

# FAREHAM

BOROUGH COUNCIL

## AGENDA PLANNING COMMITTEE

**Date:** Wednesday, 18 March 2020

**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 Dugan  
J S Forrest  
Mrs C L A Hockley  
Mrs K K Trott



**1. Apologies for Absence**

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

To confirm as a correct record the minutes of the Planning Committee meeting held on 12 February 2020.

**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 7)**

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) **Q/0012/20 - LAND TO THE EAST OF BYE ROAD SWANWICK** (Pages 9 - 11)

**ZONE 2 - FAREHAM**

- (2) **P/20/0007/FP - ACCESS FUNTLEY HILL 70 & 72 KILN ROAD** (Pages 13 - 28)

**ZONE 3 - EASTERN WARDS**

- (3) **P/19/0840/FP - MERJEN ENGINEERING STATION ROAD PO16 8BG** (Pages 30 - 47)

- (4) **P/19/0915/FP - LAND AT STUBBINGTON LANE FAREHAM** (Pages 48 - 65)

**7. Planning Appeals (Pages 66 - 68)**



P GRIMWOOD  
Chief Executive Officer

Civic Offices  
[www.fareham.gov.uk](http://www.fareham.gov.uk)  
10 March 2020

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

# FAREHAM

## BOROUGH COUNCIL

### Minutes of the Planning Committee

(to be confirmed at the next meeting)

**Date:** Wednesday, 12 February 2020

**Venue:** Collingwood Room - Civic Offices

**PRESENT:**

N J Walker (Chairman)

(Vice-Chairman)

**Councillors:** F Birkett, T M Cartwright, MBE, P J Davies, Mrs K Mandry, R H Price, JP, S Dugan (deputising for M J Ford, JP) and Mrs C L A Hockley (deputising for I Bastable)

**Also Present:** Councillor Mrs L E Clubley (Item 6 (2))



**1. APOLOGIES FOR ABSENCE**

Apologies of absence were received from Councillors I Bastable, K D Evans and M J Ford, JP.

**2. MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the Planning Committee meetings held on 22 January 2020 and 29 January 2020 be confirmed and signed as a correct record.

**3. CHAIRMAN'S ANNOUNCEMENTS**

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

**4. DECLARATIONS OF INTEREST**

In accordance with Standing Orders and the Council's Code of Conduct the following Councillors declared the following interest on the items identified.

Councillor N J Walker declared a pecuniary interest in item 6 (3) – Turret House, Hospital Lane as he is the landowner for the application site. He left the room for the remainder of the item and took no part in the discussion or vote on the application.

Councillor R H Price, JP declared a non-pecuniary interest in item 6 (3) – Turret House, Hospital Lane as he owns an allotment on the Roman Grove allotment site which sits just outside of the boundary of the application site.

Councillors, T M Cartwright, F Birkett, Mrs K Mandry, Mrs C L A Hockley, S Dugan, P J Davies and R H Price, JP declared a non-pecuniary interest in item 6 (3) – Turret House, Hospital Lane as the landowner is Councillor Walker who is known to them personally. They all confirmed that this had no bearing on their ability to make an unbiased decision based on material planning considerations only.

**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	Minutes Application No/Page No
ZONE 1 – 2.30pm				
ZONE 2 – 2.30pm				

Mr R Tutton (Agent)		1A FAREHAM PARK ROAD, FAREHAM, PO15 6LA – SINGLE STOREY SIDE EXTENSION & SUBDIVISION OF EXISTING UNIT TO FORM TWO UNITS, USE OF ADDITIONAL UNIT WITHIN USE CLASS A3 (CAFÉ/RESTAURANT) & INSTALLATION OF EXTRACTOR HOOD AT REAR	<b>Supporting</b>	6 (1) P/19/1327/FP Pg 11
Mr R Marshall	The Fareham Society	LAND NORTH OF FUNTLEY ROAD – TWENTY-SEVEN DWELLINGS, INTERNAL ROADS AND PARKING (APPEARANCE, SCALE AND LANDSCAPING)	<b>Opposing</b>	6 (2) P/19/1185/RM Pg 17
<b>ZONE 3 – 2.30pm</b>				
Mr A Lawrence		TURRET HOUSE HOSPITAL LANE PORTCHESTER – DETACHED DWELLINGS WITH PARKING & ACCESS FROM HOSPITAL LANE AND ASSOCIATED LANDSCAPING & DRAINAGE WORKS	<b>Supporting</b>	6 (3) P/19/0925/FP Pg 25
Mr E Cox (Agent)		-Ditto-	<b>-Ditto-</b>	-Ditto-

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

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

**(1) P/19/1327/FP - 1A FAREHAM PARK ROAD PO15 6LA**

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

A motion was proposed to refuse the application on the grounds that the application did not meet the Council's parking standards, but was not seconded, and therefore was declared LOST.

Upon being proposed and seconded the officer recommendation to grant planning permission subject to:-

- i. The conditions in the report; and
- ii. An additional condition requiring details of the bin store to be provided.

Was voted on and CARRIED.

(Voting: 7 in favour; 1 against)

RESOLVED that subject to:-

- i. The conditions in the report; and
  - ii. An additional condition requiring details of the bin store to be provided
- PLANNING PERMISSION be granted.

### **(2) P/19/1185/RM - LAND NORTH OF FUNTLEY ROAD FUNTLEY**

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

At the invitation of the Chairman, Councillor Mrs Clubley addressed the Committee on this item.

Upon being proposed and seconded the officer recommendation to approve the reserved matters application, subject to the conditions in the report, was voted on and CARRIED.

RESOLVED that, subject to the conditions in the report, the reserved matters application be APPROVED.

### **(3) P/19/0925/FP - TURRET HOUSE HOSPITAL LANE PORTCHESTER PO16 9LT**

The Chairman declared a disclosable pecuniary interest in this item as he is the landowner. He left the room for the remainder of this item and took no part in the discussion or vote on the item.

Councillors Cartwright, Birkett, Mrs Mandry, Mrs Hockley, Dugan, Davies and Price, JP all declared a non-pecuniary interest in this item as the landowner is Councillor Walker who is all known to them personally. They all confirmed that this had no bearing on their ability to make an unbiased decision, based on material planning considerations only.

Councillor R H Price, JP also declared a personal interest in this item as he owns an allotment on the Roman Grove allotment site which lies just outside of the application boundary.

In the absence of the Chairman, and with apologies from the Vice-Chairman it was left to the Committee to nominate and appoint a Chairman for this item. A motion was proposed and seconded that Councillor Cartwright be appointed as Chairman and was unanimously agreed.

The Committee received the deputations referred to in Minute 5.

Upon being proposed and seconded the officer recommendation to refuse planning permission was voted on and CARRIED.  
(Voting: 5 in favour; 2 against)

RESOLVED that PLANNING PERMISSION be REFUSED.

### Reasons for Refusal

The development is contrary to Policies CS2, CS4, CS5, CS6, CS14, CS15 & CS17 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP5, DSP6, DSP13 & DSP40 of the Adopted Local Plan Part 2: Development Sites and Policies Plan and is unacceptable in that:

- a) The provision of a dwelling in this location would be contrary to adopted Local Plan policies which seek to prevent additional residential development in the Countryside;
- b) The proposed dwelling fails to respond positively to and be respectful of the key characteristics of the area and would be harmful to the character and appearance of the countryside;
- c) The application site is not sustainably located adjacent to, well related to or well integrated with the existing urban settlement boundaries;
- d) The proposal fails to provide a sequential test to demonstrate that there are no other reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding;
- e) The proposed dwelling would intrude into the area of open land west of Hospital Lane resulting in less than substantial harm to the significance of the setting of the Grade I Listed Scheduled Ancient Monument Portchester Castle and the Portchester Castle Street Conservation Area; and
- f) In the absence of a legal agreement to secure such, the proposal fails to appropriately secure mitigation of the likely adverse effects on the integrity of European Protected Sites which, in combination with other developments, would arise due to the additional generation of nutrients entering the water environment.

## **7. PLANNING APPEALS**

The Committee noted the information in the report.

## **8. TREE PRESERVATION ORDERS**

Councillor Mrs Hockley had left the room for this item and took no part in the discussion or decision on this item.



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. 761 2019 – Land between September Cottage & Homeland, Brook Avenue, Warsash.**

Order served on 16 August 2019 for which there were no objections.

RESOLVED that, subject to one modification to change W1 to a fourth group of oak trees (G4) as this reflects more correctly the trees which form a cohesive group, TPO761 be confirmed as made and served.

(The meeting started at 2.30 pm  
and ended at 4.04 pm).

# FAREHAM

## BOROUGH COUNCIL

### Report to Planning Committee

**Date:** 18 March 2020

**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 at 2.30pm.

(1) Items relating to development in the Western and Fareham Wards: Locks Heath, Park Gate, Sarisbury, Titchfield, Titchfield Common, Warsash and Fareham, will be heard from 2.30pm. (2) Items relating to development in the Eastern Wards: Hill Head, Portchester and Stubbington will not be heard before 3.30pm.

# Agenda Annex

## **ZONE 1 – WESTERN WARDS**

**Park Gate**

**Titchfield**

**Sarisbury**

**Locks Heath**

**Warsash**

**Titchfield Common**

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
Q/0012/20 SARISBURY	LAND TO THE EAST OF BYE ROAD SWANWICK SOUTHAMPTON  DEED OF VARIATION TO S106 AGREEMENT DATED 19 DECEMBER 2018 RELATING TO APPROVED PLANNING APPLICATION P/17/1317/OA (AFFORDABLE HOUSING CONTRIBUTION)	1 MISC APPROVE

## OFFICER REPORT FOR COMMITTEE

DATE: 18/03/2020

Q/0012/20

STEVEN RICHARD DUNLEAVY SSAS

SARISBURY

AGENT: BRYAN JEZEPH  
CONSULTANCY

DEED OF VARIATION TO S106 AGREEMENT DATED 19 DECEMBER 2018  
RELATING TO APPROVED PLANNING APPLICATION P/17/1317/OA  
(AFFORDABLE HOUSING CONTRIBUTION)

LAND TO THE EAST OF BYE ROAD, SWANWICK

### **Report By**

Peter Kneen – direct dial 01329 824363

#### **1.0 Introduction**

- 1.1 The above legal agreement secured the provision of an off-site affordable housing contribution to support the development of seven custom built houses with associated parking and access from Bye Road (permitted under application P/17/1317/OA and varied under application P/19/0061/VC).
- 1.2 A significant level of on-site work needs to take place in order to provide the seven serviced custom built plots, including;
  - a) the construction and laying of the access road;
  - b) installation of the sewage pipes to be connected to the mains drains;
  - c) the laying of water, gas, electricity, and telecommunication cables and pipework.
- 1.3 These have all been costed by the applicant and has resulted in higher initial outlay that was originally forecast.
- 1.4 The current S106 agreement requires the full payment of the affordable housing contribution, some £198,419.00, within 28 days of the completion of the transfer of the third serviced plot. The applicant is not questioning the viability of bringing forward the development with the affordable housing contribution, however the higher initial costings has resulted in the request for a delay to the affordable housing contribution until the completion of the transfer of the sixth serviced plot. This was not considered to be acceptable to Officers, and therefore a phased payment has been put forward providing for the payment of instalments following the completion of the transfer of the

fourth and fifth plots, until the Council receives the full off-site affordable housing contribution.

## **2.0 Recommendation**

2.1 That Members authorise the deed of variation to the legal agreement be agreed along the following lines:

- i) To pay an initial payment of £100,000.00 of the Affordable Housing Contribution to the Council within 28 days of completion of the transfer of the fourth Serviced Plot; and,
- ii) To pay the remaining £98,419.00 of the Affordable Housing Contribution to the Council within 28 days of completion of the transfer of the fifth Serviced Plot.
- iii) Not to complete the transfer of more than five Serviced Plots until the Affordable Housing Contribution has been paid in full to the Council.

## **10.0 Background Papers**

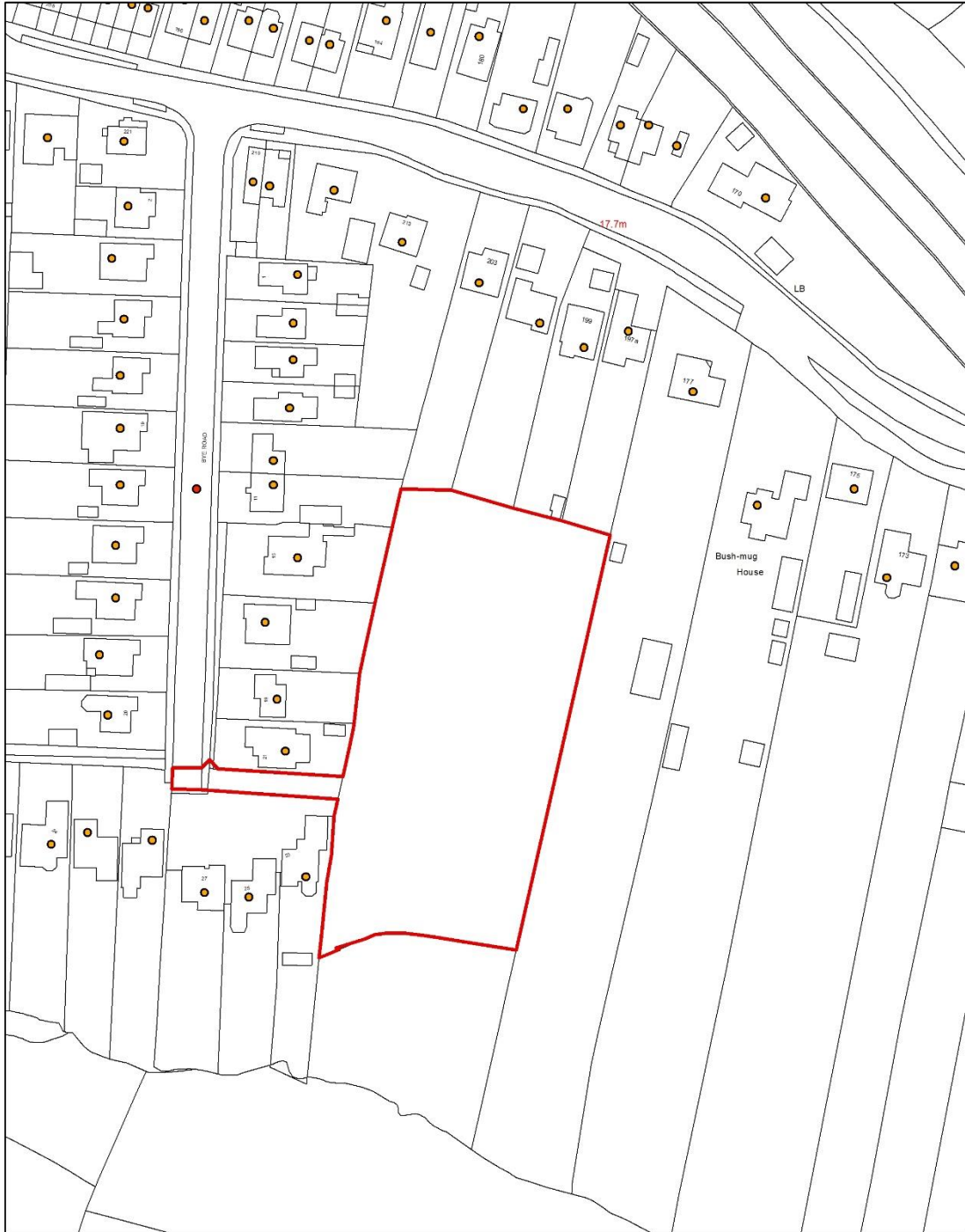
Q/0012/20

P/17/1317/OA

P/19/0061/VC

# FAREHAM

BOROUGH COUNCIL



Land to the East of Bye Road  
Scale: 1:1,250



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# Agenda Annex

<p style="text-align: center;"><b>ZONE 2 – FAREHAM</b> <b>Fareham North-West</b> <b>Fareham West</b> <b>Fareham North</b> <b>Fareham East</b> <b>Fareham South</b></p>
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REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/20/0007/FP FAREHAM NORTH	ACCESS FUNTLEY HILL 70 & 72 KILN ROAD PROVISION OF ACCESS ROAD LINKING FUNTLEY HILL TO 70 & 72 KILN ROAD AND 1 & 2 DEAN FARM COTTAGES INCLUDING ASSOCIATED SITE CLEARANCE, GROUND REMODELLING AND ENGINEERING OPERATIONS	2 PERMISSION

## OFFICER REPORT FOR COMMITTEE

DATE: 18/03/2020

P/20/0007/FP

FAREHAM BOROUGH COUNCIL

FAREHAM NORTH WARD

AGENT: DAVID LOCK ASSOCIATES

PROVISION OF ACCESS ROAD LINKING FUNTLEY HILL TO 70 & 72 KILN ROAD AND 1 & 2 DEAN FARM COTTAGES INCLUDING ASSOCIATED SITE CLEARANCE, GROUND REMODELLING AND ENGINEERING OPERATIONS.

### **Report By**

Rachael Hebden – direct dial: 01239 824424

### **1.0 Introduction**

The existing access road to 70 & 72 Kiln Road and 1 & 2 Dean Farm Cottages (via Kneller Court Lane) is required to be closed to vehicular traffic to enable the construction of the new Junction 10 slip roads as proposed within the outline application for Welborne (P/17/0266/OA). The proposed works would have been secured by details pursuant to a planning condition on the Welborne decision notice had that permission been issued. However whilst the s106 negotiations continue with the Welborne application, these works have been submitted as a separate application to enable the new access works to be carried out within the optimum seasonal period to prevent impact on potential ecological receptors and for the existing access to be able to be closed (Kneller Court Lane) as soon as is necessary after the determination of the outline application P/17/0266/OA to enable the junction 10 works to start.

### **2.0 Site Description**

- 2.1 The site is currently an arable field. There is an existing right of way (Fareham Footpath 89) which runs parallel to the M27 from Funtley Hill to the A32. The footpath comprises an unsurfaced footpath.
- 2.2 The site is generally flat and at a lower level to the M27 which runs east to west to the south of the application site. At the western end of the site is a boundary hedge to Funtley Hill. A new opening is proposed in this hedge with a simple give way junction proposed onto the Highway.
- 2.3 At the eastern end, the site is currently enclosed by a post and rail fence and hedging which will also need to be removed in part to connect to the northern most part of Kneller Court Lane outside the properties 70 and 72 Kiln Road.

### **3.0 Description of Proposal**



- 3.1 The proposed access will be to the north of the M27, east of Funtley and south of the employment buildings within Dean Farm Estate. The access road will approximately follow the line of the existing footpath that links Kneller Court with Funtley Hill. The proposed access onto Funtley Hill is south of an existing farm gate to allow for adequate visibility onto Funtley Hill.
- 3.2 The proposed access is approximately 440m long and 4m wide with 2 passing places. The road will be constructed from tarmac but will be a private road and will not form part of the adopted highway. To facilitate the creation of the access a limited amount of ground remodelling is also required.

#### **4.0 Policies**

- 4.1 The following policies apply to this application:

##### **Adopted Fareham Borough Core Strategy**

CS5: Transport Strategy and Infrastructure;

##### **Local Plan Part 3: The Welborne Plan**

WEL1 Sustainable Development

WEL 3 Allocation of Land

WEL 4 Comprehensive Development

WEL8 Protection and Enhancement of the Historic Environment

WEL23 Transport Principles for Welborne

WEL24 Strategic Road Access

WEL25 Local Road Transport and Access

WEL28 Walking and Cycling

WEL29 On-site Green Infrastructure

WEL30 Avoiding and Mitigating the Impact on Internationally Protected Sites and Off-Site Green Infrastructure

WEL31 Conserving and Enhancing Biodiversity

WEL32 Strategic Green Corridors and Connections

WEL33 Structural Landscaping

WEL34 Detailed Landscaping

WEL39 Flooding and Sustainable Drainage Systems

##### **Other Documents:**

Welborne Design Guidance: Supplementary Planning Document January 2016

#### **5.0 Relevant Planning History**

- 5.1 The following planning history is relevant:

P/17/0266/OA

A new community of up to 6000 dwellings (C3 and C2, including a care home of use class C2) together with a district centre (comprising up to 2,800m<sup>2</sup> food store retail (A1), up to 2,419m<sup>2</sup> of non-food retail (A1) and up to 2,571m<sup>2</sup> of other non-convenience/comparison retail use (A1 - A5)); a village centre (comprising up to 400m<sup>2</sup> food store retail (A1), up to 1,081m<sup>2</sup> of non-food retail (A1), a public house (up to 390m<sup>2</sup> A4 use) and up to 339m<sup>2</sup> of other non-convenience/comparison retail use (A1 - A5)); up to 30,000m<sup>2</sup> of commercial and employment space (B1); up to 35,000m<sup>2</sup> of general industrial use (B2); up to 40,000m<sup>2</sup> of warehousing space (B8); a hotel (up to 1,030m<sup>2</sup> C1 use); up to 2,480m<sup>2</sup> of community uses (D1 and D2); up to 2,200m<sup>2</sup> ancillary nursery (D1), health centre (D1) and veterinary services (D1); retention of Dean Farmhouse; a secondary school, 3 primary schools; pre-schools; green infrastructure including formal and informal open and amenity space; retention of some existing hedgerows, grassland, woodland areas, allotments, wildlife corridors; all supporting infrastructure; household waste recycling centre; requisite sub-stations; sustainable drainage systems including ponds and water courses; a remodelled M27 J10 including noise barrier(s); works to the A32 including the creation of three highway junctions and new crossing(s); distributor roads (accommodating a Bus Rapid Transit network) and connections to the surrounding cycleway and pedestrian network; car parking to support enhanced use of Dashwood; ground remodelling; any necessary demolition; with all matters reserved for future determination with the exception of the works to M27 J10 and the three highway junctions and related works to the A32.

**COMMITTEE  
RESOLUTION TO  
GRANT PERMISSION**

**16/10/19**

P/18/1192/FP

Management of wildlife habitat, including habitat clearance and habitat creation, planting and structural landscaping which will include movement, re-profiling and reinstatement of excavated topsoil.

**6.0 Representations**

6.1 24 representations have been received of which 2 are in support of the application and 22 object raising the following issues:

- Potential for road to provide access into the wider development at Welborne
- Impact on highway safety
- Impact on ecology
- Loss of hedgerow
- Impact on countryside
- Impact on Funtley
- Impact on ability to use right of way
- Will the road be available for use by horseriders?
- The site is Common land and should not be able to be used for a road
- Impact on settlement buffer with Funtley
- Impact on headlights on no. 44 Funtley Hill

**7.0 Consultations**

EXTERNAL

**Hampshire County Council (Highway Authority)**

7.1 No objection, subject to conditions.

**Hampshire County Council (Archaeology)**

7.2 No objection subject to conditions.

**Hampshire County Council (Countryside Service)**

7.3 No objection, subject to conditions.

INTERNAL

**Ecology**

7.7 No objection, subject to conditions.

**Trees**

7.8 No objection

## **8.0 Planning Considerations**

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

- a) Principle of Development;
- b) Relationship with the Outline Application for Welborne;
- c) Highway Safety;
- d) Impact on the Character of the Area;
- e) Impact on the Right of Way;
- f) Trees;
- g) Ecology;
- h) Heritage
- i) Amenity
- j) Summary

### **a) Principle of Development**

8.2 The site falls within the area of land allocated for Strategic Development known as Welborne by a site specific plan: Local Plan Part 3 (The Welborne Plan).

8.3 Policy WEL3 of The Welborne Plan allocates the land for the new community to accommodate approximately 6,000 dwellings, 20 hectares of employment land, along with new education and retail facilities, associated infrastructure and open space.

8.4 Policy WEL4 of The Welborne Plan requires the development of Welborne to be taken forward on a comprehensive basis and improvements to the M27 Junction 10 are required by policy WEL24. The junction 10 works to be an “all moves” junction are an integral part of delivering Welborne and ensuring the development is provided in a comprehensive manner.

8.5 The proposed new access is required in order to facilitate the delivery of junction 10 as per policy WEL24 and in turn will provide for the wider development of Welborne. As such the development is considered to be acceptable in principle subject to satisfying the requirements of the policies summarised above.

### **b) Relationship with the Outline Application for Welborne**

8.6 The proposed access road is required to provide access to properties currently accessed via Kiln Road as their existing access will be closed to

facilitate the alterations to Junction 10 required as part of the outline application for development at Welborne and as described above.

- 8.7 The proposed access road would run through an area of landscaping proposed within the outline application as Suitable Alternative Natural Greenspace (SANG.) Whilst within the SANG the proposed alignment of the access road is broadly in accordance with that proposed within the illustrative material for the SANG design submitted as part of the outline application.
- 8.8 The proposed access road was also indicatively shown within the approved application (P/18/1192/FP) for site clearance and the creation of wildlife habitat associated with works required for improvements to Junction 10.
- 8.9 The resolution to grant permission for the outline application for development at Welborne includes a condition (number 59) requiring details of the replacement access arrangements for these dwellings to be submitted to and approved by the Local Planning Authority prior to the closing of the existing access via Kneller Court Lane. This proposal is an application for permission for a replacement access as would be required by condition 59. If permission is granted there would no longer be a requirement for condition 59 to be included in the decision notice for the outline application.

### **c) Highway Safety**

- 8.10 Policy CS5 states that development will be permitted which does not adversely affect the safety and operation of the strategic and local road network, public transport operations or pedestrian and cycle routes.
- 8.11 The proposed access road would only provide access to a small number of residential properties and would therefore not result in a high volume of vehicular movements per day.
- 8.12 Representations have been received which raise concerns about the impact of the proposed access road on the safety of Funtley Hill, in particular the lack of visibility. The application proposes to remove a section of hedgerow to improve visibility onto Funtley Hill. (The proposed replacement hedgerow would be set back further from the road so that visibility is not compromised.) The Highway Authority has assessed the proposed access road and confirmed that the visibility splays would provide appropriate visibility and that the access road would not have an adverse effect on the safety and operation of Funtley Hill in accordance with Policy CS5.
- 8.13 Representations have also been received raising concerns about the potential for the proposed access road to provide access to the wider development at

Welborne in the future which would result in a greater number of vehicles exiting onto Funtley Hill. The proposed access road is simply a replacement of an existing access and has been designed to provide access to a small number of existing houses. The proposed access road is located on land identified as a site of Suitable Alternative Natural Greenspace (SANG) as part of the wider development of Welborne and has therefore been designed to have a limited visual impact on the character of the area.

#### **d) Impact on the Character of the Area**

- 8.14 The proposed access road would be single carriageway (with passing places) to minimise the impact on the landscape. The access road would be visible from the south from the elevated motorway but would be viewed adjacent to the row of trees and hedgerow to the immediate north which would soften the visual impact on the character of the area.
- 8.15 Representations have been received which raise concerns about the location of the proposed access road within the buffer between Funtley and Welborne. Policy WEL5 requires development proposals to respect and maintain the physical and visual separation of Welborne and its adjoining settlements (in this case Funtley) to protect the individual character and identity of each of these settlements. Policy WEL5 also states that development within the buffers will only be permitted where: it is either consistent with and contributes to the green infrastructure role of the area or is necessary to deliver improvements to the strategic road network.
- 8.16 The proposed access road would be informal in nature and is therefore considered to both respect and maintain the physical and visual separation of Welborne and Funtley and to be consistent with the role of this area as SANG and, as set out above, the illustrative SANG masterplan with the Welborne outline application included an access road in this location. The proposed access and visibility splays requires the removal of a small section of hedgerow. The application proposes a replacement hedgerow (approximately 30m in length) that will also ensure there are no unnecessary gaps in the soft landscaping.
- 8.17 The final detailed design of the soft landscaping within the Welborne SANG, outside of the current application site and adjacent to the proposed access road, will be considered within future reserved matter applications after the determination of the application for the wider development of Welborne.
- 8.18 Overall the impact of the proposed access road on the character of the area which is identified as future SANG and as a buffer between Funtley and

Welborne is considered to be acceptable and in accordance with policy requirements.

#### **e) Impact on the Right of Way**

- 8.19 Policy WEL28 states that proposals for development at Welborne will be permitted only where they provide for a network of strategic pedestrian routes.
- 8.20 The existing right of way (Fareham Footpath 89) comprises a narrow, unsurfaced route which is often extremely muddy during the winter and times of heavy rainfall. The footpath provides an east to west link between Funtley Hill and the A32.
- 8.21 The proposed access road follows the same approximate alignment as the majority of the right of way. The nature of part of Footpath 89 would change as a result of the proposed development in that the route would be hard surfaced and would provide vehicular access, however this is not dissimilar to the treatment of the existing access to these four dwellings along Kneller Court Lane which is also a designated public right of way. The number of cars expected to use the access road is likely to be so low that it's considered that pedestrians' enjoyment of the right of way would not be negatively impacted. The hard surfacing of the access road is also considered to be advantageous as it will enable the section of the right of way along which it aligns to be used throughout the year and during times of heavy rainfall.
- 8.22 The Rights of Way Officer raised no objection to the proposal subject to the incorporation of conditions requiring the provision of a sign warning drivers of the presence of walkers and to ensure the Right of Way is not obstructed.
- 8.23 The proposed access road would result in part of Footpath 89 having a wider and more durable surface which would be used throughout the year and during times of heavy rainfall. The access road would not be used by high volumes of traffic and would therefore remain safe for pedestrian users. Overall the proposed access road would not have an adverse impact on Footpath 89 and would be in accordance with Policy WEL28 which requires a network of strategic pedestrian routes.

#### **f) Trees**

- 8.24 The proposed access road would run parallel to the trees and hedgerow on the site therefore the majority of the trees and hedgerow are proposed to be retained. The application is supported by an arboricultural method statement that contains appropriate measures to ensure the safety of the retained trees. There are a small number of low quality (category C) trees of various species

and a small section of blackthorn hedgerow however that are proposed to be removed to enable the creation of the proposed access. A number of trees are also proposed to be crown lifted. A 30m length of replacement hedgerow is proposed to mitigate for the loss of the trees and hedgerow. The size and species of hedgerow can be secured by condition.

- 8.25 The Council's Arborist has raised no objection to the proposed removal of trees and hedgerow. The proposed removal of a section of hedgerow and some trees is considered to be acceptable given their limited quality. The proposed replacement hedgerow is also considered to be appropriate mitigation that will prevent the loss of trees from having a visual impact on the character of the area.
- 8.26 The proposed tree protection measures together with the replacement hedgerow can be secured by condition.

#### **g) Ecology**

- 8.27 Policy WEL30 requires initial applications for development at Welborne to be supported by a full ecological appraisal to identify and address potential impacts on designated sites, priority habitats and protected species both within and immediately adjacent to the site boundary.
- 8.28 In terms of habitat, the area within the application site contains semi-improved grassland, scrub, ruderal vegetation and hedgerows. The proposed access road would result in the removal of areas of semi-improved grassland, a small section of hedge and scrub together with a small number of low quality trees as described above. The proposed new hedgerow of at least 30m in length as described previously would also compensate for potential loss of habitat as well as providing landscape mitigation.
- 8.29 The ecological assessment states that the area is of minimal value in terms of providing habitat for badgers and that the effect would be 'negligible' and 'not significant'. Notwithstanding the negligible effect, the application proposes a precautionary approach with mitigation measures (such as fencing around areas where badgers are to be excluded) recommended.
- 8.30 The ecological assessment also states that the site contains slow worms and grass snakes and that there is suitable habitat within the site for great crested newts although the ecological report concludes that it is highly unlikely that there are any great crested newts within the site. Notwithstanding the ecological assessment's conclusion, a precautionary approach is proposed with measures designed to avoid the risk of harm to the identified protected species. The Council's Ecologist has confirmed that the proposed measures



are appropriate. The measures contained within the ecological assessment can be secured by condition.

8.31 The ecological assessment also confirms that there are dormice within the site. Dormice receive protection under UK law via the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Habitats Directive, which is transposed into UK law by the Conservation of Habitats and Species Regulations 2010 (commonly referred to as the Habitats Regulations). Where developments affect European protected species (EPS), permission can be granted unless:

- the development is likely to result in a breach of the EU Directive underpinning the Habitats Regulations, and
- the development is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.

Taking each part in turn:

- *Is the development likely to result in a breach of the EU Directive?*

8.32 The proposed hedgerow will provide replacement habitat, however the proposed development has the potential to kill/injure dormice and would therefore result in a breach of the EU Directive.

- *Is the development unlikely to be licensed?*

8.33 An EPS licence can only be granted if the development proposal is able to meet three tests:

- 1. the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e))*
- 2. there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and*
- 3. the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).*

8.34 Test no. 1: The proposed development is required to facilitate the wider development of Welborne which will contribute significantly towards both the council's 5 year housing land supply which is of significant social importance

(particularly given the council's current lack of supply) and to the longer term delivery of housing. Test no. 1 can therefore be satisfied.

- 8.35 Test no. 2: The Natural England guidance on licence applications indicates that the second test must account for the 'do nothing' scenario. This would leave the Footpath in its existing condition next to an arable field with the potential for disturbance from agricultural practices. An alternative access could be provided to the north of the residential dwellings however it could potentially prejudice the delivery of the employment area given that the detailed layout is not yet known. It is therefore considered that there are no satisfactory alternatives and Test no. 2 can be satisfied.
- 8.36 Test no. 3: In order to assess the development against the third test, sufficient details must be available to show how killing / injury of dormice will be avoided and how the loss of habitat for dormice will be compensated. A strategy has been provided that includes methods to be followed during the development to avoid the killing or injuring of dormice, together with the provision of alternative habitat (in the form of a 30m strip of replacement hedgerow.)
- 8.37 The Council's Ecologist supports the principles of the strategy and is confident that the favourable conservation status of the species as required by the third test would be met in respect of dormice, therefore test no. 3 can also be satisfied and an EPS licence from Natural England is likely to be granted.
- 8.38 The ecological impact assessment submitted with the application demonstrates that the loss of habitat (primarily the 10m strip of hedgerow) can be mitigated (by the provision of a 30m strip of replacement hedgerow) and that protected species can be protected from injury during the construction process. The proposed development is therefore considered to satisfy the requirements of Policy WEL30 and an EPS license is anticipated to be provided by Natural England.

#### **h) Heritage**

- 8.39 Policy WEL8 requires development proposals at Welborne to conserve the site's heritage assets in a manner appropriate to their significance and for areas to be assessed for archaeological and historic environment potential prior to commencement.
- 8.40 The location of the access road has the potential to impact archaeological remains of local importance therefore the application proposes to archaeologically strip the area with any findings mapped and sampled in accordance with a Written Scheme of Investigation to be secured by condition. The proposed submission of a Written Scheme of Investigation will ensure that

the area is surveyed in an appropriate manner with the findings recorded and is considered to be in accordance with the requirements of Policy WEL8.

### **i) Amenity**

- 8.41 The proposed access road would be visible from residential properties to the west of the site on Funtley Hill, however the access road will be used by a small number of cars such that any disturbance from noise or light pollution would not be significantly adverse.

### **j) Summary**

- 8.42 The proposal is required to facilitate the wider, comprehensive development of Welborne and is considered to be in accordance with the policies summarised earlier in this report.

## **9.0 Recommendation**

9.1 GRANT PLANNING PERMISSION subject to conditions:

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

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

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

-Location plan Drawing no. WEL-PBF-FH-XX-DR-CH-00003 Rev S4-P05

-Site plan Drawing no. WEL-PBF-FH-XX-DR-CH-00004 Rev S4-P04

-Proposed layout and long section Drawing no. WEL-PBF-FH-XX-DR-CH-00002 Rev P03

-Engineering layout Drawing no. 164.5002.101

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

3. The access road hereby permitted shall not be brought into use for vehicular traffic until visibility splays of 2.4 metres by 43 metres at the junction with the existing highway have been provided in accordance with the approved details. The visibility splays shall thereafter be kept clear of obstruction (nothing over 0.6m in height) at all times.

REASON: In the interests of highway safety.

4. The access road hereby permitted shall not be brought into use for vehicular traffic until a detailed landscaping scheme identifying the species, planting sizes, planting distances, density, numbers and provisions for future maintenance of all new planting has been submitted to and approved by the Local Planning Authority in writing.

REASON: To enhance biodiversity and in the interests of the visual amenities of the locality.

5. The landscaping scheme, submitted under condition 4, shall be implemented and completed within the first planting season following the first use of the road by cars or as otherwise agreed in writing with the Local Planning Authority and shall be maintained in accordance with the agreed scheme. 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.

6. No development shall take place (including site clearance and ground preparation) until the tree and hedgerow protection measures submitted within the Arboricultural Method Statement (produced by James Fuller Arboriculture dated December 2019) have been fully implemented. The approved measures shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site.

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

7. Any tree and hedgerow protective measures installed shall be maintained and retained for the full duration of the works or until such time as may be agreed in writing by the Local Planning Authority. No activities, material storage, or placement of site huts or other equipment what-so-ever shall take place within the fencing without the prior written approval of the Local Planning Authority.

REASON: In order to retain established landscaping on the site in the interest of the visual amenities of the area.

8. All service routes, drain runs, soakaways or excavations in connection with the development shall remain wholly outside the tree and hedgerow protective area unless otherwise agreed in writing with the Local Planning Authority.

REASON: In order to retain established landscaping on the site in the interest of the visual amenities of the area

9. No development shall take place until a Written Scheme of Investigation setting out the methodology for the archaeological monitoring of the groundworks and the public dissemination of any results has been submitted to and approved in writing by the Local Planning Authority. The details contained within the approved Written Scheme of Investigation shall be fully implemented during the construction of the development.

REASON: To ensure appropriate recording of archaeological remains.

10. The road hereby permitted shall not be brought into use for vehicular traffic until details of signage warning drivers of the presence of pedestrians on the Footpath has been submitted to and approved in writing by the Local Planning Authority. The signage shall be provided in accordance with the approved details prior to the road being brought into use by vehicular traffic and shall be retained thereafter.

REASON: To ensure the safety of pedestrians using the Public Right of Way.

11. The development hereby permitted shall be carried out strictly in accordance with the mitigation measures contained within the ecological impact assessment dated December 2019 and produced by Lindsay Carrington Ecological Services.

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

### **Informatives**

Notwithstanding the results of the ecological survey submitted with this application special care must still be taken not to disturb wild animals and plants protected by the Wildlife and Countryside Act 1981 (as amended). This includes birds and bats that nest or roost in trees. Should specimens of any protected species be discovered during building operations you should contact Natural England for further advice - 0300 060 3900 [www.naturalengland.org.uk](http://www.naturalengland.org.uk)

A Highway Agreement is required to allow surface changes to the Public Right of Way.

Temporary Closure Orders should be applied for at least 6 weeks prior to the commencement of works. Details of how to apply can be found at <https://www.hants.gov.uk/landplanningandenvironment/rightsofway/temporaryclosure>  
[s](#)

It is an offence under the Countryside and Rights of Way Act 2000 to obstruct a Public Right of Way.

#### **11.0 Background Papers**

[P/20/0007/FP] – refer to other applications in the planning history section too



<p><b>ZONE 3 – EASTERN WARDS</b></p> <p><b>Portchester West</b></p> <p><b>Hill Head</b></p> <p><b>Stubbington</b></p> <p><b>Portchester East</b></p>
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REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/19/0840/FP  PORTCHESTER EAST	MERJEN ENGINEERING STATION ROAD PORTCHESTER FAREHAM PO16 8BG  DEVELOPMENT COMPRISING 16NO AGE RESTRICTED (OVER 55 YEARS OLD) SUPPORTED HOUSING APARTMENTS, ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING	3  PERMISSION
P/19/0915/FP  HILL HEAD	LAND AT STUBBINGTON LANE FAREHAM  DEVELOPMENT OF 2 ONE-BED HOUSES, 7 TWO-BED HOUSES & 2 THREE-BED HOUSES, TOGETHER WITH ASSOCIATED PARKING, LANDSCAPING AND ACCESS ONTO STUBBINGTON LANE	4  PERMISSION



# Agenda Item 6(3)

## OFFICER REPORT FOR COMMITTEE

DATE: 18/03/2020

P/19/0840/FP  
FAREHAM BOROUGH COUNCIL

PORTCHESTER EAST WARD  
AGENT: MH ARCHITECTS LTD

DEVELOPMENT COMPRISING 16NO. AGE RESTRICTED (OVER 55 YEARS OLD) SUPPORTED HOUSING APARTMENTS, ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING

MERJEN ENGINEERING, STATION ROAD, PORTCHESTER, FAREHAM

### **Report By**

Peter Kneen – direct dial: 01239 824363

#### **1.0 Introduction**

- 1.1 The application, submitted on behalf of Fareham Housing, for Fareham Borough Council requires consideration by the Planning Committee as a Council Planning Application. The application has also received 13 third party letters of objection from the local community.
- 1.2 Members will note from the 'Five Year Housing Land Supply Position' report considered at the April 2019 Planning Committee that at the time, this Council had a housing land supply of 4.66 years. During the latter part of 2019 several appeal decisions were received in which Planning Inspector's considered the Council's 5YHLS position, including the appeal by Miller Homes on land at Winnham Farm (appeal reference: APP/A1720/W/19/3230015). In that appeal decision the Inspector was of a view that the Council's claimed supply figure of 4.66 years was too optimistic, and that the appellant's figure of 2.4 years better represented the situation at the time. The site is a Housing Allocation (Housing Site H20) within the Adopted Local Plan for older persons accommodation, and therefore the principle of the residential development of the site has already been established.
- 1.3 Members will also note that an earlier planning application (Reference: P/16/0142/FP) for a similar scheme was considered by the Planning Committee in August 2016, where a resolution to grant planning permission was given, subject to the completion of a Section 106 Legal Agreement. Before the Agreement was completed, the part of the site that was outside the ownership of the Borough Council was also purchased by the Council.
- 1.4 To meet the Council's duty as the Competent Authority under the Conservation of Habitats and Species Regulations 2017 ("the Habitat

Regulations”), a Habitat Regulations Assessment is required to consider the likely significant effects of the development on the protected sites around the Solent. An Appropriate Assessment has been undertaken as part of the consideration of this application, and the development has provided both necessary mitigation and appropriate evidence to demonstrate that the development proposal will not result in adverse effects on the integrity of European protected sites around the Solent. Further details of this have been set out later in the Report.

## **2.0 Site Description**

- 2.1 The application site lies on the western side of Station Road on its corner with West Street. The site comprises two distinct differing land uses; the land on the immediate corner is open land managed and owned by the Borough Council. The north eastern corner of the site comprises the remains of the former two and three storey commercial building formerly occupied by Merjen Engineering as a general industrial use (use class B2). The building on the site was demolished in the Summer 2019 following the purchase of this part of the site by the Council.
- 2.2 The former Merjen Engineering building was sited on the boundary with the neighbouring property to the north, known as ‘Conifers’. The site comprised a small forecourt fronting Station Road. The area of open space is largely laid to grass, with areas of trees and shrubs covering parts of the site.
- 2.3 The site lies within the urban area of Portchester. Portchester District shopping centre lies to the south on the opposite side of the A27, accessed via an underpass. Portchester Railway Station is sited just to the north of the site further along Station Road.
- 2.4 The immediate area comprises a mixture of property types and sizes, bungalows to the northwest in The Leaway, a two-storey house to the north in Station Road, commercial shop units to the south and two and a half storey development in Garden Court to the east beyond Station Road. Part of the frontage of the site lies within Flood Zone 2.

## **3.0 Description of Proposal**

- 3.1 The development proposes the construction of a single block, constructed in two storey and two and a half storey elements, to provide 16 apartments, comprising a mix of 12, one-bedroom apartments and 4, two-bedroom apartments. Access would be created via Station Road, and the site would benefit from 17 car parking spaces (including two disabled spaces), together with secure on-site storage for mobility scooters and bicycles, separate bin storage and landscaped grounds to the western part of the site.

- 3.2 Whilst part of the site is located within Flood Zone 2, no part of the proposed building will be affected by this designation.
- 3.3 The application has been supported with detailed ecological reports, transport assessment, statement of community involvement, flood risk assessment, and tree survey and a nitrogen neutrality statement, together with a detailed planning statement.

#### **4.0 Policies**

- 4.1 The following policies apply to this application:

##### **Adopted Fareham Borough Core Strategy**

- CS2: Housing Provision;
- CS4: Green Infrastructure, Biodiversity and Geological Conservation;
- CS5: Transport Strategy and Infrastructure;
- CS6: The Development Strategy;
- CS11: Development in Portchester, Stubbington & Hill Head and Titchfield;
- 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;
- DSP13: Nature Conservation;
- DSP15: Recreational Disturbance on the Solent Special Protection Areas;
- DSP42: New Housing for Older People
- Housing Site H20: Corner of Station Road and A27, Portchester

##### **Other Documents:**

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

#### **5.0 Relevant Planning History**

- 5.1 The following planning history is relevant:

<b>P/04/1681/OA</b>	Demolition of 11 The Leaway and Erection of Eighteen 1 and 2 Bed Flats, Car Parking, Access Road and Associated Works
<b>REFUSE</b>	<b>13/01/2005</b>

<b>P/04/1562/OA</b>	Redevelopment of Site by the Erection of Sixteen 2 Bedroomed Flats
<b>REFUSE</b>	<b>13/01/2005</b>
<b>P/16/0142/FP</b>	Seventeen Aged-Persons Apartments in a 2.0/2.5 Storey Building including Affordable Housing
<b>RESOLUTION TO GRANT</b>	<b>Committee Resolution – August 2016</b>

## **6.0 Representations**

6.1 Thirteen third party letters (from 10 addresses) have been received regarding the application proposal. Of those letters, four supported the proposals, and nine objected to the scheme. The letters of support highlighted the sustainability of the location, and that the scheme would provide much needed additional elderly residents accommodation. Further support was given for the re-use of a disused site, referring to the demolished building on the Merjen Engineering part of the site.

6.2 The letters of objection raise the following concerns:

- Insufficient car parking provision;
- Overdevelopment of the site;
- Highway safety and access concerns due to proximity to roundabout;
- Loss of the green space.

6.3 In addition to the third party letters received regarding this application, a separate petition was submitted to the Council containing 275 signatories requesting that the copper beech tree on the site be protected by a Tree Preservation Order.

## **7.0 Consultations** EXTERNAL

### **Hampshire County Council – Highway Authority**

7.1 No objection, subject to appropriate conditions.

### **Hampshire County Archaeologist**

7.2 No objection.

### **Environment Agency**

7.3 No objection, subject to conditions.

### **Natural England**

7.4 No objection, subject to compliance with Nitrogen Neutrality Statement.

#### INTERNAL

#### **Ecology**

7.5 No objection, subject to appropriate conditions.

#### **Refuse and Recycling**

7.6 No objection

#### **Environmental Health (Noise and Pollution)**

7.7 No objection.

#### **Environmental Health (Contaminated Land)**

7.8 No objection.

#### **Tree Officer**

7.9 No objection. Detailed tree protection method statement required.

#### **Urban Design**

7.10 No objection.

### **8.0 *Planning Considerations***

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

- a) Principle of Development;
- b) Design and Character of the Area;
- c) Highways and Car Parking;
- d) Impact on Living Conditions of Neighbouring Properties;
- e) Ecology and the Environment.

#### **a) Principle of Development**

8.2 The application site forms part of the adopted Housing Allocation within the Adopted Part 2 Local Plan (Development Sites and Policies) 2015. Therefore, the principle of residential development on the site has been considered and established through the last Local Plan review, and was subsequently allocated as Housing Site H20, under Policy DSP42 (New Housing for Older Persons).

- 8.3 The site is located within the designated urban area, where the redevelopment of previously developed land for housing purposes is supported by Policies CS2 and CS6 of the adopted Local Plan.
- 8.4 In addition, a similar planning application for 17 apartments on the same footprint, application reference P/16/0142/FP was received favourably by the Planning Committee in August 2016 and was subject to a resolution to grant planning permission, subject to the completion of a legal agreement for contributions to affordable housing and payment of the Solent Recreation Mitigation Project contribution.

### **b) Design and Character of the Area**

- 8.5 Housing site H20 states that any development on the site should be, at most, three storeys in height and should reflect the built form of surrounding development as far as possible. The proposed building has been designed with the highest part at the junction of West Street and Station Road at 2.5 storeys high, stepping down to two storeys with reduced eaves on the northern and western ends of the building.
- 8.6 Amenity space is provided within the site for the residents of the units. This amenity space would be sited towards the western end of the site extending across its entire depth. The Council's Design Guidance normally seeks the provision of 25 sqm of amenity space for each apartment, which for 16 apartments would require 400 sqm. The proposed amenity space would meet this requirement.
- 8.7 The scheme has also been considered by the Council's Urban Designer, who considers the proposals are acceptable, with the mix of traditional materials and architectural language being suitable for this location. The varied heights of the building relate well to the junction prominence. Therefore, Officers consider that in terms of residential development design expectations, the proposal complies with Policy CS17 of the adopted Core Strategy and the Design Guidance in that it is respectful of, and responds positively to, the character of the surrounding area.

### **c) Highways and Car Parking**

- 8.8 The proposed development has been supported by a detailed Transport Assessment. The proposed development would be accessed by a new drive sited in the north eastern corner of the site onto Station Road.
- 8.9 A material consideration in this case is the former, long term use of the site, which comprises an unrestricted B2 (General Industrial) Use. Merjen

Engineering was formed in 1978 and established at Station Road in 1987. The business, which officially closed in 2019, was an engineering sub-contractor, and the site comprised a small forecourt fronting Station Road, for which all deliveries to and from the business were carried out. Lorries would carry out deliveries by parking partially on the road and partially on the pavement. The proposal would generate a much reduced amount of commercial activity on the adjacent highway which is seen as a benefit in highway safety terms.

- 8.10 The proposed scheme has been designed to enable a refuse vehicle to reverse into the site entrance, collect the refuse and leave the site in a forward gear. Further, the internal layout of the site has been designed to accommodate delivery vehicles and a fire engine. The scheme has the support of Hampshire County Council as the Highway Authority.
- 8.11 A number of the third party objectors have raised concerns regarding the suitability of the access, highlighting that a refuse vehicle stopping and reversing onto the site from Station Road into the site would cause a highway safety issue due to the proximity of the roundabout on the A27. However, this issue has been assessed by applicant's Transport Engineers and the Highway Authority as acceptable. Further, the Council's refuse vehicles already operate along Station Road, having to stop to collect waste weekly.
- 8.12 In respect of pedestrian access, this has been designed in a safe manner, including an entrance directly from the highway at the south eastern corner of the site.
- 8.13 Seventeen car parking spaces would be provided. The Council's Residential Car Parking SPD states that a development of this size for unrestricted occupancy would generate a need for 14 spaces, including 2 disabled spaces. The scheme therefore makes an overprovision of car parking spaces for the site. In addition, the Residential Car Parking SPD states that a lower level of parking would be acceptable in areas of high accessibility or for a specific type of residential development that creates a lower demand for parking. In this case, there are highway restrictions in the locality, the site is within a sustainable location and the occupancy restricted to older persons only. Those residents are likely to come from existing Council properties, and it is therefore within the Council's ability to control the occupiers to ensure there is adequate on-site car parking. As such, the provision of seventeen car parking spaces would be more than is required for a site with unallocated car parking provision, which is located in a highly accessible location, close to public transport links and a variety of local services and facilities.

- 8.14 The ground floor of the proposed building would also include secure bicycle storage and electric buggy storage facilities.
- 8.15 The development proposals are therefore considered to comply with Policy CS5 of the Core Strategy and the Council's adopted Residential Car and Cycle Parking Standards SPD.

**d) Impact on Living Conditions of Neighbouring Properties**

- 8.16 Three bungalows in The Leaway back onto the site. The distance between the proposed first floor windows and the windows in the nearest property, 11 The Leaway is approximately 23 metres at an oblique angle. The proposed building would be sited 20 metres from the northern boundary and 11 metres from the western boundary. The scale of the building on its western end is reduced to two storeys in order to respect the outlook currently enjoyed by the neighbours in The Leaway. Whilst the eaves are marginally higher than those of the earlier scheme, the level of separation and boundary planting will ensure the living conditions of the occupiers of the properties on The Leaway are not unacceptably impacted by the proposal. The first floor side facing window on the western elevation would be located 30 metres away from the rear elevation of 13 The Leaway, at an oblique angle.
- 8.17 The parking and turning area is proposed away from the western boundary by some 9 metres, and from the northern boundary by 3 metres. Officers consider in light of these distances, the neighbouring properties would not be disturbed by vehicles parking and manoeuvring within this space.
- 8.18 In terms of the impact on the living conditions of the neighbouring property to the north of the site, Conifers on Station Road, no windows would be located in the northern elevation at its closest point, adjacent to the site entrance, which is 6 metres away. The first floor windows on the northern elevation orientated towards Conifers are all hall way windows with the exception of a bedroom window at the western end of the building, which lies beyond the rear garden of Conifers, and would be over 20 metres from the northern boundary (as stated above). Two second floor apartment windows would serve habitable rooms (living room and bedroom), but these would be 16 metres away from the mutual boundary, and at an oblique angle.
- 8.19 The proposed bin storage enclosure would be sited adjacent to, but not attached to the northern boundary. A two metre high wall would be retained along this boundary with the neighbouring property Conifers. Therefore, Officers consider that the level of separation, which is considerably improved following the demolition of the former Merjen Engineering building, would not



result in an unacceptable adverse impact on the living conditions of neighbouring occupiers.

- 8.20 Officers are satisfied therefore that the proposal would not materially harm the living conditions of existing local residents in relation to light, outlook and privacy in accordance with Policy DSP3 of the adopted Local Plan.

**e) Ecology and the Environment**

- 8.21 The application has been subject to detailed consultations with the Council's Ecologist and has been supported by an Ecological Appraisal and a Nitrogen Neutrality Statement. The Council's Ecologist has raised no concerns regarding the proposed development, subject to appropriate conditions.
- 8.22 A number of third party comments received have raised concern regarding the loss of this green space. However, the site has been allocated in the adopted Local Plan since its publication in 2015 as a housing site where the loss of the green space was considered to be acceptable. A petition has also been received regarding the loss of a copper beech tree on the site, which residents would like to be protected. The trees on the site have been assessed by the applicant's Arborist and the Council's Tree Officer. Whilst the copper beech tree is a fine specimen regrettably its loss cannot be avoided without a substantial reduction in the scale of the proposed scheme. Further, it is important to note that the trees on the site were considered under the 2016 planning application, which currently benefits from a resolution to grant planning permission, for which the copper beech tree would also be felled. Officers do not consider that the public amenity value of the tree outweighs the benefits arising from the proposed housing development. Members are asked to confirm the view of Officers that a tree preservation order should not be served. The current scheme does however propose the inclusion of a significant element of new, semi-mature soft landscaping to replace those trees. That landscaping would be subject to a suitably worded condition.
- 8.23 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 percent 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.
- 8.24 Policy CS4 sets out the strategic approach to biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policy DSP13 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.

- 8.25 In light of their importance, areas within the Solent have been specially designated under European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC).
- 8.26 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.
- 8.27 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.
- 8.28 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. The Council's Air Quality Habitat Regulations Assessment highlights that developments in the Borough would not, in combination with other plans and proposals, have a likely significant effect on air quality on the European Protected Sites up to 2023, subject to appropriate mitigation.
- 8.29 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the EPS based on the information in the submitted Nitrogen Neutrality Statement, following consultation with Natural England. The key considerations for the assessment of the likely significant effects are set out below.
- 8.30 Due to the location of the site within 5.6 km of the Solent, the development is likely to have a significant effect on the following designated sites: Solent and Southampton Waters Special Protection Area and Ramsar Site, Portsmouth Harbour Special Protection Area and Ramsar Site, Solent and Dorset Coast

Special Protection Area, Chichester and Langstone Harbours Special Protection Area and Ramsar Site and the Solent Maritime Special Area of Conservation – collectively known as the European Protected Sites.

- 8.31 Firstly, in respect of Recreational Disturbance, the applicant has made the appropriate financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMP). Therefore, the Appropriate Assessment concludes that the proposals would not have a likely significant effect on the EPS from recreational disturbance. Secondly, in respect of Air Quality, as set out above, the Council's Air Quality Habitat Regulations Assessment has screened out the impact on air quality, so it is possible to conclude that the development would not have a significant impact in this respect.
- 8.32 The final key aspect of the Appropriate Assessment is to consider the impact of the development on Water Quality as a result of surface water and foul water drainage. The submitted Nitrogen Neutrality Statement highlights that through the retrofitting of the Council's existing housing stock with modern water efficient measures (showers, low flush toilets, and flow restricted taps), sufficient water could be saved to ensure that the provision of 16 additional apartments would not result in increased wastewater disposal to Peel Common Wastewater Treatment Works and therefore offset the nitrogen loading generated by the proposed development. The Borough Council as competent authority can be certain that this can be achieved since it is in control of all aspects of the off-setting measures, as both the developer of the site and the housing authority responsible for the properties to be retrofitted. Therefore, Officers consider that the provision of the retrofitting of existing FBC housing stock is sufficient to ensure the proposed development would not have an adverse effect on the integrity of the European Protected Sites.
- 8.33 Natural England has been consulted about this approach, and has provided a response to the submission of the Nitrogen Neutrality Statement. No objection has been received regarding this approach. The Council has therefore completed an Appropriate Assessment, where it is considered that the proposed development will not have a likely significant effect, either alone or in combination with other plans and proposals on the European Protected Sites. No formal response has yet been received from Natural England to this Appropriate Assessment, although based on their comments regarding this approach, it is considered by Officers that the application can be recommended for approval.
- 8.34 It is therefore considered that the development accords with the Habitat Regulations and complies with policies CS4, DSP13, and DSP15 of the adopted Local Plan.

## **9.0 Recommendation**

### **9.1 GRANT PLANNING PERMISSION, subject to:**

- confirmation from Natural England that they raise no objection to the submitted Habitat Regulations Assessment and Appropriate Assessment; and,
- the following Conditions:

1. The development hereby permitted shall be commenced within three years of the date of this decision.

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

2. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:
  - a) Existing Site Layout and Site Location (Drawing: 19-026-MJN-MHA-00-XX-DR-A-0001 Rev P1);
  - b) Proposed Block Layout (Drawing: 19-026-MJN-MHA-00-XX-DR-A-0002 Rev P2);
  - c) Proposed Site Layout (Drawing: 19-026-MJN-MHA-00-XX-DR-A-0003 Rev P4);
  - d) Proposed Plans – Ground and First Floor Plans (Drawing: 19-026-MJN-MHA-00-XX-DR-A-0004 Rev P3);
  - e) Proposed Plans – Second Floor and Roof Plans (Drawing: 19-026-MJN-MHA-00-XX-DR-A-0005 Rev P3);
  - f) Proposed Elevations (Drawing: 19-026-MJN-MHA-00-XX-DR-A-0006 Rev P4);
  - g) Proposed Street Scenes (Drawing: 19-026-MJN-MHA-00-XX-DR-A-0007 Rev P1);
  - h) Artists Impression (Drawing: 19-026-MJN-MHA-00-XX-DR-A-0008 Rev P1); and,
  - i) Swept Path Analysis (Drawing: 2016-D1146-SK001 Rev B).

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

3. No development shall commence on site until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). The Construction Management Plan shall address the following matters:
  - a) 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 be implementing to ensure that operatives'/contractors/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;
- c) the measures for cleaning the wheels and underside of all vehicles leaving the site;
- d) a scheme for the suppression of any dust arising during construction or clearance works;
- e) the measures for cleaning Station Road to ensure that they are kept clear of any mud or other debris falling from construction vehicles, and
- f) the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development.

The development shall be carried out in accordance with the approved CMP and areas identified in the approved CMP for specified purposes shall thereafter be kept available for those uses at all times during the construction period, unless otherwise agreed in writing with the LPA. No construction vehicles shall leave the site unless the measures for cleaning the wheels and underside of construction vehicles are in place and operational, and the wheels and undersides of vehicles have been cleaned.

REASON: In the interests of highway safety and to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

4. No development shall commence on site until details of sewage and surface water drainage works to serve the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until the drainage works have been completed in accordance with the approved details.

REASON: In order to ensure adequate drainage is provided to serve the permitted development. The detailed secured by this condition are considered essential to be agreed prior to the commencement of the development to ensure the appropriate drainage is provided to accommodate the development proposal.

5. No development hereby permitted shall proceed beyond damp proof course level until details (including samples where requested by the Local Planning Authority) of all proposed external facing (and hardsurfacing) materials have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.  
REASON: To secure the satisfactory appearance of the development.
6. Within six months of the commencement of the apartments, a detailed landscaping scheme identifying all existing trees, shrubs and hedges to be retained together with the species, planting sizes, planting distances, density, numbers and provisions for future maintenance of all new planting, including all areas to be grass seeded and turfed, has been submitted to and approved in writing by the Local Planning Authority.  
REASON: In order to secure the satisfactory appearance of the development; in the interests of the visual amenities of the locality.
7. The approved landscaping scheme shall be implemented 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 all agreed schedules. Unless otherwise first agreed in writing, 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.
8. The occupation of each of the residential apartments hereby permitted shall be limited to a person of 55 years of age or over, or a widow/widower or partner of such a person, or any resident dependents including those under the age of 55, unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To accord with the terms of the planning application and to ensure the satisfactory planning of the area.
9. None of the apartments hereby approved shall be occupied unless the bin store and cycle/buggy storage area have been completed and made available in accordance with the approved plans. The designated areas shall thereafter be kept available and retained at all times for the purpose of bin and cycle/buggy storage.  
REASON: In the interests of amenity and in order to facilitate alternatives to the motorcar.

10. The apartments hereby approved shall not be brought into use until the car parking spaces have been provided in accordance with the approved plans. These parking spaces shall thereafter be retained on an unallocated basis and kept available for residents and visitors at all times.  
REASON: To ensure adequate parking provision within the site, in the interests of highway safety.
11. No part of the development shall commence until such time as the highway works shown in principle on the submitted drawings have been approved and agreed through a Section 278 Design Check.  
REASON: In the interests of highway safety. The detailed secured by this condition are considered essential to be agreed prior to the commencement of the development to ensure the appropriate highway works can be undertaken accommodate the development proposal.
12. The development shall be carried out in accordance with the approved levels unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To safeguard the appearance of the area and to protect the amenities of nearby residential properties.
13. No materials obtained from site clearance or from construction works shall be burnt on the site.  
REASON: To protect the amenities of nearby residents.
14. No work relating to the construction of any of the development hereby permitted (including works of demolition or preparation prior to operations) shall take place before the hours of 0800 or after 1800 Monday to Friday, before the hours of 0800 or after 1300 Saturdays, or at all on Sundays or recognised bank or public holidays, unless otherwise first agreed in writing by the Local Planning Authority.  
REASON: To protect the amenities of the occupiers of nearby residential properties.
15. No dwelling shall be occupied until the Building Regulations Optional requirement of a maximum water use of 110 litres per day has been complied with. The water efficiency measures for each dwelling shall be retained for each dwelling for the lifetime of the property.  
REASON: In the interests of preserving water quality and resources.
16. The development shall be carried out in accordance with the submitted flood risk assessment (Ref: MJEL/16/D1146/FRA3.0, Issue 4, titled 'Merjen Engineering, Station Road, Portchester, Fareham, PO16 8BG Proposed Residential Development Floor Risk Assessment', dated 08/10/2019,

compiled by RGP Design Limited) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 4.55 metres above Ordnance Datum (AOD); and,
- The proposed flood wall shall be set no lower than 4.55 metres above Ordnance Datum (AOD).

These measures shall be fully implemented prior to the occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

REASON: To reduce the risk of flooding to the proposed development and future occupants.

17. Prior to the commencement of the development, a Biodiversity Enhancement Strategy to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details.

REASON: To enhance biodiversity on the site. The detailed secured by this condition are considered essential to be agreed prior to the commencement of the development to ensure the necessary enhancement features are incorporated into the development.

18. No development shall commence until the measures of tree and hedgerow protection submitted and approved within the Arboricultural Implications Assessment, (dated 5 August 2019, prepared by Broad Oak Tree Consultants Limited) have been implemented. The protection measures shall be retained through the development period until such time as all equipment, machinery and surplus materials have been removed from the site.

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

Informatives:

- a) The applicant is advised that during the course of the development, if contaminated land is suspected or identified, works should cease until further assessments by the Council's Contaminated Land Officer can be undertaken.

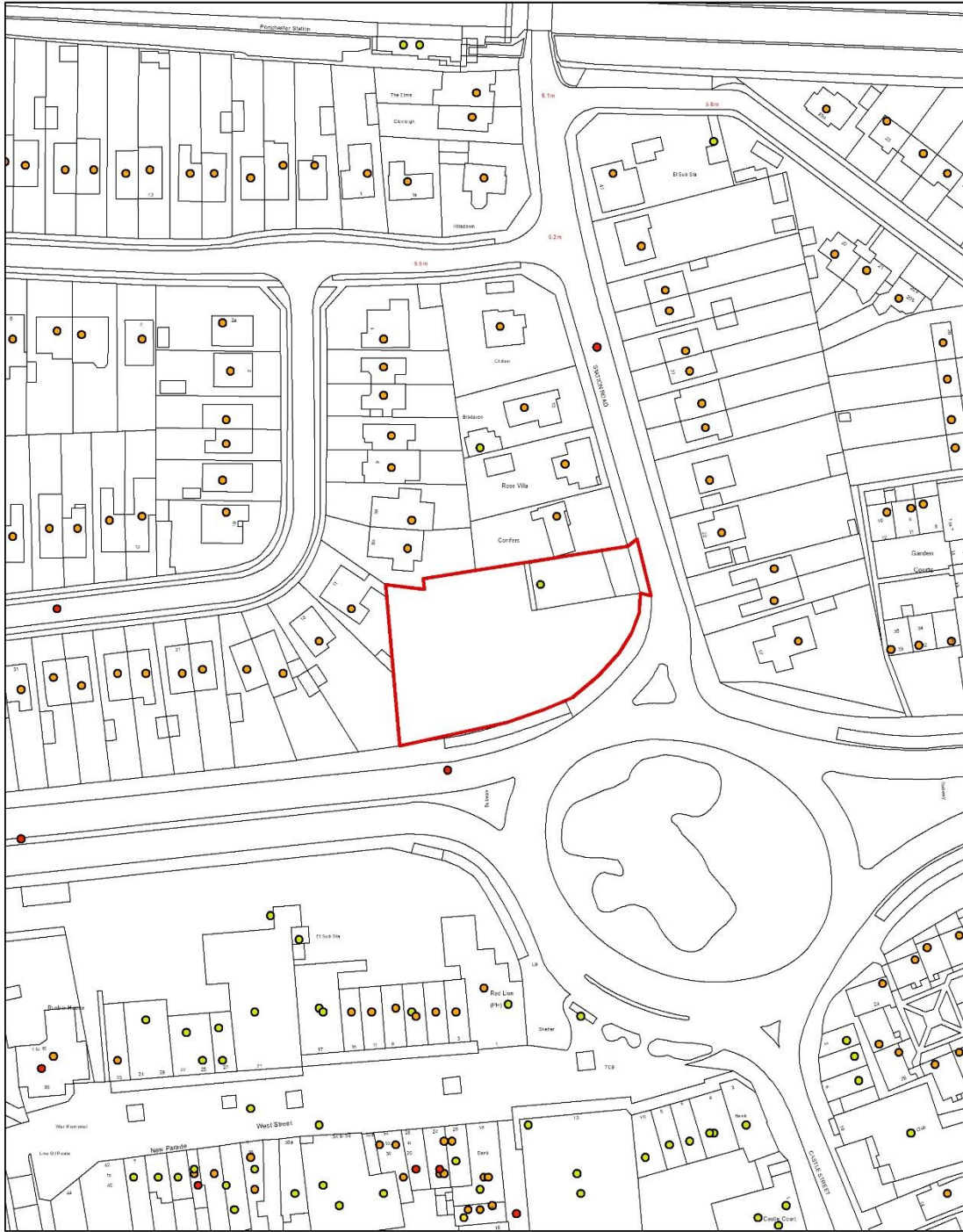


- b) Birds nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake the building works outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough examination of the affected areas must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5 metre) stand-off maintained, and works can only recommence once the nest becomes unoccupied of its own accord.

## **11.0 Background Papers**

[P/19/0840/FP]

# FAREHAM BOROUGH COUNCIL



Merjen Engineering, Station Road  
Scale: 1:1,250



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# Agenda Item 6(4)

## OFFICER REPORT FOR COMMITTEE

DATE: 18/03/2020

P/19/0915/FP  
FAREHAM BOROUGH COUNCIL

HILL HEAD WARD  
AGENT: MH ARCHITECTS LTD

DEVELOPMENT OF 2 ONE-BED HOUSES, 7 TWO-BED HOUSES & 2 THREE-BED HOUSES, TOGETHER WITH ASSOCIATED PARKING, LANDSCAPING AND ACCESS ONTO STUBBINGTON LANE

LAND AT STUBBINGTON LANE, FAREHAM

### **Report By**

Peter Kneen – direct dial: 01239 824363

#### **1.0 Introduction**

- 1.1 The application, submitted on behalf of Fareham Housing, for Fareham Borough Council requires consideration by the Planning Committee as a Council Planning Application. The application has received 5 third party letters from the local community.
- 1.2 Members will note from the 'Five Year Housing Land Supply Position' report considered at the April 2019 Planning Committee that this Council currently has a housing land supply of 4.66 years. During the latter part of 2019 several appeal decisions were received in which Planning Inspector's considered the Council's 5YHLS position, including the appeal by Miller Homes on land at Winnham Farm (appeal reference: APP/A1720/W/19/3230015). In that appeal decision the Inspector was of a view that the Council's claimed supply figure of 4.66 years was too optimistic, and that the appellant's figure of 2.4 years better represented the situation at the time. The site is a Housing Allocation (Housing Site H12) within the Adopted Local Plan and therefore the principle of the residential development of the site has already been established.
- 1.3 To meet the Council's duty as the Competent Authority under the Conservation of Habitats and Species Regulations 2017 ("the Habitat Regulations"), a Habitat Regulations Assessment is required to consider the likely significant effects of the development on the protected sites around the Solent. An Appropriate Assessment has been undertaken as part of the consideration of this application, and the development has provided both necessary mitigation and appropriate evidence to demonstrate that the development proposal will not have a likely significant effect on the protected sites around the Solent. Further details of this have been set out later in the Report.

## **2.0 Site Description**

- 2.1 The application site lies on the western side of Stubbington Lane. The eastern side of Stubbington Lane at this location is the Daedalus Airfield. The site comprises an area of semi-managed grassland, formerly used as a paddock, with existing housing developments to the north and west of the field.
- 2.2. To the southern boundary is a mature hedgerow, which would be retained, with the access road to the Stubbington Study Centre beyond the hedgerow. To Stubbington Lane is a bus stop immediately outside the site entrance, which provides a regular services into Stubbington Village Centre. A bus stop providing buses to Lee-on-the-Solent and Gosport is located a short distance along Stubbington Lane, to the north of the site.
- 2.3 The site lies within the urban area of Stubbington & Hill Head. Stubbington Village Centre lies approximately 1.3 km to the north of the site. The Centre provides a good variety of local services and facilities.
- 2.4 The immediate area comprises a mixture of property types and sizes, including two storey, chalet bungalows and bungalows along Stubbington Lane.

## **3.0 Description of Proposal**

- 3.1 The development proposes the construction of 11 two storey dwellings, comprising one detached and 10 semi-detached properties. The development, to be constructed by Fareham Borough Council will provide all 11 dwellings as affordable dwellings for Shared Ownership on behalf of Fareham Housing. The scheme has been designed to largely front Stubbington Lane, whilst making use of the site depth by including a number of properties to the rear of the site. Access would be created from a new bell mouth roadway created to the south of the existing bus stop lay-by in order to ensure the retention of this stop facility.
- 3.2 The development will consist of two 1-bedroom houses, seven 2-bedroom houses and two 3-bedroom houses. There will be 20 car parking spaces provided, which includes the required number of spaces to accord with the Council's adopted car parking spaces, including two visitors spaces. Bin and secure cycle storage would also be provided for each of the dwellings. The scheme includes considerable landscaping, particularly along the frontage with Stubbington Lane, and to soften the hard landscaping to the rear parts of the site.

3.3 The application has been supported with detailed ecological reports, transport assessment, statement of community involvement, noise assessment, drainage assessment, contaminated land survey, arboricultural impact assessment and a nitrogen neutrality statement, together with a detailed planning, design and access statement.

#### **4.0 Policies**

4.1 The following policies apply to this application:

##### **Adopted Fareham Borough Core Strategy**

CS2:	Housing Provision;
CS4:	Green Infrastructure, Biodiversity and Geological Conservation;
CS5:	Transport Strategy and Infrastructure;
CS6:	The Development Strategy;
CS11:	Development in Portchester, Stubbington & Hill Head and Titchfield;
CS15:	Sustainable Development and Climate Change;
CS17:	High Quality Design;
CS18:	Provision of Affordable Housing

##### **Adopted Development Sites and Policies**

DSP1:	Sustainable Development;
DSP2:	Environmental Impact;
DSP3:	Impact on Living Conditions;
DSP13:	Nature Conservation;
DSP15:	Recreational Disturbance on the Solent Special Protection Areas;

Housing Site H12: Land at Stubbington Lane, Stubbington

##### **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 relevant planning history with this site.

#### **6.0 Representations**

6.1 Five third party letters have been received regarding the application proposal. Of those letters, only one raised concerns regarding the density of the development, and its impact on local services and traffic generation. Two letters were supportive of the scheme, although one commented on the transport statement submitted with the application. One letter raised an

objection to the scheme due to overrun local services and traffic, and the final letter raised comments only on the contaminated land survey.

## **7.0 Consultations**

EXTERNAL

### **Hampshire County Council – Highway Authority**

7.1 No objection, subject to appropriate conditions.

### **Hampshire County Council – Lead Local Flood Authority**

7.2 No objection, subject to appropriate conditions.

### **Natural England**

7.3 No objection, subject to compliance with the submitted Nitrogen Neutrality Statement.

INTERNAL

### **Ecology**

7.4 No objection, subject to appropriate conditions.

### **Refuse and Recycling**

7.5 No objection

### **Environmental Health (Noise and Pollution)**

7.6 No objection.

### **Environmental Health (Contaminated Land)**

7.7 No objection, subject to appropriate conditions.

### **Tree Officer**

7.8 No objection, subject to appropriate conditions

## **8.0 Planning Considerations**

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

- a) Principle of Development;
- b) Design and Character of the Area;
- c) Highways and Car Parking;
- d) Impact on Living Conditions of Neighbouring Properties;
- e) Ecology and the Environment.

### **a) Principle of Development**

- 8.2 The application site forms part of the adopted Housing Allocation within the Adopted Part 2 Local Plan (Development Sites and Policies) 2015. Therefore, the principle of residential development on the site has been considered and established through the last Local Plan review, and was subsequently allocated as Housing Site H12.
- 8.3 The site is located within the designated urban area, where the redevelopment of previously developed land for housing purposes is supported by Policies CS2 and CS6 of the adopted Local Plan.

### **b) Design and Character of the Area**

- 8.4 Housing site H12 states that any development on the site should front Stubbington Lane, and comprise a density of approximately 25 dwellings per hectare. The layout of the scheme includes a pair of semi-detached dwellings fronting Stubbington Lane. These properties have been designed to respect the mixed traditional character of Stubbington Lane, whilst achieving a density of 29 dwellings per hectare, which is only marginally higher than the suggested density on the adopted Local Plan.
- 8.5 Each dwelling will be provided with its own private amenity space, which accords with the minimum standards sought in the adopted Design Guidance, whilst ensuring the retention of the existing boundary hedgerow on the southern boundary, and allowing for a considerable amount of soft landscaping to the property frontages.
- 8.6 The scheme has also been considered by the Council's Urban Designer, who considers the overall design of the proposed dwellings, with simple brick and tile form with modern window designs to be acceptable. Therefore, Officers consider that in terms of residential development design expectations, the proposal complies with Policy CS17 of the adopted Core Strategy and the Design Guidance.

### **c) Highways and Car Parking**

- 8.7 The proposed development has been supported by a detailed Transport Assessment. The proposed development would be accessed by a new drive sited on the south eastern part of the site, onto Stubbington Lane, just south of the existing bus stop layby.
- 8.8 During the course of the application, further information was submitted regarding the initial comments raised by Hampshire County Highways

Department. Subsequently, the Highways Authority raised no objection to the scheme, subject to appropriate conditions.

- 8.9 The proposed scheme has been designed to enable a refuse vehicle to enter and exit the site in a forward gear. Further, the internal layout of the site has been designed to accommodate delivery vehicles and a fire engine.
- 8.10 Twenty-two car parking spaces would be provided. The Council's Residential Car Parking SPD states that a development of this size should provide 20 car parking spaces, to be allocated for each individual dwelling, and a further two spaces provided for visitors. The scheme therefore accords with the Council's adopted Residential Car Parking SPD. Secure cycle storage would be provided for each property.
- 8.11 The development proposals are therefore considered to comply with Policy CS5 of the Core Strategy and the Council's adopted Residential Car and Cycle Parking Standards SPD.

#### **d) Impact on Living Conditions of Neighbouring Properties**

- 8.12 Only one property would be directly impacted by the proposed development, 170 Stubbington Lane, directly to the north of the site. 170 Stubbington Lane, includes a single first floor window in their southern elevation, facing this site, which appears to serve a bedroom. This window would not be obstructed by the proposed development, and would be set approximately 9 metres away from nearest window of the adjacent plot (Plot 11). The property itself would obstruct views from the rear windows of Plots 10 and 11 into the rear garden of 170 Stubbington Lane. It is therefore considered that the proposal would not have an unacceptable adverse impact on the living conditions of this property.
- 8.13 180 Stubbington Lane is located to the west of the site, beyond the rear boundary. The first floor windows of plots 5-7 would be located 22 metres away from this property. In between this property and the site is a large outbuilding which appears to be associated with 8 Seamead (to the northwest of the site). However, the single storey structure adjacent to the site is only a flat roofed outbuilding and the proximity of the proposed dwellings would not have an unacceptable adverse impact on this structure.
- 8.14 To the south of the site, beyond the retained hedgerow and the private road that leads to The Stubbington Study Centre lies three further residential properties. However, due to the extent of the hedgerow and level of separation, (28 metres at their closest point) the level of impact on these properties is not considered to be adverse.



8.15 Officers are therefore satisfied that the development proposal complies with the requirements of Policy DSP3, and would not result in unacceptable adverse impacts on the living conditions of neighbouring occupiers in relation to light, outlook and privacy.

**e) Ecology and the Environment**

8.16 The application has been subject to detailed consultations with the Council's Ecologist and has been supported by an Ecological Appraisal and a Nitrogen Neutrality Statement. The Council's Ecologist has raised no concerns regarding the proposed development, subject to appropriate conditions.

8.17 No objection has been raised by the Council's Tree Officer, subject to tree protection method statement being provided to ensure that the mature hedgerow surrounding parts of the site are not detrimentally impacted during or after the construction. A condition is proposed to ensure the retention of the established beech hedgerow along the southern boundary.

8.18 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 percent 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.

8.19 Policy CS4 sets out the strategic approach to biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policy DSP13 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.

8.20 In light of their importance, areas within the Solent have been specially designated under European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC).

8.21 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.

- 8.22 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.
- 8.23 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. The Council's Air Quality Habitat Regulations Assessment highlights that developments in the Borough would not, in combination with other plans and proposals, have a likely significant effect on air quality on the European Protected Sites up to 2023, subject to appropriate mitigation.
- 8.24 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the EPS based on the information in the submitted Nitrogen Neutrality Statement, following consultation with Natural England. The key considerations for the assessment of the likely significant effects are set out below.
- 8.25 Due to the location of the site within 5.6 km of the Solent, the development is likely to have a significant effect on the following designated sites: Solent and Southampton Waters Special Protection Area and Ramsar Site, Portsmouth Harbour Special Protection Area and Ramsar Site, Solent and Dorset Coast Special Protection Area, Chichester and Langstone Harbours Special Protection Area and Ramsar Site and the Solent Maritime Special Area of Conservation – collectively known as the European Protected Sites.
- 8.26 Firstly, in respect of Recreational Disturbance, the applicants have made the appropriate financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMP). Therefore, the Appropriate Assessment concludes that the proposals would not have a likely significant effect on the EPS from recreational disturbance. Secondly, in respect of Air Quality, as set out above, the Council's Air Quality Habitat Regulations Assessment has screened out the impact on air quality, so it is possible to conclude that the development would not have a significant impact in this respect.
- 8.27 The final key aspect of the Appropriate Assessment is to consider the impact of the development on Water Quality as a result of surface water and foul

water drainage. The submitted Nitrogen Neutrality Statement highlights that through the retrofitting of the Council's existing housing stock with modern water efficient measures (showers, low flush toilets, and flow restricted taps), sufficient water could be saved to ensure that the provision of 11 additional dwellings would not result in increased wastewater disposal to Peel Common Wastewater Treatment Works and therefore offset the nitrogen loading generated by the proposed development. The Borough Council as competent authority can be certain that this can be achieved since it is in control of all aspects of the off-setting measures, as both the developer of the site and the housing authority responsible for the properties to be retrofitted. Therefore, Officers consider that the provision of the retrofitting of existing FBC housing stock is sufficient to ensure the proposed development would not have an adverse effect on the integrity of the European Protected Sites.

8.28 Natural England has been consulted about this approach and has provided a response to the submission of the Nitrogen Neutrality Statement. No objection has been received regarding this approach. The Council has therefore completed a Habitat Regulations Assessment and Appropriate Assessment, where it is considered that the proposed development will not have a likely significant effect, either alone or in combination with other plans and proposals on the European Protected Sites. No formal response has yet been received from Natural England to this Appropriate Assessment, although based on their comments regarding this approach, it is considered by Officers that the application can be recommended for approval.

8.29 It is therefore considered that the development accords with the Habitat Regulations and complies with policies CS4, DSP13, and DSP15 of the adopted Local Plan.

## **9.0 Recommendation**

9.1 GRANT PLANNING PERMISSION, subject to:

- confirmation from Natural England that they raise no objection to the submitted Habitat Regulations Assessment and Appropriate Assessment; and,
- the following Conditions:

1. The development hereby permitted shall be commenced within three years of the date of this decision.

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

2. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:
- a) Site Location Plan (Drawing: LSS-MHA-00-XX-DR-A-0001);
  - b) Site Survey (Drawing: LSS-MHA-00-XX-DR-A-0002);
  - c) Proposed Block Plan (Drawing: LSS-MHA-00-XX-DR-A-0003 Rev P01);
  - d) Proposed Site Layout (Drawing: LSS-MHA-00-XX-DR-A-0004 Rev P01);
  - e) Proposed Technical Site Plan (Drawing: LSS-MHA-00-XX-DR-A-0015 Rev P01);
  - f) Proposed Site Sections (Drawing: LSS-MHA-00-XX-DR-A-0050 Rev P01);
  - g) Proposed Site Sections (Drawing: LSS-MHA-00-XX-DR-A-0051);
  - h) Proposed Site Boundary Elevations (Drawing: LSS-MHA-00-XX-DR-A-0052);
  - i) Proposed Images: Land at Stubbington Lane (Drawing: LSS-MHA-00-XX-DR-A-0053 Rev P01);
  - j) Proposed Plans Plots 1 - 2 (Drawing: LSS-MHA-00-XX-DR-A-0060);
  - k) Proposed Elevations Plot 1 - 2 (Drawing: LSS-MHA-00-XX-DR-A-0061);
  - l) Proposed Plans Plot 3 & Plot 4 Handed (Drawing: LSS-MHA-00-XX-DR-A-0062);
  - m) Proposed Elevations Plot 3 & Plot 4 Handed (Drawing: LSS-MHA-00-XX-DR-A-0033);
  - n) Proposed Plans Plot 5 & 6 Handed (Drawing: LSS-MHA-00-XX-DR-A-0064);
  - o) Proposed Elevations Plot 5 & 6 Handed (Drawing: LSS-MHA-00-XX-DR-A-0065);
  - p) Proposed Plans Plot 7 (Drawing: LSS-MHA-00-XX-DR-A-0066);
  - q) Proposed Elevations Plot 7 (Drawing: LSS-MHA-00-XX-DR-A-0067);
  - r) Proposed Plans Plot 8 (Drawing: LSS-MHA-00-XX-DR-A-0068);
  - s) Proposed Elevations Plot 8 (Drawing: LSS-MHA-00-XX-DR-A-0069);
  - t) Proposed Plans Plots 9, 11 & Plot 10 Handed (Drawing: LSS-MHA-00-XX-DR-A-0070) and,
  - u) Proposed Elevations Plots 9, 11 & Plot 10 Handed (Drawing: LSS-MHA-00-XX-DR-A-0071).

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

3. No development hereby permitted shall proceed beyond damp proof course level until details (including samples where requested by the Local Planning Authority) of all proposed external facing (and hardsurfacing) materials have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.  
REASON: To secure the satisfactory appearance of the development.
4. No dwelling shall be occupied until the Building Regulations Optional requirement of a maximum water use of 110 litres per day has been complied

with. The water efficiency measures for each dwelling shall be retained for each dwelling for the lifetime of the property.

REASON: In the interests of preserving water quality and resources.

5. No development shall take place until details of the width, alignment, gradient and type of construction proposed for the roads, footways and access(es), including all relevant horizontal cross sections and longitudinal sections showing the existing and proposed levels, together with details of street lighting and the method of disposal of surface water, and details of a programme for the making up of roads and footways have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

7. The visitor parking spaces marked on the approved plans shall be kept available for visitors at all times and not be used for private purposes.

REASON: To ensure adequate off-street parking provision on site is maintained.

8. None of the dwellings hereby permitted shall be first occupied until the car parking area relating to them as shown on the approved plan have been laid out/constructed and made available. These areas shall thereafter be retained and kept available for their respective purposes at all times.

REASON: In the interests of highway safety.

9. No dwelling shall be occupied until the bin and cycle stores have been made available in accordance with the approved plans. These designated areas shall thereafter be kept available and retained at all times for the purpose of bin and cycle storage.

REASON: In the interests of visual amenity and in order to facilitate modes of transport alternative to the private car.

10. 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 Stubbington Lane 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<sup>-1</sup> 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.

11. Prior to the commencement of the development, contact with an UXO (Unexploded Ordnance) Consultant and details of a protocol for the identification and risk assessment of possible ordnance that may be disturbed during construction (watching brief), and shall be submitted to and approved in writing by the Local Planning Authority.

If, during the construction period any suspected historic ordnance (UXO/UXB) is found to be present, no further development shall be undertaken until the object has been assessed by an appropriately qualified person, appropriate actions have been undertaken to remove or make safe the object, and the Local Planning Authority is notified. The provisions of the approved watching brief shall be observed throughout the undertaking of all relevant construction activities (i.e. below ground works – excavation for foundations, buried services and SUDS).

Should contamination be encountered during the works that has not been investigated, or considered in the agreed scheme of remedial works, investigation, risk assessment and a detailed remedial method statement shall be submitted to and agreed with the Local Planning Authority. The

remediation works shall be fully implemented and validated in writing by an independent competent person as agreed with the Local Planning Authority.  
REASON: To ensure that any potential contamination of the site is properly taken into account before development takes place. The details secured by this condition are considered essential to be agreed prior to the commencement of the development on the site to ensure adequate mitigation against land contamination on human health.

12. Prior to the commencement of the development, a Biodiversity enhancement strategy to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently proceed in accordance with any such approved details.  
REASON: To ensure the protection of wildlife and a net gain in biodiversity. The details secured by this condition are considered essential to be agreed prior to the commencement of the development on the site to ensure adequate ecological enhancement can be provided.

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

14. 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. 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.

15. The existing beech hedgerow along the southern boundary of the site shall be retained at a height of not less than 4 metres at all times. Any part of the hedge which is removed without consent or dies or becomes severely damaged or diseased during a period of five years from the date of the completion of the development, shall be replaced in the next planting season



with a hedge of a similar size and species unless the Local Planning Authority gives written consent to any variation.

REASON: In the interests of preserving the visual amenities of the area.

16. No development shall begin until a detailed surface water drainage scheme for the site, based on the principles within the Detailed Surface Water Drainage Strategy, has been submitted to and approved in writing by the Local Planning Authority. The submitted details should include:

- a) Agreement in principle from Southern Water for the proposed discharge rate and connection. The condition of the existing surface water sewer should be investigated, and any required improvement should be carried out before any connection is made.
- b) Maintenance regimes of entire surface water drainage system including individual SuDS features, including a plan illustrating the organisation responsible for each element (including the drainage under the highway). Evidence that those responsible/adopting bodies are in discussion with the developer. This should include the pump maintenance and resilience strategy for a pump failure event.

REASON: In order to ensure satisfactory disposal of surface water. 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 adverse impacts of inadequate drainage.

17. 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

18. The landscaping scheme, submitted under Condition 15, 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.

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

If boundary hedge planting is proposed details shall be provided of planting sizes, planting distances, density, and numbers and provisions for future maintenance. Any plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

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

20. No development hereby permitted shall commence until details of the means of foul water drainage from the site 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 unless otherwise agreed with the local planning authority in writing.

REASON: To ensure satisfactory disposal of foul water. 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 adverse impacts of inadequate drainage.

21. None of the development hereby permitted shall commence until a scheme for the delivery of on-site affordable housing has been submitted to and approved in writing by the local planning authority. The scheme shall include the following details:

- a) The plot numbers and type of affordable housing;
- b) Details of the timing of the construction of the affordable housing including any phasing arrangements;
- c) The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing or, in the case of shared ownership, allowing for occupants to staircase up to full ownership;

- d) The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy criteria shall be enforced.

The provisions of this condition shall not be binding on a mortgagee or chargee or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver) of the whole or any part of the affordable housing units or any persons or bodies deriving title through such mortgagee or chargee or Receiver.

REASON: In order to secure the provision of affordable housing within the site.

**Informatives:**

- a) Birds' nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake the building works outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough examination of the affected areas must be carried out before clearance starts. If occupied nests are present, then work must stop in that area, a suitable (approximately 5 metre) stand-off maintained, and works can only recommence once the nest becomes unoccupied of its own accord.

**11.0 Background Papers**

[P/19/0915/FP]

# FAREHAM

BOROUGH COUNCIL



Land at Stubbington Lane  
Scale: 1:1,250



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# Agenda Item 7

## PLANNING APPEALS

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

### **PUBLIC INQUIRY**

**ENF/56/17**

Appellant:  
Site:

Decision Maker:  
Recommendation:  
Council's Decision:  
Date Lodged:  
Reason for Appeal:

### **PUBLIC INQUIRY**

**Borderland Fencing Ltd**

Borderland Fencing New Road Swanwick Southampton  
SO31 7HE

17 July 2019

### **AGAINST ENFORCEMENT**

Unauthorised expansion of site and breach of conditions

### **WRITTEN REPS**

**P/18/0376/FP**

Appellant:  
Site:

Decision Maker:  
Recommendation:  
Council's Decision:  
Date Lodged:  
Reason for Appeal:

### **WRITTEN REPS**

**Reilly Development Ltd**

Land to the rear of September Cottage Brook Avenue  
Warsash

Committee  
REFUSE  
REFUSE  
28 January 2020

### **AGAINST REFUSAL**

Four detached dwellings with associated garages, parking and landscaping following the demolition of existing industrial and storage buildings

### **PUBLIC INQUIRY**

**P/18/1212/LU**

Appellant:  
Site:

Decision Maker:  
Recommendation:  
Council's Decision:  
Date Lodged:  
Reason for Appeal:

### **PUBLIC INQUIRY**

**Borderland Fencing Ltd**

Borderland Fencing New Road Swanwick Southampton

Officer Delegated Powers  
REFUSE  
REFUSE  
13 August 2019

### **AGAINST REFUSAL**

Lawful Development Certificate for mixed use of the glasshouse for storage & manufacturing (Use Class B8 & B2)

### **WRITTEN REPS**

**P/18/1252/FP**

Appellant:  
Site:

Decision Maker:  
Recommendation:  
Council's Decision:  
Date Lodged:  
Reason for Appeal:

### **WRITTEN REPS**

**RGOM**

21 Burr ridge Road Burr ridge Southampton

Committee  
REFUSE  
REFUSE  
2 October 2019

### **AGAINST REFUSAL**

Six 4-bedroom detached dwellings, amenity areas and a means of access from Burr ridge Road

### **WRITTEN**

**P/19/0458/FP**

### **WRITTEN REPS**

<b>REPS</b>	Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	<b>Bentley Slade Ltd</b> Whittington Court 65 High Street Fareham Officer Delegated Powers REFUSE 18 November 2019 <b>AGAINST REFUSAL</b> Erection of Four 3-Bed Dwellings to Rear with Vehicular Access from High Street
<b>HH APPEAL SERVICE</b>	<b>P/19/0659/FP</b> Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	<b>HH APPEAL SERVICE</b> <b>Mr &amp; Mrs Alistair Austin</b> Abshot Cottage Hook Lane Warsash Southampton Officer Delegated Powers REFUSE REFUSE 15 January 2020 <b>AGAINST REFUSAL</b> Detached oak framed 2 bay open fronted garage  <b>Decision:</b> <b>Dismissed</b> <b>Decision Date:</b> <b>27 February 2020</b>
<b>HH APPEAL SERVICE</b>	<b>P/19/0793/FP</b> Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	<b>HH APPEAL SERVICE</b> <b>Mr &amp; Mrs Fronda</b> 14 Sumar Close Fareham Committee REFUSE REFUSE 1 November 2019 <b>AGAINST REFUSAL</b> Two storey rear extension and front porch extension  <b>Decision:</b> <b>Dismissed</b> <b>Decision Date:</b> <b>10 February 2020</b>
<b>HH APPEAL SERVICE</b>	<b>P/19/1073/TO</b> Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	<b>HH APPEAL SERVICE</b> <b>Mr Moon</b> 6 Alum Way Fareham Officer Delegated Powers REFUSE REFUSE 4 December 2019 <b>AGAINST REFUSAL</b> T14 Lime: Fell due to excessive shading and replant an Acer in its place.
<b>WRITTEN REPS</b>	<b>P/19/0297/TO</b> Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	<b>WRITTEN REPS</b> <b>J Chambers</b> Springfield Way Open Space Fareham Committee PART APPROVE PART APPROVE 2 May 2019 <b>AGAINST REFUSAL</b> Fell 1 x willow & 1 x Norway maple. Crown lift 3 x Norway maple 4 x chestnut 1x rowan to 3 metres and thin 20%. These trees are protected by TPO751.  <b>Decision:</b> <b>Dismissed</b>

Decision Date:

12 February 2020