencement of development considered imminent. Nothing to indicate that the site won't be developed in the 5-year period at this stage (May 18).

PROJECTED SUPPLY	2018/ 19	2019/ 20	2020/ 21	2021/ 22	2022/ 23	Totals	Notes for 5Y Position
Auto & Marine, 132 Highlands Road, Fareham (P/17/0366/FP)		5				5	One discharge of condition application has been submitted, but there remain further outstanding ones. Expected to be developed in 5-year period. (May 18)
Fareham Ambulance Station, Highlands Road (P/17/0213/FP)	10					10	Development commenced in 2017/18 (HCC 2017/18 completions data).
Land to rear of 184 Bridge Road (P/17/0697/FP)	8					8	It is understood that adjacent land has been secured to provide material storage during construction. Development commenced in 2017/18 (HCC 2017/18 completions data).
1 Station Industrial Park, Duncan Road, Park Gate (P/17/1219/PC)			15			15	No construction on site - remains offices. Expected to deliver in the 5-year period. (May 18)
10 East Street, Fareham (P/17/1060/FP)				5		5	No construction on site at present but this is a recent permission that is expected to deliver in the 5-year period. (May 18)
Willows End, 312 Old Swanwick Lane (P17/1390/FP)				6		6	Demolition of existing dwelling appears imminent. Details pursuant application recently approved to enable development to commence - expected to deliver in the 5-year period (May 18).
Cranleigh Road, Portchester (Appeal allowed, Reserved Matters Application P/17/1170/RM)	10	40	40	30		120	Construction on-site has commenced. Delivery projections as informed by HCC LAMS (2018).
Wykeham House School (P/17/0147/FP)	10	5				15	Development of site has commenced (May 18). Delivery projections as informed by HCC LAMS (2018)
Land east of Brook Lane, Warsash - Taylor Wimpey (P/16/1049/OA)		10	45	30		85	Permission granted by Planning Inspector following planning appeal (APP/A1720/W/17/3177435). Projections pushed back one year compared with site promoter's submission.
Hampshire Rose, Highlands Road, Fareham (P/17/0956/FP)			18			18	Site owned by FBC. Detailed planning in place. Final stage of ecology translocation in October 2018 and development expected to start in Spring 2019. May deliver slightly earlier than projected.
Former Scout Hut Coldeast Way Sarisbury Green (P/17/1420/OA)			7			7	Outline planning approved in May 2018. Land expected to be transferred from HCA to FBC in Autumn 2018.

PROJECTED SUPPLY	2018/ 19	2019/ 20	2020/ 21	2021/ 22	2022/ 23	Totals	Notes for 5Y Position
18-23 Wykeham Place (Former School Sports Hall), East Street, Fareham (P/18/0589/FP)		6				6	Full planning approved in August 2018. Anticipated start on site in 2019.
RESOLUTION TO GRANT PLANNING PERMISSION – LARGE (5 dwellings+)						710	
Land at Brook Lane, Warsash - Foreman Homes (P/17/0845/OA)		40	70	70		180	Resolution to grant outline planning permission at January 2018 Planning Committee for up to 180 dwellings, subject to a Section 106 agreement. Projections pushed back one year compared with site promoter's submission.
Land East of Brook Lane, Warsash – Bargate Homes (P/17/0752/OA)		20	40	40	40	140	Resolution to grant outline planning permission at January 2018 Planning Committee for up to 140 dwellings, subject to a Section 106 agreement. Projections pushed back one year compared with site promoter's submission.
Heath Road, Locks Heath – Hampshire County Council (LP2 H11) (P/17/1366/OA)		20	20	30		70	Resolution to grant outline planning permission at February 2018 Planning Committee for up to 70 dwellings, subject to a Section 106 agreement.
Land to East of Bye Road (self/custom build) (P/17/1317/OA)		4	3			7	Resolution to grant outline planning permission at March 2018 Planning Committee for up to 7 dwellings (self and custom build), subject to a Section 106 agreement.
Land South of Greenaway Lane, Warsash - Land & Partners (P/17/0998/OA)		25	60	60	12	157	Resolution to grant outline planning permission at May 2018 Planning Committee for up to 157 dwellings, subject to a Section 106 agreement. Projections pushed back one year compared with site promoter's submission.
Land to south of Rookery Avenue, Swanwick (P/18/0235/FP)		6				6	Resolution to grant full planning permission at May 2018 Planning Committee for up to 6 dwellings, subject to a Section 106 agreement.
East & West of 79 Greenaway Lane, Warsash (P/18/0107/OA)		20	10			30	Resolution to grant outline planning permission at June 2018 Planning Committee for 30 dwellings, subject to a Section 106 agreement.
Land North of Funtley Road, Funtley (P/17/1135/OA)			27			27	Resolution to grant outline planning permission at July 2018 Planning Committee for 27 dwellings, subject to a Section 106 agreement.

PROJECTED SUPPLY	2018/ 19	2019/ 20	2020/ 21	2021/ 22	2022/ 23	Totals	Notes for 5Y Position
Land South of Funtley Road, Funtley (P/18/0067/OA)			15	30	10	55	Resolution to grant outline planning permission at July 2018 Planning Committee for 55 dwellings, subject to a Section 106 agreement.
Land South West of Sovereign Crescent, Locks Heath (P/18/0484/FP)		8	30			38	Resolution to grant full planning permission at September 2018 Planning Committee for 38 dwellings, subject to a Section 106 agreement.
ADOPTED LOCAL PLAN HOUSING ALLOCATIONS						657	
Wynton Way, Fareham (LP2 H3)				18		18	Site currently owned by HCC. Acquisition of site from HCC is agreed in principle but subject to negotiation. Pre-app has taken place and constraints plans complete to inform layout plan and yield. Expected to realistically delivery toward the latter part of 5-year period.
335-337 Gosport Road, Fareham (LP2 H4)					12	12	Site currently owned by HCC. Pre-app has taken place and constraints plans complete to inform layout plan and yield.
Stubbington Lane, Hill Head (LP2 H12)				12		12	Site owned by FBC. Expected to deliver affordable homes in the short term. Pre-app has taken place and a concept design has been agreed in principle. Site is expected to deliver in the 5-year period.
Sea Lane, Hill Head (LP2 H13)				8		8	Site owned by FBC. Expected to deliver affordable homes in the short term.
Corner of Station Road, Portchester (LP2 H20)				17		17	Site recently purchased by FBC. Has existing resolution for 17 aged-persons apartments (P/16/0142/FP) subject to a Section 106 agreement. Expected to deliver in the short term.
Welborne (LP3)			140	200	250	590	Based on published evidence to support the Draft Local Plan (2017).
EMERGING BROWNFIELD SITES						145	
Fareham Magistrates Court			45			45	Pre-application consultation undertaken in September 2018. Demolition notice applied for Aug 2018. Outline application from site owner (Homes England) expected late 2018.

PROJECTED SUPPLY	2018/ 19	2019/ 20	2020/ 21	2021/ 22	2022/ 23	Totals	Notes for 5Y Position
Warsash Maritime Academy				50	50	100	Site is currently being marketed for disposal by site owner (Southampton Solent University) with October deadline for offers. Vacant possession planned for summer 2019. Projected delivery rates and timing remain subject to revision.
WINDFALL ALLOWANCE						74	
Small (1-4 units)				37	37	74	As per the rate set out in the Council's Windfall Background Paper (2017).
TOTAL PROJECTED HOUSING SUPPLY from 1st April 2018 – 31st March 2023	391	502	563	593	401	2488	

FAREHAM

BOROUGH COUNCIL

<p>Report to</p> <p>Planning Committee</p>
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Date: 12 December 2018

Report of: Director of Planning and Regulation

Subject: PLANNING APPLICATIONS AND MISCELLANEOUS MATTERS

SUMMARY

This report recommends action on various planning applications.

RECOMMENDATION

The recommendations are detailed individually at the end of the report on each planning application.

AGENDA

<p>ZONE 1 – WESTERN WARDS</p> <p>Park Gate</p> <p>Titchfield</p> <p>Sarisbury</p> <p>Locks Heath</p> <p>Warsash</p> <p>Titchfield Common</p>

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
<p>P/18/0068/OA TITCHFIELD COMMON</p>	<p>LAND EAST OF SOUTHAMPTON ROAD TITCHFIELD FAREHAM</p> <p>OUTLINE APPLICATION FOR THE PROPOSED ERECTION OF APPROXIMATELY 105 NO. DWELLINGS WITH ASSOCIATED INFRASTRUCTURE, LANDSCAPING, OPEN SPACE AND ACCESS, INCLUDING DEMOLITION OF THE EXISTING PROPERTY (ALL MATTERS RESERVED EXCEPT FOR ACCESS).</p>	<p>1</p> <p>OUTLINE PERMISSION</p>
<p>P/18/0897/FP TITCHFIELD COMMON</p>	<p>LAND TO THE SOUTH EAST OF SEGENSWORTH ROAD ROUNDABOUT FAREHAM</p> <p>ERECTION OF A 75 BED CARE HOME (C2 USE) WITH ASSOCIATED CAR PARKING AND LANDSCAPE PLANTING.</p>	<p>2</p> <p>PERMISSION</p>
<p>P/18/0473/CU TITCHFIELD COMMON</p>	<p>LAND TO WEST OF 237 SEGENSWORTH ROAD FAREHAM PO15 5EW</p> <p>THE TEMPORARY USE OF LAND FOR A PERIOD OF THREE YEARS FOR THE STATIONING OF CARAVANS FOR RESIDENTIAL PURPOSES TO PROVIDE 1NO</p>	<p>3</p> <p>PERMISSION</p>

RESIDENTIAL FAMILY GYPSY PITCH AND THE
CONSTRUCTION OF NEW ENTRANCE GATES

P/18/0625/OA TITCHFIELD	195-205 SEGENSWORTH ROAD TITCHFIELD FAREHAM PO15 5EL OUTLINE PLANNING APPLICATION FOR UP TO 9NO. DWELLINGS, WITH ACCESS AND PARKING FOLLOWING THE DEMOLITION OF 195 SEGENSWORTH ROAD	4 OUTLINE PERMISSION
P/18/0592/OA WARSASH	EGMONT NURSERIES BROOK AVENUE WARSASH SOUTHAMPTON SO31 9HN DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF EIGHT DETACHED HOUSES AND CREATION OF PADDOCK (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)	5 OUTLINE PERMISSION
P/18/0690/FP SARISBURY	123 BARNES LANE SARISBURY GREEN SOUTHAMPTON SO31 7BH DEMOLITION OF EXISTING DWELLING AND REPLACEMENT WITH A PURPOSE BUILT 75 BED CARE HOME, ASSOCIATED ACCESS AND LANDSCAPING	6 PERMISSION
P/18/1140/FP PARK GATE	25 BEACON BOTTOM PARK GATE SOUTHAMPTON SO31 7GQ TWO SEMI-DETACHED 3 BEDROOM HOUSES	7 PERMISSION
P/18/1193/OA TITCHFIELD	247 TITCHFIELD ROAD STUBBINGTON FAREHAM PO14 3EP OUTLINE APPLICATION FOR THREE DETACHED DWELLINGS WITH ASSOCIATED LANDSCAPING AND PARKING (RE- SUBMISSION OF P/18/0620/OA)	8 OUTLINE PERMISSION
P/18/1197/FP	85 CHURCH ROAD WARSASH SOUTHAMPTON	9

WARSASH

SO31 9GD

PERMISSION

RETENTION OF SLIDING GATE AND NEW
FENCING TO FRONT GARDEN

Agenda Item 7(1)

OFFICER REPORT FOR COMMITTEE

DATE: 12/12/2018

**P/18/0068/OA
RESIDE DEVELOPMENTS LTD**

**TITCHFIELD
AGENT: TURLEY**

OUTLINE APPLICATION FOR THE PROPOSED ERECTION OF APPROXIMATELY 105 NO. DWELLINGS WITH ASSOCIATED INFRASTRUCTURE, LANDSCAPING, OPEN SPACE AND ACCESS, INCLUDING DEMOLITION OF THE EXISTING PROPERTY (ALL MATTERS RESERVED EXCEPT FOR ACCESS).

LAND EAST OF SOUTHAMPTON ROAD, TITCHFIELD, FAREHAM

Report By

Jean Chambers - direct dial 01329 824355

1.0 Introduction

- 1.1 This application has been presented to the Planning Committee due to the number of third party representations received.
- 1.2 Members will note from the 'Five Year Housing Land Supply Position' report elsewhere on this agenda that this Council currently has a housing land supply of 4.95 years (a shortfall of 27 dwellings within the 5 year period).
- 1.3 The Housing Delivery Test results which were due to be published by the Ministry of Housing, Communities and Local Government in November 2018 had not been published as at 3rd December. Officers have carried out their own assessment against the same criteria the Government will use and are of the opinion that the Housing Delivery Test results will require this Council to apply a 20% buffer to its local housing need increasing its annual requirement to 575 dwellings per annum. This in turn would result in a 5 year housing supply of 4.3 years and a shortfall of 386 dwellings. Should the Housing Delivery Test results be published prior to the Planning Committee meeting, Officers will provide an update at the meeting.
- 1.4 Policy DSP40 of the Local Plan Part 2: Development Sites and Policies is engaged when it can be demonstrated that the Council does not have a five year housing land supply. Even if the Council were found to have a 5 year housing land supply as a result of resolutions taken during this meeting, Officers believe it is clear that the housing requirements for this Borough will increase in the very near future as a result of the Housing Delivery Test.

1.5 In light of the Government's clear 'direction of travel' on housing requirements and delivery, it is considered appropriate to consider proposals against the criteria set out within DSP40 (which derive from standalone development plan policies in any event and or are clearly material considerations in their own right), to assess what degree of harm may arise, even if that policy is no longer engaged.

1.6 Officers will advise Members accordingly at the meeting.

2.0 Site Description

2.1 The application site is located to the east of Southampton Road (A27) and comprises 3.31 hectares of former agricultural land used as paddock and grassland designated for planning purposes as countryside. A residential bungalow is located in the centre of the site. There is a mixture of uses in the vicinity of the site, residential dwellings to the north, east and south east of the site (Segensworth Road and Titchfield Park Road). The Segensworth East Industrial Estate is located further to the north east. A commercial nursery is located further south and commercial premises to the west of Southampton Road.

2.2 Access to the site is off Southampton Road (A27). Segensworth roundabout is located to the north of the site and links the M27 (junction 9) with the A27, local distributor roads and Segensworth Industrial Estate.

2.3 The site is enclosed by mature and semi mature trees with tree groups that are subject to Tree Preservation Orders along the eastern boundary. Sylvan Glade, Site of Interest for Nature Conservation (SINC) lies to the east of the site. The land is classified as Grade 2 agricultural land.

3.0 Description of Proposal

3.1 Outline planning permission is sought for the construction of approximately 105 dwellings with all matters reserved apart from the means of access to the site which would be off Southampton Road. The layout, appearance, scale and landscaping are therefore reserved for a future reserved matters application and not for consideration at this time.

3.2 A parameter plan has been submitted which identifies the vehicle access point to the site, a pedestrian/cycle link, links to adjacent land parcels, area for tree retention, landscaping and ecological enhancement as well an area of public open space.

3.3 A number of technical reports accompanied the application. Affordable housing would be provided.

4.0 Policies

4.1 The following policies are relevant to this application:

Approved 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

DSP4 – Prejudice to adjacent land

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 Documents

Residential Car and Cycle Parking Standards Supplementary Planning Document (November 2009)

Design Guidance Supplementary Planning Document (Dec 2015)

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

5.0 Relevant Planning History

5.1 No relevant planning history.

6.0 Representations

6.1 There have been 81 representations received (102, if including multiple responses from the same persons). Of the 81 representations, there have been 78 letters objecting to the proposal and 3 letters of support.

6.2 Objections
Policy

- Was designated as a strategic gap - what has changed?
- Loss of green space
- Welborne was supposed to stop these pressures - delay is not an excuse for a free for all
- Brownfield sites should be given priority over greenfield ones
- No renewables therefore not sustainable

Location

- Site unsuitable for high density development
- Type and density of development is out of character with nearby sites being commercial
- Accessibility, of cycle paths, schools, shops medical services unsafe across A27.

Highways

- Infrastructure unable to cope - on street parking and congestion
- Road safety (children with bikes)
- Traffic problems accentuated during building process
- Increase in already excessive use of Titchfield Park Road and Segensworth Road Titchfield Park Road junction with A27 dangerous - is a 'rat run' - road in bad repair now
- Titchfield Park Road should be 'residents only' - block entry from A27
- Added traffic on Segensworth Roundabout
- More upheaval following A27 works
- Upcoming works to M27 will increase pressure on A27
- Access needs to be revisited, dangerous
- Traffic counter inappropriately placed
- Need traffic calming pinch points in Titchfield Park Road
- Titchfield Park Road should be residents access only
- Emergency vehicular access to Titchfield Park Road will be hindered
- Numerous disabled residents, families with young children, elderly residents, dog walkers cyclists, wheelchair users and a home for disabled adults who live in this road and this decision will have a great impact on all of our lives.
- Will impede use of access to land to the south due to extended central reservation which would impede ability to use entrance for westbound entry and exit.
- Will sufficient parking on site be provided
- Request confirmation that entry to Titchfield Park Road from the A27 will be blocked and that this will take place and be completed as soon as the money available.

Ecology

- Impact on Wildlife
- Ecology and tree reports do not provide sufficient wild environment

- Impact on trees

Impact on local services

- Lack of school facilities
- Lack of Doctors Surgeries
- Impact on Dentists
- Limited bus services

- 6.3 The University Hospital Southampton NHS Foundation Trust have commented that the Trust is currently operating at full capacity in the provision of acute and planned healthcare, that although the Trust has plans to cater for the known population growth, it cannot plan for unanticipated additional growth in the short to medium term. They have requested a financial contribution to provide services needed by occupants of the new homes. They consider that without it the development is not sustainable and should be refused.

Other matters

- Pollution - including vibration and noise
- Impact on safety and health
- Lack of publicity to Titchfield Park Road residents
- Potential crime and anti-social behaviour
- What about provision of shop, bank, post office

6.4 Support

- Good Plan
- Tidy up the area
- Will help provide required housing
- Support closure of Titchfield Park Road to A27

PETITION (signed by 2,390 people)

- 6.5 Members attention is also drawn to the fact that a petition has been received in response to the draft local plan consultation. It is titled "STOP the building of 1500 new homes in Warsash, Locks Heath, Park Gate and Titchfield Common" and includes the following Statement:
 'We the undersigned petition the council to Stop the building of 1,500 new homes in Warsash, Locks Heath, Park Gate and Titchfield Common. Whilst it is appreciated that the task is not an easy one, there are many sites that we believe the council should be looking at that are more suitable than Warsash and the Western Wards, such as Newlands Farm. We also request that FBC look at SHLAA Ref 3127 and the surrounding area of Fareham north and east of the town centre. This appears to be a prime location as it already has direct access to the motorway and easy access to the public transport links in Fareham town centre and three senior schools. Fareham centre is also an

ideal place for leisure facilities, and has space for doctors etc. to service the needs of any new houses. It would inject a new lease of life into what is already an established but underused town that is essentially being allowed to slide into disrepair.

Justification:

Below are the sites that we are protesting about.

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

HA3 - Southampton Road, Titchfield Common - 400 dwellings

HA7 - Warsash Maritime Academy, Warsash -100 dwellings

HA9 - Heath Road, Locks Heath- 71 dwellings

HA11- Raley Road, Locks Heath- 49 dwellings

HA13- Hunts Pond Road, Titchfield Common- 38 dwellings

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

HA15 -Beacon Bottom West, Park Gate -30 dwellings

HA17 -69 Botley Road, Park Gate -24 dwellings

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

Traffic in this area is already at a gridlock during peak hours and since the new Strawberry Fields, Hunts Pond and Coldeast developments it has doubled the time for people to get to work. Improvements on major roads and motorways will try and ease congestion but it's not satisfactory as residents will not be able to actually get to these major roads. Local roads such as Brook Lane, Osborne Road, Warsash Road and Barnes Lane cannot be made wider, they were built to service the traffic and community of small villages and the resulting influx of 3000+ cars in such a small square area will lead to more accidents. Warsash specifically is on a peninsular and the only roads in and out are Brook Lane and Warsash Road. Emergency vehicles will be unable to ensure safe response times - during rush hour it is likely they will not have space to get to their destination. The consequences will be catastrophic. Flooding is inevitable especially with recent climate changes; residents in local back garden developments are already experiencing this. Fareham is presently in trouble for poor air quality due to the amount of rush hour traffic. Bring another 3000+ cars in to the Western Wards and there will be more cases of asthma, lung disease and related illnesses - all for the surgeries with not enough resources to treat. Doctors, schools, hospitals and emergency services are already stretched to breaking point. If the plans go ahead there will be hundreds of children needing school places. New schools might take pressure off the overcrowded ones - then the influx of new children will put it back on again. Children walking to Brookfield already face a perilous journey due to the amount of traffic on Brook Lane. Brook Lane, Lockswood, Jubilee and Whiteley surgeries struggle to cope with the amount of patients they have. They wait an unacceptable amount of time for routine appointments (1 month plus) and often have very long waits when they get to there (30 minutes plus). Emergency appointments are becoming harder to

book as there are not enough doctors or time. The very young, elderly and chronically ill are already vulnerable and bearing the brunt of this - add another 1,500 homes and these overstretched surgeries will be at crisis point. There will be an increased need for care homes, for which there is just no space. Residents' health will be at risk and possibly their lives. Warsash is a place of outstanding natural beauty and home to precious wildlife such as badgers, bats and deer. The greenfield land proposed as the area for development also provides a defined strategic gap from neighbouring villages. Residents have the right to breathe clean air, have facilities, space and sufficient infrastructure and the assurance that emergency vehicles have access and can meet response times in life threatening situations. We genuinely fear for the health and safety of people in the Western Wards.'

7.0 Consultations

EXTERNAL

HCC Highways

- 7.1 **Sustainable Travel:** The Highway Authority are satisfied with the measures to support sustainable travel from and the measures to encourage pedestrians and cyclists away from the A27 and onto Southampton Road Service Road.
- 7.2 The site access works include a staggered toucan crossing south of the proposed site access connecting through from the sites internal footway/cycle network onto Southampton Road Service Road. This is acceptable with onward cycle connections to the north which will provide connectivity to the local schools, shops and railway station. To the south connections for cyclists will be on road. The existing footway provision to the south is sufficient to cater for the proposed level of pedestrian demand.
- 7.3 **Site Access:** The proposed layout for the site access would accommodate a stand-alone toucan crossing on the A27, the principle of this arrangement is considered acceptable. The proposal incorporates the provision of a longer length of central island to avoid the risk of u-turns. The submitted details demonstrate a physical barrier south to the garden centre junction.
- 7.4 As part of a S278 agreement, further details would be required, including signage, a TRO application to legally ban U-turn movements, a reduction in speed to 40 mph, and the crossing designed to ensure maximum safety is achieved. A contribution is sought from the applicant to fund additional safety measures as required such as the deployment of additional temporary warning signs, antiskid and permanent warning signage.

- 7.5 The Highway Authority has recommended planning conditions to ensure the delivery of safe access including for construction traffic and a construction traffic management plan. The toucan crossing and associated footway/cycleway works will be required prior to 1st occupation in order to ensure safe sustainable travel connections.
- 7.6 The ability to connect this application site with the wider parcel (draft allocation) should be secured through appropriate planning condition in order to prevent prejudicing further development.
- 7.7 **Baseline Traffic Conditions:** The submitted information regarding Segensworth Roundabout is deemed acceptable to reflect the baseline conditions. The northbound traffic flows along Titchfield Park Road from the proposed site have been considered taking account of the existing situation, the proposed 105 dwellings and a forecast for a potential of 400 dwellings.
- 7.8 The closure of the Titchfield Park Road left turn movement in from the A27 has been considered by the applicant and the Highway Authority. This has involved a review of the accident history of the junction of the A27/Titchfield Park Road. The review has demonstrated that there is no current accident history here which would raise a concern regarding the safe operation of the junction.
- 7.9 It is the Highway Authority's view that whilst the increase in flow is significant against the current low flow in respect of this current application, it is not foreseen at this time that turning movements could not be undertaken safely and it would therefore be premature to amend access to Titchfield Park Road. The dualling changes to the A27 also allow people to overtake any slow moving vehicle which would reduce the risk of shunt accidents as a result of increased turning movements.
- 7.10 Concerns have been raised locally regarding the safety of the uncontrolled crossing with increased movements. The crossing is designed to cater for cyclists as well as pedestrians and visibility is good. The crossing is suitable for facilitating all users. There may be a need to re-consider controlling this movement in the future as a result of the additional flow from the wider development site. In this circumstance, the Highway Authority has requested a contribution to fund works to mitigate the impact of the development.
- 7.11 **Junction Capacity Analysis:** Junction modelling has been provided for the following junctions:
- St Margaret's roundabout
 - Segensworth roundabout
- The Highway Authority is satisfied with the submitted information.

7.12 A sensitivity test has been provided for the potential of 400 dwellings and this demonstrates that the wider site would have a significant effect on capacity. Mitigation measures will therefore be required and a financial contribution is sought.

7.13 The Highway Authority previous therefore has no objection to the proposed application subject to provision of the planning conditions and completion of a section 106 planning obligation.

HCC – Archaeology

7.14 No objection subject to condition.

HCC - Flood Water Management Team

7.15 No objection subject to condition.

HCC - Children's Services

7.16 The site lies within the catchment area of Park Gate Primary School. The school is full as are the other primary schools in this area. As such the development will create pressure for primary school places. In line with HCC's Children's Services Developers' Contributions Policy the development should contribute to provision of infrastructure at local schools due to the additional pressure that will be placed on school places. The plan for school places is being considered to create a 1 form entry (210 places or 30 per year group) of additional places at either the Sarisbury or Hook with Warsash Schools. Discussions are underway with the headteachers and governing bodies to finalise at which school additional places should be provided. A contribution is requested.

Natural England

7.17 No objection subject to appropriate mitigation being secured to mitigate against adverse effects from recreational disturbance on the Solent SPA sites as agreed by the Solent Recreation Mitigation Partnership. They advise that this be secured via a planning obligation. Natural England also recommends that the application is supported by a Biodiversity Mitigation and Enhancement Plan to be agreed by HCC Ecologist.

Environment Agency

7.18 No comments.

Southern Water

7.19 No objection subject to condition.

Crime Prevention Design Officer

- 7.20 Provided advice which would be for consideration at the detailed reserved matters stage.

INTERNAL

Ecology

- 7.21 The Ecology Officer is satisfied with the submitted information in respect of protected species. Sylvan Glade is a designated SINC located adjacent to the eastern boundary.
- 7.22 Following on from previous concerns in respect of an appropriate unlit 15m green buffer along the eastern boundary and the provision of ecological corridors to provide ecological mitigation and habitat enhancement, a revised parameter plan has been submitted which is considered acceptable subject to a planning condition.
- 7.23 The Ecology officer advises that a contribution towards the Solent Recreation Mitigation Partnership should be secured as the site is within 5.6km of the Solent Special Protection Area.

Environmental Health (Noise/Pollution)

- 7.24 It is extremely likely that noise from the A27 dual carriageway will affect those proposed dwellings located closest to the road. Requests that the recommendations contained in section 4 of the submitted noise report be implemented in the construction of the noise sensitive properties in this development and that a planning condition is imposed.

Environmental Health (Contamination)

- 7.25 No objection subject to planning condition.

Tree Officer

- 7.26 No objection subject to planning condition.

Recycling Co-ordinator

- 7.27 It would be helpful if bin collection points are shown on the plans, bin stores for flats must be close to the road, of suitable size and with level access.

Fareham Housing

- 7.28 The Housing Officer has set out the current affordable need in the Borough and advised that the mix of units should be agreed as part of the outline planning application and form part of the Section 106 legal agreement.

8.0 *Planning Considerations*

- 8.1 The following matters represent the key material planning considerations which would need to be assessed to determine the suitability of the development proposal. The key issues comprise:
- a) Implication of Fareham's current 5-year housing land supply position;
 - b) Residential development in the countryside;
 - c) Policy DSP40;
 - d) Other matters;
 - e) The Planning balance.
- a) Implications of Fareham's current 5-year housing land supply position
- 8.2 A report titled "Five year housing land supply position" is reported for Members' information elsewhere on this agenda. That report sets out this Council's local housing need along with this Council's current housing land supply position. The report concludes that this Council has 4.95 years of housing supply against the new 5YHLS requirement meaning there is a shortage of 27 dwellings.
- 8.3 The October FYHLS position report to the Planning Committee advised: 'that the Government are considering adjustments to the new standard method used to calculate Local Housing Need, following publication of the new household growth projections on 20 September 2018; and 'the Council will likely be required to apply a 20% buffer to the 5-Year Housing Land Supply position following publication by the Government of the Housing Delivery Test result in November.
- 8.4 On the 26th October, the Government issued a 'Technical consultation on updates to national planning policy and guidance.' The consultation on the proposed updates runs from 26 October 2018 until 7 December 2018.
- 8.5 The introductory section of the consultation sets out the background for the consultation and the Government's priority to deliver more homes and to do so faster. The Government is of the view that the household growth projections published very recently by the Office for National Statistics, that predict a lower level of household growth than previously, does not mean fewer homes need to be built. The objective of the consultation proposes changes to the standard method to ensure consistency with the objective of building more homes. In the short-term, the Government proposes to use the 2014-based data on household growth to provide the demographic baseline for assessment of local housing need. Such an approach will further increase Fareham Borough Council's local housing need.

8.6 In the absence of a five year supply of deliverable housing sites, officers consider that policy DSP40 is the principal development plan policy that guides whether schemes will be considered acceptable.

b) Residential Development in the Countryside

8.7 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.

8.8 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.'

8.9 Policy DSP6 of the Local Plan Part 2: Development Sites and Policies states - there will be a presumption against new residential development outside of the defined urban settlement boundary (as identified on the Policies Map).

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

c) Policy DSP40

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

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

- i. *The proposal is relative in scale to the demonstrated 5 year housing land supply shortfall;*
- ii. *The proposal is sustainably located adjacent to, and well related to, the existing urban settlement boundaries, and can be well integrated with the neighbouring settlement;*

- iii. *The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps;*
- iv. *It can be demonstrated that the proposal is deliverable in the short term; and*
- v. *The proposal would not have any unacceptable environmental, amenity or traffic implications”.*

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

Policy DSP40 (i)

8.13 The proposal for up to 105 dwellings is relative in scale to the 5YHLS shortfall and therefore bullet point i) of Policy DSP40 is satisfied.

Policy DSP40 (ii)

8.14 The site is part of a wider area of land that is surrounded by the urban settlement boundary, located further west of the site, the south east and to the north east. The site is in reasonable proximity to leisure and community facilities, schools and shops and would relate well to the existing urban area. Officers consider that the proposed development can be well integrated within the neighbouring settlement in accordance with point ii).

Policy DSP40 (iii)

- 8.15 The site is within an area of countryside but is not designated as strategic gap. Policy CS14 of the adopted Core Strategy confirms that built development will be strictly controlled to protect it from development which would "adversely affects its landscape character, appearance and function".
- 8.16 Due regard has been given to The Fareham Landscape Assessment 2017 (which is part of the evidence base for the published draft Fareham Local Plan 2036). The site lies within the LCA 5 Titchfield Corridor. The assessment of area 5.1a (which this site is located within) confirms that the area comprises an 'island' of landscape bounded by busy roads to the west and east (A27 Southampton Road, Segensworth Roundabout and Segensworth Road) and by the rear boundaries of housing along Titchfield Park Road to the south.
- 8.17 Reference is made to the woodland and dense cover of trees/scrub and the designated Sylvan Glade SINC. The assessment goes on to confirm that there is scope for development within this area which is of lower landscape sensitivity but stresses the importance of maintaining the well-treed character, green infrastructure and that the role of the area in separating settlements is not compromised and landscape and settlement character is enhanced.

8.18 The defined urban settlement boundary is in close proximity to the site. The submitted documents have demonstrated that the protected trees and Sylvan Glade (SINC) located to the east can be appropriately buffered to ensure that the current tree line would remain. Officers consider that subject to the detailed reserved matters consideration of layout, scale and landscaping, the proposed number of units could be accommodated on this site to reflect the character of the surrounding area and to minimise any adverse impact on the countryside.

8.19 It is acknowledged that there would be a change in the character of the site when viewed from the immediate vicinity if the proposal were to go ahead. Officers consider that this change would primarily have a localised visual impact which could be sensitively designed to minimise any adverse impact. The proposal therefore accords with the test set out at point iii) of DSP40 and be in accordance with Policy CS17.

Policy DSP40 (iv)

8.20 The applicant has stated that Reside are an established house builder, with a track record of delivery and would be in a position to commence the development within the short-term (i.e. 2020/21). Officers consider that the site is therefore deliverable in the short term thereby satisfying the requirement of Policy DSP40(iv).

Policy DSP40 (v)

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

Loss of Agricultural Land

8.22 The site is classified as Grade 2 agricultural land. Policy CS16 seeks to prevent the loss of the best and most versatile agricultural land. The NPPF does not place a bar on the development of the best and most versatile agricultural land. Paragraph 170 advises planning decisions should recognise the economic and other benefits of the best and most versatile agricultural land. Where significant development is demonstrated to be necessary, the use of poorer quality land should be used in preference to that of a higher quality.

Ecology

8.23 The Ecology Officer and Natural England are satisfied that the proposal is acceptable subject to planning conditions and appropriate mitigation. To fulfil the requirement under the Habitat Regulations, Officers have carried out an Appropriate Assessment in relation to the likely significant effects on the coastal Special Protection Areas (SPAs) and have concluded that the

application's compliance with the Solent Recreation Mitigation Strategy means that there will be no adverse effect on the integrity of the designated sites.

- 8.24 Since the CJEU judgement, Natural England has confirmed to the Council that in cases where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is fully in line with an agreed strategic approach for the mitigation of impacts on European Sites then, provided no other adverse impacts are identified by this authority's Appropriate Assessment, the authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the European Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation.
- 8.25 A contribution towards the Solent Recreation Mitigation Partnership (SRMP) can be secured through a Section 106 legal agreement. Subject to this contribution being secured, the imposition of conditions to secure mitigation measures, the proposal is considered acceptable from an ecological perspective in accordance with Policy CS4 of the adopted Fareham Borough Core Strategy and Policies DSP13 and DSP15 of the adopted Fareham Borough Local Plan Part 2.

Amenity

- 8.26 The proposal is in outline form with matters of scale, appearance and layout reserved for later consideration. At the reserved matters stage, the detailed layout and scale would need to be policy compliant to ensure that there would unlikely be an adverse unacceptable impact on the amenity of neighbouring residents. Officers are satisfied that the development would be acceptable in accordance with Core Strategy policy CS17 and Local Plan Part 2 policy DSP40(v).

Highways

- 8.27 The Highway Authority has provided detailed comments as set out in the consultation section of this report. A number of representations requested that Titchfield Park Road is closed from left turn movement from the A27. The Highway Authority have considered the closure of Titchfield Park Road left turn movement in from the A27 through a review of traffic flows and accident history at the junction of the A27/Titchfield Park. There is no current accident history which would raise concern regarding the safe operation of the junction. For the current proposal, it is therefore not foreseen at this time that turning movements could not be undertaken safely.
- 8.28 Information submitted within the transport assessment, states that traffic flow along Titchfield Park Road is relatively low at present; although the percentage increase (approximately 40%) is relatively high. Over a daily

profile, the actual increased flow is not significant through increasing vehicle movements from 50 to 100 during the morning peak hour which would mean less than one vehicle a minute to less than two vehicles a minute in either direction.

- 8.29 Officers acknowledge that the use of Titchfield Park Road has raised considerable local concern. Having considered the issue carefully and in taking account of the Highway Authority comments, officers do not consider it necessary, reasonable or proportionate to close left turn movement from the A27 from a highway safety perspective.
- 8.30 It is anticipated that the occupiers of Titchfield Park Road would notice a difference as a result of additional traffic that the proposed development would generate. However, in terms of the resultant impact of this traffic on the amenity of the residents, officers do not consider that this would be such that would justify refusal of planning permission.
- 8.31 The Highway Authority have acknowledged that if further development were to be proposed in addition to that set out in this planning application, there may be a need to consider measures to mitigate an impact on the Titchfield Park Road as part of that wider development. This can be secured via a financial contribution.
- 8.32 Through the imposition of planning conditions and the completion of a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990, Officers are satisfied that the proposal would not have any unacceptable environmental, amenity or traffic implications in compliance with criteria (v) of DSP40.

d) Other Matters
Affordable Housing

- 8.33 The proposal includes the provision of 40% affordable housing which subject to appropriate size, mix, tenure being agreed to meet identified local need would meet the policy requirement within Policy CS18 of the adopted Core Strategy. The provision of those units would be secured via a Section 106 legal agreement.

Open Space and Play Provision

- 8.34 It is proposed that the provision of on site open space and a Locally Equipped Area of Play would be secured via a Section 106 legal agreement in accordance with the adopted Planning Obligations SPD.

Green Infrastructure, Connectivity and Nature Conservation

- 8.35 In accordance with Policy CS5, CS17 of the Core Strategy and DSP4, DSP13 of Local Plan Part 2, officers recommend that the green infrastructure and the potential for vehicular, pedestrian and cycle connectivity is secured via a Section 106 legal agreement.

Effect upon Local Infrastructure

- 8.36 A number of residents have raised concerns over the effect that 105 further homes would have upon schools, doctors and other services in the area. Officers acknowledge the strength of local concern on these issues.
- 8.37 With regard to schools, Hampshire County Council have identified a need to increase the number of primary school places available within the area in order to meet the needs generated by the development. The comments of the County's Children's Services can be found in full earlier in this report. A financial contribution can be secured through the Section 106 agreement.
- 8.38 In respect of the impact upon doctors/ medical services, the difficulty in obtaining appointments is an issue that is raised regularly in respect of new housing proposals. It is ultimately for the health providers to decide how they deliver health services. Officers do not believe a refusal on these grounds would be sustainable.
- 8.39 With regard to the University Hospital Southampton NHS Foundation Trust request for a financial contribution, the Local Planning Authority can seek appropriate financial contributions in situations where the absence of a contribution would render the proposal unacceptable. Officers will provide an update on this issue at the Planning Committee.

Other Third Party Concerns

- 8.40 With regard to concern over pollution, the Environmental Health officer does not raise concern in this regard.
- 8.41 Disruption during the construction period can be mitigated to a degree through the imposition of the recommended planning conditions.
- 8.42 Concern over potential crime and anti-social behaviour would be a police matter. For the number of dwellings proposed, it would not be proportionate to require on site facilities such as a shop, bank or post office.
- 8.43 With regard to potential changes to the central reservation and access to the land to the south, this is an issue that needs to be considered and balanced against the provision of dwellings and facilitating a safe access to the development site.

- 8.44 In respect of publicity of the application, Officers can confirm that publicity was undertaken beyond that required of legislation including residents of Titchfield Park Road.

Draft Local Plan

- 8.45 Members will also be aware that the Draft Local Plan which addresses the Borough's development requirements up until 2036, was subject to consultation between 25th October 2017 and 8th December 2017.
- 8.46 The site of this planning application is proposed to be allocated for housing within the draft local plan. A number of background documents and assessments support the proposed allocation of the site in terms of its deliverability and sustainability which are of relevance. However, at this stage in the plan preparation process, the draft plan carries limited weight in the assessment and determination of this planning application.

e) The Planning Balance

- 8.47 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".

- 8.48 The site is outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of Local Plan Part 2: Development Sites and Policies Plan.
- 8.49 Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations which is engaged as this Council cannot demonstrate a 5YHLS. Officers have also given due regard to the updated 5YHLS position report presented to the Planning Committee in October and the Government steer in respect of housing delivery.
- 8.50 In weighing up the material considerations and conflict between policies; the development of a greenfield site weighted against Policy DSP40, Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall, well related to the existing urban settlement boundaries such that it can be integrated with those settlements whilst at the same time being sensitively designed to reflect the areas existing character and minimising any adverse impact on the Countryside.

- 8.51 It is acknowledged that the proposal would have an urbanising impact through the introduction of housing and related infrastructure onto a site which is at present largely undeveloped. However that impact would be localised. Officers consider that the change in the character of the site and the resulting visual effect would not cause any substantial harm.
- 8.52 The loss of BMV agricultural land needs to be balanced against the shortage in 5YHLS. Whilst there would be a conflict with policy CS16 of the Core Strategy, this needs to be considered in the context of the NPPF and development plan policy DSP40. The scale of loss is not considered to be significant. Officers are satisfied that there are no outstanding amenity and ecology issues which cannot otherwise be addressed through planning conditions and obligations. There would be no materially harmful impact on highway safety.
- 8.53 Affordable housing as 40% of the units, along with the delivery of onsite open space, and play provision can be secured through a planning obligation.
- 8.54 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 105 dwellings, including affordable housing, in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply is a substantial material consideration, in the light of this Council's current 5YHLS.
- 8.55 There is a conflict with development plan policy CS14 and CS16 which ordinarily would result in this proposal being considered unacceptable. Ordinarily CS14 would be the principal policy such that a scheme in the countryside should be refused. However, in light of the Council's lack of a five-year housing land supply, development plan policy DSP40 is engaged and officers have considered the scheme against the criterion therein. The scheme is considered to satisfy the five criteria and in the circumstances, officers consider that more weight should be given to this policy than CS14 such that, on balance, when considered against the development plan as a whole, the scheme should be approved.
- 8.56 Officers are satisfied that amenity and ecology issues can be addressed through the design of the scheme, planning conditions and a section 106 planning obligation. In addition a section 106 planning obligation can secure an education contribution, highway contribution and connectivity.
- 8.57 Officers consider that the implications of the CJEU judgement (People Over Wind, Peter Sweetman v Coillte Teoranta) and paragraph 177 of the NPPF

mean that the application of the presumption in favour of sustainable development set out in paragraph 11 of the same Framework is not a relevant consideration.

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

9.0 Recommendation

9.1 Subject to:

- 1) the applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council in respect of the following:
 - a) To secure the provision and transfer of the areas of open space, wildlife corridor and buffer zones to Fareham Borough Council, including associated financial contributions for its future maintenance;
 - b) A financial contribution towards the delivery of a play area and associated maintenance;
 - c) To secure a financial contribution towards the Solent Recreation Mitigation Partnership (SRMP);

- d) To secure 40% of the proposed units as on-site affordable housing; the type, size, mix and tenure to be agreed to the satisfaction of officers;
- e) To secure vehicular, pedestrian and cycle connectivity access to adjoining land for members of the public through the site in perpetuity;
- f) To secure a financial contribution towards education provision;
- g) Financial contribution towards mitigating offsite highway impacts at Segensworth Roundabout, Titchfield Park Road and any physical or educational measures required to improve safety at the A27 controlled crossing; and,
- h) Travel Plan and related monitoring cost and bond.

GRANT OUTLINE PLANNING PERMISSION:

9.2 Subject to the following conditions:

1. Details of the appearance, scale, layout and landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
REASON: To comply with the procedures set out Section 91 of the Town and Country Planning Act 1990.
2. Applications for approval of all reserved matters shall be made to the local planning authority not later than 24 months beginning with the date of this permission.
REASON: To comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.
3. The development hereby permitted shall be begun before the expiration of 12 months from the date of the approval of the last of the reserved matters.
REASON: To comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.
4. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents: Site Location Plan 6374 02 E; Parameters Plan 6374 03 J; Access plans, 17/0604/SK13A and 17/0604/SK14A.
REASON: To avoid any doubt over what has been permitted.
5. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Hampshire County Council Highway Authority). This shall include traffic routes and their management and control, parking and turning provision to be made on site, measures to prevent mud being deposited on the highway, adequate provision to address any abnormal wear and tear to the highway and a programme for construction including the areas to be used for the storage of building materials, plant, excavated materials

and huts associated with the implementation of the development. The approved measures shall be fully implemented upon the commencement of development and shall be retained for the duration of construction of the development unless otherwise agreed in writing with the Local Planning Authority.

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

6. No part of the development shall be occupied/brought into use until the access junctions and visibility splays have been constructed in accordance with the approved details. 17/0604/SK13A and 17/0604/SK14A. The visibility splays shall thereafter be kept free of obstruction at all times.

REASON: In the interests of highway safety.

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

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

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

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

9. No development shall take place until the applicant, or their agents, or successors in title, have secured the implementation of a programme of archaeological evaluation and, where necessary, subsequent archaeological mitigation. The Written Schemes of Investigation shall be submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be undertaken in accordance with the approved details.

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

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

10. No development hereby permitted shall commence until an intrusive site investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority (LPA). The intrusive site investigation and risk assessment shall include assessment of the risks posed to human health, the building fabric and the wider environment such as water resources, and where the site investigation and risk assessment reveal a risk to receptors, it shall include a detailed scheme for remedial works to address these risks and ensure the site is suitable for the proposed use.

The presence of any unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the LPA. This shall be investigated to assess the risks to human health and the wider environment and a remediation scheme implemented following written approval by the Local Planning Authority. The approved scheme for remediation works shall be fully implemented before the permitted development is first occupied or brought into use. On completion of the remediation works and prior to the occupation of any properties on the development, an independent competent person shall confirm in writing that the works have been completed in full and in accordance with the approved scheme. Such confirmation shall include photographic evidence and, if considered necessary by the local planning authority, as built drawings of the development.

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

11. Prior to the construction of the dwellings, details of the internal finished floor levels of all of the proposed buildings in relation to the existing and finished ground levels on the site shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: To safeguard the character and appearance of the area and to assess the impact on nearby residential properties.

12. No development shall proceed beyond damp-proof course level until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and

type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are first occupied or in accordance with a timetable agreed in writing with the local planning authority and shall thereafter be retained at all times.

REASON: To protect the privacy of the occupiers of the neighbouring property, to prevent overlooking, and to ensure that the development harmonises well with its surroundings.

13. The development hereby permitted shall be carried out in accordance with the recommendations contained within section 4 of the submitted noise report, Hepworth Acoustics Ltd Report No. P16-322-RO1v2, January 2018.

REASON: In the interest of the amenity of occupiers.

14. No development shall proceed beyond damp proof course level until details of the finished treatment [and drainage] of all areas to be hard surfaced have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and the hard-surfaced areas subsequently retained as constructed.

REASON: To secure the satisfactory appearance and drainage of the development.

15. The landscaping scheme, submitted under Condition 1 shall be implemented in accordance with a scheme to be submitted (including a delivery timetable) or as otherwise agreed in writing with the local planning authority and shall be maintained commencement of the development or as otherwise agreed in writing with the local planning authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the local planning authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

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

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

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

17. No development shall commence on site until details of foul sewerage and surface water drainage works to serve the development hereby

permitted including implementation phasing works have been submitted to and approved in writing by the local planning authority. Where possible a Sustainable Urban Drainage System (SUDS) shall be used and full details of predicted flows, responsibilities and future management provided. The dwellings shall be occupied in accordance with the submitted drainage scheme.

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

18. Full details of all ecological mitigation, compensation and enhancement measures (to be informed as necessary by up-to-date survey and assessment) shall be submitted for approval to the Local Planning Authority with each Reserved Matters application. Such details shall be in accordance with the outline ecological mitigation, compensation and enhancement measures detailed within the submitted Ecological Assessment Report (Ecology Solutions Ltd., May 2018) and subsequent updating addendums. Any such approved measures shall thereafter be implemented in strict accordance with the agreed details and with all measures maintained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: to provide ecological protection, compensation and enhancement in accordance with the Habitats Regulations 2017, Wildlife & Countryside Act 1981 (as amended), NERC Act 2006, NPPF and Policy DSP13 of the Fareham Local Plan Part 2

19. The development shall be undertaken in accordance with the recommendations contained within the submitted Arboricultural Impact Assessment and Arboricultural Method Statement, Challice Consulting Ltd Ref. CC/860/AR3046 19 April 2018. The tree/hedgerow protection shall be retained through the development period until such time as all equipment, machinery and surplus materials have been removed from the site.

REASON: To ensure protection of important trees and hedgerows.

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

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

INFORMATIVES:

- a) A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
- b) Applicants should be aware that, prior to the commencement of development, contact must be made with Hampshire County Council, the Highway Authority. Approval of this planning application does not give approval for the construction

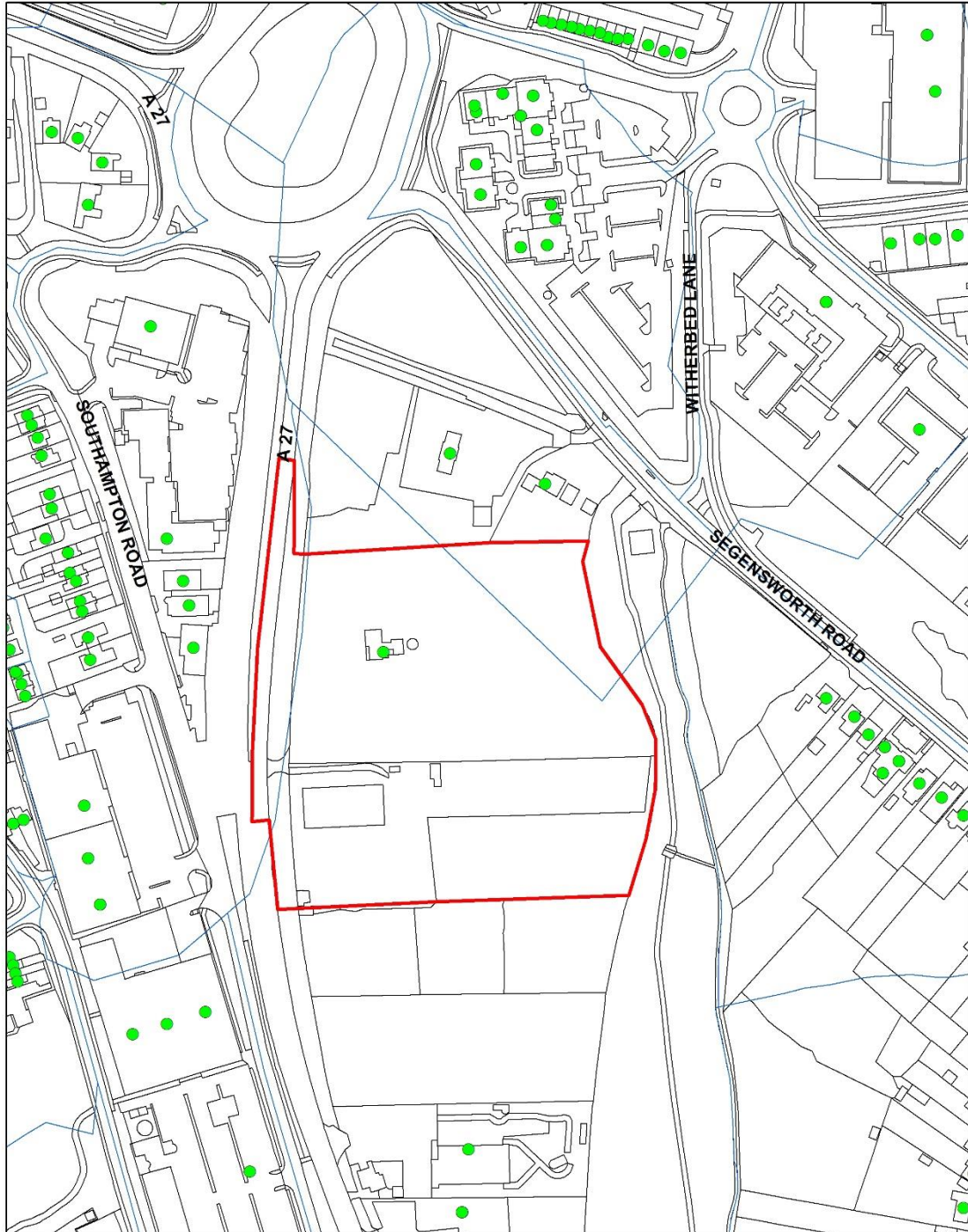
of a vehicular access, which can only be given by the Highway Authority. Further details regarding the application process can be read online via <http://www3.hants.gov.uk/roads/apply-droppedkerb.htm> Contact can be made either via the website or telephone 0300 555 1388.(II)

10.0 Background Papers

[P/18/0068/OA]

FAREHAM

BOROUGH COUNCIL



Land East of Southampton Road

Scale 1:2.500



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OFFICER REPORT FOR COMMITTEE

DATE: 12/12/2018

**P/18/0897/FP
INTERNATIONAL PROPERTIES (CHANDOS) LTD**

**TITCHFIELD COMMON
AGENT: PRC
ARCHITECTURE &
PLANNING LTD**

75 BED CARE HOME, CAR PARKING AND LANDSCAPING

LAND TO THE SOUTH OF SEGENSWORTH ROAD ROUNDABOUT

Report by

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1.0 Introduction

- 1.1 The application is a detailed application for a 75 bed care home with associated access, car parking and landscape planting.
- 1.2 The application is included on the agenda because of the number of third party representations received.
- 1.3 Members will note from the 'Five Year Housing Land Supply Position' report elsewhere on this agenda that this Council currently has a housing land supply of 4.95 years (a shortfall of 27 dwellings within the 5 year period).
- 1.4 The Housing Delivery Test results which were due to be published by the Ministry of Housing, Communities and Local Government in November 2018 had not been published as at 3rd December. Officers have carried out their own assessment against the same criteria the Government will use and are of the opinion that the Housing Delivery Test results will require this Council to apply a 20% buffer to its local housing need increasing its annual requirement to 575 dwellings per annum. This in turn would result in a 5 year housing supply of 4.3 years and a shortfall of 386 dwellings. Should the Housing Delivery Test results be published prior to the Planning Committee meeting, Officers will provide an update at the meeting.
- 1.5 Policy DSP40 of the Local Plan Part 2: Development Sites and Policies is engaged when it can be demonstrated that the Council does not have a five year housing land supply. Even if the Council were found to have a 5 year housing land supply as a result of resolutions taken during this meeting, Officers believe it is clear that the housing requirements for this Borough will increase in the very near future as a result of the Housing Delivery Test.

1.6 In light of the Government's clear 'direction of travel' on housing requirements and delivery, it is considered appropriate to consider proposals against the criteria set out within DSP40 (which derive from standalone development plan policies in any event and or are clearly material considerations in their own right), to assess what degree of harm may arise, even if that policy is no longer engaged.

1.7 Officers will advise Members accordingly at the meeting.

2.0 Site Description

2.1 The site is triangular in shape and located to the south of the Segensworth Road roundabout. The east of the site is adjacent to Segensworth Road and the west of the site is adjacent to Southampton Road.

2.2 To the east of the site there are a number of commercial buildings and car parking. The land to the south of the site is also undeveloped.

2.3 To the west of the site (beyond Southampton Road) lies a Premier Inn, TGI Fridays and a large car park.

2.4 The site itself is undeveloped and level. It was cleared of vegetation prior to the submission of this application, however there are some trees and remnants of a hedgerow remaining around the perimeter.

3.0 Description of Proposal

3.1 The proposed 75 bed care home has a 'T' shaped footprint and is a combination of three and four storeys in height, with a flat roof.

3.2 The main landscaped garden for the residents is provided to the rear of the building, with smaller outdoor areas provided to the north and east of the building. The 5m deep landscaped strip of land along the southern boundary has been included to provide increased biodiversity.

3.3 The proposed access from and egress to Segensworth Road is located towards the south of the site, away from the Segensworth roundabout. The access and egress would be separated by a raised island. Car and cycle parking, together with cycle storage is also provided in the southern part of the site.

4.0 Policies

4.1 The following policies and guidance apply to this application:

4.2 National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

4.3 **Approved Fareham Borough Core Strategy**

CS2 - Housing Provision
CS4 - Green Infrastructure, Biodiversity and Geological Conservation
CS5 - Transport Strategy and Infrastructure
CS6 - The Development Strategy
CS9 – Development in the Western Wards & Whiteley
CS14 - Development Outside Settlements
CS15 - Sustainable Development and Climate Change
CS16 - Natural Resources and Renewable Energy
CS17 - High Quality Design
CS18 - Provision of Affordable Housing
CS20 - Infrastructure and Development Contributions

4.4 Development Sites and Policies

DSP1 - Sustainable Development
DSP3 - Impact on living conditions
DSP 6 – 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
DSP42 – New Housing for Older Persons

4.5 Approved Supplementary Planning Documents

Residential Car and Cycle Parking Standards Supplementary Planning Document
Fareham Borough Design Guidance Supplementary Planning Document

5.0 Relevant Planning History

5.1 The following application is located to the south of the site and is also included on the agenda:

5.2 P/18/0068/OA Outline application for approximately 105 dwellings with associated infrastructure, landscaping, open space and access including demolition of the existing property (all matters reserved except for access.)

6.0 Representations

6.1 Ten objections were received in response to the plans originally submitted raising the following material considerations:

- The countryside location is contrary to policy;
- There is no need for another care home;
- The location is noisy and therefore not suitable for a care home;

- A four storey building would be out of keeping with the area;
- The building is very close to the west boundary;
- An acoustic fence would be unattractive;
- Access and egress to the site may be difficult during shift changes;
- Insufficient car parking is provided;
- Impact on local doctor's surgeries which are already oversubscribed;
- The eco-report was commissioned after the site had been cleared;
- The eco-report does not include the buzzards which are regularly sited in the area;
- The University Hospital Southampton NHS Foundation Trust have commented that the Trust is currently operating at full capacity in the provision of acute and planned healthcare. Although the Trust has plans to cater for the known population growth, it cannot plan for unanticipated additional growth in the short to medium term. They have requested a financial contribution to provide services needed by occupants of the proposal. They consider that without it the development is not sustainable and should be refused.

6.2 Following the submission of amended plans the application was re-advertised, however no further objections were received.

7.0 Consultations

EXTERNAL

Hampshire Fire and Rescue Service (HRRS)

7.1 No objection.

-Access and facilities for fire service appliances and firefighters should be in accordance with Building Regulations Approved document B5.

-Additional water supplies for fire fighting may be necessary.

-HFRS would strongly recommend that consideration is given to installation of an Automatic Water Fire Suppression Systems to promote life safety and property protection.

Hampshire County Council Highways

7.2 The application should be assessed by the District Council's own engineer.

INTERNAL

Highways

7.3 No objection subject to conditions.

The care home will generate limited traffic or pedestrian movements. The proposed bell mouth access will be adequate for access and egress and the splitter island will deter emerging drivers from turning right, against the one-way traffic flow on Segensworth Road.

Ecology

7.4 No objection subject to conditions.

Tree Officer

7.5 No objection subject to conditions.

Environmental Health

7.6 No objection subject to conditions.

8.0 Planning considerations

- Implication of Fareham's current 5-year housing land supply position
- Residential development in the countryside
- Policy DSP40
- Policy DSP42
- Unmet need for housing for the elderly
- Local Infrastructure
- The Planning Balance

IMPLICATION OF FAREHAM'S CURRENT 5 YEAR HOUSING LAND SUPPLY

8.1 This proposal is for a care home falling within Use Class C2 which would provide accommodation for elderly persons but not dwellings within Use Class C3. For the purposes of determination a proposal for a care home is to be treated as a proposal for housing since the provision of bed spaces within a care home counts towards the Council's housing supply figures. In such cases a formula is applied to represent the reduced contribution such homes would make in addressing the current shortfall in supply of housing. For a 75-bed care home the contribution would be in the region of 41 dwellings. The following paragraphs therefore set out the correct approach to decision making and the implication of Fareham's current five year housing land supply (5YHLS). The contribution this proposal would make towards the current shortfall in housing supply is also set out later in this report.

8.2 On the 24th July 2018, the Government published the revised National Planning Policy Framework (NPPF). The requirements set out in the revised NPPF (and the National Planning Practice Guidance (PPG)) change how Local Planning Authorities must calculate their housing need figure.

- 8.3 Previously, housing need was calculated through a process called Objectively Assessed Need. The requirement of the revised NPPF is for housing need to now be calculated by the new standard method which is set out in the PPG.
- 8.4 Use of the standard method applies from the date of publication of the new Framework and Guidance (24 July 2018), and as such the Council must now determine its 5YHLS position using the local housing need figure calculated using the new standard method.
- 8.5 A report titled "Five year housing supply position" is reported for Members' information elsewhere on this agenda. That report sets out this Council's local housing need along with this Council's current housing land supply position. The report concludes that this Council currently has 4.95 years of housing supply against the new 5YHLS requirement.
- 8.6 Paragraph 73 of the NPPF states that; "Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old." The fact that this Council is unable to demonstrate a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement, is a substantial material consideration which must be taken into account in determining applications for new housing.
- 8.7 The starting point for the determination of this planning application is 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".*
- 8.8 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 new NPPF.
- 8.9 Paragraph 11 of the NPPF applies a "presumption in favour of sustainable development" (known as the 'tilted balance') for both plan-making and decision-taking.

"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, granting permission unless:

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, 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."

- 8.10 Footnote 7 to paragraph 11 d) clarifies that when reference is made to development plan policies being out-of-date "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..."
- 8.11 Footnote 6 to paragraph 11 clarifies that the policies referred to in paragraph 11 d) i) above "are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) 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 63); and areas at risk of flooding or coastal change.
- 8.12 Taking account of the current housing supply shortage, paragraph 11 of the NPPF is engaged. Members will be aware that paragraph 177 of the NPPF has implications in that, where a development requires an appropriate assessment because of its potential impact on a habitats site, the presumption in favour of sustainable development through paragraph 11 is disapplied. However, in this instance since the proposal is for a care home with no requirement to off-set recreational disturbance impacts on the habitats sites of the Solent Coastal Special Protection Areas (SPA), no appropriate assessment is required. Furthermore, Officers can confirm that none of the 'specific policies' listed footnote 6 to paragraph 11 apply to this site. Paragraph 11 is still engaged and it is for the decision maker to attribute the appropriate weight to the material considerations of the case. The key judgement for Members therefore is whether the adverse impacts of granting

planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole.

- 8.13 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.

RESIDENTIAL DEVELOPMENT IN THE COUNTRYSIDE

- 8.14 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. Policies 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.

- 8.15 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.'

- 8.16 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).

- 8.17 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.

- 8.18 Local Policy DSP40 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.

Each of these five bullet points are considered further below.

POLICY DSP40 (i)

- 8.19 The present shortfall of dwellings needed to achieve a 5YHLS is in the region of 27 units. The proposal is for a care home falling within Use Class C2 which would provide accommodation for elderly persons but would not provide dwellings within Use Class C3. In such cases the housing delivery test measurement rule book contains a formula to calculate the reduced contribution such homes would make in addressing the current shortfall in supply of housing. For a 75-bed care home the contribution to the 5YHLS would be 41 dwellings. Whilst this is greater than the shortfall currently identified Officers consider it is nonetheless relative in scale and that bullet point i) of Policy DSP40 is therefore satisfied.

POLICY DSP40 (ii)

- 8.20 The site is immediately adjacent to the existing urban area, therefore the proposed care home would be sustainably located and well related to the neighbouring settlement. Bullet point ii) of Policy DSP40 is therefore also satisfied.

POLICY DSP40 (iii)

- 8.21 The application is supported by a detailed design and access statement which explains the ways in which the existing buildings in the area have informed the design of the proposed care home. In terms of the care home's position within the site, the set-back distance from the Segensworth Roundabout frontage is comparable with the building line of adjacent buildings.
- 8.22 In terms of scale, members will be aware that there are a number of large commercial buildings in the immediate vicinity including the three/four storey

commercial building to the north west (on the far side of the roundabout), the three storey commercial building to the east and the three/four storey Premier Inn to the south west. The draft local plan and site allocation also identified the site as capable of supporting a building of three and four storeys in height and although limited weight can be offered to the draft local plan, it is still of relevance. The proposed building responds to the scale of these existing buildings and is a combination of three and four storeys.

- 8.23 Objections were received in response to the plans originally submitted on the grounds that the building was too large and too high. Changes to the plans have been negotiated and the applicant responded to these concerns by removing part of the upper level, recessing the remainder of the upper floor and decreasing the level at which the building is located. The cumulative effect of these measures is that the overall scale of the building at the upper levels has been reduced.
- 8.24 It is considered that the reduced scale and form of the proposed care home responds positively to and is respectful of the key characteristics of the area and therefore complies with policy CS17. While the scale and form of the proposed care home is considered to be appropriate, it is however of relevance to note that there are a number of existing and proposed trees that would partially screen the building and soften the overall appearance of the building.
- 8.25 In terms of the detailed design, considerable thought has been given to the articulation of the elevations and the proposed palette of materials which comprises a combination of brick and metal cladding.
- 8.26 Overall, it is considered that the proposed care home has been sensitively designed to reflect the character of the area and to minimise the impact on the countryside in line with CS17 and DSP40 part iii.

POLICY DSP40 (iv)

- 8.27 The applicant has confirmed that a number of operators have expressed interest in the proposed care home and that they are keen to commence on site as soon as any pre-commencement conditions are discharged. The site has been promoted in the emerging plan therefore confirming its immediate availability. On this basis it is considered that the site is deliverable in the short term, therefore satisfying the requirement of Policy DSP40 part iv.

POLICY DSP40 (v)

- 8.28 The final test of Policy DSP40 states: "The proposal would not have any unacceptable environmental, amenity or traffic implications" Each of these implications is discussed below:

ENVIRONMENT - ECOLOGY

- 8.29 The application is supported by a Preliminary Ecological Appraisal and a Preliminary Ground Level Bat Roost Assessment of Trees which confirms that the site has limited value for reptiles or dormice, however two of the trees within the site have high potential for roosting bats. As these trees are proposed to be retained there would be no loss of habitat for roosting bats, however it is recommended that any external lighting is sensitively designed to minimise the impacts on wildlife, in particular bats. Details of an appropriate lighting scheme could be secured by condition.
- 8.30 Concerns have been raised regarding the clearance of vegetation from within the site prior to the submission of the application. The clearance of the site means that it currently offers limited habitat value. It is therefore particularly important that the proposed development is designed to maximise biodiversity and ensure integration with the wider ecological network. The site layout includes a 5m strip of land along the southern boundary which is to remain undeveloped and contain planting selected to provide maximum biodiversity value. The hedging along the eastern boundary will also be retained and enhanced where appropriate. Details of more detailed biodiversity enhancement measures can be secured by condition.
- 8.31 The site is 20m from a Site of Importance for Nature Conservation (SINC) which includes Ancient Woodland, however there are no public rights of way to the site, therefore the proposed development is not expected to have any impact on the SINC.
- 9.32 The site is also located within 5.6km of the Solent Special Protection Areas (SPAs). The Solent coastline provides feeding grounds for internationally protected populations of overwintering birds and is used extensively for recreation. Natural England has concluded that the likelihood of a significant effect in combination arising from new housing around the Solent cannot be ruled out. The proposed care home would provide individual rooms (rather than apartments) and residents would not be allowed to have dogs. Levels of car ownership are also expected to be low. The age of the residents, combined with lower levels of car ownership and restrictions on dog ownership would result in significantly lower levels of disturbance to the SPAs. Given the lower levels of disturbance to the SPAs it is not considered necessary to require a financial contribution towards the Solent Recreation Mitigation Strategy.

AMENITY

- 9.33 The site has no immediate neighbours that would be adversely affected by the proposed development.
- 9.34 Concerns have been raised regarding the suitability of the location given the site's proximity to two busy roads. In terms of amenity for future residents of the care home, considerable thought has been given to the creation of a pleasant internal and external living environment. The layout of the site has been designed so that the building would wrap around the north and east sides of the triangular shaped garden and provide a buffer from Segensworth Road and the roundabout. This arrangement also enables the café, dining and living rooms on the ground floor to front onto and provide direct access to the main garden area which would be south and west facing.
- 9.35 The third side of the triangular shaped garden would be adjacent to the 5m biodiversity strip, with the existing line of mature trees immediately beyond the boundary providing a pleasant backdrop. Additional external amenity areas are proposed in the form of private seating areas to the front of the north elevation, balconies overlooking the main garden and two roof top gardens.
- 9.36 The application also incorporates a 1.8m brick wall with soft landscaping along the north boundary to provide a visual and acoustic buffer between the care home and the roundabout.
- 9.37 The application is supported by a noise report which recommends that the windows on the north elevation (fronting the roundabout) are high spec double glazing with acoustic trickle vents. The incorporation of appropriate windows on the north elevation can be secured by condition. There is no objection from environmental health.
- 9.38 Overall the proposed amenity for future residents of the care home is considered to be of a high quality as required by policy CS17.

HIGHWAYS

- 9.39 Concerns have been raised regarding the levels of traffic that the proposed care home would generate, however the transport statement submitted with the application predicts that the expected trip rates during peak hours would only be eleven two way trips in the AM peak hour and thirteen two way trips in the PM peak hour. The additional trip generation would therefore have a limited impact on the highway network in accordance with policy DSP40 part v.
- 9.40 Concerns were raised regarding the safe access to and egress from the site. The applicant has responded to these concerns by incorporating a raised island to separate traffic entering the site from traffic leaving the site. The island will also prevent traffic exiting the site from turning right onto the one-way road.

9.41 Concerns have also been raised on the grounds that insufficient car parking spaces have been provided, however 31 car parking spaces would be provided, in line with the adopted non-residential car parking standards. The level of car parking would therefore be adequate and would not have an adverse impact on the safety of the adjacent highway.

9.42 The application is supported by a travel plan framework to promote alternative sustainable modes of transport. The measures contained within the Travel Plan can be secured by condition. To enable safe pedestrian access to the site a new footway will be constructed to connect the care home to the footway on Segensworth Road. There is also a bus stop approximately 200m from the site enabling access to public transport.

POLICY DSP42

9.43 Policy DSP42 (New Housing for Older Persons) of the adopted Local Plan Part 2 states that

"The development of new accommodation designed specifically for older people should:

i. offer easy access to community facilities, services and frequent public transport or, where a site is not within easy access to community facilities, services and frequent transport, on-site services should be provided;

ii. be well integrated with the wider neighbourhood;

iii. provide sufficient car parking for visitors and residents;

iv. where appropriate, provide choice of tenures; and

v. should be designed to be accessible and adaptable with particular regard given to the principles of Lifetime Homes".

9.44 As discussed in the preceding paragraphs, the site is considered to be in an accessible location (point i) that would relate well to the existing adjacent urban area (point ii). The applicant has demonstrated that sufficient car parking would be provided on the site (point iii). Points iv and v are not directly relevant to the proposal since it relates to a care home where residents would be tenants and the accommodation designed to meet a range of user needs throughout their lifetime.

UNMET NEED FOR HOUSING FOR THE ELDERLY

- 9.45 The Council's current position regarding housing need was set out in the report titled "Five year housing supply position" provided for Members' information elsewhere on this agenda
- 9.46 A specific assessment of the level of need for housing for older people is set out in the evidence studies of the recently published Draft Local Plan 2036 in the Housing Evidence Overview Report by the Health & Housing Partnership LLP. This report represents the most up to date assessment of the demand and the need for specialist accommodation for older people in Fareham. It separates the different types of specialist accommodation such as sheltered housing, extra care housing, residential care and nursing care provision. It identifies that in 2014 there was a shortfall of 309 residential care accommodation units. It estimates that the 85+ age group will increase by almost 2.5 times by the year 2037 and that it is the growth in this age group that will most closely determine the level of demand for specialist forms of accommodation. With that in mind the report suggests that by 2025 that shortfall will have grown to 959 units.
- 9.47 The applicant has submitted their own needs assessment in support of the proposal. Whilst the geographical area, methodology and figures quoted differ from the overview report referred to above, the applicant's report concludes that there is a shortfall of 153 bed spaces within 5 miles of the site with the shortfall predicted to rise to 394 bed spaces within the next decade.
- 9.48 Both reports conclude that at present there is a shortfall in residential care accommodation being provided in relation to the need for such, and by any measure there is likely to be considerable unmet demand for this type of housing in the future. This unmet need weighs heavily in favour of granting planning permission as a means of boosting the Council's housing supply in this particular specialist area.

LOCAL INFRASTRUCTURE

- 9.49 Concerns have been raised regarding the impact that the care home would have on local doctor's surgeries. Officers acknowledge the strength of local concerns on these issues, however ultimately it is for the health providers to decide how they deliver health services. Officers do not believe a refusal on these grounds would be sustainable.
- 9.50 With regard to the University Hospital Southampton NHS Foundation Trust request for a financial contribution, the Local Planning Authority can seek appropriate financial contributions in situations where the absence of a contribution would render the proposal unacceptable. Officers will provide an update on this issue at the Planning Committee.

THE PLANNING BALANCE

9.51 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".

9.52 The site is outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS9 and CS14 of the Core Strategy and Policy DSP6 of Local Plan Part 2: Development Sites and Policies Plan.

9.53 Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations, which is engaged as this Council cannot demonstrate a 5YHLS against objectively assessed housing need. In weighing up the material considerations and conflicts between policies; the development of a site in the countryside weighted against Policy DSP40, Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall and would be sustainably located adjacent to and well related to the urban settlement boundary. The development has also been sensitively designed to reflect the vernacular of the adjacent urban area and could be delivered within the short term. Officers are satisfied that there are no amenity or ecology issues weighing against granting planning permission. Safe access and egress can also be achieved onto Segensworth Road such that there would be no harm to highway safety.

9.54 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 a 75-bed care home in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply is a substantial material consideration, in the light of this Council's current 5YHLS. Furthermore, the contribution the scheme would make to addressing the specific unmet demand for elderly care accommodation carries significant weight suggesting that planning permission should be granted.

9.55 In undertaking a detailed assessment of the proposals throughout this report and applying the 'tilted balance' to those assessments, Officers consider that:

(i) there are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed; and

(ii) any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.

9.56 Officers therefore recommend that the planning application should be permitted subject to the incorporation of planning conditions.

Recommendation

GRANT PERMISSION

subject to the following conditions:

1.The development hereby permitted shall begin before the expiry of 3 years from the date of this decision notice.

REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.

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

Site plan Drawing no PL_011 Rev C

Site sections Drawing no PL_023

Elevations Drawing no PL_020 Rev B

Elevations Drawing no PL_022 Rev B

Ground floor plan Drawing no PL_015 Rev B

First floor plan Drawing no PL_016 Rev B

Second floor plan Drawing no PL_017 Rev B

Third floor plan Drawing no PL_018 Rev A

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

3. No development shall commence on site until a Construction Management Plan (CMP) setting out how provision is to be made on site for the parking and turning of operatives vehicles, wheel cleaning, the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development, has been submitted to and approved in writing by the Local Planning Authority (LPA). The development shall be carried out in accordance with the CMP and areas identified in the CMP for specified purposes shall thereafter be kept available for those uses at all times during the construction period, unless otherwise agreed in writing with the LPA.

REASON: In the interests of highway safety.

4. No development shall commence until a Method Statement for surfacing within the root protection areas of trees to be retained has been submitted to and approved by the Local Planning Authority in writing. The development shall be undertaken in accordance with the approved details.

REASON: To ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period.

5. No development shall commence (including site set up and preparation) until the tree and hedgerow protection measures contained within the Arboricultural Report provided by GHA trees (ref GHA/DS/19460:18) have been implemented. These measures shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site.

REASON: To ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period.

6. No development hereby permitted shall proceed beyond damp proof course level until details and samples of all proposed external facing, hardsurfacing and boundary treatment materials have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development.

7. Details of any proposed floodlighting, security lighting or other means of external illumination (designed to minimise the impact on wildlife, in particular bats) shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall be carried out in accordance with the approved details and any lighting thereafter retained in the approved form.

REASON: In order to minimise the impact on wildlife, in particular bats.

8. No development shall take place above damp proof course level on any of the development hereby permitted until a Biodiversity Mitigation and Enhancement Scheme has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and retained thereafter.

REASON: To conserve and enhance biodiversity.

9. No development shall proceed beyond damp proof course level until a landscaping scheme identifying all existing trees, shrubs and hedges to be retained, together with the species, planting sizes, planting distances, density, numbers, surfacing materials and provisions for future maintenance of all new planting, including all areas to be grass seeded and turfed and hardsurfaced, has been submitted to and approved by the Local Planning Authority in writing.

REASON: In order to secure the satisfactory appearance of the development; in the interests of the visual amenities of the locality

10. The landscaping scheme, submitted under Condition 9 shall be implemented 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.

11. No development shall proceed beyond damp proof course level until details of secure cycle storage have been submitted to and approved by the Local Planning Authority in writing. The secure cycle stores shall be provided before the care home is first occupied and shall thereafter be retained and kept available for use at all times.

REASON: To encourage cycling as an alternative mode of transport.

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

REASON: To protect the amenities of the nearby residents.

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

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

14. The recommendations contained within the Travel Plan Framework (produced by Stilwell Ltd and dated July 2018) shall be implemented in accordance with the identified timescales and shall be adhered to thereafter in perpetuity.

REASON: To encourage sustainable means of transport.

15. None of the development hereby approved shall be occupied until the means of access and egress shown on the approved plans (including the splitter island) has been fully completed. The access and egress shall be subsequently retained.

REASON: In the interests of highway safety.

16. Visibility splays of 2.4m by 59m at the junction of the access with Segensworth Road shall be provided prior to occupation of the care home hereby permitted. The visibility splays shall thereafter be kept clear of obstruction (nothing over 0.6m in height) at all times.

REASON: In the interests of highway safety.

17. None of the development hereby permitted shall be occupied until the car parking spaces and turning areas have been provided in accordance with the details on Drawing no. PL_011 RevC. The parking spaces shall thereafter be kept available and retained at all times for the parking of cars.

REASON: In the interests of highway safety

18. Details of the glazing and trickle vents for all windows serving habitable rooms shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The glazing and trickle vents shall be installed in accordance with the approved details prior to occupation and retained thereafter.

REASON: To protect the amenities of the residents.

19. The 1.8m high brick perimeter wall shall be provided prior to first occupation of the care home hereby approved in accordance with Site plan Drawing no PL_011 RevC and shall be retained in accordance with the approved details thereafter.

REASON: To protect the amenities of the residents.

20. The recommendations contained in section 7.0 of the Preliminary Ecological Appraisal Report by Middlemarch Environmental (July 2018) shall be implemented in full prior to occupation of the care home hereby permitted and shall thereafter be retained in accordance with the approved details.

REASON: To ensure that protected species are not harmed and that habitat is enhanced as a result of the proposed development.

21. The premises shall be used as a care home for elderly persons and for no other purpose including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification, or as may be permitted by any Class within Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification

REASON: The site is located within the countryside where planning permission would not ordinarily be granted for development without sufficient overriding justification to do so; to ensure adequate provision of elderly care home accommodation within the Borough; to ensure adequate parking provision is made and in the interests of highway safety.

Background Papers

P/18/0897/FP

FAREHAM

BOROUGH COUNCIL



Land to the south east of Segensworth Road Roundabout

Scale 1:1,250



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Agenda Item 7(3)

OFFICER REPORT FOR COMMITTEE

DATE: 12/12/2018

P/18/0473/CU
MR MATTHEW JAMES

TITCHFIELD COMMON
AGENT: GREEN PLANNING STUDIO
LTD

THE TEMPORARY USE OF LAND FOR A PERIOD OF THREE YEARS FOR THE STATIONING OF CARAVANS FOR RESIDENTIAL PURPOSES TO PROVIDE 1NO RESIDENTIAL FAMILY GYPSY PITCH AND THE CONSTRUCTION OF NEW ENTRANCE GATES

LAND TO WEST OF 237 SEGENSWORTH ROAD, FAREHAM PO15 5EW

Report By

Richard Wright – direct dial 01329 824758

1.0 Introduction

- 1.1 This application has been included on the agenda for this meeting by virtue of the number of representations received objecting to the proposal and contrary to the Officer recommendation below.
- 1.2 Members will note from the 'Five Year Housing Land Supply Position' report elsewhere on this agenda that this Council currently has a housing land supply of 4.95 years (a shortfall of 27 dwellings within the 5 year period).
- 1.3 The Housing Delivery Test results which were due to be published by the Ministry of Housing, Communities and Local Government in November 2018 had not been published as at 3rd December. Officers have carried out their own assessment against the same criteria the Government will use and are of the opinion that the Housing Delivery Test results will require this Council to apply a 20% buffer to its local housing need increasing its annual requirement to 575 dwellings per annum. This in turn would result in a 5 year housing supply of 4.3 years and a shortfall of 386 dwellings. Should the Housing Delivery Test results be published prior to the Planning Committee meeting, Officers will provide an update at the meeting.
- 1.4 Policy DSP40 of the Local Plan Part 2: Development Sites and Policies is engaged when it can be demonstrated that the Council does not have a five year housing land supply. Even if the Council were found to have a 5 year housing land supply as a result of resolutions taken during this meeting, Officers believe it is clear that the housing requirements for this Borough will increase in the very near future as a result of the Housing Delivery Test.

- 1.5 In light of the Government's clear 'direction of travel' on housing requirements and delivery, it is considered appropriate to consider proposals against the criteria set out within DSP40 (which derive from standalone development plan policies in any event and or are clearly material considerations in their own right), to assess what degree of harm may arise, even if that policy is no longer engaged.
- 1.6 Officers will advise Members accordingly at the meeting.

2.0 Site Description

- 2.1 The application site comprises a parcel of land located to the due west of the detached dwelling known as 237 Segensworth Road. The site lies close to but not adjacent the A27/Segensworth Road roundabout and for planning purposes is outside of the defined urban settlement boundaries.
- 2.2 The submitted location plan indicates that the red edged application site is part of a wider piece of land owned by the applicant, shown edged in blue. That land borders the eastern edge of the A27, the curtilage of 237 Segensworth Road and land to the south where currently a planning application for a development of 105 houses is under consideration (our reference P/18/0068/OA). A small area of the application site is on third party land owned by Hampshire County Council in the north-eastern corner of the site over which vehicular access to the site is currently provided. The applicant has submitted a Certificate to demonstrate that requisite notice has been served on the County Council as part owners of the site.
- 2.3 During the course of this planning application being considered development has been carried out on the site. A large "twin unit" mobile home with a pitched roof has been brought on to the site and a brick plinth and steps constructed around its base and up to the doors. Hard surfacing in the form of loose chippings / gravel and paving slabs has been laid across the land on the eastern side of the mobile home. A set of timber entrance gates have been constructed across the existing vehicular entrance on land owned by Hampshire County Council. Although technically outside of the red edged application site, an enclosed private amenity area has been created to the west of the mobile home and an outbuilding erected. Fencing has been erected around the perimeter of the blue edged land where none previously existed. The fencing is a combination of mesh and boarded fencing set in from the existing perimeter hedgerows. A previously existing storage barn building lies in the south-eastern corner of the site. Whilst fencing up to a height of 2.0 metres in this location will not require planning permission from the Council, the other development including the siting of the mobile home, the outbuilding, the loose chippings / gravel / paving and the entrance gates

would do, has been carried out without the benefit of planning permission and so is at present unauthorised.

- 2.4 The site forms part of a draft allocation for housing within the Draft Fareham Borough Local Plan 2036.

3.0 Description of Proposal

- 3.1 Planning permission is sought for the change of use of the land for a temporary period of three years for the stationing of caravans for residential purposes to provide one residential family gypsy pitch. Also proposed is the construction of new entrance gates.

- 3.2 As referred to earlier in this report, a mobile home has already been brought on to the site and is being used for residential purposes. A set of entrance gates has also already been installed. If permitted, this application would allow the retention of the mobile home and entrance gates.

- 3.3 The other development that has already been carried out on the site, namely the change of use of other land outside of the red edge in conjunction with the residential use hereby proposed, the erection of an outbuilding and the laying of hard surfacing, does not form part of this planning application. At the request of the applicant those matters should be addressed separately.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS2 – Housing Provision

CS5 – Transport Strategy and Infrastructure

CS6 – The Development Strategy

CS14 – Development Outside Settlements

CS17 – High Quality Design

CS19 – Gypsies, Travellers and Travelling Showpeople Population

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

DSP15 – Recreational Disturbance on the Solent Special Protection Areas

DSP40 – Housing Allocations

Other Documents:

Planning Policy for Traveller Site (PPTS) - DCLG

Gypsies and Travellers: Planning Provisions (House of Commons Briefing
Paper 13 October 2017)

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/12/0259/FP	CONTINUED USE OF THE LAND FOR THE STABLING AND GRAZING OF HORSES TO INCLUDE RETENTION OF MOBILE HOME IN CONNECTION WITH EQUINE BREEDING BUSINESS / EQUINE WORKER IN LIEU OF CARAVAN PERMITTED UNDER APPLICATION P/06/0357/FP
REFUSE	5 OCTOBER 2012 APPEAL: ALLOWED 8 MAY 2013
P/10/0680/FP	CHANGE OF USE FOR STEAM CLEANING AND HAND CLEANING/FINISHING CARS, ERECTION OF TWO OPEN SIDED CAR WASH CANOPIES & RETENTION OF HARD SURFACING
REFUSE	29 SEPTEMBER 2010 APPEAL: DISMISSED 2 JUNE 2011
P/08/1075/VC	PARTIAL RELIEF FROM CONDITION 3 OF P/06/0357/FP (TO ENABLE SALE OF CHRISTMAS TREES IN DECEMBER ANUALLY), CHANGE OF USE OF SITE FOR THE KEEPING OF HORSES, RETENTION OF 3 MOBILE STABLES & CARAVAN, CONSTRUCTION OF MANEGE & DOG KENNEL
PERMISSION	12 NOVEMBER 2008
P/06/0357/FP	CHANGE OF USE OF SITE FOR THE KEEPING OF HORSES, (CHANGE OF USE OF YARD FOR EXTERNAL STORAGE – RELIEF FROM CONDITION 2 OF P/04/0613/FP), RETENTION OF 3NO. MOBILE STABLES, RETENTION OF CARAVAN, CONSTRUCTION OF MANEGE AND DOG KENNEL
PERMISSION	31 MAY 2006

6.0 Representations

6.1 Eighty-five letters of objection have been received raising the following material planning considerations:

- Concern over likely future use after expiry of 3-year period and if it may become a permanent arrangement.
- Possibility of alternative/additional caravans arriving on the site.
- Dedicated traveller/gypsy site at Tynefield, Whiteley Lane and Knares Hill, Botley Road.
- Fareham Local Plan has already made additional provision for transit and permanent gypsy pitches at Newgate Lane and Southampton Road. Further site therefore not required. FBC have already met their quota.
- Also many private residential caravan parks in the area.
- Could lead to development for future housing and/or continuation of adjacent proposed housing site (105 dwellings).
- Over-development of site.
- Visual impact. Out of character in terms of appearance compared with existing developments in vicinity. Loss of existing views from neighbouring properties.
- Would affect residential amenity - noise & disturbance. Currently a quiet, secluded residential area.
- Will there be adequate provision of sewage/mains water supply
- Litter & mess on site as created by previous temporary gypsy camps.
- Need more housing not sites for travellers.
- Approved plans for housing in the area, increasing population density already.
- Health, education, police & council services provision already stretched.
- Safety of children and pets living on site close to a busy road.
- Close to busy junction. Wedged between two busy roads.
- Segensworth Road is a major traffic conduit to A27 & M27 slip road & roundabout and proximity to commercial, business, offices and ONS causes significant traffic issues already.
- More traffic will be generated to access shops & schools from site.
- Traffic frequently backed up from traffic light control near 237 Segensworth Road back to Titchfield Park Road at peak times.
- Caravan accessing site will further obstruct traffic flow and create conflict & safety issues. Site access also crosses a busy pedestrian path.
- Concern over Segensworth Road and Titchfield Park Road being used as a 'rat run'.
- Emergency services access to area of concern.

7.0 Consultations

INTERNAL

Highways

7.1 No objection.

8.0 *Planning Considerations*

8.1 PLANNING HISTORY AND LAWFUL USE OF THE LAND

8.2 The application site comprises part of a larger parcel of land owned by the applicant and a small piece of land belonging to Hampshire County Council.

8.3 In March 2012 a planning application was submitted seeking permission for the use of the land for the stabling and grazing of horses including the retention of a mobile home in connection with an equine breeding business (our reference P/12/0259/FP). In October that year the Council refused the application and an enforcement notice was subsequently served to require the discontinuance of the land for the siting of the static caravan amongst other things.

8.4 An appeal was lodged and in May 2013 planning permission was granted by the Planning Inspector for a limited period of three years. In his decision letter the Inspector gave the view that the lawful use of the site at the time was as described in the enforcement notice, the description being derived from the grant of permission in 2006 (our reference P/06/0357/FP) as follows: "for the keeping of horses, retention of 3 mobile stables and a mobile caravan [not to be used as permanent living accommodation] and construction of manege and dog kennel". That use is still considered by Officers to be the lawful use of the land today, notwithstanding various unauthorised uses which have taken place on the site since that time.

8.5 IMPLICATIONS OF FAREHAM'S CURRENT 5-YEAR HOUSING LAND SUPPLY POSITION

8.6 On the 24th July 2018, the Government published the revised National Planning Policy Framework (NPPF). The requirements set out in the revised NPPF (and the National Planning Practice Guidance (PPG)) change how Local Planning Authorities must calculate their housing need figure.

8.7 Previously, housing need was calculated through a process called Objectively Assessed Need. The requirement of the revised NPPF is for housing need to now be calculated by the new standard method which is set out in the PPG.

8.8 Use of the standard method applies from the date of publication of the new Framework and Guidance (24 July 2018), and as such the Council must now

determine its 5YHLS position using the local housing need figure calculated using the new standard method.

8.9 A report titled "Five year housing supply position" is reported for Members' information elsewhere on this Agenda. That report sets out this Council's local housing need along with this Council's current housing land supply position. The report concludes that this Council currently has 4.95 years of housing supply against the 5YHLS requirement.

8.10 On the 26th October, the Government issued a 'Technical consultation on updates to national planning policy and guidance.' The consultation on the proposed updates runs from 26 October 2018 until 7 December 2018. The introductory section of the consultation sets out the background for the consultation and the Government's priority to deliver more homes and to do so faster. The Government is of the view that the household growth projections published very recently by the Office for National Statistics, that predict a lower level of household growth than previously, does not mean fewer homes need to be built. The objective of the consultation proposes changes to the standard method to ensure consistency with the objective of building more homes. In the short-term, the Government proposes to use the 2014-based data on household growth to provide the demographic baseline for assessment of local housing need. Such an approach will further increase Fareham Borough Council's local housing need.

8.11 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.

8.12 PRINCIPLE OF DEVELOPMENT IN RELATION TO HOUSING PROVISION

8.13 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 and is not previously developed land as defined in the National Planning Policy Framework (NPPF).

8.14 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.'

8.15 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).

8.16 The development proposed comprises the change of use of the land for the stationing of a caravan which is a form of housing provision. 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.

8.17 POLICY DSP40

8.18 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."*

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

8.20 POLICY DSP40(i)

8.21 The proposal for one single additional residential unit is relative in scale to the 5YHLS shortfall and therefore bullet point i) of Policy DSP40 is satisfied.

8.22 POLICY DSP40(ii)

- 8.23 The site is part of a wider area of land that is surrounded by the urban settlement boundary, located further west of the site, the south east and to the north east. The site is in reasonable proximity to leisure and community facilities, schools and shops and would relate well to the existing urban area. Officers consider that the proposed development can be well integrated within the neighbouring settlement in accordance with point ii).
- 8.24 POLICY DSP40(iii)
- 8.25 The site is within an area of countryside but is not designated as strategic gap. Policy CS14 of the adopted Core Strategy confirms that built development will be strictly controlled to protect it from development which would "adversely affects its landscape character, appearance and function".
- 8.26 Due regard has been given to The Fareham Landscape Assessment 2017 (which is part of the evidence base for the published draft Fareham Local Plan 2036). The site lies within the LCA 5 Titchfield Corridor. The assessment of area 5.1a (which this site is located within) confirms that the area comprises an 'island' of landscape bounded by busy roads to the west and east (A27 Southampton Road, Segensworth Roundabout and Segensworth Road) and by the rear boundaries of housing along Titchfield Park Road to the south.
- 8.27 Reference is made to the woodland and dense cover of trees/scrub and the designated Sylvan Glade SINC. The assessment goes on to confirm that there is scope for development within this area which is of lower landscape sensitivity but stresses the importance of maintaining the well-treed character, green infrastructure and that the role of the area in separating settlements is not compromised and landscape and settlement character is enhanced.
- 8.28 Along the southern and western boundaries of the site are mature hedgerows which act to screen and soften the visual impact of the development. The caravan has been sited in the centre of the plot away from the boundaries.
- 8.29 Further consideration of the character and appearance of the development follows later in this report, however by virtue of the single storey scale of the unit, its position on the site and boundary vegetation the proposal minimises the adverse impact on the countryside such that it accords with the test set out at point iii) of DSP40.
- 8.30 POLICY DSP40(iv)

8.31 This fourth policy test concerns the short term deliverability of the proposal. In this regard and in this instance there is no conflict with this policy since the development has already been carried out.

8.32 POLICY DSP40(v)

8.33 The development is not considered to have any unacceptable environmental, amenity or traffic implications and is in accordance with this final policy test of Policy DSP40. The matter of recreational disturbance to the Solent Coastal Special Protection Areas is discussed later in this report.

8.34 CHARACTER AND APPEARANCE

8.35 As referred to above, Core Strategy Policy CS14 seeks to protect the countryside from development which would adversely affect its landscape character, appearance and function. In addition, Core Strategy Policy CS17 (High Quality Design) seeks to ensure that development will, amongst other things, be designed to "respond positively to and be respectful of the key characteristics of the area".

8.36 The current application seeks permission for a change of use of the land to allow the stationing of a caravan meaning the type, size and appearance of the mobile structure on the site could vary. The caravan that has been brought on to the site already and currently is stationed there is a significant sized twin unit mobile home which has the appearance of a detached bungalow. It is positioned centrally within the site and is therefore visible from several viewpoints outside of the site itself including through the entrance gates when open, from the adjacent A27 to the west and from the roundabout located to the north. Whilst hedgerow planting which has in recent years matured exists along the western site boundary and more well established planting lines the southern boundary of the blue edged land owned by the applicant, the northern boundary of the site is very sparse. The adjacent landowner who owns the site located between the applicant's land and the roundabout has recently undertaken significant works to reduce boundary hedgerows and vegetation increasing the visibility of the mobile unit from public vantage points. A planning application for a care home on the land to north is currently under consideration (planning reference P/18/0897/FP) and is reported elsewhere on this agenda.

8.37 Officers consider that the stationing of a caravan on the land causes some visual harm upon the character and appearance of the countryside as it currently exists. However, Officers note that the lawful use of the land could potentially carry with it a visual impact not dissimilar to the application proposal and this should be taken into account when considering the effect of

the proposed development. The lawful use is for "the keeping of horses, retention of 3 mobile stables and a mobile caravan [not to be used as permanent living accommodation] and construction of manege and dog kennel".

- 8.38 Furthermore, Officers acknowledge that development proposals for the land immediately adjacent to the north and south of the site are currently under consideration and both are reported for Members' consideration elsewhere on this agenda.
- 8.39 To the north of the application site on land on the south-eastern side of the A27 roundabout a care home is proposed (planning reference P/18/0897/FP). The care home is proposed to comprise 75-bedrooms in a single building ranging between 3 to 4 storeys in scale.
- 8.40 To the south of the application site lies land subject of a current outline planning application for 105 dwellings (planning reference P/18/0068/OA). Whilst all matters except for access are reserved an illustrative site plan submitted with the application demonstrates how the site could be laid out with housing a short distance from the party boundary.
- 8.41 Both of these sites, along with the application site at land west of 237 Segensworth Road, form part of a proposed housing allocation within the draft Fareham Borough Local Plan 2036. At this stage in the plan process only limited weight can be given to the proposed allocation and draft policies. However, the prospect of development coming forward on these adjacent sites is significantly raised by the draft allocation and current formal proposals at the point of determination. Were either of these developments on adjacent land to be permitted the context of the current application site would fundamentally change to a more urbanised location surrounded by built development. In particular the proposed care home would alter the perception of the site with the siting of a caravan being seen either against the backcloth or alongside the building or screened from view by that building.
- 8.42 The likelihood of this adjacent development coming forward and the consequential shift in the setting of the application site is a material consideration for Members in determining this planning application.
- 8.43 The application also seeks permission for the entrance gates already installed. The timber entrance gates are positioned set back from the adjacent highway and immediately next to the boundary wall, railings and gates of the neighbouring dwelling at 237 Segensworth Road. Officers do not consider the appearance of the gates to be harmful to the character of the area.

8.44 PRINCIPLE OF DEVELOPMENT IN RELATION TO ONE RESIDENTIAL FAMILY GYPSY PITCH

8.45 The government has published Planning Policy for Traveller Sites (PPTS) (last updated August 2015) which is to be read in conjunction with the NPPF which itself was revised in July this year.

8.46 Paragraph 23 of the PPTS sets out that "Applications should be assessed and determined in accordance the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites".

8.47 Paragraph 24 continues that:

"Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

a) the existing level of local provision and need for sites;

b) the availability (or lack) of alternative accommodation for the applicants;

c) other personal circumstances of the applicant;

d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites;

e) that they should determine applications for sites from any travellers and not just those with local connections."

8.48 Taking point a) firstly; the most up to date assessment of local provision and need is in the recently published Hampshire Consortium Gypsy, Traveller and Travelling Showpeople Accommodation Assessment 2016 - 2036 (May 2017) (GTAA). This assessment was published as part of the evidence base to support the draft Fareham Local Plan 2036.

8.49 The GTAA identified a need for 3 additional gypsy and traveller pitches in the Borough. This need was generated by the existing gypsy and traveller pitch on land south west of Burridge Road from which it has been identified that additional pitches will be required to accommodate members of that family. This current application at Segensworth Road does not relate to that identified need and so should be considered as a windfall proposal on a site which is not currently or proposed to be allocated for this purpose.

8.50 On points b) and c) of Paragraph 24 of the PPTS, the personal circumstances of the intended occupants of the site are discussed below in a separate

section to this report. This is because such information need only be taken into account if the proposal is found not to be compliant with planning policy in general terms such that the personal circumstances of the applicant are then an important material planning consideration.

8.51 Paragraph 26 of the PTTS sets out further criteria and states that:

"When considering applications, local planning authorities should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land;*
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;*
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children;*
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community."*

8.52 This site is not previously developed, untidy or derelict land. The siting of the mobile home in the centre of the land holding does not attempt to make use of any existing features on the site to reduce its visual impact. No details have been provided as to any soft landscaping which would be carried out, in contrast a large area of the site has been hardsurfaced as described earlier in this report. High level entrance gates have been erected and, adjacent to the position of the caravan, an enclosed garden area created within the wider site which is bound by perimeter fencing and boundary treatment around the extent of the applicant's ownership. Whilst Officers are mindful of the importance of ensuring the property would be secure such features run contrary to the aims of point d) of the Paragraph 26. As a whole the submitted proposal fails to satisfy the considerations set out in Paragraph 26.

8.53 Consideration then falls to the relevant local plan policies on gypsy and traveller accommodation which are Policy CS19 of the adopted Fareham Borough Core Strategy and Policy DSP47 of the adopted Fareham Borough Local Plan Part 2: Development Sites and Policies.

8.54 The relevant section of Policy CS19 reads as follows:

"In identifying sites through the Site Allocations and Development Management Development Plan Document for Gypsies and Travellers and Travelling Showpeople, previously developed land within or on the edge of urban areas will be considered before sites in rural locations. The site must be suitable for this type of accommodation in that it meets the criteria below and

there is a realistic likelihood it will come forward during the plan period, taking into account site constraints such as flood risk, access to the highway network and infrastructure.

Planning permission will be granted where the following criteria can be met:

- The site is accessible to shops, schools and health facilities by public transport, on foot or by cycle;*
- In the case of Travelling Showpeople sites, the site includes sufficient space for storage and maintenance of equipment and the parking and manoeuvring of all vehicles associated with the occupiers;*
- The site is capable of being provided with adequate on - site services for water supply, power, drainage, sewage disposal and waste disposal facilities."*

8.55 The relevant part of Policy DSP47 meanwhile states that:

"Where an unallocated site is proposed for a permanent pitch or pitches, the Council will ensure that it:

- i. has regard to the Borough-wide objectively assessed need;*
- ii. is accessible to shops, schools, community and health facilities by public transport, on foot or by cycle;*
- iii. offers safe and convenient pedestrian, vehicular access and parking without unacceptable impact on highway safety;*
- iv. is capable of being provided with on-site services for water supply, power, drainage, sewage disposal and waste disposal facilities;*
- v. is well laid out and carefully designed;*
- vi. does not unacceptably harm visual amenity and includes adequate planting and landscaping, where necessary;*
- vii. does not cause harm to natural and/or heritage assets that cannot be satisfactorily mitigated and/or compensated; and*
- viii. is not located in areas at high risk of flooding or unstable land."*

8.56 The site lies within the countryside outside of the urban settlement boundaries. However, adjacent sites on the opposite sides of Segensworth Road and the A27 from the site lie within the urban area. In this respect the site can be said to have an edge of urban location. Access to the highway network, local facilities and shops is good. The current caravan sited on the land is adequately serviced and Officers have no concerns in this regard.

8.57 The identified need for sites for gypsy and traveller accommodation is already set out earlier in this report and with the exception of Policy DSP47 (vi) in relation to the visual impact of the development which is also discussed above, the proposal is considered to meet the remaining criteria of both of

these local plan policies. This must however be considered in the round as part of the Planning Balance which is summarised at the end of this report.

8.58 OTHER MATERIAL CONSIDERATIONS

8.59 TEMPORARY CONSENT

8.60 The covering letter accompanying this application explains that the applicant is seeking a temporary consent for 3 years "as the land is likely to be developed in the future for other uses". This is a reference to the fact that the site forms part of a wider draft housing allocation within the draft Fareham Borough Local Plan 2036.

8.61 Paragraph 27 of the PPTS states that "If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission".

8.62 As set out above, the GTAA identifies an unmet need for 3 further gypsy/traveller pitches in the Borough. Notwithstanding, the need identified which is specific to that generated by another existing site in the Borough would not be addressed by this proposal.

8.63 The immediate harm to the countryside character and appearance which is identified earlier in this report would not be mitigated by a temporary consent. However, the temporary nature of the proposal would mean that in the long term the visual impact of the development could be remedied relatively easily by the cessation of the use.

8.64 Officers note that the footnote to Paragraph 27 of the PPTS points out that "There is no presumption that a temporary grant of planning permission should be granted permanently". If planning permission was granted for a temporary period of three years, at the end of that period there would be no obligation for the Council to grant a permanent consent for the use of the site.

8.65 PERSONAL CIRCUMSTANCES OF OCCUPANTS

8.66 The applicant has submitted details of the personal circumstances of the occupants. Officers have sought advice from the Gypsy Liaison Officer at Hampshire County Council who has visited the site and interviewed one of the occupants.

8.67 The County Gypsy Liaison Officer has reported that he is in no doubt that the two occupants are of gypsy ethnicity. He is also of the view that both have

had a cultural lifestyle of living in traditional touring caravans and mobile homes although evidence of a more recent nomadic lifestyle is lacking. He further notes that the occupants have travelled and intend to travel for economic purposes in the future but would like to settle down for their stability and health and the education of any future family. There is however some concern in relation to the occupants meeting the definition of gypsies and travellers for planning purposes provided at Annex 1: Glossary of the PPTS in that neither has presented a case for ceasing to travel temporarily for educational, health needs or old age.

- 8.68 The Glossary to the PPTS reads that, "For the purposes of this planning policy "gypsies and travellers" means:

"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) whether they previously led a nomadic habit of life*
- b) the reasons for ceasing their nomadic habit of life*
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances."*

- 8.69 The County Gypsy Liaison Officer has commented that, whilst there is some evidence to support the considerations a) - c) above there is currently insufficient evidence to support compliance with the definition in place and required for planning purposes. However, in support of a temporary permission, he is sure that as time passes their family circumstances and compliance may be more evident.

- 8.70 The applicant has been invited to provide additional evidence in support of the application and in response to the report by the County Gypsy Liaison Officer. Such evidence may be in the form of a further interview with the applicant, a further interview with the other occupant of the site or further demonstration of their travelling for economic purposes. The applicant has declined to provide further information and has requested instead that the application be determined on the basis of the information already supplied.

8.71 In the absence of sufficient information Officers consider that only limited weight may be ascribed to the personal circumstances set out in the application as presented due to concerns over whether the occupiers meet the definition of gypsies and travellers as set out in the PPTS above. It therefore does not fall to be considered whether suitable alternative accommodation is available to the occupants or for other personal circumstances to be taken into account.

8.72 RECREATIONAL DISTURBANCE ON THE SOLENT PROTECTION AREAS

8.73 Policy DSP15 (Recreational Disturbance on the Solent Protection Areas) 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 Project (SRMP). The proposal involves a net increase of one residential unit. The applicant would be required to make a financial contribution through the SRMP to offset the cumulative effects identified.

8.74 To fulfil the requirement under the Habitat Regulations Officers have carried out an Appropriate Assessment in relation to the likely significant effects on the SPAs and have concluded that subject to the application's compliance with the Solent Recreation Mitigation Strategy there would be no adverse effect on the integrity of the designated sites.

8.75 HUMAN RIGHTS ACT

8.76 Members are advised that Articles 8 and 14 of the Human Rights Act 1998 ("the HRA") apply and should be taken into account as a material consideration in determining this planning application.

8.77 Article 8 (Right to respect for private and family life) reads:

"8.1. Everyone has the right to respect for his private and family life, his home and his correspondence.

8.2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others."

8.78 Article 14 (Prohibition of Discrimination) meanwhile states that:

"The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

8.79 Case law has found that "home" in Article 8(1) includes a mobile home, and that what potentially could be disrespected by the Committee's decision is the occupant's right to live in that home.

8.80 Having established that Article 8(1) is engaged, the question that the committee must consider is that raised in 8(2) above.

8.81 The proper regulation of planning control in accordance with the law is recognised as a legitimate aim in the public interest. However any planning decision that amounts to the interference with an individual's Article 8 rights must be necessary and proportionate in the particular circumstances of the case. Thus the Committee must carry out a balancing exercise in making its decision: it must weigh up the requirements of national and local planning policies against the rights and needs of the occupants of the site as gypsies.

8.82 The decision must be proportionate, that is, a fair balance must be struck between the interference with the applicant's rights and the legitimate aim of the Council in the public interest pursuant to the legislation.

8.83 Article 14 applies so that in carrying out the above exercise under Article 8, Members must ensure they do not discriminate against the applicant or occupants i.e. give them less favourable treatment than they would do to another applicant because of their identity as gypsies or for any other of the reasons set out in Article 14.

8.84 EQUALITY ACT 2010

8.85 Members are reminded that there is a general statutory duty not to discriminate against people of other racial groups. Romany gypsies and Irish travellers have been specifically recognised as distinct ethnic groups protected by the Act.

8.86 Moreover the Council has a duty to comply with the public sector equality duty (PSED) in section 149 of the Equality Act 2010:

A public authority must, in the exercise of its functions, have due regard to the need to:

- a) *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

8.87 Notwithstanding that the County Council Gypsy Liaison Officer has raised concern in relation to the occupants meeting the definition of gypsies and travellers for planning purposes provided at Annex 1: Glossary of the PPTS, the applicant and other occupier of the site are of gypsy ethnicity and so have a protected characteristic for the purposes of the PSED.

8.88 SUMMARY AND PLANNING BALANCE

8.89 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".

8.90 This report identifies that the proposal complies with the criteria set out in Policies CS19 & DSP47 in relation to sites for gypsy and traveller accommodation. However, it also sets out that the proposal comprises a form of housing development which is contrary to those policies of the adopted local plan which seek to resist new residential development outside of the existing urban settlement boundaries. The development causes harm to the character and appearance of the area as a result of the development contrary to local plan policies.

8.91 Other material considerations have been discussed. No weight can be given to the unmet need for gypsy and traveller pitches identified in the GTAA since that need is specific and would not be met by this proposal. Additionally, in relation to the definition provided in the Glossary to the PPTS, the applicant has failed to provide satisfactory information to demonstrate that the personal circumstances of the occupants should be taken into account.

8.92 The proposal makes a very modest contribution of just one residential unit towards the Council's five-year supply of deliverable housing sites. This benefit would be limited by virtue of the temporary nature of the permission being sought. However, similarly limited would be the harm to the character

and appearance of the area and incursion into the countryside identified earlier in this report. If permission was granted the Council would retain control to require the land to be reinstated to its previous lawful use after the expiration of three years. Officers have noted that the lawful use of the land, which allows for the stationing of a caravan for non-residential purposes and the siting of mobile stables, could also have a visual impact of its own.

- 8.93 On balance, Officers consider that the harm identified to the countryside and its character and appearance would be limited to the short term and would not be so great so as to make the development unacceptable for a period of three years. During that time there is the prospect of the development on adjacent land proposed in the two current applications pending determination coming forward. Such development would potentially have a material urbanising effect on the character and appearance of the surrounding area. The extent to which this may alter the visual impact of the siting of a caravan on this site would be a matter to consider at the end of the temporary period of consent should a further application be received requesting use of the land on a permanent basis. As a result it is considered that the material considerations set out above, when considered alongside the adopted development plan as a whole, carry sufficient weight to indicate that planning permission should be granted in this instance.
- 8.94 This recommendation is made on the basis of the visual impact of the development being mitigated by virtue of its temporary nature. The harm identified is not considered to be outweighed by virtue of any policy or other material considerations concerning the provision of gypsy and traveller accommodation. For that reason it is not proposed to include a planning condition limiting the occupation of the site to solely those persons meeting the PPTS definition of gypsies and travellers since that is not considered to alter the planning balance in any way.
- 8.95 As set out earlier in this report, Officers consider that the implications of the CJEU judgement (People Over Wind, Peter Sweetman v Coillte Teoranta) and paragraph 177 of the NPPF mean that the presumption in favour of sustainable development imposed by paragraph 11 of the same Framework is disapplied.
- 8.96 In the event that this approach is subsequently found to be incorrect as a consequence of a Court decision or a clarification in government policy, Officers have considered the application in the alternative and assessed the proposals against the 'tilted balance' test set out at paragraph 11 of the NPPF.

8.97 In undertaking a detailed assessment of the proposals throughout this report and now applying the 'tilted balance' to those assessments, Officers consider that:

(i) there are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed; and

(ii) any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.

8.98 Therefore, even if paragraph 11 of the NPPF were fully engaged, Officers find that having applied the 'tilted balance', they would have similarly concluded that planning permission should be granted for the proposals.

9.0 Recommendation

9.1 GRANT TEMPORARY PLANNING PERMISSION, subject to:

- the applicant completing a legal agreement under Section 111 of the Local Government Act 1972 and making a financial contribution in accordance with the adopted Solent Recreational Mitigation Strategy December 2017;

- and the following conditions:

1. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:
 - a) Drawing no. 15_760_001 B - Location Plan - received 20th June 2018
 - b) Drawing no. 15_760_003 Revision A - Proposed Site Plan - received 18th June 2018
 - c) Drawing no. 15_760_006 - Proposed Entrance Gates - received 18th June 2018

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

2. The use hereby permitted is granted for a limited period only expiring on a date at the end of a period of three years from the date of this decision. On or before this date, the use shall cease and any development carried out in pursuance of this permission shall be demolished, materials removed from the site, and the land restored to its former condition.

REASON: To retain planning control over the use hereby permitted and to enable the circumstances leading to the grant of permission to be reviewed.

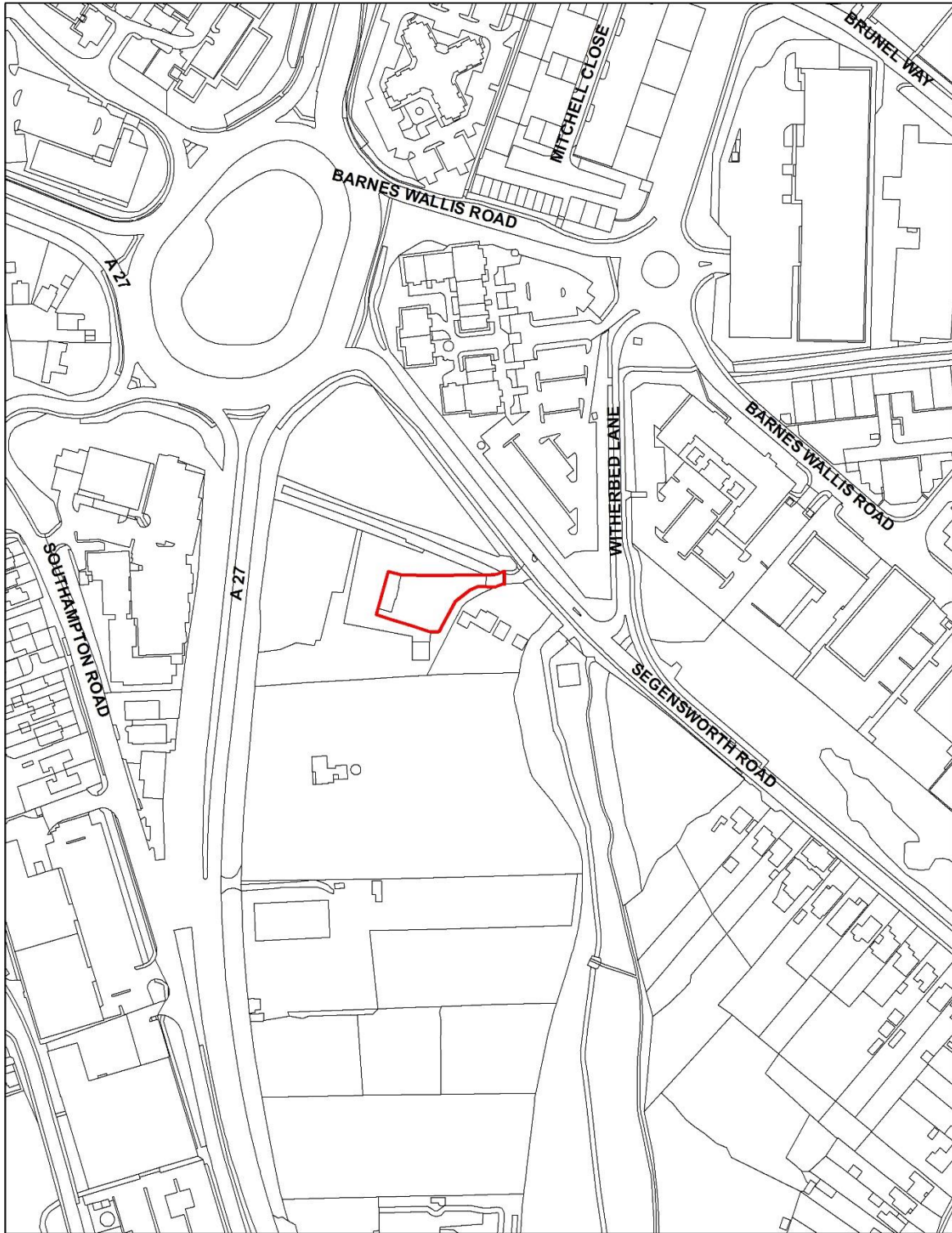
3. No more than two caravans, as defined in the Caravans Sites and Control of Development Act 1960, and the Caravan Sites Act 1968 (of which no more than one shall be a static caravan) shall be stationed on the site at any time.

REASON: To enable the local planning authority to maintain control in the interests of the amenity of the area.

11.0 Background Papers

11.1 P/18/0473/CU

FAREHAM
BOROUGH COUNCIL



Land to West of
237 Segensworth Road
Scale: 1:2,500



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OFFICER REPORT FOR COMMITTEE

DATE: 12/12/2018

P/18/0625/OA

A J DEVELOPMENTS LTD

TITCHFIELD

AGENT: PURE TOWN PLANNING

OUTLINE PLANNING APPLICATION FOR UP TO NINE DWELLINGS, WITH ACCESS AND PARKING FOLLOWING THE DEMOLITION OF 195 SEGENSWORTH ROAD

LAND TO THE REAR OF 195-205 SEGENSWORTH ROAD, SEGENSWORTH

Report By

Peter Kneen – direct dial 01329 824363

1.0 Introduction

- 1.1 The application is being presented to the Planning Committee following the receipt of fourteen third party letters of objection.
- 1.2 Members will note from the 'Five Year Housing Land Supply Position' report elsewhere on this agenda that this Council currently has a housing land supply of 4.95 years (a shortfall of 27 dwellings within the 5 year period).
- 1.3 The Housing Delivery Test results which were due to be published by the Ministry of Housing, Communities and Local Government in November 2018 had not been published as at 3rd December. Officers have carried out their own assessment against the same criteria the Government will use and are of the opinion that the Housing Delivery Test results will require this Council to apply a 20% buffer to its local housing need increasing its annual requirement to 575 dwellings per annum. This in turn would result in a 5 year housing supply of 4.3 years and a shortfall of 386 dwellings. Should the Housing Delivery Test results be published prior to the Planning Committee meeting, Officers will provide an update at the meeting.
- 1.4 Policy DSP40 of the Local Plan Part 2: Development Sites and Policies is engaged when it can be demonstrated that the Council does not have a five year housing land supply. Even if the Council were found to have a 5 year housing land supply as a result of resolutions taken during this meeting, Officers believe it is clear that the housing requirements for this Borough will increase in the very near future as a result of the Housing Delivery Test.
- 1.5 In light of the Government's clear 'direction of travel' on housing requirements and delivery, it is considered appropriate to consider proposals against the criteria set out within DSP40 (which derive from standalone development plan

policies in any event and or are clearly material considerations in their own right), to assess what degree of harm may arise, even if that policy is no longer engaged.

1.6 Officers will advise Members accordingly at the meeting.

2.0 Site Description

2.1 The application site is located on the southern side of Segensworth Road, outside but immediately adjacent to the Urban Settlement Boundary (Western Wards). The property 195 Segensworth Road itself lies within the designated Urban area. The site comprises the rear gardens of 195, 201 and 205 Segensworth Road, and a large area forming a paddock and stabling currently part of 195 Segensworth Road, that wraps around behind 195, 197 and 201 Segensworth Road. The extended area of rear garden to the rear of 205 Segensworth Road also extends beyond the rear elevation of 203 Segensworth Road.

2.2 The site is bounded by rear gardens to the northern, east and west boundaries, and open countryside to the southern boundary. The southern and western boundaries comprise ribbons of mature trees, covered by a woodland order Tree Preservation Order, although most of the protected trees are located outside the proposed site boundary. There are also several individual Protected Trees within the front and rear gardens of 193 Segensworth Road (to the east of the site).

2.3 The houses fronting Segensworth Road comprise a mixture of bungalows and chalet bungalows, all set back from the road frontage. Segensworth Road is an unclassified road, subject to a 30mph speed limit. The road is a long straight road connecting to Barnes Wallis Way to the east and the main Segensworth roundabout to the west. The road is mainly residential in character, although to the east of the site lies Segensworth Business Centre, which is set to the south of Segensworth Road.

3.0 Description of Proposal

3.1 The application, which is submitted in outline form with only access and layout being considered, proposes the construction of nine detached dwellings, comprising eight, 3-bedroom chalet bungalows and one, 2-bedroom bungalow, following the demolition of 195 Segensworth Road and its associated outbuildings. A new dedicated access would be created between 193 and 197 Segensworth Road

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

CS6: The Development Strategy

CS9: Development in the Western Wards & Whiteley

CS14: Development Outside Settlements

CS17: High Quality Design

CS20: Infrastructure and Development Contributions

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 Documents:

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

Residential Car Parking Standards 2009

5.0 *Relevant Planning History*

5.1 The following planning history is relevant:

P/92/1228/OA	Erection of dwellings and the provision of associated access roads, open space and landscaping
NON-DETERMINED	21/04/1993
APPEALED	Dismissed: 19/11/1993
P/93/0322/OA	Erection of dwellings with the provision of associated access roads, open space and landscaping
NON-DETERMINED	21/04/1993
APPEALED	Dismissed: 19/11/1993

6.0 *Representations*

6.1 Fourteen letters from nine households have been received objecting to this planning application. The main areas of concern relate to the following issues:

- Loss of green space;

- Loss of wildlife/biodiversity;
- Flooding and drainage;
- Overdevelopment of the site;
- Overlooking and loss of privacy;
- Loss of trees;
- Noise disturbance;
- Impact on infrastructure and lack of local services;
- Inadequate car parking/highway safety

7.0 Consultations

INTERNAL

Ecology:

- 7.1 Following the submission of additional information, no objection, subject to conditions and habitat mitigation contribution

Transport Planner:

- 7.2 Following the submission of additional information, no objection, subject to conditions.

Tree Officer:

- 7.3 Following the submission of additional information, no objection.

Recycling Co-ordinator:

- 7.4 No objection subject to confirmation from the Transport Planner regarding refuse vehicle access.

8.0 Planning Considerations

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

- a) Implication of Fareham's current 5-year housing land supply position (5YHLS);
- b) Residential Development in the Countryside;
- c) Policy DSP40 (Housing Allocations);
- d) Other Matters;
- e) The Planning Balance

a) Implication of Fareham's Current 5-Year Housing Land Supply Position

- 8.2 A report entitled 'Five year housing land supply position' is reported for Members' information elsewhere on this agenda. That Report set out this Council's local housing need along with this Council's current housing land supply position. The report concludes that this Council has 4.95 years of housing supply against the new 5YHLS requirement meaning there is a shortage of 27 dwellings.
- 8.3 A report from the October 2018 Planning Committee also advised that: '...the Government are considering adjustments to the new standard method used to calculate Local Housing Need, following publication of the new housing growth projections on 20 September 2018; and
- '...the Council will likely be required to apply a 20% buffer to the 5-year Housing Land Supply position following publication by the Government of the Housing Delivery Test in November'.
- 8.4 On the 26 October, the Government issued a 'Technical consultation on updates to National Planning Policy and Guidance'. The consultation on the proposed updates ran from 26 October 2018 until 7 December 2018.
- 8.5 The introductory section of the consultation sets out the background for the consultation and the Government's priority to deliver more homes and to do so faster. The Government is of the view that the household growth projections published very recently by the Office for National Statistics, that predict a lower level of household growth than previously, does not mean fewer homes need to be built. The objective of the consultation proposes changes to the standard method to ensure consistency with the objective of building more homes. In the short term, the Government proposes to use the 2014-based data on household growth to provide the demographic baseline for assessment of local housing need. Such an approach will further increase Fareham Borough Council's local housing need.
- 8.6 In the absence of a five year supply of deliverable housing sites, Officers consider that policy DSP40 is the principal development plan policy that guides whether schemes will be considered acceptable.

b) Residential Development in the Countryside

- 8.7 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 largely outside of the defined urban settlement boundary,

although the host dwelling at 195 Segensworth Road (to be demolished to create the access) is located within the defined settlement boundary.

8.8 Policy CS14 (Development Outside Settlements) 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'.

8.9 Policy DSP6 (New Residential Development outside of the Defined Urban Settlement Boundaries) of the Local Plan Part 2: Development Sites and Policies states – there will be a presumption against new residential development outside of the defined urban settlement boundary (as identified on the Policies Map).

8.10 The site is predominantly located 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.

c) Policy DSP40 (Housing Allocations)

8.11 Local Plan Policy DSP40 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 demonstrate 5 year housing land supply shortfall;*
- ii) The proposal is sustainably located adjacent to, and well related to, the existing urban settlement boundaries, and can be well integrated with the neighbouring settlement;*
- iii) The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the countryside and, if relevant, the Strategic Gaps;*
- iv) It can be demonstrated that the proposal is deliverable in the short term; and,*
- v) The proposal would not have any unacceptable environmental, amenity or traffic implications.*

8.12 Each of these five points are considered further below.

Policy DSP40(i)

- 8.13 Members will note from the 5 Year Housing Land Supply Position that the present shortfall of dwellings needed to achieve a 5YHLS is in the region of 27 dwellings. The proposal for 9 dwellings is considered to be relative in scale to the 5YHLS shortfall and therefore point (i) of Policy DSP40 is satisfied.

Policy DSP40(ii)

- 8.14 The planning application site is located both within and immediately adjacent to the defined urban settlement boundary of the Western Wards (Segensworth), with good accessibility to local services, facilities, schools and employment provision.
- 8.15 The nearest bus stops are located a few metres away to the east along Segensworth Road connecting the site to both Whiteley Shopping Centre (via Park Gate, to the northwest) and Fareham Town Centre (to the east). This provides good quality access to a wider bus network and Fareham Railway Station.
- 8.16 Existing dwellings within the urban area are located to the immediate north, fronting Segensworth Road, and further east along Segensworth Road. Officers therefore consider that the proposals can be well integrated with the neighbouring settlement, in accordance with point (ii) of Policy DSP40.

Policy DSP40(iii)

- 8.17 The site is within an area of countryside but is not designated as Strategic Gap. The Fareham Landscape Assessment (2017) identifies that the site falls within the Titchfield Corridor – 05.1a Wooded Valley: Heath Associated character. It sets out that the defining characteristics comprise linear gardens and small scale pasture bounded by hedging with abundant mature trees closing the land. The Assessment highlights that the area is capable of absorbing some built form, provided it does not impact on the intrinsic character of woodland and Site of Importance for Nature Conservation (SINC) areas.
- 8.18 Given the enclosed nature of the land, fronted by existing properties along Segensworth Road, by the SINC and protected woodland to the south and west of the site, views of the site would be limited to those along the access road. The Landscape Assessment highlights that development within the Titchfield Corridor area would have limited visibility impact due to these prevailing features, ensuring the development of this site would not have an adverse impact on the surrounding countryside.
- 8.19 There are other examples of ‘backland’ developments that have infilled the land to the rear of properties fronting Segensworth Road. It is considered by Officers that the proposal has been appropriately designed and laid out to

integrate with the character of the neighbouring settlement and would ensure the retention of the protected boundary trees. The proposal would therefore satisfy point (iii) of Policy DSP40 and comply with policies CS17.

Policy DSP40(iv)

- 8.20 In terms of delivery, the agent has confirmed that should permission be granted that the site could be deliverable in the short term, and has agreed that a reduced 12 month limit on the submission of reserved matters would be acceptable. It is therefore considered that point (iv) of Policy DSP40 is satisfied.

Policy DSP40(v)

- 8.21 The final test of Policy DSP40 requires that proposals would not have any unacceptable environmental, amenity or traffic implications. These are discussed in turn below.

Environmental/Ecology

- 8.22 The application has been supported by a Phase 1 Bat Survey and Ecological Survey, which has been assessed by the Council's Ecologist, who has raised no objection to the proposals, subject to appropriate conditions. The Ecologist raises no concerns regarding the potential impact of bats or reptiles on the site, and sufficient information has been provided to demonstrate that the off-site woodland would be protected.
- 8.23 The Council's Tree Officer has also reviewed the proposals due to the relative proximity of the woodland order Tree Preservation Order located on the southern and western boundary of the site, raising no objection to the proposals.
- 8.24 To fulfil the requirements under the Habitat Regulations, Officers have carried out an Appropriate Assessment in relation to the likely significant effects on the Solent Special Protection Areas (SPAs) and have concluded that the applicant's compliance with the Solent Recreation Mitigation Strategy means that there will be no adverse effect on the integrity of the designated sites.
- 8.25 As such, the proposal complies with the provisions of Policies CS4, DSP13, DSP15 and DSP40 (point (v) – environmental impact) of the Local Plan.

Amenity

- 8.26 In terms of the consideration of the amenity impact, the layout shown on the site plan is part of the consideration of the outline application proposal, which demonstrates how nine new detached dwellings can be accommodated on the site in broad compliance with the requirements of the Council's adopted Design Guidance. Each property would have gardens 11 metres in length,

and the rear elevation of the proposed properties that would back on to properties fronting Segensworth Road would exceed the minimum 22 metres required (Plot 1 would be over 28 metres away from the rear elevation of 197 Segensworth Road). Plot 2, a bungalow with no accommodation within the roof space would be located over 32 metres away from the rear elevation of 199 Segensworth Road. Finally, the roof slope of Plot 3 would be located over 30 metres away from the rear elevation of 203 Segensworth Road.

- 8.27 It is therefore considered that the proposals would not have an unacceptable adverse impact on the living conditions of the occupiers of neighbouring properties fronting Segensworth Road.
- 8.28 In terms of the future living conditions of occupiers of the development proposal, each of the proposed properties would have a garden size in accordance with the Design Guidance, therefore providing a suitable area of private amenity space for each of the proposed dwellings. It is noted that the southern and western boundaries of the site are bounded by a mature belt of protected trees. A daylight and sunlight report has been provided to support the application, demonstrating the levels of daylight and sunlight that would be provided in the rear gardens of those proposed properties that back onto the trees. This Report has been assessed by the Council's Tree Officer who is content that the level of light entering the gardens would be sufficient not to warrant an objection to the proposal, and would not represent potential pressure to see the trees felled as part of the proposal.
- 8.29 It is therefore considered that the proposed dwellings would result in a good quality level of living condition for future occupiers. It is therefore considered that the proposal complies with policies CS17, DSP2, DSP3 and DSP40 (point (v) – amenity impact) of the Local Plan.

Traffic

- 8.30 The application, submitted in outline includes consideration of the access arrangements, and proposes the creation of a new vehicular access onto Segensworth Road following the demolition of 195 Segensworth Road. The access onto Segensworth Road, which has a restricted 30mph speed limit achieves the required visibility splays to enable safe egress onto the street, and the Council's Transport Planner raises no objection to the proposal.
- 8.31 The access road would measure 5 metres in width along most of its length, whilst also providing a passing place along the main length of the roadway between 193 and 197 Segensworth Road. The overall width of the access roadway measures 13 metres, which enables a 5 metre and a 3 metre landscape buffer to be created either side of the roadway in order to reduce

the potential impact on the neighbouring properties. Further details regarding landscaping would be considered at the reserved matters stage.

- 8.32 The proposed site layout includes car parking provision in accordance with the adopted Residential Car Parking Standards for each of the proposed dwellings. Visitors parking is also provided.
- 8.33 There has been no objection from the Council's Waste and Recycling Co-ordinator, subject to the Transport Planner being content that adequate space has been provided to enable refuse vehicles to be able to service the proposed properties. Vehicle tracking shown on the proposed Site Layout Plan indicates the suitability of refuse vehicles to enter and exit the site in a forward gear. This would also be suitable for emergency services vehicles.
- 8.34 It is therefore considered that the proposed access arrangements would not cause harm to other road users or pedestrians. Details regarding secure cycle storage and bin storage areas would be considered as reserved matters, although adequate spaces on site have been provided to ensure these can be accommodated.
- 8.35 It is therefore considered that the proposal complies with policy CS17 and DSP40 (point (v) – traffic impact) of the Local Plan.
- 8.36 It is therefore considered that overall, the proposed development fully accords with the requirements of Policy DSP40 of the Adopted Local Plan, and would make a valuable contribution to overcoming the current shortfall in housing supply in the Borough.

d) Other Matters

- 8.37 **Affordable Housing:** Whilst the adopted Core Strategy sets out that affordable housing should be provided on sites over 5 dwellings (Policy CS18), this has been superseded by the revised NPPF 2018, which only requires an affordable housing provision for major development, comprising 10 or more dwellings. Therefore, there is no requirements for this development proposal to provide any affordable housing.

e) The Planning Balance

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

'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.'

- 8.39 The site lies predominantly outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture or 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 the Local Plan Part 2: Development Site and Policies Plan.
- 8.40 Officers have carefully assessed the proposals against Policy DSP40 (Housing Allocations) which is engaged as this Council cannot demonstrate a 5YHLS. Officers have also given due regard to the updated 5YHLS position report presented to the Planning Committee in October 2018 and the Government steer in respect of housing delivery.
- 8.41 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 is relative in scale to the demonstrated 5YHLS shortfall, well related to the existing urban settlement boundary such that it can be integrated with the adjacent settlement whilst at the same time being sensitively designed to reflect the areas existing character and minimising any adverse impact on the countryside.
- 8.42 It is acknowledged that the proposal would have an urbanising impact through the introduction of housing and related infrastructure onto a site which is at present undeveloped. However, that impact would be localised and merely extend the existing built form. Officers consider that the change in character of the site and the resulting visual effect would not cause any substantial harm.
- 8.43 In respect of environmental, amenity and traffic issues (including ecological mitigation), Officers are satisfied that these issues have been appropriately addressed in the submitted application, subject to appropriate conditions and habitat mitigation. Subject to the payment of the habitat mitigation contribution, and following completion of the Appropriate Assessment, it is considered that the likely significant effect on the Solent SPA would be adequately mitigated.
- 8.44 In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage of housing supply, Officers acknowledge that the proposal could deliver a net increase of 8 dwellings in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply is not substantial, but would make a material contribution in light of the Council's current 5YHLS.

- 8.45 There is a conflict with development plan policy CS14 which ordinarily would result in this proposal being considered unacceptable. Ordinarily CS14 would be the principal policy such that a scheme in the countryside should be refused. However, in light of the Council's lack of a five-year housing land supply, development plan policy DSP40 is engaged and Officers have considered the scheme against the criterion therein. The scheme is considered to satisfy the five criteria and in the circumstances, Officers consider that more weight should be given to this policy than CS14 such that, on balance, when considered against the development plan as a whole, the scheme should be approved.
- 8.46 Officers consider that the implications of the CJEU judgement (People Over Wind, Peter Sweetman v Coillte Teoranta) and paragraph 177 of the NPPF mean that the presumption in favour of sustainable development set out in paragraph 11 of the same Framework is not engaged.
- 8.47 In the event that this approach is subsequently found to be incorrect as a consequence of a Court decision or a clarification in Government policy, Officers have considered the application in the alternative and assessed the proposals having regard to the 'tilted balance' test set out at paragraph 11 of the NPPF.
- 8.48 In undertaking a detailed assessment of the proposals throughout this report and now applying the 'tilted balance' to those assessments, Officers consider that:
- (i) there are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposal, particularly when taking into account that any significant effect upon Special Protection Areas can be mitigated through a financial contribution towards the Solent Recreation Mitigation Strategy; and,
 - (ii) any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.
- 8.49 Therefore, even if paragraph 11 of the NPPF were a relevant consideration, Officers find that having applied the 'tilted balance', they would have similarly concluded that planning permission should be granted for the proposals.
- 8.50 Having carefully considered all material planning considerations, Officers recommend that planning permission should be granted subject to the

imposition of appropriate planning conditions and the payment of the appropriate habitat mitigation contribution.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to:

- the completion of a S.111 Agreement and the payment of the appropriate Habitat Mitigation Contribution; and,
- the following conditions:

1. Application for approval of details of the appearance and scale of the building(s) and the landscaping of the site (all referred to as the 'reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

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

2. Applications for approval of all reserved matters shall be made to the Local Planning Authority not later than 12 months from the date of this permission.

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

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

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

4. The development hereby permitted shall be constructed in accordance with the following approved documents:

- a) Site, Block and Location Plans (Drawing: 9041/100 Rev N);
- b) Indicative Floor Plans and Elevations (Drawing: 9041/101 Rev A);
- c) Existing Floor Plans (Drawing: 9041/102); and,
- d) Visibility Plan (Drawing: 9041/103 Rev C).

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

5. The development hereby permitted shall proceed in accordance with the measures set out in Section 4 'Conclusions and Recommendations' of the Phase 1 Bat Survey and Ecological Appraisal report by ABR Ecology Ltd (November 2018). Thereafter, the reptile receptor area in the southwest and enhancements in the form of bat tubes and bird boxes shall be permanently retained in accordance with the approved details.

REASON: To conserve and enhance biodiversity in accordance with the Wildlife & Countryside Act 1981 (as amended).

6. No dwelling hereby approved shall be first occupied until detailed plans and proposals have been submitted to the Local Planning Authority for approval showing:
 - (i) Refuse bin storage (sufficient for 2no. 140 litre wheeled bins);
 - (ii) Secure cycle storage.

The cycle storage required shall take the form of a covered building or other structure available on a 1 to 1 basis for each dwellinghouse hereby permitted. Once approved, the storage shall be provided for each dwellinghouse and shall thereafter be kept permanently available for the stated purpose.

REASON: To encourage non-car modes of transport and to ensure proper provision for refuse disposal.

7. No work on site relating to the construction of any of the development hereby permitted (including works of demolition or preparation prior to operations) shall take place before the hours of 0800 or after 1800 Monday to Friday, before the hours of 0800 or after 1300 Saturdays, or at all on Sundays or recognised bank and public holidays, unless otherwise first agreed in writing with the Local Planning Authority.

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

8. None of the development hereby approved shall be occupied until a plan of the position, design, materials and type of boundary treatment to be erected to all boundaries has been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatment has been fully implemented. It shall thereafter be retained at all times unless otherwise agreed in writing with the Local Planning Authority.

If boundary hedge planting is proposed, details shall be provided of planting sizes, planting distances, density, and numbers and provisions for future maintenance. Any 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 protect the privacy of the occupiers of the neighbouring properties, to prevent overlooking, and to ensure that the development harmonises well with its surroundings.

9. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- (i) the parking of vehicles of site operatives and visitors;
 - (ii) loading and unloading of plant and materials;
 - (iii) storage of plant and materials used in constructing the development;
 - (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (v) wheel and undercarriage washing facilities;
 - (vi) measures to control the emission of dust and dirt during construction;
 - (vii) turning on site of vehicles;
 - (viii) the location of any site huts/cabins/offices.
- REASON: To ensure safe and neighbourly construction.
10. No works shall commence on site above damp proof course level until details of the proposed surface water and foul drainage and means of disposal have been submitted to and approved by the Local Planning Authority and no building shall be occupied until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority.
REASON: To ensure that the proposed development is satisfactorily drained.
11. No development of the dwellings hereby permitted shall commence until the means of vehicular access has been constructed in accordance with the approved plans.
REASON: In the interests of highway safety.
12. No development shall take place until details of the type of construction proposed for the roads and access(es) and the method of disposal of surface water have been submitted to and approved in writing by the Local Planning Authority.
REASON: To ensure that the roads are constructed to a satisfactory standard.
13. The visitors parking spaces marked on the approved plans shall be kept available for visitors at all times.
REASON: In the interests of highway safety.
14. No dwelling shall be occupied until the approved parking and turning areas for that property have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking and turning of vehicles at all times unless otherwise

agreed in writing by the Local Planning Authority following the submission of a planning application made for that purpose.

REASON: In the interests of highway safety.

15. The existing accesses to the site shall be stopped up and footway crossings shall be reinstated to the requirements of the Local Planning Authority, immediately after completion of the new access and prior to the occupation of any dwelling hereby permitted.

REASON: In the interests of highway safety.

INFORMATIVES:

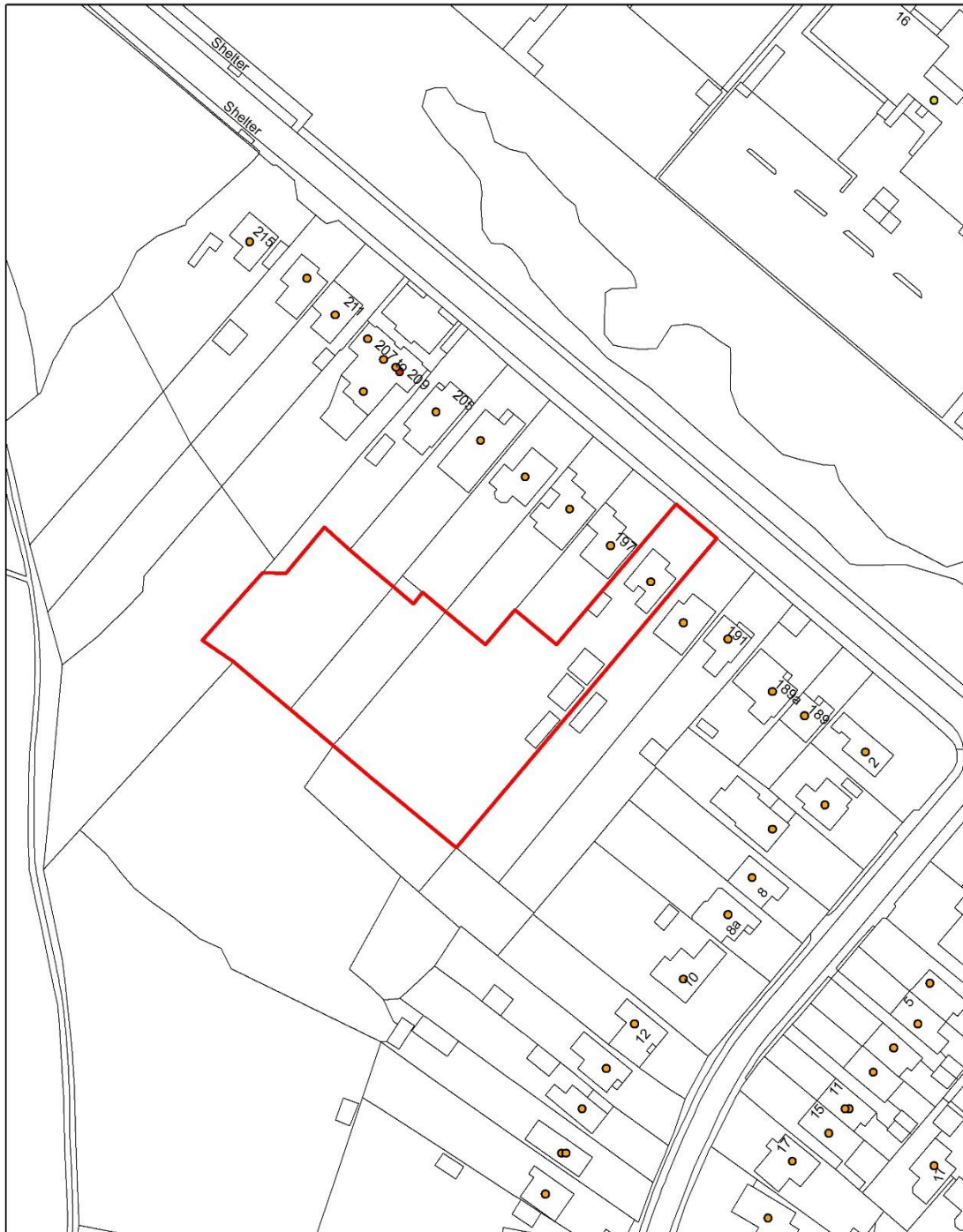
- a) Applicants should be aware that, prior to the commencement of the development, contact must be made with Hampshire County Council, the Highway Authority. Approval of this planning application does not give approval for the construction of vehicular access, which can only be given by the Highway Authority. Further details regarding the application process can be read online via <http://www3.hants.gov.uk/roads/apply-droppedkerb.htm>. Contact can be made either via the website or telephone 0300 555 1388.

10.0 Background Papers

P/18/0625/OA

FAREHAM

BOROUGH COUNCIL



195-205 Segensworth Road
Scale: 1:1,250



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Agenda Item 7(5)

OFFICER REPORT FOR COMMITTEE

DATE: 12/12/2018

P/18/0592/OA
MR HANSLIP

WARSASH
AGENT: PAUL AIREY PLANNING
ASSOCIATES

DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF EIGHT
DETACHED HOUSES AND CREATION OF PADDOCK (OUTLINE APPLICATION
WITH ALL RESERVED MATTERS)

EGMONT NURSERIES, BROOK AVENUE

Report By

Richard Wright – direct dial 01329 824758

1.0 Introduction

- 1.1 This application has been included on the agenda for this meeting by virtue of the number of representations received objecting to the proposal and contrary to the Officer recommendation below.
- 1.2 Members will note from the 'Five Year Housing Land Supply Position' report elsewhere on this agenda that this Council currently has a housing land supply of 4.95 years (a shortfall of 27 dwellings within the 5 year period).
- 1.3 The Housing Delivery Test results which were due to be published by the Ministry of Housing, Communities and Local Government in November 2018 had not been published as at 3rd December. Officers have carried out their own assessment against the same criteria the Government will use and are of the opinion that the Housing Delivery Test results will require this Council to apply a 20% buffer to its local housing need increasing its annual requirement to 575 dwellings per annum. This in turn would result in a 5 year housing supply of 4.3 years and a shortfall of 386 dwellings. Should the Housing Delivery Test results be published prior to the Planning Committee meeting, Officers will provide an update at the meeting.
- 1.4 Policy DSP40 of the Local Plan Part 2: Development Sites and Policies is engaged when it can be demonstrated that the Council does not have a five year housing land supply. Even if the Council were found to have a 5 year housing land supply as a result of resolutions taken during this meeting, Officers believe it is clear that the housing requirements for this Borough will increase in the very near future as a result of the Housing Delivery Test.

- 1.5 In light of the Government's clear 'direction of travel' on housing requirements and delivery, it is considered appropriate to consider proposals against the criteria set out within DSP40 (which derive from standalone development plan policies in any event and or are clearly material considerations in their own right), to assess what degree of harm may arise, even if that policy is no longer engaged.
- 1.6 Officers will advise Members accordingly at the meeting.

2.0 Site Description

- 2.1 The application site is located outside of the defined urban settlement boundaries, is around 1.9 hectares in size and located on the northern side of Brook Avenue, Warsash. Approximately 60% of the site is covered by derelict buildings, glasshouses and hard standing and was used up until the 1990s as a commercial nursery. A horse paddock forms a considerable portion of the site in its north-western corner. Adjacent to the northern site boundary is Holly Hill Woodland Park.
- 2.2 Residential properties fronting Brook Avenue lie close by as does the small housing development at Yorkdale (to the immediate west of the application site) and Cawtes Reach (a short distance to the east).

3.0 Description of Proposal

- 3.1 Outline planning permission is sought for eight detached dwellings. All matters are reserved meaning the application seeks simply to establish the principle and quantum of development on the site. Notwithstanding this, an illustrative site layout plan has been provided showing the possible arrangement of eight dwellings on the site with an area of open space/paddock shown along the western site edge.

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 – Affordable Housing

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 Documents:

Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015
Residential Car Parking Standards 2009

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/17/0651/OA	DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF EIGHT DETACHED HOUSES AND CREATION OF Paddock (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)
WITHDRAWN	
P/16/0243/OA	DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF EIGHT DETACHED HOUSES AND CREATION OF Paddock (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)
REFUSE	28 JUNE 2016
P/15/0540/OA	INSTALLATION OF 2820 PHOTOVOLTAIC PANELS AND USE OF EXISTING OFFICE BUILDING FOR INSTALLATION OF INVERTER & CONTROL EQUIPMENT (OUTLINE APPLICATION)
APPROVE	19 NOVEMBER 2015
P/15/0529/OA	CONSTRUCTION OF EIGHT DETACHED HOUSES AND CREATION OF Paddock (OUTLINE APPLICATION)
WITHDRAWN	3 NOVEMBER 2015
P/06/0982/CU	CHANGE OF USE OF BUILDING TO OFFICE (NON AGRICULTURAL)

APPROVE 19 OCTOBER 2006

P/02/0417/OA ERECTION OF TWO DWELLINGS (OUTLINE APPLICATION)

REFUSE 27 MAY 2002
APPEAL DISMISSED 6 DECEMBER 2002

6.0 Representations

6.1 A total of sixty residents responded to the application.

6.2 Fifty-four residents objected to the application on the following grounds:

In relation to the principle of development:

- Countryside location
- Harmful visual impact of housing to character of countryside/area
- Dereliction of site should not be reason to grant permission
- Contrary to policy
- Site is greenfield not brownfield
- Comparisons to Cawtes Reach and Yorkdale are misleading
- Proposal is higher density than nearby development
- A less dense scheme may be preferable
- Site not in the draft local plan
- Pressure on local infrastructure
- Cumulative impact of other development nearby
- Eight houses will not address housing shortfall
- This will set a precedent elsewhere
- A solar farm has already been permitted on the site
- This is identical to a previously refused application – nothing has changed

In relation to highway matters:

- Additional traffic along Brook Avenue posing highway safety hazard
- Additional traffic will cause increased noise and disturbance
- Access to site unsafe
- Brook Avenue is private road
- Developer cannot be made to contribute towards traffic calming or improvements on a private road
- No footpath or lighting along road
- The traffic generated by the nursery business was comparatively light

In relation to ecological matters:

- Harm to wildlife
- Harmful to adjacent Holly Hill Woodland
- Ecology buffer not adequate
- A new access into Holly Hill Woodland should be provided

6.3 Five residents supported the application with the following comments:

- Site is currently an eyesore
- Proposed development is in keeping with and sympathetic to surrounding area

6.4 One resident gave no comment either in support or objection.

7.0 Consultations

EXTERNAL

Natural England

7.1 No objection subject to appropriate mitigation being secured.

INTERNAL

Hampshire County Council - Ecology

7.2 No objection subject to conditions and provision of 15m planted buffer.

Trees

7.3 No objection.

Highways

7.4 No objection subject to conditions.

8.0 Planning Considerations

8.1 SITE PLANNING HISTORY AND PREVIOUS REASONS FOR REFUSAL

8.2 In 2002 the Council refused an outline application which proposed two detached houses along the frontage of the site on the north side of Brook Avenue (reference P/02/0417/OA). An appeal was subsequently lodged and dismissed, the main issue being the effect on the character and appearance of the countryside. The Inspector did not consider the proposal to be 'infill' development and so it did not enjoy the support of local plan policies in place at the time. The Inspector felt the proposal instead would harm the present semi-rural character of the area.

- 8.3 More recently, and as set out in the Relevant Planning History section to this report above, there have been three applications in 2015, 2016 & 2017 for outline permission proposing eight dwellings on the nursery site as a whole.
- 8.4 The 2016 submission (reference P/16/0243/OA) was determined and refused in June that year for reasons as follows:

The development would be contrary to Policies CS2, CS6, CS14, CS17 and CS18 of the adopted Fareham Borough Core Strategy 2011 and Policies DSP6, DSP13 and DSP15 of the adopted Local Plan Part 2: Development Sites and Policies Plan and is unacceptable in that:

- (a) the proposal represents development outside the defined urban settlement boundary for which there is no justification or overriding need. Furthermore development of this site by the erection of eight detached dwellings would be harmful to the character of this countryside location;*
- (b) in the absence of a financial contribution or a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas;*
- (c) in the absence of a financial contribution or a legal agreement to secure such, the proposal would fail to contribute to the off-site provision of affordable housing in the Borough;*
- (d) insufficient information has been submitted to demonstrate that Dormice, a protected species, and their habitat would be protected and enhanced during the development.*

- 8.5 Members will note that this decision was made at a time when the Council was able to demonstrate a five year housing land supply.

8.6 IMPLICATIONS OF FAREHAM'S CURRENT 5 YEAR HOUSING LAND SUPPLY (5YHLS)

- 8.7 On the 24th July 2018, the Government published the revised National Planning Policy Framework (NPPF). The requirements set out in the revised NPPF (and the National Planning Practice Guidance (PPG)) change how Local Planning Authorities must calculate their housing need figure.

- 8.8 Previously, housing need was calculated through a process called Objectively Assessed Need. The requirement of the revised NPPF is for housing need to now be calculated by the new standard method which is set out in the PPG.
- 8.9 Use of the standard method applies from the date of publication of the new Framework and Guidance (24 July 2018), and as such the Council must now determine its 5YHLS position using the local housing need figure calculated using the new standard method.
- 8.10 A report titled "Five year housing supply position" is reported for Members' information elsewhere on this agenda. That report set out this Council's local housing need along with this Council's current housing land supply position. The report concludes that this Council has 4.95 years of housing supply against the new 5YHLS requirement meaning there is a shortage of 27 dwellings.
- 8.11 On the 26th October, the Government issued a 'Technical consultation on updates to national planning policy and guidance.' The consultation on the proposed updates runs from 26 October 2018 until 7 December 2018. The introductory section of the consultation sets out the background for the consultation and the Government's priority to deliver more homes and to do so faster. The Government is of the view that the household growth projections published very recently by the Office for National Statistics, that predict a lower level of household growth than previously, does not mean fewer homes need to be built. The objective of the consultation proposes changes to the standard method to ensure consistency with the objective of building more homes. In the short-term, the Government proposes to use the 2014-based data on household growth to provide the demographic baseline for assessment of local housing need. Such an approach will further increase Fareham Borough Council's local housing need.
- 8.12 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.
- 8.13 RESIDENTIAL DEVELOPMENT IN THE COUNTRYSIDE
- 8.14 The development of eight houses is proposed on the site of a derelict commercial nursery. Such a use would not be considered to constitute 'previously developed land' under the definition of such given in the Glossary to the National Planning Policy Framework (NPPF) which excludes land that is or has been occupied by agricultural buildings.

8.15 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.

8.16 The application site lies within an area which is outside of the defined urban settlement boundary.

8.17 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."

8.18 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)."

8.19 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.

8.20 POLICY DSP40

8.21 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.”*

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

8.23 POLICY DSP40 (i)

8.24 The present shortfall of dwellings needed to achieve a 5YHLS is in the region of 27. The proposal for 8 dwellings is relative in scale to the 5YHLS shortfall and therefore bullet point i) of Policy DSP40 is satisfied.

8.25 POLICY DSP40 (ii)

8.26 The site is considered to be sustainably located within a reasonable distance of local schools, services and facilities at nearby local centres (Warsash and Locks Heath). This part of the northern arm of Brook Avenue is located outside of the urban area, the existing urban settlement boundary being approximately 140 metres east of the site. The proposal is not therefore adjacent to the urban settlement boundary.

8.27 POLICY DSP40 (iii)

8.28 This application is presented in outline form only meaning that permission is not sought at this stage for the precise layout of the site. Notwithstanding, the illustrative site layout provided with the application shows a possible development at a density of 5.5 dwellings per hectare (dph). This is similar in comparison to the adjacent housing development at Yorkdale (approx. 4.5 - 5 dph) and nearby Cawtes Reach (approx. 4 dph).

8.29 The proposal is also similar to these two nearby developments in that it would be located behind the ribbon development of older houses which front Brook Avenue. Beyond those observations however any further comparison is not possible due to the fact that the scale, appearance and layout of the development are all matters which the applicant has asked to be reserved so that they can be considered at a later date should the principle of development be held to be acceptable.

8.30 It is evident from reading the letters of representation that many residents consider the glasshouses and structures on the site to be an eyesore, although there is disagreement as to whether that in any way justifies the

proposed redevelopment. It is also clear that the buildings on the site have fallen into disrepair and their derelict appearance detracts from the pleasant semi-rural character of Brook Avenue, albeit glasshouses are a type of agricultural structure commonly found in the countryside and in particular Warsash. The demolition of the buildings on the site could therefore be seen as a positive aspect of the proposed development which assists in minimising the adverse impact of the housing on the site.

- 8.31 Whilst the layout of the site is a reserved matter, the illustrative site plan submitted with the application shows how eight dwellings could be arranged. This plan shows the nearest dwelling set a considerable distance back from the street frontage and a paddock area retained. The dwellings would be located behind the line of frontage development along Brook Avenue. This would act to reduce the visual impact of the development when viewed from the road however large two storey houses, as indicated in the applicant's Planning Statement, would still be visible from the road over and around the frontage bungalows. Similarly, whilst the means of access is a reserved matter, the frontage hedgerow could remain largely intact if the existing vehicular entrance to the site is to be used.
- 8.32 In summary, the development would have an urbanising effect which would be harmful to the character and appearance of the countryside. This would be contrary to the aims of Core Strategy Policy CS17, which seeks to ensure development responds positively to and is respectful of key characteristics of an area such as its landscape, although it is acknowledged that there would be some benefit from removal of the glasshouses in visual terms. In addition, and as mentioned earlier in this report, there is conflict with Core Strategy Policy CS14 which aims to strictly control development outside the defined settlement boundaries and protect the countryside from development which would adversely affect its landscape character, appearance and function.
- 8.33 However, in relation to the policy test in question (whether the proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside), it is considered the submitted illustrative site plan shows how the site could be laid out to sensitively reflect the nearby developments at Yorkdale and Cawtes Reach and how the dwellings could be sited so as to retain an element of open green space and open frontage serving to minimise the adverse impact on the countryside. The removal of unsightly derelict buildings on the site would furthermore reduce the degree of visual harm. For those reasons it is considered that the proposal accords with Policy DSP40(iii).
- 8.34 POLICY DSP40 (iv)

- 8.35 The applicant has confirmed that they would anticipate moving forward with the proposed scheme as soon as possible. They have agreed to the imposition of a reduced implementation period requiring submission of a reserved matters application within twelve months of outline permission being granted and the commencement of development on site within twelve months of the last of those reserved matters being approved.
- 8.36 The proposal is considered to be deliverable in the short term and compliant with Policy DSP40(iv).
- 8.37 POLICY DSP40 (v)
- 8.38 The proposal is considered to satisfy the final test of Policy DSP40, namely that "The proposal would not have any unacceptable environmental, amenity or traffic implications", as discussed below.
- 8.39 ECOLOGY
- 8.40 Hampshire County Council ecologist has raised no objection to the proposed development subject to conditions and the provision of a suitable ecology buffer between the housing development and the adjacent woodland to the north being shown in any subsequent reserved matters submission.
- 8.41 Policy DSP15 of the adopted Fareham Borough Local Plan Part 2 requires the 'in combination' effects of recreation on the Solent Special Protection Areas to be satisfactorily mitigated where additional residential units are proposed. It is proposed that the applicant make a financial contribution secured through a planning obligation in a Section 106 legal agreement towards the Solent Recreational Mitigation Strategy (SRMS) in order to offset the 'in combination' effects.
- 8.42 To fulfil the requirement under the Habitat Regulations Officers have carried out an Appropriate Assessment in relation to the likely significant effects on the coastal Special Protection Areas (SPAs) and have concluded that the application's compliance with the Solent Recreation Mitigation Strategy means that there will be no adverse effect on the integrity of the designated sites.
- 8.43 HIGHWAYS
- 8.44 The means of access to the site is a reserved matter however it is unrealistic for vehicular access to the site to be provided by any other route than Brook Avenue. Several of the comments received, both from those residents objecting and those supportive of the proposal in principle, have raised the

issue of the private road's suitability to cope with additional vehicle movements along it.

8.45 The advice received from the Council's Highways Officer is that, notwithstanding the condition of the road surface, lack of street lighting and pedestrian footway, the number of vehicle movements created by the development would not be adverse taking into account the site's previous use as a commercial nursery. No detailed information has been provided by the applicant concerning the type and extent of traffic generated by the use of the site as a nursery up until the 1990s. In reality the now derelict site is unlikely to have generated any large number of vehicle movements for some twenty or more years. However, even after taking this into account, it is not considered that the amount of development proposed would have a materially harmful effect on the safety or convenience of highway users.

8.46 AMENITY

8.47 Officers are fully satisfied that a site layout can be achieved without adversely impacting upon the residential amenity of occupiers of neighbouring properties.

8.48 The proposal's impact on the visual amenity of the countryside is assessed earlier in this report.

8.49 AFFORDABLE HOUSING

8.50 Policy CS18 of the adopted Fareham Borough Core Strategy, requires residential developments on sites that can accommodate between 5 and 9 dwellings to provide 30% affordable units or the equivalent financial contribution towards off-site provision.

8.51 Paragraph 63 of the NPPF states affordable housing provision should not be sought for residential developments that are not major developments. In this instance, due to the size of the application site, this proposal constitutes major development for the purposes of the NPPF. There is therefore no restriction on the Council's ability to follow its adopted local plan position of seeking affordable housing provision on this site.

8.52 Officers consider that the development should provide an equivalent financial contribution towards off-site provision in order to accord with Policy CS18. Such a contribution could be secured through a planning obligation in a Section 106 agreement entered into by the applicant.

8.53 THE PLANNING BALANCE

8.54 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".

8.55 The site is outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of Local Plan Part 2: Development Sites and Policies Plan.

8.56 Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations which is engaged as this Council cannot demonstrate a 5YHLS. In weighing up the material considerations and conflicts between policies; the development of a greenfield site weighted against Policy DSP40, Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall (DSP40(i)), can be delivered in the short-term (DSP40(iv)) and would not have any unacceptable environmental, traffic or amenity implications (DPS40(v)). Whilst there would be harm to the character and appearance of the countryside the unsightly derelict buildings currently on the site would be demolished. Furthermore, it has been shown that the site could accommodate eight houses set back from the Brook Avenue frontage and an area of green space to sensitively reflect nearby existing development and reduce the visual impact thereby satisfying DSP40(iii). Officers have however found there to be some conflict with the second test at Policy DSP40(ii) since the site is acknowledged to be in a sustainable location but is not adjacent to the existing urban area.

8.57 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 8 dwellings, as well as an off-site contribution towards affordable housing provision, in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply would be modest but is still a material consideration in the light of this Council's current 5YHLS.

8.58 There is a clear conflict with development plan policy CS14 as this is development in the countryside. Ordinarily, officers would have found this to be the principal policy such that a scheme in the countryside should be refused. However, in light of the council's lack of a 5YHLS, development plan

policy DSP40 is engaged and officers have considered the scheme against the criteria therein. The scheme is considered to satisfy four of the five criteria and in the circumstances, officers consider that more weight should be given to this policy than CS14 such that, on balance, when considered against the development plan as a whole, the scheme should be approved.

- 8.59 Officers consider that the implications of the CJEU judgement (People Over Wind, Peter Sweetman v Coillte Teoranta) and paragraph 177 of the NPPF mean that the presumption in favour of sustainable development imposed by paragraph 11 of the same Framework is disapplied.
- 8.60 In the event that this approach is subsequently found to be incorrect as a consequence of a Court decision or a clarification in government policy, Officers have considered the application in the alternative and assessed the proposals against the 'tilted balance' test set out at paragraph 11 of the NPPF.
- 8.61 In undertaking a detailed assessment of the proposals throughout this report and now applying the 'tilted balance' to those assessments, Officers consider that:
- i) there are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed; and
 - ii) any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.
- 8.62 Therefore, even if paragraph 11 of the NPPF were fully engaged, Officers find that having applied the 'tilted balance', they would have similarly concluded that planning permission should be granted for the proposals.
- 8.63 Having carefully considered all material planning matters, Officers recommend that planning permission should be granted subject to the imposition of appropriate planning conditions and the prior completion of planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990.
- 9.0 Recommendation**
- 9.1 Subject to the applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council to secure:

- a) A financial contribution to secure satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased residential disturbance on the Solent Coastal Special Protection Areas;
- b) A financial contribution towards the off-site provision of affordable housing in accordance with Core Strategy Policy CS18;

GRANT PLANNING PERMISSION, subject to the following Conditions:

1. Application for approval of details of the appearance, layout and scale of the buildings, the means of access and the landscaping of the site (all referred to as the 'reserved matters') shall be made to the Local Planning Authority before the expiration of twelve months from the date of this permission. The development hereby permitted shall be commenced in pursuance of this permission before the expiration of twelve months from the date of approval of the last of the reserved matters to be approved.

REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.

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

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

3. No development shall commence on site until a Construction Management Plan (CMP) setting out how provision is to be made on site for the parking and turning of operatives vehicles, wheel cleaning, the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development, has been submitted to and approved in writing by the Local Planning Authority (LPA). The development shall be carried out in accordance with the CMP and areas identified in the CMP for specified purposes shall thereafter be kept available for those uses at all times during the construction period, unless otherwise agreed in writing with the LPA.

REASON: In the interests of highway safety; in order to secure the health and wellbeing of the trees and vegetation which are to be retained at the site, and; to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period.

4. No development shall commence on site until an ecological mitigation, compensation and enhancement plan has been submitted to and approved by the local planning authority in writing. The plan shall include the measures detailed within the submitted ecological walkover survey (Peach Ecology, June 2018). The plan shall also set out how an ecological buffer no less than 15 metres from the site's northern boundary and the nearest residential curtilages will be laid out on the site. The development shall be carried out in accordance with the approved details unless otherwise agreed with the local planning authority in writing.

REASON: To provide ecological protection, compensation and enhancement.

5. No development shall commence until an Arboricultural Impact Assessment and Method Statement for tree and hedgerow protection has been submitted to and approved by the Local Planning Authority in writing and the approved scheme has been implemented. The tree and hedgerow protection shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site.

REASON: To ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period.

6. No development hereby permitted shall commence until an intrusive site investigation and risk assessment has been carried out, including an assessment of the risks posed to human health, the building fabric and the wider environment such as water resources. Where the site investigation and risk assessment reveal a risk to receptors, no development shall commence until a detailed scheme for remedial works to address these risks and ensure the site is suitable for the proposed use has been submitted to and approved by the local planning authority in writing.

The presence of any unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the local planning authority. This shall be investigated to assess the risks to human health and the wider environment and a remediation scheme implemented following written approval by the Local Planning Authority. The approved scheme for remediation works shall be fully implemented before the permitted development is first occupied or brought into use.

On completion of the remediation works and prior to the occupation of any properties on the development, the developers and/or their approved agent shall confirm in writing that the works have been completed in full and in accordance with the approved scheme.

REASON: To ensure that any potential contamination of the site is properly taken into account before development takes place. The details secured by this condition are considered essential to be agreed prior to the commencement of the development on the site to ensure adequate mitigation against land contamination on human health.

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

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

8. The landscaping scheme, submitted under Condition 1 shall be implemented 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.

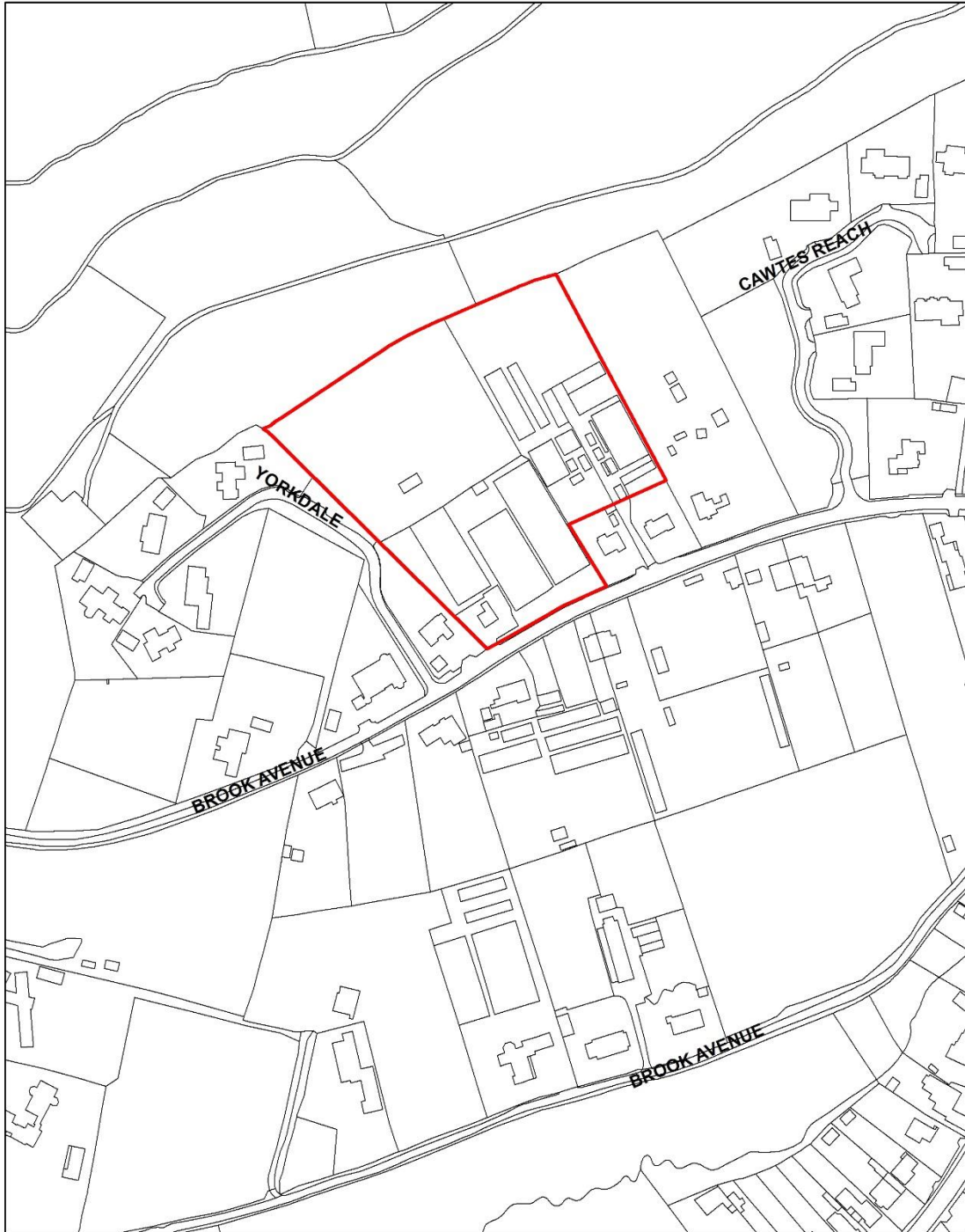
REASON: To ensure the provision, establishment and maintenance of a standard of landscaping.

10.0 Background Papers

P/17/0651/OA, P/16/0243/OA, P/15/0540/OA, P/15/0529/OA

FAREHAM

BOROUGH COUNCIL



Egmont Nurseries
Brook Avenue
Warsash
Scale 1:2,500



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Agenda Item 7(6)

OFFICER REPORT FOR COMMITTEE

DATE: 12/12/2018

P/18/0690/FP
PRIME (UK) DEVELOPMENTS LTD

SARISBURY
AGENT: VAIL WILLIAMS
LLP

DEMOLITION OF EXISTING DWELLING AND REPLACEMENT WITH A PURPOSE BUILT 75 BED CARE HOME, ASSOCIATED ACCESS AND LANDSCAPING

123 BARNES LANE, SARISBURY GREEN

Report By

Richard Wright – direct dial 01329 824758

1.0 Introduction

1.1 This application has been included on the agenda for this meeting due to a previous application having been considered by the Planning Committee in February earlier this year and permission having been refused (our reference P/17/0984/FP).

1.2 The previous proposal considered in February was for a 75-bed care home and was refused planning permission for the following reasons:

"The development would be contrary to Policies CS2, CS5, CS6, CS14 and CS17 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP6, DSP13, DSP40 & DSP42 of the adopted Local Plan Part 2: Development Sites and Policies Plan and is unacceptable in that:

(a) by virtue of the material increase in vehicle movements in and out of the access to the application site and the close proximity of that access to the existing vehicular access/egress point of entrance to Holly Hill Leisure Centre, the proposed development would be harmful to highway safety;

(b) by virtue of the height, scale and massing of the proposed care home building, the proposed development fails to respond positively to and be respectful of the key characteristics of the area and would harm the appearance and character of the surrounding countryside;

(c) had it not been for the overriding reasons for refusal the Council would have sought ecological mitigation with regards to bats and reptiles known to be present on the site."

- 1.3 Whilst the scale and appearance of the building remains as before, the means of vehicular access has been relocated from the existing driveway to the dwelling, as previously proposed, to a new bellmouth access to be constructed further northwards along the road. A revised site layout has been submitted accordingly along with updated technical reports accompanying the application.
- 1.4 The following report explains below that the main reason for refusal (a) in the previous submission relating to highway safety has been satisfactorily addressed. Since reason for refusal (c) related simply to the need to secure appropriate ecological mitigation, the sole outstanding concern relates to the impact upon the character and appearance of the surrounding area.
- 1.5 Members will note from the 'Five Year Housing Land Supply Position' report elsewhere on this agenda that this Council currently has a housing land supply of 4.95 years (a shortfall of 27 dwellings within the 5 year period).
- 1.6 The Housing Delivery Test results which were due to be published by the Ministry of Housing, Communities and Local Government in November 2018 had not been published as at 3rd December. Officers have carried out their own assessment against the same criteria the Government will use and are of the opinion that the Housing Delivery Test results will require this Council to apply a 20% buffer to its local housing need increasing its annual requirement to 575 dwellings per annum. This in turn would result in a 5 year housing supply of 4.3 years and a shortfall of 386 dwellings. Should the Housing Delivery Test results be published prior to the Planning Committee meeting, Officers will provide an update at the meeting.
- 1.7 Policy DSP40 of the Local Plan Part 2: Development Sites and Policies is engaged when it can be demonstrated that the Council does not have a five year housing land supply. Even if the Council were found to have a 5 year housing land supply as a result of resolutions taken during this meeting, Officers believe it is clear that the housing requirements for this Borough will increase in the very near future as a result of the Housing Delivery Test.
- 1.8 In light of the Government's clear 'direction of travel' on housing requirements and delivery, it is considered appropriate to consider proposals against the criteria set out within DSP40 (which derive from standalone development plan policies in any event and or are clearly material considerations in their own right), to assess what degree of harm may arise, even if that policy is no longer engaged.

1.9 Officers will advise Members accordingly at the meeting.

2.0 Site Description

2.1 The application site comprises the residential curtilage of a single dwelling at 123 Barnes Lane, Sarisbury Green. The existing dwelling is in a chalet bungalow style located within the centre of the site. It is not readily visible from outside of the confines of the site the perimeter of which is heavily treed and bound on its frontage with Barnes Lane with high level boundary treatment.

2.2 To the immediate north of the site lies Winnard's & Cawte's Copses ancient woodland Sites of Importance for Nature Conservation (SINC) which also forms part of the Holly Hill Woodland Park Local Nature Reserve and Historic Park and Garden. To the west lies Holly Hill cemetery and to the south of the site a section of land where planning permission was recently granted for an extension to that cemetery (planning reference P/17/1050/D3). That land to the south has trees which are to be felled as part of the extension to the cemetery and currently forms an area adjacent to the main car park for Holly Hill Woodland Park.

2.3 On the opposite side of Barnes Lane to the application site is Holly Hill Leisure Centre and a short distance southwards is Sarisbury Infant School. To the south of the school lies the boundary of the urban settlement area. For planning purposes therefore the application site lies within the countryside and outside the urban area.

3.0 Description of Proposal

3.1 Planning permission is sought for the demolition of the dwelling and the erection of a 75-bed care home. As a residential institution the development would fall within Use Class C2 of the Town & Country Planning (Use Classes) Order 1987.

3.2 The proposal is for a care home building with accommodation over three storeys with the second floor level set within the roof space. The building would be located centrally within the plot with its front elevation facing Barnes Lane. To the rear (west) of the building would be an enclosed amenity area for residents. Car parking is shown divided into small parking bays around the outside of the home. Vehicular access into the site would be provided by forming a new bellmouth access roughly halfway along the site's eastern boundary with Barnes Lane where the road begins to descend to the north. The existing vehicular access to the site would be changed to a pedestrian access.

- 3.3 The application has been submitted with a suite of supporting documents including ecology and tree reports, transport and highways statements and an assessment of the need for elderly care provision in the area. Also submitted for consideration is an assessment of suitable alternative sites in the locality.
- 3.4 The application is very similar in many regards to the one that was considered but refused planning permission by the Planning Committee in February this year. The main difference between the two applications is that the means of access from Barnes Lane is now proposed in a different position, the implications of which are discussed below.

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

Adopted Development Sites and Policies

- DSP1 – Sustainable Development
- DSP3 – Impact on Living Conditions
- DSP5 – Protecting and Enhancing the Historic Environment
- DSP13 – Nature Conservation
- DSP40 – Housing Allocations
- DSP42 – New Housing for Older People

Non-Residential Parking Standards Supplementary Planning Document

5.0 Relevant Planning History

- 5.1 The following planning history is relevant:

P/17/0984/FP – Demolition of Existing Dwelling and Erection of 75 bed care home – **REFUSED** 22/02/2018

6.0 Representations

- 6.1 Two letters of support have been received in relation to this application.
- 6.2 One letter of objection has been received raising concerns over highway safety.

7.0 Consultations

EXTERNAL

Southern Water

7.1 No objection subject to conditions.

Hampshire County Council (Flood and Water Management team)

7.2 No objection. Further information relating to maintenance could be dealt with by condition.

Hampshire Gardens Trust

7.3 The Trust's only concern would be any impact of the proposed development on the secluded nature of the woodland park. The second application for the proposed redevelopment still imposes a large scale on the site and any mitigating measures to reduce the overall bulk and impact especially in relation to the boundaries would be welcomed.

INTERNAL

Conservation Planner

7.4 The proposal would not result in harm to the significance of the historic park and garden.

Environmental Health

7.5 No objection.

Contaminated Land

7.6 No objection.

Highways

7.7 No objection subject to conditions.

Ecology

7.8 No objection subject to conditions.

Trees

7.9 No objection subject to tree protection measures being secured by condition.

8.0 Planning Considerations

8.1 IMPLICATION OF FAREHAM'S CURRENT 5 YEAR HOUSING LAND SUPPLY

8.2 This proposal is for a care home falling within Use Class C2 which would provide accommodation for elderly persons but not dwellings within Use Class

C3. For the purposes of determination a proposal for a care home is to be treated as a proposal for housing since the provision of bed spaces within a care home counts towards the Council's housing supply figures. In such cases a formula is applied to represent the reduced contribution such homes would make in addressing the current shortfall in supply of housing. For a 75-bed care home the contribution would be in the region of 41 dwellings. The following paragraphs therefore set out the correct approach to decision making and the implication of Fareham's current five year housing land supply (5YHLS). The contribution this proposal would make towards the current shortfall in housing supply is also set out later in this report.

- 8.3 On the 24th July 2018, the Government published the revised National Planning Policy Framework (NPPF). The requirements set out in the revised NPPF (and the National Planning Practice Guidance (PPG)) change how Local Planning Authorities must calculate their housing need figure.
- 8.4 Previously, housing need was calculated through a process called Objectively Assessed Need. The requirement of the revised NPPF is for housing need to now be calculated by the new standard method which is set out in the PPG.
- 8.5 Use of the standard method applies from the date of publication of the new Framework and Guidance (24 July 2018), and as such the Council must now determine its 5YHLS position using the local housing need figure calculated using the new standard method.
- 8.6 A report titled "Five year housing supply position" is reported for Members' information elsewhere on this agenda. That report sets out this Council's local housing need along with this Council's current housing land supply position. The report concludes that this Council currently has 4.95 years of housing supply against the new 5YHLS requirement.
- 8.7 Paragraph 73 of the NPPF states that; "Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old." The fact that this Council is unable to demonstrate a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement, is a substantial material consideration which must be taken into account in determining applications for new housing.
- 8.8 The starting point for the determination of this planning application is 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".

8.9 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 new NPPF.

8.10 Paragraph 11 of the NPPF applies a "presumption in favour of sustainable development" (known as the 'titled balance') for both plan-making and decision-taking.

"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, granting permission unless:

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, 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."

8.11 Footnote 7 to paragraph 11 d) clarifies that when reference is made to development plan policies being out-of-date "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..."

8.12 Footnote 6 to paragraph 11 clarifies that the policies referred to in paragraph 11 d) i) above "are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) 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 63); and areas at risk of flooding or coastal change.

8.13 Taking account of the current housing supply shortage, paragraph 11 of the NPPF is engaged. Members will be aware that paragraph 177 of the NPPF has implications in that, where a development requires an appropriate assessment because of its potential impact on a habitats site, the presumption in favour of sustainable development through paragraph 11 is disapplied. However, in this instance since the proposal is for a care home with no requirement to off-set recreational disturbance impacts on the habitats sites of the Solent Coastal Special Protection Areas (SPA), no appropriate assessment is required. Furthermore, Officers can confirm that none of the 'specific policies' listed footnote 6 to paragraph 11 apply to this site. Paragraph 11 is still engaged and it is for the decision maker to attribute the appropriate weight to the material considerations of the case. The key judgement for Members therefore is whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole.

8.14 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.

8.15 RESIDENTIAL DEVELOPMENT IN THE COUNTRYSIDE

8.16 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. In this instance the application site is previously developed land but within an area which is outside of the defined urban settlement boundary.

8.17 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. The conversion of existing buildings will be favoured. Replacement buildings must reduce the impact of development and be ground with other existing buildings, where possible.'

8.18 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).

8.19 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.

8.20 POLICY DSP40

8.21 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."

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

8.23 POLICY DSP40 (i)

8.24 The present shortfall of dwellings needed to achieve a 5YHLS is in the region of 27 units. The proposal is for a care home falling within Use Class C2 which would provide accommodation for elderly persons but not dwellings within Use Class C3. In such cases a formula is applied to represent the reduced contribution such homes would make in addressing the current shortfall in

supply of housing. For a 75-bed care home the contribution would be in the region of 41 dwellings. Officers consider this is relative in scale and therefore bullet point i) of Policy DSP40 is satisfied.

8.25 POLICY DSP40 (ii)

8.26 The site lies just outside of but not adjacent to the existing urban area. Notwithstanding, it is considered that the location is relatively accessible being close to local facilities and services. However, as the site is not adjacent to the existing urban settlement boundary the proposal does not fully accord with point ii) of Policy DSP40.

8.27 POLICY DSP40 (iii)

8.28 The applicant has paid particular attention to detail to the design of the care home, to reducing the scale and bulk of the proposal and in turn the visual impact of the building. This has been in order to more sensitively reflect the site's setting adjacent to Holly Hill Woodland Park and in particular views of the care home from surrounding land.

8.29 The proposals are for a care home with reduced height roof and eaves slightly above two storey scale. The floor area of the home is substantial and the applicant has therefore attempted to reduce the bulk and massing of the elevations, in particular the eastern and southern facing elevations, to minimise the potential visual impact. This can be seen on the submitted drawings in the use of recessed and subservient aspects constructed of lighter glazed materials.

8.30 Public views into the site from Barnes Lane would be more prominent than at present due to the loss of some of the interior trees and the creation of a new vehicular access point. Views of the southern elevation of the care home would also be afforded from the public car park of the woodland park to the south of the site and, in the future, from the cemetery extension in that area. The applicant has proposed additional planting along the southern boundary in recognition of this visibility. Views would also be possible of the upper floors and roof of the building from the existing cemetery west of the site.

8.31 Officers acknowledge the measures the applicant has employed in an attempt to reduce and minimise the visual impact of the development. This is evident from the reduced scale of the building, the articulation in the building's elevations, the appropriate use of external materials and also in the proposed retention of a large number of existing trees and the intention to plant new ones. This screening would offer significant mitigation of the visual impact of the care home building. Officers further note that, whilst the application site

lies outside of the urban area it is not remote from the nearby settlement edge. The care home building would therefore be seen within the context of the built up area further south along Barnes Lane and the substantial Leisure Centre building which stands on the opposite side of the road.

Notwithstanding, the proposal would introduce a more visually intrusive form of development into a location outside of the settlement boundary where there is currently a single unobtrusive dwelling unseen from outside the site set in a generous and sylvan plot.

- 8.32 For the reasons above Officers consider there to be some conflict with point iii) of Policy DSP40 and the strategic aims of Core Strategy Policy CS14 which seeks to prevent development which would harm the appearance and character of the area.
- 8.33 The site is within the boundary of the Holly Hill Woodland Park Historic Park and Garden - a non-designated heritage asset. Given the significance of this asset, the site's peripheral location on the fringe of the park and garden and the limited harm identified to the garden's features of special interest, Officers do not believe the proposal to be contrary to Policy DSP5 of the Local Plan Part 2 which seeks to protect non-designated assets from unacceptable harm.
- 8.34 POLICY DSP40 (iv)
- 8.35 The applicant has confirmed that an operator for the home has been identified. If planning permission was granted it would be their intention to start development in May 2019. The applicants state their average period for construction, commission and opening is 18 months meaning the anticipated completion of the development and opening of the care home would be November 2020.
- 8.36 Officers consider that the site is deliverable in the short term thereby satisfying the requirement of Policy DSP40(iv).
- 8.37 POLICY DSP40 (v)
- 8.38 The final test of Policy DSP40: "The proposal would not have any unacceptable environmental, amenity or traffic implications" is discussed below:
- 8.39 ECOLOGY
- 8.40 The advice received from Hampshire County Council Ecology group is that the information submitted with regards protected species and habitat is

sufficient to conclude there would be no adverse impact. As a result no objection is raised to the development.

- 8.41 The Bat Surveys report carried out on site between June and October 2017 confirmed the presence of a small number of bats foraging and commuting on site. The existing building on site supports a non-breeding summer roost and its demolition will therefore have the potential to result in harm to bats which receive strict legal protection under UK and EU law. Whilst there would be a breach of the EU directive, mitigation measures are proposed which the County's Ecologist has confirmed are acceptable and the proposed development is of overriding public interest in terms of the provision of housing. There would be no satisfactory alternative to delivering the proposed development which would not result in the demolition of the existing house. For these reasons Officers consider that an EPS licence from Natural England is likely to be granted to allow the development to proceed under a derogation from the law.
- 8.42 The proposal is acceptable from an ecological perspective in accordance with Policy CS4 of the adopted Fareham Borough Core Strategy and Policy DSP13 of the adopted Fareham Borough Local Plan Part 2.
- 8.43 AMENITY
- 8.44 The site has no immediate neighbours that would be adversely affected by the proposed development.
- 8.45 HIGHWAYS
- 8.46 The previous main refusal of planning permission related in part to the intended re-use of the existing vehicular access to serve the care home. Members agreed with the Officer recommendation that, by virtue of the increase in vehicle movements in and out of that access and its proximity to the access to Holly Hill Leisure Centre on the opposite side of Barnes Road, the development would be harmful to highway safety.
- 8.47 In order to address this the applicant now proposes in this new application to use the existing access for pedestrians only. A new vehicular access point would be provided further northwards along Barnes Lane and the Council's Transport Planner has raised no objection to this proposal. Subject therefore to this access being provided, to the visibility splays required being maintained thereafter and to the proposed parking spaces, which are considered adequate to meet the likely needs of the care home, being made and kept available at all times, Officers consider there would be no highway related reason to resist the development as now proposed.

8.48 POLICY DSP42

8.49 Policy DSP42 (New Housing for Older Persons) of the adopted Local Plan Part 2 states that:

"The development of new accommodation designed specifically for older people should:

i. offer easy access to community facilities, services and frequent public transport or, where a site is not within easy access to community facilities, services and frequent transport, on-site services should be provided;

ii. be well integrated with the wider neighbourhood;

iii. provide sufficient car parking for visitors and residents;

iv. where appropriate, provide choice of tenures; and

v. should be designed to be accessible and adaptable with particular regard given to the principles of Lifetime Homes."

8.50 As discussed in the preceding paragraphs, the site is considered to be in an accessible location (point i) however would not relate well to the existing urban area which does not lie adjacent (point ii). The applicant has demonstrated that sufficient car parking would be provided on the site (point iii). Points iv and v are not directly relevant to the proposal since it relates to a care home where residents would be tenants and the accommodation designed to meet a range of user needs throughout their lifetime.

8.51 UNMET NEED FOR HOUSING FOR THE ELDERLY

8.52 The Council's current position regarding housing need was set out in the report titled "Five year housing supply position" provided for Members' information elsewhere on this agenda.

8.53 A specific assessment of the level of need for housing for older people is set out in the evidence studies of the recently published Draft Local Plan 2036 in the Housing Evidence Overview Report by the Health & Housing Partnership LLP. This report represents the most up to date assessment of the demand and the need for specialist accommodation for older people in Fareham. It separates the different types of specialist accommodation such as sheltered housing, extra care housing, residential care and nursing care provision. It identifies that in 2014 there was a shortfall of 309 residential care

accommodation units. It estimates that the 85+ age group will increase by almost 2.5 times by the year 2037 and that it is the growth in this age group that will most closely determine the level of demand for specialist forms of accommodation. With that in mind the report suggests that by 2025 that shortfall will have grown to 959 units.

8.54 The applicant has submitted their own needs assessment in support of the proposal. Whilst the geographical area, methodology and figures quoted differ from the overview report referred to above, the conclusions are broadly similar. The assessment states that "The level of undersupply within the catchment area is currently large and is likely to remain so, given the scale of the changes to demography over the coming decades and beyond".

8.55 The advice of both reports is that at present there is a shortfall in residential care accommodation being provided in relation to the need for such, and by any measure there is likely to be considerable unmet demand for this type of housing in the future. This unmet need weighs heavily in favour of granting planning permission as a means of boosting the Council's housing supply in this particular specialist area.

8.56 THE PLANNING BALANCE

8.57 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".

8.58 The site is outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of Local Plan Part 2: Development Sites and Policies Plan.

8.59 Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations which is engaged as this Council cannot demonstrate a 5YHLS against objectively assessed housing need. In weighing up the material considerations and conflicts between policies; the development of a site in the countryside weighted against Policy DSP40, Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall and could be delivered within the short term. The development is proposed on previously developed land the re-use of which is supported by

local and national planning policy. In addition the attempts by the applicant to reduce the visual impact of the development are acknowledged. However, the proposal would cause some harm to the character and appearance of the countryside albeit that harm would be mitigated by the substantial tree coverage on the site and proposed additional planting that would take place. Furthermore the site is not located adjacent to the existing urban area and the proposal would not be well integrated with the existing settlement.

8.60 Officers are satisfied that there are no amenity and ecology issues weighing against granting planning permission. Safe access and egress can be achieved through the provision of a new vehicular driveway from Barnes Lane such that there would be no harm to highway safety.

8.61 In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage in housing supply, Officers note the proposal is not directly adjacent to the existing urban area and lies within the countryside contrary to local plan policies designed to prevent those areas from harm. However, it is further acknowledged that the proposal could deliver a 75-bed care home in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply is a substantial material consideration in the light of this Council's current 5YHLS, carrying significant weight suggesting that planning permission should be granted. Furthermore, the scheme would contribute towards addressing the specific unmet demand for elderly care accommodation

8.62 In undertaking a detailed assessment of the proposals throughout this report and applying the 'tilted balance' to those assessments, Officers consider that:

(i) there are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed; and

(ii) any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.

8.63 Officers conclude that planning permission should be granted.

Recommendation

GRANT PERMISSION

Subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of a period of three years from the date of this decision.

REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.

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

- a) Location plan
- b) DR-5-001 1 – Landscape Masterplan
- c) Proposed site plan
- d) PL 05 C – Proposed First Floor Plan
- e) PL04 C – Proposed Ground Floor Plan
- f) PL06 – Proposed Second Floor Plan
- g) PL08 A – Proposed Front and North Elevation
- h) PL09 A – Proposed South and West Elevations
- i) PL10 A – Proposed North and South Sections
- j) PL07 B – Proposed Roof Plan
- k) Bat Surveys August 2017 and Bat Activity Surveys & Mitigation October 2017
- l) Breeding Bird Habitat Assessment August 2017
- m) Dormouse Survey October 2017
- n) Reptile Survey & Mitigation Strategy June 2018
- o) Extended Phase 1 Habitat Survey – Revision August 2018
- p) Arboricultural Assessment & Method Statement June 2018
- q) Tree Protection Plan

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

3. No development shall commence on site until a scheme of lighting designed to minimise impacts on wildlife and habitats, particularly bats and the area of Ancient Woodland to the north, has been submitted to and approved in writing by the local planning authority. Construction stage elements of the approved lighting scheme shall be implemented as agreed during the construction period. Prior to the first occupation of the care home hereby permitted the operational stage elements of the approved lighting scheme shall be implemented in accordance with the approved details and those elements shall be permanently retained at all times thereafter unless otherwise agreed in writing by the local planning authority.

REASON: In order to minimise impacts of lighting on the ecological interests of the site. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

4. No development shall commence on site until full details of foul sewerage and surface water drainage works to serve the development hereby permitted along with details of the maintenance of those works have been submitted to and approved in writing by the Local Planning Authority.

The maintenance details submitted shall include:

- a) maintenance schedules identifying what maintenance activities will be undertaken on the different drainage elements and how frequently, and;
- b) additional information in relation to the pumped section of the drainage system to clarify the impact of pump failure and measures to minimise associated risk.

The care home building shall not be occupied until the drainage works have been completed in accordance with the approved details and the building shall thereafter be maintained in accordance with the approved maintenance details at all times.

REASON: In order to ensure adequate drainage is provided to serve the permitted development. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site since the details have potential implications for groundworks and other operations carried out prior to construction of the building hereby permitted

5. No development shall commence until the tree and hedgerow protection measures submitted and approved as part of the planning permission have been implemented. These measures shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site.

REASON: To ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

6. No development shall proceed beyond damp proof course level until a detailed scheme of Habitat Management and Biodiversity Enhancements to be incorporated into the development has been submitted to and approved in writing by the local planning authority. Unless otherwise agreed in writing by the local planning authority, the approved scheme shall be implemented prior to occupation of the building hereby permitted and thereafter the approved habitat management

measures shall be complied with and biodiversity enhancements retained at all times throughout the lifetime of the development.

REASON: To protect the long-term survival of the retained reptile population on site and enhance biodiversity.

7. No development shall proceed beyond damp proof course level until a landscaping scheme identifying all existing trees, shrubs and hedges to be retained, together with the species, planting sizes, planting distances, density, numbers, surfacing materials and provisions for future maintenance of all new planting, including all areas to be grass seeded and turfed and hardsurfaced, has been submitted to and approved by the Local Planning Authority in writing.

REASON: In order to secure the satisfactory appearance of the development; in the interests of the visual amenities of the locality

8. The landscaping scheme, submitted under Condition 7 above, shall be implemented 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.

9. None of the development hereby approved shall be occupied until the means of vehicular access shown on the approved plans has been fully completed. The access shall be subsequently retained at all times.

REASON: In the interests of highway safety

10. None of the development hereby approved shall be occupied until the visibility splays at the vehicular access to the site with the existing highway have been provided in accordance with the approved details. The visibility splays shall thereafter be kept clear of obstruction (nothing over 0.6m in height) at all times.

REASON: In the interests of highway safety

11. The gradient of the vehicular access from Barnes Lane hereby permitted shall not exceed 1 in 10 within 10 metres of the edge of the carriageway of the adjoining highway.

REASON: In the interests of highway safety.

12. None of the development hereby approved shall be occupied until the areas shown on the approved plan for the parking and turning of cars and/or the loading, unloading and manoeuvring of vehicles have been fully laid out and made available for use. These areas shall thereafter be retained and kept available for these purposes at all times.

REASON: In the interests of highway safety.

13. The development shall be carried out in accordance with the measures set out in Section 5.0 Mitigation & Compensation of the Bat Surveys report (Ecosupport, August 2017), Section 5.0 of the Bat Activity Surveys & Mitigation report (Ecosupport, October 2017) and Section 5.0 Mitigation Strategy of the Reptile Survey & Outline Mitigation (Ecosupport, revised June 2018) unless otherwise approved in writing by the local planning authority. Thereafter the replacement bat roosts and suitable reptile habitats shall be permanently retained and managed in accordance with the approved details unless otherwise approved in writing by the local planning authority.

REASON: To ensure the protection of reptiles and bats.

14. The premises shall be used as a care home for elderly persons and for no other purpose including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification, or as may be permitted by any Class within Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification

REASON: The site is located within the countryside where planning permission would not ordinarily be granted for development without sufficient overriding justification to do so; to ensure adequate provision of elderly care home accommodation within the Borough; to ensure adequate parking provision is made and in the interests of highway safety.

Notes for Information

You are advised that a formal application to Southern Water for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire

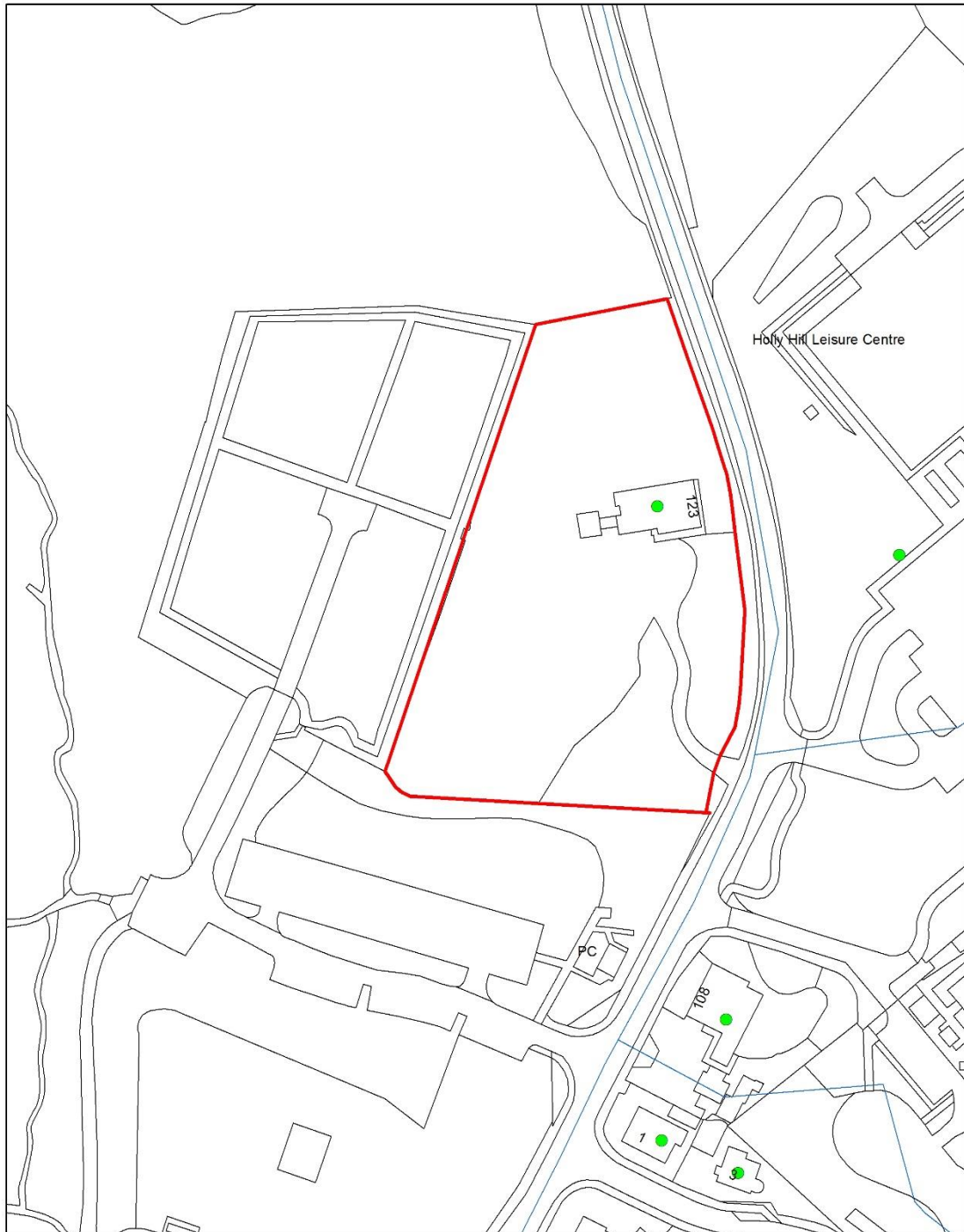
SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read Southern Water's New Connections Services Charging Arrangements documents which has now been published and is available to read online at <https://beta.southernwater.co.uk/infrastructurecharges>.

Background Papers

P/18/0690/FP; P/17/0984/FP

FAREHAM

BOROUGH COUNCIL



123 Barnes Lane

Scale 1:1,250



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OFFICER REPORT FOR COMMITTEE

DATE: 12/12/2018

P/18/1140/FP
ALPINE HOMES LTD

PARK GATE
AGENT: ADP ARCHITECTS LTD

TWO SEMI-DETACHED 3 BEDROOM HOUSES

25 BEACON BOTTOM, PARK GATE, SOUTHAMPTON, SO31 7GQ

Report By

Peter Kneen – direct dial 01329 824363

1.0 Introduction

1.1 The application is reported to the planning committee due to the number of third party comments received.

2.0 Site Description

2.1 The application site is located on the southern side of Beacon Bottom, Park Gate and lies within the designated Western Wards Urban Settlement Boundary. The site comprises of one semi-detached property in a large plot fronting Beacon Bottom with residential developments to the east, west and south. Botley road lies to the east and the M27 is located to the north of the site.

2.2 The existing large two storey semi-detached dwelling is set back from the road by approximately 13.5m and currently comprises a 27m long garden. The plot is also significantly wider than other neighbouring properties, measuring approximately 27m wide, compared to 7m wide of the neighbouring property at number 27 Beacon Bottom, (to the west).

2.3 The site is bounded by two storey residential properties, with the boundaries comprising a mixture of screen walls, fencing and hedging. There are a number of mature trees to the rear of the site providing screening between the site and the neighbouring properties to the rear. There is also a dramatic change in levels to the rear with the rear properties being situated on an elevated position above the application site.

2.4 Beacon Bottom is characterised by a range of residential properties, set back from the road frontage and predominantly to the southern side of the road, with two exceptions to the north, before it curves to the south, becoming more built up.

3.0 Description of Proposal

3.1 The application proposes the erection of a pair of semi-detached, three bedroom dwellings. The two properties would be stepped back marginally

from the main building line along Beacon Bottom, in order to address the setback location of 25 and 27 Beacon Bottom.

- 3.2 The two properties would comprise long rear gardens, characteristic of others along this part of Beacon Bottom. Alterations would also be made to the host dwelling. A total of 6 parking spaces are proposed to serve all three dwellings and a new shared access would be created to serve the host dwelling and one of the proposed dwellings.
- 3.3 Each property provides an adequate area of private outdoor amenity space, with suitable bin and cycle storage provided.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS2 – Housing Provision

CS6 – The Development Strategy

CS9 – Development in the Western Wards and Whiteley

CS17 – High Quality Design

Adopted Development Sites and Policies

DSP1 – Sustainable Development

DSP2 – Environmental Impact

DSP3 – Impact on Living Conditions

DSP15 – Recreational Disturbance on the Solent Special Protection Areas

Other Documents:

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

Residential Car Parking Standards 2009

5.0 Relevant Planning History

- 5.1 The following planning history is relevant:

FBC.6270/05	Erection of 2 dwellings
REFUSED	13/09/1978

6.0 Representations

- 6.1 Five letters of objection have been received to the current application. The main areas of concern relate to the following issues:

- Highway safety and lack of car parking;
- Damage to the adjoining property;
- Possible ground movements/ landslides;
- Light pollution;
- Impact on wildlife; and,
- Finishing materials.

7.0 Consultations

INTERNAL

Transport Planner:

7.1 No objection subject to Conditions.

Environmental Health (Contaminated Land):

7.2 No objection subject to Conditions.

Tree Officer:

7.3 No objection.

Ecology:

7.4 No objection – recommended informatives.

8.0 Planning Considerations

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

- a) Principle of the development;
- b) Impact on the character of the area;
- c) Impact on the living conditions of neighbouring occupiers;
- d) Highway safety and car parking; and,
- e) Other matters.

a) Principle of the development

8.2 The application site is located within the designated urban settlement boundary of the Western Wards (Park Gate), where the principle of new residential development is considered acceptable, subject to other material considerations.

b) Impact on the character of the area

8.3 Beacon Bottom comprises an established residential area within the settlement of Park Gate, with a mix of property styles, types and ages. The existing property is a large plot that is set back from the road. The proposed semi-detached dwellings would be set back from the existing building line, staggering the gap between the building line and the host dwelling.

8.4 The overall design and appearance of the buildings is of a relatively modern design, with weatherboard cladding to the first floor. The neighbouring properties include the Victorian/Edwardian semi-detached character of the host dwelling, and a row of 1960s properties to the east fronting Beacon Bottom. There is a mix of property styles and types in the vicinity, and therefore it is considered that these properties would not appear out of keeping in this context.

- 8.5 Policy CS17 (High Quality Design) highlights that new developments should respond positively to and be respectful of the key characteristics of the area and provide continuity of built form. It is considered, given the mixed character of residential developments in the locality, that the proposed development will integrate well into the existing mixed street scene.
- c) Impact on the living conditions of neighbours
- 8.6 The site is bounded to the east, west and south by existing two storey residential properties. Large detached properties in spacious plots are located on the northern side of Beacon Bottom (one of which is locally listed). The scheme has been carefully laid out to ensure that the living conditions of neighbouring occupiers are not adversely impacted, with amendments to the host dwelling being proposed to reduce overlooking to the proposed dwellings.
- 8.7 There is currently a single window on the first floor of the neighbouring property to the east (19 Beacon Bottom) serving a bedroom. There would be two windows on the first floor of the proposed dwelling that would face this elevation serving a bedroom and a w/c. It is considered that a condition obscuring these windows would be appropriate to mitigate any overlooking.
- d) Highway Safety and Car Parking
- 8.8 Beacon Bottom is an unclassified road branching off Botley Road (A3051) to the east. The application site is located approximately 172m away from the junction with Botley Road. Beacon Bottom does comprise some on-street parking restrictions, particularly within the vicinity of the junction of Botley Road, although there are no limitations within the immediate vicinity of the site. The road at this point is however narrower, with only a pavement on the southern side of the road. As such, it is important to ensure that the car parking provision for the development meets the minimum standards, enabling occupiers and their visitors to keep cars from parking along Beacon Bottom.
- 8.9 The development proposal includes six car parking spaces, two per dwelling. This level of car parking meets the standards within the Residential Car and Cycle Parking Standards SPD. It is considered that this level of car parking should address the concerns raised by the third parties regarding additional parking congestion along Beacon Bottom.
- 8.10 The application has also been considered by the Council's Transport Planner, who has raised no objection to the proposal, subject to appropriate conditions. The Transport Planner considers that there is adequate car parking being provided. The site is also located within an area well served by public transport with Swanwick Train Station and local shops and services within easy walking distance to the site.

e) Other Matters

Ecology

- 8.11 The application has been assessed by the Council's Ecologist, and no objection was raised. The application site lies within 5.6km of the Solent Waters Special Protection Area where it is necessary to provide mitigation against the impact of the development on these protected sites. In addition, and following the recent Court of Justice of the European Union (CJEU) in the 'People Over Wind' case, it is necessary to undertake a screening of the development proposal through an Appropriate Assessment, to be undertaken by a Competent Authority. This Appropriate Assessment has been undertaken.
- 8.12 Since the CJEU judgment, Natural England has confirmed to the Council that in cases where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is fully in line with an agreed strategic approach for the mitigation of impacts on European Sites then, provided no other adverse impacts are identified by this Authority's Appropriate Assessment, the Authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the European Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation. Therefore, subject to the payment of the appropriate mitigation contribution, it is deemed that the likely significant effects on the protected European Sites would be overcome and no objection would be raised by Natural England.
- 8.13 The applicant has completed the appropriate Habitat Mitigation Contribution form, and made the appropriate payment. The proposal therefore complies with Policy DSP15 of the Development Plan and the adopted SRMP.

Environmental Health and Contaminated Land

- 8.16 There is an existing outbuilding on the site that is proposed to be demolished. At a site visit the Contaminated Land Officer noted that this could potentially be constructed using asbestos. Therefore, subject to appropriate conditions regarding the removal of contaminants from the site, no objection has been raised.

9.0 Recommendation

- 9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development shall begin before the expiration of three years from the date of this decision.
REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.
2. The development shall be carried out in accordance with the following approved documents:
 - a) Location Plan (Drawing: 1833 – L01);

- b) Site Layout Plan (Drawing: 1833-01b);
- c) Block Plan (Drawing: 1833-B01b);
- d) Proposed Plans (Drawing: 1833-02b);
- e) Proposed Elevations (Drawing: 1833-03b);
- f) Proposed Roof Plan and Section (Drawing: 1833-04);
- g) Existing Plans No.25 (Drawing: 1833-05);
- h) Proposed Plans No.25 (Drawing: 1833-06);
- i) Site Elevation (Drawing: 1833-07b); and,
- j) Site Section (Drawing: 1833-08a).

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

3. No development hereby permitted shall proceed beyond damp proof course level until details (including samples where requested by the Local Planning Authority) of all proposed external facing (and hardsurfacing) materials have been submitted to and approved by the Local Planning Authority in writing.

The development shall be carried out in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development.

4. The development hereby permitted shall not be occupied until the works to the first floor windows serving 25 Beacon Bottom have been implemented in accordance with the approved plans. Once implemented, these windows shall be maintained in this condition for the lifetime of the development.

REASON: In the interests of residential amenity.

5. Prior to the commencement of the development, an intrusive site investigation shall be undertaken comprising of no less than 3 near surface soil samples from the area beneath and directly around the building and an assessment of the risks posed to human health. This should be submitted to and approved in writing by the Local Planning Authority.

Where the site investigation and risk assessment reveals a risk to receptors, a strategy of remedial measures and detailed method statements to address identified risks shall be submitted to and approved in writing by the Local Planning Authority. It shall also include the nomination of a competent person (to be agreed with the Local Planning Authority) to oversee the implementation of the measures.

REASON: To ensure that any potential contamination of the site is properly taken into account before development takes place. The details secured by this condition are considered essential to be agreed prior to the commencement of the development on the site to ensure adequate mitigation against land contamination on human health.

6. Prior to the occupation of each unit, the agreed scheme of remedial measures shall be fully implemented. Remedial measures shall be validated in writing by an independent competent person as agreed with the Local Planning

Authority. The validation is required to conform that the remedial works have been implemented in accordance with the agreed remedial strategy and shall include photographic evidence and as built drawings where required by the Local Planning Authority. The requirements of the Local Planning Authority shall be agreed in advance.

Should contamination be encountered during works that has not been investigated or considered in the agreed scheme of remedial measures, an investigation, risk assessment and a detailed remedial method statement shall be submitted to and agreed with the Local Planning Authority. The remediation shall be fully implemented and validated in writing by an independent competent person, as agreed with the Local Planning Authority.
REASON: To ensure any potential contamination found during construction is properly taken into account and remediated where required.

7. The permitted dwellings shall not be occupied until the means of vehicular access have been constructed in accordance with the approved plans.
REASON: In the interests of highway safety.
8. The permitted dwellings shall not be occupied until car parking spaces have been provided within the curtilage of the site in accordance with the approved plans. These parking spaces shall thereafter be retained and kept available at all times.
REASON: To ensure adequate car parking provision within the site, in the interests of highway safety.
9. The permitted dwellings shall not be occupied until the bin and cycle stores have been made available in accordance with the approved plans. These designated areas shall thereafter be kept available and retained at all times for the purpose of bin and cycle storage.
REASON: In the interests of visual amenity and in order to facilitate modes of transport alternative to the motorcar.
10. Notwithstanding the details on the approved plans, the gradient of the driveway shall not exceed 1 in 8 within 6 metres of the edge of the carriageway of the adjoining highway.
REASON: In the interests of highway safety.
11. No development shall proceed beyond damp proof course level until a landscaping scheme identifying all existing trees, shrubs and hedges to be retained, together with the species, planting sizes, planting distances, density, numbers, surfacing materials and provisions for future maintenance of all new planting, including all areas to be grass seeded and turfed and hardsurfaced, has been submitted to and approved by the Local Planning Authority in writing.

REASON: In order to secure the satisfactory appearance of the development; in the interests of the visual amenities of the locality.

12. The landscaping scheme, submitted under Condition 11, shall be implemented 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.

13. None of the development hereby approved shall be occupied until a plan of the position, design, materials and type of boundary treatment to be erected to all boundaries has been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatment has been fully implemented. It shall thereafter be retained at all times unless otherwise agreed in writing with the Local Planning Authority.

If boundary hedge planting is proposed details shall be provided of planting sizes, planting distances, density, and numbers and provisions for future maintenance. Any 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 protect the privacy of the occupiers of the neighbouring property, to prevent overlooking, and to ensure that the development harmonises well with its surroundings.

14. The first floor window(s) proposed to be inserted into the east and west elevation(s) of the approved development shall be glazed with obscure glass and be of a non-opening design and construction to a height of 1.7 metres above internal finished floor 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 property(ies)

15. No work on site relating to the construction of any of the development hereby permitted (Including works of demolition or preparation prior to operations) shall take place before the hours of 0800 or after 1800 Monday to Friday, before the hours of 0800 or after 1300 Saturdays or at all on Sundays or

recognised bank and public holidays, unless otherwise first agreed in writing with the Local Planning Authority.

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

16. No development shall commence on site until a Construction Management Plan (CMP) setting out how provision is to be made on site for the parking and turning of operatives vehicles, wheel cleaning, the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the CMP and areas identified in the CMP for specified purposes shall thereafter be kept available for those uses at all times during the construction period, unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of highway safety and/or in order to secure the health and wellbeing of the trees and vegetation which are to be retained at the site and/or to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period.

INFORMATIVES

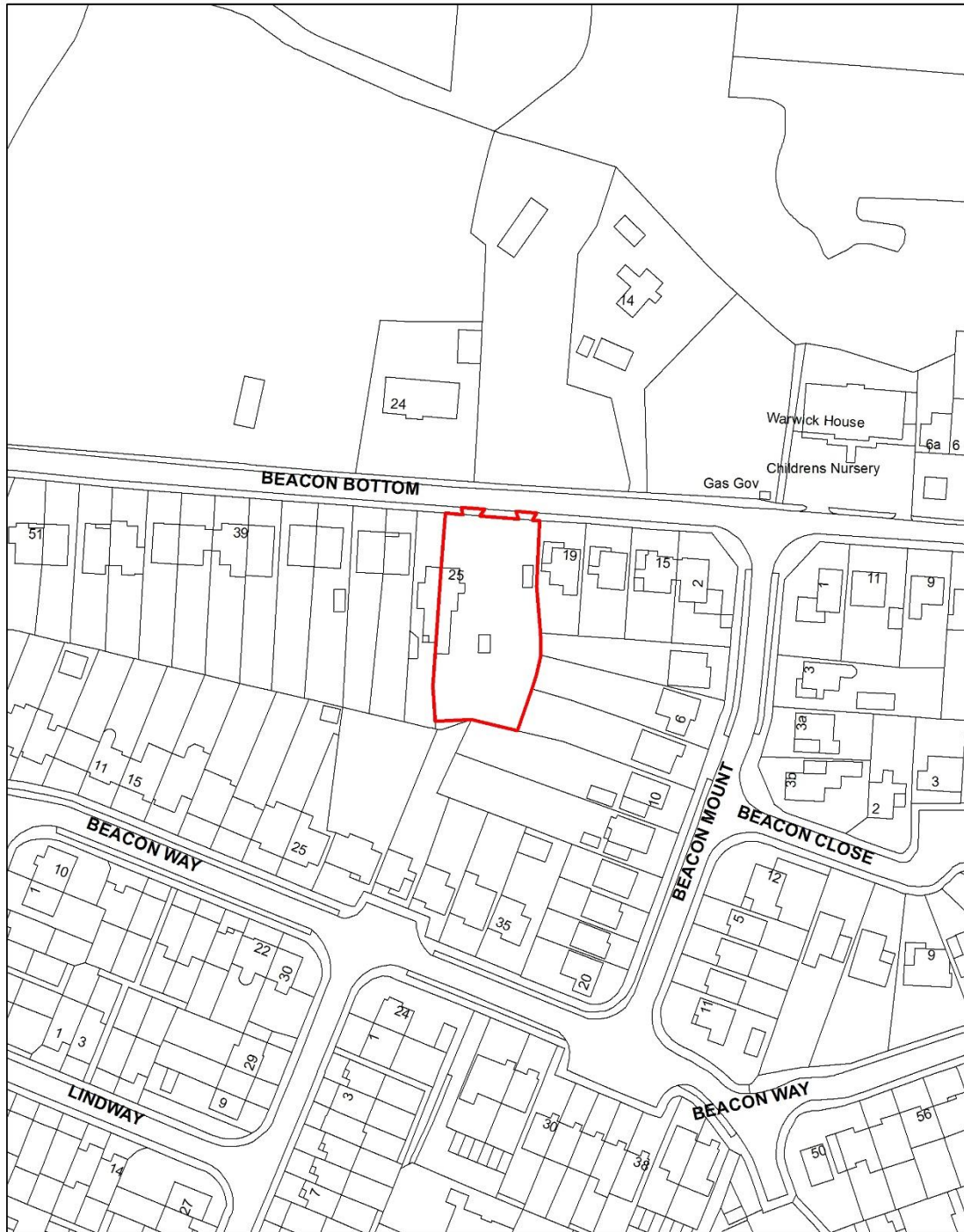
- a) Applicants should be aware that, prior to the commencement of development, contact must be made with Hampshire County Council, the Highway Authority. Approval of this planning application does not give approval for the construction of a vehicular access, which can only be given by the Highway Authority. Further details regarding the application process can be read online via <http://www3.hants.gov.uk/roads/apply-droppedkerb.htm> Contact can be made either via the website or telephone 0300 555 1388.
- b) Birds nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential bird nesting habitat (such as outbuildings, shrubs and trees) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is no alternative to doing the work in during this period then a thorough examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.
- c) Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. All work must stop immediately if bats, or

evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.

10.0 *Background Papers*
[P/18/1141/FP]

FAREHAM

BOROUGH COUNCIL



25 Beacon Bottom
Park Gate
Scale 1:1,250



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Agenda Item 7(8)

OFFICER REPORT FOR COMMITTEE

DATE: 12/12/2018

P/18/1193/OA
MR PETER BEVERIDGE

TITCHFIELD
AGENT: C&L MANAGEMENT

OUTLINE APPLICATION FOR THREE DETACHED DWELLINGS WITH ASSOCIATED LANDSCAPING AND PARKING (RE-SUBMISSION OF P/18/0620/OA)

247 TITCHFIELD ROAD, STUBBINGTON, FAREHAM, PO14 3EP

Report By

Peter Kneen – direct dial 01329 824363

1.0 Introduction

1.1 The application represents the re-submission of an earlier application, considered by the September 2018 Planning Committee and refused planning permission for the following reasons:

“The development would be contrary to Policies CS14, CS17 and CS22 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP6, DSP15 and DSP40 of the adopted Local Plan Part 2: Development Sites and Policies Plan and is unacceptable in that:

- a) the provision of dwellings in this location would be contrary to adopted local plan policies which seek to prevent residential development in the countryside which does not require a countryside location. Further, the development would not be sustainably located adjacent to or well integrated with the neighbouring settlement.*
- b) the development would harm the landscape character and appearance of the countryside and fail to respect or respond positively to the key characteristics of the surrounding area;*
- c) the development would adversely affect the integrity of the strategic gap and the physical and visual separation of settlements.*
- d) in the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the ‘in combination’ effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas.”*

- 1.2 Since that time, an Appeal Decision on the site for nine holiday chalets has been received. The Appeal Decision dismissed the proposal for the holiday chalets for the sole reason on the impact from noise disturbance on the neighbouring residential properties. The Inspector commented that the proposal would not have a detrimental impact on the character of the countryside or on the integrity of the Strategic Gap. This is considered to be a material consideration in the determination of this application.
- 1.3 Members will note from the 'Five Year Housing Land Supply Position' report elsewhere on this agenda that this Council currently has a housing land supply of 4.95 years (a shortfall of 27 dwellings within the 5 year period).
- 1.4 The Housing Delivery Test results which were due to be published by the Ministry of Housing, Communities and Local Government in November 2018 had not been published as at 3rd December. Officers have carried out their own assessment against the same criteria the Government will use and are of the opinion that the Housing Delivery Test results will require this Council to apply a 20% buffer to its local housing need increasing its annual requirement to 575 dwellings per annum. This in turn would result in a 5 year housing supply of 4.3 years and a shortfall of 386 dwellings. Should the Housing Delivery Test results be published prior to the Planning Committee meeting, Officers will provide an update at the meeting.
- 1.5 Policy DSP40 of the Local Plan Part 2: Development Sites and Policies is engaged when it can be demonstrated that the Council does not have a five year housing land supply. Even if the Council were found to have a 5 year housing land supply as a result of resolutions taken during this meeting, Officers believe it is clear that the housing requirements for this Borough will increase in the very near future as a result of the Housing Delivery Test.
- 1.6 In light of the Government's clear 'direction of travel' on housing requirements and delivery, it is considered appropriate to consider proposals against the criteria set out within DSP40 (which derive from standalone development plan policies in any event and or are clearly material considerations in their own right), to assess what degree of harm may arise, even if that policy is no longer engaged.
- 1.7 Officers will advise Members accordingly at the meeting.

2.0 Site Description

- 2.1 The application site is located within the defined countryside, to the west of Titchfield Road (B3334), and is located almost 750m away from the defined Stubbington Urban Settlement Boundary (to the southeast of the site). The site is located along the southern side of a private gravelled track which

serves two existing residential properties, and the site is set approximately 180m away from Titchfield Road. The site forms part of the former Grade II Listed Crofton House, the main part of which was destroyed by fire and demolished in 1974, although the western wing remains, and now forms 249 Titchfield Road (to the immediate west of the site).

- 2.2 The site comprises a single storey dilapidated barn/store and is largely laid to gravel, concrete and the former foundations and covered basements of the former Crofton House. The site is bounded by trees, with the trees to the east, south and much of the western boundaries subject to a tree preservation order, as well as peripheral shrubs and plants. The access track, which is gated to Titchfield Road is also bounded along its northern and southern sides by trees subject to tree preservation orders.
- 2.3 To the north of the site, beyond the access track lies 253 Titchfield Road and Titchfield Nursery (Optimus Flowers), and to the east of the site lies a large open field which is used on Sundays for car boot sales. The tree belt visible from the Titchfield Road across the car boot sales field is the eastern edge of the application site.
- 2.4 To the south of the site lies an existing paddock, beyond which lies Crofton Manor Equestrian Centre. To the east of the site lies the two neighbouring residential properties at 249 and 251 Titchfield Road.

3.0 Description of Proposal

- 3.1 This application, submitted in outline form seeks planning permission for the provision of three detached two storey eco-homes with access, layout and scale being considered. Appearance and landscaping would be considered as reserved matters. The site would be accessed along the existing private driveway, with the three properties sharing a single access point from the track, with the remainder of the site frontage landscaped.
- 3.2 The application has been supported by a detailed planning, design and access statement.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS4	Green Infrastructure, Biodiversity and Geological Conservation
CS6	The Development Strategy
CS14	Development Outside Settlements
CS17	High Quality Design
CS20	Infrastructure and Development Contributions

CS22 Development in Strategic Gaps

Adopted Development Sites and Policies

DSP1 Sustainable Development
DSP2 Environmental Impact
DSP3 Impact on Living Conditions
DSP6 New Residential Developments Outside of the Defined Urban Settlement Boundaries
DSP13 Nature Conservation
DSP15 Recreational Disturbance on the Solent Special Protection Areas
DSP40 Housing Allocations

Other Documents:

Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015
Residential Car Parking Standards 2009

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/13/0919/FP New Dwelling with associated car parking and driveway
REFUSE 31 January 2014
APPEAL 26 September 2014
DISMISSED

P/17/1356/FP Nine Holiday Let Properties (Use Class C3) and associated service unit, outdoor swimming pool, car parking, landscaping and replacement entrance gates to access with Titchfield Road
REFUSE 27 March 2018
APPEAL 5 October 2018
DISMISSED

P/18/0505/FP Use of land as a residential caravan site for five gypsy families, (10 caravans), including the laying of hardstanding, five utility buildings, fencing and installation of package sewage treatment plant
REFUSE 14 September 2018
APPEAL
SUBMITTED

P/18/0620/OA Outline Application for three detached dwelling with

REFUSE

associated landscaping and parking
14 September 2018

6.0 Representations

6.1 Three letters of support have been received regarding this application. Both comments highlight the continual issues with the site and this proposal would end uncertainty and result in the creation of three houses which would have minimal impact on the local environment.

7.0 Consultations

INTERNAL

Ecology:

7.1 No objections, subject to conditions

Environmental Health (Contaminated Land)

7.2 No objection, subject to condition on remediation

Environmental Health (Noise/Odour)

7.3 No objection raised.

Highways

7.4 No objection, subject to conditions.

Trees

7.5 No objection subject to detailed tree planting and landscaping scheme.

Waste and Recycling

7.6 No objection subject to a bin collection point made adjacent to the access road.

8.0 Planning Considerations

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

- a) Implications of Fareham's Current 5-Year Housing Land Supply Position (5YHLS);
- b) Residential Development in the Countryside;
- c) – g) Policy DSP40: Housing Allocation;

- h) Planning History;
- i) The Planning Balance.

a) Implications of Fareham's Current 5-Year Housing Land Supply Position (5YHLS):

- 8.2 A report titled "Five year housing land supply position" is reported for Members' information elsewhere on this agenda. That report set out this Council's local housing need along with this Council's current housing land supply position. The report concludes that this Council has 4.95 years of housing supply against the new 5YHLS requirement meaning there is a shortage of 27 dwellings.
- 8.3 A report from the October 2018 Planning Committee also advised that:
'...the Government are considering adjustments to the new standard method used to calculate Local Housing Need, following publication of the new housing growth projections on 20 September 2018; and

'...the Council will likely be required to apply a 20% buffer to the 5-year Housing Land Supply position following publication by the Government of the Housing Delivery Test in November'.
- 8.4 On the 26 October, the Government issued a 'Technical consultation on updates to National Planning Policy and Guidance'. The consultation on the proposed updates ran from 26 October 2018 until 7 December 2018.
- 8.5 The introductory section of the consultation sets out the background for the consultation and the Government's priority to deliver more homes and to do so faster. The Government is of the view that the household growth projections published very recently by the Office for National Statistics, that predict a lower level of household growth than previously, does not mean fewer homes need to be built. The objective of the consultation proposes changes to the standard method to ensure consistency with the objective of building more homes. In the short term, the Government proposes to use the 2014-based data on household growth to provide the demographic baseline for assessment of local housing need. Such an approach will further increase Fareham Borough Council's local housing need.
- 8.6 In the absence of a five year supply of deliverable housing sites, Officers consider that policy DSP40 is the principal development plan policy that guides whether schemes will be considered acceptable.
- b) Residential Development in the Countryside
- 8.7 Policy CS2 of the Adopted Core Strategy highlights that priority should be given to the reuse of previously developed land within the urban area. Policy

CS6 goes on to say that development will be permitted within the settlement boundaries. The site is located outside and approximately 750m away from the defined urban settlement boundary of Stubbington.

- 8.8 Policy CS14 highlights what forms of development in the countryside would be acceptable, and include that essential for agriculture, forestry, horticulture and required infrastructure.
- 8.9 Policy DSP6 of the Adopted Part 2: Development Site (New Residential Development Outside of the Defined Urban Settlement Boundaries) states that there will be a presumption against new residential development outside of the defined urban settlement boundary, subject to a few exceptions, such as conversion of existing buildings and infilling of an existing and continuous built-up residential frontage.
- 8.10 The planning proposal involves residential development outside of the defined urban area which does not have an overriding need for a countryside location. The application is therefore contrary to policies CS2, CS6 and CS14 of the adopted Core Strategy and Policy DSP6 of the Local Plan Part 2: Development Sites and Policies Plan.
- 8.11 Policy DSP40: Housing Allocations, of Local Plan Part 2, states that:

"Where it can be demonstrated that the Council does not have a 5-year supply of land for housing against the requirements of the Core Strategy (excluding Welborne) additional housing sites, outside the urban area boundary, may be permitted where they meet all of the following criteria:

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

ii. The proposal is sustainably located adjacent to, and well related to, the existing urban settlement boundaries, and can be well integrated with the neighbouring settlement;

iii. The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps;

iv. It can be demonstrated that the proposal is deliverable in the short term;
and

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

- 8.12 Each of these five bullet points are worked through in turn below c) - g) Policy DSP40.

8.13 It is also important to highlight that the site has been considered under the Council's Strategic Housing Land Availability Assessment (SHLAA), (site id: 1172). Within the SHLAA, the site was considered to be a suitable, available and an achievable site for development.

c) Policy DSP40(i)

8.14 The first test of Policy DSP40 is that: "The proposal is relative in scale to the demonstrated five year housing land supply shortfall".

8.15 The application proposes the erection of three dwellings; the current shortfall is in the region of 27 dwellings (4.95 years) (as per the latest position statement). Officers are satisfied that bullet point (i) of Policy DSP40 is satisfied.

d) Policy DSP40(ii)

8.16 The second test of Policy DSP40 is that: "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". The aim of part ii of Policy DSP40 is twofold: to ensure developments read as being visibly connected to the existing settlement and to ensure that they are functionally linked to the existing settlement and that future residents can easily access amenities.

8.17 In terms of being visibly connected to existing settlements, the site would be relatively close to the settlement policy boundary of Stubbington (to the southeast). The development would not be visually connected to the existing urban settlement, but would sit adjacent to an existing collection of dwellings within a secluded part of the countryside.

8.18 In terms of being functionally linked to the existing urban settlements, and therefore close to amenities, the closest local services and facilities such as shops and cafes are to be found in Stubbington along Cuckoo Lane, are within walking and cycling distance to the south of the site, and Stubbington Village Centre, to the southeast of the site. Titchfield Village Centre is located to the northwest of the site, accessible along footpaths. Therefore, whilst the location of the proposed development is not located adjacent to the existing urban areas, the area has been considered on appeal to be sustainably located, and the proposed dwellings would be well integrated with the existing neighbouring properties, forming a small hamlet of dwellings surrounded by open countryside.

e) Policy DSP40(iii)

- 8.19 The third test of Policy DSP40 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".
- 8.20 The site is largely bounded by mature planting and trees to the perimeter. Under the 2013 Appeal decision, this boundary vegetation was noted by the Appeal Inspector when considering the construction of a single dwelling on the site, and it was concluded that the proposal would not significantly harm the character and appearance of its surroundings, having particular regard to the location of the site within a Strategic Gap.
- 8.21 Further, the recent 2018 Appeal decision for the nine holiday chalets specifically referred to the impact of the development on both the countryside and the integrity of the Strategic Gap. The Inspector noted on the impact on the countryside by referring to the 2013 Appeal Decision, and highlighted that where development is set away from the boundaries, it would not adversely affect the boundary screening, and as such, given the level of trees and shrubs along all boundaries, views from Titchfield Road would be concealed. On the impact on the countryside, the Inspector concluded that the proposal would not have an adverse effect on the landscape character and appearance of the countryside.
- 8.22 In respect of the Strategic Gap, the 2018 Appeal decision also referred to the 2013 Appeal Decision, and the Inspector commented that proposed developments on this site, which retain the landscape screen and provides the opportunity to enhance it through additional planting, would not have a significant adverse effect on the integrity of the gap or on the physical and visual separation of settlements in this location. This approach has been supported by two separate appeal inspectors, and therefore adds significant weight to support an appropriate development on the site.
- 8.23 The current proposal for three detached dwellings would represent an increased number of dwellings over that considered in 2013, but would represent less built form than that considered by the nine holiday chalets. Given the level of boundary vegetation, which could be further enhanced when landscaping is considered, and given the separation distance from views of the site from both Titchfield Road (to the east of the site), and from a public right of way to the south of the site, there would be limited views of the site from the surrounding countryside, and as such, it is considered by Officers that the provision of the development would not harm the character and appearance of the area or the integrity of the Strategic Gap.

8.24 It is therefore considered that the development accords with the requirements of point iii) of Policy DSP40 and Policy CS22 regarding development in the Strategic Gap.

f) Policy DSP40(iv)

8.25 The fourth test of Policy DSP40 is that: "It can be demonstrated that the proposal is deliverable in the short term".

8.26 The application has been submitted on behalf of a local landowner, and the supporting statement indicated that if planning permission is granted that the site could be deliverable immediately, with the aim of completion within 18 months. The proposed development would therefore be in accordance with the fourth criteria of Policy DSP40.

g) Policy DSP40(v)

8.27 The fifth and final test of Policy DSP40 is that: "The proposal would not have any unacceptable environmental, amenity or traffic implications".

Environmental Implications:

8.28 In respect of environmental implications, the application has been derelict for a considerable number of years, with many parts of the site covered in areas of concrete hardstanding, dilapidated outbuildings and the former foundations and basements of the former Crofton House. Much of the site is incapable of supporting biodiversity due to the current ground conditions, which has also been subject to ground contamination from the use of the land as a scrapyards and for illegal fly tipping. As part of the re-development of the site, the land would be subject to full remediation prior to the commencement of the development, including the removal of the capped basements to Crofton House. The resultant works would improve the biodiversity of the site, with much of the site forming the rear gardens and landscaping to support the overall proposal. As such, it is considered that the current condition of the site could be significantly improved through a grant of planning permission, resulting in overall environmental improvements to the area. In addition, the application proposes the erection of eco-homes, including the provision of solar panels, solar water heating systems, ground or air source heat pumps, mechanical ventilation heat recovery systems, and rainwater harvesting, all thereby improving the environmental credentials of the proposed development.

8.29 The Solent coastline provides feeding grounds for internationally protected populations of overwintering birds and is used extensively for recreation. Natural England has concluded that the likelihood of a significant effect in combination arising from new housing around the Solent cannot be ruled out. Following the recent European Court of Justice ruling, applications for

residential development within the Borough must be subject to screening in order to demonstrate the likely significant effects on the SPA. This screening must be undertaken by a competent Authority, prior to the determination of the application. An appropriate assessment has been undertaken by the Local Planning Authority, where it was determined that the potential likely significant effects of the development can be adequately addressed. This can be done by the provision of a financial contribution paid per dwelling. The payment of this contribution is required to be paid before the determination of this application, as set out in the recommendation of this report.

- 8.30 The proposals have been considered by the Council's Tree Officer who raised no objection given the level of separation between the proposed development and the surrounding Tree Preservation Order.

Amenity Implications:

- 8.31 In terms of consideration of the amenity impact, the site layout plan indicates that the western most property would be located approximately 5m away from the eastern elevation of 249 Titchfield Road (whose eastern elevation forms part of the boundary of the site) which contains a single first floor window serving a landing area. Whilst no specific details of the proposed dwellings have been submitted, as these would be considered under a reserved matters application, the western part of this property would appear to be a single storey element, with the two storey element of the property located over 8.5m away from the side elevation of 249 Titchfield Road. It is considered, given the level of separation that the proposals would not have an adverse impact on the living conditions of the occupiers of 249 Titchfield Road. No other neighbouring occupiers would be affected by the development proposal. The development would comply with the requirements of Policies DSP2 and DSP3 of the Local Plan.

Traffic Implications:

- 8.32 Turning to the matter of highway safety and traffic implications, the application would result in the provision of three additional dwellings accessing Titchfield Road and using the unmade access track that currently serves 249 and 251 Titchfield Road. No objection has been raised by the Council's Transport Planner, subject to a number of conditions. Suitable access visibility splays have been provided and the existing gated entrance would be amended to be widened from 3.9m to 5.1m to allow for two vehicles to pass through the open gates. It is considered that the likely level of additional traffic accessing the site and entering Titchfield Road would not be so significant to warrant an objection on highway safety grounds.
- 8.33 It is therefore considered that the proposed access arrangements and increased activity along the access track would not cause harm to other road

users or pedestrians. Adequate off-street car parking would be provided for each plot.

- 8.34 In summary, it is therefore considered given the impact on the character and appearance of the area as set out above, that the proposal complies with the requirements of criteria (v) of Policy DSP40, and Policies CS5 and CS17 of the Local Plan.

h) Planning History:

- 8.35 The planning history for the site records the granting of permission for the conversion of Crofton House into a Children's Home in 1948 and the grant of Listed Building Consent for the demolition of the Grade II Listed Building following fire damage on 5 January 1973. The building was subsequently demolished in 1974/75.
- 8.36 As set out in Section 5.0 above, and as detailed in paragraph 8.20, a recent Appeal decision (dated 2 October 2018) in respect of the nine holiday chalets and service unit was dismissed by the Planning Inspectorate. However, in dismissing the Appeal, the Inspector referred in detail to the potential impact of development in this location on the character and appearance of the countryside and on the integrity of the Strategic Gap, referring to the earlier Inspectors consideration in the 2013 Appeal decision. This decision represents a material consideration in the determination of this application, and adds further significant weight to 2013 Appeal Decision, which dismissed a single dwelling on the site, which also identified limited impact on the countryside or Strategic Gap from development on the site.
- 8.37 In delivering his decision in 2013 the Planning Inspector noted that there would be conflict with Policy CS14 of the Core Strategy and the National Planning Policy Framework, which seek to restrict certain forms of development in the countryside such as housing where there is no overriding need.
- 8.38 However, he found that "the proposal would not significantly harm the character and appearance of its surrounding, having particular regard to the location of the site within a Strategic Gap". He explained that "...given the substantial vegetation that lines the edges of the site including the eastern and southern boundaries, views of the proposed development would be limited even in the winter when the vegetation is not in full leaf". "In terms of the impact that the proposal would have on the Strategic Gap, I note that the site has been devoid of any structure during the period of the Strategic Gap policy. Although this contributes to the character of the site given I consider that views of the proposal from public vantage points would be limited and the perception of the undeveloped nature of the site would not be substantially

affected to the detriment of the integrity of the Strategic Gap". These points were reiterated by the Inspector in the 2018 Appeal Decision, where the Inspector directly quoted the consideration of the 2013 Inspector.

- 8.39 These appeal decisions, which relate to the same site are important material considerations to take into account when determining the current proposal.
- 8.40 It is however acknowledged that this site has been considered by the Planning Committee three times already this year, including for this existing proposal. Officers are aware of the concerns raised by Members of the Planning Committee to the provision of development on the site, as defined in the reasons for refusal set out in Section 1.0. Those reasons represent a material consideration in the determination of this application proposal. However, having regard to the wider considerations in this report, and the greater weight that can be added to the more recent Appeal Decision, it is considered that the proposals would not have a detrimental impact on the character and appearance of the countryside in this location or on the integrity of the Strategic Gap.
- i) The Planning Balance
- 8.41 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications, stating:
- “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”.
- 8.42 The site is located outside of the defined urban settlement boundary and does not relate to agriculture, forestry, horticulture or 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 the Local Plan Part 2: Development Sites and Policies Plan.
- 8.43 Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations, which is engaged as the Council cannot demonstrate a 5YHLS. In weighing up the material considerations and conflicts between policies; the development of a greenfield site weighted against Policy DSP40, Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall and can be delivered in the short term. The development would be integrated into the existing collection of residential properties along this part of Titchfield Road, and would be sustainably located, in terms of proximity to local services and facilities (complying with the second test of DSP40), and as acknowledged by Appeal Inspectors.

- 8.44 It is acknowledged that the proposal would have an urbanising impact through the introduction of housing and related infrastructure onto the site and introduce a degree of change to the character of the site. However, Officers consider that the layout of the proposal, together with the existing level of boundary landscaping, has been carefully undertaken to minimise the impact on the countryside and the integrity of the Strategic Gap.
- 8.45 In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage in housing supply, the proposal would deliver three dwellings to contribute to the 5-year housing land supply shortage in the Borough.
- 8.46 In respect of environmental and amenity issues, and subject to appropriate planning conditions and mitigation, Officers are satisfied that amenity and ecology issues have been appropriately addressed in the submitted application.
- 8.47 There is a clear conflict with the development plan policy CS14 as this is development in the countryside. Ordinarily, Officers would have found this to be the principal policy such that a scheme in the countryside should be refused. However, in light of the Council's lack of a 5YHLS, development plan policy DSP40 is engaged and Officers have considered the scheme against the criteria therein. The scheme is considered to satisfy the five criteria and in the circumstances, Officers consider that more weight should be afforded to policy DSP40 than CS14 such that, on balance when considered against the development plan as a whole, the scheme should be approved.
- 8.48 As set out in the report titled 'How proposals for residential development should be considered in the context of this Council's 5 year housing land supply position' from the 10 October 2018 Planning Committee, Officers consider that the implications of the CJEU judgment (People Over Wind, Peter Sweetman v Coillte Teoranta) and paragraph 177 of the NPPF mean that the application of the presumption in favour of sustainable development set out in paragraph 11 of the same Framework is not a relevant consideration.
- 8.49 In the event that this approach is subsequently found to be incorrect as a consequence of a Court decision or a clarification in government policy, Officers have considered the application in the alternative and assessed the proposals having regard to the 'tilted balance' test set out at paragraph 11 of the NPPF.

8.50 In undertaking a detailed assessment of the proposals throughout this report and now applying the 'tilted balance' to those assessments, Officers consider that:

- i) There are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed, particularly when taking into account that any significant effect upon Special Protection Areas can be mitigated through a financial contribution towards the Solent Recreation Mitigation Strategy; and,
- ii) Any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.

8.51 Therefore, even if paragraph 11 of the NPPF were a relevant consideration, Officers find that having applied the 'tilted balance', they would have similarly concluded that planning permission should be granted for the proposals.

8.52 Having carefully considered all material planning matters, including all new planning considerations arising since the proposal was considered by the Planning Committee on the 12 September, Officers recommend that planning permission be granted subject to the following matters.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to:

- The completion of a S.111 Agreement and the payment of the appropriate Habitat Mitigation Contribution, and,
- The following conditions:
 1. Application for approval of details of the appearance of the building/s and the landscaping of the site (all referred to as the 'reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
REASON: To comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.
 2. Applications for approval of all reserved matters shall be made to the Local Planning Authority not later than 12 months from the date of this permission.
REASON: To comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun before the expiration of 12 months from the date of the approval of the last of the reserved matters.
REASON: To comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be constructed in accordance with the following approved documents:
a) Location Plan (Drawing: 836-100 Rev A);
b) Existing Site Plan (Drawing: 836-101 Rev A);
c) Proposed Site Plan (Drawing: 836-102 Rev A);
d) Site Plan (Enlarged) (Drawing: 836-103 Rev A);
e) Gate Proposals (Drawing: 836-106 Rev A); and,
f) Visibility Splays (Drawing: 836-107 Rev A).
REASON: To avoid any doubt over what has been permitted.

5. Prior to development commencing, the applicant should submit the following to the Local Planning Authority:

An intrusive site investigation and an assessment of the risks posed to human health, the building fabric and the wider environment including water resources shall be carried out. The site investigation shall not take place until the requirements of the Local Planning Authority have been fully established. This should be submitted to and approved in writing by the Local Planning Authority.

Where the site investigation and risk assessment reveals a risk to receptors, a strategy of remedial measures and detailed method statements to address identified risks shall be submitted to and approved in writing by the Local Planning Authority. It shall also include the nomination of a competent person (to be agreed with the Local Planning Authority) to oversee the implementation of the measures.

REASON: To ensure that any potential contamination of the site is properly taken into account before development takes place. The details secured by this condition are considered essential to be agreed prior to the commencement of the development on the site to ensure adequate mitigation against land contamination.

6. Prior to the occupancy of each unit the agreed scheme of remedial measures shall be fully implemented. Remedial measures shall be validated in writing by an independent competent person as agreed with the Local Planning Authority. The validation is required to confirm that the remedial works have been implemented in accordance with the agreed remedial strategy and shall include photographic evidence and as built drawings

where required by the Local Planning Authority. The requirements of the Local Planning Authority shall be agreed in advance.

Should contamination be encountered during works that has not been investigated or considered in the agreed scheme of remedial measures, an investigation, risk assessment and a detailed remedial method statement shall be submitted to and agreed with the Local Planning Authority. The remediation shall be fully implemented and validated in writing by an independent competent person as agreed with the Local Planning Authority.

REASON: To ensure any potential contamination found during construction is properly taken into account and remediated where required.

7. The dwellings hereby permitted shall not be occupied until the existing access from Titchfield Road is finished in a bound material between the proposed gates and the adopted highway. Drainage of the surface area shall be contained within the site and not discharged onto Titchfield Road.

REASON: In the interests of highway safety.

8. No dwelling hereby approved shall be first occupied until detailed plans and proposals have been submitted to the Local Planning Authority for approval showing:

- a. Refuse bin storage (sufficient for 2no. 140 litre wheeled bins);
- b. Secure cycle storage.

The cycle storage required shall take the form of a covered building or other structure available on a 1 to 1 basis for each dwellinghouse hereby permitted. Once approved, the storage shall be provided for each dwellinghouse and shall be thereafter kept permanently available for the stated purpose.

REASON: To encourage non car modes of transport and to ensure proper provision for refuse disposal.

9. No work on site relating to the construction of any of the development hereby permitted (including works of demolition or preparation prior to operations) shall take place before the hours of 0800 or after 1800 Monday to Friday, before the hours of 0800 or after 1300 Saturdays, or at all on Sundays or recognised bank or public holidays, unless otherwise first agreed in writing with the Local Planning Authority.

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

10. None of the development hereby approved shall be occupied until a plan of a position, design, materials and type of boundary treatment to be erected to all

boundaries has been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatment has been fully implemented. It shall thereafter be retained at all times unless otherwise agreed in writing with the Local Planning Authority.

If boundary hedge planting is proposed details shall be provided of planting sizes, planting distances, density, and number and provisions for future maintenance. Any 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 protect the privacy of the occupiers of the neighbouring properties, to prevent overlooking, and to ensure that the development harmonises well with its surroundings.

11. The dwellings hereby permitted shall be limited to two storeys only, with no accommodation provided within the roofspace, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To retain control over the scale of the development.

12. No works shall commence on site above damp proof course level until details of the proposed surface water and foul drainage and means of disposal have been submitted to and approved by the Local Planning Authority and no building shall be occupied until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority.

REASON: To ensure that the proposed development is satisfactorily drained.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting or amending that Order) no additions to, or extensions or enlargements of, or alterations affecting the external appearance of, the building(s) hereby approved shall be made or erected without a grant of planning permission from the Local Planning Authority.

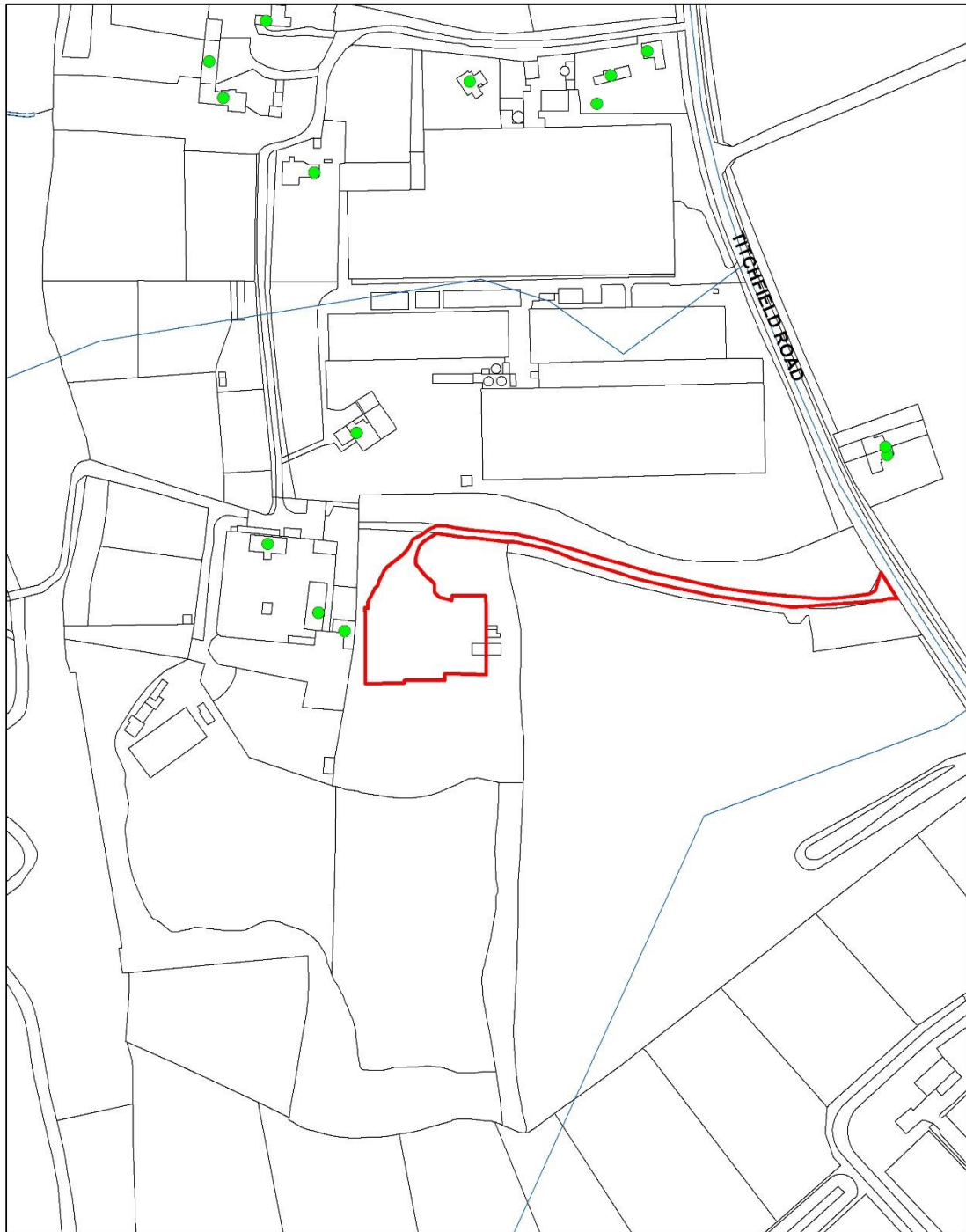
REASON: To enable the Local Planning Authority to retain control over the enlargements/alterations of the building(s) in the interests of the proper planning and amenities of the area.

10.0 Background Papers

[P/18/1193/OA]

FAREHAM

BOROUGH COUNCIL



247 Titchfield Road

Scale 1:1,2500



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OFFICER REPORT FOR COMMITTEE

DATE: 12/12/2018

P/18/1197/FP
MR SAM BOND

WARSASH
AGENT: MR ROBERT NARRAMORE

RETENTION OF SLIDING GATE AND NEW FENCING TO FRONT GARDEN

85 CHURCH ROAD, WARSASH, SOUTHAMPTON, SO31 9GD

Report By

Jon Snook– direct dial 01329 824703

1.0 Introduction

1.1 The planning application has been called before the Planning Committee by Ward Councillor Cartwright. The reasons provided by Councillor Cartwright were the overdevelopment of the site, that the development was out of keeping with the character with the area and that he had been asked by local residents to represent them at the Committee.

2.0 Site Description

2.1 The site consists of a semi-detached two storey house located on the eastern side of Church Road, Warsash. There are other similar properties located in the area.

3.0 Description of Proposal

3.1 The part retrospective planning application has been made for the retention of a front boundary sliding gate and development of brick pillars with insert timber slats to the front garden boundary.

4.0 Policies

4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS17 – High Quality Design

Adopted Development Sites and Policies

DSP3 – Impact on Living Conditions

Other Documents:

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

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/17/1434/FP	GARAGE TO SIDE EXTENSION AND FRONT CANOPY, ALTERNATIVE TO P/17/0488/FP (RETROSPECTIVE APPLICATION)
APPROVE	23 rd February 2018
P/17/0488/FP	GARAGE TO SIDE OF DWELLING WITH PITCHED ROOF PARTIALLY OVER EXISTING GROUND FLOOR EXTENSION, NEW LANDING WINDOW, PORCH ROOF TO FRONT, OUTBUILDING AND RAISED DECKING IN REAR GARDEN
APPROVE	27 th July 2017
P/16/1275/FP	RETENTION OF SIDE AND FRONT GARDEN WALLS AND RAISED GROUND LEVEL AT FRONT (PART RETROSPECTIVE)
APPROVE	10 th December 2016

6.0 Representations

6.1 There has been a total of five letters of representation in relation to this application, however three of the representations came from individuals connected to one specific premises. The comments related to this planning application are summarised as follows: -

- That the application is retrospective
- That it is the fourth retrospective planning application
- The gate is not in keeping with surrounding properties and built above the permitted height
- That the fence would be out of keeping with surrounding properties
- That the existing wall is quite high enough without the addition of a fence
- That the development would change the garden into a compound rather than a garden.
- The pillars are being increased to an unacceptable height
- That the wooden slats in the wall will further restrict light

7.0 Consultations

There has been no internal or external consultations with regard to this application.

8.0 Planning Considerations

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

- a) Character of the area
- b) Impact in living conditions of neighbouring residents

8.2 Character of the area

8.3 The semi-detached property sits in a reasonable size plot and is set back from the roadside. The natural ground level in front of the property slopes down from the adjacent pavement to the front of the house with around a metre difference in height. The ground level has however been built up, as part of a separate planning application, to create a level surface.

8.4 There is a mixture of boundary treatments in Church Road with a number of properties being secluded behind hedges, high fences and brick walls. It is noted that directly opposite and a couple of doors away from the application site, there are examples of a 6ft high timber panel fence enclosing the gardens.

8.5 The Fareham Borough Council Design Guidance Supplementary Planning Document outlines that front boundary treatments should 'reflect the positive aspects of the streets character and where possible enhance it'.

8.6 Whilst the inclusion of the boundary sliding gate is unique within Church Road, it is proportionate in height, being only 1.4 metres high, and when balanced with the surrounding boundary wall with timber slat panels, it is not considered to be out of keeping with the area and street scene.

8.7 Impact in living conditions of neighbouring residents

8.8 Further assessment has been carried out as to whether the proposed boundary treatment would result in a negative impact upon the neighbouring properties. In the case of the property located to the north of 85 Church Road, there is a high hedgerow which provides an additional barrier between the two front gardens. The attached property to the south of the application site benefits from the front garden being open to sunlight from the south. Therefore, it is considered that the development would not result in an adverse impact for either of the properties.

8.9 It is worthy to note that under permitted development rights by itself a 2-metre-high wall could be erected along the party wall boundaries without planning permission, whilst a 1 metre high wall/gate/fence could be erected along the front wall, which adjoins a highway used by vehicular traffic, without planning permission. The front boundary treatment, subject to this application, measures 1.4 metres and therefore exceeds the permitted development rights by just 0.4 metres

8.10 Conclusion

8.11 In summary, the application has been assessed and there is no adverse impact upon the light, privacy of adjoining properties. The development is not considered to be harmful to the appearance, character or street scene.

8.12 The proposals accords with Policy CS17 of the adopted Fareham Borough Core Strategy and Policy DSP3 of the adopted Fareham Local Plan Part 2: Development Sites and Policies.

9.0 ***Recommendation***

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development shall begin before 12th December 2021.
REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.

2. The development shall be carried out in accordance with the following approved documents:
 - a) Existing Garden Elevations
 - b) Propose Garden Elevations
 - c) Location PlanREASON: To avoid any doubt over what has been permitted.

10.0 ***Background Papers***

P/18/1197/FP

FAREHAM

BOROUGH COUNCIL



85 Church Road
Warsash
Scale 1:1,250



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Agenda Annex

<p style="text-align: center;">ZONE 2 – FAREHAM</p> <p style="text-align: center;">Fareham North-West</p> <p style="text-align: center;">Fareham West</p> <p style="text-align: center;">Fareham North</p> <p style="text-align: center;">Fareham East</p> <p style="text-align: center;">Fareham South</p>

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/18/1192/FP FAREHAM NORTH	LAND NORTH & SOUTH OF JUNCTION 10 OF M27 FAREHAM HAMPSHIRE MANAGEMENT OF WILDLIFE HABITAT, INCLUDING HABITAT CLEARANCE AND HABITAT CREATION, PLANTING AND STRUCTURAL LANDSCAPING, WHICH WILL INCLUDE MOVEMENT, RE-PROFILING AND REINSTATEMENT OF EXCAVATED TOPSOIL.	10 PERMISSION
P/18/1130/FP FAREHAM EAST	WOODCOTE LODGE 6 BRIDGEFOOT DRIVE FAREHAM PO16 0DB TWO STOREY SIDE EXTENSION INCORPORATING DOUBLE INTEGRAL GARAGE	11 PERMISSION

OFFICER REPORT FOR COMMITTEE

DATE: 12/12/2018

P/18/1192/FP

BUCKLAND DEVELOPMENT LTD

FAREHAM NORTH

AGENT: DAVID LOCK ASSOCIATES

MANAGEMENT OF WILDLIFE HABITAT, INCLUDING HABITAT CLEARANCE AND HABITAT CREATION, PLANTING AND STRUCTURAL LANDSCAPING, WHICH WILL INCLUDE MOVEMENT, RE-PROFILING AND REINSTATEMENT OF EXCAVATED TOPSOIL.

LAND NORTH & SOUTH OF JUNCTION 10 OF M27 FAREHAM

Report By

Mark Wyatt. Direct Dial (01329) 824704.

1.0 Introduction

- 1.1 This application is made by Buckland Development Limited (BDL). BDL are the majority landowner for the Welborne site and are the applicant for the application for Welborne – P/17/0266/OA refers. P/17/0266/OA remains under officer consideration at the current time with amended plans and documents to address consultation responses are expected this month.
- 1.2 In terms of context, improvements to junction 10 of the M27 have always been expected as part of the delivery of Welborne and improvements to the junction are proposed in the application P/17/0266/OA. These improvements broadly accord with the detail in the Welborne Plan Strategic Framework Diagram which is an appendix to the Welborne Plan. At the time of the preparation of the Welborne Plan and through its Examination this approach to junction 10 has been supported in principle by the Highway Authorities. Welborne Plan policy WEL24 now requires improvements to junction 10 to create an “all-moves” junction.
- 1.3 Since the submission of the Welborne application (P/17/0266/OA) in March 2017 Highways England has progressed its Smart Motorway project for the M27. The County Council has also taken the role of ‘project sponsor’ for the works to junction 10 improvements. The Smart Motorway programme and the proposed improvements to Junction 10 as part of the Welborne development have similar timescales for delivery. As such there is a need to align the respective delivery programmes so that the work on the motorway network can be undertaken concurrently.
- 1.4 Within the motorway corridor ecology surveys have identified the presence of Dormice in the scrub along the motorway embankment as well as habitat for

the Great Crested Newt. The scrub is also used as a foraging corridor for the local bat population. These species are protected.

- 1.5 To facilitate the junction 10 improvements, primarily the construction of the new slip roads, in time to align with the Smart Motorway Project there is a need to clear the motorway embankment during 2019. It is a criminal offence to damage the habitat of or the population of a protected species such that the scrub clearance cannot just be undertaken. The works need to be carried out under the cover of a European Protected Species (EPS) Licence issued by Natural England which in turn needs a planning permission to have been granted. Furthermore the clearance work needs to be outside of the hibernation season.
- 1.6 This application is therefore made in advance of any planning decision pursuant to the construction of the junction 10 works, but rather is to facilitate the ability of the applicant to acquire a EPS licence from Natural England, to provide mitigation planting, to translocate the protected species into the newly formed habitat and then enable the scrub clearance and ground preparation works such that the junction 10 works can commence on time when a planning permission is granted. The junction can then be delivered without the programme having to address the presence of protected species, the EPS licencing regime or the limits of seasonal work relative to protective species hibernation periods because this will already have been completed. The project would then not risk the potential loss of funding for the works or miss the opportunity to align with the Smart Motorway Project passing along this section of the M27.
- 1.7 Additional ecology information in support of the application was received on 22nd November 2018

2.0 Site Description

- 2.1 The application site is irregular in shape and extends to 16.2 hectares. The red edge extends from the A32 through the Dean Farm Estate on the north side of the motorway providing the site access. The site includes the embankment land on the immediate north and south sides of the existing M27. The red edge also extends to include land that wraps around the north eastern edge of Funtley on the north side of the motorway and parts of Fareham Common backing onto the properties at Potters Avenue in the east and Kiln Road/Funtley Hill to the west on the south side.

3.0 Description of Proposal

- 3.1 The primary function of this proposed development is the early delivery of mitigation planting to enable the relocation of protected species from the site. The application sets out that the works comprise of three main parts:

- 1) The managed clearance of areas of vegetation in locations adjacent to the Highways England road network which would be required to undertake the development of the junction 10 improvements;
- 2) The creation of new wildlife habitat to enable the relocation of protected species from areas affected by the junction works. This new wildlife habitat is to include large areas of new planting and landscaping; and
- 3) The movement and re-profiling of soil to restore the landscape once the vegetation removal has been completed.

4.0 Policies

4.1 The following policies apply to this application:

4.2 National Planning Policy Framework (NPPF)

4.3 Adopted Fareham Borough Core Strategy

- CS4 (Green Infrastructure, Biodiversity and Geological Conservation)
- CS13 (North of Fareham Strategic Development Area)

4.4 Adopted Welborne Plan (Local Plan Part 3)

- WEL1 (Sustainable Development)
- WEL3 (Allocation of Land)
- WEL5 (Maintaining Settlement Separation)
- WEL8 (Protection and Enhancement of the Historic Environment)
- WEL23 (Transport Principles for Welborne)
- WEL28 (Walking and Cycling)
- WEL29 (On-site Green Infrastructure)
- WEL31 (Conserving and Enhancing Biodiversity)
- WEL33 (Structural Landscaping)
- WEL39 (Flooding and Sustainable Drainage Systems)
- WEL43 (Development Construction and Quality Control).

4.5 Other Documents:

Welborne Design Guide Supplementary Planning Document.

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/17/0266/OA	A New Community Of Up To 6000 Dwellings (C3 And C2, Including A Care Home Of Use Class C2) Together With A District Centre (Comprising Up To 2,800M2 Food Store Retail (A1), Up To 2,419M2 Of Non-Food Retail (A1) And Up To 2,571M2 Of Other Non-Convenience/Comparison Retail Use (A1 - A5));
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A Village Centre (Comprising Up To 400M2 Food Store Retail (A1), Up To 1,081M2 Of Non-Food Retail (A1), A Public House (Up To 390M2 A4 Use) And Up To 339M2 Of Other Non-Convenience/Comparison Retail Use (A1 - A5)); Up To 30,000M2 Of Commercial And Employment Space (B1); Up To 35,000M2 Of General Industrial Use (B2); Up To 40,000M2 Of Warehousing Space (B8); A Hotel (Up To 1,030M2 C1 Use); Up To 2,480M2 Of Community Uses (D1 And D2); Up To 2,200M2 Ancillary Nursery (D1), Health Centre (D1) And Veterinary Services (D1); Retention Of Dean Farmhouse And Dean Farm Cottages; A Secondary School And 3 Primary Schools; Green Infrastructure Including Formal And Informal Open And Amenity Space; Retention Of Some Existing Hedgerows, Grassland, Woodland Areas, Allotments, Wildlife Corridors; All Supporting Infrastructure; Household Waste Recycling Centre; Requisite Sub-Stations; Sustainable Drainage Systems Including Ponds And Water Courses; A Remodelled M27 J10 Including Noise Barrier(S); Works To The A32 Including The Creation Of Three Highway Junctions And New Crossing(S); Distributor Roads (Accommodating A Bus Transit Network) And Connections To The Surrounding Cycleway And Pedestrian Network; Car Parking To Support Enhanced Use Of Dashwood; Ground Remodelling; Any Necessary Demolition; With All Matters Reserved For Future Determination With The Exception Of The Works To M27 J10 And The Three Highway Junctions And Related Works To The A32.

**Pending
Consideration**

6.0 Representations

- 6.1 Nine Letters have been received in total (from The Fareham Society, 51 The Waters; 25 Crawford Drive; 59, 66a, 68, 72a [three letters received but counted as one representation], 96, 116 Kiln Road) objecting to the scheme:
- We enjoy viewing a lot of wildlife from our home. It would be extremely disappointing to lose these creatures.
 - Much of the habitat will be completely destroyed.

- It is difficult to comment when we don't know the full structures of the J10 works. How much of Fareham Common is to be lost as a result of the junction works?
- Why would you want to disrupt a thriving diversity of wildlife
- Concern regarding noise disruption whilst the works take place.
- The large pond north of the M27 survived the motorway being built, why should it be disturbed now?
- Kneller Court Lane is a right of way used by dog walkers. It is narrow and could be dangerous if construction traffic uses this route.
- There should be no access at all for any vehicle from Kneller Court Lane
- Which route will heavy earth moving vehicles take?
- There is nothing in the application to say how the existing wildlife is to be protected / relocated during this work.
- Why is there no mention of deer and owls in the plan?
- Concern with the timescale and suitability of the chosen mitigation planting to be done and the ability to accommodate all the species that will be affected by the application.
- Bats will need alternative roosting
- The flood risk mapping shows the area in high risk directly relate to areas where Great Crested Newts are found. The area for mitigation is at the opposite end of the scale with a very low risk of flooding – is this a suitable environment for newts?
- What is happening to our green belt.
- Bats should be protected
- I would like to know what types of plants and trees will be used for replanting
- The planting should not be poisonous for the horses in the adjacent fields
- The Fareham Society supports the comments of the Ecologist which identifies concerns in relation to the SINC, GCNs, dormice and bats and requests the applicant provide further information on these issues.
- The applicant should provide a second pond to the north of the M27
- More detail is required on the movement of soil and reprofiling to restore landscape once vegetation removal has been completed.

7.0 Consultations

EXTERNAL

Natural England

7.1 No comment

Natural England has published Standing Advice for Protected Species.

Hampshire County Council (Rights of Way)

7.2 No objection subject to condition.

We request that all public rights of way be kept open to the public throughout the development

INTERNAL

Ecology

7.3 No objection subject to conditions

Environmental Health (Contaminated Land)

7.4 No objection subject to conditions

Arboriculture

7.5 No objection subject to conditions

8.0 Planning Considerations

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

- a) The Principle of Development;
- b) The Area for Clearance;
- c) Arboriculture;
- d) Landscape and Visual Impacts;
- e) Mitigation Planting;
- f) Ecological Implications:
 - International and Nationally Designated Sites;
 - Locally Designated Sites;
 - Habitats;
 - Protected Species:
 - Bats;
 - Great Crested Newt;
 - Dormouse;
 - Derogation Tests
- g) Access;
- h) Noise and Disturbance
- i) Conclusions

Principle of development

- 8.2 In June 2015 the Council adopted the Welborne Plan as the Local Plan Part 3. The Welborne Plan is a comprehensive document that provides the main policy guidance for delivery of development at Welborne. Policy WEL3 allocates the land for the new community to accommodate approximately 6,000 dwellings, 20ha of employment land, along with new education and retail facilities, associated infrastructure and open space, phased to enable completion by 2041.
- 8.3 The proposal is to facilitate the improvements to junction 10 of the M27 to create an “all moves” junction. The policies of the Welborne Plan clearly illustrate the importance of the provision of the junction improvements in order to facilitate the full delivery of Welborne.
- 8.4 Given that the site falls within the allocation of the site for the new community north of Fareham and that the proposed development is directly linked to the provision of a key part of the necessary infrastructure, the principle of the development is considered to be acceptable subject to the consideration of the issues below.

Area for clearance

- 8.5 The area for clearance is essentially the embankments on the north and south sides of the motorway. These areas need to be permanently cleared to facilitate the construction of the new junction works. The area of land to be cleared on the south side of the motorway extends from the Funtley Hill overbridge east to the existing Junction 10 off slip. To the north side of the motorway the clearance area is not as extensive with an area adjacent to Funtley Hill being retained with some temporary coppicing and then the clearance extending to the land just beyond 1 and 2 Dean Farm Cottages.
- 8.6 Given the requirements of the Welborne Plan policy WEL24 to achieve an “all moves” junction 10 of the M27 this area for clearance is considered to be acceptable. It is noted that WEL24 requires the works to minimise the environmental impacts within the site and on neighbouring communities. These matters are considered further below.

Arboriculture

- 8.7 In addition to the scrub and grassland along the motorway embankment a total of ten individual trees are identified for removal. A further seven groups of trees and three hedgerows will require removal to facilitate the proposed works. None of the trees are protected by virtue of a Tree Preservation Order.
- 8.8 According to the Applicants Tree Survey there are two trees and one group of trees classified as “U” grade. U Grade trees are trees that are not a constraint

to development and have no amenity value worthy of retention. Their removal would be in accordance with sound arboricultural management.

- 8.9 The remaining trees and hedgerows for removal fall within the tree classifications A-C. Category A trees are trees of high quality and value in such a condition that they would make a substantial contribution to the visual amenity of the area. There is one category A tree to be removed. This tree is on the south side of the motorway and the foot of the embankment due west of Kneller Court Lane.
- 8.10 Three individual trees and five groups of trees are within the B Category. These trees are of moderate quality and value.
- 8.11 The remaining trees, and the majority of the trees to be removed, are within the Arboricultural category C. These trees are of low quality and are not typically regarded as a constraint to development.
- 8.12 Whilst there will be some tree loss to facilitate the works for junction 10, this tree loss has been long anticipated due to the Borough Council's longstanding vision to provide the new community at Welborne with the "all moves" junction 10 an integral part of the infrastructure to support the new community.
- 8.13 The tree loss, especially those in categories A-C, is a material consideration as part of the application. This tree loss is balanced against the proposed new mitigation planting which is considered further later in this report. On the basis that the mitigation planting is provided in the terms set out in the submission, it is considered that the tree loss to facilitate the works is more than compensated for. It is noted that there is no objection on arboricultural grounds from the Tree Officer.

Landscape and visual impacts

- 8.14 There are no specific landscape designations within or immediately adjacent to the application site. It is noted that one of the representations refers to green belt however there is no designated green belt in Fareham.
- 8.15 It is accepted that the land to the north of the motorway beyond the application site is open arable farmland with large fields and limited hedgerow. To the south of the motorway the character is of much smaller paddocks enclosed by trees and hedgerows. In terms of landscape character, the land to be cleared is already heavily influenced by the motorway and the urban edge of Fareham which is clearly evident to the south side of the M27.
- 8.16 The application submits, therefore, that the visual impacts of the proposed works are relatively limited to the users of the public footpaths through and in

the vicinity of the site and the views from the M27, Potters Avenue, Kiln Road and Funtley Hill. There will be private views of the works also from properties that front or back on to the site.

- 8.17 Once the clearance work commences, this initial period of construction will be the most significant of landscape impacts. The application concludes that the loss of the vegetation along the motorway embankment will have a negative short term visual effect. However these impacts are very localised with the visual envelope being limited to the roads identified and the public routes through the site. The views are relatively limited and the proposed mitigating planting and replacement motorway planting will, in the medium term (5-10 years), screen views such that the proposal is not considered to result in demonstrable harm to the visual amenities of the area.

Mitigation planting

- 8.18 The detailed mitigation planting is secured through a landscaping planning condition with reference to the submitted Ecological Appraisal and Mitigation Strategy. This Strategy sets out the proposed intended species for the different planting areas in the compensatory habitat comprising the new scrub and the proposed new woodland planting. In addition to the species proposed the same part of the submission details the re-instatement process for the habitat planting such that the application has a high level of detail such that the proposed mitigating planting is well reasoned and understandable.
- 8.19 It is accepted that as a consequence of the proposed new planting there will be a loss of some agricultural land on the north side of the motorway around the eastern edge and north east of Funtley. Whilst the proposal will result in the loss of some arable field the proposed planting would provide for some early landscaping in an area of the Welborne site identified as an important settlement buffer between the new community and Funtley. This would be to the benefit of the Funtley Residents who would ultimately benefit from some early planting well ahead of that proposed in the main Welborne application P/17/0266/OA. This location for the proposed mitigation planting is considered to be acceptable and would contribute to the settlement separation buffers required by policy WEL5.
- 8.20 To the south side of the M27 the proposed mitigation planting broadly follows the field boundaries of the existing smaller paddocks and looks to strengthen the planted areas to the rear of the properties along Kiln Road in the west and the rear of the dwellings in Potters Avenue. The land south of the motorway is identified within the Welborne Plan as a Site of Alternate Natural Greenspace (SANG). The new planting will accord with the guidance on SANG design and would not result in any abortive work should P/17/0266/OA receive a planning

permission and deliver the Fareham Common SANG to serve the new community.

Ecological Implications

- 8.21 There are multiple ecological constraints that this proposal needs to consider. The proposal could have an impact upon international and nationally designated sites, locally designated sites, different ecological habitats and protected species.

International and Nationally Designated Sites:

- 8.22 Due to the distance, the nature of the works and absence of any notable assemblages of overwintering birds on or adjacent to the site, adverse impact on nearby designated sites such as Botley Wood and Everett's and Mushes Copses SSSI, Portsmouth Harbour SPA, Ramsar and SSSI is not anticipated.

Locally Designated Sites:

- 8.23 Fareham Common SINC (Site of Importance for Nature Conservation) is located within the works footprint. This SINC exhibits a high botanical diversity, with some grassland indicator species such as hoary ragwort, meadow barley, corky-fruited water-dropwort and pepper-saxifrage. The works will result in impacts to 0.47ha of this SINC. The majority of the impact is to be temporary loss which is proposed to be reinstated on completion of the works. A permanent residual loss of 0.08ha across the north of the site is however anticipated, as a result of the proximity of this area to the new road.
- 8.24 It is acknowledged that due to the location of the SINC, the partial loss is inevitable as a result of the works and the delivery of Welborne in the future. However the initial Ecology comments concluded that sufficient information was not provided on how the proposed habitat improvement measures will compensate for the partial loss of the SINC. The addendum to the Ecology Appraisal and Mitigation Strategy reiterates that the reduction in grazing (and ultimately stopping the grazing) and cutting the SINC once a year in late summer will actually enhance the SINC biodiversity value and therefore compensate for partial loss of the SINC habitat. Therefore the Ecology advice to the Local Planning Authority now is that this combined with the improved management and enhancement of the adjacent grassland areas would serve to improve the resilience and diversity of the botanical interests of the wider Fareham Common area and no objection is raised to this part of the proposal.

Habitats

- 8.25 When considering habitats, the development will result in the total loss of 5.5ha of grassland, including 3.29ha as a result of clearance works to enable the junction works, and a further 2.29ha as a result of scrub and woodland

planting to provide mitigation for protected species. After compensation, it is understood that there will be a 2.07ha residual habitat loss of grassland.

- 8.26 Whilst this is considered to be a large loss of habitat, it is acknowledged that the habitats to be restored within the fields to the south of the M27 and on other areas of the highway verge will be of higher value, with reduction of nutrient levels within the soil and a diverse locally appropriate seed mix. Therefore, no major concerns are identified by the Ecology advisor to the Council.
- 8.27 The site clearance work will result in the loss of 1.76ha of broadleaved woodland. Approximately 0.88 ha of mitigation planting and 2.10 ha of restoration planting will be carried out which will result in an overall 1.22ha net gain. This net gain in wooded areas is to be supported.
- 8.28 Site clearance works will result in the loss of 3.62ha of continuous dense scrub. As the proposal includes the planting of 2.11ha of new areas of continuous scrub as part of the mitigation strategy and approximately 1.2ha of restoration planting, no adverse impacts are anticipated in the medium to long-term, when these areas have established, and there is no ecological objection to this approach.

Protected species

Bats:

- 8.29 The bat activity surveys carried out between 2013 and 2016 confirmed very high levels of bat activity along the M27 embankments, some field boundaries and the pond and woodland to the north of the motorway. The majority of activity belonged to common or soprano pipistrelle bats, with smaller numbers of rarer species such as Myotis.
- 8.30 Concerns were originally raised by the Ecologist in relation to the vegetation clearance carried out around the Kneller Court Lane Underbridge which supports a small roost of common pipistrelles. Given the substantial amount of clearance around the roost and along the motorway embankments and the time required for the new planting to get established it was considered that this would affect the viability of the roost and result in the abandonment of the roost due to the lack of any suitable linear features connecting the roost to the suitable foraging habitats in the wider landscape.
- 8.31 The addendum to the Ecological Appraisal and Mitigation Strategy clarifies which part of the underbridge the roost is located and also that the *“lane running north/south up to the south of the bridge will remain largely vegetated and remain linked to existing habitat networks to the south of the development area”*. The Ecologist advising the Council has accepted this part of the Addendum as overcoming the concerns expressed. Therefore, it is concluded

that the development is unlikely to result in a breach of the Conservation of Habitats and Species Regulations 2017.

Great Crested Newts (GCN)

- 8.32 The development, will result in the removal of one of the identified GCN breeding ponds (the pond to the north of the M27), along with substantial extents of terrestrial habitat loss and therefore likely to result in a breach of the EU Directive (a matter considered later in this report under the “Derogation Test”). The Ecologist supports the applicant’s proposal for the creation of a new pond to the south of the M27 given the presence of the species on the south side and the presence of two other ponds to the south of the motorway. However, concerns were initially raised that no replacement pond will be created to the north of the M27.
- 8.33 The Addendum to the Ecological Appraisal and Mitigation Strategy provides justification as to why this is not possible. It is noted that the geology of the area to the north of the motorway is less favourable for supporting a pond feature. Also, the fact that the northern area is also to be laid out as part of the Welborne SANG provision and is proposed as a very narrow part of the SANG in this location means that GCN mitigation may not be as effective as the land to the south of the motorway. Finally there is a potential conflict with dormouse mitigation requirements to the north of the motorway and when all coupled with the duration of the works to the north of the M27 it is proposed that the provision of a pond to the north of the motorway is not achievable and has not been added to the mitigation proposals. The justification given is considered to be acceptable and the Ecologist raises no further queries.

Dormice

- 8.34 The various previous surveys confirm the presence of dormice within the suitable habitats on site. If unmitigated, the clearance works will result in the killing/injury of dormice and loss of 4.9ha of suitable dormouse habitat and therefore the development is likely to result in a breach of the EU Directive.
- 8.35 In the long-term there will not be a net loss in habitat extent and functionality but in the short to medium term, while the new habitats are becoming established, the development will result in the clearance of extensive areas of suitable habitat known to support dormice.
- 8.36 Concerns were initially raised by the Ecologist in relation to the effectiveness of the proposed mitigation strategy as dormice were expected to travel large distances on waking up from hibernation in May 2019 to get to the retained

habitats outside of the works footprint which are proposed to be cleared to above ground level this winter.

- 8.37 The submitted Addendum now confirms that corridors of bramble scrub and young trees, approximately 2-4m wide, will be temporarily retained across the clearance compartments to encourage the movement of dormice to the retained habitats. It is understood that '*Some small sections of windrow will be used to provide a degree of cover and connectivity where necessary during this process.*' Wooden dormouse boxes will also be installed in the retained habitat corridors to facilitate the localised translocation of dormice. The Ecologist is fully supportive of this amendment to the mitigation strategy and therefore raises no further concerns.

Derogation tests

- 8.38 Whilst the Ecology advice to the Local Planning Authority is that the proposed mitigation measures are acceptable, dormice and great crested newts receive protection under UK law via the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Habitats Directive, which is transposed into UK law by the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitats Regulations).
- 8.39 Where developments affect European Protected Species (EPS), permission can be granted unless:
- a) the development is likely to result in a breach of the EU Directive underpinning the Habitats Regulations, and
 - b) is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.
- 8.40 Licences will not normally be granted in the absence of a planning permission, hence the consideration of this application as detailed above in paragraph 1.5.

- Is the development likely to result in a breach of the EU Directive?

- 8.41 Overall, the development will result in the destruction of a great crested newt pond, partial loss and destruction of great crested newt habitat and potential killing/injury of this species if avoidance and mitigation measures are not implemented. Similarly, the works will result in the partial loss and destruction of dormouse habitat and their potential killing/injury in the absence of mitigation measures. The development will therefore result in a breach of the EU Directive.

- Is the development unlikely to be licensed?

8.42 An EPS licence can only be granted if the development proposal is able to meet three tests:

1. *the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e))*

2. *there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and*

3. *the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).*

8.43 It is believed that in this instance, sufficient information has been provided for the Local Planning Authority to be assured that the three derogation tests set out in the Regulations have been met:

8.44 1 – the 'Purpose' test: The applicant has demonstrated that the proposed development would help in the timely delivery of Junction 10 improvements which will, in turn, help with the delivery of Welborne. The ability of the Borough to meet its forecast housing need through house building at Welborne is considered to be acceptable as being of overriding public interest as is the need to align with the timetable for the Smart Motorway project to ensure efficient use of public resources through alignment of the two projects.

8.45 2 – the 'No Satisfactory Alternative' test: In order to meet the 'purpose' test, as set out in the previous point, it has been demonstrated that there is a need to deliver Welborne to ensure that the Council can deliver its forecast Housing Supply. There is no satisfactory alternative to this development as the development of Welborne will happen and the improvements to junction 10 are necessary for this development to take place.

8.46 3 – the 'Favourable Conservation Status' test: The content of the Ecological Appraisal and Mitigation Strategy and its Addendum accompanying the application are noted. The Council's Ecologist is also satisfied that the findings are consistent with current conditions on the site. It has been confirmed that the development will affect dormice and great crested newts, and there is sufficient data to demonstrate the ecological significance of the site. The detail of the mitigation proposals provided by the applicant through their submissions are appropriate to the identified populations. There is comfort, therefore, that the proposals to mitigate impacts to the dormouse population and the great crested newt population are acceptable and would meet the requirements of the third test.

- 8.47 The proposal will, as a result, accord with the development plan policies WEL24 (Strategic Road Access), WEL29 (On-site Green Infrastructure) and WEL31 (Conserving and Enhancing Biodiversity).

Access

- 8.48 The application site will be accessed from the A32 through the Dean Farm Estate. At the western end of the farm complex an area is identified for a site compound with two separate haul routes from this compound south to the areas identified for vegetation clearance and topsoil movement.
- 8.49 The submitted details clearly identify that all footpaths will remain open for use during the works however there will be occasions when the construction traffic will need to cross or use the same paths and in such circumstances appropriate traffic management measures will need to be in place.
- 8.50 To access the south side of the motorway all site traffic is to be routed through Dean Farm and along the existing highway of Kneller Court Lane to the south side of the motorway. According to the application construction site traffic is not to use Kiln Road to access the site. The submitted Construction Environmental Management Plan (CEMP) does however allow for some use of the footpath along Kneller Court Lane by light vehicles given that this route is an existing adopted highway.
- 8.51 The CEMP is generic in its form as currently submitted given the lack of an appointed contractor at this stage of the process. As such, notwithstanding the submitted CEMP, prior to development starting on site a more detailed CEMP will be required by condition. This will provide further detail on construction traffic arrangements for the work once a contractor is appointed.
- 8.52 Overall the use of the Dean Farm Estate for site construction vehicles and the use of the existing underpass along Kneller Court Lane to undertake the works would be acceptable without harm to the highway network or users of the local footpath network.
- 8.53 The proposal will, as a result, accord with the development plan policies WEL24 (Strategic Road Access) and WEL43 (Development Construction and Quality Control).

Noise and disturbance

- 8.54 The CEMP sets out that the work would be undertaken between 08.00 – 20.00 Monday to Friday, 08.00 – 13.00 Saturday and no work would take place on Sundays and recognised bank holidays.

- 8.55 In this case it is noted that the CEMP also sets out general principles related to the control of noise from construction sites. The measures promoted include vehicles having sound reduction mechanisms installed such as engine and exhaust mufflers/silencers. Acoustic mitigation measures are to be installed, where necessary, around the site and any noisy activities will be avoided at noise sensitive times such as early mornings.
- 8.56 In accepting these measures within the CEMP it is also noted from the submission for Welborne (P/17/0266/OA) that the noise levels from the traffic on the south side motorway embankment is between 68 and 70 decibels such that there is already a high level of background noise in the area. The proposed works would be for a defined period and would not affect the operations on the motorway such that the motorway noise would remain throughout. Whilst the works may result in some additional disturbance to nearby residential properties this disturbance would be limited to the duration of the work and can be controlled at unsociable hours by planning conditions restricting the hours of work. As such the proposal is not considered to give rise to concerns that the noise from the proposed works would demonstrably harm the amenity of the nearby residential properties to their detriment.
- 8.57 The proposal will, as a result, accord with the development plan policies WEL24 (Strategic Road Access) and WEL43 (Development Construction and Quality Control).

Conclusions:

- 8.58 The loss of the motorway embankment scrub is unavoidable given the Welborne Plan requirements to deliver an “all moves” junction 10 on the M27.
- 8.59 The application acknowledges and minimises the loss of trees on the site and whilst regrettable to have to translocate protected species, this application follows the correct practice of doing so such that the unavoidable relocation is done in the most appropriate way for the species affected. The proposed enabling work will provide for the necessary translocation of protected species and furthermore the early delivery of some structural landscaping which will aid with the settlement separation and buffer provision between Welborne and Funtley as well as providing the new ecological habitat.
- 8.60 Construction site traffic is to use the A32 access to the Dean Farm Estate to access the site. The majority of the clearance works are on the motorway embankment with areas for proposed new landscaping the only works close to residential dwellings that adjoin the site. As such there are no likely adverse impacts upon residential amenity as a result of the proposal.

8.61 The development proposed is considered to accord with the provisions of the Welborne Plan and is the much anticipated first element in the delivery of Welborne. As such the proposal is recommended for permission.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

01) The development hereby permitted shall be begun within three years from the date of this permission.

REASON: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

02) The development is to be carried out in accordance with the approved plans as follows:

- Drawing CJ008926-ATK-HGN-J10-DR-CH-000021 Revision P01 Site Location Plan
- Drawing CJ008926-ATK-HGN-J10-DR-CH-000022 Revision P01 Red Line Boundary;
- Drawing CJ008926-ATK-HGN-J10-DR-CH-000023 Revision P01 Site Clearance Plan
- Drawing CJ008926-ATK-HGN-J10-DR-CH-000024 Revision P01 Rights of Way
- Ecological Appraisal and Mitigation Strategy, Revision V3, dated October 2018, Ecology Ref: 18.1394
- M27 Junction 10 Ecological Appraisal and Mitigation Strategy – Addendum, dated November 2018, ecology Ref: 18.1394

REASON: In the interests of an appropriate and comprehensive development.

03) No development shall take place, including site clearance and preparatory work, until tree protective fencing measures in accordance with tree protection method statement included in the tree report produced by James Fuller Arboriculture ref JFA0173 V3 – October 2018 have been installed and shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment whatsoever shall take place within the fencing without the prior written agreement of the Local Planning Authority

REASON: To ensure that the construction period does not have a detrimental impact upon the environment.

04) All service routes, drain runs, soakaways or excavations in connection with

the development shall remain wholly outside the tree protective barriers unless otherwise agreed in writing with the Local Planning Authority

REASON: To ensure that the construction period does not have a detrimental impact upon the environment.

05) No development relative to the provision of the haul road hereby permitted shall take place until details of the haul road have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- a) the method of the construction, final alignment, and surface materials for the proposed haul road(s);
- b) the method for the removal of the haul road(s) and a programme for land restoration.

The development shall be undertaken in accordance with the approved details.

REASON: To ensure that the roads, footway, footpath, cycleway, street lighting and surface water drainage are constructed and maintained to an appropriate standard to serve the development

06) In addition to the conformance with the provisions of the submitted CEMP, no development including site clearance and preparatory work, shall take place until a further construction environmental management plan has been submitted to and approved in writing by the Local Planning Authority. The construction environmental management plan shall provide for:

- parking for site vehicles and contractors;
- the management and coordination of deliveries of plant and materials and the disposing of waste resulting from construction activities so as to avoid undue interference with the operation of the public highway, particularly during the Monday to Friday AM peak (08.00 to 09.00) and PM peak (16.30 to 18.00) periods.
- areas for loading and unloading;
- areas for the storage of plant and materials;
- security hoarding position and any public viewing platforms (if necessary);
- site office location;
- construction lighting details;
- wheel washing facilities;
- dust and dirt control measures;
- a scheme for the recycling of construction waste;
- traffic management measures to address the potential conflict between users of the footpath network and the construction vehicles

The development shall be carried out in accordance with the approved

details.

REASON: To ensure that the construction period does not have a detrimental impact upon the environment or highway safety in accordance with Policies CS5, CS12, CS14 and CS17 of the Adopted Fareham Borough Core Strategy.

- 07) The development hereby permitted shall be undertaken in accordance with the recommendations in Section 3 of the “M27 Junction 10 Enabling Works: Ground Conditions and Contamination Review”, prepared by Hampshire Services, dated 10/10/18.

REASON: To ensure any land contamination is assessed and remediated so as to not present any significant risks to human health or the wider environment

- 08) The site shall be monitored during construction for evidence of previously unidentified contamination. If suspected contamination is encountered then no further development shall be carried out in the affected area(s) until investigation and remediation measures have been submitted to and agreed in writing by the Local Planning Authority. Development shall be undertaken in accordance with any agreed details.

REASON: To ensure any land contamination not previously identified is assessed and remediated so as to not present any significant risks to human health or the wider environment

- 09) A topographic survey of the area accessible prior to de-vegetation shall be submitted to and approved in writing by the Local Planning Authority (LPA) prior to commencement of development, including site clearance and preparatory works. Within three months of the de-vegetation of the site, an updated topographical survey of the works area will be submitted to and approved in writing by the LPA. There shall be no permanent significant changes to ground levels (+/- 0.5m) without the prior agreement in writing from the Local Planning Authority. Within three months of completion of the works hereby permitted, the Applicant shall submit and have approved in writing a further detailed topographic survey and isopachyte plan showing the differences in ground levels relative to the pre-surveyed levels. Any unauthorised significant levels changes (>0.5m) shall be rectified as directed by the Local Planning Authority.

REASON: In order to ensure a high quality development.

- 10) The Landscaping shall be undertaken in accordance with the Chapter 5 and Appendix 6 of the Ecological Appraisal and Mitigation Strategy Revision V3, dated October 2018, Ecology Ref: 18.1394.

REASON: To secure the satisfactory appearance of the development

- 11) Development shall be undertaken in accordance with the measures set out in Section 5 'RESTORATION AND MITIGATION STRATEGY' of the Ecological Impact Assessment & Mitigation Strategy by Hampshire County Council Ecology Team (October 2018) - as varied by the addendum submitted in November 2018 - unless varied by a European Protected Species (EPS) license issued by Natural England. Thereafter, the mitigation and enhancement features shall be permanently retained, maintained and managed in accordance with the approved details.

REASON: to ensure the favourable conservation status of dormice, great crested newts and bats, to ensure adequate compensation and mitigation measures for the onsite SINC, to conserve other protected and notable species and enhance biodiversity.

- 12) No materials obtained from site clearance or from construction works shall be burnt on the site.

REASON: To ensure that the construction period does not have a detrimental impact upon the environment and amenities

- 13) All construction work in relation to the development hereby approved, including works of demolition or preparation prior to operations, shall only take place between the hours of 08.00 hours and 20.00 hours Monday to Friday and 08.00 hours and 13.00 hours Saturdays and at no time on Sundays and recognised bank/public holidays

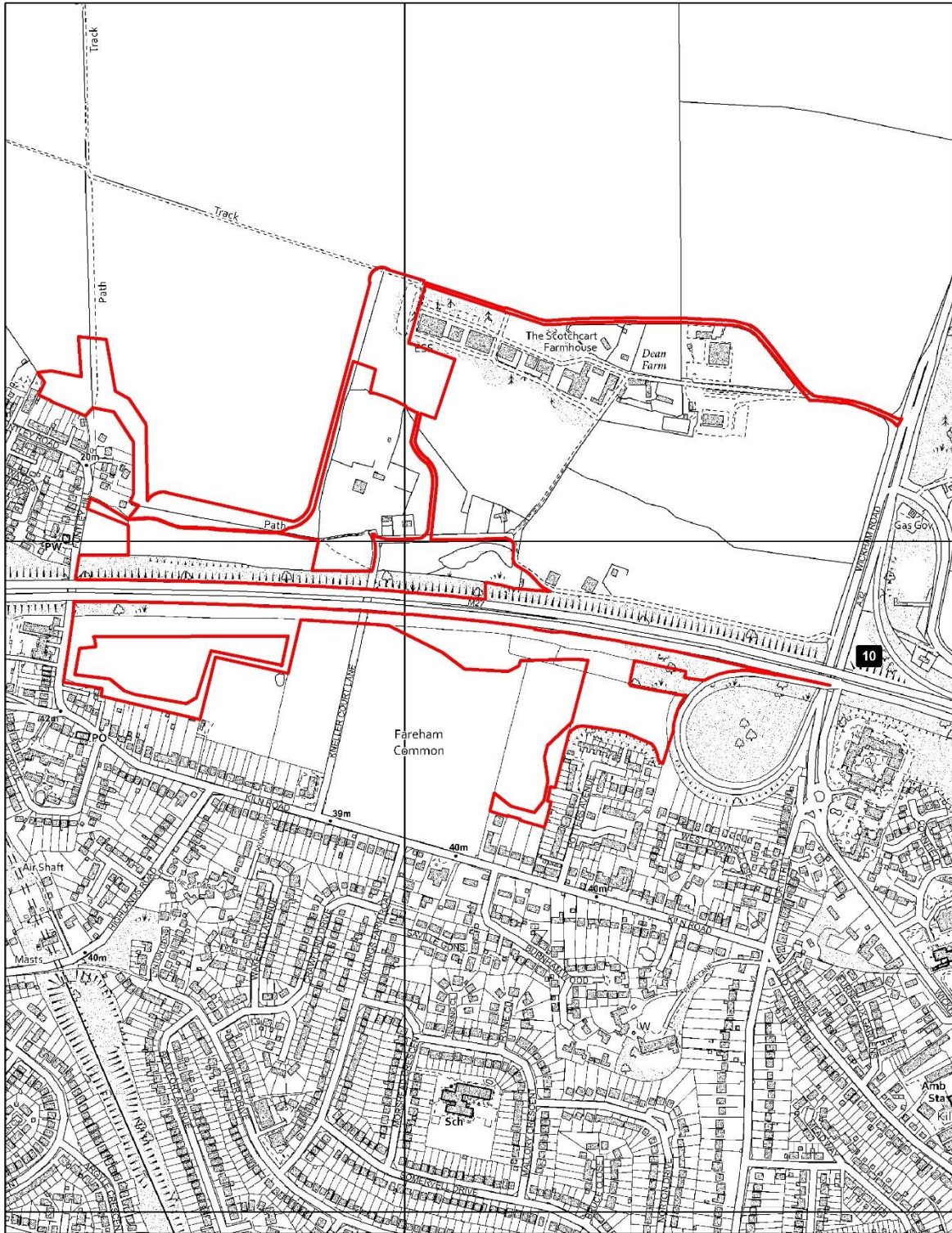
REASON: To ensure that the construction period does not have a detrimental impact upon the environment and amenities

10.0 Notes for Information

- 01) The applicant is advised that throughout the development the public rights of way should remain open. The detail submitted pursuant to condition 6 should include traffic management measures to address the potential conflict between users of the footpath network and the construction vehicles.

11.0 See Relevant Planning History above

FAREHAM
BOROUGH COUNCIL



Land North & South of
Junction 10 of M27
Scale 1:5,000



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Agenda Item 7(11)

OFFICER REPORT FOR COMMITTEE

DATE: 12/12/2018

P/18/1130/FP
MR & MRS E BAYER

FAREHAM EAST
AGENT: BOTH CREATIVE

TWO STOREY SIDE EXTENSION INCORPORATING DOUBLE INTEGRAL GARAGE

WOODCOTE LODGE, 6 BRIDGEFOOT DRIVE, FAREHAM, PO16 0DB

Report By

Kim Hayler – direct dial 01329 824815

1.0 Introduction

1.1 The application is reported to the planning committee due to the number of third party comments received.

2.0 Site Description

2.1 The application site comprises a large, modern detached dwelling accessed via a private drive serving four properties on the north side of Bridgefoot Drive. The dwelling is reasonably well secluded and at a lower level to the access drive which provides for ample car parking. The rear garden slopes quite steeply to the east. There are a number of trees in the gardens of the adjoining properties

3.0 Description of Proposal

3.1 This application seeks planning permission for a two-storey extension to the north western side of the property.

3.2 The extension would comprise a double garage at ground floor with a hobby room above.

4.0 Policies

4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS17 – High Quality Design

Adopted Development Sites and Policies

DSP3 – Impact on Living Conditions

Other Documents:

Fareham Borough Design Guidance: Supplementary Planning Document

(excluding Welborne) December 2015
Residential Car Parking Standards 2009

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/14/0863/FP Two storey side and rear extension
PERMISSION 24 October 2014

P/97/0155/FP Two storey side extension and double garage
PERMISSION 10 April 1997

6.0 Representations

6.1 Five comments have been received raising the following matters:

- The access to the property is very limited; previous building works has caused problems with lorries attempting to access the narrow lane;
- A car sales business is being conducted on these premises which emphasises the restricted access to the property;
- The application needs to be considered in conjunction with the current car sales business on the premises; the proposals appear as a self-contained business unit with show room, toilet, and office;
- If the application is permitted, deliveries should be restricted to use the property's rear access onto Lysses car park or the size and weight of vehicles should be restricted;
- Loss of light and over development of the site;
- If permitted there needs to be assurance from the Council that any damage caused to the boundary walls of Bridgefoot Drive is rectified and the Council has to be 100% sure that the extension is for private residential use;

6.2 One letter has been received raising no objection to the proposal provided the garage is used for no other purpose than that of a domestic garage.

7.0 Consultations

7.1 None.

8.0 Planning Considerations

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

- a) Impact on the character of the area;
- b) Impact on neighbouring properties;
- c) Other matters.

a) Impact on the character of the area

8.2 Policy CS17 of the Fareham Borough Core Strategy requires that all new development should be sympathetic to the character of the surrounding area. Although the application site adjoins the Fareham High Street Conservation Area it is not part of it and the proposal does not impact upon its setting. The character of the area is established through the large detached dwellings, on good sized plots that are accessed from Bridgefoot Drive, to the north of East Street.

8.3 Although the application property has been extended in the past, it is well secluded such that, in particular, the two-storey side addition will not be prominent and although it will result in a wide front elevation, it is considered that this would still be proportionate to the site and would not be harmful to the character of the area.

b) Impact on neighbouring properties

8.4 The nearest neighbouring property lies to the north west, 5 Bridgefoot Drive. This property sits at a higher level and is separated by mature trees along its south-eastern boundary.

8.5 The extension would be sited 12 metres from a first-floor bedroom window and a ground floor kitchen window in this property. Officers have viewed the proposal from these windows. Due to the level changes and planting on the boundary the application property is only partially visible from the neighbouring property.

8.6 There are no windows proposed facing the neighbouring property.

8.7 Officers are satisfied the living conditions of the occupiers of the neighbouring property will not be materially harmed as a result of the extension.

c) Other matters

Business use

8.8 The representations mention the applicant running a business from the property. This matter is subject of an ongoing investigation and is separate

from this application. This current proposal before Members relates to a householder extension for the applicant and his family.

Use of the driveway

- 8.9 The access serving the application property and neighbouring properties is owned by 5 Bridgefoot Drive. The applicant has legal rights to use the drive. If any damage occurs to the drive during the construction phase, then this would be a civil matter between neighbours.
- 8.10 Officers have explored the applicant using the access from Lysses car park to facilitate deliveries to the site during construction, however the Council's Parking Services Manager considers this would not be a feasible option due to the height restriction barriers at the car park entrance and exit.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development hereby permitted shall be begun within three years of the date of the decision notice.

REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.

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

Existing elevation – 1A3
Proposed elevations – 3A3
Existing ground floor plans – 2A3
Proposed ground floor plan – 1A3
Proposed first floor plan – 2A3
Site plan and site location plan

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

3. The garage hereby approved shall be used for purposes incidental to the residential use of the property, Woodcote Lodge and not for any business or commercial use.

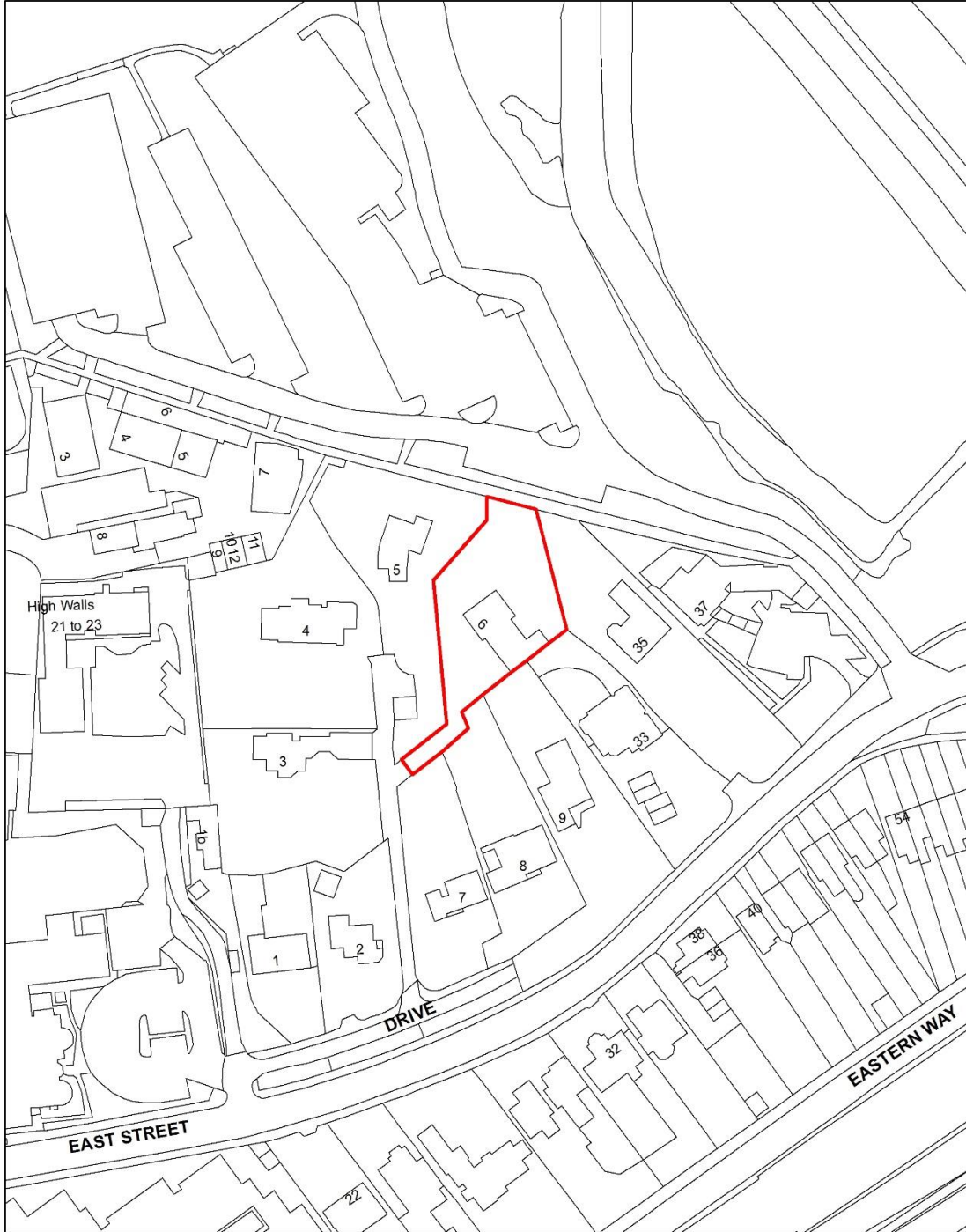
REASON: In the interests of the living conditions of neighbouring properties.

10.0 Background Papers

P/18/1130/FP

FAREHAM

BOROUGH COUNCIL



Woodcote Lodge
6 Bridgefoot Drive

Scale 1:1,250



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<p>ZONE 3 – EASTERN WARDS</p> <p>Portchester West</p> <p>Hill Head</p> <p>Stubbington</p> <p>Portchester East</p>
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REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/18/0654/FP PORTCHESTER EAST	LAND TO THE WEST OF SEAFIELD ROAD & MORAUNT DRIVE; SOUTH OF TATTERSHALL CRESCENT PORTCHESTER FAREHAM RESIDENTIAL DEVELOPMENT OF 48 DWELLINGS AND PROVISION OF OPEN SPACE & HABITAT LAND WITH ACCESS OFF MORAUNT DRIVE	12 PERMISSION
P/16/0557/MA/B STUBBINGTON	IFA 2 NATIONAL GRID LAND AT DAEDALUS AIRFIELD LEE-ON-THE SOLENT PO13 9YA NON-MATERIAL AMENDMENT TO PLANNING APPLICATION P/16/0557/OA AND RESERVED MATTER APPROVAL P/17/0834/RM. ALTERATION TO OPEN SPACE FENCE LINE TO ENSURE ADEQUATE CLEARANCE OF THE RUNWAY TO COMPLY WITH CAA REGULATIONS ON RUNWAY OBSTACLE HEIGHTS.	13 APPROVE

Agenda Item 7(12)

OFFICER REPORT FOR COMMITTEE

DATE: 12/12/2018

P/18/0654/FP
RADIAN GROUP

PORTCHESTER EAST
AGENT: BRYAN JEZEPH CONSULTANCY

RESIDENTIAL DEVELOPMENT OF 48 DWELLINGS, AND PROVISION OF OPEN SPACE AND HABITAT LAND, ACCESS OFF MORAUNT DRIVE.

LAND TO THE WEST OF SEAFIELD ROAD & MORAUNT DRIVE; SOUTH OF TATTERSHALL CRESCENT PORTCHESTER FAREHAM

Report By

Jean Chambers - Direct dial 01329 824355

1.0 Introduction

- 1.1 This application was considered by Members of the Planning Committee on 14 November, 2018. At that meeting the Planning Committee resolved to refuse planning permission for the following reasons:

The development would be contrary to Policies CS17, CS18, CS20 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP13, DSP15, DSP40 of the adopted Local Plan Part 2: Development Sites and Policies Plan and Fareham Borough Design Guidance Supplementary Planning Document (Excluding Welborne) December, 2015; and is unacceptable in that:

(a) The Council is not satisfied with the proposed future management and maintenance arrangements for the southern part of the site and is not in turn satisfied that all relevant ecological interests would be fully safeguarded;

(b) In the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas;

(c) In the absence of a legal agreement to secure the provision of open space, the ecological enhancement area and associated management and maintenance, the recreational needs of residents and ecological enhancement of the proposed development would not be met;

(d) In the absence of a legal agreement to secure provision of a financial contribution towards education, the educational needs of residents of the proposed development would not be met.

(e) Had it not been for the overriding reasons for refusal the Council would have sought to secure on-site affordable housing provision at a level compliant with the adopted local plan.

Note for information: Had it not been for the overriding reasons for refusal of the proposal, the Local Planning Authority would have sought to address points b – e above through inviting the applicant to enter into a legal agreement with Fareham Borough Council under Section 106 of the Town and Country Planning Act 1990.

- 1.2 Before a decision notice was issued, the planning agent advised that they believed they could put forward proposals which would overcome the principal concern raised by the Planning Committee. The planning agent also advised that the applicants are keen to avoid the need for the planning appeal if at all possible.
- 1.3 The proposals put forward by the planning agent are as follows:
- An undertaking that no work will take place on the site until 1st February 2019 when a few days of scrub clearance will be required prior to the bird nesting season to facilitate the translocation of the slow worms.
 - If Radian are advised that further scrub clearance is required or at any intervening time, Radian would advise the Council in advance of any proposals to undertake work on site so that the Council can arrange for the work to be overseen by its representatives.
 - The Council will be given advance notice of all site clearance and all work will be overseen by Radian's ecologists.
 - Radian is willing to include the undertaking and the provision of advance notice, including the presence of ecologists on site, as part of the Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990.
- 1.4 The principal reason Members resolved to refuse planning permission at the Planning Committee in November, related to ecological matters and is set out as reason (a) above. Officers consider the letter from the planning agent, Bryan Jezeph, sets out material planning considerations which should be taken into account in deciding this planning application as they directly address reason (a) above. If a matter of detail can be satisfactorily addressed through either a planning condition or planning obligation, any Planning

Inspector will expect the Council and the appellants to have agreed this before any Planning Inquiry takes place.

- 1.5 Officers can confirm that all interested parties who have submitted comments on this planning application have been notified about this most recent letter from the planning agent, and have been invited to comment upon it. Any comments from interested parties will be reported to Members at the Planning Committee meeting.
- 1.6 Members will note from the 'Five Year Housing Land Supply Position' report elsewhere on this agenda that this Council currently has a housing land supply of 4.95 years (a shortfall of 27 dwellings within the 5 year period).
- 1.7 The Housing Delivery Test results which were due to be published by the Ministry of Housing, Communities and Local Government in November 2018 had not been published as at 3rd December. Officers have carried out their own assessment against the same criteria the Government will use and are of the opinion that the Housing Delivery Test results will require this Council to apply a 20% buffer to its local housing need increasing its annual requirement to 575 dwellings per annum. This in turn would result in a 5 year housing supply of 4.3 years and a shortfall of 386 dwellings. Should the Housing Delivery Test results be published prior to the Planning Committee meeting, Officers will provide an update at the meeting.
- 1.8 Policy DSP40 of the Local Plan Part 2: Development Sites and Policies is engaged when it can be demonstrated that the Council does not have a five year housing land supply. Even if the Council were found to have a 5 year housing land supply as a result of resolutions taken during this meeting, Officers believe it is clear that the housing requirements for this Borough will increase in the very near future as a result of the Housing Delivery Test.
- 1.9 In light of the Government's clear 'direction of travel' on housing requirements and delivery, it is considered appropriate to consider proposals against the criteria set out within DSP40 (which derive from standalone development plan policies in any event and or are clearly material considerations in their own right), to assess what degree of harm may arise, even if that policy is no longer engaged.
- 1.10 Officers will advise Members accordingly at the meeting.
- 1.11 The following report is the same as that presented to the 14th November Planning Committee agenda with the following exceptions:

- An additional paragraph (8.85) inserted into the planning balance section of the report;
- an additional recommendation relating to the Section 106 legal agreement;
- Reference to the Bryan Jezeph Consultancy letter of 29 November in the recommended approved plans/documents section.

1.12 This application is a revised proposal following an earlier application that was considered by the Planning Committee in March this year (P/17/0920/FP). The earlier planning application was recommended for approval of planning permission by Officers. Following consideration of the proposal, the Planning Committee resolved to refuse planning permission for the following reasons:

The development would be contrary to Policies CS5, CS17, CS18, CS20 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP13, DSP15, DSP40 of the adopted Local Plan Part 2: Development Sites and Policies Plan and Fareham Borough Design Guidance Supplementary Planning Document (Excluding Welborne) December, 2015; And is unacceptable in that:

- (a) Moraunt Drive is inadequate as a means of access to serve the proposed number of dwellings;*
- (b) The erection of 2 storey houses adjoining bungalows in Seafield Road would result in a poor transition of the built form which would be harmful to the character of the area;*
- (c) The Council is not satisfied with the proposed future management and maintenance arrangements for the southern part of the site and is not in turn satisfied that all relevant ecological interests would be fully safeguarded;*
- (d) In the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas;*
- (e) In the absence of a legal agreement to secure the provision of open space, the ecological enhancement area and associated management and maintenance, the recreational needs of residents and ecological enhancement of the proposed development would not be met;*
- (f) In the absence of a legal agreement to secure provision of a financial contribution towards education, the educational needs of residents of the proposed development would not be met;*

(g) Had it not been for the overriding reasons for refusal the Council would have sought to secure on-site affordable housing provision at a level compliant with the adopted local plan.

Note for information: Had it not been for the overriding reasons for refusal of the proposal, the Local Planning Authority would have sought to address points d – g above through inviting the applicant to enter into a legal agreement with Fareham Borough Council under Section 106 of the Town and Country Planning Act 1990.

1.13 An appeal has been lodged to the Planning Inspectorate which is scheduled to be heard at a Public Local Inquiry starting on 29 January 2019.

2.0 Site Description

2.1 The site is located to the west of Seafield Road and Moraunt Drive and south of Tattershall Crescent Portchester and lies outside of but adjoining the urban settlement boundary of Portchester as defined within the Local Plan Part 2. The site consists of two areas of land dissected by the public footpath, Wicor Path (Fareham Footpath 111a) which runs east-west through the site.

2.2 The site measures approximately 3.6 hectares. Residential dwellings in Seafield Road, Moraunt Drive, Albion Close, Audret Close and Cadour Drive are located to the east of the site. Residential dwellings are located to the north in Tattershall Crescent and to the north west in Sissinghurst Road. Three properties are adjacent to the western boundary of the site as well as woodland and paddocks. The shoreline of The Solent is situated to the south. To the south of the site lies the coastline to Portsmouth Harbour (which is designated as SSSI/Ramsar/SPA). Part of the area to the south of Wicor Path lies within Flood Zones 2 and 3. The majority of the land lies within Flood Zone 1.

2.3 Vegetation management works have taken place on the full extent of the land to the north of Wicor Path and the majority of the land to the south of the path, focused on the reduction of self-seeded, unmanaged scrub.

3.0 Description of Proposal

3.1 Full planning permission is sought for the residential development of 48 dwellings and provision of open space and habitat land. The dwellings would be confined to the northern part of the site above Wicor Path. The land to the south of the Wicor Path would serve a range of uses which include the disposal of surface water, enhanced biodiversity and habitat land and public open space. It is proposed that Radian Homes will manage this land.

- 3.2 The means of access would be from Moraunt Drive with on-site parking provision detailed on the submitted drawings.
- 3.3 The proposed housing mix would be: 13 x 4-bed houses, 21 x 3-bed houses, 6 x 3-bed chalet bungalows, 7 x 2-bed houses, 1 x 2-bed coach house. Nineteen dwellings would be affordable units of which 13 would be for affordable rent and 6 would be for shared ownership. A financial contribution for 0.2 of a dwelling would also be paid by the applicant.

4.0 Policies

- 4.1 The following policies apply to this application:

Approved 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
- CS17 - High Quality Design
- CS18 - Provision of Affordable Housing
- CS20 - Infrastructure and Development Contributions
- CS21 - Protection and Provision of Open Space

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
- DSP 14 - Supporting Sites for Brent Geese and Waders
- DSP15 - Recreational Disturbance on the Solent Special Protection Areas
- DSP40 - Housing Allocations

Approved SPD

- Fareham Borough Design Guidance Supplementary Planning Document (Excluding Welborne) 2015
- Planning Obligation SPD for the Borough of Fareham (excluding Welborne) (April 2016)
- Residential Car and Cycle Parking Standards SPD 2009

5.0 Relevant Planning History

P/95/1143/OA Residential development and access, relocation of allotments and public open space
Refused 15/02/1996

P/17/0920/OA Residential development of 49 dwellings and provision of open space and habitat land with access off Moraunt Drive
Refused 10/04/2018
Appeal pending

6.0 Representations

6.1 One hundred and ninety three representations have been received (two hundred and twenty seven if including multiple responses from the same person). Of these, one hundred and ninety one raise objection and one support.

Objections

Policy/Principle

- Designated Countryside and open space in Local Plan
- Greenfield site and should be protected from development
- Should remain as open space allowing an area for wildlife to use as a green lung between developments
- Too Many houses being built in Fareham
- Housing requirements should be met by Welborne
- Lack of 5 year housing land supply
- Not addressed the reasons for refusal of the previous scheme
- No need for additional open space
- Loss of allotments – should be retained/returned to this for local community

Location/Impact

- Harmful impact on character of the area – rambling trail will disappear
- Design of dwellings bland and unsympathetic
- Chalet bungalows out of keeping
- Two storey dwellings inappropriate in an area of largely bungalows
- Density too high
- Overlooking
- Invasion of privacy
- Loss of view
- Loss of light
- Should be a 3.5m high restriction on planting to prevent loss of light adjacent to Sissinghurst Road

- The whole site should be enclosed by a brick wall
- Noise disturbance from vehicles
- People need to travel to work as there is none in the area

Highways

- Moraunt Drive not capable of taking the extra traffic or the subsequent road network onto the A27
- Highway safety concerns close to Wicor School
- Narrow roads unsuitable for additional traffic, impact on Wicor Mill Lane and wider network, lack of information on impact on Wicor Mill Lane
- On street parking problem, hazardous driving conditions, obstruction to footways and visibility, restricting emergency vehicle access
- Insufficient car parking
- Single point of access unsuitable, should have a second point of access
- Pedestrian safety
- No provision for a maintained footpath access at the north of the site
- Inadequate pedestrian and cycle linkages
- Not appropriate to tarmac Wicor path, fragmentation of natural habitat, impact on wildlife
- Parking in the vicinity of the pinch point (Moraunt Drive) would restrict refuse freighter – double yellow line traffic regulation order would be required.
- Forward visibility insufficient on carriageway bends
- Tandem parking should be minimised
- Representation has been made in response to the Council's Transport Planner comments. These relate to 'swept path analysis', on street parking, visibility

Ecology/Trees

- Environmental vandalism
- Fencing erected is harmful to local wildlife
- Impact on wildlife and habitat
- Protected species on site
- Impact on SSSI/Ancient Woodland/Ancient Hedge
- Require a larger buffer between footpath and houses
- Concern over submitted ecological information and lack of Environmental Impact Statement
- The ecological review was a desk top exercise and supports a flawed ecological assessment
- Mitigation unworkable and concern over management of open space and habitat

- Lack of community engagement over management of the land to the south
- Open area of land should be managed by a local residents group or FBC
- Wildlife do not need landscaped areas
- Loss of trees on site
- Impact on an ancient footpath, tree and hedgerow and concern over incorrect information in respect of the western boundary hedgerow
- Misleading statements about rat infestation
- Properties should include 'Swift' bricks

Impact on local services

- Strain on local services – schools, medical and dental
- Drainage capacity concerns
- Impact on natural floodplain

Other matters

- Lack of affordable housing
- Affordable housing not geared towards couples or single people
- Social housing all in one place, should be pepper potted across the site
- Increased crime
- Rights of way over the site
- Increase in noise, light and air pollution
- Disruption during construction
- Loss of Green space - impact on mental wellbeing
- Reduction in house price
- What can be done to prevent developer ignoring planning conditions if imposed
- If Council minded to approve the application, request amendments and planning conditions relating to boundary treatment, increased buffer area behind Sissinghurst Road dwellings, restriction on side wall windows, restriction on working hours and no burning of materials.

The Portchester Civic Society object on the grounds of inadequate access at Moraunt Drive and associated increase in traffic through the surrounding roads including pollution. They also raise concern over the management of the land to the south of the site in the long term

Support

- Would provide more jobs for the area
- Would build the community

7.0 Consultations

EXTERNAL

Hampshire County Council (Archaeology)

- 7.1 Advises that the first stage of the evaluation should be a geophysical survey as well as trial trenching. No objection subject to condition.

Hampshire County Council (Lead Flood Authority)

- 7.2 No objection subject to condition.

Hampshire County Council (Education)

- 7.3 Forty eight dwellings of 2 beds or more would be expected to yield 15 primary age pupils. The site lies within the Wicor Primary School catchment area which is full. The development coupled with others in the area will lead to a demand in excess of half a form of entry (105 places), a contribution is required to provide additional educational infrastructure at Wicor Primary School in addition to a contribution towards a School travel plan.

Natural England

- 7.4 This application is within 5.6km of the Portsmouth Harbour Special Protection Area (SPA) and will lead to a net increase in residential accommodation. Natural England is aware that Fareham Borough Council has adopted a planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP) Definitive Strategy. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure this measure.
- 7.5 Recommend that the authority secures and implements a Hampshire County Council (HCC) ecologist approved Biodiversity Mitigation and Enhancement Plan (BMEP), or equivalent, with any planning permission. By taking this approach, your authority may be satisfied that it will have met its duties relating to conserving biodiversity under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006.
- 7.6 Natural England supports the proposal for an area of public open space and wildlife mitigation area to the south of the development. Provided the local authority is satisfied with the arrangements for the long-term management of the site and this is secured and implemented with any permission, Natural England has no concerns to raise.
- 7.7 To ensure the success of the wildlife area, Natural England recommends that continued involvement of specialist ecologists is agreed, secured and implemented to ensure its continued effectiveness in the long term. For example, this may include regular involvement from the HCC ecologists,

accredited ecological consultants, Hampshire and Isle of Wight Wildlife Trust or Natural England through their Discretionary Advice Service.

Southern Water Services

- 7.8 No objection subject to condition and informative.

Hampshire County Council (Countryside Access)

- 7.9 Fareham Footpath 111a runs east-west through the site. This right of way forms part of a key route from Portchester Castle to Cams Hall Mill. The development site is also adjacent to Wicor which is a HCC Countryside Service site.
- 7.10 The plans indicate that there would be no change to the alignment of the public right of way and that the existing public access rights will be retained across the site within a green corridor/buffer which is supported, however the character of the route would change as a result of the proposed housing development. In addition, the use of the path is likely to increase considerably and the perception and expectations of users of the route would also change. Consequently, there is likely to be a significant adverse impact on the amenity and recreational value of the public right of way. Therefore an objection is raised.
- 7.11 The development will also increase recreational pressure upon the Wicor Countryside Service site. The HCC have requested developer contributions towards appropriate enhancement measures to mitigate the impact of the development on the public right of way to include a tarmac surface through the development site and a contribution towards management of the Wicor Countryside Service site.

Crime Prevention Design Officer

- 7.12 Raised observations in respect of natural surveillance of the Wicor Way so that planting does not obscure visibility of the route, ease of access to car parking spaces from the public open space being vulnerable to crime. Consideration should be given to locked rear gates where rear garden access is via a communal rear garden access path.

INTERNAL

Trees

- 7.13 Provided the recommendations of tree report are implemented and the construction method, as detailed within the arboricultural method statement are followed when working near retained trees, then the impact would be minimal and acceptable.

- 7.14 The Tree Officer is satisfied with the separation distance from the development to the hedge (western boundary). No objections subject to planning conditions.

Transport Planner

- 7.15 No highway objection subject to planning conditions. The Transport planner has also responded to third party comments relating to refuse collection vehicles manoeuvring in Moraunt Drive and forward visibility splays at bends within the site and does not consider there is anything substandard in the submitted application proposals.

Refuse and Waste

- 7.16 Provided advice in respect of sweep plan and bin storage points.

Fareham Housing

- 7.17 19.2 dwellings should be provided as affordable so the applicant should either provide an additional dwelling as affordable or pay a financial contribution in lieu for the equivalent of 0.2 units. The Housing Officer has positively noted the mix of affordable dwelling size which includes a good proportion of 3-bed units. This reflects affordable housing need which is broadly greater for 3 and 4-bedroom homes. No objection.

Environmental Health (Noise/Pollution)

- 7.18 No objection

Environmental Health (Contamination)

- 7.19 No objection subject to condition.

Ecology

- 7.20 Provided that the measures summarised in the Lindsay Carrington report and detailed in the updated Habitat Management and Maintenance Plan (Fabrik, June 2018), updated Ecological Assessment report (Ecosupport, November 2017) and Hedgerow Assessment and Update Badger Survey report (Ecosupport, January 2018) are implemented, no concerns are raised.
- 7.21 Lindsay Carrington Ecological Services Ltd conducted a walkover survey of the site in April 2018, along with a desk-based review of all the ecological assessments carried out on the application site to date. This report concluded that all surveys by Ecosupport were conducted in accordance with recognised industry standards and the proposed mitigation strategies for reptiles, badger, bats and the hedgerow fully comply with best practice and recognised industry standards. The report also concluded that the previously submitted Habitat Management and Maintenance Plan (Fabrik, 2017) accurately reflected the

ecological enhancement and management of the site. The Ecology Officer supports these conclusions.

- 7.22 The Lindsay Carrington report also recommends a number of additional measures to be included in the Habitat Management and Maintenance Plan (Fabrik, 2017) such as the provision of hedgehog hibernacula, sandy banks for mining bees and invertebrates, avoidance of herbicide treatment, grass cutting in a directional manner and ecological monitoring to allow an adaptive management approach. The Ecology Officer supports these measures which have been reflected in the updated Habitat Management and Maintenance Plan (June 2018).
- 7.23 The habitats on site include dense scrub (dominant habitat), grassland, hedgerow, woodland and saltmarsh. The proposals will retain the woodland, hedgerow and saltmarsh habitats. The proposals will result in the removal of some trees, areas of scrub and grassland; however, the proposed mitigation, compensation and enhancement measures are considered to be acceptable and proportionate and therefore no concerns are raised. It is understood that some bramble scrub clearance has already been carried out to enable the implementation of the reptile mitigation strategy.
- 7.24 Presence of foraging bats, reptiles, badgers and nesting birds have been confirmed on site by a wide range of surveys previously carried out on site. The recommended avoidance, mitigation and enhancement measures are considered to be appropriate, proportionate and in line with best practice guidelines, no concerns are raised.
- 7.25 The development will result in a net increase in residential dwellings within 5.6km of the Solent Special Protection Areas (SPAs). This distance defines the zone identified by recent research where new residents would be considered likely to visit these sites. The SPAs support a range of bird species that are vulnerable to impacts arising from increases in recreational use of the sites that result from new housing development. It has been demonstrated through research, and agreed by Natural England (the government's statutory nature conservation advisors) that any net increase would have a likely significant effect on the SPAs when considered in combination with other plans and projects.
- 7.26 Fareham Borough Council (FBC) has adopted a strategy whereby a scale of developer contributions has been agreed that would fund the delivery of measures to address these issues and to demonstrate that FBC as a competent authority under the provisions of the Habitats Regulations has had regard for any potential impacts that the project may have. With respect to

the Solent sites, funding is to be provided to the Solent Recreation Mitigation Partnership (SRMP). A financial contribution should be secured.

- 7.27 Provided that the agreed mitigation proposals are implemented, the Ecology Officer has no concerns subject to planning conditions.

8.0 Planning Considerations

- a) Implication of Fareham's current 5-year housing land supply position (5YHLS)
- b) Residential development in the countryside
- c) Policy DSP 40 and the Planning history of the site
- d) Other Matters
- e) The Planning balance

a) IMPLICATION OF FAREHAM'S CURRENT 5 YEAR HOUSING LAND SUPPLY POSITION (5YHLS)

- 8.1 A report titled "Five year housing land supply position" is reported for Members' information elsewhere on this agenda. That report set out this Council's local housing need along with this Council's current housing land supply position. The report concludes that this Council has 4.95 years of housing supply against the new 5YHLS requirement meaning there is a shortage of 27 dwellings.
- 8.2 In October, the FYHLS position was reported to the Planning Committee, the report also advised:
'that the Government are considering adjustments to the new standard method used to calculate Local Housing Need, following publication of the new household growth projections on 20 September 2018; and
'the Council will likely be required to apply a 20% buffer to the 5-Year Housing Land Supply position following publication by the Government of the Housing Delivery Test result in November.
- 8.3 On the 26th October, the Government issued a 'Technical consultation on updates to national planning policy and guidance.' The consultation on the proposed updates runs from 26 October 2018 until 7 December 2018.
- 8.4 The introductory section of the consultation sets out the background for the consultation and the Government's priority to deliver more homes and to do so faster. The Government is of the view that the household growth projections published very recently by the Office for National Statistics, that predict a lower level of household growth than previously, does not mean fewer homes need to be built. The objective of the consultation proposes

changes to the standard method to ensure consistency with the objective of building more homes. In the short-term, the Government proposes to use the 2014-based data on household growth to provide the demographic baseline for assessment of local housing need. Such an approach will further increase Fareham Borough Council's local housing need.

- 8.5 In the absence of a five year supply of deliverable housing sites, Officers consider that policy DSP40 is the principal development plan policy that guides whether schemes will be considered acceptable.

b) RESIDENTIAL DEVELOPMENT IN THE COUNTRYSIDE

- 8.6 Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. Policies CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries. The application site lies within an area which is outside of the defined urban settlement boundary.
- 8.7 Policy CS14 of the Core Strategy states that:
'Built development on land outside the defined settlements will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function. Acceptable forms of development will include that essential for agriculture, forestry, horticulture and required infrastructure.'
- 8.8 Policy 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).
- 8.9 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.

c) POLICY DSP40 AND THE PLANNING HISTORY OF THE SITE

- 8.10 Local Policy DSP40 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.

8.11 Each of these five bullet points are considered further below.

Policy DSP40(i)

8.12 Members will note from the 5 Year Housing Land Supply Position that the present shortfall of dwellings needed to achieve a 5YHLS is in the region of 27. Members will also note the implications of the Government's strong approach in respect of housing delivery, the likely introduction of a 20% buffer on Fareham's local housing need and the Technical consultation on updates to national planning policy and guidance. The proposal for 48 dwellings is considered to be relative in scale to the 5YHLS shortfall and therefore bullet point i) of Policy DSP40 is satisfied.

Policy DSP40(ii)

8.13 The planning application site is adjacent to the defined settlement boundary of Portchester with good accessibility to local facilities (post office, convenience store, pub). The site is located within reasonable distance to the Portchester shopping precinct and local schools.

8.14 The nearest bus stops to the site are located within walking distance on White Hart Lane, providing the No.3 First bus service between Fareham and Portsmouth Harbour via Portchester and Cosham.

8.15 Existing dwellings are located north, west and east of the site; Officers consider that the proposals can be well integrated with the neighbouring settlements in accordance with point ii).

Policy DSP40(iii)

8.16 The site is within an area of countryside but is not designated as strategic gap. The Fareham Landscape Assessment (2017) identifies that the site falls within the Cams Wicor Coastal Plain - 12.1B Open Coastal Plain: Fringe character. It sets out the defining characteristics comprising of an area of flat, open farmland immediately to the east of the Cams estate and bordered to the north and east by residential development along the urban edge of

Downend and Portchester and to the south by the playing fields of the Wicor recreation ground. It states that "The landscape consequently has a predominantly open, exposed and rather featureless character which is influenced by development around its edges and other intrusive features such as electricity pylons" and that "it is a relatively undistinguished piece of landscape with very few distinctive or notable features and is of lower intrinsic quality than other parts of the coastal plain".

- 8.17 It is recognised there would be a change in character and outlook particularly when viewed from the adjoining residential dwellings that share a boundary with the site, from the Wicor Path and land and coast to the south. However, when taking account of the lay-out of the residential element and provision of enhanced public open space and ecological mitigation on the southern side, it is considered that the development as proposed has been designed to minimise any adverse impact on the countryside.
- 8.18 For the reasons set out in the design and layout section of this report below, Officers are satisfied that the proposal has been appropriately designed and laid out to integrate with the character of the neighbouring settlement and would incorporate a significant area of public open space as well as ecological mitigation.
- 8.19 The proposal would therefore satisfy point iii) of Policy DSP40 and comply with policies CS17 and DSP1.

Policy DSP40(iv)

- 8.20 In terms of delivery, the agent has confirmed the following on behalf of Radian and Hampshire Homes:

The land is currently under option to Radian Group to purchase the site from the landowners, subject to achieving planning permission. Radian Group, along with Hampshire Homes, will develop the land and build the homes. Radian will also manage the proposed affordable homes. It is anticipated that development will commence within 12 months of planning permission being granted, subject to successfully discharging all relevant pre-commencement conditions. The timescale for completion is anticipated to be 18 months to 2 years with the following completion timetable: Year 1 - 15 units; Year 2 - 34 units.

- 8.21 Officers therefore consider that the proposal is deliverable in the short term in accordance with point iv of policy DSP40.

Policy DSP40(v)

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

Ecology:

8.23 Policy DSP13 states that "Development may be permitted where it can be demonstrated that:

- i) Designated sites and sites of nature conservation value are protected and where appropriate enhanced;
- ii) Protected and priority species populations and their associated habitats, breeding areas, and foraging areas are protected and, where appropriate, enhanced;
- iii) Where appropriate opportunities to provide a net gain in biodiversity have been explored and biodiversity enhancements incorporated; and
- iv) The proposal would not prejudice or result in the fragmentation of the biodiversity network.

8.24 A revised enhanced Management and Maintenance Plan has been submitted with this application. In respect of the submitted ecology information, Natural England or the Ecology Officer have raised no concern in this regard subject to the imposition of planning conditions.

8.25 Policy DSP14 states " Development on uncertain sites for Brent Geese and/or Waders may be permitted where studies have been completed that clearly demonstrate that the site is not of importance".

8.26 The site is not classified by Natural England of any value for Brent Geese and Waders. Natural England and the Ecology Officer have not raised concern in this regard. It is also relevant that a number of measures such as creation of water scrapes, areas of open grassland and limited public accessibility are proposed which are likely to increase the suitability of the site for Brent Geese and Waders.

8.27 It is noted that there has been a high level of concern raised by third parties in respect of ecology matters on this site including questions of the standard and professionalism of the ecological appraisal and site clearance. Officers have carefully assessed the issues raised and sought further input from the Council's Ecology Officer during the course of this and the previous application. Officer advice is that there are no technical ecology reasons to withhold consent.

8.28 With regard to concern over the delivery and management of the open space and ecology area, this matter has been of ongoing concern to third parties and was an issue discussed in depth at the previous Planning Committee.

The previous application was refused due to concern over the proposed future management and maintenance arrangements for the southern part of the site. This issue has been considered by the applicant in the current application with a revised management and maintenance plan being submitted.

- 8.29 For the current proposal, additional mitigation measures for bats and badgers were recommended by the applicant's ecologist. The applicant's ecologist undertook an appraisal of the management and maintenance plan and suggested additional information be included in the Habitat management and maintenance plan, namely: the creation of hedgehog hibernacula, more specific reference to the wetland scrapes, and that sand banks be provided for mining bees and other invertebrates. The applicant's ecologist also provided advice in respect of management of the wildflower meadow grassland. A further recommendation is that ecological monitoring should be included to inform an adaptive management approach.
- 8.30 It is understood that there has not been dialogue as such with members of the public with a view to having community involvement in managing the open space. Whilst Officers note this concern, it is a significant material consideration that both Natural England and the Ecology Officer have raised no objection to the submitted information and that the delivery and management of the open space can be secured through the imposition of planning conditions and a legal agreement. It is for the developer to put forward how the land will be managed; the Council cannot insist that the land is transferred for adoption. Officers need to assess the acceptability of the management plan.
- 8.31 In light of the aforementioned, Officer advice is that the proposal is acceptable.
- 8.32 Concerns have been raised with regard to the impact on trees and an ancient hedgerow and that a larger buffer is required between these features and the development. The hedgerow will be retained as part of the proposals, and the buffer is considered appropriate. Both the Tree Officer and Ecology Officer have assessed the implications of the development and raise no objection.
- 8.33 In respect of the Elder Tree on site, it is agreed that the tree should be afforded a 15m radial exclusion zone which is achievable as the tree is beyond the extent of the proposed built development.
- 8.34 To fulfil the requirement under the Habitat Regulations, Officers have carried out an Appropriate Assessment in relation to the likely significant effects on

the coastal Special Protection Areas (SPAS) and have concluded that the application's compliance with the Solent Recreation Mitigation Strategy means that there will be no adverse effect on the integrity of the designated sites. Natural England concur with this view. The SPA mitigation can be satisfactorily addressed through a financial contribution to be secured through a Section 106 legal agreement.

- 8.35 In the event that planning permission is granted, Officers are satisfied that the proposal would be acceptable from an ecological perspective subject to planning conditions and a Section 106 planning obligation in accordance with Core Strategy policy CS4, CS20, and policies DSP13, DSP14 and DSP15 of Local Plan Part 2.

Amenity Implications Including Design and Layout:

- 8.36 The development would be served from a single vehicular access point off Moraunt Drive. The dwellings around the edge of the site adjacent to existing residential properties have been designed to back onto these properties and are laid out around a perimeter block to make use of views towards the South and encourage natural surveillance.
- 8.37 The number of units has been reduced from the previous proposal (P/17/0920/FP) from 49 to 48 units. In respect of those on the eastern side of the site, seven of the 2 storey houses have been altered to six chalet bungalows. The design of the houses, materials, landscape and planting would provide a high quality residential environment. The Council's Urban Design Officer supports the layout and design.
- 8.38 A range of 2 - 4 bedroomed dwellings would be provided at no greater than 2 storeys in height. The proposed external finishes focus on the use of red brick and painted bricks under tiled roofs. The detailing includes arched brick headers, brick plinths and lean-to porches. Boundary treatments comprise a mixture of 1.8 brick walls and 1.8 fencing; these are considered acceptable and in keeping with the layout and character of the area. It would not be reasonable or proportionate to insist on the whole development boundary treatment to be a brick wall.
- 8.39 Officers are satisfied that the design and layout of the dwellings and proposed boundary treatment are acceptable both in the context of the site itself and neighbouring development. Officers therefore consider that the previous refusal reasons in respect of the transitional relationship with properties in Seafield Road has been addressed.
- 8.40 In terms of impact on neighbouring properties with regard to loss of amenity (overlooking, loss of privacy, light) the proposed dwellings that back onto

neighbouring properties meet the guidance as set out within this Council adopted Design SPD with regard to garden sizes and distance between facing windows. Therefore Officers are satisfied that there would be no unacceptable adverse impact upon the living conditions of neighbouring property occupiers in accordance with Policy DSP3.

- 8.41 The development includes a large area of public open space to the south which includes ecological mitigation and enhancement areas. This space provides opportunities for informal recreation with the ecological mitigation area laid out to ensure no disturbance to wildlife. Blocks of existing vegetation are to be retained and enhanced with native shrub planting.
- 8.42 In considering the previous reason for refusal on P/17/0920/FP 'b) The erection of 2 storey houses adjoining bungalows in Seafield Road would result in a poor transition of the built form which would be harmful to the character of the area" as set out above, six of the dwellings that would back onto Seafield Road have altered from 2 storey dwellings to chalet bungalows. The height of the previous 2 storey dwellings were approximately 8m. The chalet bungalows are approximately 6.9m high (plots 43 to 48). Plot 42 is a 2 storey dwelling, whose flank elevation faces east (towards the existing properties in Seafield Road) and is considered acceptable.
- 8.43 Officers therefore consider that the relationship between the proposed dwellings and existing bungalows in Seafield Road is acceptable and overcomes the reason for refusal on the previous proposal.

Highways:

- 8.44 The proposed development would be accessed from Moraunt Drive. The Transport Officer has confirmed that this access subject to conditions would be acceptable and cater for the additional traffic that would be generated by the proposed development. Furthermore, he is satisfied that the layout of the development is acceptable.
- 8.45 A number of representations have disputed the submitted highway information and raised concern over the impact on highway safety on not only Moraunt Drive but the nearby road network.
- 8.46 There has been no change to the proposed access in this application. The application was supported by a Transport Note to support the proposed 48 dwellings to be served off Moraunt Drive. The Transport Note explains that the applicant further considered access options but considers that Moraunt Drive provides the quickest, most direct and less convoluted route to the arterial road network of Portchester having to negate fewer junctions than if an

access was provided off Tattershall Crescent or Sissinghurst Road which they consider an onerous route accessed via a connection of minor roads. The Transport Note states that Moraunt Drive therefore provides a more favourable access option from a road safety, construction and amenity perspective.

- 8.47 Pedestrian access to the site has not altered in this current application. The Transport Note has considered concerns over pedestrian connectivity, and advises that a pedestrian access onto Seafield Road would not result in an attractive pedestrian route as this would be unlit, enclosed and not very well overlooked, leading to safety concerns. A link south from the proposed development would be provided to enhance pedestrian and cyclist connectivity to the open space.
- 8.48 The pedestrian access to the site would therefore remain as that previously proposed with a pedestrian access onto Moraunt Drive alongside the access road. Moraunt Drive has suitably wide footways which are well lit, thus providing a safe and attractive pedestrian network.
- 8.49 In light of the concerns previously raised by Members and in preparation for the forthcoming Public Local Inquiry, officers have sought independent Transport advice in relation to the refusal of planning application P/17/0920/FP. That application has been comprehensively reviewed by the consultant.
- 8.50 The consultant has advised:
- Existing footways along Moraunt Drive are wide enough to allow a wheel chair user and a pedestrian to use simultaneously and that the footways are currently moderately used.
 - Carriageways widths are suitable for the current use along Moraunt Drive and there is sufficient width between the parked vehicles for a refuse vehicle to wait for cars to pass.
 - The development will cause minimal intensification in the use of Moraunt Drive and will not disrupt the existing use. The traffic capacity of Moraunt Drive is far greater than the current or forecast demands.
- 8.51 The report does suggest that pedestrian improvements could be considered to further improve Moraunt Drive and that the traffic calming build-out located to the west of Cadour Drive could be removed as a potential area for improvement. In considering these improvements and whether they should be secured, Officer advice is that it is not essential to secure these minor improvements.

- 8.52 Fundamentally the report concludes that the site is well connected to good existing pedestrian provisions along Moraunt Drive and is able to accommodate all current and forecast users. Moraunt Drive provides a safe and suitable access for the development and can accommodate the traffic generated by the development during the peak periods without resulting in a 'severe' impact and is therefore in full accordance with the policies set out in the NPPF.
- 8.53 In taking account of the above further technical advice, Officer advice is that the Highway implications have been thoroughly considered. Overall therefore, and in respect of the current application, the highway implications would be in accordance with Policy CS5 subject to conditions as requested by the Transport Officer.
- 8.54 Taking account of the above, Officers are satisfied that the proposal would not have any unacceptable amenity or traffic implications and would therefore comply with criterion v of Policy DSP40.

d) OTHER MATTERS

- 8.55 Policy CS18 of the Core Strategy expects 40% provision of affordable units on sites that accommodate 15 or more dwellings. This would equate to the provision of 19.2 affordable units on this site. In this case, the Applicant has proposed that the 0.2 unit would be delivered via a financial contribution. This is considered acceptable and policy compliant and can be secured via a Section 106 legal agreement.
- 8.56 The strength of local concern relating to the impact of the development on schools, doctors and other services in the area is acknowledged. The Education Authority have requested a contribution towards school provision which can be secured through a Section 106 legal agreement.
- 8.57 In respect of the impact upon doctors/medical services, the difficulty in obtaining appointments is an issue that is raised regularly in respect of new housing proposals. It is ultimately for the health providers to decide how they deliver health services. Therefore, a refusal on these grounds would be unsustainable.
- 8.58 The potential impact on the public Right of Way has been considered by Officers. The proposed layout would reinstate the 'legal line' of the Wicor Footpath and comprise of appropriate surfacing which can be secured through a planning condition. This is likely to comprise of gravel which would be more in keeping with the rural character of the area than tarmac. During the consideration of the previous application, the Countryside Access Development Officer was satisfied with the layout of the path/plan and that a

gravel surface could work. They also clarified that their request for a tree works contribution did not relate to overhanging, but with the height of the trees. Should they fall, they would currently land in green space where they would cause minimal damage. Once development has gone into this site, there is the potential to cause damage to static structures, gardens or parked cars. As such, the trees will have to be assessed and subsequently managed differently, at a cost to The County Council.

- 8.59 The request for a contribution towards management of the trees on HCC land is noted. Officers do not consider that this request would be reasonable or meet the test of being necessary or directly related to the development.
- 8.60 It is also noted that the 'legal' line (which has been covered by scrub and undergrowth) of the path differs from the 'trodden path'. It is also understood that currently the legal line of the footpath is not available through the site due to the historic overgrowth of trees and vegetation, Officers are satisfied that neither the legal line or trodden path would be prejudiced if the development were to go ahead.
- 8.61 A third party requests that a limit on the height of planting should be imposed on the boundaries of properties in Sissinghurst Road, Officers can advise that this would not meet the relevant tests set out in the NPPF regarding the imposition of planning conditions.
- 8.62 Concern has been raised with regard to the loss of open space. The site is allocated as open space - Orchard Grove/Commodore Park in the adopted Local Plan.
- 8.63 It is noted that background papers relating to Open Space provision have informed the draft Local Plan 2036; although at this stage the Draft plan carries limited weight in the determination of this application. The NPPF definition of Open Space is "open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity".
- 8.64 It is relevant that this site is currently in private ownership and has become overgrown. Whilst part of the site would be developed for housing, the proposal incorporates accessible public open space which can be secured via planning conditions and a Section 106 agreement. This would add value as a recreational resource for the public to access. Officers are therefore satisfied that the proposal is acceptable in respect of policy CS21.

- 8.65 Members will also be aware that the Draft Local Plan which addresses the Borough's development requirements up until 2036, was subject to consultation between 25th October 2017 and 8th December 2017.
- 8.66 The site of this planning application is proposed to be allocated for housing within the Draft Local Plan. A number of background documents and assessments support the proposed allocation of the site in terms of its deliverability and sustainability which are of relevance. However, at this stage in the plan preparation process, the draft plan carries limited weight in the assessment and determination of this planning application.

SUMMARY

- 8.67 The foregoing report sets out all of the material planning considerations relating to the proposals at this site.
- 8.68 Planning permission was refused in April this year under our planning reference P/17/0920/FP for a similar scheme at this site. The reasons for refusing the application are set out in full on the first page of this report. The principal of developing upon this area of countryside, did not form part of the Council's reasons for refusal.
- 8.69 A number of the reasons for refusal can be addressed through the completion of an appropriate legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990. The three main reasons for refusal are as follows:
- Moraunt Drive is inadequate as a means of access to serve the proposed number of dwellings;
 - The erection of 2 storey houses adjoining bungalows in Seafield Road would result in a poor transition of the built form which would be harmful to the character of the area;
 - The Council is not satisfied with the proposed future management and maintenance arrangements for the southern part of the site and is not in turn satisfied that all relevant ecological interests would be fully safeguarded;
- 8.70 The position of the Highway Authority previously was that Moraunt Drive was acceptable in its current form to safely accommodate the highway movements generated by the proposed development. Members were not satisfied that this was the case and refused the application on highway grounds and requested other means of access to the site were explored.

- 8.71 The applicants have explored other options for accessing the site and for the reasons summarised in this report concluded that Moraunt Drive remains the preferable means of access.
- 8.72 In light of the previous concerns of Members and the Highway Authority's position, Officers commissioned an independent review of the highway position from a highway consultancy. The results of that highway review are set out in the report with the highway consultancy expressing the view that Moraunt Drive in its current form can safely accommodate the movements generated by the proposed development.
- 8.73 In light of the views of the Highway Authority and the results of the independent highway consultants review, Officers do not believe a reason for refusal can be sustained on the inadequacy of Moraunt Drive.
- 8.74 The second reason for refusal relating to the transition in scale of buildings between the application site and Seafield Road. The changes made to the scale and layout of the dwellings adjacent Seafield Road have been set out in detail in the Officers report. Officers believe the changes made to the proposal have addressed the second reason for refusing the previous planning application.
- 8.75 The last substantive reason for refusal related to the future management and maintenance arrangements for the southern part of the site. Officers fully appreciate that some interested parties would like this land transferred to this Council, whilst others believe it should be managed and maintained in a different way to that proposed.
- 8.76 In dealing with this planning application this Council is required to determine the proposal on the basis of what is before it. The Council cannot insist that the land is transferred to it. The Council is also required to consider whether the management and maintenance proposals are acceptable in terms of national and local planning policy requirements and legal requirements. The advice of both Natural England and this Council's own Ecologist is that the management and maintenance proposals are acceptable in planning terms.
- 8.77 The delivery, management and maintenance of the southern part of the site can be appropriately secured via the imposition of planning condition and a Section 106 Planning Obligation.
- 8.78 In light of the foregoing Officers do not consider that a reason for refusal can be sustained on the basis of the future management and maintenance of the southern part of the site.

e) THE PLANNING BALANCE

- 8.79 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".
- 8.80 The site is outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of Local Plan Part 2: Development Sites and Policies Plan.
- 8.81 Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations which is engaged as this Council cannot demonstrate a 5YHLS. Officers have also given due regard to the updated 5YHLS position report presented to the Planning Committee in October and the Government steer in respect of housing delivery.
- 8.82 In weighing up the material considerations and conflict between policies; the development of a greenfield site weighted against Policy DSP40, Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall, well related to the existing urban settlement boundaries such that it can be integrated with those settlements whilst at the same time being sensitively designed to reflect the areas existing character and minimising any adverse impact on the Countryside.
- 8.83 It is acknowledged that the proposal would have an urbanising impact through the introduction of housing and related infrastructure onto a site which is at present undeveloped. However, that impact would be localised and merely extend the existing built form. Officers consider that the change in the character of the site and the resulting visual effect would not cause any substantial harm.
- 8.84 Affordable housing, open space, an education contribution and ecology mitigation can be secured through a planning obligation. In respect of environmental and amenity issues, and subject to appropriate planning conditions and mitigation, Officers are satisfied that amenity and ecology issues have been appropriately addressed in the submitted application.
- 8.85 Following the resolution to refuse planning permission at the Planning Committee in November, the applicant has provided further undertakings in

respect of site clearance, the works being overseen by the applicant's ecologists in accordance agreed details and the Council's own representatives being given access to the site to oversee the works being undertaken. These matters would be secured through any Section 106 planning obligation. Officers believe these undertakings would address the previous concerns of Members of the Planning Committee.

- 8.86 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 48 dwellings, including affordable housing, in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply is a substantial material consideration, in the light of this Council's current 5YHLS.
- 8.87 There is a conflict with development plan policy CS14 and CS16 which ordinarily would result in this proposal being considered unacceptable. Ordinarily CS14 would be the principal policy such that a scheme in the countryside should be refused. However, in light of the Council's lack of a five-year housing land supply, development plan policy DSP40 is engaged and Officers have considered the scheme against the criterion therein. The scheme is considered to satisfy the five criteria and in the circumstances, Officers consider that more weight should be given to this policy than CS14 such that, on balance, when considered against the development plan as a whole, the scheme should be approved.
- 8.88 Officers consider that the implications of the CJEU judgement (People Over Wind, Peter Sweetman v Coillte Teoranta) and paragraph 177 of the NPPF mean that the application of the presumption in favour of sustainable development set out in paragraph 11 of the same Framework is not a relevant consideration.
- 8.89 In the event that this approach is subsequently found to be incorrect as a consequence of a Court decision or a clarification in government policy, Officers have considered the application in the alternative and assessed the proposals having regard to the 'tilted balance' test set out at paragraph 11 of the NPPF.
- 8.90 In undertaking a detailed assessment of the proposals throughout this report and now applying the 'tilted balance' to those assessments, Officers consider that:
- (i) there are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed, particularly when taking into account that any significant effect upon Special Protection

Areas can be mitigated through a financial contribution towards the Solent Recreation Mitigation Strategy; and

- (ii) any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.

8.91 Therefore, even if paragraph 11 of the NPPF were a relevant consideration, Officers find that having applied the 'tilted balance', they would have similarly concluded that planning permission should be granted for the proposals.

8.92 Having carefully considered all material planning matters, Officers recommend that planning permission should be granted subject to the imposition of appropriate planning conditions and the prior completion of a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990.

9.0 Recommendation

9.1 Subject to the applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council to secure:

- Financial contribution to secure satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas;
- The provision and management of public open space and ecological enhancement area for the lifetime of the development;
- Education contribution; and,
- The delivery of affordable housing and contribution.
- No clearance work to be undertaken on the site before 1st February 2019; the Council must be advised in advance of any proposals to undertake clearance work at the site; the Council to be given advance notice of any clearance works to be undertaken at the site and the Council's officers/ representatives given unfettered access to view all clearance and related works; all clearance work to be overseen by Radian's appointed ecologists in accordance with a scheme first agreed in advance with the Council.

9.2 That Members confirm that the reasons for refusal 1(a) and 1(c) in respect of planning application P/17/0920/FP should not be pursued at the forthcoming appeal.

GRANT PLANNING PERMISSION: (subject to the following conditions):

1. The development hereby permitted shall be begun before 12 months from the date of this permission.

REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.

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

- a) Site Location Plan CB_93_074_100
- b) Planning Layout CB-93-074-A1_100
- c) Land Use Plan CB_93_074_A1_102
- d) Housing Mix Plan CB_93_074_A2_103
- e) Affordable Housing Plan CB_93_074_A2_104
- f) Building Heights Plan CB_93_074_A2_105
- g) Parking Plan CB_93_074_A2_106
- h) Bin and Cycle Storage Plan CB_93_074_A2_107
- i) External Finishes Plan CB_93_074_108
- j) External Enclosures Plan CB_93_074_A2_109
- k) Street Scenes CB_93_074_100-SS-01A
- l) Street Scenes CB_93_074_100-SS-02 A
- m) Street Scenes CB_93_074_100-SS-03A
- n) House Type Portfolio May 18
- o) Plant schedule and specification D2480-L-300 PL02
- p) Soft landscaping plan 1 of 2 D2480-L-301 PL02
- q) Soft landscaping plan 2 of 2 D2480-L-302 PL02
- r) Hard landscaping Plan Sheet 1 of 2 D2480_201 PL02
- s) Hard landscaping Plan 2 of 2 D2480_202_PL02
- t) Transport Note 078 0005_TN_2
- u) Fabrik Landscape Maintenance and Management Plan, June 2018
- v) Radian Management Statement, December 2017
- w) Arboricultural Assessment and Method Statement by Barrell Tree Consultancy; dated 08 June 2018
- x) Tree Protection Plan by Barrell Tree Consultancy; 17195-BT3
- y) Affordable Housing Statement by BJC; dated June 2018
- z) Archaeology DBA by Allen Archaeology Ltd; AAL2017105 - dated July 2017
- aa) Design and Access Statement by Cooper Baillie; dated June 2018
- bb) Flood Risk Assessment by RCP; dated June 2018
- cc) Planning Statement by BJC; dated June 2018
- dd) Lindsay Carrington Ecology Services, Review of Ecology Work September 2018.
- ee) Bryan Jezeph Consultancy letter dated 29 November 2018.

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

3. No development shall proceed above damp proof course until details of the materials to be used for the external finishes (bricks and roof tiles) and details of the colour of the painted elevations have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development.

4. Prior to commencement of development, a programme of archaeological assessment shall be secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in order to recognise, characterise and record any archaeological features and deposits that may exist here. The assessment should take the form of a geophysical survey of the site, followed by the excavation of trial trenches that target any potential features identified by them. Further trenches should be located within any blank areas that have been established by the geophysical survey.

Based on the results of the trial trenching, no development shall take place, until the applicant has secured and implemented an archaeological mitigation strategy in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

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

5. No development shall proceed above damp course level until details of the proposed surfacing treatment, to definitive Footpath 111a running east to west through the site have been submitted to and approved by the Local Planning Authority in writing. The approved details shall be fully implemented before the dwellings hereby approved are first occupied.

REASON: In the interest of pedestrian safety.

6. The first floor window to be inserted into the east elevation of Plot 7 shall be glazed with obscure glass and be of a non-opening design and construction to a height of 1.7 metres above internal finished floor 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 property.

7. Notwithstanding the provisions of the Schedule of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any subsequent Order revoking and re-enacting that Order) at no time shall any further windows, other than those expressly allowed through this planning

permission, be inserted at first floor level into the east elevation of plots 7 and 42 and the west elevation of plot 31 hereby permitted unless otherwise agreed in writing by the Local Planning Authority following the submission of a planning application.

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

8. No dwelling hereby approved shall be occupied until the boundary treatment relating to it has been carried out in accordance with the approved details. The boundary treatment shall thereafter be retained at all times unless otherwise agreed in writing with the Local Planning Authority.

REASON: To protect the privacy of the occupiers of the neighbouring property, to prevent overlooking, and to ensure that the development harmonises well with its surroundings.

9. Details of the internal finished floor levels of all of the proposed buildings in relation to the existing and finished ground levels on the site and the adjacent land shall be submitted to and approved by the Local Planning Authority in writing prior to commencement of development. The development shall be carried out in accordance with the approved details.

REASON: To safeguard the character and appearance of the area and to assess the impact on nearby residential properties.

10. No development shall commence on site until details of foul sewerage and surface water drainage works to serve the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Where possible a Sustainable Urban Drainage System (SUDS) shall be used and full details of predicted flows, responsibilities and future management provided. None of the dwellings shall be occupied until the drainage works have been completed in accordance with the approved details.

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

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

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

12. Other than initial site preparation, no development shall commence until details of the width, alignment, gradient and type of construction proposed for any roads, footways and/or access(es), including all relevant horizontal and longitudinal cross sections showing the existing and proposed ground levels, together with details of street lighting (where appropriate), the method of disposing of surface water, and details of a programme for the making up of roads and footways to an adoptable standard, have been submitted to and approved by the Local Planning Authority in writing. The development shall be subsequently carried out in accordance with the approved details.

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

13. No dwelling hereby permitted shall be first occupied until it has a direct connection, less the final carriageway and footway surfacing, to an existing highway. The final carriageway and footway surfacing shall be commenced within three months and completed within six months from the commencement of the penultimate building or dwelling for which permission is hereby granted. The roads and footways shall be laid out and made up in accordance with the approved specification, programme and details.

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

14. No dwellings hereby permitted shall be occupied until the areas shown on the approved plan for the parking of cars relating to it have been laid out and made available. The areas for the parking of cars shall thereafter be retained at all times.

REASON: In the interests of highway safety.

15. None of the dwellings hereby permitted shall be occupied, unless otherwise agreed in writing with the Local Planning Authority, until the visitor parking spaces marked on the approved plan, have been laid out and made available. These visitor spaces shall be subsequently retained for the parking of vehicles at all times.

REASON: The car parking provision on site has been assessed in the light of the provision of visitor parking spaces so that the lack of these spaces may give rise to on street parking problems in the future.

16. No dwelling hereby permitted shall be occupied until 2m by 25m visibility splays have been provided at the access to the estate road in accordance

with the approved details. These visibility splays shall thereafter be kept free of obstruction at all times.

REASON: In the interests of highway safety.

17. No dwelling shall be occupied until the bin and cycle stores relating to it have been made available in accordance with the approved plans. These designated areas shall thereafter be kept available and retained at all times for the purpose of bin and cycle storage.

REASON: In the interests of visual amenity; in order to facilitate modes of transport alternative to the motorcar.

18. The development shall be carried out in accordance with the recommendations of the Aboricultural Assessment and Method Statement by Barrell Tree Consultancy; dated 08 June 2018.

REASON: To ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period.

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

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

20. No development shall commence on site until a Construction Management Plan (CMP) setting out how provision is to be made on site for the parking and turning of operatives vehicles, wheel cleaning, the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development, has been submitted to and approved in writing by the Local Planning Authority (LPA). The development shall be carried out in accordance with the CMP and areas identified in the CMP for specified purposes shall thereafter be kept available for those uses at all times during the construction period, unless otherwise agreed in writing with the LPA.

REASON: In the interests of highway safety and to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period.

21. Development shall proceed in accordance with the avoidance, mitigation, enhancement and management measures set out in Sections 6 – 9 of the updated Ecological Assessment by Ecosupport (November 2017), badger

section of the Updating Badger Survey and Hedgerow Assessment (Ecosupport, January 2018), unless otherwise approved by the Local Planning Authority in writing. The measures shall thereafter be implemented in full, in accordance with the Landscape Management and Maintenance Plan (Fabrik, June 2018) and Section 3 of the Review of Ecological Work report (Lindsay Carrington Ecological Services, May 2018).

REASON: to protect and enhance biodiversity in accordance with the Wildlife & Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006 and Policy CS4 Green Infrastructure, Biodiversity and Geological Conservation of the Fareham Local Plan and Policy DSP13: Nature Conservation of the Fareham Local Plan Part 2: Development Sites and Policies (2014).

22. The Ecological Mitigation Area shall be subject to annual monitoring (for the first three years after the completion of the works) to allow an adaptive management approach; this shall include an assessment of the usage of the site by protected/notable species (e.g. badgers, reptiles, wading birds, mining bees, etc.). The findings of the monitoring surveys shall be submitted and approved in writing by the Local Planning Authority.

REASON: to ensure the management regime for the Ecology Mitigation Area is effective.

23. The landscaping shall be carried out in accordance with the approved drawings and Fabrik Landscape Maintenance and Management Plan, June 2018 and for the avoidance of doubt shall be maintained in accordance with these details in perpetuity.

REASON: In the interests of the visual amenity of the area and nature conservation.

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

REASON: In the interests of the living conditions of the occupiers of nearby residential properties.

Notes for information

- a) The development hereby permitted is subject to The Community Infrastructure Levy (CIL). The payment is due before development commences and the parties liable to pay the charge will receive a Liability Notice shortly to explain the amount due and the process thereafter. Further details about CIL can be found on the Council's website on the following link:

http://www.fareham.gov.uk/planning/local_plan/ciladopt.aspx

A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern

Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire
SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

- b) Notwithstanding the results of the ecological survey submitted with this application special care must still be taken not to disturb wild animals and plants protected by the Wildlife and Countryside Act 1981 (as amended). This includes birds and bats that nest or roost in trees. Should specimens of any protected species be discovered during building operations you should contact Natural England for further advice - 0300 060 3900 www.naturalengland.org.uk

Bats are protected under the Wildlife & Countryside Act 1981 and subsequent legislation and it is an offence to deliberately or recklessly disturb them or damage their roosts. Notwithstanding the results of the ecological survey submitted with this application, trees & buildings should be inspected before any works commence. Advice is available on the following link:

<https://www.gov.uk/guidance/bats-surveys-and-mitigation-for-development-projects>. If the presence of bats is suspected further advice will need to be sought from Natural England on 0300 060 3900 or from The Bat Conservation Trust (0345 1300 228)

- c) There must be no surface alterations to the right of way, nor any works carried out which affect its surface, without first seeking the permission of Hampshire County Council, as Highway Authority. For the purposes of this proposal that permission would be required from this department of the County Council. To carry out any such works without this permission would constitute an offence under S131 Highways Act 1980, and we would therefore encourage the applicant to contact us as soon as possible to discuss any works of this nature.

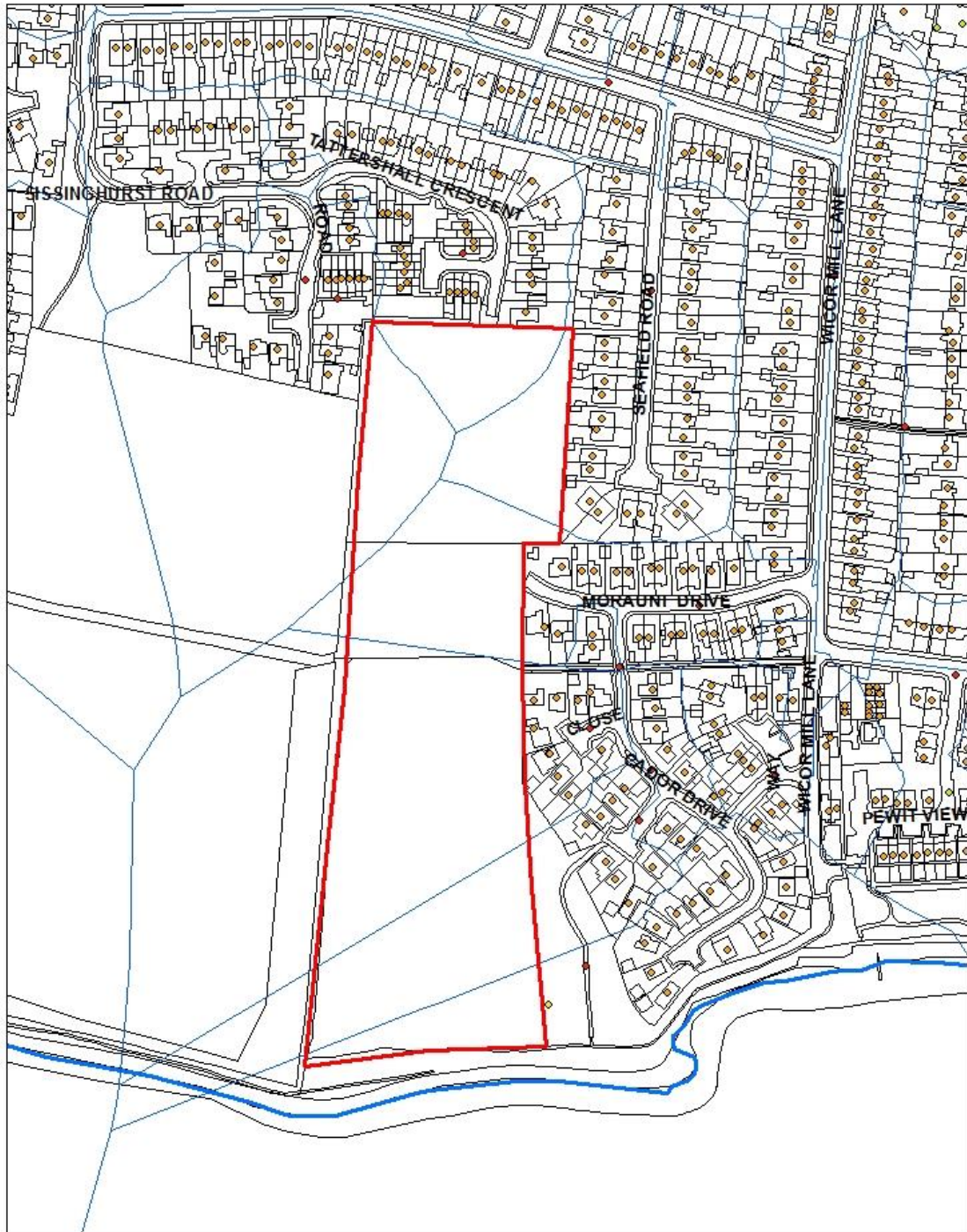
Nothing connected with the development or its future use should have an adverse effect on the right of way, which must remain available for public use at all times.

No builders or contractors vehicles, machinery, equipment, materials, scaffolding or anything associated with the works should be left on or near the footpath so as to obstruct, hinder or provide a hazard to walkers.

Hampshire County Council, as Highway Authority, is not obliged to provide a surface suitable for the passage of vehicles. It only has a duty to maintain a right of way to a standard commensurate with its expected normal public use.

FAREHAM

BOROUGH COUNCIL



Land to the West of Seafeld Road &
Morant Drive; South of Tattershall Crescent
Scale 1:2,500



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OFFICER REPORT FOR COMMITTEE

DATE: 12/12/2018

**P/16/0557/MA/B
IFA 2 NATIONAL GRID**

STUBBINGTON

NON-MATERIAL AMENDMENT TO PLANNING APPLICATION P/16/0557/OA AND RESERVED MATTER APPROVAL P/17/0834/RM. ALTERATION TO OPEN SPACE FENCE LINE TO ENSURE ADEQUATE CLEARANCE OF THE RUNWAY TO COMPLY WITH CAA REGULATIONS ON RUNWAY OBSTACLE HEIGHTS.

LAND AT SOLENT AIRPORT AT DAEDALUS, BROOM WAY, FAREHAM.

Report By

Mark Wyatt. Direct Dial (01329) 524704.

1.0 Introduction

- 1.1 Outline planning permission for the area of open space associated with the IFA2 project was granted by the hybrid planning permission on 10th April 2017. The Reserved Matters for the open space (being the matters of 'appearance', 'layout', 'scale', 'landscaping', and 'access') were subsequently approved on 17th November 2017.
- 1.2 This proposal seeks approval for a non-material amendment to the reserved matter approval for the area of open space to be laid out. Specifically, the change relates to the boundary fence which delineates between airside and non-airside land uses at Solent Airport at Daedalus. The blue airport security fence is required to be repositioned further north into the area of open space in the interest of airport safety.

2.0 Site Description

- 2.1 The land along the northern edge of Daedalus from Peel Common roundabout along Gosport Road to the rear of the properties in Southways is all part of the current application site. The hybrid planning permission for IFA2 established that this land is to be provided as public open space.
- 2.2 The Reserved Matter approval P/17/0834/RM provides the approval of the detailed landscaping for the open space at Daedalus. The part of the open space in question through this submission is a small area on the south side of the open space at the northern end of the runway.
- 2.3 The site is currently a construction site with works to lay out the open space having now started.

3.0 Description of Proposal

- 3.1 The applicant submits that the change in fence location arises as a consequence of advice now received from the Airport Manager. The advice requires the open space layout and design to accord with the requirements of the Civil Aviation Authority under CAP168 which specifically deals with obstacles near to a runway that could affect the safe take off or landing of aircraft.
- 3.2 Simply translated, there is a requirement for no structures of any type to be within 60m of the end of the runway at Solent Airport. Beyond this 60m the take off slope of the runway is such that for every 25m structures can increase in height by 1m from ground level. As currently approved the blue airport fence, at 2.4m high would conflict with this take off slope and would be non-compliant to the Civil Aviation Authority (CAA).
- 3.3 To maintain airport security with a fence height of 2.4m the fence is required to be moved a maximum of 17m deeper into the open space.

4.0 Policies

- 4.1 The following policies apply to this application:

4.2 Adopted Fareham Borough Core Strategy

CS12 - Daedalus Airfield Strategic Development Allocation

CS17 - High Quality Design

CS21 - Protection and Provision of Open Space

4.3 Adopted Development Sites and Policies

DSP12 - Public Open Space Allocations

5.0 Relevant Planning History

- 5.1 The following planning history is relevant:

P/16/0557/OA Hybrid Planning application for an electrical interconnector with an approximate capacity of 1000 megawatts (MW) extending from Tourbe, Normandy (France) to Chilling, Hampshire. Hybrid planning permission is sought at Daedalus for: 1. The erection of converter station buildings (to a maximum height of 22 metres) with associated, vehicular accesses and roads, security fencing, landscaping and temporary construction compounds; 2. Creation of public open space and associated facilities, grassland planting and tree planting. Full Planning permission is sought at Hill

Head and Stubbington for: 3. Installation of cables between Mean Low Water Springs and the converter station in the north eastern corner of Daedalus Airfield. Full Planning Permission is sought at Chilling for: 4. The Installation of cables between the Mean Low Water Springs and the existing cable sealing end compound at Chilling Lane

PERMISSION

10/04/2017

P/17/0834/RM

Public open space on land to the north of the IFA2 converter station: details relating to access, appearance, landscaping, layout and scale pursuant to hybrid planning permission reference P/16/0557/OA

And

Details pursuant to condition 35 [hard landscaping] of the hybrid planning permission reference P/16/0557/OA.

APPROVE

17/11/2017

Q/0087/18

Variation of the planning obligations regarding the delivery of the open space at Daedalus secured by the IFA2 hybrid planning permission P/16/0557/OA.

RESOLUTION TO VARY S106 Planning Committee 25/04/2018

6.0 *Planning Considerations*

Non Material Amendment

- 6.1 The fence alignment would, on the eastern edge, continue to align reasonably closely with one of the paths through the open space and to the west the fence would be located at the bottom of the slope up to the runway viewing mound.
- 6.2 The application sets out that the fence realignment would lose 286m² (0.028 ha / 0.07 acres) of publicly accessible space. However, to understand if this is a material change or not this should be viewed in the context of the wider open space provision at Daedalus. The application submits that National Grid are delivering 178,000m² (17.8 hectares / 43.9 acres). The loss of open space, therefore is only 0.16% of the overall open space provision.
- 6.3 Given that the loss of open space is less than one percent of the open space being provided, the relocated fence location attempts to align with other features in the open space to minimise its impact and that the fence re-alignment is limited solely to that required for the safe operations of the airport; the proposed change is considered acceptable.

S106 Implications

- 6.4 The hybrid planning permission was also subject to an agreement pursuant to Section 106 of the Town and Country Planning Act (Hereinafter referred to as s106). Within this s106 was a schedule of obligations relating to the open space provision and delivery. This legal agreement was varied (under reference Q/0087/18) such that the western open space, with the exception of the proposed play area, will be delivered in full by National Grid with a financial contribution of £110,000 (index linked to the date of the original agreement) for the provision of the play area to be paid to the Council.
- 6.5 The proposed non-material change to the open space would depart from the s106 in so far as National Grid would be unable to lay out all of the western open space. To depart from the agreed planning obligations requires agreement between the signatories of the s106 and the variation to be secured by execution of a new agreement. As such, should Members find in favour of the recommendation, a further deed of variation to the s106 agreement to adjust the western open space area to reflect and align with the relocated fence would be required.

Summary:

- 6.6 It is considered that the change would not materially affect the planning permission granted for the IFA2 open space and the change can therefore be accepted as a non-material change.

7.0 Recommendation

7.1 APPROVE NON-MATERIAL AMENDMENT subject to the following condition;

1. The development shall be carried out in accordance with the following approved documents:
 - a) D3221.32.100.003F General Arrangement
 - b) D3221.32.100.004D General Arrangement – Western Space
 - c) D3221.32.100.005F General Arrangement – Central Space
 - d) D3221.32.100.006E General Arrangement – Eastern SpaceREASON: To avoid any doubt over what has been approved.

and

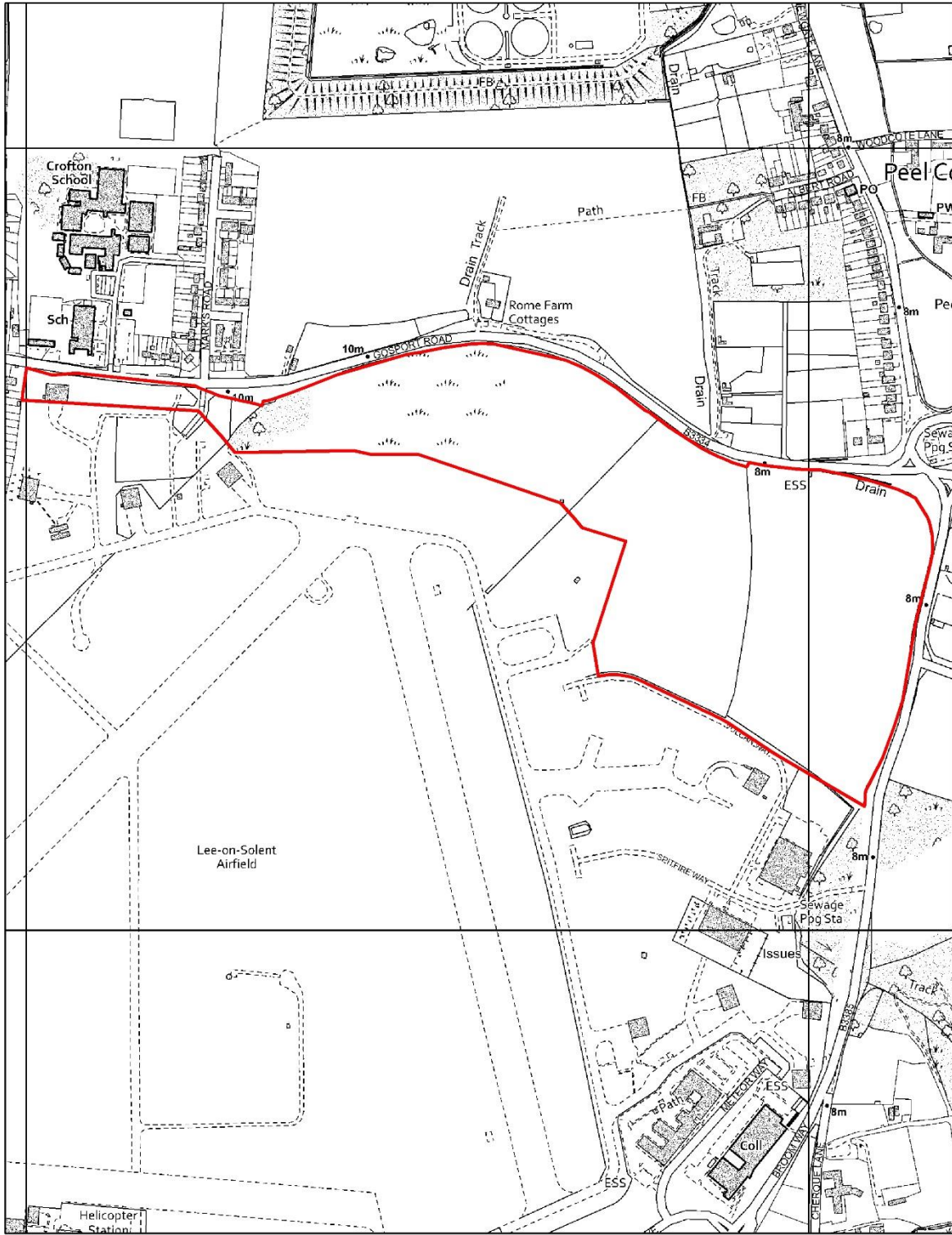
That National Grid first enters into a Deed of Variation to the legal agreements completed under planning permission P/16/0557/OA and Q/0087/18, on terms drafted by the Solicitor to the Council, to allow:

- The extent of the open space to be delivered by National Grid to reflect the plans accepted as a Non-Material Amendment and the reduction in the open space provision by 286 square meters.

8.0 *Background Papers*

See Relevant Planning History Section above.

FAREHAM
BOROUGH COUNCIL



IFA2 National Grid
Land at Daedalus Airfield
Scale: 1:6,000

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PLANNING APPEALS

The following list details the current situation regarding new and outstanding planning appeals and decisions.

CURRENT	P/17/0681/OA Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	PUBLIC INQUIRY Foreman Homes Ltd. Land East of Posbrook Lane Titchfield Fareham Hampshire Committee REFUSE REFUSE 20 April 2018 AGAINST REFUSAL OUTLINE PLANNING APPLICATION FOR SCOUT HUT, UP TO 150 DWELLINGS, COMMUNITY GARDEN, ASSOCIATED LANDSCAPING, AMENITY AREAS AND A MEANS OF ACCESS FROM POSBROOK LANE
CURRENT	P/17/0895/OA Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	HEARING Reilly Developments Ltd Land off Sopwith Way Swanwick Southampton Hampshire Committee REFUSE REFUSE 10 September 2018 AGAINST REFUSAL Erection of up to 42 dwellings with associated parking, access, landscaping and surface water drainage (Outline application considering access only)
CURRENT	P/17/1055/OA Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	WRITTEN REPS Mr G Plunkett Land to South West of Sovereign Crescent Locks Heath Southampton Hampshire Committee APPROVE REFUSE 17 September 2018 AGAINST REFUSAL Construction of 46 dwellings and associated access from The Florins (outline application with approval sought for access and layout)
CURRENT	P/17/1430/FP Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	WRITTEN REPS Novaseal Limited Unit 1 Blackbrook Business Park Blackbrook Road Fareham Committee APPROVE APPROVE 17 September 2018 CONDITION ON APPR'VL Use for the manufacture and storage of double glazed

units (Use Class B2) or for light industrial purposes (Use Class B1(b) or B1(c)) and for the retention of a timber frame rear extension and covered freestanding metal storage racks.

CURRENT	P/17/1513/FP Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	WRITTEN REPS Southcoast Developers Ltd 35 Bellfield FAREHAM Officer Delegated Powers REFUSE REFUSE 17 September 2018 AGAINST REFUSAL 1no. 1-bedroom bungalow
CURRENT	P/18/0247/FP Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	WRITTEN REPS MR AND MRS S HEATHORN Drift House Brook Avenue Warsash Southampton Committee REFUSE REFUSE 3 October 2018 AGAINST REFUSAL Erection of Replacement Dwelling (Alternative to P/16/1415/FP) including Two Detached Double Garages with First Floor Accommodation Above, Hard & Soft Landscaping, and Retrospective Alterations to Ground Levels and Installation of Rainwater Harvesting System
CURRENT	P/18/1093/TO Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	HH APPEAL SERVICE Mr Norman Matthew 9 Rannoch Close Fareham Officer Delegated Powers REFUSE REFUSE 12 November 2018 AGAINST REFUSAL Fell one oak protected by TPO 10(W1).
HEARING	P/17/0920/FP Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	PUBLIC INQUIRY Radian Group Land to the west of Seafield Road & Moraunt Drive; South of Tattershall Crescent Portchester Fareham Committee APPROVE REFUSE 26 June 2018 AGAINST REFUSAL Residential development of 49 dwellings, and provision of open space and habitat land, access off Moraunt Drive. (Management Statement and revised Management Plan)
HEARING	P/17/1451/OA Appellant: Site:	PUBLIC INQUIRY Bargate Homes Land West of Old Street Stubbington Fareham

Decision Maker: Committee
 Recommendation: REFUSE
 Council's Decision: REFUSE
 Date Lodged: 4 May 2018
 Reason for Appeal: **AGAINST REFUSAL**
 Outline application with all matters reserved (except for access) for the construction of up to 150 residential dwellings, access from Old Street, landscaping, open space and associated works.

HEARINGS

ENF/16/0112
 Appellant:
 Site:
 Decision Maker:
 Recommendation:
 Council's Decision:
 Date Lodged:
 Reason for Appeal:

PUBLIC INQUIRY
MR KIM ROSE AND MS VALERIE SANSOM
 35 Burrridge Road Burrridge Southampton

11 October 2018
AGAINST ENFORCE
 Change of use of land at the rear of 35 Burrridge Road

DECISION

P/17/1321/FP
 Appellant:
 Site:
 Decision Maker:
 Recommendation:
 Council's Decision:
 Date Lodged:
 Reason for Appeal:

WRITTEN REPS
Mr Tim Adams
 Land to the rear of 17 Burrridge Road Burrridge Southampton

Committee
 REFUSE
 REFUSE
 11 September 2018
AGAINST REFUSAL
 1no. self-build dwelling including self-contained tourist accommodation

Decision:
Decision Date:

DISMISSED
14 November 2018

DECISION

P/17/1500/FP
 Appellant:
 Site:
 Decision Maker:
 Recommendation:
 Council's Decision:
 Date Lodged:
 Reason for Appeal:

HH APPEAL SERVICE
Mr R Collier
 Conifer Rise The Avenue Fareham

Committee
 REFUSE
 REFUSE
 30 August 2018
AGAINST REFUSAL
 Single and two storey side extensions, raise ridge and eaves height, dormer windows, canopy porch, external flue to serve log burner and alterations to fenestration

Decision:
Decision Date:

ALLOWED
16 October 2018

FAREHAM
BOROUGH COUNCIL

**Report to
Planning Committee**

Date 12 December 2018

Report of: Director of Planning and Regulation

Subject: TREE PRESERVATION ORDER NO. 748 2018 – WOODBOURNE
CLOSE, TITCHFIELD.

SUMMARY

The report details two objections to the making of a provisional order in July 2018 and provides officer comment on the points raised.

RECOMMENDATION

That Tree Preservation Order 748 is confirmed.

INTRODUCTION

1. On 23 July 2018, a provisional order was made in respect of 1no Manna ash, 1no Swedish whitebeam, 1no horse chestnut, 1no field maple, 3no silver maples and 1no Turkish hazel; and Group 1 - 3no false acacia & 1no horse chestnut and Group 2 – 2no sycamore & 1no false acacia situated on the grass verges and spaces within Woodbourne Close.

OBJECTION

2. Two objections have been received from the owners of 43 and 53 Woodbourne Close in relation to T8 – Silver maple and T3 – Horse chestnut respectively on the following grounds:

T8 – Silver maple

- The tree is too large for its location and needs some drastic pruning.
- The tree is covering the side garden, casting shade and supressing the growth of garden plants.
- The tree has grown rapidly and needs pruning away from property and the parking area because of sap deposits on vehicles.

T3 – Horse chestnut

- The tree is enormous and encroaching more over the garden than the green.
- The tree is diseased.
- The County Council have been contacted on numerous occasions, but have not pruned the tree.
- The tree does not affect anybody else's property.

No other comments or objections have been received.

PUBLIC AMENITY

3. The trees are situated on the verges and amenity grass areas, thereby making them prominent specimens, which are clearly visible to the public and make a significant contribution to the character of Woodbourne Close (Photos at Appendix A).

THREAT TO TREES

4. During early July, the Council was made aware that the owners of the land, which comprises grass verges and spaces, proposed to dispose of the land at auction. All the land in question is adopted public highway, that is to say the highway authority, Hampshire County Council, have highway rights over the land and are responsible for, amongst other things, any trees situated on the public highway.
5. Notwithstanding the status of the land as public highway, there was a perceived threat in terms of any new owner being able to remove trees. This threat was amplified by a planning pre-application enquiry being received to develop the space at the northern end of the close for two residential units. The circumstances at the time provided the Council with sufficient grounds to protect the trees based on the perceived threat to the trees in terms of the land being on the market and enquiries relating to the development potential

of the land.

6. The highway authority was consulted and supported the making of a tree preservation order.

TREE CONDITION AND SAFETY

7. Trees are dynamic, living organisms and their physiology and structure (condition) are subject to change throughout their lifetime. All observations and recommendations are relative to the trees at the time of inspection. Because of this, trees should be inspected periodically and after significant changes to their environment or situation. It is not possible to eliminate all risk associated with trees because even those apparently free from defects can fail when the forces acting upon them exceed their inherent strength; some risk must be accepted to experience the multiple benefits trees provide.
8. The trees are situated on the public highway, which means the highway authority are responsible for tree safety inspections and maintenance. Hampshire County Council inspect and manage highway trees and as a 'statutory undertaker' have powers to enable them to undertake tree works in the interest of the safe use of the highway, without needing consent under the TPO.
9. At the time, the trees were assessed for their suitability for protection, the trees were observed to be healthy and free from any significant defects or abnormalities that would give rise to concerns about the health and safety of the trees.
10. Officers acknowledge that for some residents trees can be a source of frustration. However, these very same trees contribute to the pleasant appearance of Fareham and provide multiple benefits to our communities.

TREE WORK APPLICATIONS

11. In dealing with applications to carry out works to protected trees the Council will consider whether the reasons given in support of an application outweigh the amenity reasons for protecting them. The Council is unlikely to support unnecessary or unsympathetic pruning that would harm a protected tree by adversely affecting its condition and appearance. Permission to prune and maintain protected trees in the context of their surroundings, species, and previous management history will not be unreasonably withheld by the Council.
12. The existence of a TPO does not preclude pruning works to, or indeed the felling of, any tree if such a course of action is warranted by the facts. There is currently no charge for making an application to carry out works to protected trees, and applications are normally decided very quickly.

RISK ASSESSMENT

13. The Council will not be exposed to any significant risk associated with the confirmation of TPO 748 as made and served. Only where an application is made for consent to work on trees subject to a TPO and subsequently refused does the question of compensation payable by the Council arise.

CONCLUSION

14. When making tree preservation orders the Council endeavours to consider the rights of those affected and use their powers responsibly. However, the rights of the individual must be balanced against public expectation that the planning system will protect trees when their amenity value justifies such protection.
15. Tree preservation orders seek to protect trees in the interest of public amenity; therefore, it follows that the exclusion of a tree from an order should only be sanctioned where its public amenity value is outweighed by other considerations. In this instance Officers consider the reasons put forward for objecting to the protection of the silver maple and horse chestnut are not sufficient to outweigh their public amenity value.
16. Furthermore, the trees are managed by Hampshire County Council as the Highway Authority and the imposition of a TPO will not prevent ongoing inspection and maintenance of the trees. The TPO is therefore, for all intents and purposes, a safety net in the event the owners of the land seek to lop or remove trees.
17. Officers therefore recommend that Tree Preservation Order 748 is confirmed as originally made and served.

Background Papers: TPO 748.

Reference Papers: Forestry Commission: The Case for Trees – 2010. Planning Practice Guidance - Tree Preservation Orders (2014), Fareham Borough Council Tree Strategy and The Law of Trees, Forests and Hedges (second edition) – *Charles Mynors*.

Enquiries:

For further information on this report please contact Paul Johnston. (Ext 4451).

Appendix A

T1 - Manna ash, G2 – 2no sycamore & 1no false acacia and T3 - Horse chestnut.





T3 - Horse chestnut



T8 - Silver maple



T8 – Silver maple



T6 & T7 – Silver maple

