

FAREHAM

BOROUGH COUNCIL

AGENDA PLANNING COMMITTEE

Date: Wednesday, 17 July 2019

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 - 9)

To confirm as a correct record the minutes of the Planning Committee meeting held on 24 April 2019.

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. Planning applications and Miscellaneous Matters including an update on Planning Appeals (Page 10)

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

ZONE 1 - WESTERN WARDS

(1) **P/18/0482/OA - LAND ADJACENT TO 125 GREENAWAY LANE WARSASH SO31 9HT** (Pages 13 - 40)

(2) **P/19/0344/FP - WARSASH MARITIME ACADEMY NEWTOWN ROAD WARSASH SO31 9ZL** (Pages 41 - 59)

(3) **P/19/0316/FP - THE TITHE BARN MILL LANE TITCHFIELD FAREHAM PO15 5RB** (Pages 60 - 67)

ZONE 2 - FAREHAM

ZONE 3 - EASTERN WARDS

(4) **Planning Appeals** (Pages 70 - 73)



P GRIMWOOD
Chief Executive Officer
Civic Offices
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09 July 2019

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FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Wednesday, 24 April 2019

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

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

Also Present: Councillor S Cunningham (Item 7 (6)) and Councillor S D T Woodward (Item 7 (1))



1. APOLOGIES FOR ABSENCE

An apology of absence was received from Councillor F Birkett.

2. MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee meeting held on 20 February 2019 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements.

4. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

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				
Mr M Jones		BORDERLAND FENCING NEW ROAD SWANWICK SP31 7HE – REPLACEMENT BUILDING/ CLADDING OF EXISTING GLASSHOUSE FOR STORAGE AND MANUFACTURING USE	Opposing	7 (1) P/19/0028/FP Pg 22
Mr G Metcalfe		-Ditto-	-Ditto-	-Ditto-
Mr C Ward (Agent)		-Ditto-	Supporting	-Ditto-
Ms K Richards (Agent)		21 BURRIDGE ROAD SOUTHAMPTON SO31 1BY – SIX 4-BEDROOM DETACHED DWELLINGS, AMENITY AREAS AND A MEANS OF ACCESS	Supporting	7 (2) P/18/1252/FP Pg 36

		FROM BURRIDGE ROAD		
Mr B Marshall	The Fareham Society	37 BROOK LANE WARSASH SO31 9FF – SINGLE STOREY FRONT/REAR & SIDE EXTENSIONS AND FRONT DORMER	Opposing	7 (4) P/18/1443/FP Pg 59
ZONE 2 – 2.30pm				
ZONE 3 – 4.15pm				
Ms J Young		LAND EAST OF DOWN END ROAD – OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED (EXPECT THE MEANS OF ACCESS) FOR RESIDENTIAL DEVELOPMENT, DEMOLITION OF EXISTING AGRICULTURAL BUILDINGS AND THE CONSTRUCTION OF NEW BUILDING PROVIDING UP TO 350 DWELLINGS; THE CREATION OF NEW VEHICLE ACCESS WITH FOOTWAYS AND CYCLEWAYS; PROVISION OF LANDSCAPED COMMUNAL AMENITY SPACE, INCLUDING CHILDREN’S PLAY SPACE; CREATION OF PUBLIC OPEN SPACE; TOGETHER WITH ASSOCIATED HIGHWAYS, LANDSCAPING, DRAINAGE AND UTILITIES	Opposing	7 (6) P/18/0005/OA Pg 75
Mrs A Brierley		-Ditto-	-Ditto-	-Ditto-
Mr B Marshall	The Fareham Society	-Ditto-	-Ditto-	-Ditto-

Ms Mullener (Agent)		-Ditto-	Supporting	-Ditto-
Mr T Wall		-Ditto-	-Ditto-	-Ditto-
Mr R Tutton (Agent)		SPRINGFIELD WAY OPEN SPACE – FELL ONE WILLOW & ONE NORWAY MAPLE, CROWN LIFT AND THIN BY 20% THREE NORWAY MAPLES AND THREE HORSE CHESTNUTS SUBJECT TO TREE PRESERVATION ORDER 751.	Supporting	7 (7) P/19/0297/TO Pg 120

6. 5 YEAR HOUSING LAND SUPPLY POSITION

The Committee considered a report by the Director of Planning and Regeneration which provided an update on the Council's Five Year Housing Land Supply Position.

RESOLVED that the Committee note:

- (i). the content of the report and the current 5-Year Housing Land Supply Position; and
- (ii). 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.

7. 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/19/0028/FP - BORDERLAND FENCING NEW ROAD SWANWICK SO31 7HE

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

At the invitation of the Chairman, Councillor S D T Woodward, addressed the Committee on this item.

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

Two further comments have been received raising the following additional issues:

- *The traffic information is spurious and bias;*
- *HGV's have been witnessed waiting in New Road and on Swanwick Lane from 0600;*
- *Does Swanwick Lane have a weight limit relating to the railway and motorway bridge;*
- *Limited evidence has been provided;*
- *There is no reason to believe conditions will be adhered to and the application should be refused;*
- *Why should residents subsidise the business activities?*

One comment has been received in response to the Officer report and traffic movement data:

- *The report does not assess the impact of the site at its future full capacity on both traffic, noise, pollution and other environmental effects;*
- *Applicant's data has not been validated; the views of local residents should be taken into account; resident's data far exceeds that submitted by the applicant;*
- *The report does not include and address all objections raised. For example, storing wood inside a wooden building is a fire risk;*
- *Policy consideration is limited; the proposal fails DSP9;*
- *Delivery and use of metalwork has never had planning permission and should be permitted;*
- *No account is taken on ongoing and long-standing non-compliance with planning conditions; it is unlikely the applicant will comply with the suggested conditions;*
- *If permitted further conditions should be imposed: all restrictive conditions relating to the rest of the site, traffic movements should be limited, shaded area in north east corner should be physically separated, power tools to be used only inside a secondary structure, no retail supply nor direct trade supply outside the Borderland group, no lights on site after 5pm or before 8am, whether inside or outside buildings, no use of surrounding land or buildings, acoustic boarding over the gable end of both north and south elevations, sound over the insulated roof, adequate fire suppression and erection of traffic signage in New Road.*

A motion was proposed and seconded to refuse planning permission, and was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that PLANNING PERMISSION be REFUSED.

Reasons for Refusal:

The development is contrary to Policies DSP2 & DSP9 of the adopted Fareham Borough Local Plan Part 2: Development Sites and Policies and is unacceptable in that the use of the glasshouse building has allowed the use of the adjoining land to the north to expand and intensify outside of the defined urban settlement boundary by increasing its storage and manufacturing capacity. This increase has had a material effect, both on its own and cumulatively, on the number of lorry and HGV movements using New Road, a

private street, causing increased noise and vibration harmful to the living conditions of the neighbouring residents.

(2) P/18/1252/FP - 21 BURRIDGE ROAD BURRIDGE SO31 1BY

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

Upon being proposed and seconded the officer recommendation to refuse planning permission was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that PLANNING PERMISSION be REFUSED.

Reasons for Refusal:

The development would be contrary to Policies CS2, CS6, CS14 CS17 and CS20 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP1, DSP2, DSP3, DSP6, DSP13, DSP15 and DSP40 of the Adopted Local Plan Part 2: Development Sites and Policies Plan, and is unacceptable in that:

- i. The provision of dwellings in this location would be contrary to adopted local plan policies which seek to prevent residential development in the countryside. Further, the development would not be sustainably located adjacent to or well integrated with the neighbouring settlement area;
- ii. The introduction of dwellings in this location would fail to respond positively to and be respectful of the key characteristics of the area, particularly its predominantly undeveloped, backland location, which would be out of character with the prevailing pattern of development in the area;
- iii. The access arrangements and layout of the proposed development would result in an unacceptable adverse impact on the living conditions of the existing occupiers as a result of noise and pollution disturbance due to the proximity of and increased activity in relation to existing habitable rooms in the surrounding residential properties;
- iv. The development would result in an unacceptable impact from overlooking and lack of privacy for future occupiers due to the proximity of neighbouring first floor windows;
- v. Insufficient information has been provided to adequately demonstrate that no harm would be caused to features of ecological importance on and surrounding the site and protected species; and
- vi. 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 and Southampton Waters Special Protection Area and the Portsmouth Harbour Special Protection Area.

(3) P/19/0132/TO - WARSASH MARITIME ACADEMY NEWTOWN ROAD SO31 9ZL

Upon being proposed and seconded the officer recommendation to grant consent, 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, CONSENT be granted.

(4) P/18/1443/FP - 37 BROOK LANE WARSASH SO31 9FF

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

Upon being proposed and seconded, the officer recommendation to grant planning permission, was voted on and CARRIED.
(Voting: 8 in favour; 1 against)

RESOLVED that PLANNING PERMISSION be granted.

(5) P/19/0242/CU - 164A WEST STREET PO16 0EH

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: 8 in favour; 1 against)

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

(6) P/18/0005/OA - LAND TO EAST OF DOWN END ROAD FAREHAM

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

At the invitation of the Chairman, Councillor S Cunningham, addressed the Committee on this item.

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

The Officer recommendation is revised to insert the following wording into draft Condition 7:

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

A motion was proposed and seconded to refuse the application, and was voted on and CARRIED.
(Voting: 6 in favour; 3 against)

Following the vote, it became apparent from members' discussions that there had been some confusion with regard to the reasons for refusal upon which the voted had been based.

A second motion to refuse the application was proposed and seconded, and was voted on and CARRIED.
(Voting: 5 in favour; 3 against)

Councillor P J Davies left the room after the first vote on the application and was not present for the discussions that followed the first vote or for the second vote.

RESOLVED that the PLANNING PERMISSION be REFUSED.

Reasons for Refusal

The development would be contrary to Policies CS5 of the adopted Fareham Borough Core Strategy 2011 and Policy DSP40 of the adopted Local Plan Part 2: Development Sites and Policies Plan and is unacceptable in that:

- (a) The proposal would result in a material increase in pedestrian movements along Down End Road across the road bridge over the railway line. The works to the bridge as shown on drawing no. ITB12212-GA-003 Rev B (titled “virtual footway proposal”) and the works to the bridge as shown on drawing no. ITB12212-GA-004 Rev B (titled “reduced width formal footway”) would provide inadequate footway provision to ensure the safety of pedestrians using the bridge and other highway users. The works to the bridge as shown on drawing no. ITB12212-GA-011 Rev B (titled “priority shuttle working”) would result in unacceptable harm to the safety and convenience of users of the highway.
- (b) The application site is not sustainably located in terms of access to local services and facilities.

(7) P/19/0297/TO - SPRINGFIELD WAY OPEN SPACE FAREHAM PO14 2RG

Councillor P J Davies had left the meeting before the consideration of this item and therefore took no part in the discussions or vote on this item.

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

Upon being proposed and seconded the officer recommendation for part consent and part refusal was voted on and CARRIED.
(Voting: 8 in favour; 0 against)

RESOLVED that, PART CONSENT/PART REFUSE be granted as follows:

CONSENT:

Three Norway maple trees and three horse chestnut trees – Crown lift to 3 metres above ground level. (subject to the conditions in the report).

REFUSE:

One willow & one Norway maple trees – Fell to ground level.
Three Norway maple and three horse chestnut trees – Crown thin by 20%.

Reason for Refusal

On the basis of the submitted arboricultural evidence, the Local Planning Authority considers that the felling of these two trees is not justified, and that the crown thinning represents poor arboricultural practice contrary to the British standards BS3998: Tree Work – Recommendations. The proposed works would therefore be harmful to the visual amenity of the area and the thinning works would further be harmful to the health of the trees.

(8) Planning Appeals

The Committee noted the information in the report.

(9) UPDATE REPORT

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

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 has been received.

Fareham Tree Preservation Order No. 757 2019 – 6 Ilex Crescent, Locks Heath.

Order served on 11 January 2019 for which there were no objections.

RESOLVED that the Fareham TPO 757 is confirmed as made and served.

Note for Information:

Following the confirmation of TPO 757, it was agreed that Fareham TPO 756, which covers the same tree, be revoked.

Fareham Tree Preservation Order 758 2019 – Land North of Addison Road, Park Gate.

Order served on 25 January 2019 for which there were no objections.

RESOLVED that Fareham TPO 758 be confirmed as made and served.

(The meeting started at 2.30 pm
and ended at 6.17 pm).

FAREHAM

BOROUGH COUNCIL

<p>Report to</p> <p>Planning Committee</p>

Date: 17 July 2019

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

The meeting will take place at the Civic Offices, Civic Way, Fareham, PO16 7AZ.
All items will be heard from 2.30pm.

<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/18/0482/OA WARSASH	LAND ADJACENT TO 125 GREENAWAY LANE WARSASH SOUTHAMPTON SO31 9HT OUTLINE APPLICATION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS) FOR THE CONSTRUCTION OF UP TO 100 RESIDENTIAL DWELLINGS, ACCESS FROM GREENAWAY LANE, LANDSCAPING, OPEN SPACE AND ASSOCIATED WORKS'	1 REFUSE
P/19/0344/FP WARSASH	WARSASH MARITIME ACADEMY NEWTOWN ROAD WARSASH SOUTHAMPTON SO31 9ZL CONSTRUCTION OF NEW UNIVERSITY BUILDING TO BE USED AS FIRE AND POOL TRAINING CENTRES AND ASSOCIATED LANDSCAPING, SERVICE ROADS, AREAS OF HARD SURFACING, PARKING AND BOUNDARY TREATMENTS (FOLLOWING DEMOLITION OF THE JOHN THORNEYCROFT BUILDING, LOVAT HOUSE, DRUMMOND HOUSE, MOSS BUILDING, ESTATES BUILDING AND HOT AND COLD FIRE TRAINING UNITS)	2 PERMISSION
P/19/0316/FP	THE TITHE BARN MILL LANE TITCHFIELD FAREHAM PO15 5RB	3

TITCHFIELD RE-SURFACE CAR PARK AREA WITH TARMAC REFUSE
(RETROSPECTIVE APPLICATION)

OFFICER REPORT FOR COMMITTEE

DATE: 17/07/2019

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

**WARSASH
AGENT: WYG**

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

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

Report By

Jean Chambers - direct dial 01329 824355

1.0 Introduction

1.1 This application was first presented to the Planning Committee on 16 January 2019 where Members resolved to defer the application for the following reasons:

- (i). To establish whether access to the scheme could solely be achieved via land to the south: To seek further clarity from Hampshire County Council (HCC) as the Highway Authority regarding the impact of additional traffic on Greenaway Lane and the cumulative impact of development within Warsash and local roads. Request that a HCC Highway Authority officer attend the Planning Committee; and
- (ii). To seek independent legal advice from a QC following the QC opinion that had been submitted by 'Save Warsash and the Western Wards'

1.2 Since being considered by the Planning Committee in January, an Appeal against the non-determination of this application has been submitted to the Planning Inspectorate. The Inspectorate notified the Council on 4 April 2019 that the appeal is valid and has advised that the appeal will proceed by way of an Informal Hearing.

1.3 Whilst this Council is no longer able to decide this application it is necessary for Members to confirm the case that this Council will present to the Planning Inspector. This report sets out all the relevant planning policies and relevant material planning considerations and invites Members to confirm the decision they would have made if they had been able to determine the planning application. This will then become the Council's case in respect of the forthcoming appeal.

1.4 The report presented to the Planning Committee on 16 January has been updated with the following:

- Planning Committee update Report 16 January
- Third party representations received since 16 January
- The 'Five Year Housing Land Supply Position' as reported to Members at the 24 April 2019 Planning Committee
- Update on the QC's opinion.
- Appropriate Assessment update including Natural England response and incorporation of details about nitrates
- Consideration of the environmental implications; Policy DSP40
- Hampshire County Council response to I-Transport technical note of 31 January 2019.
- Updated Planning Balance section of the report.

1.5 Members will note from the 'Five Year Housing Land Supply Position' reported at the 24 April Planning Committee that this Council currently has a housing land supply of 4.66 years (a shortfall of 186 dwellings within the 5 year period).

1.6 It should also be noted that the Planning Committee have resolved to grant outline planning permission for the following applications on nearby land':

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

The Planning Inspectorate granted outline planning permission for up to 85 dwellings, land to the east of Brook Lane and South of Brookside Drive, Warsash on 17 May 2018 (P/16/1049/OA), the reserved matters application pertaining to this site is currently under determination (P/19/0313/RM).

A second outline planning application is currently under consideration, reference P/19/0402/OA which relates to the same application site as being considered within this report. That application is not for formal consideration at this time.

2.0 Site Description

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

3.0 Description of Proposal

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

4.0 Policies

- 4.1 The following policies apply to this application:

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

4.3 **Adopted Fareham Borough Core Strategy**

CS2: Housing Provision

CS4: Green Infrastructure, Biodiversity and Geological Conservation

CS5: Transport Strategy and Infrastructure

CS6: The Development Strategy

CS9: Development in the Western Wards & Whiteley

CS14: Development Outside Settlements

CS15: Sustainable Development and Climate Change

CS16: Natural Resources and Renewable Energy

CS17: High Quality Design

CS18: Provision of Affordable Housing

CS20: Infrastructure and Development Contributions

CS21: Protection and Provision of Open Space

4.4 **Adopted Development Sites and Policies**

DSP1: Sustainable Development

DSP2: Environmental Impact

DSP3: Impact on Living Conditions

DSP4: Prejudice to adjacent land

DSP6: New Residential Development Outside of the Defined Urban Settlement

DSP13: Nature Conservation

DSP15: Recreational Disturbance on the Solent Special Protection Areas

DSP40: Housing Allocations

4.5 **Other Documents:**

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

Residential Car Parking Standards 2009

5.0 Relevant Planning History

5.1 There is no recent planning history.

6.0 Representations

6.1 There have been 43 representations of objection received including from the Campaign to Protect Rural England; of these, 5 people have submitted comments more than once. The main issues raised within the representations can be summarised as follows:

6.2 Policy/principle

- Question need for dwellings in Warsash and no evidence of 5YHLS shortage
- Question method for calculating the 5YHLS position
- Applying the 20% buffer (January 2019 report) is premature
- Welborne should be expedited
- Cumulative impact of development needs to be considered and will be severe
- The adverse impacts of granting permission will significantly and demonstrably outweigh the benefits
- New rulings by the European Court of Justice have new implications for such sites and FBC should suspend planning decisions for new residential developments in view of this
- Deviation from draft Development framework
- Countryside location
- Not sustainable development
- Assumptions have been made about the content of the as yet undrafted new Local Plan and its preferences for Greenaway Lane

6.3 **Location**

- Out of character with the area and loss of identity, heritage and culture
- Overdevelopment of the site/ too high a density
- Adverse impact on landscape character
- Loss of green space
- Overlooking
- Loss of outlook
- Design
- Layout of dwellings too close to neighbouring properties
- The physical interventions on an undeveloped field will hugely adversely detract from the character of Greenaway Lane.

6.4 **Highways**

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

- Concern over the assessment of Highway matters; even one large vehicle causes havoc when trying to negotiate Greenaway Lane
- The type and width of the lane struggles with the current volume of traffic and would not cope with the huge increase
- Use of alternative access points
- Site should form part of the Master Plan to reduce the number of site accesses
- Closure of the Vero access track will not materialise
- How will the contribution towards the closure of the existing track to the Vero site be achieved when it is private.
- A third-party review of Highway matters and the officer report for Committee of 16 January 2019 considered that the officer report was slanted in favour of the Developer and that although HCC is satisfied that from a safety perspective the access is acceptable, this does not mean that the access is acceptable.
- Concern over the ability to control the enforcement of vegetation at the Greenaway Lane/Brook Lane Junction caused by overhanging vegetation to achieve visibility
- Will bollards (footpath 14) and improvements enable disability scooter access?
- Will people abandon their cars, catch a bus, cycle or walk?
- The "preferred" alternative access to the development to the south via the Land and Partners site is dismissed by officers
- The application should be deferred until connectivity can be secured. The reserved matters applications for both sites (current application and Land and Partners) should be considered together.

6.5 **Ecology and Trees**

- Loss of wildlife
- Loss of trees
- Impact on SPA, Ramsar and SAC
- HRA does not provide reasonable degree of certainty that the project will not be likely to have an effect on the SPA

6.6 **Impact on local services**

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

6.7 **Other matters**

- Noise and light pollution
- Air quality cumulatively impact

- Flooding
- Archaeology
- Affordability of houses
- Discrepancies in submitted information
- The Whiteley to Warsash bus service W2 has been withdrawn
- Post Brexit need for food and agriculture, site should be used for agricultural purposes
- Request to rescind other resolutions to grant due to cumulative impact
- Flooding on the lane
- A legal opinion was received on the approach being adopted by FBC with respect to screening and appropriate assessments
- It would be unlawful for the Planning Committee to resolve to grant outline planning permission as a legal compliant appropriate assessment has not been undertaken.

6.8 **PETITION** (signed by 2,390 people)

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, Lockwood, 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.'

6.9 **QC Opinion**

- 6.10 On 15 January 2019, the Council received a QC Opinion on behalf of 'Save Warsash and the Western Wards' on the legality of the approach being adopted by the Council with respect to screening and appropriate assessments under the Conservation of Habitats and Species Regulations 2017.
- 6.11 More specifically the QC's opinion advised that at that time it would not have been lawful for the Planning Committee to grant outline planning permission for this application based on the way in which the Appropriate Assessment had been undertaken.
- 6.12 Following the deferral of the planning application by the Planning Committee in January, Officers sought advice from a QC on behalf of Fareham Borough Council. Having considered the opinion submitted by Save Warsash and the Western Wards, the QC acting for Fareham Borough Council recommended some changes to this Council's Appropriate Assessment to ensure its legal robustness. The changes recommended by the QC instructed by Fareham Borough Council have been incorporated in this Council's Appropriate Assessment.

7.0 Consultations

EXTERNAL

7.1 HCC Highways

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

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

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

Walking and cycling - Contributions will be secured towards sustainable travel improvements in respect of walking and cycling route to Swanwick Station. A 3m wide shared footway/cycleway will be provided through the development

site to connect onwards to Footpath 14 with safety bollards to prevent direct access from the site onto the lane. Additional signage of the route and improvements to the footpath should be secured via a financial contribution. The proposed pedestrian/cycle crossing improvement on Brook Lane can be addressed at a detailed design stage as part of the S278 works.

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

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

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

The Framework Travel Plan is considered acceptable.

Following receipt of the I-Transport Technical note (31 January 2019), the Highway Authority have commented that the current layout proposed within the application is considered acceptable by the Highway Authority as per their response dated 2nd October 2018. Confirmed that the clarification note reflects the discussions and assessments undertaken by HCC with the applicant. For clarity, states that the £30,000 contribution has been secured towards the following and not solely for improvements to the routes to school and the railway station.

Sustainable travel contribution package of £30,000 to be used flexibly towards the following offsite improvements:

- *A TRO towards the closure of the access road leading to the Vero site on Greenaway Lane;*
- *Improvements to Footpath 14; and*
- *Improvements identified in the Walking and Cycling Audit undertaken as detailed in Figure 4.*

7.2 If any further comment is received from HCC in respect of the cumulative impact of development on the roads around Warsash, this will be reported to Members as an update.

7.3 **Natural England**

Since the January Planning Committee, Natural England have commented that further information is required to determine impacts on designated sites. As submitted, the application could have a potential significant effect on Solent and Southampton Water Special Protection Area and the Solent Maritime Special Area of Conservation. They request confirmation of the nutrient budget for the development. Recommends that the proposals achieve nutrient neutrality.

Officers have carried out a further Appropriate Assessment since the January Planning Committee and consulted Natural England on it. Natural England have made the following comments on the Appropriate Assessment (AA):

- Natural England agrees with the conclusions of the Habitats Regulations Assessment (HRA) and AA with respect to recreational disturbance on the Solent Special Protection Areas (SPAs). Natural England require the Bird Aware Solent contribution to be secured with any planning permission.
- Advises that a best practice Construction Environmental Management Plan is secured with any permission to ensure there is no potential for pollution to enter the groundwater during this phase of the development. Recommends the HRA is amended to address this detail.
- Noted that a SuDS system is proposed post-construction. Provided this is in accordance with best practice and the CIRIA SuDS Manual (C753), it is Natural England's view that this would be sufficient to address any potential risk from the development on the designated sites.
- The HRA should be amended to address detail in respect of environmental protection in the event of an unexpected pollution event or poor system performance.
- Advises that there is a likely significant effect on the European designated sites SPA, Special Areas of Conservation (SAC), potential Special Protection Area (pSPA) due to the increase in waste water from the new housing.
- Existing uncertainty about the deterioration of the water environment must be appropriately addressed. Natural England recommends that the proposals achieve nutrient neutrality.
- Air quality - Natural England has produced guidance on the impacts of road traffic emissions under the Habitats Regulations. It is noted that the site is greater than 200m from any European designated sites (SPA, SAC, pSPA). However, the assessment will need to consider if there are any emissions from development traffic on road links within 200m from European sites.
- Further assessment of road links is required.

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

7.5 **HCC Archaeology** - no objection subject to planning condition.

7.6 **HCC Children's Services** - request for contribution towards education facilities.

- 7.7 **Southern Water** - no objection subject to planning condition.
- 7.8 **Crime Prevention Design Advisor** - provided advice in respect of crime prevention.

INTERNAL

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

8.0 Planning Considerations

- 8.1 The following matters represent the key material planning considerations which 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) Nitrates Issue and the impact upon European Protected Sites
- d) Policy DSP40;
- e) Other matters;
- f) The Planning Balance

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

- 8.2 A report and updates titled "Five-year housing land supply position" was reported to Member's at the 24 April Planning Committee. That report set out this Council's local housing need along with this Council's current housing land supply position. The report concluded that this Council has 4.66 years of

housing supply against the new 5YHLS requirement meaning there is a shortage of 186 dwellings.

- 8.3 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

- 8.4 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.

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.'

Policy CS9 of the Core Strategy supports development in the Western Wards within the settlement boundaries. The site is outside of the settlement boundary.

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).

- 8.5 The site is clearly outside of the defined urban settlement boundary and the proposal is therefore contrary to Policies CS2, CS6, CS9 and CS14 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan.

c) Nitrates Issue and the impact upon European Protected Sites

- 8.6 Core Strategy Policy CS4 sets out the strategic approach to Biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policy DSP13: Nature Conservation of the Local Plan Part 2 confirms the requirement to ensure that designated sites, sites of nature conservation value, protected

and priority species populations and associated habitats are protected and where appropriate enhanced.

- 8.7 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 per cent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within the Solent which are of both national and international importance.
- 8.8 In light of their importance, areas within the Solent have been specially designated under UK/ European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'European Protected Sites'(EPS).
- 8.9 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'competent authority' if it can be shown that the proposed development will either not have a likely significant effect on designated European sites or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated European sites. This is done following a process known as an Appropriate Assessment. The competent authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The competent authority is either the local planning authority or the Planning Inspectorate, depending on who is determining the application.
- 8.10 Natural England has highlighted that there is existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted that increased levels of nitrates entering the Solent (because of increased amounts of wastewater from new dwellings) will have a likely significant effect upon the European Protected Sites.
- 8.11 Natural England has further advised that the effects of emissions from increased traffic along roads within 200 metres of EPS also has the potential to cause a likely significant effect.
- 8.12 The applicant submitted a Report to inform a Habitat Regulations Assessment (HRA) dated March 2019 for consideration in the forthcoming planning appeal. It will be for the Planning Inspector to undertake the Appropriate Assessment.
- 8.13 Officers have considered the current situation in order to be in a position to advise Members on the case that the Council should present to the Planning Inspector. The submitted report to inform the HRA recognises the potential to result in a likely significant effect on the SAC, SPA and Ramsar. The report includes a calculation of the nitrogen budget using Natural England's Draft 2018 Methodology.

- 8.14 The calculation that the appellant has undertaken is based on an average household size of 2.3 persons (the latest Natural England guidance (June 2019) recommends an average household size figure of 2.4 persons is used). The appellant's calculation goes on to measure the total nitrogen load from the current land use, using a mix of horticulture and mixed agriculture land types and then calculates the nitrogen load from future land uses (the proposed development). The appellant's calculation demonstrates that there will be a net increase in Total Nitrogen output from the site when it is fully occupied.
- 8.15 At this stage officers have not received evidence to substantiate all of the appellant's inputs that have been used to calculate the existing total nitrogen load. Notwithstanding this, the appellant's submission shows that the total nitrogen output will increase above the existing use of the site and no mitigation measures have been put forward. The proposed development would not therefore be nutrient neutral.
- 8.16 In these circumstances the Habitats Regulations provide that planning permission can only be granted if the proposal meets the following tests:
- there are no alternative solutions to the proposed development;
 - there are imperative reasons of overriding public interest; and
 - there are suitable compensatory measures secured
- 8.17 On the evidence presently available, Officers are not satisfied that any of these tests are satisfied. Officers would have recommended that planning permission should have been refused on the grounds of the uncertain but likely adverse effects of waste water from this development, in combination with other developments, on the site integrity of the SPA and SAC and other similarly protected areas around the Solent.
- 8.18 With regard to the consideration of Air Quality effects upon the designated sites, the submitted report considers there to be no potential to result in a likely significant effect. Natural England have produced guidance on the impact of road traffic emissions under the Habitat Regulations. An assessment needs to be undertaken to consider if there are any emissions from the development traffic on road links within 200m from European sites, in combination with other projects. On the basis of the information presently submitted, it is uncertain whether there would be a likely significant effect upon European Protected sites resulting from increased road traffic emissions.
- 8.19 In addition to the impacts set out above, it is recognised that increasing the number of houses close to the Special Protection Areas could result in increased disturbance to over-wintering birds and have a likely significant effect. The Solent Recreation Mitigation Strategy has been developed to

address this potential impact. Subject to the appropriate financial contribution being secured, Officers believe this likely significant effect can be satisfactorily mitigated.

8.20 In summary, officers consider the proposal to be contrary to Core Strategy Policy CS4 and Local Plan Part 2 policy DSP13. There would be a likely adverse effect on the integrity of the designated sites due to the impact on ecology and biodiversity from increased wastewater. In respect of impacts from road traffic emissions, at this stage there is insufficient evidence to demonstrate that the development would not have a likely significant effect in isolation or when considered in combination with other projects.

d) 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:

Policy DSP40 (i)

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

Policy DSP40 (ii)

8.24 The urban settlement boundary is located within relatively close proximity to the north, east and south of the site. The site is near leisure and community facilities, schools and shops. Officers consider that the proposal can be well integrated into the neighbouring settlement including other nearby development

proposals that have resolutions to grant outline planning permission. The proposal would therefore be in accordance with point ii of Policy DSP40.

Policy DSP40 (iii)

- 8.25 The site is within an area of countryside but is not designated as a strategic gap. Policy CS14 of the Core Strategy confirms that built development will be strictly controlled to protect it from development which would adversely affect its landscape character, appearance and function.
- 8.26 The area is identified within the Fareham Landscape Assessment 2017 (LLCA 2.2A) as relatively visually contained from views from surrounding areas. This area is classed as being of a lower sensitivity mainly because the character and quality of the landscape has been adversely affected by urban influences. This area is therefore more tolerant of change and there is scope for development to bring about positive opportunities.
- 8.27 If the development were to go ahead, the main people who would be potentially affected by visual changes would be residents near the site. It is therefore acknowledged that the development of this site would introduce a change in character and outlook particularly from nearby properties and the Greenaway Lane frontage of the site. This change would primarily have a localised visual impact and the visual impact from longer distance views would be limited.
- 8.28 The illustrative masterplan shows how the overall layout and form of the development might be laid out. Whilst acknowledging that this plan is for illustrative purposes only as the layout and design of the site would be the subject of a reserved matters application, Officers consider that this aspect will need to be the subject of careful consideration at the reserved matters stage to ensure that the proposal complies with adopted policy. The layout would need to incorporate areas of accessible public open space, consideration of play provision and ecological mitigation and would need to accommodate a pedestrian and cycle link as well as the opportunity to have vehicular connectivity to land to the south. This is to ensure appropriate green infrastructure in compliance with Policy CS4 and comprehensive development in accordance with Policy DSP4.
- 8.29 Officers consider that subject to more detailed considerations at the reserved matters stage, the development of up to 100 dwellings could be acceptable on this site in accordance with point iii) of Policy DSP40.

Policy DSP40 (iv)

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

Policy DSP40(v)

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

Ecology

- 8.32 An Ecological Appraisal and surveys in respect of reptiles, bats, badgers, overwintering birds and dormouse have been submitted. The Council's Ecologist and Natural England are satisfied with how the proposals deals with species on site and potential disturbance of birds at the coastline, subject to the imposition of planning condition and appropriate mitigation.
- 8.33 As set out in the 'Nitrates Issue and the impact upon European Protected Sites' section of this report, there would be a likely adverse effect on the integrity of the designated sites due to the impact on ecology and biodiversity from increased wastewater. In respect of impacts from road traffic emissions, at this stage there is insufficient evidence to demonstrate that the development would not have a likely significant effect in isolation or when considered in combination with other projects. In addition to Core Strategy Policy CS4 and Local Plan Part 2 policy DSP13, the proposal would also be contrary to Policy DSP40 (v).

Agricultural land

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

Amenity

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

Highways

- 8.36 The Highway Authority comments are set out in the consultation section of this report and conclude that from a highway safety perspective, the proposal would be acceptable subject to the imposition of planning conditions and financial contributions.

- 8.37 Following the deferral of this application at the Planning Committee on 16 January, officers wrote to the planning agent to establish whether access to the scheme could solely be achieved via land to the south. There has been no additional information submitted in respect of this specific issue. The implications of achieving access via land to the south is discussed later in this section of the report.
- 8.38 Since the deferral of the application, the applicant has submitted a Technical Note to provide information and clarification relating to Highway matters. This re-iterates that HCC as Highway Authority have no objection to the application subject to planning conditions and a Section 106 legal agreement. The technical note discusses the advice previously received from this Council's Transport Planner and HCC's Highway response and summarises the various technical considerations.
- 8.39 The Highway Authority sought further clarification on the traffic survey data; the developer's transport consultant undertook video footage and compared this with flows presented in the Transport Assessment. The Highway Authority are satisfied with the submitted information.
- 8.40 In response to the Planning Committee request for further clarity from the Highway Authority regarding the impact of additional traffic on Greenaway Lane and the cumulative impact of development within Warsash and local roads, the Highway Authority consider that their consultation responses have been comprehensive.
- 8.41 A number of representations have raised concern over the impact of the development on the safety of users of Greenaway Lane and at the Greenaway Lane/Brook Lane junction. Reference to the draft local plan has also been made which discusses the preferred approach to ensure that the inherent character of Greenaway Lane is retained. The draft Local Plan carries limited weight currently.
- 8.42 The Highway Authority is satisfied that a safe means of access can be provided; this is a significant material planning consideration. Officers have carefully considered whether the impact on Greenaway Lane in terms of physical alterations are such that it would make the development otherwise unacceptable. The proposed bell mouth junction is located approximately 60 metres east of Brook Lane. The physical alterations would include the access to facilitate the development, a pavement on the southern side of Greenaway Lane which would extend towards Brook Lane and pedestrian crossing points, and a minor realignment of the carriageway. There would also be signage and bollards which would relate to pedestrian and cycle connectivity. It should be noted that the detailed highway works would be the subject of a S278 agreement with the Highway Authority. Officers have concluded that the

physical 'interventions' are not of a level that would adversely detract from the character of Greenaway Lane or justify refusal of outline planning permission.

- 8.43 It is acknowledged that an alternative access to the south of the site would be preferred which would limit the number of vehicles that would enter and exit the proposed Greenaway Lane access. However, this current application needs to be considered as submitted. The applicant's agent has advised that the potential access to the south is on third party land. If a link could be facilitated there would be a "time ransom" and the developer would have to wait for a road link to be built through the site to the south (Land and Partners site).
- 8.44 Following the deferral of the application in January 2019, the applicant has not provided further comment in respect of the alternative access to the south. However, the developer is willing to "downgrade" the Greenaway Lane access to emergency/pedestrian/cycles if an access to the south is secured without a timing and financial ransom to them.
- 8.45 As part of the proposed legal agreement in relation to the Land and Partners site, Officers are seeking to secure a vehicular connectivity link which could facilitate a vehicular route between the two sites. Bargate Homes could then provide a similar link on its land. It is noted that any change to the access routes in terms of trip generation and dispersal of traffic would need to be supported by updated highway technical reports at the reserved matters stage.
- 8.46 This issue is somewhat complex due to the timing and consideration of the separate applications. Officers anticipate that the reserved matters applications for both sites will be submitted but ultimately cannot control this or the resultant actual timing of the delivery of each site.
- 8.47 Policy DSP4 of the adopted plan relates to 'prejudice to adjacent land' and piecemeal development and supports connectivity to adjoining land. The developer's position on a financial ransom is noted but ultimately this is a matter for dialogue between the developer and the various land owners. Officers consider it is important to ensure that vehicular connectivity is secured via a Section 106 planning obligation.
- 8.48 In summary, Members are advised that whilst it is entirely reasonable to seek to secure the vehicular connectivity to the south and a downgrading of the Greenaway Lane access should the latter be achievable, fundamentally this current application needs to be considered as submitted with the access off Greenaway Lane. Based on the Highway Authority advice and noting the discussion above, officers consider that the proposal does comply with point (v) of DSP40, policy CS5 of the Core Strategy and DSP4 of the Local Plan part 2.

- 8.49 In respect of the Highway Authority request for a contribution towards the closure of the access track off Greenaway Lane that serves the Veros site, Officers note that the Highway Authority is satisfied that the proposed access and related traffic implications for this current application are acceptable as submitted without the closure of the track. It is noted that the access to the Veros site is in private ownership and currently serves premises other than the Veros site. The contribution request is on the basis that the closure of the track can be explored through a Traffic Regulation Order process if there are no valid objections. Members are advised that it would be appropriate to secure a financial contribution towards the closure of the access track if this can be achieved, however, this cannot be guaranteed.
- 8.50 In summary, through the imposition of planning conditions and the completion of a planning obligation pursuant to Section 106 of the Town and Country Act 1990, Officers are satisfied that the proposal would not have any unacceptable amenity or traffic implications in compliance with criteria (v) of DSP40.
- 8.51 With regard to environmental considerations (DSP40 (v), having given regard to the matters set out within the 'Nitrates Issue and the impact upon European Protected Sites' section of this report, officers consider the proposal contrary to the environmental criteria (v) of DSP 40.

e) Other matters

Affordable Housing

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

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

- 8.53 On site open space is proposed and is shown illustratively on the submitted plans. As part of a Section 106 legal agreement, it is considered appropriate to secure a plan to accompany the agreement to ensure that a swathe of open space links through to land to the south. This is to secure green infrastructure and vehicular, pedestrian and cycle connectivity.
- 8.54 In respect of play provision and in accordance with the Council's adopted Planning Obligation SPD, the proposed number of units would require the provision of a Locally Equipped Area of Plan (LEAP). It is noted that resolutions to grant planning permission have already sought to secure play provision on land to the south of Greenaway Lane.

8.55 Due to the development proposals coming forwarding at different times, it will be necessary to secure play provision on this application site. In the circumstance that play provision is delivered earlier on other land to the south of Greenaway Lane, a financial contribution towards the provision and maintenance of this equipment should be secured.

8.56 The above could be secured via a Section 106 legal agreement.

Effect upon Local Infrastructure

8.57 Concerns have been raised over the effect of the number of dwellings on schools, doctors and other services in the area. Hampshire County Council have identified a need to increase the number of primary school places within the areas to meet needs generated by the development. A financial contribution can be secured through the Section 106 legal agreement.

8.58 The difficulty in obtaining doctor's appointments and dental services is an issue regularly raised in respect of new housing proposals. It is ultimately for the health provides to decide how they deliver their services. A refusal on these grounds would not be substantiated.

8.59 With regard to concern over drainage and flood risk, the Lead Flood Authority are content with the submitted information. During the course of the application, the Highway Authority requested further information to assess the potential impact of water draining off the proposed development into the carriageway. Sufficient information has demonstrated a fall away from Greenaway Lane to ensure that any surface water drainage occurs internally back into the site, rather than out onto the carriageway. The drainage design will be addressed further at the detailed design stage.

Draft Local Plan

8.60 Members will be aware that the Draft Local Plan which addresses the Borough's development requirements up until 2036 was subject to consultation between 25th October 2017 and 8th December 2017. The site of this planning application was proposed to be allocated for housing within the draft local plan

8.61 With regard to concern over the cumulative effect of development and whether it would be so significant that to grant planning permission would undermine the plan-making process, a number of background documents and assessments support the proposed allocation of the site in terms of its deliverability and sustainability which are of relevance.

Other third-party concerns

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

f) The Planning Balance

- 8.63 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".

- 8.64 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 NPPF.

- 8.65 Paragraph 59 of the NPPF seeks to significantly boost the supply of housing. Paragraph 73 of the NPPF states that Local Planning Authorities should identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement including a buffer. Where a Local Planning Authority cannot do so, and when faced with applications involving the provision of housing, the policies of the local plan which are most important for determining the applications are considered out-of-date.

- 8.66 Paragraph 11 of the NPPF clarifies what is meant by the presumption in favour of sustainable development for decision-taking, including where relevant policies are "out-of-date". It states:

"for decision-taking this means:

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

Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:

The application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or

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."

- 8.67 Paragraph 177 of the NPPF states that:

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

- 8.68 The following sections of the report assesses the application proposals against this Council’s adopted Local Plan policies and considers whether it complies with those policies or not to weigh up the material considerations in this case. As advised earlier in this report, as the application is now the subject of a Planning Appeal, the Council are not determining this application. In order to be in a position to invite Members to confirm the decision they would have made if they had been able to determine the planning application, it is necessary to consider the policy and legislative implications in order to attach appropriate weight to the material planning considerations.
- 8.69 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.
- 8.70 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 April 2019.
- 8.71 In weighing up the material considerations and conflict between policies; the development of a greenfield site weighted against Policy DSP40, Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall, well related to the existing urban settlement boundaries such that it can be integrated with those settlements whilst at the same time being sensitively designed to reflect the area’s existing character and minimising any adverse impact on the Countryside.
- 8.72 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.
- 8.73 Officers are satisfied that there are no outstanding amenity issues which cannot otherwise be addressed through planning conditions. There would be no materially harmful impact on highway safety.

- 8.74 Given the position set out in paragraph 177 of the NPPF the 'presumption in favour of development' as set out in paragraph 11 does not apply in this case. Officer advice is that without the 'presumption in favour of development' there is a sufficiently robust adopted policy basis in which to weigh up the material planning considerations with specific regard to Policy DSP40 which ordinarily would carry significant weight in the determination of this application.
- 8.75 Since this application was reported to the Planning Committee in January 2019, Natural England have advised that waste water from proposed housing would have a likely significant effect upon European Protected Sites.
- 8.76 In this case, the applicant has undertaken a calculation which indicates that the wastewater total nitrogen load arising from the proposed development would not achieve nutrient neutrality. No acceptable mitigation has been put forward by the applicant, therefore it is not possible to ascertain that the proposal will not result in adverse effects on the designated sites.
- 8.77 The Habitat Regulations provide that planning permission can only be granted if a proposal meets the following tests:
- There are no alternative solutions to the proposed development;
 - There are imperative reasons of overriding public interest; and
 - There are suitable compensatory measures secured (for example a replacement habitat).
- In the view of Officers, none of these tests can be satisfied at this time.
- 8.78 This issue is a significant material planning consideration due to the uncertainty but likely adverse effects of waste water from this development in combination with other developments on the designated European sites.
- 8.79 In respect of impacts from road traffic emissions, Officers are not satisfied on the basis of the submitted information that there is no potential to result in a likely significant effect on the designated sites.
- 8.80 In summary, the proposal is considered to conflict with criteria (v) environmental impact of Policy DSP40, Policy DSP13 and Policy CS4 of the adopted Core Strategy.
- 8.81 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.
- 8.82 In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage in housing supply, Officers acknowledge that the proposal could deliver up to 100 dwellings, including affordable housing, in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply is a substantial material consideration, in the light of this Council's current 5YHLS.

- 8.83 The conflict with development plan policy CS14 would ordinarily 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. Whilst the Council is unable to demonstrate a 5YHLS, more weight should be afforded to policy DSP40 than CS14. Having considered the scheme against the criterion of DSP40, the proposal is considered to satisfy all the criteria within DSP40 except in relation to the impact of the development in respect of environmental ecological matters as set out within this report.
- 8.84 Officers are satisfied that amenity issues and the highway implications are acceptable and can be addressed through the design of the scheme, planning conditions and a section 106 planning obligation. The section 106 planning obligation could also secure an education contribution, highway contribution and connectivity.
- 8.85 Having carefully considered all material planning matters, Officers consider that the likely significant effects upon the European Protected Sites must be given substantial weight, and as such outweigh the benefits which arise from the proposal. Members are invited to confirm that had they had the opportunity to determine the planning application, they would have REFUSED it for the following reason:

9.0 Recommendation

The application is contrary to the National Planning Policy Framework, Core Strategy Policy CS4, Green Infrastructure, Biodiversity and Geological Conservation, Policy DSP13 Nature Conservation of Local Plan Part 2 and Policy DSP40 (v) and is unacceptable in that:

- 9.1 The proposal would have likely significant effects upon designated European Protected Sites in combination with other developments due to the adverse effects of increased waste water.
- 9.2 There is uncertainty in respect of the impact of increased emissions from traffic associated with this development in combination with other developments upon designated European Protected Sites
- 9.3 The Planning Inspectorate should further be advised that had the impacts upon the European sites been satisfactory mitigated and had planning permission been granted, the Local Planning Authority would have first sought a Section 106 planning obligation to secure the following:

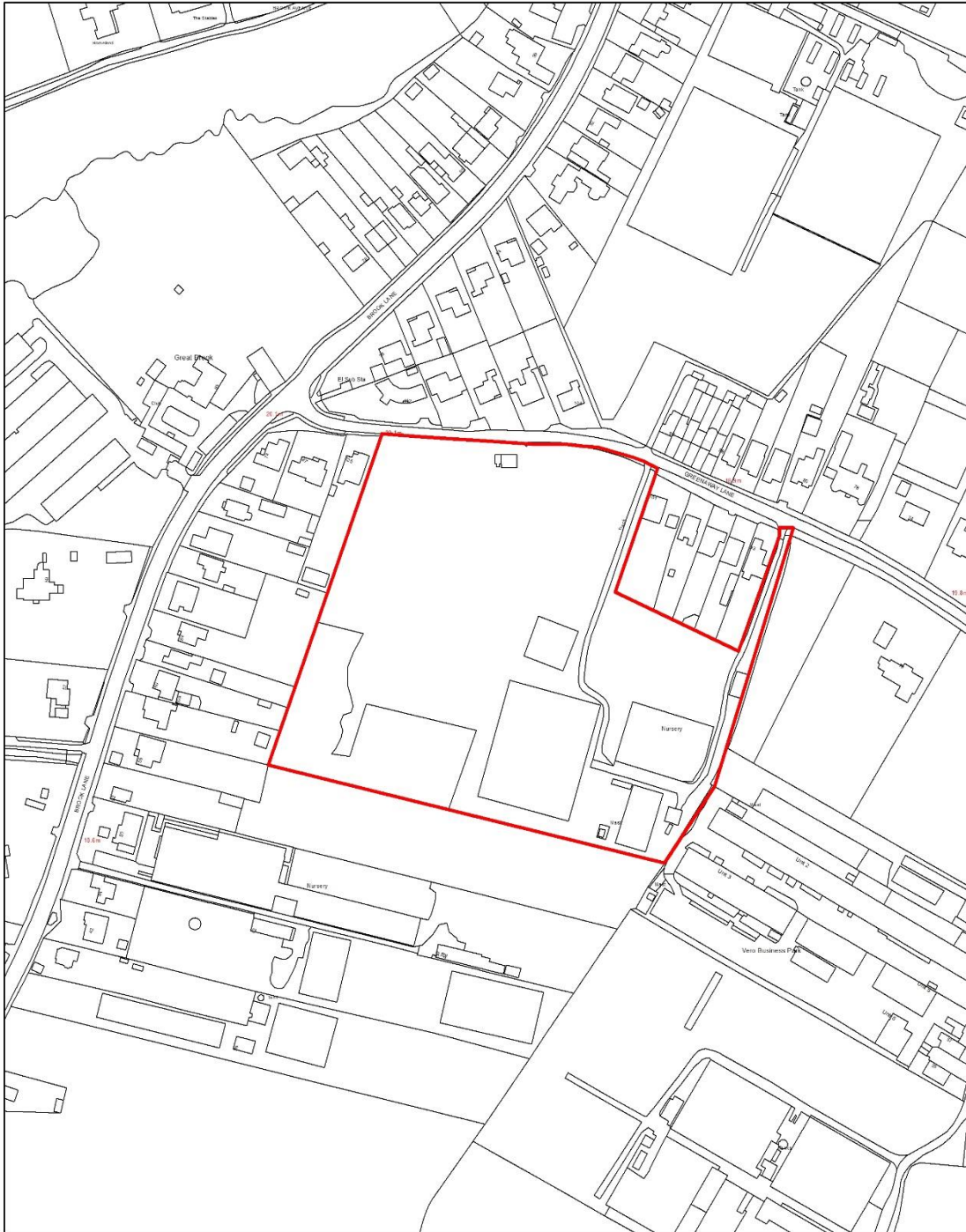
- a) Provision and transfer of the areas of open space to Fareham Borough Council, including associated financial contributions for its future maintenance;
- b) A financial contribution towards the delivery of a play area and associated maintenance;
- c) A financial contribution towards the Solent Recreation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

10.0 Background Papers

P/18/0482/OA

FAREHAM

BOROUGH COUNCIL



Land Adjacent to 125 Greenway Lane
Scale 1:2500



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OFFICER REPORT FOR COMMITTEE

DATE: 17/07/2019

P/19/0344/FP
SOLENT UNIVERSITY

WARSASH
AGENT: VAIL WILLIAMS LLP

CONSTRUCTION OF NEW UNIVERSITY BUILDING TO BE USED AS FIRE AND POOL TRAINING CENTRES AND ASSOCIATED LANDSCAPING, SERVICE ROADS, AREAS OF HARD SURFACING, PARKING AND BOUNDARY TREATMENTS (FOLLOWING DEMOLITION OF THE JOHN THORNEYCROFT BUILDING, LOVAT HOUSE, DRUMMOND HOUSE, MOSS BUILDING, ESTATES BUILDING AND HOT AND COLD FIRE TRAINING UNITS)

WARSASH MARITIME ACADEMY, NEWTOWN ROAD, WARSASH

Report By

Richard Wright – direct dial 01329 824758

1.0 Introduction

1.1 This application is included on the Planning Committee agenda due to the number of third party representations that have been received in response to publicity of the proposals.

2.0 Site Description

2.1 This application relates to part of the existing Warsash Maritime Academy campus which is located on the western side of Newtown Road on the banks of the River Hamble. The site comprises the northern half of the academy campus which is situated on lower land closer to the riverside in comparison to the southern section of the site. As a result it is referred to in the submission at various points as the “lower” or “retained” site.

2.2 The site measures approximately 3.8 hectares of land of which a large proportion has previously been developed with educational campus buildings, other structures and large areas of hard surfacing. In the centre of the site is a tidal pond with trees of various sizes around its southern, eastern and northern perimeter. Those trees are covered by a tree preservation order over the area (FTPO 261). The land closest to the riverside is generally flat however the ground rises eastwards towards Newtown Road from which vehicular and pedestrian access is currently provided.

2.3 As mentioned above, to the south of the site lies the southern section of the academy. To the immediate east lie the rear gardens of residential properties fronting Newtown Road. To the west a public footpath (part of the Solent Way) runs alongside the river separated from the application site by boundary

walls and fencing but with gates to allow access from the pier which extends out into the river to provide access to vessels moored there.

- 2.4 The site lies entirely outside of the defined urban settlement boundaries and so for planning purposes is considered to be located in the countryside. The adjacent river is designated for nature conservation purposes as a Special Area of Conservation (the Solent Maritime SAC), Special Protection Area (Solent & Southampton Water SPA) and Ramsar site. The river at this location also forms part of the Lee-on-the-Solent to Itchen Estuary Site of Special Scientific Interest (SSSI). The majority of the site lies within Flood Zone 3.
- 2.5 Members may also be aware that the southern part of the academy campus, which lies to the south of the application site, is designated as a development allocation (ref HA7) in the draft Fareham Local Plan 2036.

3.0 Description of Proposal

- 3.1 Permission is sought for the demolition of various existing buildings on the site followed by the construction of a new university building to be used as fire and pool training centres.
- 3.2 The main 'L' shaped building will provide classrooms, training facilities, changing and storage space as well as a café, ablutions and plant rooms for the maritime fire and safety training functions of the university campus. The building will feature a Helicopter Underwater Escape Training (HUET) pool facility enabling it to provide training simulations of helicopter and oil rig rescues. The development would consolidate teaching and training activities into this new building which would measure 3,227 square metres (an increase of 282 square metres compared to the buildings that would be demolished).
- 3.3 Access into the site is proposed to remain as existing via Newtown Road. New car parking facilities would be created to provide 216 parking spaces.
- 3.4 The proposal will entail the removal of several protected trees on the site which are mainly concentrated around the location of the new main building and the overflow car park.
- 3.5 Whilst some buildings would be demolished to make way for the development others would remain. Those retained buildings include the existing fire school building and fire school changing building, the Nigel Gee building and the Waterside building.
- 3.6 When originally submitted the application proposed the construction of a training fire ground comprising several new training buildings and associated

plant buildings to replace the existing one on the site already. Following discussions with Officers these elements of the proposal have been withdrawn to allow the applicant the opportunity to provide further information and to make any necessary amendments.

4.0 Policies

4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS5 – Transport Strategy and Infrastructure

CS14 – Development Outside Settlements

CS15 – Sustainable Development and Climate Change

CS17 – High Quality Design

Adopted Development Sites and Policies

DSP1 – Sustainable Development

DSP2 – Environmental Impact

DSP3 – Impact on Living Conditions

DSP10 – Educational Facilities Outside of the Defined Urban Settlement Boundaries

DSP13 – Nature Conservation

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/19/0525/PA	DEMOLITION OF JOHN THORNEYCROFT BUILDING & CONNECTED SUB-STATION AND ESTATES BUILDING (INCLUDING DETAILS OF CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN)
PRIOR APPROVAL GRANTED	12/06/2019
P/18/0979/TO	VARIOUS WORKS TO TREES PROTECTED BY TPO261
CONSENT	27/09/2018
P/09/0297/FP	ERECTION OF SINGLE STOREY BUILDING TO REPLACE TWO TEMPORARY BUILDINGS
PERMISSION	26/05/2009

P/08/0394/FP PERMISSION	RETENTION OF SIX PORTABLE BUILDINGS 20/05/2008
P/05/0721/FP PERMISSION	CONSTRUCTION OF CAR PARK AND DISABLED ACCESS 21/07/2005
P/04/0262/FP PERMISSION	ERECTION OF NEW BUILDING FOR EDUCATIONAL PURPOSES (TO REPLACE TEMPORARY CLASSROOMS) ASSOCIATED CAR PARKING ETC 15/04/2004
P/04/0259/OA PERMISSION	ERECTION OF PERMANENT BUILDINGS TO REPLACE TEMPORARY ACCOMMODATION, REVISED CAR PARKING AND ASSOCIATED LANDSCAPING 15/04/2004

6.0 Representations

6.1 Nine letters of objection have been received in response to this application raising the following material planning concerns:

- Lack of parking provision
- Unacceptable visual impact
- Extent of building and its position in centre of site is unnecessary
- Loss of privacy / overlooking
- Overbearing effect
- Presence of Japanese knotweed
- Negative visual impact of tall boundary treatment adjacent to public footpath
- Impact on non-protected wildlife such as deer
- Proposal does not consider the lifespan of the building and potential rise in sea levels
- Noise, disturbance and safety problems caused by construction traffic
- Parking issues in nearby streets during construction

7.0 Consultations

EXTERNAL

Environment Agency

7.1 Objection. Further information is required on the method of works for the proposed development. Any demolition or building within 16m of the sea wall requires an assessment of the impact of the works on the stability and

integrity of the sea wall, specifically including information indicating the load pressures the defence may be subject to due to the development.

Natural England

- 7.2 No objection subject to appropriate mitigation being secured.

Hampshire County Council Flood and Water Management

- 7.3 Further information requested.

INTERNAL

Ecology

- 7.4 No objection subject to condition securing compliance with relevant ecology reports and strategies.

Highways

- 7.5 No objection subject to a condition securing a construction method statement.

Trees

- 7.6 No objection. The impact on trees and the effect of tree loss, pruning and other site operations on local tree cover, public amenity and local character have been considered.

Environmental Health

- 7.7 Concerns raised over lack of information in relation to Minerva extraction unit within fire ground [that element of the proposal has now been withdrawn]. No further concerns raised.

Contaminated Land

- 7.8 No objection subject to appropriate planning condition being imposed.

8.0 *Planning Considerations*

Principle of development

- 8.1 The site is located outside of the defined urban settlement boundaries and so for planning purposes is within the countryside.

- 8.2 Policy CS14 of the adopted Fareham Borough Core Strategy reads:

“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 require infrastructure. The conversion of existing building will be favoured. Replacement buildings must reduce the impact of

development and be grouped with other existing buildings, where possible. In coastal locations, development should not have an adverse impact on the special character of the coast when viewed from the land or water.”

- 8.3 Notwithstanding the restrictive nature of Policy CS14, which is intended to prevent inappropriate development which harms the character and appearance of the countryside and for which there is no overriding requirement for a countryside location, Policy DSP10 of the adopted Fareham Borough Local Plan Part 2 provides justification for specific developments of educational facilities outside of the urban area subject to six tests. It states that:

“... Proposals for new buildings, replacement buildings, conversions, and/or extensions will only be permitted provided that:

- i. They will be used for educational purposes or a use directly required to support the education facility;*
- ii. They are of a suitable scale that is proportionate to the existing facilities on site;*
- iii. For new buildings, they are well designed to respect the character of the area and, where possible, should be grouped with existing buildings on site;*
- iv. They would not result in the loss of playing fields and/or sports pitches unless it can be demonstrated that these facilities are no longer required or they can be adequately replaced elsewhere on site;*
- v. They avoid building on the areas of the site that are at the highest risk of flooding, unless it can be demonstrated that the proposed development has an overriding need for the proposed location; and*
- vi. It is demonstrated that sufficient parking spaces will be provided to meet the needs of any additional development and that there will be no unacceptable impact on traffic levels and parking in neighbouring areas.*

Proposals should have particular regard to the requirements of Core Strategy Policy CS14: Development Outside Settlements, and Core Strategy Policy CS6: The Development Strategy. They should avoid the loss of significant trees, should not have an unacceptable impact on the amenity of residents, and should not result in unacceptable environmental or ecological impacts or detrimental impact on the character or landscape of the surrounding area.”

- 8.4 Officers are satisfied that the proposal provides teaching and training facilities which are at the centre of the maritime academy’s principal purpose as an educational facility - thereby satisfying test (i). The proposals are of a scale that is clearly proportionate to the existing facilities on the campus at present

in that they are replacement buildings with a small uplift in the overall floorspace on the lower retained site – meeting test (ii). The application does not propose development on playing fields or sports pitches – clearly therefore according with test (iv).

- 8.5 The three remaining tests of Policy DSP10 – (iii), (v) and (vi) are considered in more detail below.

Effect on character and appearance of area

- 8.6 The third test of Policy DSP10(iii) seeks to ensure that new buildings are well designed and respect the character of the area as well as being grouped with existing buildings on site. It is consistent with the advice within Core Strategy Policies CS14 & CS17 in these regards.
- 8.7 Whilst the proposal includes various elements, its principal component is the new pool and fire training building within the centre of the site forming an ‘L’ shape around the existing tidal pond. It is proposed in a simple rectangular form with steel frame and exterior cladding in a marine/boatbuilding building typology. The design of the building is bespoke to the functional requirements of the safety training offered by the academy but is expressive and uses various colour elements and elevational treatments. In general Officers are satisfied that the design of the building is of a high quality which appropriately addresses its surroundings. However, it would be necessary to retain control over the exact specification and quality of the external materials to be used through a planning condition.
- 8.8 The building would be prominent and of a significant scale in comparison to the buildings being removed which, although similar in terms of overall floorspace (there being only a relatively minor increase), are lower and less bulky. The applicant’s Landscape Visual Impact Assessment (LVIA) addresses the proposals’ visual impacts and explains that, even from close range, the extent of the new development that would be visible would be limited due largely to intervening vegetation, for example evergreen trees on the site, and due to the similar nature of the proposed to the existing development. It acknowledges that the worst affected views would be those closest to the site from along the Solent Way, but in these cases the magnitude of visual effects would be moderate at worst and of no greater than major-moderate significance.
- 8.9 Following on from that assessment, and since the application was originally submitted, the applicant has provided further information to demonstrate these visual effects in the form a series of photo montages showing the development as viewed from the Solent Way. These photo montages demonstrate the effects of the building’s sympathetic and dark coloured

materials and the abundant mature tree coverage around the building. They also show the new building in the context of, and grouped closely with, other surrounding buildings, such as the existing fire school building and Waterside building both of which are directly adjacent the Solent Way and both of which would be retained.

- 8.10 Most importantly the applicant's LVIA identifies that there would be only limited changes to the overall landscape character of the coastal and countryside area in which the application site lies. The LVIA describes the effect of the proposals on landscape character as being minimal, of no more than negligible magnitude and minor significance.
- 8.11 Notwithstanding therefore the potential for adverse visual impacts, the proposals demonstrate that the development would be sympathetically designed, well located grouped with other existing buildings and set against a backcloth of mature tree coverage. The resultant landscape effects would therefore be minimal and Officers consider the proposals to accord with the relevant policy tests set out in Policies DSP10(iii) and Policies CS14 & CS17 which seek to achieve similar protection of the character and appearance of the countryside.
- 8.12 Some of the representations received have raised concerns over the visual impact of the eastern (rear) elevation of the building when viewed from adjacent residential properties along Newtown Road. Because of the mature tree coverage around the site and particularly along the site's eastern boundary views of the new building would be limited to being from the private rear gardens of a handful of residential properties where gaps in the tree coverage are located. The site is also at a lower level than those neighbouring properties. Given this, the distance between those properties and the building, the scope for further landscaping to be planted and/or mature over time, Officers do not consider the visual impact upon those private properties to be unacceptable.

Flood risk and surface water drainage

- 8.13 The fifth test of Policy DSP10(v) seeks to avoid development in areas of high flood risk. This development is proposed to be carried out within Flood Zone 3, the highest of the three categories designated by the Environment Agency.
- 8.14 There are two main points to be made in relation to this policy test. Firstly, the academy is already located within this very same area and the proposal is to replace existing buildings which are currently also within Flood Zone 3 (most of which will be unlikely to have been designed to modern standards of flood resilience). Secondly, the nature of the academy as a maritime institute necessitates a location within reasonable proximity of the river for practical

training purposes. The new building would be located close to the existing access to the river via the pier at which vessels are moored.

- 8.15 The application has been submitted with a flood risk assessment and a drainage and contamination statement. The necessary expert advice has been sought from statutory consultees, namely the Environment Agency (EA) and the lead local flood authority Hampshire County Council flood and water management team (FWM). In response the EA have raised concerns over the proximity of some of the proposed works to the existing sea wall and have sought clarification. The applicant has provided further information but, as mentioned earlier in this report, has also withdrawn the proposed replacement fire ground and associated structures from the application. It is anticipated therefore that the EA will shortly be able to confirm that they have no objection to the amended proposal. The County FWM team meanwhile have asked for further details to be provided which the applicant has committed to in the expectation that any remaining matters should be capable of being addressed through the imposition of a suitably worded planning condition.
- 8.16 Subject therefore to confirmation of no objection from either the EA or County FWM team and the inclusion of any conditions deemed necessary, the proposal would have no adverse implications for surface water drainage or flood risk.

Parking provision and traffic levels

- 8.17 The sixth and final bulleted test of Policy DSP10(vi) aims to ensure that sufficient parking spaces will be provided and proposals do not have an unacceptable impact on traffic levels and on-street parking in the area. Again there is some crossover with the requirements of Policy CS17 which seeks to ensure that developments provide appropriate parking for intended uses and Policy CS5 which is the overarching transport related policy in the adopted local plan.
- 8.18 The highway authority, Hampshire County Council, have raised no objection to the application. Whilst the Council's adopted Non-Residential Parking Standards Supplementary Planning Document provides standards for further education facilities it does not do so for university campuses and so a bespoke assessment of the parking provision being offered should be carried out taking into account the existing parking levels available on the site. In response to the proposed parking provision the highway authority has noted that the site currently has 186 spaces serving 4,542 square metres of floorspace giving a parking ratio of 4.10 spaces per 100 square metres. The proposed development would provide 216 parking spaces to serve 4,824 square metres of campus floorspace giving a more favourable parking ratio of 4.48 spaces per 100 square metres. The County highway officers have also

commented that the more structured layout of the site which is proposed should allow easier accessibility for all users. Drawing on this assessment, the proposal clearly shows that sufficient parking space will be provided to meet the additional needs of the development thereby according with Policy DSP10(vi).

- 8.19 The consultation response from the highway authority notes that the number of users of the site will remain as existing and therefore the end number of generated trips will be the same. There are also no proposed changes to the access into the site. Parking restrictions already exist along much of Newtown Road and other nearby streets. Whilst there may continue to be some demand for on-street parking space generated by the maritime academy, as explained above, the increased parking provision on site would improve the parking ratio currently offered. There would therefore be no reasonable basis on which to refuse planning permission in relation to parking concerns.

Trees

- 8.20 The final paragraph of Policy DSP10 advises that development proposals should “*avoid the loss of significant trees*”.
- 8.21 The development would result in the loss of some trees however the Council’s tree officer has considered the effect this would have on public amenity and character and raised no concerns. The trees to be lost to the development are of limited public amenity benefit and are located mainly within the interior of the site as opposed to along common boundaries where their loss may be more appreciable.

Impact on living conditions of neighbours

- 8.22 The last part of Policy DSP10 also states that development in relation to educational facilities outside of the urban area “*should not have an unacceptable impact on the amenity of residents*”. This advice is entirely consistent with other local plan policies (Policy CS17 and Policy DSP3).
- 8.23 Concerns have been raised in particular in this regard by residents living adjacent to the site on the western side of Newtown Road. Those properties have rear gardens which border the application site, although are separated from the development by a substantial band of mature trees and planting. The proposed new campus building would be located some 32 metres west of the party boundary with the nearest neighbouring property and a further 19 metres from the rear elevation of the nearest dwelling (a separation distance of approximately 51 metres in all). The neighbouring houses are sat on higher ground and, as referred to already, a significant sized group of trees and vegetation exists along the majority of the boundary. There is a gap in this

tree coverage through which the building would be visible from those neighbouring properties, however given the distance to the new building, the topography of the land, and also being mindful of the potential for planting to mature and further obscure this view in the future, it is not considered that the proposal would have an unacceptable adverse impact on the outlook of those neighbours. Whilst upper floor windows would be present in the eastern elevation of the new building, for the same reasons it is not felt that views from those windows towards neighbouring properties would have any materially harmful effect on the privacy of the occupants.

Ecology

- 8.24 Lastly, Policy DSP10 states that development proposals states that development proposals “*should not result in unacceptable environmental or ecological impacts or detrimental impact on the character or landscape of the surrounding area*”. The potential impacts of the development on the landscape character of the area are discussed earlier in this report. In relation to environmental and ecological impacts, once again, there is significant crossover with other local plan policies acting in the interests of protected species, their habitat and designated sites (Policies DSP2 & DPS13).
- 8.25 The Council’s ecologist has provided advice in relation to protected species and habitat on the application site itself. No concerns have been raised subject to the development being carried out strictly in accordance with the submitted ecological reports which put measures in place to protect bats, reptiles, great crested newts and birds from harm.
- 8.26 Natural England have advised on the potential impacts of the development on the adjacent designated sites. They also have raised no objection to the proposals subject to appropriate mitigation being secured through planning conditions to secure a Construction Environmental Management Plan (CEMP), details of Sustainable Urban Drainage System (SUDS) and the avoidance works involving heavy machinery or percussive piling during the over-wintering period for birds on the habitat sites.
- 8.27 The applicant has provided a report to help inform the Council’s own Habitats Regulations Assessment (HRA). A HRA including an Appropriate Assessment has been carried out by Officers and it has been concluded that the proposed development would not adversely affect the integrity of the habitat sites identified.

BREEAM

- 8.28 Core Strategy Policy CS15 expects that all non-residential development with a floor space of over 500 square metres must achieve BREEAM ‘excellent’ standard unless it can be demonstrated to be unviable.

- 8.29 The applicant has submitted a statement setting out that the proposal would achieve BREEAM 'very good' standard close to, but not achieving, the 'excellent' standard. Sound reasons have been provided as to why certain credits which would be required to achieve the 'excellent' standard cannot be satisfied without unacceptable and prohibitive financial implications for the delivery of the project for the university. Officers agree that sufficient justification has been provided in this instance to demonstrate that achieving BREEAM 'excellent' would be unviable.

Planning balance and conclusion

- 8.30 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that:

“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.”

- 8.31 This report assesses the proposed development against the policies of the adopted local plan. Officers have found the proposal to comply with the principal policy relating to development of educational facilities outside of the defined urban settlement boundaries (Policy DSP10) as well as other local plan policies which have similar effect.

The proposal would result in very limited harm have very limited material harm to which overall would not unacceptably the character or appearance of the countryside,

would have no unacceptable implications in terms of flood risk or surface water drainage, makes adequate parking provision and does not result in significant loss of trees. Protected species, their habitat and adjacent designated sites would not be adversely affected and the amenity of neighbours not materially harmed. The scheme achieves BREEAM 'very good' standard instead of 'excellent' but this is considered acceptable given the justification provided by the applicant.

- 8.32 In conclusion, Officers recommend that planning permission be granted.

9.0 Recommendation

- 9.1 GRANT PLANNING PERMISSION subject to:

- a) Further consultation response from the Environment Agency raising no objection to the revised proposal and the imposition of any additional planning conditions Officers consider necessary in light of that response;
- b) Further consultation response from Hampshire County Council flood and water management team raising no objection to the revised proposal and the imposition of any additional planning conditions Officers consider necessary in light of that response;
- c) The applicant submitting revised drawings removing those elements of the proposal now withdrawn and the imposition of a condition securing compliance with the approved documents/drawings;
- d) 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. No development hereby permitted shall proceed beyond damp proof course (dpc) level until details of all external materials to be used in the construction of the development, including all hard surfaced areas, have 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 a high quality design and appearance to the development.

- 3. None of the development hereby permitted shall be occupied or used until the areas shown on the approved plans 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.

- 4. No development hereby permitted shall proceed beyond damp proof course (dpc) level until an Electric Vehicle Charging Strategy has been submitted to and approved by the Local Planning Authority in writing. The strategy shall identify the nature, form and location of electric vehicle charging points that

will be provided and the specification of the charging points to be provided.
The development shall be carried out in accordance with the approved details.

REASON: To promote sustainable modes of transport, to reduce impacts on air quality arising from the use of motorcars and in the interests of addressing climate change.

5. No percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax - measured at the sensitive receptor) shall be undertaken during the bird overwintering period (i.e. October to March inclusive) unless otherwise agreed in writing with the local planning authority.

REASON: In the interests of nature conservation.

6. No development shall commence on site until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved CEMP (unless otherwise agreed in writing by the local planning authority) which shall include (but shall not necessarily be limited to):

- a) Details of how provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;

- b) The measures the developer will implement to ensure that operatives'/contractors'/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;

- c) Arrangements for the routing of lorries and details for construction traffic access to the site;

- d) The arrangements for deliveries associated with all construction works, loading/ unloading of plant & materials and restoration of any damage to the highway;

- e) The measures for cleaning the wheels and underside of all vehicles leaving the site;

- f) A scheme for the suppression of any dust arising during construction or clearance works;

- g) The measures for cleaning Newtown Road to ensure that it is kept clear of any mud or other debris falling from construction vehicles, and

- h) A programme and phasing of the demolition and construction work, including roads, footpaths, landscaping and open space;
- i) Location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction;
- j) Measures to control vibration in accordance with BS5228:2009 which prevent vibration above 0.3mms⁻¹ at the boundary of the SPA;
- k) Provision for storage, collection, and disposal of rubbish from the development during construction period;
- l) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- m) Temporary lighting;
- n) Protection of pedestrian routes during construction;
- o) No burning on-site;
- p) Scheme of work detailing the extent and type of piling proposed;
- q) A construction-phase drainage system which ensure all surface water passes through three stages of filtration to prevent pollutants from leaving the site;
- r) Safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site.

REASON: In the interests of highway safety; To ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period; In the interests of protecting protected species and their habitat; In the interests of protecting nearby sites of ecological importance from potentially adverse impacts of development. 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.

7. No development hereby permitted shall commence until a Sustainable Drainage System (SuDS) Strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include the following:

- a. The detailed design of SuDS to be used on the site in accordance with best practice and the CIRIA SuDS Manual (C753) as well as details on the delivery, maintenance and adoption of those SuDS features;
- b. Information evidencing that the correct level of water treatment exists in the system in accordance with the Ciria SuDS Manual C753.

The development shall be carried out and thereafter maintained strictly in accordance with the approved strategy unless otherwise agreed in writing by the local planning authority.

REASON: To ensure satisfactory disposal of surface water from the site; to ensure no adverse effects on the integrity of designated sites for nature conservation purposes. 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 potential adverse impacts.

8. No development hereby permitted shall commence until details of the internal finished floor levels of all of the proposed buildings and finished external ground levels in relation to the existing and finished ground levels on the site and the adjacent land 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 safeguard the character and appearance of the area and in the interests of residential amenity. 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 potential adverse impacts.

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 commence until the measures of tree and hedgerow protection submitted and approved as part of the planning permission have been implemented and these 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.

12. No development hereby permitted shall commence until a desk top study of the former uses of the site and adjacent land and their potential for contamination has been submitted to and approved in writing by the Local Planning Authority (LPA).

Should the submitted study reveal a potential for contamination, intrusive site investigation and risk assessments shall be carried out, including 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 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 development on the site so that appropriate measures are in place to avoid potential adverse impacts.

13. The development shall be carried out in accordance with the measures set out in the submitted Bat Survey and Great Crested Newt eDNA report (AECOM, September 2017), Biodiversity Mitigation and Enhancement Plan (Ecosupport, February 2018), Invasive Non-Native Species Site Assessment and Management Plan (AECOM, August 2017), Supplementary Ecological Information (Ecosupport, February 2019), GCN Justification letter (Ecosupport), Landscape and Ecology Management Plan (AECOM, March 2019), Reptile Mitigation Strategy (AECOM, March 2019) and Preliminary Ecological Appraisal (AECOM, April 2017) unless otherwise agreed by the local planning authority in writing. The site shall thereafter be managed and maintained in accordance with the recommendations of those approved documents at all times unless otherwise agreed by the local planning authority in writing.

REASON: To ensure the protection of bats, reptiles, great crested newts and birds that could be adversely affected by the development; in the interests of the proper ecological management of the site.

14. No work relating to the construction of any development hereby permitted (including works of demolition or preparation prior to operations) shall take place before the hours of 08:00 or after 18:00 hours Monday to Friday, before the hours of 08:00 or after 13:00 on 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 living conditions of existing residents living nearby

11.0 Background Papers

P/19/0344/FP

Agenda Item 6(3)

OFFICER REPORT FOR COMMITTEE

DATE: 17 July 2019

P/19/0316/FP
TITCHFIELD FESTIVAL THEATRE

TITCHFIELD
AGENT: SOUTHERN PLANNING
PRACTICE

RESURFACE CAR PARK AREA WITH TARMAC (RETROSPECTIVE APPLICATION)

THE TITHE BARN, MILL LANE, TITCHFIELD, FAREHAM, PO15 5RB

Report By

Kim Hayler – direct dial 01329 824815

1.0 Introduction

- 1.1 Planning permission was granted in 2013 for the use of the Tithe Barn (also known as Great Barn) and surrounding land (our reference P/13/0265/CU). The approved use allowed the barn to be used for theatrical performances, as an educational centre, for craft and farmers markets, as a museum and exhibition suite and for corporate, charity, wedding and community events.
- 1.2 In light of the number and nature of representations received the application is reported to the Planning Committee.

2.0 Site Description

- 2.1 The application site includes the barn which is a Grade I Listed Building and the surrounding land. The site is within the countryside, the Titchfield Abbey Conservation Area and Meon Strategic Gap.
- 2.2 The barn is situated on rising ground to the west of Mill Lane and is approached by a long driveway from Mill Lane. Where it enters the site there are two small fields on either side of the drive to its north and south. The drive continues and opens out into a car park on the immediate east side of the barn itself. The car park continues around the northern side of the barn where it leads to a gate providing a right of way into the land to the west which forms part of the new Titchfield country park.
- 2.3 Right of Way 41a passes through the car park on the northern side of the barn.

3.0 Description of Proposal

- 3.1 The access drive from Mill Lane has recently been resurfaced under Class E of Part 9, Schedule Two of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and did not require planning permission. However, the car park and land surrounding the barn is not an unadopted street or private way, and so these resurfacing works would require planning permission.
- 3.2 Retrospective planning permission is sought for the resurfacing of the car park area comprising type one limestone, base course macadam and a wearing course macadam.

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

DSP5: Protecting and Enhancing the Historic Environment

National Planning Policy Framework (NPPF) 2019

5.0 Relevant Planning History

- 5.1 The following planning history is relevant:

P/16/1192/VC – Vary condition 15 of P/15/0786/VC to increase the number of wedding ceremonies and/or wedding functions from 14 to 28 to be held on the application site in any one calendar year – Refused – 14 December 2016

P/16/0738/FP – Retrospective application for underground sewage tank and proposed hedge screening and provision of soakaway and standpipe – Approve – 25 January 2017

P/16/0406/LB – Retrospective consent for glazing to window slits and cladding of toilets; new external doors to barn – Approve – 11 January 2017

P/15/0786/VC - Remove CONDITION 2 allowing outside of barn to be used; vary CONDITION 8 to allow removable/temporary structures under 9m x 9m within the grounds of the barn to be erected for up to 72 hours; remove CONDITION 13 requiring need for visibility splays; remove CONDITION 16 allowing unrestricted number of weddings subject to recorded amplified music (DJs) or non amplified acoustic music (bands) & installation of a noise limiter; vary CONDITION 17 to allow garden benches & tables to be left in the grounds on a permanent basis.

Refuse – 15 October 2015
Appeal part allowed – 27 June 2016

P/13/0265/CU - change of use of the great barn to theatrical performance use, including bar/cafe, toilet facilities, ancillary educational field centre, craft and farmers markets, museum & exhibition suite, corporate, charity, wedding and community events & use of former office/store for cast facilities/security office (alternative to P/12/0362/CU) – Approve – 2 July 2013

6.0 Representations

6.1 Seven objections from six households have been received raising the following issues:

- This sterile expanse of tarmac almost surrounding the barn is hideous and should be removed;
- The tarmac and fences have altered the exterior look of the barn;
- This retrospective application should not be permitted;
- The area was originally roughly laid gravel and loose road planings, not attractive but appropriate and sympathetic in this rustic setting;
- The tarmac should be removed and replaced with gravel;
- The proposal destroys the visual appearance and character of the barn;
- There are other suitable materials that would visually enhance the surrounding of the barn and being permeable to encourage the dispersal of rainwater.

6.2 Three representations have been received supporting the proposal.

7.0 Consultations EXTERNAL

7.1 Historic England

Due to workload commitments, Historic England were only able to give verbal comments.

The barn is Grade I listed and is therefore one of highest heritage significance.

The setting of the barn contributes to its importance. The barn historically had a rustic and informal rural setting. The formal tarmac surfacing recently laid around the barn is totally inappropriate, significantly harming the historic

interest of the barn and the character and appearance of the Titchfield Abbey Conservation Area.

7.2 Hampshire County Council – Countryside Service

Fareham Footpath 41a runs through the car park area. The application makes no reference to Fareham Footpath 41a which has been directly affected by the proposals.

Nothing connected with the use of the land as car park should have an adverse effect on the right of way, which must remain available for public use at all times. Cars parked within the line of the footpath would constitute an offence under S.137 of the Highways Act 1980.

There must be no surface alterations to the right of way without the prior permission of Hampshire County Council as highway Authority. To carry out any such works without this permission constitutes an offence under S.131 of the Highways Act 1980. In relation to this application a highway agreement may be required to ensure that the surface is suitable for its use as a public footpath as well as the proposed use.

If the application is approved we request the following condition is imposed:

‘A Highway Agreement to be secured for works to the surface of the Public Right of Way and any increase in the cost of maintenance related to the development.’

INTERNAL

7.3 Conservation

The Grade I Listed Barn is situated in a rural context. The car parking for the barn was designed in discrete areas with hedging and unmade gravel surfaces. The area as a whole is characterised by unmade rural lanes and hedges.

The barn is located within a yard area which was formerly part of the farm but is now used for access and parking for the various uses and events in the barn.

This development relates to the access and surfacing of the former yard area which has been formed with black tarmac extending throughout the yard area, altering its character and the setting of the barn.

A domestic type timber fence has also been erected to the north east of the barn, partially enclosing the rear setting of the barn.

The character, appearance and setting of the barn has been significantly altered by this new surface which is considered to be intrusive and out of context with the setting of the barn and the Titchfield Abbey Conservation Area.

The specification of the surface material is uncertain, but it is unlikely to be porous and could therefore impact on the water run-off in the area and could also impact on the timber building fabric of the barn in the longer term.

To conclude, the tarmac resurfacing substantially harms the historic significance of the setting of the barn and the Conservation Area.

8.0 *Planning Considerations*

8.1 Under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Local Planning Authority has a statutory requirement when considering whether to grant planning permission for development which affects a listed building or its setting to pay special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, and where it is also in a conservation area of preserving or enhancing the character or appearance of a conservation area. The development which is the subject of this report both affects a listed building or its setting and is within a conservation area.

8.3 Policy DSP5: Protecting and Enhancing the Historic Environment states:

'Listed buildings will be conserved by ensuring that development does not harm, and if desirable, enhances their settings, and

Development affecting a conservation area will be permitted where it preserves or enhances its character, setting and appearance.'

8.4 Policy DSP5 goes on to say that harm or loss will require clear and convincing justification in accordance with national guidance. Under the NPPF it is a core planning principle to conserve heritage assets in a manner appropriate to their significance. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater weight should be.

8.5 The NPPF also recognises the importance of considering setting as it sets out that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justifications. The onus is therefore on the Local Planning Authority to rigorously test the necessity of any harmful works and to seek to reduce harm through amendments to the scheme or the imposition of suitable conditions or planning obligations.

8.6 Paragraph 133 of the NPPF states:

‘Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.’

8.7 The Grade I Listed Barn is sited upon a gently sloping hillside and by virtue of its size it is a prominent feature of the area. The barn is a distinctive and important part of the Titchfield Abbey Conservation Area, including its association with the Abbey and its monastic estate.

8.8 Right of Way 41a runs through the car park; the car park area is clearly visible from this right of way, including when approaching from the north and west.

8.9 The barn is surrounded by paddocks and fields, with Fernhill Farm house, a Grade II listed property to the north. The car park the subject of this application lies principally to the east of the barn, wrapping around the northern end. The rural rustic setting of the barn and the contribution it makes to the conservation area and monastic landscape are of special interest.

Apart from a small strip of gravel either side of the barn doors, the tarmac surface covers the entire area to the front and north side of the barn, extending up to the doors and surrounding hedgerows. The tarmac has a formal, dark, smooth and shiny surface appearance which is totally inappropriate compared to the original informal rustic surface.

8.10 The character, appearance and setting of the barn has been significantly harmed by this new surface which is considered to be inappropriate, intrusive and out of context with the setting of the barn and the Titchfield Abbey Conservation Area.

8.11 Furthermore, the specification of the surface material is uncertain, but it is unlikely to be porous and could therefore impact on the water run-off in the

area and could also have a possible impact on the timber building fabric of the barn in the longer term.

8.12 It is noted the resurfacing of the car park has enabled easier parking for users of the Titchfield Festival Theatre, however this is a benefit that has to be balanced against the effect of the proposal on the listed building and the conservation area. There is no threat to the continued viability of the heritage asset if the surfacing were to be removed. Officers conclude that the public benefits of the proposal would not outweigh the harm described above.

8.32 To conclude, the tarmac surfacing fails to preserve and substantially harms the historic significance of the setting of the barn and the Conservation Area.

9.0 Recommendation

9.1 REFUSE:

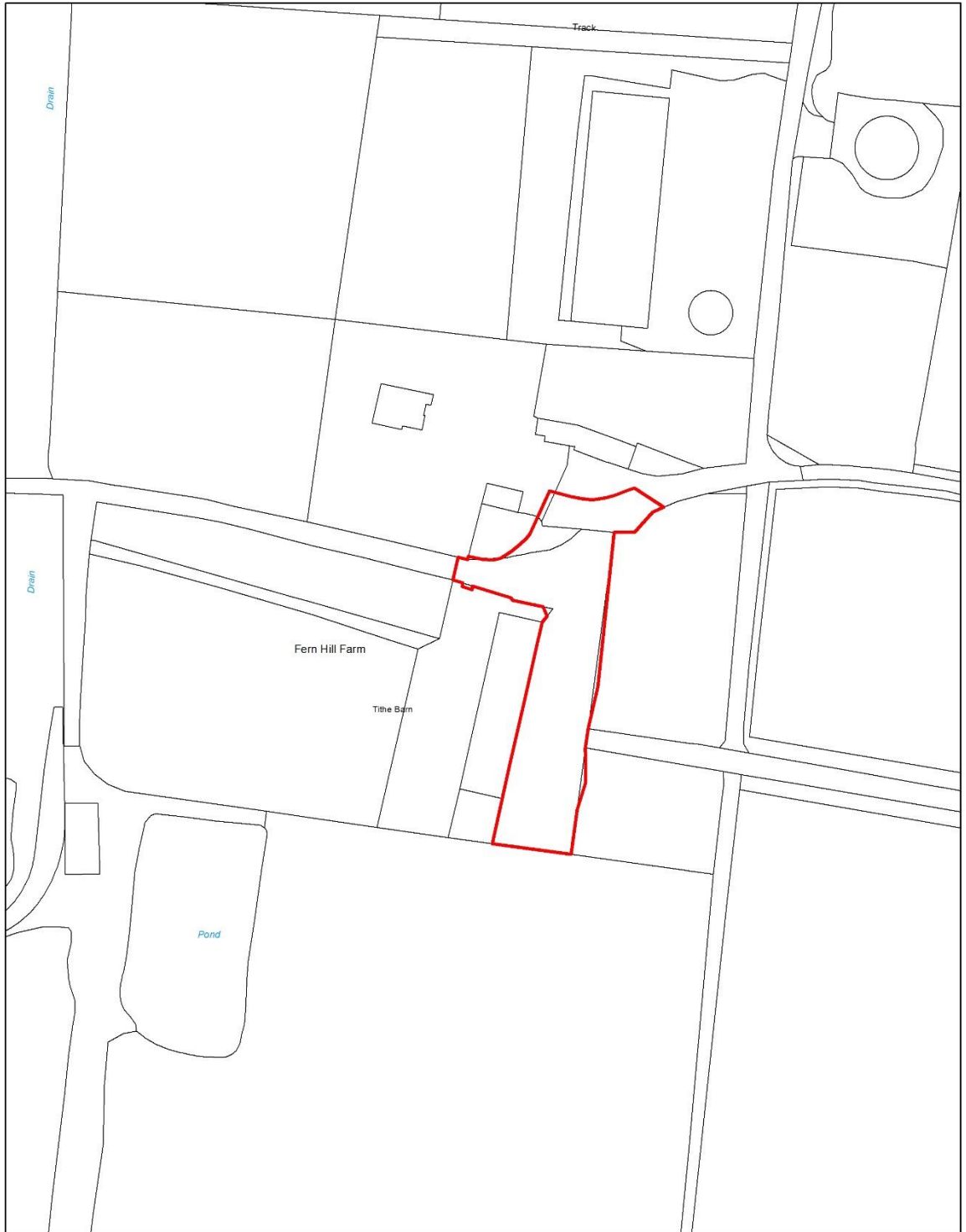
1. The tarmac surfacing material is considered inappropriate for this informal rustic rural setting, failing to preserve and substantially harming the historic significance of the setting of the Grade I Listed Barn and the Titchfield Abbey Conservation Area contrary to Policy CS17 of the Core Strategy and Policy DSP5 of the Local Plan Part 2.
2. The decision is made in accordance with the following plans:

Site location plan – F/362/ID/3/001

Block plan – F/362/ID/3/002

FAREHAM

BOROUGH COUNCIL



The Tithe Barn
Mill Lane
Scale: 1:1,250



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Agenda Annex

ZONE 2 – FAREHAM

Fareham North-West

Fareham West

Fareham North

Fareham East

Fareham South

REFERENCE SITE ADDRESS & PROPOSAL
NUMBER &
WARD

ITEM NUMBER &
RECOMMENDATION

No items in this Zone

ZONE 3 – EASTERN WARDS

Portchester West

Hill Head

Stubbington

Portchester East

REFERENCE SITE ADDRESS & PROPOSAL
NUMBER &
WARD

ITEM NUMBER &
RECOMMENDATION

No items in this Zone

Agenda Item 6(4)

PLANNING APPEALS

The following list details the current situation regarding new and outstanding planning appeals and decisions.

CURRENT	P/17/0841/FP Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	HEARING Mr Jason Smitherman Land to the east of Furze Court Wickham Road Fareham Committee REFUSE REFUSE 10 April 2019 AGAINST REFUSAL Construction of 12 dwellings together with associated access, car parking, drainage and landscaping
CURRENT	P/17/1514/FP Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	HEARING Mrs Anita Barney Land to the rear of 77 Burr ridge Road Burr ridge SOUTHAMPTON Committee REFUSE REFUSE 10 April 2019 AGAINST REFUSAL 1no. Four bedroom detached dwelling and garage
CURRENT	P/18/0005/OA Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	PUBLIC INQUIRY Miller Homes Land to East of Down End Road Fareham Committee APPROVE REFUSE 13 June 2019 AGAINST REFUSAL Outline planning application with all matters reserved (except the means of access) for residential development, demolition of existing agricultural buildings and the construction of new buildings providing up to 350 dwellings; the creation of new vehicular access with footways and cycleways; provision of landscaped communal amenity space, including children's play space; creation of public open space; together with associated highways, landscaping, drainage and utilities.
CURRENT	P/18/0122/FP Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	WRITTEN REPS Mr P Robinson 30 Fern Way Fareham Officer Delegated Powers REFUSE 5 December 2018 AGAINST REFUSAL Erection of Detached 3-Bed Dwelling within Landscape

Buffer

CURRENT	P/18/0263/OA Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	WRITTEN REPS Driftstone Homes The Grange Oakcroft Lane Fareham Committee APPROVE REFUSE 10 June 2019 AGAINST REFUSAL Outline Application for the provision of up to 16 dwellings and two new vehicular accesses onto Ranvilles Lane and the relocation of the existing access onto Oakcroft Lane
CURRENT	P/18/0347/OA Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	WRITTEN REPS Amici Developments Ltd Land to the East of 246 Botley Road Burrridge Fareham Committee APPROVE REFUSE 10 June 2019 AGAINST REFUSAL Outline Application for the provision of up to eight detached 5-bedroomed dwellings with access onto Botley Road
CURRENT	P/18/0376/FP Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	WRITTEN REPS Mr Patrick Reilly Land to the rear of September Cottage Brook Avenue Warsash Committee REFUSE REFUSE 11 January 2019 AGAINST REFUSAL Four detached dwellings with associated garages, parking and landscaping following the demolition of existing industrial and storage buildings
CURRENT	P/18/0626/FP Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	HH APPEAL SERVICE Mrs Batchelor 225 Brook Lane Sarisbury Green Southampton Officer Delegated Powers REFUSE 30 January 2019 AGAINST REFUSAL A rear single storey extension. First floor extension over existing garage space. Also, remodel of the exterior appearance (render and cladding).
CURRENT	P/18/0671/OA Appellant: Site:	WRITTEN REPS Mr Frank Milner 113 & 115 Newtown Road Warsash Southampton

Decision Maker: Officer Delegated Powers
Recommendation:
Council's Decision: REFUSE
Date Lodged: 11 February 2019
Reason for Appeal: **AGAINST REFUSAL**
Erection of Detached Dwelling to Rear of 113-115
Newtown Road

CURRENT P/18/0731/FP **WRITTEN REPS**
Appellant: Ms Jane Conway
Site: 5 Warsash Court Havelock Road Warsash Southampton
Decision Maker: Officer Delegated Powers
Recommendation:
Council's Decision: REFUSE
Date Lodged: 8 January 2019
Reason for Appeal: **AGAINST REFUSAL**
Replace existing velux window with a velux double
balcony terrace window

CURRENT P/18/0869/OA **WRITTEN REPS**
Appellant: MR D WARD
Site: 39-41 HOME RULE ROAD LOCKS HEATH
SOUTHAMPTON
Decision Maker: Officer Delegated Powers
Recommendation:
Council's Decision: REFUSE
Date Lodged: 7 February 2019
Reason for Appeal: **AGAINST REFUSAL**
Outline application with all matters reserved (except
access and layout) for the provision of 1no. dwelling to
rear of 39 & 41 home rule road with access from Chancel
Road

CURRENT P/18/0893/FP **WRITTEN REPS**
Appellant: Mr & Mrs Foley
Site: Little Hook Hook Park Road Warsash Southampton
Decision Maker: Officer Delegated Powers
Recommendation:
Council's Decision: REFUSE
Date Lodged: 16 April 2019
Reason for Appeal: **AGAINST REFUSAL**
One and a half storey front extension with dormer
windows, tiled canopy to front, two additional dormer
windows within front roof slope, alterations to front,
entrance, single storey side/rear extension, alterations to
existing fenestration within rear elevation, and detached
car port with storage.

Decision: **ALLOWED**
Decision Date: 9 July 2019

CURRENT P/18/1093/TO **HH APPEAL SERVICE**
Appellant: Mr Norman Matthew
Site: 9 Rannoch Close Fareham
Decision Maker: Officer Delegated Powers
Recommendation: REFUSE
Council's Decision: REFUSE
Date Lodged: 12 November 2018
Reason for Appeal: **AGAINST REFUSAL**

Fell one oak protected by TPO 10(W1).

CURRENT	P/18/1412/FP Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	WRITTEN REPS P J Developments Ltd 93 Longmynd Drive Fareham Officer Delegated Powers REFUSE 3 April 2019 AGAINST REFUSAL Conversion of Semi-Detached Dwelling to Form Two 1- Bed Flats & Erection of One 2-Bed Dwelling DISMISSED 25 June 2019
CURRENT	P/19/0176/FP Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	WRITTEN REPS Moor Construction Ltd 185 Segensworth Road Fareham Officer Delegated Powers REFUSE 15 May 2019 AGAINST REFUSAL Erection of Detached 2-Bed Dwelling Adjacent Existing Dwelling
CURRENT	P/19/0268/AD Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	COMMERCIAL APPEAL S. Drysdale Investments Limited and Funtley Court 19 Funtley Hill Fareham Officer Delegated Powers REFUSE 19 June 2019 AGAINST REFUSAL Retention of four advertisement signs