

FAREHAM

BOROUGH COUNCIL

AGENDA PLANNING COMMITTEE

Date: Wednesday, 19 August 2020

Time: 2.30 pm

Venue: Teams Virtual Meeting

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
L Keeble
R H Price, JP

Deputies: K A Barton
J S Forrest
Mrs C L A Hockley
Mrs K Mandry
Mrs K K Trott



1. Apologies for Absence

2. Minutes of Previous Meeting (Pages 1 - 4)

To confirm as a correct record the minutes of the Planning Committee meeting held on 15 July 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 (Pages 5 - 7)

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/18/0592/OA - EGMONT NURSERIES BROOK AVENUE WARSASH SO31 9HN** (Pages 8 - 40)

(2) **P/20/0235/OA - 18 TITCFIELD PARK ROAD TITCHFIELD PO15 5RW** (Pages 41 - 68)

(3) **P/20/0478/FP - 23 HILL HEAD ROAD FAREHAM PO14 3JJ** (Pages 69 - 74)

(4) **Planning Appeals** (Pages 75 - 78)



P GRIMWOOD
Chief Executive Officer
Civic Offices

www.fareham.gov.uk

11 August 2020

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FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Wednesday, 15 July 2020

Venue: Teams Virtual Meeting

PRESENT:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

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

**Also
Present:**



1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee meeting held on 24 June 2020 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

The Chairman used the Chairman's announcements to inform the Committee how he intended to run the Virtual Planning Committee meeting.

4. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

5. DEPUTATIONS

The Committee received a written deputation from the following of the applications indicated.

Name	Spokesperson representing the persons listed	Subject	Supporting or Opposing the Application	Minute No/ Application No/Page No
Mr D Cormick	Mr G Skuse Mr S Huddleston Mr D Sharpe Mrs K Cutis Mr P Tickner Mr C Warner Mr L Russell	10 SUMMERFIELDS, LOCKS HEATH, SO31 6NN – PROPOSED SINGLE STOREY REAR EXTENSION (FOLLOWING DEMOLITION OF CONSERVATORY), GARAGE CONVERSION, FRONT BAY WINDOW AND CANOPY PORCH, DETACHED CARPORT/GARAGE AND CLADDING/RENDERING TO EXISTING PROPERTY	Opposing	6 (1) P/20/0448/FP Pg 25

		(ALTERNATIVE TO P/19/0278/FP)		
Mr H Marie		19-21 JUNO CLOSE, FAREHAM – REMOVAL OF REAR BOUNDARY PLANTING (PARTIAL RELIEF FROM CONDITION 2 PF P/15/0690/RM)	Opposing	6 (2) P/20/0373/FP Pg 30
Mrs K Luckins		-Ditto-	Supporting	-Ditto-

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

The Committee noted a report by the Director of Planning and Regeneration on development control matters, including information regarding new appeals and decisions.

(1) P/20/0448/FP - 10 SUMMERFIELDS LOCKS HEAT SO31 6NN

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

Upon being proposed and seconded the officer recommendation to grant planning permission was voted on and CARRIED.
(Voting: 7 in favour; 2 against)

RESOLVED that PLANNING PERMISSION be granted.

(2) P/20/0373/FP - 19 - 21 JUNO CLOSE PO14 1FN

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

A motion to refuse the application was proposed and seconded and was voted on and CARRIED.
(Voting: 8 in favour; 1 against)

RESOLVED that PLANNING PERMISSION be REFUSED.

Reasons for Refusal

The development would be contrary to Policy CS17 of the Adopted Core Strategy 2011 and is unacceptable in that:

- i) The removal of 25m of the existing hedgerow would result in a loss of continuity of an established hedgerow that forms part of the wider local green infrastructure which is visible within the public realm. The resultant loss would also harm the visual amenity of the area for the

local residents also resulting in the loss of established habitat for wildlife.

(3) Planning Appeals

The Committee noted the information in the report and considered it along with the relevant agenda items.

7. TREE PRESERVATION ORDERS

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

Fareham Tree Preservation Order No. 764 2020 – Brook Meadow, 6 Blackbrook Park Avenue & 10 Gudge Heath Lane, Fareham West.

Order served on 21 January 2020, subject to modifications, covering twelve individual trees comprising four oak, four pine, two Monterey cypress, one poplar and one deodar. One objection had been received from 22 Blackbrook Park Avenue to two oaks (T2 & T3) located at No. 8 Blackbrook Park Avenue. Following further assessment both trees have since been excluded due to their declining condition.

RESOLVED that, subject to the above modifications, Fareham TPO 764 be confirmed as made and served.

(The meeting started at 2.30 pm
and ended at 3.58 pm).

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date: 19 August 2020

Report of: Director of Planning and Regeneration

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

All planning applications will be heard from 2.30pm onwards.

ALL ZONES

WESTERN WARDS

(Locks Heath, Park Gate, Sarisbury, Titchfield, Titchfield Common, Warsash)

FAREHAM

(Fareham East, Fareham North, Fareham North-West, Fareham South, Fareham West)

EASTERN WARDS

(Hill Head, Portchester East, Portchester West, Stubbington)

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/18/0592/OA WARSASH	EGMONT NURSERIES BROOK AVENUE WARSASH SOUTHAMPTON SO31 9HN DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF EIGHT DETACHED HOUSES AND CREATION OF DRAINAGE FEATURES INCLUDING WETLAND AREA AND DETENTION BASINS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)	1 OUTLINE PERMISSION
P/20/0235/OA TITCHFIELD	18 TITCHFIELD PARK ROAD TITCHFIELD FAREHAM PO15 5RW OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DWELLING AND ERECTION OF SIX DWELLINGS (ACCESS AND LAYOUT ONLY)	2 OUTLINE PERMISSION
P/20/0478/FP	23 HILL HEAD ROAD FAREHAM PO14 3JJ SINGLE STOREY REAR EXTENSION AND	3

HILL HEAD BALCONY

PERMISSION

Agenda Item 6(1)

OFFICER REPORT FOR COMMITTEE

DATE: 19/08/2020

P/18/0592/OA
MR HANSLIP

WARSASH
AGENT: PAUL AIREY PLANNING
ASSOCIATES

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

EGMONT NURSERIES, BROOK AVENUE

Report By

Richard Wright – direct dial 01329 824758

1.0 Introduction

- 1.1 This application was previously considered by this Planning Committee at its meeting in December 2018. A report to that committee meeting prepared by Officers recommended that planning permission be granted. At the meeting Members resolved to grant permission subject to the applicant first entering into a Section 106 legal agreement to secure financial contributions towards the Solent Recreational Mitigation Strategy (SRMS) and off-site affordable housing provision.
- 1.2 Following the resolution to grant planning permission, and before a decision notice was issued, Natural England provided new advice to Councils in light of a decision made by the European Court of Justice (known as the 'Dutch case'). The 'Dutch Case' has implications for the approach which must be taken when assessing the impact of new development upon European Protected Sites. A number of European Protected sites which would be covered by the ruling, are located in and around The Solent.
- 1.3 The case reinforced the precautionary principle which must be adopted when assessing the impact of development upon protected sites. Furthermore, the case also clarified the requirement that where mitigation is needed, it should be identified at the time of carrying out an Appropriate Assessment and appropriately secured before permission is granted. This is in order for the competent authority to conclude with certainty that any mitigation proposed and secured would sufficiently mitigate any adverse effects arising from the development in question.

- 1.4 The primary concerns raised by Natural England in respect of development in this Borough, relate to the impacts of increased nitrates entering the European Sites through waste and run-off water and the impact of exhaust emissions from increased vehicles, upon European Sites. Based on the existing condition of The Solent water bodies and taking into account the implications of the more recent Dutch case ruling, Natural England's advice to this Council has been that any new development which would result in an increase in 'overnight' stays, should achieve nitrate neutrality in order to not have any adverse effect.
- 1.5 Work was undertaken by Ricardo on behalf of this Council in respect of the impact of exhaust emissions upon European Sites. This work was completed in December last year and the full report has been published on the Council's website. The report concluded that "Development in Fareham can take place over the period up to 2023 as set out in this report, with no threat due to emissions to air to the ability of any European site to achieve their conservation objectives or maintain their integrity (either alone or in combination).
- 1.6 The applicant has submitted amended proposals in response to Natural England's advice with a view to addressing the impact of nitrates on water quality in European Protected Sites. The amended proposals are described in more detail later in this report.
- 1.7 The nature of the amendments to the proposals are considered significant enough that Officers consider the application should be brought before the Planning Committee once again for a further resolution as to whether planning permission should be granted. Officers have made this recommendation notwithstanding the delegated authority granted by Members at the Council meeting held on 5th December 2019 to the Head of Development Management to determine this planning application along with eleven others.
- 1.8 Members will note from the 'Five Year Housing Land Supply Position' reported to the Planning Committee meeting on 24th June 2020 this Council currently has a housing land supply of 4.03 years (a shortfall of 522 dwellings within the 5 year period).

2.0 Site Description

- 2.1 The application site is located outside of the defined urban settlement boundaries, is around 1.9 hectares in size and located on the northern side of Brook Avenue, Warsash. The site is partially covered by derelict buildings, glasshouses and hard standing and was used up until the 1990s as a commercial nursery. A horse paddock forms a considerable portion of the site

in its north-western corner. Adjacent to the northern site boundary is Holly Hill Woodland Park.

- 2.2 Residential properties fronting Brook Avenue lie close by as does the small housing development at Yorkdale (to the immediate west of the application site) and Cawtes Reach (a short distance to the east).

3.0 Description of Proposal

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

- 3.2 The amendments to the proposal which have been submitted since the previous committee resolution show an area of natural greenspace comprising a wetland area and detention basins around the western and southern boundaries of the site. Along the northern boundary of the site an ecological buffer is proposed. Rain falling on the roofs of the new dwellings and permeable surfaces on the site would be attenuated and the flow controlled. That water, along with surface water from gardens and the SANG, would be directed to a bioretention swale and then to a final wetland cell. The report on the wetland creation submitted by the applicant states that the system would improve water quality including removing nitrogen from the water.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS2 – Housing Provision

CS4 – Green Infrastructure, Biodiversity and Geological Conservation

CS5 – Transport Strategy and Infrastructure

CS6 – The Development Strategy

CS14 – Development Outside Settlements

CS15 – Sustainable Development and Climate Change

CS16 – Natural Resources and Renewable Energy

CS17 – High Quality Design

CS18 – Affordable Housing

Adopted Development Sites and Policies

DSP1 – Sustainable Development

DSP2 – Environmental Impact

DSP3 – Impact on Living Conditions

DSP6 – New Residential Development Outside of the Defined Urban Settlement Boundaries
DSP13 – Nature Conservation
DSP15 – Recreational Disturbance on the Solent Special Protection Areas
DSP40 – Housing Allocations

Other Documents:

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

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/17/0651/OA	DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF EIGHT DETACHED HOUSES AND CREATION OF Paddock (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)
WITHDRAWN	
P/16/0243/OA	DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF EIGHT DETACHED HOUSES AND CREATION OF Paddock (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)
REFUSE	28 JUNE 2016
P/15/0540/OA	INSTALLATION OF 2820 PHOTOVOLTAIC PANELS AND USE OF EXISTING OFFICE BUILDING FOR INSTALLATION OF INVERTER & CONTROL EQUIPMENT (OUTLINE APPLICATION)
APPROVE	19 NOVEMBER 2015
P/15/0529/OA	CONSTRUCTION OF EIGHT DETACHED HOUSES AND CREATION OF Paddock (OUTLINE APPLICATION)
WITHDRAWN	3 NOVEMBER 2015
P/06/0982/CU	CHANGE OF USE OF BUILDING TO OFFICE (NON AGRICULTURAL)
APPROVE	19 OCTOBER 2006
P/02/0417/OA	ERECTION OF TWO DWELLINGS (OUTLINE APPLICATION)

REFUSE

27 MAY 2002

APPEAL DISMISSED 6 DECEMBER 2002

6.0 *Representations*

6.1 Prior to the application being considered by the Planning Committee in December 2018 a total of sixty residents had responded to the application (five in support, one giving no comment either in support or objection and fifty-four objections).

6.2 The representations received in support of the application raised the following comments:

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

6.3 The letters received objecting to the application did so on the following grounds:

In relation to the principle of development:

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

In relation to highway matters:

- Additional traffic along Brook Avenue posing highway safety hazard
- Additional traffic will cause increased noise and disturbance
- Access to site unsafe
- Brook Avenue is private road

- Developer cannot be made to contribute towards traffic calming or improvements on a private road
- No footpath or lighting along road
- The traffic generated by the nursery business was comparatively light

In relation to ecological matters:

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

6.4 Further consultation was carried out starting in May 2020 following the submission of the amended proposals described earlier in this report. During that consultation period a further fifty-two representations were received (seven in support and forty-five in objection).

6.5 The objections received raised the following additional issues :

In relation to procedural matters:

- The red edge of the application site does not include all of the land needed going back to the public highway
- Brook Avenue is privately owned and not within the sole control of the applicant – the site is therefore not deliverable (contrary to DSP40ii)
- Layout has changed substantially contrary to previous committee resolution

In relation to ecology:

- Natural England's nitrate neutrality methodology is flawed and unlawful
- Wetland is compensation not mitigation
- Marsh gas (methane), odour and mosquitoes from wetland
- Conflict between management of wetland and management of buffer zone as habitat
- Ecology reports are out of date
- The development is contrary to the Habitats Directives
- The status of protected sites should be returned to favourable not just maintained as unfavourable
- Nitrate budget is inaccurate
- None of the land identified as lowland grazing
- None of the land identified as lowland grazing land has been used as such
- Land in north eastern corner of site not grazed

- Grazing ceased three years ago
- Occupancy of houses questioned. If a higher occupancy rate is applied then more mitigation is required. Approach is inconsistent with other planning decisions elsewhere in the Borough.
- Water consumption assumption used in nutrient budget inaccurate
- Mature trees in Holly Hill Woodland will be deprived of water which currently drains from site. SUDs should not be allowed close to an ancient woodland.
- Noise and light pollution impacting Holly Hill woodland

In relation to other matters:

- Impact on dark night skies
- The site is in an area of countryside with areas of special landscape character
- Removal of front hedgerow
- Surface water drainage problems for properties in Yorkdale
- Loss of light to neighbouring property
- Application is contrary to Policy DSP40 in that it is not located adjacent to the existing urban area and is harmful to character and appearance of the area
- Other nearby sites in Brook Avenue have been ruled out through the local plan process

7.0 Consultations

EXTERNAL

Natural England

- 7.1 With regard to deterioration of the water environment, it is noted that the approach to address the positive nitrogen budget for this development is via a wetland mitigation scheme.
- 7.2 Provided the council, as the competent authority, is assured and satisfied with the site areas are correct and that the existing land uses are appropriately precautionary, then Natural England raise no further concerns with regard to the nutrient budget.
- 7.3 Provided the measures set out in the wetland mitigation report are secured with any planning permission, Natural England accepts the conclusion of the report that the design can achieve nitrogen neutrality in this way.

- 7.4 To ensure it is effective mitigation, any scheme for neutralising nitrogen must be certain at the time of appropriate assessment so that no reasonable scientific doubt remains as to the effects of the development on the international sites. Natural England recommends that a long term monitoring and maintenance strategy is submitted to satisfy the competent authority that the system will operate effectively for the lifetime of the development. The details should be agreed and outlined in the Appropriate Assessment and this should be appropriately secured with any planning permission.
- 7.5 It is noted that details of operation and maintenance has been included in the wetland report, which is welcomed. However, the strategy should also consider appropriate funding, responsibilities and mechanisms to ensure compliance for the lifetime of the development. The long term management and monitoring of this system should include a protocol for reporting and, in addition to routine maintenance, trigger levels for the implementation of remedial measures as necessary.
- 7.6 An appropriate organisation will need to be responsible as agreed with the local planning authority (the competent authority) and secured through appropriate mechanisms such as legal agreements. There are a number of organisations that may be appropriate to undertake the long term management. For example, the local planning authority, drainage authority, water company or other non-government organisations such as Hampshire and Isle of Wight Wildlife Trust or the Land Trust.
- 7.7 It is noted that, in this case, the proposal is for a management company to be responsible for undertaking the management and maintenance of the scheme. The competent authority will need to be satisfied that financial arrangements are in place that will guarantee the provision of sufficient funds to ensure the full delivery of the agreed management plans for the lifetime of the development. If a resident service charge is to be applied then your authority will need to be satisfied that the charge is legally robust and ring fenced for the purpose of delivering the agreed management plans. Further information is needed on the legal clauses covering the collection and enforcement of the residents service charge, the value of the charge and how it has been calculated, along with details of how any shortfall in payments from households will be reclaimed.
- 7.8 In addition to a service charge, the scheme will require the payment of an agreed commuted sum to your authority to be made available to the management company (or other third party) to cover any shortfall in payments from householders and so ensure the continued delivery of the management plans. Natural England would expect the financial arrangements put in place by your authority to be sufficiently robust as to allow your authority to agree to

take over the legal responsibility of delivering the management plans should the management company fail (eg through the company folding, failing to collect the service charge, the funds are not applied appropriately in accordance with the management plan, or for any other reason). The S106 will also need to provide clauses that provide appropriate 'step-in' rights for Fareham BC, or another authority, to take over the management should it be required.

Hampshire County Council – Flood and Water Management team

- 7.9 No objection subject to conditions requiring detailed surface water drainage scheme and long-term maintenance arrangements for surface water drainage system.

INTERNAL

Hampshire County Council - Ecology

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

Trees

- 7.11 No objection.

Highways

- 7.12 No objection subject to conditions.

Contaminated Land

- 7.13 No objection subject to condition.

8.0 *Planning Considerations*

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

- a) Site planning history and previous reasons for refusal;
- b) Implication of Fareham's current 5-year land supply housing supply position (5YHLS);
- c) Residential development in the countryside;
- d) The impact on European Protected Sites;
- e) Policy DSP40;
- f) Other matters;
- g) The planning balance.

A) SITE PLANNING HISTORY AND PREVIOUS REASONS FOR REFUSAL

- 8.2 In 2002 the Council refused an outline application which proposed two detached houses along the frontage of the site on the north side of Brook Avenue (reference P/02/0417/OA). An appeal was subsequently lodged and dismissed, the main issue being the effect on the character and appearance of the countryside. The Inspector did not consider the proposal to be 'infill' development and so it did not enjoy the support of local plan policies in place at the time. The Inspector felt the proposal instead would harm the present semi-rural character of the area.
- 8.3 More recently, and as set out in the Relevant Planning History section to this report above, there have been three applications in 2015, 2016 & 2017 for outline permission proposing eight dwellings on the nursery site as a whole.
- 8.4 The 2016 submission (reference P/16/0243/OA) was determined and refused in June that year for reasons as follows:

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

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

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

- 8.6 In December 2018 this current application was considered by the Planning Committee. A report to the committee prepared by Officers recommended that planning permission be granted. At the committee meeting Members resolved to grant permission subject to the applicant first entering into a Section 106 legal agreement to secure financial contributions towards the Solent Recreational Mitigation Strategy (SRMS) and off-site affordable housing provision.

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

- 8.7 A report titled "Five year housing supply position" was reported for Members' information on the agenda for the Planning Committee meeting held on 24th June 2020. That report set out this Council's local housing need along with this Council's current housing land supply position. The report concludes that this Council currently has a housing land supply of 4.03 years (a shortfall of 522 dwellings within the 5 year period).
- 8.8 The starting point for the determination of this planning application is Section 38(6) of the Planning and Compulsory Purchase Act 2004:
- "If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise"*
- 8.9 In determining planning applications there is a presumption in favour of policies of the extant Development Plan, unless material considerations indicated otherwise. Material considerations include the planning policies set out in the NPPF.
- 8.10 Paragraph 59 of the NPPF seeks to significantly boost the supply of housing.
- 8.11 Paragraph 74 of the NPPF states that Local Planning Authorities should identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement including a buffer. Where a Local Planning Authority cannot do so, and when faced with applications involving the provision of housing, the policies of the local plan which are most important for determining the application are considered out-of-date.
- 8.12 Paragraph 11 of the NPPF then clarifies what is meant by the presumption in favour of sustainable development for decision-taking, including where relevant policies are "out-of-date". It states:

“For decision-taking this means: Approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

8.13 The Council is currently unable to demonstrate a five year housing land supply therefore the development plan cannot be considered up-to-date. The key judgement for Members therefore is whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole.

8.14 Members will be mindful of Paragraph 177 of the NPPF which states that:

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

8.15 The Local Planning Authority has carried out an appropriate assessment that concludes that the proposed development would not adversely affect the integrity of the habitats site, therefore the presumption in favour of sustainable development applies and the 'tilted balance' of paragraph 11 is engaged.

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

C) RESIDENTIAL DEVELOPMENT IN THE COUNTRYSIDE

8.17 The development of eight houses is proposed on the site of a derelict commercial nursery. Such a use would not be considered to constitute 'previously developed land' under the definition of such given in the Glossary

to the National Planning Policy Framework (NPPF) which excludes land that is or has been occupied by agricultural buildings.

8.18 Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. Policy CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries.

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

8.20 Policy CS14 of the Core Strategy states that:

"Built development on land outside the defined settlements will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function. Acceptable forms of development will include that essential for agriculture, forestry, horticulture and required infrastructure."

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

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

D) THE IMPACT ON EUROPEAN PROTECTED SITES

8.23 Core Strategy Policy CS4 sets out the strategic approach to Biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policy DSP13: Nature Conservation of the Local Plan Part 2 confirms the requirement to ensure that designated sites, sites of nature conservation value, protected and priority species populations and associated habitats are protected and where appropriate enhanced.

8.24 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 per cent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within the Solent which are of both national and international importance.

- 8.25 In light of their importance, areas within the Solent have been specially designated under UK/ European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'European Protected Sites' (EPS).
- 8.26 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 EPS 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 EPS. This is done following a process known as an Appropriate Assessment. The competent authority, in this case the Council, is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations.
- 8.27 Officers have undertaken an Appropriate Assessment and formally consulted Natural England. The main impacts of the development on EPS which were assessed are:
- Disturbance to Solent Special Protection Areas (SPAs) through increased recreational use by visitors to the sites;
 - Impact upon EPS from increased vehicle emissions; and
 - Impact upon water quality at the EPS resulting increased nitrates carried in water from the proposed development.

Each of these impacts on the EPS were assessed in turn.

Disturbance to Solent Special Protection Areas (SPAs) through increased recreational use by visitors to the sites

- 8.28 Disturbance to habitats through increased recreational use by visitors to the sites can be mitigated by securing appropriate financial contributions towards the Solent Recreation Mitigation Strategy which provides a strategic solution by pooling contributions to fund and implement a variety of mitigation measures such as the provision of wardens. The appropriate assessment concludes that the proposed development and mitigation in the form of a contribution towards the SRMS would not have an adverse effect alone or in combination with other plans on the integrity of the EPS in terms of recreational disturbance.

Impact upon European Sites from increased vehicle emissions

- 8.29 Natural England has developed distance based criteria to identify potential effects from car exhaust emissions. This identifies that protected sites lying in excess of 200m of the edge of a road would not need to be considered any further. Notwithstanding Natural England's distance based criteria, Fareham Borough Council commissioned an air quality report by the specialist Energy and Environment Consultancy, Ricardo.
- 8.30 The air quality report assesses the impact of road traffic emissions associated with proposed short term development within Fareham Borough in combination with anticipated development from neighbouring local authorities in the Partnership for South Hampshire sub-region.
- 8.31 The air quality report concluded that: "Development in Fareham can take place over the period up to 2023 as set out in this report, with no threat due to emissions to air to the ability of any European site to achieve their conservation objectives or maintain their integrity (either alone or in combination)." The findings of the report enables the appropriate assessment to conclude that the proposed development would not have a likely significant effect alone or in combination with other plans on the integrity of the EPS in terms of air quality.

Impact upon water quality at the European Protected Sites resulting from increased nitrates carried in water from the proposed development

- 8.32 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 EPS.
- 8.33 Natural England's advice is that achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites. Natural England has provided a methodology (v5 June 2020) for calculating nutrient budgets and options for mitigation should this be necessary. The nutrient neutrality calculation includes key inputs and assumptions that are based on the best-available scientific evidence and research, however for each input there is a degree of uncertainty. Natural England advise local planning authorities to take a precautionary approach when addressing uncertainty and calculating nutrient budgets.

Nutrient budget

- 8.34 The applicant has submitted a nutrient budget for the development and accompanying information on the use of the land over a period of time. The

following paragraphs set out the key inputs and assumptions used in the nutrient budget which were discussed with the applicant beforehand and which have also been the focus of comments from local residents. These relate to i) the existing use of the land, ii) the assumed occupancy rate used in the budget and iii) the assumed water consumption figure used.

i) Existing land use

- 8.35 The information submitted by the applicant concerning the existing use of the land is precautionary in its treatment of the former horticultural site. Due to the number of years since the site was last in operation as a commercial nursery the applicant has treated the areas of the site where glasshouses stood and horticultural uses took place as having a much lower, baseline average nitrate loss value equivalent to natural greenspace. This equates to approximately 0.87 ha of the site (44% of the overall 1.97 ha site area). Officers consider this to be a reasonable and suitably precautionary approach.
- 8.36 The northern part of the site is identified as being used as paddock and given a lowland grazing value by the applicant in the nutrient budget. This part of the site is capable of being broadly divided into two parts (the north-western paddock and the north-eastern field). Local residents have claimed that the north-eastern field has not been used as a paddock. The north-western paddock meanwhile has not been grazed for the past three years. Finally, two further areas of the site are classified in the nutrient budget as having an urban value.
- 8.37 Officers have examined the evidence provided by the applicant as to the current and recent use of the various areas of the site. The comments made and further evidence provided by local residents and third parties has also been taken into account. Natural England recommend that evidence of existing land uses are provided for the last ten years and professional judgement used as to what the land would revert to in the absence of a planning application. With that in mind the evidence available would suggest that the north-western paddock (0.747 ha) can be afforded a lowland grazing value for the purposes of the nutrient budget. Applying maximum precaution when assessing the remainder of the site (1.223 ha), Officers are currently of the view that a baseline figure equivalent to natural greenspace should be used. Making adjustments to the nutrient budget accordingly shows that the development would result in mitigation being required to address a surplus of 10.5 kg/N/yr.

ii) Assumed occupancy rate

- 8.38 Natural England recommends that, as a starting point, local planning authorities should consider using the average national occupancy rate of 2.4 persons per dwelling as calculated by the Office for National Statistics (ONS), as this can be consistently applied across all affected areas. However competent authorities may choose to adopt bespoke calculations where they are satisfied that there is sufficient evidence to support this approach.
- 8.39 Concern has been raised by third parties over the use of the average occupancy rate of 2.4 for this development of eight houses. Some have expressed the view that a higher occupancy rate ought to be applied since the houses are likely to be larger than average dwellings (although it should be noted that the application is in outline form and scale and layout of the development are reserved matters). Third parties have noted that the Council used bespoke calculations when determining a recent planning application for a sheltered housing development elsewhere in the Borough.
- 8.40 It is acknowledged that some houses will have more than the average number of occupants. It is also of course the case that some will have less. The figure of 2.4 is an average based on a well evidenced source (the ONS) and which has been shown to be consistent over the past ten years. As stated above the Natural England methodology allows bespoke occupancy rates however to date the Council has only done so to lower, not raise, the occupancy rate and where clear evidence has been provided to demonstrate that the proposed accommodation has an absolute maximum rate of occupancy. In the case of sheltered housing which is owned and managed by the Council for example it has previously been considered appropriate to apply a reduced occupancy rate accordingly.
- 8.41 In all instances it is the case that the Natural England methodology is already sufficiently precautionary because it assumes that every occupant of every new dwelling (along with the occupants of any existing dwellings made available by house moves) is a new resident of the Borough of Fareham. There is also a precautionary buffer of 20% applied to the total nitrogen load that would result from the development as part of the overall nutrient budget exercise.
- 8.42 Taking the above matters into account, Officers do not consider there to be any specific justification for applying anything other than the recommended average occupancy rate of 2.4 persons per dwelling when considering the nutrient budget for the development.

iii) Assumed water consumption

- 8.43 The nitrogen budget has been based on an assumption that water usage within the new dwellings would be at a level of 110 litres per person per day. This figure is recommended by Natural England in the published methodology and is also a feature of the Council's emerging local plan policies to address water efficiency. Officers consider this to be a reasonable assumption and note that, like the assumption for occupancy rates, the uncertainty of adopting this figure is addressed in the overall 20% precautionary buffer applied in the methodology.

Nitrate mitigation through wetland creation

- 8.44 To assess the impact of nitrogen on the EPS the appropriate assessment calculates the nitrogen budget and considers all of the ways in which nitrogen from the development could enter The Solent. There are three ways in which water from development can enter the EPS: directly via hydrological pathways, via foul water drainage and from run-off during flood events.
- 8.45 The proposed development would not require any deep excavations such as might be required for major infrastructure, therefore there are no hydrological surface water pathways identified that could result in groundwater pollution.
- 8.46 Foul water drainage from the site will be discharged to the existing public foul sewer and treated at the sewage treatment plant. Without mitigation the proposed development would result in an increased level of nitrates entering The Solent.
- 8.47 To counter the potential for increased levels of nitrates to enter The Solent, the applicant has proposed on site wetland provision. The proposed wetland would remove nitrates from surface water and roof water drainage through a combination of physical, chemical and biological processes via interactions between the water, substrate and micro-organisms such as algae. The applicant has demonstrated to Natural England's satisfaction that the proposed wetland would result in an overall decrease in the amount of nitrates entering The Solent from this site. The adjusted nutrient budget has shown that 10.5 kg/N/yr would be generated by the development. The wetland would in turn provide a reduction of 11.51 kg/N/yr meaning there would be an overall reduction in nitrates being discharged from the site.
- 8.48 Nitrate pollution in the event of a flood has been addressed by ensuring that the proposed sustainable urban drainage system, swale and wetland have been designed to cater for future flood events (with an allowance for increased levels of rainfall due to climate change.) The proposed development would therefore not result in increased levels of nitrates entering The Solent in the event of a flood.

- 8.49 Natural England agree with the principle of using a reedbed wetland to remove nitrogen from water and therefore decrease the level of nitrates entering The Solent. Natural England have advised that additional details need to be secured regarding the long term monitoring and management of the wetlands in order to conclude that there would be no adverse effect on the European Protected Sites. The details which will be secured within the Section 106 are sufficient to conclude there is no adverse impact on the integrity of the European protected sites within The Solent and to endorse the LPA's Appropriate Assessment.
- 8.50 Officers have secured an appropriate level of detail (in line with Natural England's advice) to ensure that the reedbed wetland can be effectively monitored and managed in the long term. The details of the long term monitoring and management have informed the Appropriate Assessment which concludes that the proposed development together with the proposed mitigation measures (the Bird Aware contribution, wetland creation and appropriate planning conditions) would not have an adverse impact on the integrity of the identified sites and that this is demonstrated beyond reasonable scientific doubt.
- 8.51 If planning permission is granted, Officers are satisfied that the proposal would be acceptable from an ecological perspective subject to planning conditions and a Section 106 planning obligation in accordance with Core Strategy policies CS4, CS20, and policies DSP13, DSP15, DSP40 (v), of Local Plan Part 2.

E) POLICY DSP40

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

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

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

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

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

POLICY DSP40 (i)

8.54 The present shortfall of dwellings needed to achieve a 5YHLS is circa 500 dwellings. The proposal for 8 dwellings is relative in scale to the 5YHLS shortfall and therefore bullet point i) of Policy DSP40 is satisfied.

POLICY DSP40 (ii)

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

POLICY DSP40 (iii)

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

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

- 8.58 It is evident from reading the letters of representation that many residents consider the glasshouses and structures on the site to be an eyesore, although there is disagreement as to whether that in any way justifies the proposed redevelopment. It is also clear that the buildings on the site have fallen into disrepair and their derelict appearance detracts from the pleasant semi-rural character of Brook Avenue, albeit glasshouses are a type of agricultural structure commonly found in the countryside and in particular Warsash. The demolition of the buildings on the site could therefore be seen as a positive aspect of the proposed development which assists in minimising the adverse impact of the housing on the site.
- 8.59 Whilst the layout of the site is a reserved matter, the illustrative site plan submitted with the application shows how eight dwellings could be arranged. This plan shows the nearest dwelling set a considerable distance back from the street frontage and a paddock area retained. The dwellings would be located behind the line of frontage development along Brook Avenue. This would act to reduce the visual impact of the development when viewed from the road however large two storey houses, as indicated in the applicant's Planning Statement, would still be visible from the road over and around the frontage bungalows. Similarly, whilst the means of access is a reserved matter, the frontage hedgerow could remain largely intact if the existing vehicular entrance to the site is to be used.
- 8.60 In summary, the development would have an urbanising effect which would be harmful to the character and appearance of the countryside. This would be contrary to the aims of Core Strategy Policy CS17, which seeks to ensure development responds positively to and is respectful of key characteristics of an area such as its landscape, although it is acknowledged that there would be some benefit from removal of the glasshouses in visual terms. In addition, and as mentioned earlier in this report, there is conflict with Core Strategy Policy CS14 which aims to strictly control development outside the defined settlement boundaries and protect the countryside from development which would adversely affect its landscape character, appearance and function.
- 8.61 However, in relation to the policy test in question (whether the proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside), it is considered the submitted illustrative site plan shows how the site could be laid out to sensitively reflect the nearby developments at Yorkdale and Cawtes Reach and how the dwellings could be sited so as to retain an element of open green space and open frontage serving to minimise the adverse impact on the countryside. The removal of unsightly derelict buildings on the site would furthermore reduce the degree of visual harm. For those reasons it is considered that the proposal accords with Policy DSP40(iii).

POLICY DSP40 (iv)

- 8.62 The applicant has confirmed that they would anticipate moving forward with the proposed scheme as soon as possible. They have agreed to the imposition of a reduced implementation period requiring submission of a reserved matters application within twelve months of outline permission being granted and the commencement of development on site within twelve months of the last of those reserved matters being approved.
- 8.63 Some residents have commented on the application to note that Brook Avenue is privately owned and that is a barrier to the delivery of the development. However, nothing has been provided to indicate that a private right of access along Brook Avenue would not still enable suitable vehicular, cycle and pedestrian access to the site.
- 8.64 The proposal is considered to be deliverable in the short term and compliant with Policy DSP40(iv).

POLICY DSP40 (v)

- 8.65 The proposal is considered to satisfy the final test of Policy DSP40, namely that "The proposal would not have any unacceptable environmental, amenity or traffic implications", as discussed below.

ENVIRONMENTAL

- 8.66 In acknowledgement of the age of some of the ecological information provided the applicant has supplied an updated ecological walkover survey report. No significant changes were recorded during the site walkover.
- 8.67 Hampshire County Council ecologist has raised no objection to the proposed development subject to conditions and the provision of a suitable ecology buffer between the housing development and the adjacent woodland to the north being shown in any subsequent reserved matters submission. As referred to above, the management of the wetland would be secured through a Section 106 legal agreement and this would include the areas of greenspace and ecology buffer on the site also.
- 8.68 The local flood authority Hampshire County Council have raised no objection to the proposals subject to a planning condition requiring details of a surface water drainage scheme for the site based on the principles within the submitted flood risk assessment and drainage strategy.

HIGHWAYS

- 8.69 The means of access to the site is a reserved matter however it is unrealistic for vehicular access to the site to be provided by any other route than Brook Avenue. Several of the comments received, both from those residents objecting and those supportive of the proposal in principle, have raised the issue of the private road's suitability to cope with additional vehicle movements along it.
- 8.70 The advice received from the Council's Highways Officer is that, notwithstanding the condition of the road surface, lack of street lighting and pedestrian footway, the number of vehicle movements created by the development would not be adverse taking into account the site's previous use as a commercial nursery. No detailed information has been provided by the applicant concerning the type and extent of traffic generated by the use of the site as a nursery up until the 1990s. In reality the now derelict site is unlikely to have generated any large number of vehicle movements for some twenty or more years. However, even after taking this into account, it is not considered that the amount of development proposed would have a materially harmful effect on the safety or convenience of highway users.

AMENITY

- 8.71 Officers are fully satisfied that a site layout can be achieved without adversely impacting upon the residential amenity of occupiers of neighbouring properties.
- 8.72 The proposal's impact on the visual amenity of the countryside is assessed earlier in this report.

F) OTHER MATTERS

AFFORDABLE HOUSING

- 8.73 Policy CS18 of the adopted Fareham Borough Core Strategy, requires residential developments on sites that can accommodate between 5 and 9 dwellings to provide 30% affordable units or the equivalent financial contribution towards off-site provision.
- 8.74 Paragraph 63 of the NPPF states affordable housing provision should not be sought for residential developments that are not major developments. In this instance, due to the size of the application site, this proposal constitutes major development for the purposes of the NPPF. There is therefore no restriction

on the Council's ability to follow its adopted local plan position of seeking affordable housing provision on this site.

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

EFFECT UPON LOCAL INFRASTRUCTURE

- 8.76 The strength of local concern relating to the impact of the development on schools, doctors, dentists and other services in the area is acknowledged. The Education Authority have not requested a contribution towards school provision due to the number of units falling below that which would require an education contribution.
- 8.77 In respect of the impact upon doctors/ medical services, the difficulty in obtaining appointments is an issue that is raised regularly in respect of new housing proposals. It is ultimately for the health providers to decide how they deliver health services. Therefore, a refusal on these grounds would be unsustainable.

G) THE PLANNING BALANCE

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

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

- 8.79 This application has previously been the subject of a favourable Committee resolution to grant planning permission. The revised application proposes additional measures to address the matter of nutrient neutrality but is otherwise the same.
- 8.80 The site is outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of Local Plan Part 2: Development Sites and Policies Plan.

- 8.81 Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations which is engaged as this Council cannot demonstrate a 5YHLS. In weighing up the material considerations and conflicts between policies; the development of a greenfield site weighted against Policy DSP40, Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall (DSP40(i)), can be delivered in the short-term (DSP40(iv)) and would not have any unacceptable environmental, traffic or amenity implications (DPS40(v)). Whilst there would be harm to the character and appearance of the countryside the unsightly derelict buildings currently on the site would be demolished. Furthermore, it has been shown that the site could accommodate eight houses set back from the Brook Avenue frontage and an area of green space to sensitively reflect nearby existing development and reduce the visual impact thereby satisfying DSP40(iii). Officers have however found there to be some conflict with the second test at Policy DSP40(ii) since the site is acknowledged to be in a sustainable location but is not adjacent to the existing urban area.
- 8.82 In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage in housing supply, Officers acknowledge that the proposal could deliver 8 dwellings, as well as an off-site contribution towards affordable housing provision, in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply would be modest but is still a material consideration in the light of this Council's current 5YHLS.
- 8.83 There is a clear conflict with development plan policy CS14 as this is development in the countryside. Ordinarily, officers would have found this to be the principal policy such that a scheme in the countryside should be refused. However, in light of the Council's lack of a 5YHLS, development plan policy DSP40 is engaged and officers have considered the scheme against the criteria therein. The scheme is considered to satisfy four of the five criteria and in the circumstances, officers consider that more weight should be given to this policy than CS14 such that, on balance, when considered against the development plan as a whole, the scheme should be approved.
- 8.84 As an Appropriate Assessment has been undertaken and concluded that the development would not have an adverse effect on the integrity of the sites, Paragraph 177 of the NPPF states that the presumption in favour of sustainable development imposed by paragraph 11 of the same Framework is applied.
- 8.85 Officers have therefore assessed the proposals against the 'tilted balance' test set out at paragraph 11 of the NPPF.

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

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

and

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

8.87 Having carefully considered all material planning matters, and after applying the 'tilted balance', Officers recommend that planning permission should be granted subject to the prior completion of a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 and the imposition of appropriate planning conditions.

9.0 Recommendation

9.1 Delegate to the Head of Development Management in consultation with the Solicitor to the Council for the prior completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure:

a) A financial contribution to secure satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas;

b) A financial contribution towards the off-site provision of affordable housing in accordance with Core Strategy Policy CS18;

c) The creation and retention of wetlands on the site prior to occupation of any dwelling;

d) The creation of a management company to monitor and manage the communal areas of the development including the wetlands for the lifetime of the development.

e) Mechanism for securing appropriate funding of the management company for the lifetime of the development

- f) Mechanism for ensuring collection and enforcement of the residents' service charge to fund the monitoring and management of the communal areas of the development including the wetlands for the lifetime of the development
- g) Suitable monitoring arrangements for the wetlands for the lifetime of the development, to include:
- Monitoring of wetlands to be undertaken by a qualified drainage specialist
 - Monthly monitoring of the reedbeds for the first 2 years then every 6 months thereafter Inspection of wetlands within a week in the event of unforeseen circumstances and remedial measures where required within a fixed period of such measures being approved by the appropriate body/ies
 - Protocol for reporting results of the monitoring including payment of the costs of FBC and NE involved in reviewing the monitoring reports
 - Trigger levels for the implementation of remedial measures, such measures to be implemented by a qualified contractor and inspected by the qualified drainage specialist.
- h) Obligations on owners of individual houses to report misconnections or other issues with the wetlands
- i) Payment of a commuted sum to be made available to the management company (or other third party) to cover any shortfall in payments from householders and so ensure the continued delivery of the management plans.
- j) Details for the long-term maintenance arrangements for the surface water drainage system including, but not limited to,
- Maintenance schedules for each drainage feature type and ownership; and
 - Details of protection measures;

And

Delegate to the Head of Development Management to make any necessary modification or addition to the proposed heads of terms and/ or conditions;

And then;

GRANT PLANNING PERMISSION, subject to the following Conditions:

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

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

2. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:
 - a) Location plan;
 - b) 0064 Egmont Nursery Walkover Survey Report July 2020 v2 (received 30th July 2020)
 - c) Albury SI- phase 2 report 10341A REV 1 SI REPORT Brook Avenue, Warsash
 - d) Flood Risk Assessment & Outline Surface & Foul Water Drainage Strategy - May 2018 - prepared by Odyssey

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

3. 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 local roads to ensure that they are 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) Provision for storage, collection, and disposal of rubbish from the development during construction period;
- k) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- l) Temporary lighting;
- m) Protection of pedestrian routes during construction;
- n) No burning on-site;
- o) Scheme of work detailing the extent and type of piling proposed;
- p) 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.

4. No development shall commence on site until an ecological mitigation, compensation and enhancement plan has been submitted to and approved by the local planning authority in writing. The plan shall include the measures detailed within the submitted ecological walkover survey (Peach Ecology, July 2020). The plan shall also set out how an ecological buffer no less than 15 metres from the site's northern boundary and the nearest residential curtilages will be laid out on the site. The development shall be carried out in accordance with the approved details unless otherwise agreed with the local planning authority in writing.

REASON: To provide ecological protection, compensation and enhancement.

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

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

6. No development shall commence until a detailed surface water drainage scheme for the site, based on the principles within the Flood Risk Assessment & Outline Surface & Foul Water Drainage Strategy May 2018, has been submitted and approved by the Local Planning Authority in writing. The submitted details shall include:

- a) A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment;
- b) Detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole cover and invert levels and pipe diameters, lengths and gradients;

- c) Detailed hydraulic calculations for all rainfall events, including the listed below. The hydraulic calculations should take into account the connectivity of the entire drainage features including the discharge location. The results should include design and simulation criteria, network design and result tables, manholes schedule tables and summary of critical result by maximum level during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. The drainage features should have the same reference that the submitted drainage layout;
- d) Evidence that Urban Creep has been considered in the application and that a 10% increase in impermeable area has been used in calculations to account for this;
- e) Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753;
- f) Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

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

REASON: To ensure the satisfactory disposal of surface water.

- 7. No development hereby permitted shall commence until a detailed scheme for remedial works to address the risks identified in the approved site investigation report and to ensure the site is suitable for the proposed use has been submitted to and approved by the local planning authority in writing.

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

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

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

commencement of the development on the site to ensure adequate mitigation against land contamination on human health.

8. 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.

9. The landscaping scheme, submitted under Condition 1 shall be implemented and completed within the first planting season following the commencement of the development or as otherwise agreed in writing with the Local Planning Authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

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

10. No dwelling hereby permitted shall be occupied until details of water efficiency measures have been submitted to and approved in writing by the Local Planning Authority. These water efficiency measures should be designed to ensure potable water consumption does not exceed an average of 110l per person per day. The development shall be carried out in accordance with the approved details.

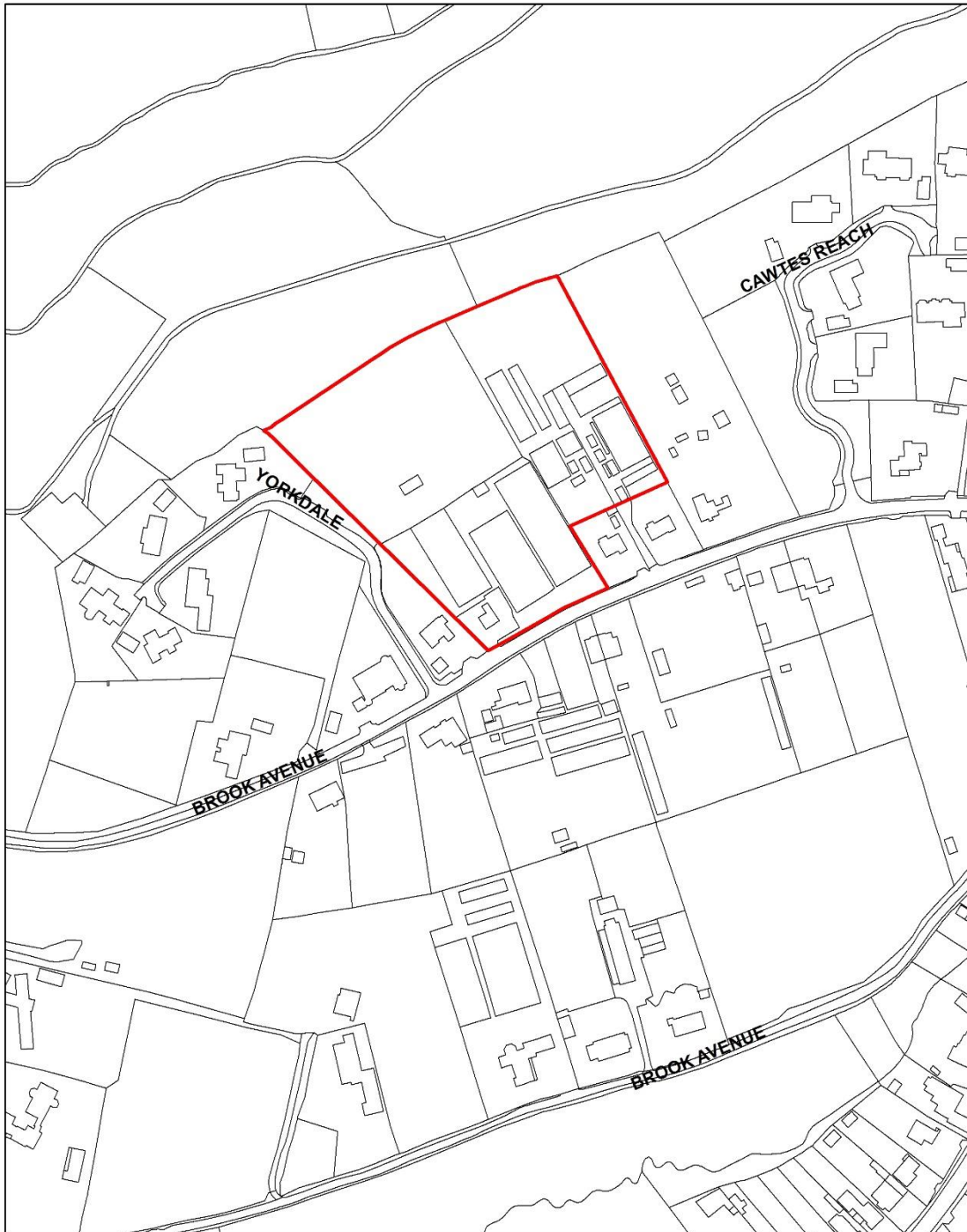
REASON: In the interests of preserving water quality and resources

10.0 Background Papers

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

FAREHAM

BOROUGH COUNCIL



Egmont Nurseries
Brook Avenue
Warsash
Scale 1:2,500



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OFFICER REPORT FOR COMMITTEE

DATE: 19/08/2020

P/20/0235/OA
MR & MRS LUTON

TITCHFIELD
AGENT: MAYPOOL ESTATES

OUTLINE APPLICATION FOR DEMOLITION OF EXISTING DWELLING &
ERECTION OF SIX DWELLINGS (ACCESS & LAYOUT ONLY)

18 TITCHFIELD PARK ROAD, TITCHFIELD, FAREHAM, PO15 5RW

Report By

Susannah Emery – direct dial 01329 824526

1.0 Introduction

1.1 This application is being presented to the Planning Committee due to the number of third-party representations received.

2.0 Site Description

- 2.1 The application site lies to the west side of Titchfield Park Road and includes the residential curtilage of No.18 Titchfield Park Road and an area of land which extends to the rear of the frontage properties of Nos.12-22 Titchfield Park Road. This undeveloped land is used as grazing land, laid to pasture, in association with the stables which are sited at the western end of the curtilage of No.18 Titchfield Park Road.
- 2.2 The site is located primarily within the countryside although the existing dwelling lies within the urban settlement boundary.
- 2.3 The site is bounded by the rear gardens of properties fronting Titchfield Park Road to the south and east, by woodland to the north and north-west and partially by the Sylvan Glade SINC and Open Space to the west.
- 2.4 The trees along the north and eastern boundaries of the site are protected by a Tree Preservation Order (TPO) and there are also individual TPO's relating to two Oak trees within the centre of the site (FTPO591). The site is well screened by hedgerow planting.
- 2.5 The area of the site where development is proposed is located in Flood Zone 1, which has a low probability of flooding. However small areas of the site, along the western site boundary are located in Flood Zones 2 and 3. These areas of flooding are associated with a nearby stream (Brownwich Stream) which runs along the site boundary to the west. An overhead power line and pylons also follows the path of the stream.

2.6 The site slopes very gently down from the northern boundary to the south-west corner of the site but there is no significant drop.

3.0 Description of Proposal

3.1 Outline Planning permission is sought for the demolition of the existing dwelling and the erection of six dwellings; five four-bed and one five-bed. Access and Layout are to be considered with all other matters reserved.

3.2 The dwellings would be set well back from the Titchfield Park Road frontage. A dedicated access drive with a shared surface for vehicles and pedestrians is proposed to the site from Titchfield Park Road which would traverse the length of the curtilage of the existing dwelling to be demolished.

3.3 The dwellings would be arranged in two separate clustered courtyards, with the largest courtyard located to the north of the site and the smallest to the south. The courtyard developments have been designed to replicate agricultural farmstead typologies characterised by rural aesthetics. The dwellings would sit within a parkland setting and this 'borrowed landscape' would surround the developable areas providing ample outdoor space for the use of residents with a natural transition in space between private garden to semi-private parkland areas provided by soft boundary planting.

3.4 Parking would be provided in the form of courtyard parking spaces as well as covered garage/car port spaces.

4.0 Policies

Approved Fareham Borough Core Strategy

CS2 - Housing Provision

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS9 - Development in the Western Wards & Whiteley

CS14 - Development Outside Settlements

CS15 - Sustainable Development and Climate Change

CS16 - Natural Resources and Renewable Energy

CS17 - High Quality Design

CS20 - Infrastructure and Development Contributions

CS21 - Protection and Provision of Open Space

Adopted Development Sites and Policies

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

Other Documents

Residential Car and Cycle Parking Standards Supplementary Planning Document (November 2009)
Design Guidance Supplementary Planning Document excluding Welborne (Dec 2015)

5.0 Relevant Planning History

5.1 None relevant

6.0 Representations

6.1 Twelve representations have been received raising the following main concerns;

- Loss of open green space
- Increased traffic on Titchfield Park Road
- Inadequate visibility when emerging from the proposed access
- Titchfield Park Road should be closed to through traffic with the exception of residents
- Will the development be nitrate neutral?
- Flooding issues already evident
- Will existing sewage system cope?
- Impact on wildlife
- Loss of mature trees
- Increased noise
- Impact of access on adjacent properties and private rear gardens
- Replacement boundary wall requested on southern boundary
- Are these houses actually needed?
- Significant development already permitted/expected to the west adjacent to the A27 with significant associated traffic movements on Titchfield Park Road
- Increased pressure on local services

- Proximity to overhead power cables

7.0 Consultations

EXTERNAL

Highways (Hampshire County Council)

- 7.1 The proposed visibility splays of 2.4m x 130m are in excess of that reasonably expected along this road and should be subject to a planning condition to ensure there is no obstruction within the splays over 0.6m in height. It is noted there is no dedicated provision for pedestrians to traverse the access road and this is proposed to be shared space.
- 7.2 The tracking drawings have been amended to show a super large refuse vehicle passing a large car at the access to the site to prevent the need for a vehicle to wait or reverse back out onto the highway. Passing can occur up to a point 8m back from the highway boundary. A car entering the development would be able to see a refuse vehicle coming from that distance and wait for it to pass. This aspect is now considered acceptable.
- 7.3 The parking standards for the site are laid down by Fareham Borough Council (FBC) as the local parking authority, in accordance with their Residential Car and Cycle Parking Standards Supplementary Planning Document (SPD) as adopted in November 2009. An excess of parking has been provided which is acceptable. No specific details regarding the cycle storage locations have been provided, however this can be secured through a suitably worded condition.

Environment Agency

- 7.4 No objection subject to planning condition concerning minimum floor levels of Plots 1 & 2

INTERNAL

Ecology

- 7.5 The planning application is supported by a Phase 1 Bat Survey, Ecological Appraisal and Further Ecological Surveys (ABR ECOLOGY LTD March 2020). In summary, provided that the measures detailed within the submitted ecological report are implemented, no concerns are raised. However, it is requested that the location of the 10m buffer along the SINC is shown on the

Landscape Strategy Plan to ensure the deliverability of this mitigation measure.

- 7.6 Any impacts arising during the construction phase could be addressed with a suitable Construction Environmental Management Plan (CEMP), which could be conditioned.

Trees

- 7.7 The proposed development can be achieved without any significant tree loss and provided the retained trees are protected in accordance with the arboricultural method statement included in the tree report produced by Evolve Tree Consultancy ref 3308-AIA – February 2020. The development proposals will have no significant adverse impact on the contribution of the trees to the public amenity or the character of the wider setting.
- 7.8 The only access to service the build out phase and the primary access for the development long term will have to be constructed between a small gap created by removal of several trees in the group of TPO oaks. To minimise tree loss and negative impact on the retained trees a piled raft is being proposed with utility connections attached to it. This will be a bespoke and specialist solution that will need to be specified by an engineer with support from a project arboriculturist. It will be important to have this as part of any full planning application so that it can be approved as part of any detailed permission. Detailed landscaping and tree planting schemes are required.

Urban Design

- 7.9 The planning application is a proposal for 6 dwellings to the rear of properties fronting Titchfield Park road. Although the application is in outline both the access and the layout are for consideration at this stage. In support of the application various technical reports have been submitted. From an urban design perspective, the design and access statement together with the landscape appraisal and strategy, are key considerations.
- 7.10 The overriding objective is to ensure that the proposals will deliver a high-quality contextual development in response to the landscape and townscape character of the locality. I am satisfied that suitable townscape and landscape analysis has been undertaken, as set out in the design and access statement and landscape appraisal, from which a high quality design can be delivered. The design approach seeks to create collections of 'buildings' formed around courtyard spaces within an open landscape setting. This approach is referenced as a contemporary agrarian typology, which is a deliberate attempt to move away from the low density suburban ribbon development that typifies

Titchfield Park Road. In this way, the two collections of buildings will be read in connection with surrounding parkland and the open landscape such that it is not seen as an extension of the existing suburban character and settlement edge. I find this approach to be reasonable and, if detailed correctly in terms of built form, landscape and materials, could deliver a high quality scheme, as suggested by the exemplar imagery.

- 7.11 The exemplar images which I find to be attractive and high-quality, suggests the use of estate fencing to enclose private garden areas. This would be the most suitable form of treatment in relation to the design vision and approach set out and, in my opinion, this treatment needs to be maintained in the long term and therefore suitable conditions need to be attached if a grant of permission is forthcoming. It is also very important that normal permitted development rights for putting up fences are taken away as a condition of approval.
- 7.12 The design of the access road is also a key component to ensure that the overall design quality of the scheme remains high. The road should avoid an over-engineered approach that suggests a suburban arrangement. In this way the access should be minimal in width and avoid standard segregated footways. Accommodating refuse or service delivery vehicles should be done with an occasional build out or passing place rather than continuous overly wide carriageways.

8.0 Planning Considerations

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

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

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

- 8.2 A report titled "Five year housing land supply position" was reported for Members' information on the agenda for the Planning Committee meeting held on Wednesday 24th June 2020. The report concluded that this Council has 4.03 years of housing supply against the 5YHLS requirement.

8.3 Officers accept that the Council cannot currently demonstrate a 5-year supply of deliverable housing sites.

8.4 The starting point for the determination of this planning application is section 38(6) of the Planning and Compulsory Purchase Act 2004:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

8.5 In determining planning applications there is a presumption in favour of the policies of the extant Development Plan, unless material considerations indicate otherwise. Material considerations include the planning policies set out in the NPPF.

8.6 Paragraph 59 of the NPPF seeks to significantly boost the supply of housing.

8.7 Paragraph 73 of the NPPF states that local planning authorities should identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement including a buffer. Where a local planning authority cannot do so, and when faced with applications involving the provision of housing, the policies of the local plan which are most important for determining the application are considered out-of-date.

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

"For decision-taking this means:

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

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

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

ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

8.9 Footnote 6 to Paragraph 11 reads:

“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.”

8.10 The key judgement for Members therefore is whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole.

8.11 Paragraph 177 of the NPPF states that:

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

8.12 In the absence of a five-year supply of deliverable housing sites, Officers consider that policy DSP40 is the principal development plan policy that guides whether schemes will be considered acceptable. The following sections of the report assesses the application proposals against this Council's adopted local planning policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

b) Residential Development in the Countryside

8.13 Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. Policy CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries.

8.14 Policy CS14 (Development Outside Settlements) of the Core Strategy states that:

‘Built development on land outside the defined settlements will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function.

Acceptable forms of development will include that essential for agriculture, forestry, horticulture and required infrastructure’.

- 8.15 Policy DSP6 of the Local Plan Part 2: Development Sites and Policies states - there will be a presumption against new residential development outside of the defined urban settlement boundary (as identified on the Policies Map). However, new residential development will be permitted in instances where either it has been demonstrated that there is an essential need for a rural worker to live there permanently, it involves a conversion of an existing non residential building or it comprises one or two new dwellings which infill a continuous built-up residential frontage. Officers can confirm that none of these exceptions apply to the application proposal.
- 8.16 A large proportion of the site is located outside of the defined urban settlement boundary and the proposal is therefore contrary to Policies CS2, CS6, and CS14 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan.

c) Policy DSP40 (Housing Allocations)

- 8.17 Local Plan Policy DSP40 states that:

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

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

Each of these five points are considered further below.

Policy DSP40(i)

- 8.18 Firstly, in relation to the first of these criteria at Policy DSP40(i), the proposal

is for six dwellings, or a net increase of five dwellings, which is relative in scale to the current shortfall.

Policy DSP40(ii)

- 8.19 It is acknowledged that the majority of the site is located beyond the settlement policy boundary and is therefore contrary to policies which aim to secure the majority of new housing within the urban area. The application site is however located immediately adjacent to the defined urban settlement boundary of the Western Wards (Segensworth), with good accessibility to local services, facilities, schools and employment provision.
- 8.20 The nearest bus stops are located nearby on Segensworth Road connecting the site to both Whiteley Shopping Centre (via Swanwick Train Station) and Fareham Town Centre. This bus service provides good quality access to a wider bus network and Fareham Railway Station. There are several primary schools and retail and retail stores within a 30 minute walk of the site.
- 8.21 The proposal presents a different form and arrangement of development to that visible fronting Titchfield Park Road. However this layout has been specifically designed to respect the landscape characteristics of the site and the scale and secluded nature of the development would ensure that it would integrate with existing development. Officers consider the proposal would satisfy point (ii) of Policy DSP40.

Policy DSP40(iii)

- 8.22 Policy CS17 of the adopted Fareham Borough Core Strategy sets out a similar, but separate policy test that, amongst other things, *“development will be designed to: respond positively to and be respectful of the key characteristics of the area, including heritage assets, landscape, scale, form, spaciousness and use of external materials”*. Core Strategy Policy CS14 meanwhile seeks to protect the landscape character, appearance and function of the countryside.
- 8.23 The site is within an area of countryside but is not designated as Strategic Gap. The Fareham Landscape Assessment 2017 (which is part of the evidence base for the published draft Fareham Local Plan 2036) identifies that the site lies within the Titchfield Corridor Character Area. It sets out that the defining characteristics comprise linear gardens and small scale pasture bounded by hedging with abundant mature trees closing the land. The Assessment highlights that the character area is capable of absorbing some built form, provided it does not impact on the intrinsic character of woodland and Site of Importance for Nature Conservation (SINC) areas.

- 8.24 The site is enclosed in nature and is not visible from Titchfield Park Road due to the screening offered by the frontage properties and the generous length of the rear gardens of these properties. The relationship to the adjacent SINC and protected woodland to the north ensure that public views of the site would be limited to those along the access road. The Landscape Assessment highlights that development within the Titchfield Corridor area would have limited visibility impact due to these prevailing features so that development of this site would not have an adverse impact on the surrounding countryside.
- 8.25 The maximum scale of development for the proposed layout is 2.5 storeys. It is considered that this will ensure the height of the proposed buildings would sit comfortably within the context of the existing surrounding development, limiting their prominence within the landscape. The layout of the site may not be typical of surrounding development but it is considered that the proposal represents locally distinctive and high quality development fitting of its more edge of settlement location.
- 8.26 The proposed landscape strategy would ensure the retention of key landscape features on site, enhancing these with additional and complementary planting. Existing hedgerows and trees that bound the site would be largely retained and additional native hedgerow planting would screen and filter views into the development from adjacent properties. Additional tree planting would also be sought along the site access to mitigate the visual impact of this hardsurfacing. A full landscaping scheme would be secured by planning condition.
- 8.27 Whilst the appearance of the dwellings is a reserved matter it is suggested that a limited and carefully selected material palette would be used to bed the scheme into its setting. The materials palette would be likely to include natural stone, timber cladding and rustic brick for the proposed dwellings, with stone and gravel characteristic of the courtyard landscape. It is envisaged that the proposed access drive would not be overly engineered, enabling it to blend more easily into the streetscene, and would be finished with self-binding gravel rather than tarmac for a higher quality finish.
- 8.28 The developable area of the site lies in the countryside beyond the urban settlement boundaries. Whilst the proposed development would change the character of the existing landscape, the location of the proposed dwellings behind the existing dwellings on Titchfield Park Road, their small footprint and their sensitive environmental design would reduce the overall impact. It is considered that the proposed development would respond positively to the existing and permitted built form within the vicinity of the site. It is considered by Officers that the proposal has been appropriately designed and laid out to

integrate with the character of the neighbouring settlement. The proposal would therefore satisfy point (iii) of Policy DSP40 and comply with Policy CS17.

Policy DSP40(iv)

- 8.29 In terms of delivery, the agent has confirmed that strong interest has been received to develop the site from two parties and it is anticipated that should permission be granted that the site could be deliverable in the short term. It has also been agreed that the timeframe for submission of the reserved matters application can be reduced from three years to two years. It is therefore considered that point (iv) of Policy DSP40 is satisfied.

Policy DSP40(v)

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

Environmental/Ecology

Trees

- 8.31 The key arboricultural feature within the vicinity of the site is a group of mature oak trees that form a belt of trees to the rear of the gardens along Titchfield Park Road (G4 and G5) and the paddock extending up to the northern boundary. Two mature oak trees stand isolated within the paddock (T1 and T2). The garden of No 18 contains several trees, but the only notable specimen is a young ash tree situated immediately adjacent to the highway (T4).
- 8.32 Tree loss as a result of the proposal has been kept to a minimum and includes a number of less significant trees within the curtilage of the existing property and three Oak trees within the group on the eastern boundary where the new access into the paddock area would be formed. These Oaks trees are located centrally within the wider group of Oaks whose canopy coalesces to extend along the eastern boundary. As a group these trees attract a higher collective rating than they would as individuals. The eastern edge of the group is visible from the highway, but they are not individually prominent. It is considered that the three trees to be felled make an insignificant contribution to visual amenity and that the crown spread of more dominant trees within the group will mitigate the effects of their loss.

- 8.33 The access drive would be constructed partially within the root protection area (RPA) of a significant Oak to be retained. The RPA of this tree is already currently compromised by the stables and associated hard standing. Furthermore it is considered that the potential adverse effects from the construction of the driveway can be mitigated by elevating the driveway above ground level within the RPA of the tree (a root protection bridge). A method statement and specification would be required for this aspect of the proposal which would be secured by planning condition.

Non-statutory Designated Sites

- 8.34 Sylvan Glade Site of Importance for Nature Conservation (SINC) is located immediately to the west of the site. A 10m buffer is proposed along the western boundary to abut the SINC consisting of woodland edge shrub planting and wildflower meadow. This buffer would be safeguarded with estate fencing which would restrict human activity and separate the buffer from the remainder of the open space which would be subject to a maintenance regime.

Protected Species

- 8.35 The ecological report confirms that the buildings on site have no potential for roosting bats and the trees with bat potential will not be affected by the proposals. A sensitive lighting strategy would be conditioned to ensure no adverse impacts on foraging and commuting bats. No evidence of badgers was recorded on the site. Dormice are known to be present in the area however the hedge along the western boundary which provides suitable habitat would be retained and a buffer provided. The main habitat on site is improved, short sward grazed grassland and is considered to be unsuitable for reptiles including Great Crested Newts. The Sylvan Glade SINC supports a ditch immediately adjacent to the western boundary. It has been assessed as providing suitable habitat for water voles. Surveys have noted that water voles may have historically been using the ditch however subject to the provision of the 10m buffer along the western boundary there would be no further concerns.
- 8.36 In summary it is not considered that the proposal would have any significant adverse impact on protected species subject to appropriate mitigation measures being exercised as set out within the submitted ecological appraisal. Further on-site biodiversity enhancements are proposed including bee bricks, bird nesting and bat roosting features, hedgehog boxes and gravel boards along with native planting to ensure compliance with Policy CS4 of the Core Strategy and the NPPF.

Impact on European Protected Sites

- 8.37 Core Strategy Policy CS4 sets out the strategic approach to Biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policy DSP13: Nature Conservation of the Local Plan Part 2 confirms the requirement to ensure that designated sites, sites of nature conservation value, protected and priority species populations and associated habitats are protected and where appropriate enhanced.
- 8.38 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 per cent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within the Solent which are of both national and international importance.
- 8.39 In light of their importance, areas within the Solent have been specially designated under UK/ European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'European Protected Sites' (EPS).
- 8.40 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 (the Council in this instance) is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations.
- 8.41 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 (EPS).
- 8.42 As the proposal results in additional dwelling, in the absence of any nitrates mitigation the proposal would have a likely significant effect on EPS by virtue of the deterioration of the water environment. The form of development has been carefully considered and the proposal would result in the change of use

of the site from primarily low land grazing with a smaller proportion of urban land to a combination of urban land and open space. The calculated nitrogen budget for the site confirms that the development proposal is nitrogen neutral, resulting in a negative nitrogen output of -3.5 kg/N/yr. The retention of the land to be used as open space will be secured by a S106 in perpetuity to ensure that this benefit is maintained.

- 8.43 In relation to recreational disturbance, Policy DSP15 (Recreational Disturbance on the Solent Protection Areas) of the adopted Fareham Borough Local Plan Part 2: Development Sites and Policies explains that planning permission for proposals resulting in a net increase in residential units may be permitted where the 'in combination' effects of recreation on the Special Protection Areas are satisfactorily mitigated through the provision of a financial contribution to the Solent Recreation Mitigation Project (SRMP). The applicant has agreed to enter into a legal agreement to secure this contribution.

Flooding & Surface Water Drainage

- 8.44 The developable area and vast majority of the site lies within Flood Zone 1 which has the lowest risk of flooding. Small areas of the site adjacent to the western boundary fall within Flood Zones 2/3 due to the proximity of a stream within the adjacent SINC. Accordingly, the application is supported by a flood risk assessment.
- 8.45 The Environment Agency have been consulted and have advised that subject to the imposition of a planning condition securing minimum floor levels for Plots 1 & 2 there would be no further concerns in relation to the potential for surface water (pluvial) flooding. The floor level of Plot 1 would need to be approx. 0.75m above existing ground level and the floor level of Plot 2 would be approx. 0.5m above ground level and it is considered that levels on site could be regraded to avoid any adverse impact in terms of the prominence of these dwellings. A planning condition would be imposed requiring submission of details of finished floor levels and existing and proposed ground levels.
- 8.46 With regards to surface water drainage the drainage strategy involves conveyance of surface water by a lined permeable paving structure, and gravity fed pipe systems towards the south end of the site into an attenuation basin. The final basin outlet would be controlled by a vortex flow control valve (Hydro-Brake or similar) which would include shallow detention basins with flow controls to restrict the run off to existing greenfield rates. These basins would act as storage for the storm water runoff from the roofs however it is stated that other forms of attenuation such as swales, underground tanks or oversized pipes could be utilised dependant on the final site layout and levels.

As this is an outline application, a planning Condition will be in place to ensure there is evidence of sufficient attenuation on site and the detailed design of the drainage system to be used on the site as well as details on its future management, prior to commencement.

Habitats Regulations Assessment

- 8.47 To fulfil the requirements under the Habitat Regulations, Officers have carried out an Appropriate Assessment in relation to the likely significant effects on the Solent Special Protection Areas (SPAs). The proposal is nitrate neutral and the open space included within the site as mitigation will be subject to a legal agreement securing its retention for that purpose. The applicant has also agreed to enter into a legal agreement to secure a financial contribution in accordance with the Solent Recreation Mitigation Strategy to mitigate against recreational disturbance. A planning condition would be imposed to secure the submission of a Construction Environmental Management Plan (CEMP) which will ensure that the development is appropriately managed and adequate measures are in place to prevent any pollution incidents as a result of runoff water during the construction phase. Additionally, a planning condition would be imposed to secure the submission of an appropriate surface water drainage strategy which would ensure that surface water continues to be discharged from the site at the existing greenfield runoff rate to avoid any adverse effects. It has been concluded that the proposal would have no adverse effect on the integrity of the designated sites in terms of recreational disturbance, construction activities, hydrological changes or air quality. Natural England have been consulted and raised no objection.

Amenity

- 8.48 Each of the proposed dwellings would have access to suitable amenity space, good levels of daylight and sunlight, and privacy. Whilst the private rear gardens for the proposed dwellings do not all meet the Council's minimum standards of 11m in length, due to the arrangement of the shared open space which surrounds the development this is considered acceptable.
- 8.49 There are no concerns in relation to the impact of the development on the residential amenity of neighbouring properties. The nearest properties on Titchfield Park Road would be in excess of 70m from the proposed dwellings so there would be no detrimental impact in terms of loss of light, outlook or privacy. It is not considered that the number of vehicle movements on the access drive would be significant and therefore detrimental to the living conditions of the neighbouring properties. Furthermore, the access would be set off the boundary with the neighbouring properties to either side. It is

proposed that existing hedgerows alongside the access are retained but further details of boundary treatment would be considered at a later stage.

Traffic

- 8.50 Officers have consulted with the Highway Authority (HCC) who have raised no objection to the proposal in relation to the additional vehicle movements anticipated on the local highway network or highway safety.
- 8.51 The proposal would comply with the Council Car & Cycle Parking Residential Car & Cycle Parking SPD in terms of car parking provision. Refuse vehicle tracking has also been carried out to ensure the Council's refuse lorry can access the development, service the plots and turn to leave the site in forward gear. Details of cycle parking would be secured by planning condition.
- 8.52 Overall Officers are of the view that the proposed development fully accords with the requirements of Policy DSP40 of the Adopted Local Plan and would make a modest contribution to overcoming the current shortfall in housing supply in the Borough.

d) Other Matters

Local service infrastructure

- 8.53 Concerns have been raised that the proposal would lead to increased pressure on local services such as school and doctors as a result of increased residents however it is not considered the impact would be sufficient to justify refusal of the application.

Draft Local Plan

- 8.54 Members will be aware of the Draft Local Plan which addresses the Borough's development requirements up until 2036. In due course this plan will replace Local Plan Part 1 (Core Strategy) and Local Plan Part 2 (Development Sites & Policies).
- 8.55 Within the Draft Local Plan 2036 it is proposed that the urban settlement boundary is altered to include the application site and all of the land which lies to the north of the A27 and extends to the rear of residential properties on both Segensworth Road and Titchfield Park Road. This adjustment to the boundary would leave no remaining allocated countryside within the vicinity of the application site and is proposed as a result of the landscape character of this land and the relationship and nature of surrounding development which suggest its allocation as countryside is no longer appropriate.

- 8.56 At this stage in the plan preparation process, the draft plan carries limited weight in the assessment and determination of this planning application. The Council is required to determine the application in accordance with adopted policies taking account of all material considerations at this time.

Overhead Power Lines

- 8.57 High voltage power lines and pylons run along the western boundary of the site, following the alignment of the stream. National Grid publish safety clearance distance requirements for any new dwellings which are to be constructed close to overhead power lines, and these have been taken into account in the design of the masterplan layout. There are no concerns in relation to the proximity of the proposed dwelling to the power line.

e) The Planning Balance

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

'If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

- 8.59 The majority of the site is outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of Local Plan Part 2: Development Sites and Policies Plan.
- 8.60 In weighing up the material considerations and conflict between policies Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall and if granted, the development could be delivered in the short term. The site is located adjacent to the existing urban area and is considered to be in a sustainable location with good access to local services and public transport. The proposal would have an urbanising impact locally however any adverse impact on the wider landscape character would be minimised by the sites visual containment by surrounding vegetation and woodland and appropriately sought landscaping such that there would not be any substantial harm.
- 8.61 Officers are satisfied that there are no outstanding amenity and environmental

issues which cannot otherwise be addressed through planning conditions. There would not be any unacceptable impact on highway safety and the increase of vehicles on the local road network would not be significant.

- 8.62 There is a clear conflict with development plan policy CS14 as this is development in the countryside. Ordinarily, officers would have found this to be the principal policy such that a scheme in the countryside should be refused. However, in light of the Council's lack of a 5YHLS, development plan policy DSP40 is engaged and officers have considered the scheme against the criteria therein. The scheme is considered to satisfy the five criteria and in the circumstances, officers consider that more weight should be given to this policy than CS14 such that, on balance, when considered against the development plan as a whole, the scheme should be approved.
- 8.63 As an Appropriate Assessment has been undertaken and concluded that the development would not have an adverse effect on the integrity of the sites, Paragraph 177 of the NPPF states that the presumption in favour of sustainable development imposed by paragraph 11 of the same Framework is applied.
- 8.64 Officers have therefore assessed the proposals against the 'tilted balance' test set out at paragraph 11 of the NPPF.
- 8.65 In undertaking a detailed assessment of the proposals throughout this report and now applying the 'tilted balance' to those assessments, Officers consider that:
- i) there are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed;
- and
- ii) any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.
- 8.66 Having carefully considered all material planning matters, and after applying the 'tilted balance', Officers recommend that planning permission should be granted subject to the imposition of appropriate planning conditions and the prior completion of planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION subject to

- i) completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure;
 - a) the retention of on-site nitrates mitigation, in the form of the areas of open space, in perpetuity
 - b) the payment of the appropriate Habitat Mitigation Contribution in accordance with the Solent Recreation Mitigation Strategy;
- ii) the following planning conditions:
 - 1. Application for approval of details of the appearance and scale of the building(s) and the landscaping of the site (all referred to as the 'reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
REASON: To comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.
 - 2. Applications for approval of all reserved matters shall be made to the Local Planning Authority not later than 2 years from the date of this permission.
REASON: To comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.
 - 3. The development hereby permitted shall be commenced in pursuance of this permission either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
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.
 - 4. The development shall be carried out in accordance with the following approved documents:
 - a) Site Location Plan (drwg No. 191310 L 01 01)
 - b) Illustrative Masterplan (drwg No. 190310 L 02 04 Rev M)
 - c) General Arrangement (drwg Nos 190310 L 02 01/02/03 Rev F)
 - d) Landscape Strategy Plan (drwg No. 190310 L 02 05 Rev D)
 - e) Planning Statement (March 2020)
 - f) Design & Access Statement (July 2020)
 - g) Transport Statement (Cambria dated March 2020)
 - h) Landscape & Visual Appraisal (Urban March 2020)

- i) Flood Risk Assessment & Drainage Strategy (Cambria June 2020)
 - j) Phase 1 Bat Survey, Ecological Appraisal and Further Ecological Surveys (ABR Ecology Ltd dated 6 March 2020)
 - k) Arboricultural Impact Assessment (Evolve Tree Consultancy dated 25 February 2020)
 - l) Tree Constraints Report (Evolve Tree Consultancy dated 1 April 2019)
- REASON: To avoid any doubt over what has been permitted.

5. No development hereby permitted shall proceed beyond damp proof course level until details 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. 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.

7. Notwithstanding the provisions of Class F of Schedule 2, Part 1 and Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no gates, fences, walls or additional hard surfaced areas shall be constructed within the curtilage of any of the dwelling houses hereby approved or on the surrounding open space unless first agreed in writing with the Local Planning Authority following the submission of a planning application.

REASON: To protect the character and appearance of the locality.

8. The dwellings hereby approved shall contain a maximum of four bedrooms with one single five bedroom dwelling (Plot 5) unless otherwise agreed in writing with the local planning authority.
REASON: In order to ensure that the effects of recreational disturbance on the designated sites is satisfactorily mitigated in accordance with Policy DSP15 of the Fareham Borough Local Plan Part 2: Development Sites & Policies.
9. No dwelling hereby permitted shall be occupied until 2.4m by 130m visibility splays have been provided at the site access junction with Titchfield Park Road in accordance with the approved details. These visibility splays shall thereafter be kept free of obstruction (nothing over 0.6m in height) at all times.
REASON: In the interests of highway safety; in accordance with Policies CS5 and CS17 of the Fareham Borough Core Strategy.
10. No dwelling, hereby approved, shall be first occupied until the approved parking and turning areas for that property have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking and turning of vehicles at all times unless otherwise agreed in writing by the Local Planning Authority following the submission of a planning application for that purpose.
REASON: In the interests of highway safety.
11. The car ports hereby approved shall be constructed in accordance with the approved plan. Thereafter, the car port shall be retained, without doors, at all times so they are available for their designated purpose.
REASON: To ensure adequate car parking provision; in accordance with Policy CS17 of the Fareham Borough Core Strategy.
12. No development shall proceed beyond damp proof course level until details of secure cycle storage have been submitted to and approved by the Local Planning Authority in writing. The secure cycle stores shall be provided before any dwelling is first occupied and shall thereafter be retained and kept available for use at all times.
REASON: To encourage cycling as an alternative mode of transport.
13. None of the development hereby approved shall be occupied until details of the proposed bin storage areas [including bin collection points] have been submitted to and approved by the Local Planning Authority and the approved areas fully implemented. The details shall include the siting, design and the materials to be used in construction. The areas shall be subsequently retained for bin storage or collection at all times.
REASON: To ensure that the character and appearance of the development and the locality are not harmed.

14. Development shall proceed in accordance with the mitigation and biodiversity enhancement measures set out in the Phase 1 Bat Survey, Ecological Appraisal and Further Ecological Surveys (ABR Ecology Ltd dated 6 March 2020). None of the development hereby approved shall be first occupied/used until the approved ecological enhancements have been fully implemented. These enhancement measures shall be subsequently retained.
REASON: To ensure that protected species are not harmed and that habitat is enhanced as a result of the proposed development.

15. No development shall commence on site until a scheme of external lighting designed to minimise impacts on wildlife and habitats has been submitted to and approved in writing by the local planning authority. Prior to the first occupation of the development hereby permitted the lighting scheme shall be implemented in accordance with the approved details and those elements shall be permanently retained at all times thereafter unless otherwise agreed in writing by the local planning authority.

16. The development shall be carried out in accordance with the Arboricultural Impact Assessment (Evolve Tree Consultancy dated 25 February 2020) unless otherwise agreed in writing with the Local Planning Authority.
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; in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

17. No development shall commence until an Arboricultural Method Statement in relation to the following aspects of the development has been submitted to and approved by the Local Planning Authority in writing;

- i) Provision of a construction exclusion zone (CEZ) and the installation of tree protection fencing (location, specification, phasing)
- ii) Driveway and parking bay construction within the RPA of retained trees
- iii) Monitoring and reporting regime.

The approved scheme shall be fully implemented. The tree/hedgerow protection shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site.

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

18. 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

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

20. No dwelling hereby permitted shall be occupied until details of water efficiency measures have been submitted to and approved in writing by the Local Planning Authority. These water efficiency measures should be designed to ensure potable water consumption does not exceed an average of 110l per person per day. The development shall be carried out in accordance with the approved details.

REASON: In the interests of preserving water quality and resources

21. No development hereby permitted shall commence until a surface water drainage strategy has been submitted to and approved by the Local Planning Authority in writing. The strategy shall include the following elements:

- a) Updated surface run-off calculations for rate and volume for pre and post development using the appropriate methodology;
- b) The detailed design of Sustainable Drainage Systems (SuDS) to be used on the site in accordance with best practice and the CIRIA SuDs Manual (C753) as well as details on the delivery, maintenance and adoption of those SuDS features;

The development shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

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.

22. No development shall commence until details of the internal finished floor levels of all of the proposed dwellings in relation to the existing and finished ground levels on 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.

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

23. The development shall be carried out in accordance with the submitted flood risk assessment ("Flood Risk Assessment and Drainage Strategy, Titchfield Park Road, Fareham ref: CC2045/REP01/D" Revision D and dated 12/06/2020) and the following mitigation measures it details:

i) 3.8.1 Finished floor levels shall be set no lower than 39.425 metres above Ordnance Datum (AOD) for unit 1 and no lower than 39.860 metres above Ordnance Datum (AOD) for unit 2.

ii) 7.1.1 Flood resilient construction techniques and materials should be used on unit 1 and unit 2 to minimise the damage should flooding occur.

These mitigation measures shall be fully implemented prior to occupation and shall be retained and maintained thereafter throughout the lifetime of the development.

REASON: In line with section 9 of the Planning Practice Guidance of the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change to reduce the risk of flooding to the proposed development and future occupants

24. 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) The implementation of a construction exclusion zone where appropriate to be securely fenced to prevent access by heavy machinery;

b) The location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction;

c) 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;

c) 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 Titchfield Park Road to ensure it is kept clear of any mud or other debris falling from construction vehicles, and

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.

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

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

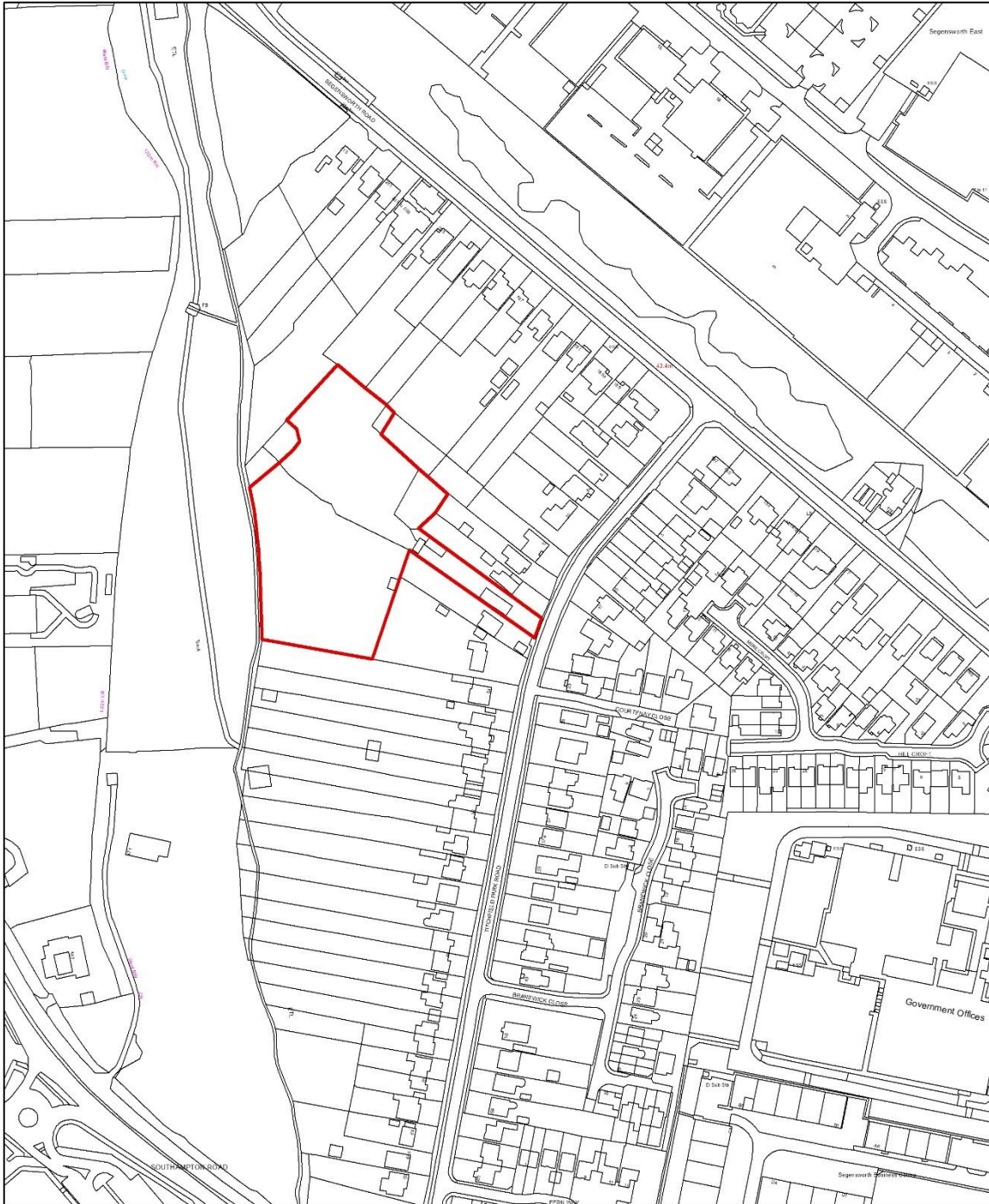
10.0 Notes for Information

The applicant should be aware that as the proposals include the formation of a new or altered access onto the highway, which will include works within the highway, these works will be required to be undertaken in accordance with standards laid down by, and under a license agreement with, the Highway Authority. Full details of how to apply can be found at:
<https://www.hants.gov.uk/transport/licencesandpermits/roadopening>.

11.0 Background Papers
P/20/0235/OA

FAREHAM

BOROUGH COUNCIL



18 Titchfield Park Road
Scale 1:2,500

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OFFICER REPORT FOR COMMITTEE

DATE:19/08/2020

P/20/0478/FP
MR KEN CARTER

HILL HEAD
AGENT: PLUM ARCHITECTS LTD

SINGLE STOREY REAR EXTENSION AND BALCONY

23 HILL HEAD ROAD, HILLHEAD

Report By

Emma Marks – direct dial: 01329 824756

1.0 Introduction

1.1 This application is reported to the Planning Committee due to the number of third-party letters received, which consist of thirty-seven letters of objection from twenty-two different households.

2.0 Site Description

2.1 This application relates to a mid-terrace property on the southern side of Hill Head Road. The row of terrace properties is known as the Coastguard Cottages which is a historic C.19 row of residential properties. These properties were once grade II listed buildings but were formally delisted in 1995.

2.2 The properties are within the designated urban area.

3.0 Description of Proposal

3.1 Planning permission is sought for the erection of a single storey 3 metres deep extension with a 5.1sqm balcony area above with 1.7 metre high side privacy screens.

4.0 Policies

4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS17: High Quality Design

Adopted Development Sites and Policies

DSP3: Impact on living conditions

Other Documents:

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

5.0 Relevant Planning History

5.1 None

6.0 Representations

6.1 Thirty-seven letters of representation from twenty-two different households have been received objecting to the application on the following grounds: -

- Unsuitable for these old cottages and will change their character
- The rear is visible from the beach and The Solent
- Out of keeping
- The whole concept hasn't been given thought as to how it would look or impact on the other cottages in the row
- The cottage to the east will be totally overwhelmed by the size of it.
- The proposed balcony would completely overlook the property to the east, overlooking their garden and conservatory
- The ground floor would take away outlook and cast a large shadow throughout the afternoon
- Whilst the cottages are not listed, they date from 1834 and are still an architectural whole and are an important part of the character and history of Hill Head
- It would be an eyesore when viewed from the beach
- If the property is used as a holiday let there would be no more peace and quiet
- A mezzanine floor would create three storeys within a small workman's cottage
- Car parking is difficult in Hill Head Road. Adding a possible three more cars would overcrowd the area
- Introducing a balcony would look out of character
- Loss of value

7.0 Consultations

7.1 None

8.0 Planning Considerations

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

- a) Impact on occupiers of neighbouring properties
- b) Design of the proposal
- c) Parking and other matters

a) Impact on occupiers of neighbouring properties

- 8.2 The proposal is for a single storey rear extension with a balcony above including side privacy screens. The concern has been raised that the proposal would impact on the neighbouring properties either side with regards to loss of light, outlook and loss of privacy.
- 8.3 The extension is proposed at a depth of 3 metres from the rear wall of the original dwelling house. The Fareham Borough Design Guidance SPD indicates that an extension at this depth is normally considered acceptable. At ground level the neighbour to the east has a rear conservatory next to the boundary with a main bedroom window at first floor. The neighbour to the west has a lounge window at ground floor level and a bedroom window at first floor, which are both set approximately 2.4 metres in from the boundary.
- 8.4 The balcony above the extension has been set in from the sides by 400mm and back from the rear wall of the proposed extension by 1350mm. The side privacy screens are proposed at a height of 1.7 metres on top of the extension. Officers have carefully considered the size of the extension combined with the privacy screens above. In the view of Officers, the development would not have an unacceptable adverse impact upon the living conditions of neighbours by way of loss of sunlight, daylight or outlook.
- 8.5 Concern has been raised that the balcony would create overlooking/loss of privacy to the neighbours either side. The proposal includes the provision of 1.7 metres side privacy screens which the Fareham Borough Design Guidance SPD recommends as an acceptable solution to maintain the privacy of neighbours. Officers consider that the screens will mitigate any material overlooking issues and they will be conditioned so that they are installed before the balcony is brought in to use and are thereafter retained at all times.

b) Design of the proposal

- 8.6 The Coastguard Cottages are a row of terrace properties which were built in 1834. The row of properties was once grade II listed but later delisted in 1995. Several third parties have raised concerns that the design of the extension is not in keeping with the character of the historic dwelling and as the rear of the property can be viewed from the beach/ The Solent, the proposal would have a visual impact on this row of terrace properties.
- 8.7 Officers have considered the concerns raised with regards to the design changing the character of the building. Whilst it is accepted that the proposal would modernise the dwelling, the property is not within a conservation area and is not a listed building. The owner could therefore carry out most of the proposed alterations and erect a single storey flat roof extension of the same size as that proposed under permitted development rights without the need for planning permission. This “fallback” position is a material consideration when determining the application.
- 8.8 The proposed balcony could not be constructed under permitted development rights. However, taking into account that one of the properties within this row of Coastguard cottages has erected a small rear balcony and the site is within

a coastal location, balconies are not uncommon and would not impact on the visual appearance of the area. With that in mind, and taking into account the earlier assessment in this report which concludes that there would be no harm to the living conditions of neighbours, there would be no clear reason not to grant planning permission for the balcony.

c) Parking and other matters

- 8.9 The plans submitted with the application show that the owner is considering adding a mezzanine floor within the existing property, to create an extra bedroom within the roof space and installing four roof lights within the rear roof slope. The letters of objection that have been received have raised the concern that the extensions/alterations to the property are being made so that the dwelling could be used as a holiday let, which would impact on the parking within Hill Head Road and also potentially create a noise disturbance to the adjoining neighbours.
- 8.10 The alteration to the house to create the extra bedroom within the roof space can be carried out without the need for planning permission. The proposals put forward in this planning application relate solely to the single storey rear extension and balcony which by themselves would not generate any additional requirement for additional parking provision. If it is intended to use the property as a holiday let then this may lead to a material change of use of the property for which planning permission may be required. However, in many instances the use of an existing dwelling as a holiday let is not a material change of use and no planning permission is required. This is however a separate matter which Officers will discuss with the applicant and advise accordingly.

Summary

- 8.11 In summary, this application proposes a single storey rear extension and balcony. An extension the same size can be constructed under permitted development rights. Officers do not consider the extension and balcony would unacceptably harm the appearance of the row of properties or the area more widely. Officers have further judged that the proposals would not have an unacceptable adverse impact on the living conditions of neighbours. The proposals comply with the relevant policies of the adopted local plan and the adopted supplementary planning document on design matters.
- 8.12 Notwithstanding the objections received, Officers consider that planning permission should be granted subject to the conditions recommended below.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development shall begin before the expiration of a period of three years from the date of the decision notice
REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.

2. The development shall be carried out in accordance with the following approved documents:
 - a) Plans & Elevations: as proposed – Drawing number PA19-153:02 rev D
REASON: To avoid any doubt over what has been permitted.
3. The balcony hereby approved shall not be brought into use until the 1.7 metre high solid screens as shown on drawing number PA19-153:02 rev D have been erected on both the eastern and western sides of the balcony. The screening shall be subsequently retained at all times.
REASON: To protect the privacy of the occupiers of the neighbouring property and to prevent overlooking.

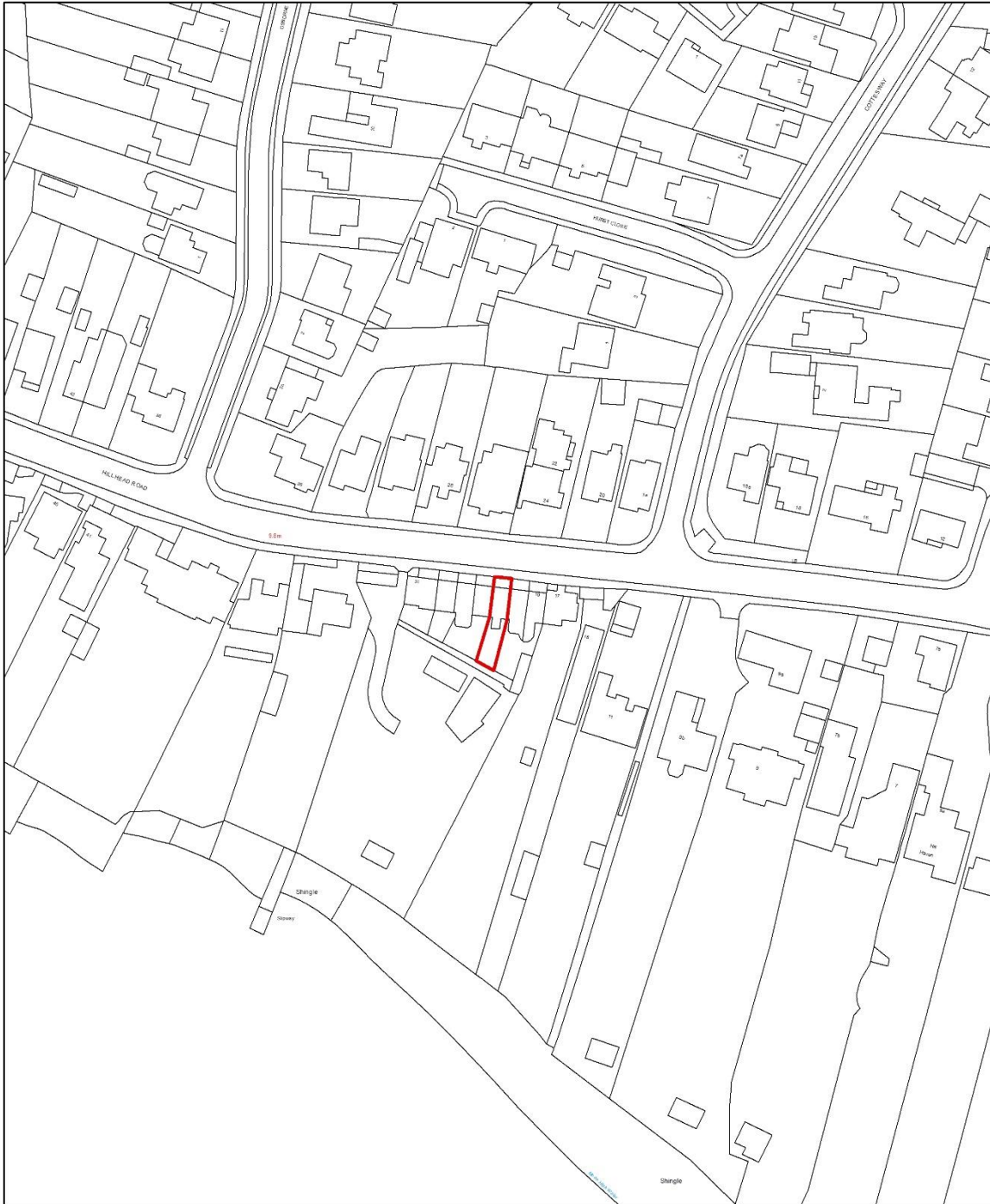
10.0 Notes for Information

None

11.0 Background Papers

FAREHAM

BOROUGH COUNCIL



23 Hill Head Road
Scale 1:1,250

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PLANNING APPEALS

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

PUBLIC INQUIRY	ENF/40/19 Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	PUBLIC INQUIRY MR KEVIN FRASER The Tithe Barn Mill Lane Fareham PO15 5RB 16 June 2020 AGAINST ENFORCEMENT Resurfacing of car park with tarmac
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 DISMISSED 26 June 2020
PUBLIC INQUIRY	P/18/1118/OA Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	PUBLIC INQUIRY Fareham Land LP Land at Newgate Lane (North) Fareham Non Determined REFUSE PENDING PI DECISION 2 June 2020 NON DETERMINED Outline Planning Permission for the demolition of existing buildings and development of up to 75 dwellings, open space, vehicular access point from Newgate Lane and associated and ancillary infrastructure, with all matters except access to be reserved.
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/19/0024/LP Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	WRITTEN REPS BERKELEY LEISURE GROUP LTD Hamble Park Fleet End Road Warsash Southampton Officer Delegated Powers REFUSE 17 March 2020 AGAINST REFUSAL Certificate of Lawfulness for Stationing of Two Residential Mobile Homes on Informal Open Space DISMISSED 29 June 2020
WRITTEN REPS	P/19/0069/LP Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	WRITTEN REPS Mayfair Hampshire Ltd Ellerslie Touring Caravan Park Down End Road Fareham Officer Delegated Powers REFUSE 24 June 2020 AGAINST REFUSAL Application for a Lawful Development Certificate for a proposed use of the land for the siting of caravans for the purpose of human habitation including as a person's sole or main place of residence.
PUBLIC INQUIRY	P/19/0316/FP Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	PUBLIC INQUIRY MR K FRASER The Tithe Barn Mill Lane Titchfield Fareham NAC REFUSE REFUSE 16 June 2020 AGAINST REFUSAL Re-surface car park area with tarmac (retrospective application)
HEARING	P/19/0419/DA Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	HEARING Mr Patrick Cash 137 Newgate Lane Fareham 11 May 2020 AGAINST ENFORCEMENT Unlawful development of two structures
PUBLIC INQUIRY	P/19/0460/OA Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	PUBLIC INQUIRY Bargate Homes Ltd Land at Newgate Lane (South) Fareham Non Determined REFUSE PENDING PI DECISION 2 June 2020 NON DETERMINED

Outline planning permission for the demolition of existing buildings and development of up to 115 dwellings, open space, vehicular access point from Newgate Lane and associated and ancillary infrastructure, with all matters except access to be reserved.

WRITTEN REPS

P/19/1017/DA

Appellant:

Site:

Decision Maker:

Recommendation:

Council's Decision:

Date Lodged:

Reason for Appeal:

WRITTEN REPS

Mrs Alicia Bayer

Land at Woodcote Lodge 6 Bridgefoot Drive Fareham

Officer Delegated Powers

PENDING PI DECISION

23 April 2020

AGAINST ENFORCEMENT

Unlawful material change of use of the land from residential use (use Class C3) to a mixed use comprising residential use and use for car sales and car storage (use Classes C3 and Sui Generis) - Enforcement Notice served on 15 April 2019

HH APPEAL SERVICE

P/19/1073/TO

Appellant:

Site:

Decision Maker:

Recommendation:

Council's Decision:

Date Lodged:

Reason for Appeal:

HH APPEAL SERVICE

Mr Moon

6 Alum Way Fareham

Officer Delegated Powers

REFUSE

REFUSE

4 December 2019

AGAINST REFUSAL

T14 Lime: Fell due to excessive shading and replant an Acer in its place.

HH APPEAL SERVICE

P/19/1096/TO

Appellant:

Site:

Decision Maker:

Recommendation:

Council's Decision:

Date Lodged:

Reason for Appeal:

HH APPEAL SERVICE

Mr Ian Collins

4 CROFTON LANE FAREHAM

Committee

REFUSE

REFUSE

20 March 2020

AGAINST REFUSAL

T1 Monterey Pine protected by TPO 545: Fell

WRITTEN REPS

P/19/1319/FP

Appellant:

Site:

Decision Maker:

Recommendation:

Council's Decision:

Date Lodged:

Reason for Appeal:

WRITTEN REPS

Mr G Uffendell

Westering Posbrook Lane Titchfield Fareham

Officer Delegated Powers

REFUSE

REFUSE

3 July 2020

AGAINST REFUSAL

Sever land and erect a detached bungalow with parking and shared vehicular access

PUBLIC INQUIRY

P/20/0009/DA

Appellant:

Site:

PUBLIC INQUIRY

Borderland Fencing Ltd

Borderland Fencing New Road Swanwick Southampton

Decision Maker:
Recommendation:
Council's Decision: PENDING PI DECISION
Date Lodged: 17 July 2019
Reason for Appeal: **AGAINST ENFORCEMENT**
Unauthorised expansion of site and breach of conditions