

FAREHAM

BOROUGH COUNCIL

AGENDA PLANNING COMMITTEE

Date: Wednesday, 16 December 2020

Time: 2.30 pm

Venue: Microsoft 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 - 7)

To confirm as a correct record the minutes of the Planning Committee meeting held on 18 November 2020.

3. Chairman's Announcements

4. Declarations of Interest

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

5. Deputations

To receive any deputations of which notice has been lodged.

6. Planning applications and Miscellaneous Matters including an update on Planning Appeals (Page 8)

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

ZONE 1 - WESTERN WARDS

(1) **P/19/0402/OA - LAND ADJACENT TO 125 GREENAWAY LANE WARSASH SO31 9HT** (Pages 10 - 50)

(2) **P/19/0121/FP - 9-11 FLEET END ROAD WARSASH SO31 9JH** (Pages 51 - 65)

ZONE 2 - FAREHAM

(3) **P/18/0363/OA - 84 FAREHAM PARK ROAD PO15 6LW** (Pages 68 - 95)

(4) **P/18/1261/OA - FORMER MAGISTRATES COURT TRINITY STREET** (Pages 96 - 114)

(5) **P/19/0697/VC - 90 GUDGE HEATH LANE FAREHAM PO15 5AY** (Pages 115 - 126)

ZONE 3 - EASTERN WARDS

(6) **Planning Appeals** (Pages 128 - 131)

7. Introduction Charges for Heritage Advice and Design Codes and the Use of Planning Performance Agreements (Pages 132 - 141)

To consider a report by the Director of Planning and Regeneration on introduction charges for heritage advice and design codes and the use of planning performance agreements.

8. Local Information Requirements (Pages 142 - 169)

To consider a report by the Director of Planning and Regeneration on Local Information Requirements.



P GRIMWOOD
Chief Executive Officer
Civic Offices
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08 December 2020

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FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Wednesday, 18 November 2020

Venue: Microsoft 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, L Keeble and R H Price, JP

Also Present: Councillor Miss S M Bell (Item 6 (3)) and Councillor
S Cunningham (Item 6 (3))



1. APOLOGIES FOR ABSENCE

There were no apologies of absence.

2. MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee held on 14 October 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 deputation from the following in respect of the applications indicated and were thanked accordingly.

Name	Spokesperson representing the persons listed	Subject	Supporting or Opposing the Application	Item No/ Application No/Page No	Type of Dep
ZONE 1 – 2.30pm					
Mr Mark Sennitt (Agent)		LAND REAR OF 403 HUNTS POND ROAD LOCKS HEATH – RESIDENTIAL DEVELOPMENT OF 16 HOUSES, TOGETHER WITH ACCESS ROAD, LANDSCAPING AND PARKING	Supporting	6 (1) P/19/0183/FP Pg 8	Written
ZONE 2 – 2.30pm					
ZONE 3 – 2.30pm					
Mrs Iris Grist		LAND EAST OF DOWN END ROAD – OUTLINE PLANNING	Opposing	6 (3) P/20/0912/OA Pg 48	Written

		APPLICATION WITH ALL MATTERS RESERVED (EXCEPT THE MEANS OF ACCESS) FOR RESIDENTIAL DEVELOPMENT, DEMOLITION OF EXISTING AGRICULTURAL BUILDINGS AND THE CONSTRUCTION OF NEW BUILDINGS PROVIDING UP TO 350 DWELLINGS, THE CREATION OF NEW VEHICULAR ACCESS WITH FOOTWAYS AND CYCLEWAYS, PROVISION OF LANDSCAPED COMMUNAL AMENITY SPACE, INCLUDING CHILDREN'S PLAY SPACE, CREATION OF PUBLIC OPEN SPACE, TOGETHER WITH ASSOCIATED HIGHWAYS, LANDSCAPING, DRAINAGE AND UTILITIES			
Dr Barry Cullen		-Ditto-	-Ditto-	-Ditto-	Written
Mrs Anne Brierley		-Ditto-	-Ditto-	-Ditto-	Written
Mr Robert Marshall	The Fareham Society	-Ditto-	-Ditto-	-Ditto-	Written
Mrs Joanne Young		-Ditto-	-Ditto-	-Ditto-	Written
Mr Paul Grinyer		-Ditto-	-Ditto-	-Ditto-	Written
Mr John Cousins		-Ditto-	-Ditto-	-Ditto-	Written
Mr Alan Emmott		-Ditto-	-Ditto-	-Ditto-	Written
Mr Richard Healey		-Ditto-	-Ditto-	-Ditto-	Written

Mr Thomas Southgate (Agent)		-Ditto-	Supporting	-Ditto-	Video
Mr Stephen Rayner		5 KELVIN GROVE – SINGLE STOREY REAR EXTENSION, OFT CONVERSION WITH GABLE BUILD UP, FRONT AND REAR DORMER WINDOWS	Opposing	6 (4) P/20/1040/FP	Written
Mr Robert Tutton (Agent)		-Ditto-	Supporting	-Ditto-	Video

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 the development control matters, including information regarding new appeals and decisions.

(1) P/19/0183/FP - 403 HUNTS POND ROAD FAREHAM PO14 4PA

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

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

No formal response has yet been received regarding the Appropriate Assessment from Natural England regarding this application. Therefore, the recommendation to the application needs amending to include the following requirement:

'9.1 GRANT PLANNING PERMISSION subject to:

- i) the receipt of comments from Natural England in response to consultation on the Council's Appropriate Assessment and delegate to the Head of Development Management in consultation with the Solicitor to the Council to make any minor modifications to the proposed conditions or any subsequent minor changes arising after having had regard to those comments; and*
- ii) the following Conditions.'*

(as per the existing Committee Report).

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

- (i) the conditions in the report;

(ii) the receipt of comments from Natural England in response to consultation on the Council's Appropriate Assessment and delegate to the Head of Development Management in consultation with the Solicitor to the Council to make any minor modifications to the proposed conditions or any subsequent minor changes arising after having had regard to those comments; and

(iii) the amendment to condition 12 to include the wording "in consultation with Southern Water"

was voted on and CARRIED.
(Voting: 9 in favour; 0 against)

RESOLVED that subject to:

(i) the conditions in the report;

(ii) the receipt of comments from Natural England in response to consultation on the Council's Appropriate Assessment and delegate to the Head of Development Management in consultation with the Solicitor to the Council to make any minor modifications to the proposed conditions or any subsequent minor changes arising after having had regard to those comments, and

(iii) the amendment to condition 12 to include the wording "in consultation with Southern Water."

PLANNING PERMISSION is granted.

**(2) P/20/0702/FP - FORMER SCOUT HUT MONTEFIORE DRIVE
SARISBURY GREEN SO31 7NL**

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

Natural England have provided an updated consultee response regarding the Appropriate Assessment:

If members resolve to grant Planning Permission the following conditions are recommended in addition to those in the report:

- 1. Prior to the first occupation of the dwellings hereby approved, a record of nitrate credits/savings achieved through water efficiency measures by way of (a) upgrades to Fareham Borough Council housing stock, and/or (b) demolition of existing Fareham Borough Council housing stock, shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate that sufficient nitrate credit headroom has been created. The development shall be carried out in accordance with the approved details and no dwelling shall thereafter be occupied until sufficient nitrate credit headroom as set out in the 'Former Coldeast Scout Hunt Nutrient Neutrality Statement' prepared by Fareham Housing and submitted with the planning application, has been created to serve the entire development hereby permitted.*

REASON: To demonstrate that sufficient headroom has been created to offset the proposed development from the impact of nitrogen loading on the European Protected Sites.

2. *No development shall take place until details of the surface water drainage works based on the principles within the submitted Drainage Strategy Report (Bright Plan Civils, July 2020) to serve the development hereby permitted must have been submitted to and approved in writing by the Local Planning Authority. None of the dwellings hereby permitted shall be occupied until the drainage works have been completed in accordance with the approved details.*

REASON: In order to ensure appropriate drainage is provided to serve the permitted development which will avoid any adverse effect on the integrity of the European Protected Sites.

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

(Voting: 9 in favour; 0 against)

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

**(3) P/20/0912/OA - LAND TO THE EAST OF DOWNEND ROAD
FAREHAM**

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

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

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

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

Since the Planning Committee agenda was published on 10th November a further seven sets of comments in objection to the proposed development have been received. The comments raised no further material planning considerations other than those already includes in the Officer report.

One comment makes reference to paragraph 8.62 of the Officer report which states that vehicular access into the housing development over Cams Bridge would be prevented for all but emergency vehicles. In actual fact, the Planning Committee resolution to grant planning permission for the improvements to Cams Bridge, which was passed at the meeting in January 2019, was made subject to the applicant confirming that any reference to use of the bridge by emergency vehicles be deleted from the application. The applicant duly provided such confirmation in May 2019 prior to the application being permitted (planning application reference P/18/0001/OA).

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

(Voting: 4 in favour; 5 against)

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

(Voting: 5 in favour; 4 against)

RESOLVED that PLANNING PERMISSION be REFUSED.

Reasons for Refusal

The development would be contrary to Policies CS5 of the adopted Fareham Borough Core Strategy 2011 and Policy DSP40 of the adopted Local Plan Part 2: Development Sites and Policies Plan, and Paragraphs 109 and 110 (c) of the National Planning Policy Framework, and is unacceptable in that:

The proposal would result in a material increase in vehicular and pedestrian movements along Down End Road across the road bridge over the railway line. The works to the bridge as shown on drawing no. ITB12212-GA-051D (titled "Downend Road Bridge – Proposed Signal Arrangement With Footway General Arrangement") would unacceptably affect the operation of the highway because of the vehicle queuing and driver delay that would arise and would result in unacceptable harm to the safety and convenience of users of the highway. Furthermore the application does not make acceptable pedestrian crossing provision on Down End Road for future residents of the development.

(4) P/20/1040/FP - 5 KELVIN GROVE PORTCHESTER PO16 8LQ

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

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

(Voting: 9 in favour; 0 against)

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

(5) Planning Appeals

The Committee noted the information in the report.

(6) UPDATE REPORT

The Update Report was circulated prior to the meeting and was considered along with the relevant agenda item.

(The meeting started at 2.30 pm
and ended at 7.24 pm).

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date: 16 December 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.

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

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/19/0402/OA WARSASH	LAND ADJACENT TO 125 GREENAWAY LANE WARSASH FAREHAM SO31 9HT OUTLINE APPLICATION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS) FOR THE CONSTRUCTION OF UP TO 100 RESIDENTIAL DWELLINGS, ACCESS FROM GREENAWAY LANE, LANDSCAPING, OPEN SPACE AND ASSOCIATED WORKS	1 OUTLINE PERMISSION
P/19/0121/FP WARSASH	9-11 FLEET END ROAD WARSASH SOUTHAMPTON SO31 9JH ERECTION OF ONE 3-BED DETACHED DWELLING ON FRONTAGE (PLOT 1) AND ONE 5-BED DETACHED DWELLINGS & CAR PORT TO REAR (PLOT 3)	2 PERMISSION

Agenda Item 6(1)

OFFICER REPORT FOR COMMITTEE

DATE: 16TH December 2020

P/19/0402/FP

WARSASH

**BARGATE HOMES LTD
PLANNING**

AGENT: PEGASUS

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

LAND ADJACENT 125 GREENAWAY LANE, WARSASH

Report By

Rachael Hebden – direct dial 01329 824424

1.0 Introduction

- 1.1. This application is being presented to the Planning Committee due to the number of third party representations received.
- 1.2. Members will note from the 'Five Year Housing Land Supply Position' reported to the Planning Committee 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.)
- 1.3. Members will also note that the Planning Committee has resolved to grant planning permission for the following applications in close proximity to the site:

P/17/0746/OA Outline application for up to 85 dwellings, land to the east of Brook Lane and South of Brookside Drive, Warsash

P/17/0845/OA Outline application for up to 180 dwellings land to the East of Brook Lane, Warsash

P/17/0752/OA Outline application for up to 140 dwellings, land east of Brook Lane, North of Warsash Road,

P/17/0998/OA	Outline application for up to 157 dwellings land to the East of Brook Lane and West of Lockwood Road
P/18/0107/OA	Outline application for up to 30 dwellings, East and West of 79 Greenaway Lane, Warsash
P/18/0884/FP	Full permission for 6 dwellings, East and West of 79 Greenaway Lane, Warsash

1.4. The Planning Inspectorate also granted outline planning permission for up to 85 dwellings, land to the east of Brook Lane and South of Brookside Drive, Warsash on 17 May 2018 (P/16/1049/OA).

1.5. This is an outline planning application for up to 100 dwellings. The previous application was considered at the Planning Committee meeting in January 2019 during which Members resolved to defer the application in order to allow Officers time to address the following concerns:

(i). Whether access to the scheme could solely be achieved via land to the south: Further clarity from HCC Highway Authority regarding the impact of additional traffic on Greenaway Lane and the cumulative impact of development within Warsash and local roads with a request that a HCC Highway Authority officer attend the Planning Committee; and

(ii). To seek independent legal advice from a QC following the QC opinion that has been submitted by ‘Save Warsash and the Western Wards’

1.6. An appeal was subsequently submitted against the non-determination of the application. A further report was taken to the planning committee on 17th July 2019 to confirm the decision that members would have made had they been able to determine the application at that point in time. Members concluded that had the application been determined it would have been refused for the following reasons:

The proposal would have likely significant effects upon designated European Protected Sites in combination with other developments due to the adverse effects of increased waste-water.

There is uncertainty in respect of the impact of increased emissions from traffic associated with this development in combination with other developments upon designated European Protected Sites

The Planning Inspectorate should further be advised that had the impacts upon the European sites been satisfactory mitigated and had planning permission been granted, the Local Planning Authority would have first sought a Section 106 planning obligation to secure the following:

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

- 1.7. The appeal was subsequently dismissed solely on the ground that the development would have a likely adverse effect on the integrity of the Solent sites due to the additional generation of nutrients and the lack of appropriate and appropriately secured mitigation. The Inspector's

conclusions regarding other matters are referred to in relevant sections later in this report.

2.0 Site Description

2.1. The application site is located to the south of Greenaway Lane and comprises 3.4 hectares of land, designated as countryside for planning purposes. There are glasshouses and buildings on the site which reflect the sites' former horticultural use. The site is generally flat with the northern half of the site mostly consisting of open grassland. Trees and scrub in the south western corner of the site extend along the western and southern boundaries. The eastern boundary is lined with trees which are located within the adjoining site and are covered by a tree preservation order. There is a telecommunication aerial mast within the south-eastern corner of the site. The site is classified as predominantly Grade 3b agricultural land.

2.2. Residential properties are located on the northern side of Greenaway Lane, to the western boundary of the site and north-eastern corner of the site. Beyond the southern boundary is a nursery with fields and glass houses. Commercial businesses are located beyond the eastern boundary together with agricultural land.

2.3. Existing access to the main part of the site is from Greenaway Lane with an additional access track located further to the east which leads to the telecommunication mast. Greenaway Lane connects to Brook Lane located a short distance to the west.

3.0 Description of Proposal

3.1. Outline planning permission is sought for the construction of up to 100 dwellings with all matters reserved apart from the means of vehicular access to the site which would be off Greenaway Lane. The layout, appearance, scale and landscaping of the site are therefore reserved for a future reserved matters application and not for consideration at this time.

- 3.2. An illustrative masterplan has been submitted which identifies the vehicular access point to the site, areas of public open space, the potential for enhanced landscaping and inclusion of ecological buffers. Pedestrian and cycle links are also indicated.
- 3.3. The application is supported by a number of reports including: ecological assessments, a tree report, a contamination report, a transport statement, an air quality assessment, a flood risk assessment, drainage strategy and nitrate assessment.

4.0 Policies

- 4.1. The following policies apply to this application:

National Planning Policy Framework (NPPF) 2019

Adopted Fareham Borough Core Strategy

CS2 - Housing Provision

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS9 - Development in the Western Wards & Whiteley

CS14 - Development Outside Settlements

CS15 - Sustainable Development and Climate Change

CS16 - Natural Resources and Renewable Energy

CS17 - High Quality Design

CS18 - Provision of Affordable Housing

CS20 - Infrastructure and Development Contributions

CS21- Protection and Provision of Open Space

Adopted Development Sites and Policies

DSP1 - Sustainable Development

DSP2 - Environmental Impact

DSP3 - Impact on living Conditions

DSP4 - Prejudice to adjacent land

DSP6 - New residential development outside of the defined urban settlement boundaries

DSP13 - Nature Conservation

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

DSP40 - Housing Allocations

Other Documents:

Publication Fareham Local Plan 2037

Fareham Borough Design Guidance Supplementary Planning Document (Excluding Welborne) 2015

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

Residential Car and Cycle Parking Standards SPD 2009

5.0 Relevant Planning History

5.1. The following planning history is relevant:

5.2. P/18/0482/OA

Outline application with all matters reserved (except for access) for the construction of up to 100 residential dwellings, access from Greenaway Lane, landscaping, open space and associated works'.

As explained in the introduction to this report, Members confirmed that the application would have been refused has an appeal against non-determination not been made. The Inspector dismissed the appeal for the sole reason that: *“the development would have a likely adverse effect on the integrity of the Solent sites due to the additional generation of nutrients on the integrity of the Solent sites due to the additional generation of nutrients and the lack of appropriate and appropriately secured mitigation.”*

6.0 Representations

6.1. Representations from 30 addresses have been received.

Of these representations, 2 are neutral and make the following points:

- The development should provide fibre optic broadband
- If permission is granted a condition should be included requiring at least 100 swift nest boxes to be provided

The remaining representations object to the application and raise the following concerns:

- Impact on countryside
- Unnecessary numbers of housing
- Inappropriate density and design
- Impact on character of the area
- Access must be from Brook Lane not Greenaway Lane
- Impact on highway safety
- The Transport Statement is misleading
- Insufficient car parking provision
- The visibility splay relies on land not within the applicant's ownership
- Impact on infrastructure
- Access via land to the south cannot be guaranteed
- Ecological concerns
- Impact on the European Protected Sites
- Increased air, light and noise pollution
- Loss of trees

-Surface water flooding

-Impact on residents' amenity

-Impact on disabled residents' ability to exit adjacent sites due to potential traffic congestion

-Lack of information regarding a nutrient budget

-The University Hospital Southampton NHS Foundation Trust have commented that the Trust is currently operating at full capacity in the provision of acute and planned healthcare. Although the Trust has plans to cater for the known population growth, it cannot plan for unanticipated additional growth in the short to medium term. They have requested a financial contribution of £15,861 to provide services needed by occupants of the proposal. They consider that without it the development is not sustainable and should be refused.

6.2. PETITION (signed by 2,390 people)

Members attention is also drawn to the fact that a petition has been received in response to the previous draft local plan consultation. It is titled "STOP the building of 1500 new homes in Warsash, Locks Heath, Park Gate and Titchfield Common" and includes the following Statement:

We the undersigned petition the Council to Stop the building of 1500 new homes in Warsash, Locks Heath, Park Gate and Titchfield Common. Whilst it is appreciated that the task is not an easy one, there are many sites that we believe the Council should be looking at that are more suitable than Warsash and the Western Wards, such as Newlands Farm. We also request that FBC look at SHLAA Ref 3127 and the surrounding area of Fareham north and east of the town centre. This appears to be a prime location as it already has direct access to the motorway and easy access to the public transport links in Fareham town centre and three senior schools. Fareham centre is also an ideal place for leisure facilities, and has space for doctors etc. to service the needs of any new houses. It would inject a

new lease of life into what is already an established but underused town that is essentially being allowed to slide into disrepair.

Justification:

Below are the sites that we are protesting about.

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

HA3 - Southampton Road, Titchfield Common - 400 dwellings

HA7 - Warsash Maritime Academy, Warsash -100 dwellings

HA9 - Heath Road, Locks Heath- 71 dwellings

HA11- Raley Road, Locks Heath- 49 dwellings

HA13- Hunts Pond Road, Titchfield Common- 38 dwellings

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

HA15 -Beacon Bottom West, Park Gate -30 dwellings

HA17 -69 Botley Road, Park Gate -24 dwellings

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

Traffic in this area is already at a gridlock during peak hours and since the new Strawberry Fields, Hunts Pond and Coldeast developments it has doubled the time for people to get to work. Improvements on major roads and motorways will try and ease congestion but it's not satisfactory as residents will not be able to actually get to these major roads. Local roads such as Brook Lane, Osborne Road, Warsash Road and Barnes Lane cannot be made wider, they were built to service the traffic and community of small villages and the resulting influx of 3000+ cars in such a small square area will lead to more accidents. Warsash specifically is on a peninsular and the only roads in and out are Brook Lane and Warsash Road. Emergency vehicles will be unable to ensure safe response times - during rush hour it is likely they will not have space to get to their

destination. The consequences will be catastrophic. Flooding is inevitable especially with recent climate changes; residents in local back garden developments are already experiencing this. Fareham is presently in trouble for poor air quality due to the amount of rush hour traffic. Bring another 3000+ cars in to the Western Wards and there will be more cases of asthma, lung disease and related illnesses - all for the surgeries with not enough resources to treat. Doctors, schools, hospitals and emergency services are already stretched to breaking point. If the plans go ahead there will be hundreds of children needing school places. New schools might take pressure off the overcrowded ones - then the influx of new children will put it back on again. Children walking to Brookfield already face a perilous journey due to the amount of traffic on Brook Lane. Brook Lane, Lockwood, Jubilee and Whiteley surgeries struggle to cope with the amount of patients they have. They wait an unacceptable amount of time for routine appointments (1 month plus) and often have very long waits when they get to there (30 minutes plus). Emergency appointments are becoming harder to book as there are not enough doctors or time. The very young, elderly and chronically ill are already vulnerable and bearing the brunt of this - add another 1,500 homes and these overstretched surgeries will be at crisis point. There will be an increased need for care homes, for which there is just no space. Residents' health will be at risk and possibly their lives. Warsash is a place of outstanding natural beauty and home to precious wildlife such as badgers, bats and deer. The greenfield land proposed as the area for development also provides a defined strategic gap from neighbouring villages. Residents have the right to breathe clean air, have facilities, space and sufficient infrastructure and the assurance that emergency vehicles have access and can meet response times in life threatening situations. We genuinely fear for the health and safety of people in the Western Wards.

7.0 Consultations

EXTERNAL

7.1. Archaeology

No objection subject to conditions.

7.2. Southern Water

7.3. No objection subject to conditions.

7.4. HCC Highways

7.5. No objection subject to the following obligations:

7.6. £298,71.29 towards identified improvement schemes within the area;

7.7. £30,000 towards sustainable travel improvements;

7.8. Delivery of the site access and footway works in accordance with the proposed plans;

7.9. Payment of HCC fees to approve and monitor the Framework Travel Plan prior to commencement;

7.10. Provision of financial measures to secure the measures proposed within the Travel Plan.

7.11. Conditions:

7.12. A construction traffic management plan to be submitted prior to commencement.

7.13. Provisions to prevent surface water drainage from discharging onto the highway.

7.14. HCC Lead Local Flood Authority

7.15. No objection subject to a condition requiring the submission of a detailed surface water drainage scheme for the site.

7.16. HCC Children's Services

7.17. Request for contribution towards education facilities.

7.18. Natural England

- 7.19. The following information is required in order to determine the impact of nitrates on designated sites and the scope for mitigation:
- Evidence to support the land uses in the nutrient neutrality methodology
 - Identification of mitigation measures to achieve nitrogen neutrality required
 - Clarification of the designated sites within 200m from the road network
- 7.20. A contribution is required towards the Bird Aware mitigation strategy to mitigate against the potential adverse effects of recreational disturbance on the integrity of the European sites.
- 7.21. The HRA should include the key measures required to protect the designated sites from pollution.
- 7.22. The proposed SUDS strategy should be secured.
- 7.23. All new development should adopt the Building Regulations higher standard of water efficiency of 110l per person per day
- 7.24. Consideration should be had to the incorporation of local landscape features into the site.
- 7.25. Officer Comment: Information regarding the nitrates mitigation has been submitted and Natural England have been re-consulted.

INTERNAL

- 7.26. Ecology
- 7.27. The proposed purchase of nitrate 'credits' is an appropriate form of mitigation that will ensure no adverse impact on the integrity of the Solent SPAs.
- 7.28. No objection subject to conditions to secure:
- A biodiversity mitigation strategy
 - A sensitive scheme of lighting
 - A biodiversity enhancement scheme

7.29. Environmental Health – Contamination

7.30. No objection subject to conditions.

7.31. Housing

7.32. The application proposes 40% affordable housing in accordance with policy. The tenure split required for social/affordable rent: intermediate housing is 65:35%. Affordable rents to be capped at local housing allowance levels.

7.33. Trees

7.34. No objection subject to conditions

8.0 Planning Considerations

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

- a) Implication of Fareham's current 5-year land supply housing supply position (5YHLS)
- b) Residential development in the countryside
- c) Policy DSP 40
- d) Other matters including affordable housing and local infrastructure
- e) The planning balance

A) IMPLICATION OF FAREHAM'S CURRENT 5 YEAR HOUSING LAND SUPPLY POSITION (5YHLS)

8.2. 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 the Council currently has a housing land supply of

4.03 years meaning there is a shortfall of 522 dwellings within the 5 year period.

- 8.3. 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”
- 8.4. 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.
- 8.5. Paragraph 59 of the NPPF seeks to significantly boost the supply of housing.
- 8.6. 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.
- 8.7. 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.”
- 8.8. 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.
- 8.9. 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”.*
- 8.10. 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.
- 8.11. 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.

B) RESIDENTIAL DEVELOPMENT IN THE COUNTRYSIDE

- 8.12. Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. Policies CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries. The application site lies within an area which is outside of the defined urban settlement boundary.
- 8.13. 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.'
- 8.14. 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).
- 8.15. The site is clearly outside of the defined urban settlement boundary and the proposal is therefore contrary to Policies CS2, CS6, and CS14 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan.

C) POLICY DSP40

- 8.16. Local Policy DSP40 states that:
- 8.17. "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.

8.18. Each of these five bullet points are considered further below.

POLICY DSP40 (i)

8.19. Members will note from the 5 Year Housing Land Supply Position that the present shortfall of dwellings needed to achieve a 5YHLS is in the region of 522, therefore bullet point i) of Policy DSP40 is satisfied.

POLICY DSP40 (ii)

8.20. The site is currently close to rather than immediately adjacent to the urban settlement boundary, however members attention is drawn to the introduction to this report which lists a number of applications which the planning committee has resolved to grant Planning Permission for. (P/16/1049/OA and P/17/0845/OA are located on land between the north of the site and the settlement policy boundary to the north. P/18/0884/FP and P/18/0107/OA are located on the land between the east of the site and the settlement policy boundary that lies to the east of the site, and P/17/0998/OA and P/17/0752/OA are located on land between the south of the site and the settlement policy boundary to the south.) The resolutions by the Committee to grant permission for residential development in between this site and the settlement policy boundaries to the north, east and south will ensure that the site is well integrated into the neighbouring

development. The site is also near to leisure and community facilities, schools and shops. It is also of relevance to note that the appeal was dismissed solely because of the impact on the effect on the integrity of the Solent sites, therefore confirming that the location for the proposed development is acceptable. and in accordance with point ii of Policy DSP40.

POLICY DSP40 (iii)

- 8.21. The site is within an area of countryside but is not designated as a strategic gap. Policy CS14 of the Core Strategy confirms that built development will be strictly controlled to protect it from development which would adversely affect its landscape character, appearance and function.
- 8.22. The area is identified within the Fareham Landscape Assessment 2017 (LLCA 2.2A) as relatively visually contained from views within the surrounding areas. This area is classed as being of a lower sensitivity mainly because the character and quality of the landscape has been adversely affected by urban influences. This area is therefore more tolerant of change and there is scope for development to bring about positive opportunities.
- 8.23. If the development were to go ahead, the main people who would be potentially affected by visual changes would be residents close to the site. It is therefore acknowledged that the development of this site would introduce a change in character and outlook particularly from nearby properties and the Greenaway Lane frontage of the site. This change would primarily have a localised visual impact and the visual impact from longer distance views would be limited.
- 8.24. The illustrative masterplan shows how the overall layout and form of the development might be laid out. Whilst acknowledging that this plan is for illustrative purposes only as the layout and design of the site would be the subject of a reserved matters application, Officers consider that this aspect will need to be the subject of careful consideration at the reserved matters stage to ensure that the proposal complies with adopted policy. The layout

would need to incorporate areas of accessible public open space, consideration of play provision and ecological mitigation and would need to accommodate a pedestrian and cycle link as well as the opportunity to have vehicular connectivity to land to the south. This is to ensure appropriate green infrastructure in compliance with Policy CS4 and comprehensive development in accordance with Policy DSP4.

- 8.25. Officers consider that subject to more detailed considerations at the reserved matters stage, the development of up to 100 dwellings could be acceptable on this site in accordance with point iii) of Policy DSP40.

POLICY DSP40 (iv)

- 8.26. In terms of delivery, the agent has advised that the site is capable of delivering 20 dwellings in 2022/23 and 40 dwellings in 2023/24 and 2024/25. The proposal would therefore be in accordance with point iv of policy DSP40.

POLICY DSP40 (v)

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

Ecology

- 8.28. An Ecological Appraisal and surveys in respect of reptiles, bats, badgers, wintering birds and dormouse have been submitted. The Ecology Officer and Natural England are satisfied with the proposal in terms of impact on protected species subject to the imposition of planning conditions and appropriate mitigation.
- 8.29. The development is likely to have a significant effect on the following designated sites in respect of recreational disturbance, air quality and water quality: Solent and Southampton Waters Special Protection Area and Ramsar Site, Portsmouth Harbour Special Protection Area and Ramsar Site, Solent and Dorset Coast Special Protection Area, Chichester

and Langstone Harbours Special Protection Area and Ramsar Site, Solent and Isle of Wight Lagoons Special Area of Conservation and the Solent Maritime Special Area of Conservation – collectively known as the European Protected Sites (EPS). Policy CS4 sets out the strategic approach to biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policy DSP13 confirms the requirement to ensure that designated sites, sites of nature conservation value, protected and priority species populations and associated habitats are protected and where appropriate enhanced.

- 8.30. The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 percent of the global population of Brent Geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within the Solent which are of both national and international importance.
- 8.31. 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).
- 8.32. Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' if it can be shown that the proposed development will either not have a likely significant effect on designated European sites or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated European sites. This is done following a process known as an Appropriate Assessment. The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority.
- 8.33. The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the EPS. The key

considerations for the assessment of the likely significant effects are set out below.

- 8.34. Firstly, in respect of Recreational Disturbance, the development is within 5.6km of the Solent SPAs and is therefore considered to contribute towards an impact on the integrity of the Solent SPAs as a result of increased recreational disturbance in combination with other development in the Solent area. The applicants have made the appropriate financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMP) and therefore, the Appropriate Assessment concludes that the proposals would not have an adverse effect on the integrity of the EPS as a result of recreational disturbance in combination with other plans or projects.
- 8.35. Secondly, in respect of Air Quality, Natural England has advised that the effects of emissions from increased traffic along roads within 200 metres of EPS has the potential to cause a likely significant effect. The applicant has submitted an Air Quality Ecological Impact Assessment (AQEIA) to support the application to address this matter.
- 8.36. The AQEIA concludes that the proposed development would not have a significant effect, in combination with other plans or projects, on the integrity of the EPS. The Council is therefore content that the development would be acceptable in this respect. Finally, in respect of the impact of the development on water quality as a result of surface water and foul water drainage, 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.
- 8.37. A nitrogen budget has been calculated in accordance with Natural England's *'Advice on Achieving Nutrient Neutrality for New Development in the Solent Region'* (June 2020) which confirms that the development will

generate 95.86/TN/year. Due to the uncertainty of the effect of the nitrogen from the development on the EPS, adopting a precautionary approach, and having regard to NE advice, the Council will need to be certain that the output will be effectively mitigated to ensure at least nitrogen neutrality before it can grant planning permission.

- 8.38. The applicant has entered into a contract (conditional on the grant of planning permission) to purchase 96kg of nitrate mitigation 'credits' from the Hampshire and Isle of Wight Wildlife Trust (HIWWT). Through the operation of a legal agreement between the HIWWT, Isle of Wight Council and Fareham Borough Council dated 30 September 2020, the purchase of the credits will result in a corresponding parcel of agricultural land at Little Duxmore Farm on the Isle of Wight being removed from intensive agricultural use, and therefore providing a corresponding reduction in nitrogen entering the Solent marine environment. A condition will be imposed to ensure that the development does not commence on site until confirmation of the purchase of the credits from the HIWWT has been received by the Council.
- 8.39. The Council has carried out an appropriate assessment and concluded that the proposed mitigation and condition will be adequate for the proposed development and ensure no adverse effect on the integrity of the EPS either alone or in combination with other plans or projects. The difference between the credits and the output will result in a small annual net reduction of nitrogen entering the Solent.
- 8.40. Natural England has been consulted on the Council's Appropriate Assessment and their formal comments are expected shortly. Members will be updated at the Committee Meeting in this regard.
- 8.41. It is therefore considered that the development accords with the Habitat Regulations and complies with Policies CS4 and DSP13 and DSP15 of the adopted Local Plan.

Agricultural land

8.42. Policy CS16 seeks to prevent the loss of the best and most versatile agricultural land. The NPPF does not place a bar on the development of the best and most versatile agricultural land. The site is classified as Grade 3b which is outside of the 'best and most versatile' agricultural land category. Notwithstanding the categorisation of the land, the site is small for an agricultural unit and given modern farming practices would not be practical for use on its own. There are resolutions to grant permission for the land adjacent to the site which further diminishes the contribution this site would make to the rural economy as required in the NPPF. Given the premium that land with permission for residential development attracts, increasing the size of the site is unlikely to be financially viable.

8.43. The site falls outside of the 'best and most versatile' agricultural land category and is too small for modern commercial agriculture therefore the development of the site is considered to be in accordance with Policy CS16.

8.44. **Amenity**

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

Highways

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

- 8.47. A number of representations have raised concern over the impact of the development on the safety of users of Greenaway Lane and at the Greenaway Lane/Brook Lane junction. Reference to the draft local plan has also been made which discusses the preferred approach to ensure that the inherent character of Greenaway Lane is retained. The draft Local Plan however carries limited weight at this time.
- 8.48. The Highway Authority is satisfied that a safe means of access can be provided and this is a significant material planning consideration. Officers have carefully considered whether the impact on Greenaway Lane in terms of physical alterations is such that it would make the development otherwise unacceptable. The proposed bell mouth junction is located approximately 60 metres east of Brook Lane. The physical alterations would include the access to facilitate the development, a pavement on the southern side of Greenaway Lane which would extend towards Brook Lane and pedestrian crossing points, and a minor realignment of the carriageway. There would also be signage and bollards which would relate to pedestrian and cycle connectivity. It should be noted that the detailed highway works would be the subject of a S278 agreement with the Highway Authority. Officers have concluded that the physical 'interventions' are not of a level that would adversely detract from the character of Greenaway Lane or justify refusal of outline planning permission. The Planning Inspector for the previous scheme on this site also noted that: *"...it would be possible to secure complementary development of the Greenaway Lane frontage within the scope of the reserved matters."* and that: *"...highways works and any additional traffic generated by the development, would affect only a very short section of the land which lacks the more rural character seen towards the east."*(Para 42 of the appeal decision).
- 8.49. It is acknowledged that an alternative access to the south of the site would be preferred which would limit the number of vehicles that would enter and exit the proposed Greenaway Lane access. However, this current application needs to be determined as submitted and the Planning

Inspector noted that: “...no necessity for an alternative access has been demonstrated on highway grounds.” (para 38).

- 8.50. Members are advised that whilst vehicular connectivity to the south and a downgrading of the Greenaway Lane access is desirable. the appeal decision is a material consideration and this current application needs to be determined as submitted with the access off Greenaway Lane. On the basis of the Highway Authority advice and noting the discussion above, Officers consider that the proposal does comply with point (v) of DSP40, policy CS5 of the Core Strategy and DSP4 of the Local Plan part 2.
- 8.51. Overall, through the imposition of planning conditions and the completion of a planning obligation pursuant to Section 106 of the Town and Country Act 1990, Officers recommend that the proposal would not have any unacceptable environmental, amenity or traffic implications in compliance with criteria (v) of DSP40.

D) Other matters

Affordable Housing

- 8.52. The proposal includes the provision of 40% affordable housing. Subject to securing an appropriate size, mix and tenure of affordable housing by legal agreement in line with identified local need, Officers consider this acceptable and in accordance with Policy CS18.

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

- 8.53. On site open space is proposed and is shown illustratively on the submitted plans. As part of the recommended Section 106 legal agreement, it is considered appropriate to secure a plan to accompany the agreement to ensure that a swathe of open space links through to land to the south. This is to secure green infrastructure and vehicular, pedestrian and cycle connectivity. Pedestrian connectivity to the east of the site will

also be secured to enable movement between this site and the site to the east (P/18/0107/OA.)

- 8.54. In respect of play provision and in accordance with the Council's adopted Planning Obligation SPD, the proposed number of units would require the provision of a Locally Equipped Area of Plan (LEAP). It is noted that resolutions to grant planning permission have already sought to secure play provision on land to the south of Greenaway Lane.
- 8.55. Due to the development proposals coming forwarding at different times, it will be necessary to secure play provision on this application site should it be the first of the cluster in this area to be delivered south of Greenaway Lane. In the circumstance that play provision is delivered earlier on other land to the south of Greenaway Lane, a financial contribution towards the provision and maintenance of this equipment should be secured.
- 8.56. The above can be secured via a Section 106 legal agreement.

Effect upon Local Infrastructure

- 8.57. The University Hospital Southampton NHS Foundation Trust wrote to the Council to make representations about the application. The Trust is commissioned to provide acute healthcare services to a number of Clinical Commissioning Groups (CCGs) including Fareham and Gosport CCG. The CCGs commission planned and emergency acute healthcare from the Trust.
- 8.58. A summary of the comments made by the Trust is included earlier in this report. The Trust request a financial contribution of £15,861 to provide services needed by the occupants of the new homes.
- 8.59. The tests for obligations are set out in paragraph 56 of the NPPF and reflect those in Regulation 122 of the Community Infrastructure Levy Regulations 2010. The tests for an obligation are whether they are:

1. necessary to make the development acceptable in planning terms;

2. *directly related to the development; and*
3. *fairly and reasonably related in scale and kind to the development.*

- 8.60. There is no specific policy in the adopted local plan that relates to hospital infrastructure or contributions towards hospital services. The comments from the Trust refer however to Policy CS20 of the adopted Core Strategy which seeks to ensure that developments will contribute towards or provide infrastructure or mitigate an impact of a development upon infrastructure. The representations are clear that they do not seek a contribution towards health infrastructure rather it is the impact upon the hospitals through the delivery of the health care service. Whilst the thrust of Policy CS20 seeks to secure contributions towards infrastructure, it could be argued that the broad nature of Policy CS20 could be material in assessing the Trust's request.
- 8.61. Furthermore, the NPPF, in Chapter 8 seeks to promote healthy and safe communities. The NPPF identifies that decisions should “...*enable and support healthy lifestyles, especially where this would address identified local health and well-being needs*” and “...*take into account and support the delivery of local strategies to improve health...of the community*” (paragraph 91-92).
- 8.62. The first point to note in relation to the Trust's comments is that the UK provides its citizens with healthcare on a national basis regardless of district or county boundaries. The funding is collected via central government taxation and distributed locally to provide healthcare. Whilst delivered locally the service is a National Health Service and as such the government has a system to ensure that each area of the country has enough funds to provide the service on the basis of the population it serves. Regardless of where someone lives, they are entitled to receive healthcare on a national basis.
- 8.63. The Trust's comments explain the way in which the hospitals are currently funded. The Trust indicate that the residents who will be living in the

development at the Magistrates Court site are likely to use the hospitals and increase pressure on the hospital services as a result. A formula is provided with an estimated number of the proposed population predicated as being likely to need to use the hospital services. From this estimated number of hospital visits, a cost is attributed and multiplied to provide the suggested contribution.

- 8.64. In considering the requests it is noted that the construction of houses does not itself lead to population growth. Officers consider that the need for housing is a consequence of population growth. Furthermore, there is no account in the representations, it seems, for the potential for the residents of the new development to be moving locally around the Borough or adjoining boroughs such that their residence locally is already accounted for by the current services and funding commissioned by the hospital. In addition, the cost attributed to the proposed patient trips to the hospital is not considered to be clearly calculated or justified.
- 8.65. The representations from the Trust state that “...*although the Trust has plans to cater for known population growth it cannot plan for unanticipated additional growth in the short to medium term*”.
- 8.66. The length of time between sites being identified, planning permission being granted, and the houses actually being constructed and subsequently occupied is many years. The amount of residential development coming forward in the Borough which has not been reasonably foreseeable for a period of years is therefore very limited.
- 8.67. In January 2019 the NHS launched its new 10-year plan. This plan sets out how the NHS thinks it can overcome the challenges that the NHS faces, such as staff shortages and growing demand for services. This is to be achieved essentially by doing things differently and at no point does it refer to the need for new developments to provide for healthcare services by means of financial contribution such as that requested by the Trust.

8.68. For the reasons set out above, Officers do not consider that the contribution sought by the Trust is necessary to make the development acceptable in planning terms and thus the tests for planning obligations as set out above are not considered to have been met. Furthermore, given the adopted policy framework it is considered that in the absence of the contribution, the application does not fail as a consequence as this issue alone would not justify a reason for refusal, which it must do in order to make the contribution necessary to make the development acceptable in planning terms and meet the tests for a planning obligation.

8.69. .

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

8.71. With regard to concern over drainage and flood risk, the Lead Flood Authority are content with the submitted information. The drainage design will be addressed further at the detailed design stage.

Publication Version of the emerging Fareham Local Plan

8.72. Members will be aware that the Publication Version of the Fareham Local Plan which addresses the Borough's development requirements up until 2036 is currently out for consultation until 18th December 2020. The site of this planning application is proposed to be allocated for housing within the draft local plan. A number of background documents and assessments support the proposed allocation of the site in terms of its deliverability and sustainability which are of relevance. However, at this stage in the plan preparation process, the draft plan carries limited weight in the assessment and determination of this planning application.

8.73. With regard to concern over the cumulative effect of development and whether it would be so significant that to grant planning permission would

undermine the plan-making process, a number of background documents and assessments support the proposed allocation of the site in terms of its deliverability and sustainability which are of relevance. For the reasons set out in this report, Officers consider that the proposal is acceptable and would not therefore have a significant impact.

Other third party concerns

- 8.74. With regard to concern over noise, air and light pollution, the proposed development would not result in levels of noise, air or light pollution above what would be normally associated with residential development and considered to be acceptable. The Environmental Health Officer has not raised any concerns in this regard.

E) THE PLANNING BALANCE

- 8.75. 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".

- 8.76. 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.
- 8.77. Officers have carefully assessed the proposals against Policy DSP40:
- 8.78. 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,

- 8.79. Officers have concluded that the proposal is: relative in scale to the demonstrated 5YHLS shortfall (DSP40(i)); would be sustainably located adjacent to and well related to the existing urban settlement boundaries and well-integrated with the neighbouring settlement (DSP40(ii)); would be sensitively designed to reflect the character of the neighbouring settlement and would minimise any adverse impact on the countryside and strategic gap (DSP 40(iii)) and it can be delivered in the short-term (DSP40(iv)).
- 8.80. The proposed development would not have any unacceptable traffic or amenity implications and therefore accords with two of the three components of DSP40 part v. Part v of DSP40 also requires development to not have any unacceptable environmental implications. Officers have undertaken an appropriate assessment which concludes that the proposed development would not have an adverse impact on the integrity of the European Protected Sites. The proposed development would result in the loss of some agricultural land, however the site is small and is not 'best and most versatile' therefore the environmental implications are limited.
- 8.81. 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 100 dwellings in the short term.
- 8.82. The contribution the proposed scheme would make towards boosting the Borough's housing supply is 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 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:
- 8.87. 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
- 8.88. ii) any adverse impacts of granting planning permission, (including the loss of grade 3b agricultural land) would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.
- 8.89. Officers therefore conclude that having applied the 'tilted balance', that planning permission should be granted for the proposals. Having carefully considered all material planning matters, Officers recommend that planning permission should be granted subject to the imposition of appropriate planning conditions and the prior completion of planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990.

9.0 Recommendation

Subject to:

- i) the receipt of comments from Natural England in response to consultation on the Council's Appropriate Assessment and delegate to the Head of Development Management to make any minor modifications to the proposed conditions or any subsequent minor changes arising after having had regard to those comments

And

- ii) the applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council in respect of the following:
 - a) To secure the provision and transfer of the areas of open space to Fareham Borough Council, including associated financial contributions for its future maintenance;
 - b) A financial contribution towards the delivery of a play area and associated maintenance;
 - c) To secure a financial contribution towards the Solent Recreation Mitigation Partnership (SRMP);
 - d) To secure 40% of the proposed units as on-site affordable housing; the type, size, mix and tenure to be agreed to the satisfaction of Officers;
 - e) To secure pedestrian and cycle connectivity access to adjoining land for members of the public through the site in perpetuity and a financial contribution towards the maintenance and associated lighting of the pedestrian and cycle link;
 - f) To secure a financial contribution towards education provision;
 - g) Financial contribution towards highway impacts at the following junctions' A27/Barnes Lane Barnes Lane/Brook Lane, A27/Station Road roundabout
 - h) Travel Plan and related monitoring cost and bond.
 - i) A sustainable travel contribution to be used towards offsite improvements

GRANT OUTLINE PLANNING PERMISSION:

9.1 Subject to the following conditions:

1. Details of the appearance, scale, layout and landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
REASON: To comply with the procedures set out Section 91 of the Town and Country Planning Act 1990.
2. Applications for approval of all reserved matters shall be made to the local planning authority not later than 12 months beginning with the date of this permission.
REASON: To comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.
3. The development hereby permitted shall be begun before the expiration of 12 months from the date of the approval of the last of the reserved matters.
REASON: To comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.
4. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents: Site Location Plan BARG170909 SLP-01; Access plans, ITB13162-GA-013 Rev B and ITB13162-GA-016.
REASON: To avoid any doubt over what has been permitted.
5. No development shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include construction traffic routes and their management and control, parking and turning provision to be made on site, measures to prevent mud being deposited on the highway and a programme for construction including the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the development. The approved measures shall be fully implemented upon the commencement of development and shall be retained for the duration of construction of the development unless otherwise agreed in writing with the Local Planning Authority.
REASON: In the interests of highway safety and the amenity of the area.

6. No development shall take place until the Council has received the Notice of Purchase in accordance with the legal agreement between Fareham Borough Council, the Isle of Wight Council and the Hampshire and Isle of Wight Wildlife Trust dated 30 September 2020 in respect of the Credits Linked Land identified in the Nitrates Mitigation Proposals Pack.
REASON: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on European protected sites.
7. No development shall take place until a detailed biodiversity enhancement strategy has been submitted to and approved in writing by the Local Planning Authority. Development shall subsequently be carried out in accordance with the approved details.
REASON: To ensure that habitat is enhanced as a result of the proposed development.
8. Other than initial site preparation, no development shall take place until details of the width, alignment, gradient and type of construction proposed for the roads, footways and accesses, to include all relevant horizontal and longitudinal cross sections showing the existing and proposed ground levels, together with details of street lighting (where appropriate), the method of disposing of surface water, and details of a programme for the making up of roads and footways have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
REASON: To ensure that the roads are constructed to a satisfactory standard.
9. (i) No development shall take place until the applicant has secured the implementation of a programme of archaeological evaluation and, where necessary, subsequent archaeological mitigation. The assessment shall take the form of trial trenches. The Written Schemes of Investigation shall be submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be undertaken in accordance with the approved details.

(ii) Following the completion of all fieldwork the post investigation assessment will be submitted to and approved in writing by the Local Planning Authority and the applicant shall make provision for analysis, publication and dissemination of results as well as the deposition of the archive with the relevant receiving body.
REASON: To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the

development upon these heritage assets and mitigate and record the effect of the associated works upon any heritage assets.

10. If, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered, all development in the affected area must stop unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence in the affected area before an investigation and risk assessment of the identified material/ground conditions has been undertaken and details of the findings along with a detailed remedial scheme, if required, has been submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall be fully implemented and shall be validated in writing by an independent competent person as agreed with the Local Planning Authority prior to the occupation of the dwellings.

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

11. No development shall take place until details of the internal finished floor levels of all of the proposed buildings in relation to the existing and finished ground levels on the site shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

12. No development shall take place on site until details of foul sewerage and surface water drainage works to serve the development hereby permitted including implementation phasing works have been submitted to and approved in writing by the local planning authority. Where possible a Sustainable Urban Drainage System (SUDS) shall be used and full details of predicted flows, responsibilities and future management provided. The dwellings shall be occupied in accordance with the submitted drainage scheme.

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

13. No development shall take place on site until a scheme of lighting designed to minimise impacts on wildlife and habitats has been submitted to and approved in writing by the local planning authority. Construction stage elements of the approved lighting scheme shall be implemented as agreed during the construction period. Prior to the first occupation of the development hereby permitted the

operational stage elements of the approved lighting scheme shall be implemented in accordance with the approved details and those elements shall be permanently retained at all times thereafter unless otherwise agreed in writing by the local planning authority.

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

14. No development shall take place beyond damp-proof course level until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials, type of boundary treatment and timetable for the provision of said boundary treatments to be erected. The boundary treatment for a specific dwelling shall be completed before the occupation of the dwelling to which the boundary treatment is provided with other communal boundaries provided in accordance with the timetable agreed in writing with the local planning authority and shall thereafter be retained at all times.

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

15. No part of the development shall be occupied/brought into use until the access junctions and visibility splays have been constructed in accordance with the approved details. ITB13162-GA-013 Rev B and ITB13162-GA-016. The visibility splays shall thereafter be kept free of obstruction at all times.

REASON: In the interests of highway safety.

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

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

17. The landscaping scheme, submitted under Condition 1 shall be implemented in accordance with a scheme to be submitted (including a delivery timetable) or as otherwise agreed in writing with the local planning authority and shall be maintained 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.

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

19. Full details of all necessary ecological mitigation and compensation measures (to be informed as necessary by up-to-date survey and assessment) shall be submitted for approval to the Local Planning Authority in the form of a Biodiversity Mitigation Strategy with each reserved matters application. Such details shall be in accordance with the outline ecological mitigation and compensation measures detailed within the submitted Ecological Appraisal Report (updated in September 2020) by Lindsay Carrington Ecological Services Ltd. Any such approved measures shall thereafter be implemented in strict accordance with the agreed details and with all measures maintained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. REASON: to provide ecological protection and compensation in accordance with Wildlife & Countryside Act 1981.

20. The development shall be undertaken in accordance with the recommendations contained within the submitted Arboricultural Assessment and Method Statement report, Barrell Tree Consultancy, 29 March 2018, 17387-AA2-PB, accompanying Tree Protection Plan (17387-BT3) and Manual for Managing Trees on Development Sites information. The tree/hedgerow protection shall be retained through the development period until such time as all

equipment, machinery and surplus materials have been removed from the site.

REASON: To ensure protection of important trees and hedgerows.

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

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

INFORMATIVES:

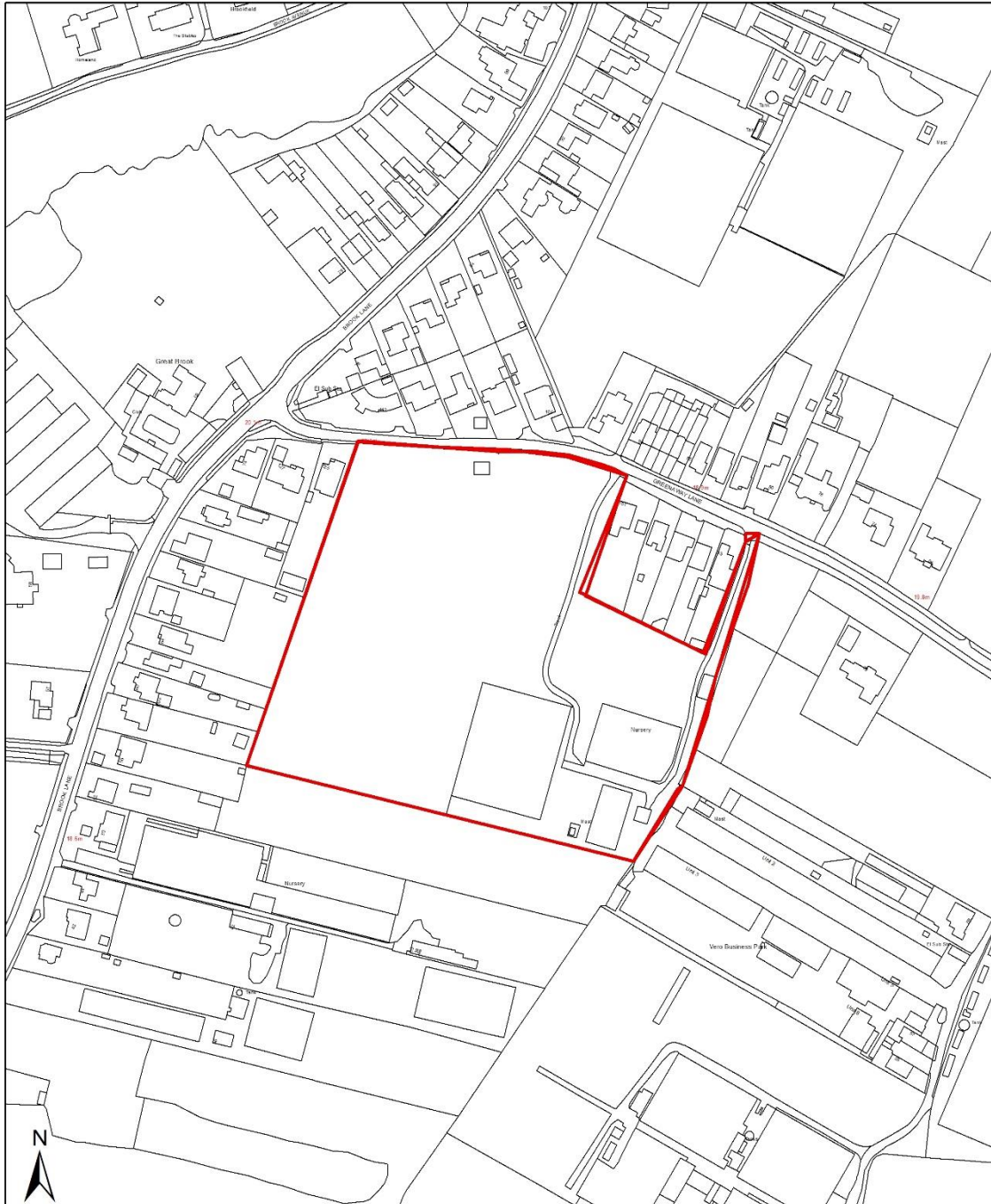
- a) A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".
- b) Applicants should be aware that, prior to the commencement of development, contact must be made with Hampshire County Council, the Highway Authority. Approval of this planning application does not give approval for the construction of a vehicular access, which can only be given by the Highway Authority. Further details regarding the application process can be read online via <http://www3.hants.gov.uk/roads/apply-droppedkerb.htm> Contact can be made either via the website or telephone 0300 555 1388.(II)

10.0 Background Papers

P/19/0402/OA

FAREHAM

BOROUGH COUNCIL



Land Adjacent to 125 Greenaway Lane

Scale 1:2,500

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OFFICER REPORT FOR COMMITTEE

DATE: 16 December 2020

**P/19/0121/FP
TAKAMAKA LTD**

WARSASH

ERECTION OF ONE 3-BED DETACHED DWELLING ON FRONTAGE (PLOT 1)
AND ONE 5-BED DETACHED DWELLING (PLOT 3) & CAR PORT TO REAR

9-11 FLEET END ROAD, WARSASH

Report By

Susannah Emery – direct dial 01329 824526

1.0 Introduction

- 1.1 The application is reported to the Planning Committee as five third party letters of representations have been received.
- 1.2 This application was originally submitted in February 2019 seeking planning permission for demolition of the existing bungalow at No.9 Fleet End Road and erection of three dwellings; one on the frontage (Plot 1) and two to the rear of the site (Plots 2 & 3). Due to the difficulties in securing nitrates mitigation at that time a further application was submitted in June 2019 for demolition of the existing dwelling and erection of a replacement dwelling on Plot 2. The replacement dwelling did not result in additional residential development and therefore did not require nitrates mitigation. That application was permitted in July 2019 (an alternative scheme also being permitted in July 2020) and the current application now before Members for consideration was amended to exclude Plot 2.

2.0 Site Description

- 2.1 The application site lies within the urban area. The site incorporates the former residential curtilage of No.9 Fleet End Road, which was previously occupied by a detached bungalow, and also the end of the rear garden of No.11 Fleet End Road. The existing bungalow has been demolished and the construction of a detached replacement 5-bed dwelling to the rear of the built-up frontage (Plot 2) is now underway.
- 2.2 The two frontage properties (No. 9 & 11) originally had very long sloping rear gardens measuring in excess of 50m and 65m respectively. At the eastern boundary of the site is a stream and beyond that an area of woodland. The residential cul-de-sac of Shorewood Close extends to the south of the site.

3.0 Description of Proposal

- 3.1 Planning permission is sought for the erection of a detached 3-bed two storey dwelling on the site frontage (Plot 1) in the position where the bungalow originally stood and an additional 5-bed dwelling (Plot 3) to sit alongside the dwelling under construction at the rear of the site (Plot 2).
- 3.2 Plot 1 would be provided with two car parking spaces on the site frontage. Plot 3 would have a double car port with an additional car parking space and turning area.
- 3.3 A buffer planting zone is proposed at the end of the rear gardens to Plots 2 & 3 abutting the stream and adjacent woodland.
- 3.4 Cycle storage sheds are proposed for each dwelling and a bin collection point would be provided adjacent to Fleet End Road

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

- CS2: Housing Provision
- CS4 Green Infrastructure, Biodiversity and Geological Conservation
- CS5: Transport Strategy and Infrastructure
- CS6: The Development Strategy
- CS9: Development in the Western Wards & Whiteley
- CS15: Sustainable Development & Climate Change
- CS17: High Quality Design
- CS20: Infrastructure & Development Contributions

Adopted Development Sites and Policies

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

Other Documents:

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

5.0 Relevant Planning History

The following planning history is relevant:

- 5.1 P/20/0426/FP - Demolition of Existing Bungalow and Erection of One 5-Bed Detached Dwelling with Detached Car Port & Garage on Plot 2 (Alternative to P/19/0615/FP to Include Enlargement of Plot, Basement Accommodation and Garden Terrace)
Permission 13 July 2020
- 5.2 P/19/0615/FP - Demolition of Existing Bungalow and Erection of One 5-Bed Detached Dwelling to Rear & Carport (Plot 2)
Permission 26 July 2019

6.0 Representations

6.1 Five representations have been received raising the following concerns;

- Overdevelopment
- Increased traffic on congested road particularly at peak school drop off and collection times
- Loss of privacy to rear garden and rear facing windows
- High hedge on southern boundary removed prior to submission of planning application which would have secured privacy and should be reinstated
- The proposal could displace roadside parking to west side of Fleet End Road which would obstruct access and visibility to properties opposite
- Double yellow lines should be provided on west side of Fleet End Road
- Construction hours should be restricted by planning condition
- Fleet End Road is heavily used by school traffic both vehicular and on foot. The development should avoid significant disruption during the morning and afternoon periods
- Impact on wildlife
- Phase 1 ecological survey not completed until after clearance
- Clearance not undertaken at appropriate time of year and not handled sensitively
- The woodland area must not be used to dump waste materials and steps should be taken to prevent any contamination or blockage of the stream
- Potential for dwellings to be further extended in future
- Increased pressure on local education and health services

7.0 Consultations

EXTERNAL

Natural England

- 7.1 The Council's Habitats Regulation Assessment outlines the development will result in a nutrient budget of approximately 1.4 kg TN/yr. We are satisfied the calculation has been carried out in accordance with the latest Natural England Solent nutrient advice.
- 7.2 The Appropriate Assessment outlines that the applicant will mitigate the development's nutrient budget by engaging with the approved Hampshire and Isle of Wight Wildlife Trust's nutrient offsetting scheme. Where the applicant has provided written confirmation that they will make an agreed and appropriate financial contribution towards the scheme to address the development's budget, and Fareham Borough Council, as competent authority, is satisfied that the approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured and delivered in perpetuity, then Natural England would raise no further concerns on this aspect of the proposals.
- 7.3 With regards to water use at the development, it is advised the rate of 110l/person/day is appropriately secured by condition with any planning consent.
- 7.4 This application is within 5.6km of Solent and Southampton Water SPA and will lead to a net increase in residential accommodation. Natural England is aware that Fareham Borough Council have adopted planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP). Provided that the applicant complies with the policy and the Bird Aware Definitive Strategy, Natural England is satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and would have no objection to this aspect of the application.
- 7.5 **Hampshire County Council (Highways)**
No objection subject to conditions and to the frontage hedge being trimmed back and/or lowered to 0.6m to secure 2.4m by 43m visibility splays.

INTERNAL

Ecology

- 7.6 It is regrettable that some of the habitats within the rear gardens (areas of scrub, trees and potentially overgrown grassland) have already been cleared, which are likely to have provided a suitable habitat for reptiles and amphibians. It is hoped that the clearance was carried out in accordance with the relevant wildlife legislation.
- 7.7 The Phase 1 Ecological Survey (Nicholas Ellis Jan 2019) states that the existing bungalow is of negligible potential to roosting bats and the gardens

are of low ecological value, either due to their management regime or previous clearance of the habitats. A stream forms the eastern boundary of the site, beyond which is a woodland connected to Locks Heath Areas 3 & 4 Site of Importance for Nature Conservation (SINC) located 40m to the south-east of the site. The report makes a sensible recommendation in relation to a planted buffer between the stream/woodland and the development site which I fully support.

- 7.8 No objection subject to conditions to secure a Construction Environmental Management Plan (CEMP) and biodiversity enhancements including details of the planting for the buffer.

Trees

- 7.9 No objection subject to submission of a tree protection plan

8.0 *Planning Considerations*

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

- a) Principle of Development
- b) Impact on Character & Appearance of the Area
- c) Impact on Amenity of Neighbouring Properties
- d) Highways
- e) Trees & Ecology
- f) Impact on European Protected Sites

a) Principle of Development

- 8.2 Policies CS2 (Housing Provision) and CS6 (The Development Strategy) of the adopted Fareham Borough Core Strategy place priority on reusing previously developed land within the defined urban settlement boundaries to provide housing. The National Planning Policy Framework (NPPF) excludes private residential gardens from being defined as previously developed land but sets out there should be a strong presumption in favour of sustainable development. It is recognised that garden sites can assist in meeting housing needs provided that the proposed development is acceptable in all other respects. The site is located within the defined settlement boundary such that the principle of re-development of the land is acceptable subject to all other material considerations.

b) Impact on Character & Appearance of the Area

- 8.3 It is not considered that the proposal would have a detrimental impact on the character and appearance of the area. The proposed dwelling on Plot 1 would be two storey as opposed to a bungalow but this is considered to be more in keeping with the streetscene as the adjacent properties are both two storey. In Officers' opinion the proposed streetscene plan demonstrates that there would be no adverse impact on the appearance of Fleet End Road.
- 8.4 The site slopes down from Fleet End Road to the end of the rear gardens at the eastern boundary. This slope would reduce the height and prominence of Plot 2, which is under construction, and Plot 3 which would be positioned alongside. Development to the rear of the Fleet End Road frontage is not uncharacteristic of the area. The properties on Shorewood Close extend to the rear of Nos.15-19 Fleet End Road and abut the southern application site boundary. Therefore, whilst views of Plots 2 & 3 would be possible between the frontage properties on Fleet End Road this is considered to be no different to the existing views of properties on Shorewood Close.
- 8.5 There are a variety of different plot sizes within the surrounding area. The original plots of Nos 9 and 11 Fleet End Road were two of the largest plots with the only similar sized plot remaining being No.7 to the north. Where Shorewood Close has been constructed to the rear of Nos 15-19 Fleet End Road these garden lengths are greatly reduced and the plot sizes of the properties on Shorewood Close are typical of a modern residential estate. Plot 1 would have a rear garden measuring 12.5m in length which exceeds the required minimum length of 11m. Plots 2 & 3 are more irregular in shape due to the angle of the rear boundary but they would be larger than the plots of the adjacent properties to the south Nos 10,11 & 12 Shorewood Close and are considered to be of acceptable size measuring on average 15m in length.

c) Impact on Amenity of Neighbouring Properties

- 8.6 It is not considered that the proposal would have a detrimental impact on the living conditions of the occupants of the neighbouring residential properties in terms of loss of light, outlook or privacy.
- 8.7 The footprint of Plot 1 would be slightly forward of the existing bungalow and the proposed two storey dwelling would obviously be higher than the existing bungalow. However, the siting of Plot 1 would not impinge on any habitable room windows within the side elevations of Nos.7 and 11 Fleet End Road. It has been demonstrated that the two storey bulk of the dwelling would not breach a 45 degree line drawn from the closest first floor rear facing windows within No.7 Fleet End Road and there is a greater level of separation with No.11 so the extension beyond both neighbouring properties at the rear is considered to be acceptable.

- 8.8 Concerns have been raised that Plot 3 would result in unacceptable overlooking of adjacent properties. It is understood that there was previously a high hedge on the southern boundary of the site extending along the boundary with properties on Shorewood Close. The hedge was removed prior to the submission of the planning application. The proposed dwelling would have only oblique views towards the rear gardens of Nos 6, 10, 11 and 12 Shorewood Close and No. 7 Fleet End Road and would not result in direct overlooking. All first floor side windows would be conditioned to be obscure glazed and fixed shut to 1.7m above internal finished floor level. The Fareham Council Design SPD requires that first floor windows should be at least 11 metres from boundaries they look towards and this is achieved at the front of the properties with no development directly to the rear to overlook.
- 8.9 Details of boundary treatment have been submitted and these do not include for the replanting of the hedgerow on the southern boundary. It is proposed to retain the existing 1.8m high boundary fence which is considered acceptable in terms of protecting mutual privacy.

d) Highways

- 8.10 The existing site access would be widened to enable two way traffic to pass at the entrance to the site to prevent the need for a vehicle to wait on Fleet End Road if another vehicle is emerging. The car parking provision would accord with the standards set out within the Council's Residential Car & Cycle Parking SPD. There is also ample space available for on-site turning. The site layout demonstrates that adequate visibility splays could be provided at the entrance to the site.
- 8.11 A request has been made for double yellow lines on the west side of Fleet End Road as there are concerns that the proposal would displace on-street parking to the opposite side of the road which would restrict access/egress to these properties and obstruct visibility. Roadside parking is typical along this stretch of Fleet End Road and there is additional pressure at school drop off and collection times due to the proximity to Locks Heath Schools. Vehicles are typically parked on the eastern side of the road except at quieter times when larger gaps develop on the eastern side and it may become possible to park a vehicle on the western side. Officers do not agree that the proposal would significantly alter existing circumstances or be likely to displace vehicles to the opposite side of the road. Only a minimal amount of on-street parking would be lost as a result of the widening of an existing drive. It is not considered that the proposal would justify seeking a contribution towards a traffic regulation order and subject to securing the visibility splay there are no concerns regarding highway safety

e) Trees & Ecology

- 8.12 There are no significant trees on the site however there is an area of woodland adjacent to the eastern boundary which extends into a SINC to the south-east. The relationship of Plots 2 & 3 to this woodland is considered to be acceptable given the length of the rear gardens. Details of tree protection fencing to form an exclusion zone at the end of the rear gardens to protect the woodland and stream environment during construction are included on the site plan.
- 8.13 It is acknowledged that the site was largely cleared prior to the Phase 1 ecology survey being carried out which may have removed suitable habitats for protected species. The site should have been cleared in accordance with the relevant wildlife legislation and there is no evidence to suggest otherwise. The submitted Phase 1 survey concludes that the site has negligible value for nature conservation and it is therefore considered that the proposal would be unlikely to have a significant negative impact on protected species subject to the provision of a Construction Environmental Management Plan (CEMP) and suitable biodiversity enhancements which would be secured by planning condition.

f) Impact on European Protected Sites

- 8.14 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.
- 8.15 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.
- 8.16 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).

- 8.17 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' if it can be shown that the proposed development will either not have a likely significant effect on designated European sites or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated European sites. This is done following a process known as an Appropriate Assessment. The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority.
- 8.18 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the EPS. The key considerations for the assessment of the likely significant effects are set out below.
- 8.19 Firstly, in respect of Recreational Disturbance, the development is within 5.6km of the Solent SPAs and is therefore considered to contribute towards an impact on the integrity of the Solent SPAs as a result of increased recreational disturbance in combination with other development in the Solent area. The applicants have made the appropriate financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMP) and therefore, the Appropriate Assessment concludes that the proposals would not have an adverse effect on the integrity of the EPS as a result of recreational disturbance in combination with other plans or projects.
- 8.20 Secondly in respect of the impact of the development on water quality as a result of surface water and foul water drainage, 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.
- 8.21 A nitrogen budget has been calculated in accordance with Natural England's '*Advice on Achieving Nutrient Neutrality for New Development in the Solent Region*' (June 2020) which confirms that the development will generate 1.4 kg/TN/year. Due to the uncertainty of the effect of the nitrogen from the development on the EPS, adopting a precautionary approach, and having regard to NE advice, the Council will need to be certain that the output will be effectively mitigated to ensure at least nitrogen neutrality before it can grant planning permission.
- 8.22 The applicant has entered into a contract to purchase 1.5 kg of nitrate mitigation 'credits' from the Hampshire and Isle of Wight Wildlife Trust

(HIWWT). Through the operation of a legal agreement between the HIWWT, Isle of Wight Council and Fareham Borough Council dated 30 September 2020, the purchase of the credits will result in a corresponding parcel of agricultural land at Little Duxmore Farm on the Isle of Wight being removed from intensive agricultural use, and therefore providing a corresponding reduction in nitrogen entering the Solent marine environment. A condition will be imposed to ensure that the development does not commence on site until confirmation of the purchase of the credits from the HIWWT has been received by the Council.

- 8.23 Due to the potential presence of a hydrological link between the application site and the designated sites (stream on eastern boundary), it is considered that the proposal would be likely to result in an increased risk of pollution incidents from runoff water during the construction phase, if unmitigated. As such, a Construction Environmental Management Plan (CEMP) has been provided which will ensure that the development is appropriately managed and adequate measures are in place to prevent any pollution incidents. Therefore, it is concluded that the provision and implementation of an appropriate CEMP, will avoid any adverse effects on the integrity of EPS. A planning condition would be imposed to ensure development proceeds in accordance with the approved CEMP.
- 8.24 The Council's Appropriate Assessment concludes that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the EPS either alone or in combination with other plans or projects. The difference between the credits and the output will result in a small annual net reduction of nitrogen entering the Solent. Natural England has been consulted on the Council's Appropriate Assessment and agrees with its findings. It is therefore considered that the development accords with the Habitat Regulations and complies with Policies CS4 and DSP13 and DSP15 of the adopted Local Plan.

Summary

- 8.25 It is considered that the proposal complies with the relevant local plan policies and would not have a detrimental impact on the character or appearance of the area, the living conditions of the occupants of adjacent residential properties, highway safety, ecology, trees or result in an adverse effect on the integrity of European Protected Sites. The proposal is considered acceptable.

9.0 Recommendation

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

1. The development shall begin within 3 years from the date of this decision notice.

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

2. The development shall be carried out in accordance with the following approved documents:

- a) Location Plan drwg No. 611/04
- b) Location Plan (1:1000), Site Plan and Site Cross Section – drwg No. DNC/611/01 Rev A
- c) Plot 2 & 3 Floor Plans & Elevations & Car Ports – drwg No. DNC/611/02
- d) Plot 1 Floor Plans & Elevations, Site Side Elevations and Streetscenes – drwg No. DNC/611/03
- e) Schedule of External Materials and Finishes
- f) Boundary Treatment Plan – drwg No. BT/9-11
- g) Construction Environmental Management Plan (Takamaka Ltd May 2019) & Consturction Management Layout Phasing Plans
- h) Biodiversity Enhancements and Planting Scheme (March 2019)
- i) External Landscaping & Planting Plan LP9/11

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

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

REASON: To secure the satisfactory appearance of the development.

4. The approved scheme of boundary treatment (as set out within the materials schedule & drwg No. BT/9-11) shall be completed before the dwellings are first occupied or in accordance with a timetable agreed in writing with the local planning authority and shall thereafter be retained at all times unless otherwise agreed in writing with the local planning authority.

REASON: In the interests of residential amenity; in the interests of the visual amenity of the area.

5. The approved landscaping scheme 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.

6. The first floor windows proposed to be inserted into the side elevations of the dwellings hereby permitted shall be glazed with obscure glass and be of a non opening design and construction to a height of 1.7 metres above internal finished floor and shall thereafter be retained in that condition at all times.

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

7. The rooflight windows proposed to be inserted within the roofslopes of Plot 3 hereby approved shall be constructed so as to have a cill height of not less than 1.7 metres above internal finished floor level. The windows shall thereafter be retained in this condition at all times.

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

8. 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.

9. None of the development hereby approved shall be occupied until the bin collection point has been provided in accordance with the approved plan (drwg No. DNC/611/01 Rev A). This area shall be subsequently retained for bin collection at all times.

REASON: To ensure that the character and appearance of the development and the locality are not harmed.

10. No dwelling hereby permitted shall be first occupied until the 2.4m by 43m visibility splays have been provided at the site access junction with Fleet End Road in accordance with the approved details. The visibility splays shall thereafter be kept clear of obstruction (nothing over 0.6m in height) at all times.

REASON: In the interests of highway safety.

11. The car port hereby approved (Plot 3) shall be constructed in accordance with the approved plan. Thereafter, the car port shall be retained, without doors, at all times so that it is available for its designated purpose.

REASON: To ensure adequate car parking provision; in accordance with Policy CS17 of the Fareham Borough Core Strategy.

12. The development shall be carried out in accordance with the Section 6.0 Recommendations set out in the Phase 1 Ecological Appraisal Report (Nicholas Ellis, Jan 2019) unless otherwise agreed in writing with the Local Planning Authority.
REASON: To protect reptiles and bird and enhance biodiversity in accordance with Policy DSP13 of the Fareham Local Plan Part 2: Development Sites and Policies.
13. Development shall proceed in accordance with the approved Construction Environmental Management Plan (CEMP) unless otherwise agreed in writing with the Local Planning Authority.
REASON: To protect notable habitats in accordance with Policy DSP13 of the Fareham Borough Local Plan Part 2: Development Sites & Polices.
14. The development shall be carried out in accordance with the approved biodiversity enhancements and planting scheme unless otherwise agreed in writing with the local planning authority.
REASON: To enhance biodiversity in accordance with the Natural Environment and Rural Communities Act 2006 and the National Planning Policy Framework.
15. The dwelling hereby permitted shall not 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
16. No development shall take place until the Council has received the Notice of Purchase in accordance with the legal agreement between FBC, IWC and HIWWT dated 30 September 2020 in respect of the Credits Linked Land identified in the Nitrates Mitigation Proposals Pack.
REASON: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on European protected sites.
17. No work relating to 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.

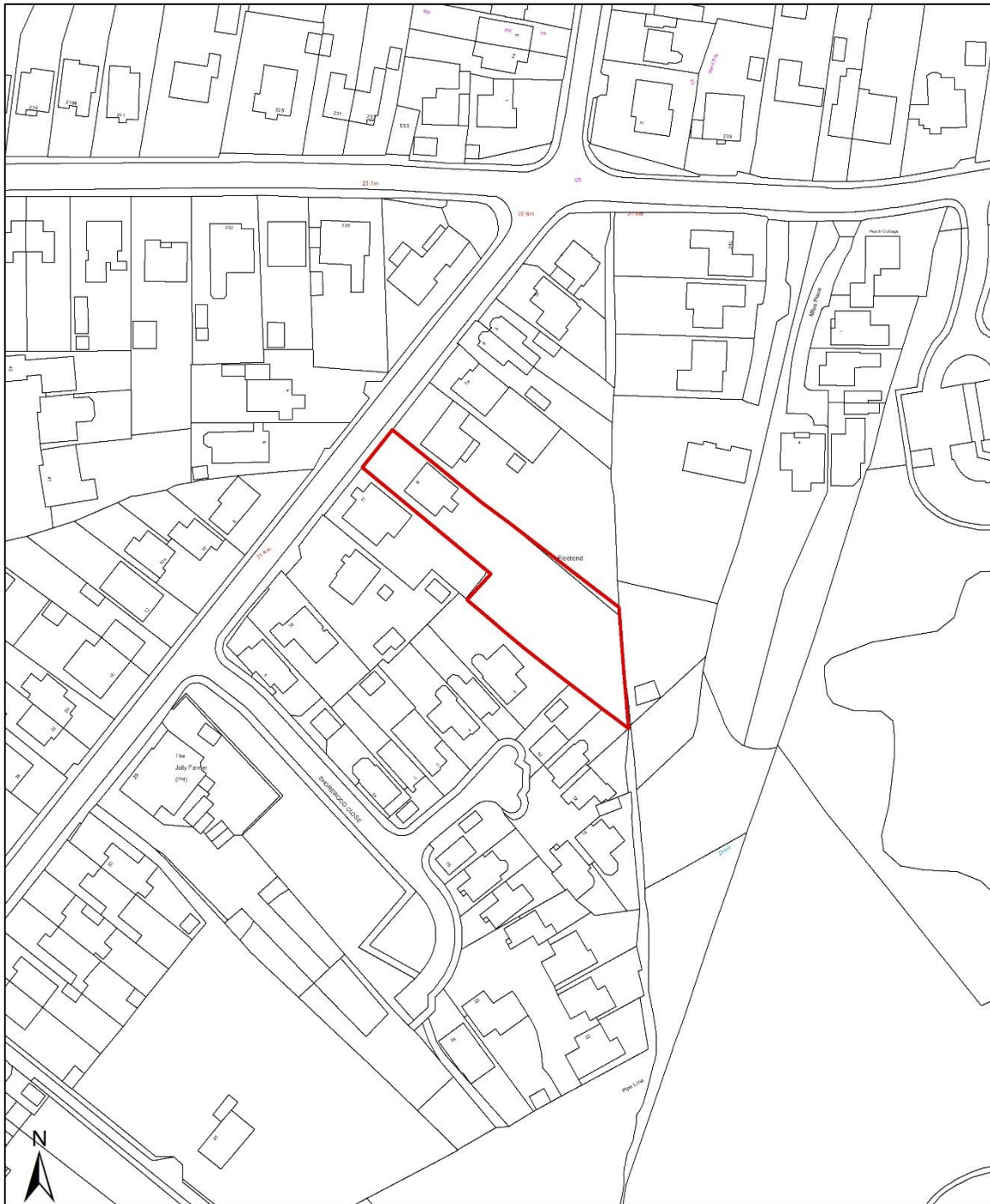
REASON: To protect the amenities of the occupiers of nearby residential properties; in accordance Policy DSP3 of the Development Sites and Policies Plan.

11.0 Background Papers

P/19/0121/FP

FAREHAM

BOROUGH COUNCIL



9-11 Fleet End Road
Scale 1:1,250

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Agenda Annex

<p>ZONE 2 – FAREHAM</p> <p>Fareham North-West</p> <p>Fareham West</p> <p>Fareham North</p> <p>Fareham East</p> <p>Fareham South</p>

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/18/0363/OA FAREHAM NORTH-WEST	84 FAREHAM PARK ROAD FAREHAM PO15 6LW RESIDENTIAL DEVELOPMENT OF UP TO 28 UNITS INCLUDING THE PROVISION OF 8 AFFORDABLE HOMES, ALONG WITH PARKING, LANDSCAPING AND ACCESS ROAD.	3 OUTLINE PERMISSION
P/18/1261/OA FAREHAM EAST	FORMER MAGISTRATES COURT TRINITY STREET FAREHAM DEMOLITION OF THE FAREHAM MAGISTRATES COURT AND REDEVELOPMENT OF THE SITE WHICH COMPRISES OF UP TO 45 APARTMENTS, SITE ACCESS, LANDSCAPING AND OTHER ANCILLARY INFRASTRUCTURE WORKS.	4 OUTLINE PERMISSION
P/19/0697/VC FAREHAM NORTH	90 GUDGE HEATH LANE FAREHAM PO15 5AY VARIATION OF CONDITION 2 OF P/18/0511/FP; ERECTION OF TWO ADDITIONAL DETACHED 2-BED BUNGALOWS; RAISED FLOOR LEVEL TO REAR OF PLOT 5 AND ADDITION OF WINDOW TO REAR ELEVATION, REDUCED DOOR OPENING ON TO ACCESS STEPS WITH	5 PERMISSION

PRIVACY SCREEN, ALTERATIONS TO
FENESTRATION IN EAST ELEVATION AND
INCREASE HEIGHT OF BOUNDARY FENCE

Agenda Item 6(3)

OFFICER REPORT FOR COMMITTEE

DATE: 16/12/2020

P/18/0363/OA
T WARE DEVELOPMENTS LIMITED

FAREHAM NORTH-WEST
AGENT: ADVOCO PLANNING
LIMITED

RESIDENTIAL DEVELOPMENT OF UP TO 28 UNITS INCLUDING THE PROVISION OF 8 AFFORDABLE HOMES, ALONG WITH PARKING, LANDSCAPING AND ACCESS ROAD

84 FAREHAM PARK ROAD, FAREHAM

Report By

Richard Wright – direct dial 01329 824758

1.0 Introduction

- 1.1 This application has been presented to the Planning Committee due to the number of third party representations received.
- 1.2 Members will note from the 'Five Year Housing Land Supply Position' report presented to the Planning Committee on 24th June 2020 this year that 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 comprises a parcel of land approximately 1.45 hectares in size. The northern part of the site is currently used lawfully as part of a caravan storage facility whilst the larger southern part of the site is an open field.
- 2.2 The application site is located immediately adjacent to a recent residential development of seven houses known as Hope Lodge Close. Hope Lodge Close was an allocated housing site in the adopted Fareham Borough Local Plan Part 2: Development Site and Policies. The current application site includes land to the west and south-west of Hope Lodge Close and shares the same access through the site back to Fareham Park Road. The access road crosses a public right of way (Bridleway 82) near its junction with Fareham Park Road which then runs adjacent to the site's south-eastern boundary.
- 2.3 The site is bound on its south-eastern side by a line of mature trees and hedgerow (the other side of which runs the bridleway). Around the site's western edge is land shown edged blue on the submitted site location plan to denote land within the ownership or control of the applicant. This land

features mainly boundary trees and vegetation and also part of the existing caravan storage use. On part of this blue edged land and other land further westwards is an area of ancient woodland designated as a Site of Importance for Nature Conservation (SINC) known as Iron Mill Coppice. To the north of the site lie stable buildings with the M27 motorway a short distance further to the north.

- 2.4 The site is located entirely outside of the designated urban settlement boundaries and so for planning purposes is considered to be countryside. The edge of the urban area lies to the immediate south-east of the site across the bridleway and also eastwards at the perimeter of the curtilage of 86 Fareham Park Road. The development of seven houses already underway is carried out on land which is defined as being within the urban area and which lies immediately adjacent to the application site. The site also lies within a designated Strategic Gap (The Meon Gap).

3.0 Description of Proposal

- 3.1 Outline planning permission is sought for a residential development of up to 28 units along with parking, landscaping and access roads. All matters except for the means of access are reserved.
- 3.2 The applicant has proposed that 8 of the 28 proposed units will be affordable homes. Of those affordable units six would be social rented and the other two intermediate units.
- 3.3 Access into the site would be provided through Hope Lodge Close (a private road which does not form part of the adopted highway). From Hope Lodge Close access is proposed at two points between 3 & 5 Hope Lodge Close and through the end of the close adjacent to 8 Hope Lodge Close.

4.0 Policies

- 4.1 The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS2 - Housing Provision

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS14 - Development Outside Settlements

CS15 - Sustainable Development and Climate Change

CS16 - Natural Resources and Renewable Energy

CS17 - High Quality Design

CS18 - Provision of Affordable Housing

CS20 - Infrastructure and Development Contributions

CS22 – Development in Strategic Gaps

Adopted Development Sites and Policies

DSP1 - Sustainable Development

DSP2 - Environmental Impact

DSP3 - Impact on living conditions

DSP6 - New residential 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 The following planning history is relevant:

P/02/0213/LU	USE OF LAND FOR THE OPEN STORAGE OF TOURING CARAVANS
CERTIFICATE GRANTED	30/05/2002
P/13/0059/OA	PROPOSED REDEVELOPMENT BY THE ERECTION OF SEVEN 4-BEDROOMED DETACHED HOUSES (OUTLINE APPLICATION)
PERMISSION	28/10/2014
P/13/0137/OA	PROPOSED REDEVELOPMENT BY THE ERECTION OF FOURTEEN TWO-BEDROOMED BUNGALOWS FOR OCCUPATION BY ELDERLY PERSONS (OUTLINE)
REFUSED APPEAL DISMISSED	19/07/2013 07/02/2014
P/16/1178/FP	RESIDENTIAL DEVELOPMENT TO PROVIDE 7 X 4 BED DETACHED HOUSES, GARAGES, LANDSCAPING AND NEW ACCESS INCLUDING DEMOLITION OF HOPE LODGE

PERMISSION	22/05/2017
P/16/1424/OA	TEN DWELLINGS (USE CLASS C3) AND ASSOCIATED ROADS, PARKING, LANDSCAPING AREAS AND PUMPING STATION (OUTLINE APPLICATION)
REFUSE	24/05/2017
P/17/1385/FP	RESIDENTIAL DEVELOPMENT TO PROVIDE 7 X 4 BED DETACHED HOUSES, GARAGES, LANDSCAPING AND NEW ACCESS INCLUDING DEMOLITION OF HOPE LODGE (ALTERNATIVE TO PREVIOUS PERMISSION GRANTED UNDER REFERENCE P/16/1178/FP)
PERMISSION	07/02/2018

6.0 Representations

6.1 There have been 31 representations received (48 if including multiple responses from the same persons). Of the 31 representations, there have been 23 letters objecting to the proposal and 8 letters of support.

6.2 Objections

General

- Why is there a need for more homes?
- The site is outside of the urban area / within the countryside
- Harm to integrity of strategic gap
- Site is not allocated for development
- Residents of Hope Lodge Close not informed of planning application

Highways

- Roads cannot cope with increased traffic
- Fareham Park Road is too narrow
- Damage to Fareham Park Road
- Harmful to users of the bridleway
- Harmful to safety of residents of Hope Lodge Close
- Impact on parking provision nearby

Environmental

- Noise and disturbance during construction
- Harm to ancient woodland
- Impact on wildlife
- Motorway noise

- Light pollution
- Loss of privacy

Impact on local services

- Additional strain on doctors' surgeries

6.3 Support

- Need for housing in local area
- Proposal would provide affordable housing
- The development will blend in well / reflect the character of the area
- Removal of caravan park use beneficial

7.0 Consultations

EXTERNAL

Hampshire County Council (Flood and Water Management)

7.1 No objection.

Southern Water

7.2 No objection.

Hampshire County Council (Countryside Service)

7.3 No objection subject to financial contribution towards enhancing Bridleways 82 & 83b (£65,450).

Hampshire County Council (Archaeology)

7.4 No objection.

Hampshire County Council (Children's Services)

7.5 No objection. The small number of dwellings does not warrant a contribution linked to the requirement for any additional education infrastructure. However a contribution of £7,000 for HCC to undertake a school travel plan is required. The development will yield additional pupils who will travel to the local catchment school at St Columba Primary.

INTERNAL

Ecology

7.6 No objection subject to conditions.

Environmental Health

7.7 No objection.

Contaminated Land

7.8 No objection.

Trees

7.9 No objection.

Highways

7.10 No objection subject to the developer funding a Traffic Regulation Order (TRO) to reduce the impact of parking on the south-eastern end of Fareham Park Road and improvements to the adjacent bridleway to Hillson Drive.

8.0 Planning Considerations

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

- a) Implication of Fareham's current 5-year housing land supply position;
- b) Planning history
- c) Residential development in the countryside;
- d) Residential development within the strategic gap;
- e) Policy DSP40;
- f) The Impact on European Protected Sites;
- g) Other matters;
- h) The Planning balance.

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

8.2 Members will note from the 'Five Year Housing Land Supply Position' report presented to the Planning Committee on 24th June 2020 this year that this Council currently has a housing land supply of 4.03 years (a shortfall of 522 dwellings within the 5-year period).

8.3 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".

8.4 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.

- 8.5 Paragraph 59 of the NPPF seeks to significantly boost the supply of housing.
- 8.6 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.
- 8.7 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.”*

- 8.8 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.

- 8.9 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 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.”

- 8.10 The wording of this paragraph clarifies that in cases such as this one where an appropriate assessment had concluded that the proposal would not adversely affect the integrity of the habitats site the presumption in favour of sustainable development set out in Paragraph 11 does apply.
- 8.11 The following sections of this report assess 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) Planning history

- 8.12 In 2013 planning permission was refused for the erection of fourteen two-bedroom bungalows partly on this site and partly on the adjacent housing allocation site. The decision (reference P/13/0137/OA) was the subject of a subsequent appeal which was dismissed in 2014 (reference APP/A1720/A/13/2203892). The Inspector noted as follows:

“The appeal site has an open character, with a gentle fall in levels from a slight crest westwards towards the area of woodland. The proposed housing would introduce a substantial amount of development on this land, bringing the area of built development close to this crest of the sloping land. It would bring a strong urbanising effect upon the rural appearance of the land, reducing the open countryside character of the area. There are clear views over the appeal site and adjoining rural area from public rights of way. The form and scale of the development would therefore be harmful to the landscape character of the area.”

- 8.13 A separate planning application made that same year for seven dwellings on the housing allocation site was permitted (reference P/13/0059/OA). In 2016 an alternative to the 2013 permission for the housing allocation's redevelopment was received (reference P/16/1178/FP) with permission being granted the following year and work starting shortly afterwards on the construction of seven detached two-storey houses on the land.
- 8.14 In 2016 a further application was received proposing ten more houses on the land to the west of the housing allocation (reference P/16/1424/OA). The site formed the remainder of the existing caravan storage use and comprises the northernmost section of the current application site. Planning permission was refused by the Planning Committee in May 2017 for the following reasons:

The development would be contrary to Policies CS2, CS4, CS6, CS14, CS17, CS18 & CS22 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP1, DSP6, DSP13 & 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 and would adversely affect its landscape character, appearance and function;

(b) the proposal would extend residential development into the Meon Strategic Gap significantly affecting the integrity of the Gap;

(c) the application is made on a site which is clearly capable of providing a level of development which would require the provision of affordable housing and is also demonstrably part of a potentially larger developable site. The application fails to provide affordable housing either in the form of on-site units or the equivalent financial contribution towards off-site provision;

(d) due to the site's proximity to the M27 motorway, external garden areas on the site will be subjected to noise levels which would unacceptably affect the living conditions of those residing there. The application therefore fails to provide adequate external amenity space to meet the requirements of future occupiers;

(e) the applicant has failed to demonstrate that the development would protect and would not harm bats and their habitat or the adjacent ancient woodland/Site of Importance for Nature Conservation (SINC);

(f) 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.

8.15 Since the 2014 appeal decision and the Planning Committee decision in May 2017, there have been several other appeal decisions and material changes to the planning policy context. One of the most significant of these is that, as explained in the previous section to this report, the Council can no longer demonstrate a five year supply of housing land meaning Policy DSP40 of the adopted Local Plan Part 2 is engaged.

c) Residential Development in the Countryside

8.16 Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. Policy CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries. The application site lies within an area which is outside of the defined urban settlement boundary.

8.17 Policy CS14 of the Core Strategy states that:

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

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

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

8.20 Further assessment of the degree of harm to the landscape character and appearance of the countryside and to what extent that harm is mitigated follows later in this report under Policy DSP40(iii).

d) Residential development within the Strategic Gap

8.21 The site lies within the Strategic Gap known as The Meon Gap as defined in the adopted Fareham Borough Core Strategy.

8.22 Policy CS22 of the Core Strategy states that:

'Land within a Strategic Gap will be treated as countryside. Development proposals will not be permitted either individually or cumulatively where it significantly affects the integrity of the gap and the physical and visual separation of settlements.'

Strategic Gaps have been identified between Fareham/Stubbington and Western Wards/Whiteley (the Meon gap); and Stubbington/Lee-on-the-Solent and Fareham/Gosport.

Their boundaries will be reviewed in accordance with the following criteria:

- a) The open nature/sense of separation between settlements cannot be retained by other policy designations;*
- b) The land to be included within the gap performs an important role in defining the settlement character of the area and separating settlements at risk of coalescence;*
- c) In defining the extent of a gap, no more land than is necessary to prevent the coalescence of settlements should be included having regard to maintaining their physical and visual separation.'*

8.23 It is clear that Policy CS22 does not seek to prevent all or any development in Strategic Gaps but just those which are considered to significantly affect the integrity of the gap and the physical and visual separation between settlements they provide. Such an assessment will need to be carried out on a case by case basis.

8.24 In an appeal decision in January 2019 relating to Land west of Old Street, Hill Head elsewhere in the Meon Gap (reference APP/A1720/W/18/3200409) the Planning Inspector concluded that a development of up to 150 houses in that instance would not adversely affect the integrity of the Strategic Gap. She noted that *"The character and setting of Stubbington was not pertinent to gap designation or function in Policy CS22"* and thus the proposal would accord with that policy.

8.25 In this case at the land at 84 Fareham Park Road, Officers consider that due to the extent of the gap, the physical and visual separation involved and the nature of the site being enclosed by built form and mature woodland, there would be no harm to the integrity of the Strategic Gap either. The spatial function of the gap and the settlement pattern of both Fareham and the Western Wards/Whiteley on either side of that gap would not be adversely affected. The proposal would therefore accord with Policy CS22.

8.26 Officers acknowledge that this position contrasts with the Council's previous decision in refusing planning permission for ten dwellings (reference P/16/1424/OA). Notwithstanding, following the further assessment summarised above, Officers do not believe a refusal based on harm to the integrity of the strategic gap would be sustainable on appeal.

8.27 Further assessment of how any adverse impact on the strategic gap is minimised follows later in this report under Policy DSP40(iii).

e) Policy DSP40

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

8.29 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".*

8.30 Each of these five bullet points are worked through in turn below.

Policy DSP40 (i)

8.31 The proposal is for up to 28 dwellings which Officers consider to be relative in scale to the 5YHLS shortfall and therefore bullet point i) of Policy DSP40 is satisfied.

Policy DSP40 (ii)

8.32 The site is in a sustainable location close to local primary and secondary schools and bus stops. At the south-eastern end of Fareham Park Road are takeaway food shops and other services whilst the local shops and services, including doctor's surgery and dentists, at Highlands Road Local Centre lie a little further.

8.33 The site is located immediately adjacent to the existing urban area. Subject to the satisfactory layout of the site, the development would be capable of relating well to the adjacent housing allocation site on which is the recent development of seven houses.

8.34 The proposal is considered to accord with Policy DSP40(ii).

Policy DSP40 (iii)

8.35 The first part of this policy test relates to the sensitivity of the proposed design in relation to the existing settlement area. The application is in outline form meaning consideration of the layout, scale and appearance of the development are reserved matters. However, taking into account the quantum of development proposed of 28 dwellings, Officers have no concerns that the scheme could not be delivered to successfully reflect the character of the existing settlement through a sensitive design approach to accord with Policy DSP40(iii).

8.36 The second part of the policy test considers to what extent any impact on the countryside and Strategic Gap is minimised.

8.37 The visual impact on the countryside arising from development on the site has been considered before by this Council both in determining the 2013 and 2016 applications. Neither application proposed development over the wider site as is now proposed but instead those schemes proposed smaller parcels of housing adjacent to the housing allocation site. Notwithstanding, on both occasions it has been determined that the proposed development would harm the countryside's landscape character and appearance and in the case of the 2013 application that has been reiterated in the subsequent appeal decision.

8.38 Consistent with those decisions, Officers consider the current proposal would harm the landscape character and appearance of the countryside. Officers are mindful that the adjacent land has already been developed with the construction of seven two-storey houses and note the urbanising effect this has on the application site. It is furthermore acknowledged that the land to the west of that development, and which forms the northern part of the application site, currently enjoys a lawful use for caravan storage which itself is an unsightly intrusion into the countryside. Notwithstanding, the caravan storage use in one part of the site has a more limited visual impact than housing across a larger area and the adjacent dwellings built on the housing allocation site are in stark contrast to the open character of the field which forms the majority of the application site. As stated earlier in this report, the proposal is found to have an unacceptable harmful impact on the countryside and to be contrary to Core Strategy Policy CS14. The test set out at Policy DSP40(iii) is different to that of Policy CS14 in that it seeks to ensure that such impact is minimised. The remainder of this section of the report sets out that harm in the wider context of the landscape character of the surrounding countryside and explains how Officers consider that impact to be minimised.

8.39 As already referred to, the site is within an area of countryside and Strategic Gap. Paragraph 170 of the NPPF states:

“Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes...”

8.40 In the January 2019 appeal decision on Land west of Old Street, Hill Head the Inspector agreed that the Lower Meon Valley is a valued landscape for the purposes of that paragraph. She noted that *“Case law and appeal decisions indicate that a valued landscape is more than ordinary countryside and should have physical attributes beyond popularity”*.

8.41 The application site lies in the Upper Meon Valley, an area also considered to be a valued landscape.

8.42 The Fareham Landscape Assessment 2017 (FLA) which is part of the published evidence base for the draft Fareham Local Plan describes the character area of the Upper Meon Valley as being a landscape resource of high sensitivity in general. Another evidence study, the Technical Review of Areas of Special Landscape Quality and Strategic Gaps (September 2020), identifies the Meon Valley as an Area of Special Landscape Quality (ASQL). Like the Upper Meon Valley landscape character area in the FLA, the boundary of the Meon Valley ASQL includes the application site.

8.43 The Upper Meon Valley landscape character area occupies a corridor of land contained between the urban edges of Fareham to the east, Titchfield Park to the west and Titchfield to the south. The area has a valley landform in a well-treed and essentially rural or semi-rural landscape and includes the area around Titchfield Abbey. The application site itself is identified in the FLA as being within an area of small-scale mixed farmland and woodland and is located on the fringe of the urban area on the wooded eastern valley side.

8.44 In terms of the visual environment the FLA remarks that:

“There are a few small pockets of land which are enclosed by strong hedgerows or vegetation and less visible, and/or lie within areas where views are already affected by built development or intrusive/unsightly land uses... In all cases, any development would need to be small-scale and sensitively integrated within the existing or new vegetation structure to avoid adverse visual impacts.”

8.45 It continues by saying that:

“...Development potential is highly constrained across the entire valley landscape and any significant development is likely to have unacceptable impacts upon one or more of the area’s important attributes. The only opportunity may be to accommodate development within small pockets of undeveloped land within existing residential areas... as long as it is of a similar character and scale to other dwellings within the locality and can be sensitively integrated within the landscape to avoid adverse impacts.”

- 8.46 In summarising development opportunities within the Upper Meon Valley therefore, page 129 of the FLA sets out a number of criteria one of which suggests that development proposals would need to:

“Be of a small-scale and located only in places where it can be carefully integrated within well-treed, strongly enclosed plots of land in association with existing development, fits within the existing field pattern and is of a similar character and scale to similar built development within the locality.”

- 8.47 In this case the application site is strongly enclosed by mature trees, including the adjacent ancient woodland of Iron Mill Coppice, and built form where it abuts the existing urban area. The visual effects of the proposed development would be chiefly confined to the existing field within which it sits and localised views from users of the adjacent public right of way. Some glimpsed views may be possible from the motorway from the north. As already explained, the scale and appearance of the dwellings are reserved matters but could be proposed so as to reflect existing built development in the adjacent settlement area. Officers are satisfied that the site’s well enclosed nature in association with additional landscape planting to reinforce that sense of enclosure would minimise longer distance views which may otherwise have a more significant effect on the landscape resource and visual amenities of the Upper Meon Valley. In particular the illustrative site plan submitted with the application shows that the existing tree planting along the south-western boundary of the site could be enhanced to further enclose and protect the wider landscape from adverse visual impacts. The plan demonstrates that sufficient space would be afforded to provide a meaningful buffer to the adjacent woodland as well as space to provide further local ecological enhancements. Such matters of layout and landscaping are also however of course reserved matters.
- 8.48 The enclosure of the site has a similar positive effect on minimising any adverse impact from development on the integrity of the strategic gap.

- 8.49 In summary of this particular policy test, Officers consider that the adverse impacts of the development could be mitigated to the extent that the proposal accords with Policy DSP40(iii).

Policy DSP40 (iv)

- 8.50 The applicant has stated that, should outline permission be granted, they would hope to be in a position to submit a reserved matters application within six months. They would anticipate being on site at the earliest opportunity following approval of the reserved matters with all of the 28 dwellings built out as a single phase.
- 8.51 Officers consider that the site is therefore deliverable in the short term thereby satisfying the requirement of Policy DSP40(iv).

Policy DSP40 (v)

- 8.52 The final test of Policy DSP40: "The proposal would not have any unacceptable environmental, amenity or traffic implications" is discussed below. In summary, Officers consider this policy test to be satisfied.

Ecology

- 8.53 The Council's ecologist has raised no objection to the application. The submitted Reptile Mitigation Strategy has identified an adjacent area of land within the ownership or control of the applicant as a suitable reptile receptor area. The implementation of the development in accordance with that strategy can be secured by using a planning condition.
- 8.54 The layout of the site is a reserved matter however Officers are satisfied that a suitable scheme could be provided to retain appropriate distance between the development and the adjacent ancient woodland SINC.

Amenity

- 8.55 The proposal is in outline form with matters of scale, appearance and layout, as well as landscaping, reserved for later consideration. At the reserved matters stage, the detailed layout and scale would need to be policy compliant to ensure that there would be no adverse unacceptable impact on the amenity of neighbouring residents.
- 8.56 Officers are satisfied that the effects of motorway noise on the enjoyment of the private garden areas and interior of the new properties hereby proposed could be satisfactorily mitigated by a scheme of sound attenuation. Such measures would need to be designed in light of the emerging layout of the site which would be a reserved matter and can be required by way of a planning condition.

- 8.57 Officers are satisfied that the development would be acceptable in accordance with Core Strategy Policy CS17 and Local Plan Part 2 Policies DSP3 and DSP40(v).

Highways

- 8.58 Following further discussions with and information from the applicant it was agreed by Officers that no additional traffic calming measures were necessary along Fareham Park Road to mitigate the impact of additional traffic generated by the dwellings proposed. Similarly, no amendments to the new junction already constructed to serve the development of seven houses on the adjacent housing allocation are required.
- 8.59 The Council's Transport Planner has recommended the developer make two contributions – one towards funding changes to a Traffic Regulation Order (TRO) at the south-eastern end of Fareham Park Road at the junction with Highlands Road, and one towards improvements to the existing bridleway adjacent the application site.
- 8.60 After taking advice from Hampshire County Council Traffic Management team, requiring the developer to fund changes to the TROs along Fareham Park Road would not be justified in this instance.
- 8.61 The County Countryside Service agrees with the Transport Planner's recommendation that the adjacent bridleway be improved to support increased pedestrian usage between the site and Hillson Drive. Funding for such improvements can be secured through an appropriate planning obligation in a Section 106 legal agreement entered into by the applicant/landowner.

Affordable Housing

- 8.62 Policy CS18 of the adopted Fareham Borough Core Strategy sets out that developments of 15 dwellings or more should provide on-site affordable housing provision at a level of 40%. For a scheme of 28 dwellings this equates to 11.2 units.
- 8.63 The applicant has engaged a Registered Provider (RP) of affordable housing and has proposed fewer units with a more favourable tenure split to meet the locally identified housing need in the area. The applicant proposes to provide 8 affordable units in total comprising six social rented 3-bed houses and two 3-bed units as intermediate housing. The Council's Affordable Housing Strategic Lead has welcomed this offer in light of the pressing need for social rent properties, particularly family sized housing, in the area. Whilst therefore the proposal does not comply with the requirement set out in Policy CS18 for 40% affordable units, it does provide a form of affordable housing of a

particular size and tenure which reflects the identified housing needs of the local population. If planning permission were to be granted, the provision of those units would be secured via a Section 106 legal agreement entered into by the applicant/landowner.

f) The Impact on European Protected Sites

- 8.64 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.
- 8.65 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.
- 8.66 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).
- 8.67 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 is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The competent authority is the local planning authority.
- 8.68 A Habitat Regulations Assessment (HRA), including Appropriate Assessment, has been carried out and published on the Council's website. The HRA considers the likely significant effects arising from the proposed development. Natural England have been consulted on the HRA and their comments are awaited and will be reported to the Planning Committee by way of a written update if received prior to the meeting.

- 8.69 The HRA identifies three likely significant effects on EPS none of which would result in adverse effects on the integrity of the EPS provided mitigation measures are secured.
- 8.70 The first of these concerns recreational disturbance on the Solent coastline through an increase in population. Policy DSP15 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 Strategy (SRMS). The applicant has confirmed that they would be happy to provide such a contribution to be secured through a Section 106 legal agreement.
- 8.71 The second likely significant effect relates to hydrological changes and the risk of flooding on the site. The HRA finds that adverse effects could be avoided through the implementation of the drainage system set out in the Flood Risk Assessment & Surface Water Drainage Strategy (OPUS) provided by the applicant. The provision of this drainage system will avoid any adverse effects on the integrity of the EPS and a suitable planning condition is proposed to secure this mitigation.
- 8.72 Finally, Members will be aware of the potential for residential development to have likely significant effects on EPS as a result of deterioration in the water environment through increased nitrogen. 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) is likely to have a significant effect upon the EPS.
- 8.73 Achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites. Natural England have provided a methodology 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.
- 8.74 The applicant has submitted a nutrient budget for the development in accordance with Natural England's 'Advice on Achieving Nutrient Neutrality for

New Development in the Solent Region' (June 2020) which confirms that the development will generate 31.746 kg/TN/year and this budget has been agreed by Officers. Due to the uncertainty of the effect of the nitrogen from the development on the EPS, adopting a precautionary approach, and having regard to NE advice, the Council will need to be certain that the output will be effectively mitigated to ensure at least nitrogen neutrality before it can grant planning permission.

- 8.75 The applicant has entered into a contract (conditional on the grant of planning permission) to purchase 32kg of nitrate mitigation 'credits' from the Hampshire and Isle of Wight Wildlife Trust (HIWWT). Through the operation of a legal agreement between the HIWWT, Isle of Wight Council and Fareham Borough Council dated 30 September 2020, the purchase of the credits will result in a corresponding parcel of agricultural land at Little Duxmore Farm on the Isle of Wight being removed from intensive agricultural use, and therefore providing a corresponding reduction in nitrogen entering the Solent marine environment. A condition will be imposed to ensure that the development does not commence on site until confirmation of the purchase of the credits from the HIWWT has been received by the Council.
- 8.76 The Appropriate Assessment carried out by the Council has concluded that the proposed mitigation and condition will be adequate for the proposed development and ensure no adverse effect on the integrity of the EPS either alone or in combination with other plans or projects. The difference between the credits and the output will result in a small annual net reduction of nitrogen entering the Solent.
- 8.77 It is therefore considered that the development accords with the Habitat Regulations and complies with Policies CS4 and DSP13 and DSP15 of the adopted Local Plan.

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 Paragraph 11 of the NPPF clarifies the presumption in favour of sustainable development in that where there are no relevant development plan policies, or

the policies which are most important for determining the application are out-of-date, permission should be granted unless:

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

8.80 The approach detailed within the preceding paragraph, has become known as the 'tilted balance' in that it tilts the planning balance in favour of sustainable development and against the Development Plan.

8.81 The site is outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture and required infrastructure. 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.

8.82 Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations which is engaged as this Council cannot demonstrate a 5YHLS. Officers have also given due regard to the updated 5YHLS position report presented to the Planning Committee in June 2020 and the Government steer in respect of housing delivery.

8.83 In weighing up the material considerations and conflict between policies; the development of a greenfield site weighted against Policy DSP40, Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall, located adjacent to the existing urban settlement boundaries such that it can be well integrated with those settlements whilst at the same time capable of being sensitively designed to reflect the area's existing character.

8.84 It is acknowledged that the proposal would have an urbanising impact through the introduction of housing and related infrastructure onto the site. However, the harm to the countryside's landscape character and appearance would be minimised by the nature of the site's enclosure by built form and mature trees and woodland.

8.85 Officers are satisfied that there are no amenity, traffic or environmental issues which cannot otherwise be addressed through planning conditions and obligations. Affordable housing is to be provided with a type and tenure which

reflects the identified needs of the local population and which again can be secured through a planning obligation.

- 8.86 In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage in housing supply, Officers acknowledge that the proposal could deliver 28 dwellings in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply is a material consideration, in the light of this Council's current 5YHLS.
- 8.87 There is a conflict with development plan Policy CS14 which ordinarily would result in this proposal being considered unacceptable in principle. Ordinarily CS14 would be the principal policy such that a scheme in the countryside would be considered to be contrary to the development plan. However, in light of the Council's lack of a five-year housing land supply, development plan Policy DSP40 is engaged and Officers have considered the scheme against the criterion therein. The scheme is considered to satisfy the five criteria and in the circumstances Officers consider that more weight should be given to this policy than CS14 such that, on balance, when considered against the development plan as a whole, the scheme should be approved.
- 8.88 In undertaking a detailed assessment of the proposals throughout this report and applying the 'tilted balance' to those assessments, Officers consider that:
- (i) there are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed, particularly when taking into account that any significant effect upon Special Protection Areas can be mitigated through a financial contribution towards the Solent Recreation Mitigation Strategy; and
 - (ii) any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.
- 8.89 Having carefully considered all material planning matters, Officers recommend that outline planning permission should be granted subject to the following matters.

9.0 Recommendation

9.1 GRANT OUTLINE PLANNING PERMISSION subject to:

- i) The receipt of comments from Natural England in response to consultation on the Council's Appropriate Assessment and delegate to the Head of

Development Management in consultation with the Solicitor to the Council to make any minor modifications to the proposed conditions or heads of terms or any subsequent minor changes arising after having had regard to those comments;

- ii) The applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council in respect of the following:
 - a) To secure a financial contribution towards the Solent Recreation Mitigation Strategy (SRMS);
 - b) To secure a financial contribution towards enhancements to Bridleways 82 & 83b (£65,450);
 - c) To secure the provision of affordable housing on-site in the form of 6no. 3-bed houses for social rent and 2no. 3-bed houses as intermediate housing;
 - d) To secure a financial contribution towards a school travel plan (£7,000);
 - e) To secure details of the maintenance and management arrangements for areas of the site not within the defined curtilage of any of the residential units hereby permitted; and
- iii) Delegate to the Head of Development Management in consultation with the Solicitor to the Council to make any minor modifications to the proposed conditions or heads of terms or any subsequent minor changes arising out of detailed negotiations with the applicant which may necessitate the modification which may include the variation, addition or deletion of the conditions and heads as drafted to ensure consistency between the two sets of provisions; and
- iv) The following planning conditions:
 - 1. No development shall take place until details of the appearance, scale and layout of buildings and the landscaping of the site (hereafter called “the reserved matters”) have been submitted to and approved in writing by the Local Planning Authority (LPA).

Application for approval of the reserved matters shall be made to the LPA not later than six months from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of this permission, or before the expiration of one year from the date of the approval of the last of the reserved matters to be approved, whichever is 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.

2. The development shall be carried out in accordance with the following drawings and documents:
 - a) Drawing no. 17-1075-001 – Location Plan
 - b) Preliminary Ecological Appraisal – April 2018
 - c) Reptile Mitigation Strategy – September 2020

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

3. The details of how the site will be landscaped pursuant to Condition 1 shall include, but shall not be limited to, details of how new tree planting will be carried out along the south-western site boundary and within the land edged blue adjacent to the south-western site boundary to reinforce the existing mature tree planting.

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; To minimise the visual impact of the development on the landscape character and appearance of the countryside.

4. The development hereby permitted shall not exceed two storeys in height.

REASON: To minimise the visual impact of the development on the landscape character and appearance of the countryside.

5. None of the development hereby approved shall be occupied until the two points of vehicular access into the site from Hope Lodge Close and the access from Fareham Park Road into Hope Lodge Close has been fully completed as shown at Appendix C of the submitted Transport Statement (Opus, March 2018). The accesses shall be subsequently retained.

REASON: In the interests of highway safety.

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

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

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

7. No development hereby permitted shall commence until details of the means of surface water drainage from the site have been submitted to and approved by the LPA in writing. The details shall include the detailed design of Sustainable Urban Development Systems (SUDS) to be used on the site as well as details on the delivery, maintenance and adoption of 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: To ensure the development provides for the satisfactory disposal of surface water.

8. No development shall proceed beyond damp proof course level until a scheme for sound attenuation has been submitted to and approved in writing by the Local Planning Authority in writing. The scheme shall draw on the conclusions and recommendations from the submitted Environmental Noise Impact Assessment Report (8th January 2018) and assess the impact of noise from external sources including the nearby M27 motorway and identify the measures necessary to attenuate against noise nuisance to future occupants. The development shall thereafter be carried out in accordance with the approved details.

REASON: To prevent avoidable disturbance to residents from noise.

9. No development hereby permitted shall proceed beyond damp proof course (dpc) level until details of how electric vehicle charging points will be provided at the following level have been submitted to and approved by the LPA in writing:
 - a. One Electric Vehicle (EV) rapid charge point per 10 dwellings;
 - b. One Electric Vehicle (EV) charging point per allocated parking space.

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

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

10. No work relating to the construction of any development hereby permitted (including works of demolition or preparation prior to operations) shall take place before the hours of 08:00 or after 18:00 hours Monday to Friday, before the hours of 08:00 or after 13:00 on Saturdays or at all on Sundays

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

REASON: To protect the living conditions of existing residents living nearby.

11. The development hereby permitted shall be carried out in accordance with the measures set out in Section 6.0 of the Preliminary Ecological Appraisal by Ecosa (April 2018) and the Reptile Mitigation Strategy (Ecosa, September 2020). No development shall commence until the proposed reptile receptor areas identified in the approved Reptile Mitigation Strategy have been made suitable for reptiles and the measures set out in that strategy implemented in full. No development shall commence until details of the erection of boundary treatment around the reptile receptor areas have been submitted to and approved by the LPA in writing. The approved boundary treatment shall be carried out in full in accordance with the approved details and shall thereafter be retained at all times unless otherwise agreed by the LPA in writing.

REASON: To avoid harm to protected species including reptiles known to be present on the site.

12. 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

13. No development shall commence unless the council has received the Notice of Purchase in accordance with the legal agreement between FBC, IWC and HIWWT dated 30 September 2020 in respect of the Credits Linked Land identified in the Nitrates Mitigation Proposals Pack.

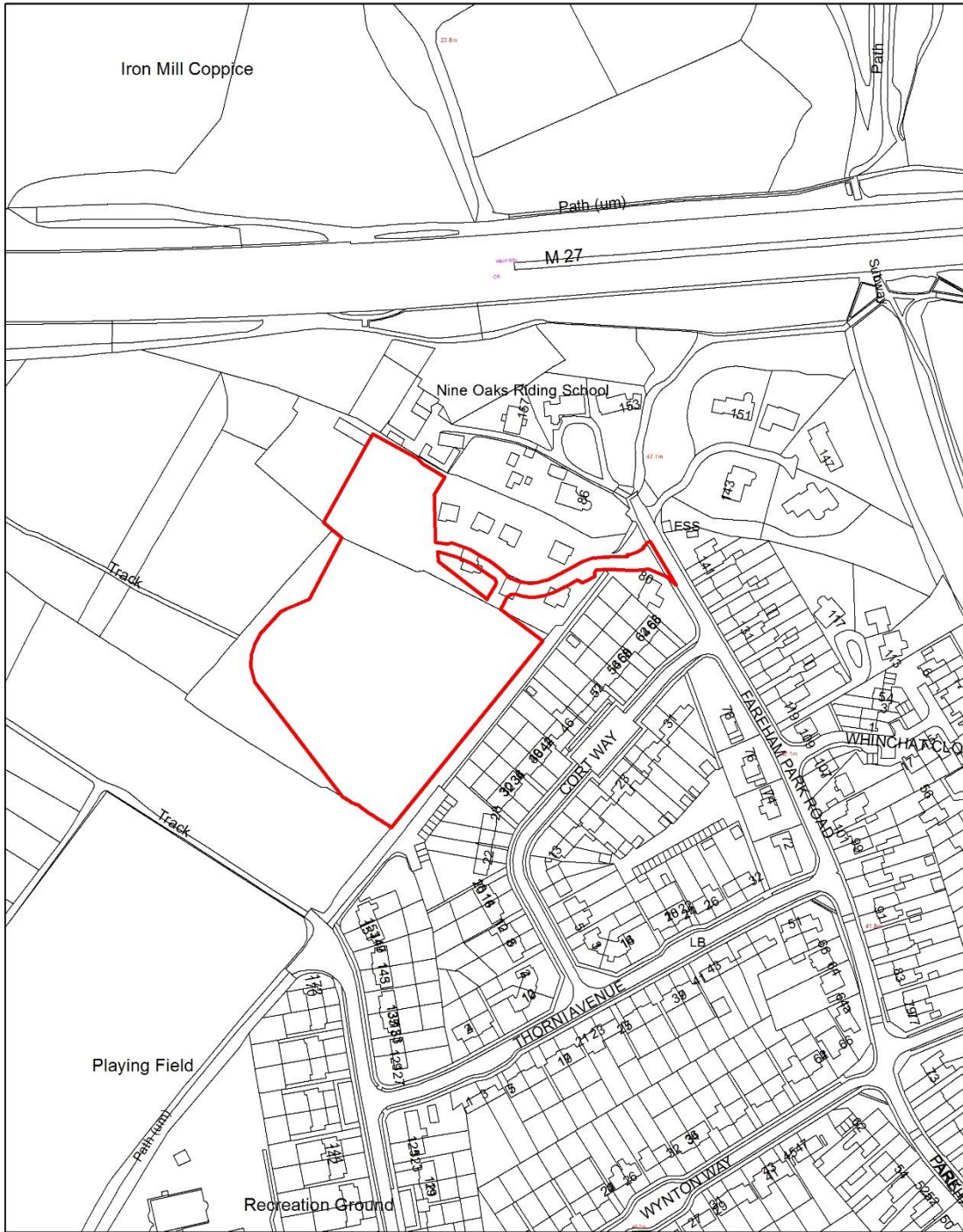
REASON: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on European protected sites.

10.0 Background Papers

P/18/0363/OA

FAREHAM

BOROUGH COUNCIL



84 Fareham Park Road
Fareham
Scale 1:2,500



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Agenda Item 6(4)

OFFICER REPORT FOR COMMITTEE

DATE: 16/12/2020

P/18/1261/OA
HOMES ENGLAND

FAREHAM EAST
AGENT: WOOD PLC

DEMOLITION OF THE FAREHAM MAGISTRATES COURT AND REDEVELOPMENT OF THE SITE WHICH COMPRISES OF UP TO 45 APARTMENTS, SITE ACCESS, LANDSCAPING AND OTHER ANCILLARY INFRASTRUCTURE WORKS

FORMER MAGISTRATES COURT, TRINITY STREET, FAREHAM

Report By

Richard Wright – direct dial 01329 824758

1.0 Introduction

1.1 This application has been included on the agenda as it proposes major development on a site in an important town centre location.

2.0 Site Description

2.1 The application site is located on the east side of Trinity Street and comprises the building and associated car parks of the former Fareham Magistrates Court. The Magistrates Court building was granted planning permission in 1990 (planning reference FBC.1394/13), was built in 1994 but eventually closed in September 2016 following a national review of the court estate by the government and the decision to move magistrate court functions to Portsmouth.

2.2 The site is approximately 0.22 hectares in size. To its east lies Fareham Registration Office and dwellings fronting Osborn Road South whilst to its south lie the rear yards of businesses and residential properties which front West Street. On the opposite side of Trinity Street to the west of the site lies a row of two storey terraced houses and The Good Intent public house. To the north meanwhile is a public car park owned by Fareham Borough Council beyond which is The Fareham public house.

3.0 Description of Proposal

3.1 Planning permission is sought for the demolition of the existing court building and the construction of up to 45 apartments with associated works and infrastructure. The application is submitted in outline form with all matters reserved except for the proposed means of access to the site.

- 3.2 The proposed means of access is shown on the submitted Access Plan (drawing no. 40562-Lea008b). A new vehicular entrance into the site from Trinity Street would be formed in the south-western corner of the site. This access would be one way only so that vehicles leaving the site would do so through a point in the northern site boundary and back out onto Trinity Street via the adjacent public car park.
- 3.3 The applicant has confirmed that they have contracted to sell the site to Churchill Retirement Living subject to outline planning permission being granted.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

- CS2 – Housing Provision
- CS5 – Transport Strategy and Infrastructure
- CS6 – The Development Strategy
- CS7 – Development in Fareham
- CS8 – Fareham Town Centre Strategic Development Location
- CS15 – Sustainable Development and Climate Change
- CS17 – High Quality Design
- CS18 – Provision of Affordable Housing
- CS20 – Infrastructure and Development Contributions

Adopted Development Sites and Policies

- DSP2 – Environmental Impact
- DSP3 – Impact on Living Conditions
- DSP13 – Nature Conservation
- DSP15 – Recreational Disturbance on the Solent Special Protection Areas

Other Documents:

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

5.0 Relevant Planning History

- 5.1 The following planning history is relevant:

FBC.1394/13	ERECTION OF REPLACEMENT MAGISTRATES COURT BUILDING
PERMISSION	16/11/1990

P/18/0878/PA

PRIOR NOTIFICATION FOR DEMOLITION OF
FORMER MAGISTRATES COURT

PRIOR

30/08/2018

**APPROVAL NOT
REQUIRED**

6.0 Representations

6.1 Two sets of comments have been received in relation to this application raising the following material planning considerations:

- Traffic congestion in the area is already a nightmare
- This is overdevelopment of the site
- Harm to highway safety
- A lower number of flats would be acceptable
- Overlooking / loss of privacy

7.0 Consultations

EXTERNAL

Southern Water

7.1 No objection.

Hampshire County Council – Flood and Water Management

7.2 No objection subject to condition.

Hampshire Fire and Rescue

7.3 No objection.

Portsmouth Hospitals NHS Trust

7.4 The Trust commented on the application in May 2019 to request a financial contribution of £1,026 per dwelling (£46,170 in total).

The Trust is currently operating at full capacity in the provision of acute and planned healthcare. It is further demonstrated that although the Trust has plans to cater for the ageing population and growth, it will not be able to plan for the growth in a piecemeal manner.

The contribution is being sought not to support a government body but rather to enable that body to provide services needed by the occupants of the new homes. The development directly affects the ability to provide the health service required to those who live in the development and the community at large. Without contributions to maintain the delivery of health care services at the required quality standard and to secure adequate health care for the

locality the proposed development will put too much strain on the said service infrastructure, putting people at significant risk. This development imposes an additional demand on existing over-burdened healthcare services, and failure to make the requested level of healthcare provision will detrimentally affect safety and care quality for both new and existing local population. This will mean that patients will receive substandard care, resulting in poorer health outcomes and pro-longed health problems. Such an outcome is not sustainable.

INTERNAL

Contaminated Land Officer

7.5 No objection subject to condition.

Environmental Health Officer

7.6 No objection subject to conditions relating to sound attenuation, air quality and the requirement for a Construction and Environmental Management Plan (CEMP).

Transport Planner

7.7 No objection.

Refuse and Recycling

7.8 Consideration must be given to providing safe emptying arrangements on this busy road.

Affordable Housing Strategic Lead

7.9 It is considered that the Vacant Building Credit (VBC) is applicable in this instance. The calculations provided effectively mean zero affordable home provision is necessary from a planning policy perspective. The provision of affordable homes by Homes England would be welcome but not a planning requirement and so that would be a matter for Homes England as vendor to impose any conditions/restrictions on the sale of the site.

Ecology

7.10 No objection.

8.0 *Planning Considerations*

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

- a) Principle of development
- b) Access
- c) Parking provision

- d) Affordable housing provision
- e) Residential amenity
- f) Other matters

a) Principle of development

- 8.2 This site constitutes previously developed land (brownfield) within the existing urban area. The site's redevelopment is therefore supported in principle by Policies CS2 & CS6 of the adopted Fareham Borough Core Strategy.
- 8.3 Core Strategy Policy CS7 states that proposed development within the Fareham settlement boundary which contributes towards the provision of 680 dwellings in the period 2010 – 2026 (including around 350 within the Fareham Town Centre area) will be permitted where it “does not significantly affect the setting and landscape character of the town or diminish the town's community, historic, biodiversity and cultural resources nor have an adverse impact on air quality”. The provision of 45 residential units at this site has already been identified in the Five-Year Housing Land Supply Position paper reported to the Planning Committee on 24th June 2020 a policy compliant emerging brownfield site.
- 8.4 This planning application proposes up to 45 apartments to be constructed on the site with associated infrastructure. As this is an outline application with only access to be considered at this stage, the scale, layout and appearance of the development as well as the landscaping of the site are all reserved matters to be considered as part of a subsequent planning application. Notwithstanding, the applicant has provided illustrative details at this stage to demonstrate how 45, one- and two-bedroomed apartments could be delivered on the site. The illustrative details provided show the apartments being accommodated within a single building of up to four storeys in scale (three conventional storeys with one additional recessed storey). Surrounding buildings in the nearby area have a range of heights from two to four storeys generally and the existing court building is substantial in scale. On the basis of the indicative material provided, Officers are satisfied that an apartment building of a suitable scale and appearance to accommodate 45 units could be accommodated on the site without harming the character and appearance of the surrounding area.

b) Access

- 8.5 Officers consider that the proposed means of access into the site from Trinity Street is acceptable. Similarly, the proposed vehicular egress point from the site into the adjacent public car park and traffic leaving the site through that car park back on to Trinity Street is considered acceptable in highway

convenience and safety terms. The arrangement is similar to the existing situation whereby vehicles both enter and leave the private car park serving the court building through the adjacent public car park.

c) Parking provision

- 8.6 The applicant has demonstrated through the illustrative site plan submitted with the application that a total of 42 car parking spaces could be provided in a car park to the rear of the building and in an undercroft beneath the building. This number of parking spaces would meet the requirements for twenty-eight 1-bed units and seventeen 2-bed units as set out in the Council's approved Residential Car & Cycle Parking Standards Supplementary Planning Document (SPD). The indicative level of parking provision does not seek any reduction in the level of parking spaces due to the site's relative accessibility and proximity to local shops, services and public transport links. The provision of electric vehicle charging points would be secured by an appropriately worded planning condition.
- 8.7 Officers are mindful that layout is a reserved matter and so the precise mix of units and the number of parking spaces required would be a matter for consideration at the reserved matters stage of approval. Officers are also aware that the applicant has confirmed they have contracted with Churchill Retirement Living regarding sale of the site. With this in mind it is probable that the overall requirement for car parking space would be further reduced owing to the low levels of car ownership and hence need for parking space for retirement accommodation. Such matters however would need to be considered at the reserved matters stage and full justification of a lower level of parking provision provided by the applicant.

d) Affordable housing provision

- 8.8 Through the government's Planning Practice Guidance (PPG), national policy provides an incentive for brownfield development on sites containing vacant buildings known as the vacant building credit (VBC). It states:

"Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace."

- 8.9 The PPG gives the following advice as to how VBC should be applied:

“The existing floorspace of a vacant building should be credited against the floorspace of the new development. For example, where a building with a gross floorspace of 8,000 square metre building is demolished as part of a proposed development with a gross floorspace of 10,000 square metres, any affordable housing contribution should be a fifth of what would normally be sought.”

- 8.10 In this instance the existing Magistrates Court building has a gross internal floorspace of 2,736 square metres. The applicant states this floorspace should count towards a reduction in affordable housing contribution by applying the VBC. Officers agree that such a reduction can be applied having regard to the PPG guidance on VBC.
- 8.11 It is proposed that a planning obligation in a Section 106 agreement be used to ensure that the developer makes a financial contribution towards the off-site provision of affordable housing in the event the floor area of the proposed building exceeds 2,736 square metres. Since the exact floorspace of the proposed development is unknown at this outline application stage the obligation will set out that the contribution should be based on the increase in floorspace over 2,736 square metres in line with the PPG guidance on applying the VBC. In the event the proposed development does not exceed 2,736 square metres, there would be no financial contribution required.

e) Residential amenity

- 8.12 Two letters were received in response to the application being publicised one of which raised concerns about overlooking from the new apartments eastwards towards the rear elevations of houses on Osborn Road South.
- 8.13 At present the court building contains relatively few windows resulting in minimal overlooking and loss of privacy to neighbours. Officers acknowledge that the replacement of the court with an apartment building will result in a materially different form of development likely to contain multiple windows to habitable rooms in residential apartments. This is likely to lead to a degree of overlooking towards the private rear gardens and elevations of properties in Osborn Road South. The exact nature of that overlooking and an assessment of whether it would result in an unacceptable loss of privacy for neighbours is a consideration for the reserved matters stage when the precise scale and layout of the development is submitted for approval along with details of any intervening landscape planting. Notwithstanding, the applicant has demonstrated illustratively in their outline application that a separation distance of around 28 metres between the proposed apartment building and the rear elevations of the nearest houses on Osborn Road South could be achieved, with space along the party boundary for planting to be carried out to

further soften or screen views. This would exceed the Council's minimum standard of 22 metres between facing windows Officers are also mindful that the proposal could result in an improvement in other respects to the outlook from those neighbouring properties which is currently dominated by the existing court building to be demolished as part of the development.

- 8.14 To the front (west) of the existing courthouse meanwhile lies Trinity Street with residential properties located on the opposite side of the road. The illustrative site plan shows that those properties would lie approximately 12 – 13 metres from the frontage of the new apartment building which itself would be up to four storeys in height. This relationship would be similar to the existing situation between the courthouse building and the houses.
- 8.15 Officers are satisfied in principle that the proposed scheme could be delivered without resulting in any unacceptable adverse impact to the living conditions of neighbours.
- 8.16 The site lies approximately 75 metres from The Garden of Reflection on Osborn Road and 250 metres from Park Lane Recreation Ground and so is well located in terms of public open space. The illustrative site plan shows no external amenity space to serve the proposed apartments. Whilst the layout of the site is a reserved matter Officers consider there to be very limited scope to provide much, if any private amenity space, whilst delivering the number of units proposed served by the level of car parking indicated. The Council's adopted Design Guidance SPD suggests garden space of 25 square metres per flat would normally be sufficient but acknowledges that in the town centre and other centres around the Borough more innovative ways of providing quality outdoor space might be required, for example through the use of courtyards, roof terraces or balconies. Such solutions would need to be brought forward at the reserved matters stage and a note is recommended to draw the applicant's attention to the need for such provision.

f) Impact on European Protected Sites

- 8.17 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.
- 8.18 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.

- 8.19 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).
- 8.20 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' if it can be shown that the proposed development will either not have a likely significant effect on designated European sites or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated European sites. This is done following a process known as an Appropriate Assessment. The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority.
- 8.21 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the EPS. The key considerations for the assessment of the likely significant effects are set out below.
- 8.22 Firstly, in respect of Recreational Disturbance, the development is within 5.6km of the Solent SPAs and is therefore considered to contribute towards an impact on the integrity of the Solent SPAs as a result of increased recreational disturbance in combination with other development in the Solent area. Policy DSP15 of the adopted Local Plan Part 2 sets out the Council's approach to securing the appropriate mitigation measures to address the in-combination impact of increased recreational disturbance arising from increased housing development. It states:
- "Planning permission for proposals resulting in a net increase in residential units may be permitted where 'in combination' effects of recreation on the Special Protection Areas are satisfactorily mitigated through the provision of a financial contribution that is consistent with the approach being taken through the Solent Recreation Mitigation Strategy."*
- 8.23 The applicant has agreed to enter into a Section 106 legal agreement to secure the appropriate financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMS) and therefore, the Appropriate Assessment concludes that the proposals would not have an adverse effect

on the integrity of the EPS as a result of recreational disturbance in combination with other plans or projects.

- 8.24 Secondly in respect of the impact of the development on water quality as a result of surface water and foul water drainage, 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.
- 8.25 A nitrogen budget has been calculated in accordance with Natural England's *'Advice on Achieving Nutrient Neutrality for New Development in the Solent Region'* (June 2020) which confirms that the development will generate 31.7 kg/TN/year (kilograms of total nitrogen per year). Due to the uncertainty of the effect of the nitrogen from the development on the EPS, adopting a precautionary approach, and having regard to NE advice, the Council will need to be certain that the output will be effectively mitigated to ensure at least nitrogen neutrality before it can grant planning permission.
- 8.26 The applicant has proposed taking agricultural land outside of the Borough out of agricultural use to ensure there will be no additional nutrients reaching the EPS as a result of the development, and so mitigate adverse effects of the development. The land to be used is located near the village of Knowle and equates to 1.3 hectares of agricultural land currently used for cereal crop production. This mitigation land is to be secured by taking and keeping it out of agricultural use through the applicant entering into a Section 106 legal agreement with Fareham Borough Council along with the local planning authority for the mitigation land, Winchester City Council. Taking the mitigation land out of agricultural use will result in a reduction of 34.06 kg/TN/yr entering the EPS.
- 8.27 The Council's Appropriate Assessment concludes that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the EPS either alone or in combination with other plans or projects. The difference between the credits and the output will result in a small annual net reduction of nitrogen entering the Solent. Natural England has been consulted on the Council's Appropriate Assessment and their comments are awaited. It is considered that the development accords with the Habitat Regulations and complies with Policies CS4 and DSP13 and DSP15 of the adopted Local Plan.

g) Other matters

Comments from Portsmouth Hospitals NHS Trust

- 8.28 In May 2019, the Portsmouth Hospitals NHS Trust wrote to the Council to make representations about the application. The Trust is commissioned to provide acute healthcare services to a number of Clinical Commissioning Groups (CCGs) including Fareham and Gosport CCG. The CCGs commission planned and emergency acute healthcare from the Trust.
- 8.29 A summary of the comments made by the Trust is included earlier in this report. The Trust request a financial contribution of £46,170 to provide services needed by the occupants of the new homes.
- 8.30 The tests for obligations are set out in paragraph 56 of the NPPF and reflect those in Regulation 122 of the Community Infrastructure Levy Regulations 2010. The tests for an obligation are whether they are:
- 1. necessary to make the development acceptable in planning terms;*
 - 2. directly related to the development; and*
 - 3. fairly and reasonably related in scale and kind to the development.*
- 8.31 There is no specific policy in the adopted local plan that relates to hospital infrastructure or contributions towards hospital services. The comments from the Trust refer however to Policy CS20 of the adopted Core Strategy which seeks to ensure that developments will contribute towards or provide infrastructure or mitigate an impact of a development upon infrastructure. The representations are clear that they do not seek a contribution towards health infrastructure rather it is the impact upon the hospitals through the delivery of the health care service. Whilst the thrust of Policy CS20 seeks to secure contributions towards infrastructure, it could be argued that the broad nature of Policy CS20 could be material in assessing the Trust's request.
- 8.32 Furthermore, the NPPF, in Chapter 8 seeks to promote healthy and safe communities. The NPPF identifies that decisions should “...enable and support healthy lifestyles, especially where this would address identified local health and well-being needs” and “...take into account and support the delivery of local strategies to improve health...of the community” (paragraph 91-92).
- 8.33 The first point to note in relation to the Trust's comments is that the UK provides its citizens with healthcare on a national basis regardless of district or county boundaries. The funding is collected via central government taxation and distributed locally to provide healthcare. Whilst delivered locally the service is a National Health Service and as such the government has a system to ensure that each area of the country has enough funds to provide

the service on the basis of the population it serves. Regardless of where someone lives, they are entitled to receive healthcare on a national basis.

- 8.34 The Trust's comments explain the way in which the hospitals are currently funded. The Trust indicate that the residents who will be living in the development at the Magistrates Court site are likely to use the hospitals and increase pressure on the hospital services as a result. A formula is provided with an estimated number of the proposed population predicated as being likely to need to use the hospital services. From this estimated number of hospital visits, a cost is attributed and multiplied to provide the suggested contribution.
- 8.35 In considering the requests it is noted that the construction of houses does not itself lead to population growth. Officers consider that the need for housing is a consequence of population growth. Furthermore, there is no account in the representations, it seems, for the potential for the residents of the new development to be moving locally around the Borough or adjoining boroughs such that their residence locally is already accounted for by the current services and funding commissioned by the hospital. In addition, the cost attributed to the proposed patient trips to the hospital is not considered to be clearly calculated or justified.
- 8.36 The representations from the Trust state that "*...although the Trust has plans to cater for known population growth it cannot plan for unanticipated additional growth in the short to medium term*".
- 8.37 The length of time between sites being identified, planning permission being granted, and the houses actually being constructed and subsequently occupied is many years. The amount of residential development coming forward in the Borough which has not been reasonably foreseeable for a period of years is therefore very limited.
- 8.38 In January 2019 the NHS launched its new 10-year plan. This plan sets out how the NHS thinks it can overcome the challenges that the NHS faces, such as staff shortages and growing demand for services. This is to be achieved essentially by doing things differently and at no point does it refer to the need for new developments to provide for healthcare services by means of financial contribution such as that requested by the Trust.
- 8.39 For the reasons set out above, Officers do not consider that the contribution sought by the Trust is necessary to make the development acceptable in planning terms and thus the tests for planning obligations as set out above are not considered to have been met. Furthermore given the adopted policy framework it is considered that in the absence of the contribution, the

application does not fail as a consequence as this issue alone would not justify a reason for refusal, which it must do in order to make the contribution necessary to make the development acceptable in planning terms and meet the tests for a planning obligation.

Publication Version of the emerging Fareham Local Plan

8.40 Members will be aware that the Publication Version of the emerging Fareham Local Plan, which addresses the Borough's development requirements up until 2037 is currently out for consultation until Friday 18th December.

8.41 The site of this planning application is proposed to be allocated for housing within the publication local plan (Housing Allocation Policy FTC6). A number of background documents and assessments support the proposed allocation of the site in terms of its deliverability and sustainability which are of relevance. However, at this stage in the plan preparation process, the draft plan carries limited weight in the assessment and determination of this planning application.

Summary

8.42 This application proposes the re-use of previously developed land in the urban area for residential development in accordance with Policies CS2 & CS6 of the adopted local plan. Safe and convenient pedestrian and vehicular access to the site can be achieved along with on-site car parking provision. Officers are satisfied that a high-quality apartment development can be achieved at this site, whilst safeguarding the amenities of local residents Officers consider the scheme to be acceptable subject to the Section 106 requirements and proposed conditions set out below.

9.0 Recommendation

9.1 GRANT OUTLINE PLANNING PERMISSION subject to:

- i) the receipt of comments from Natural England in response to consultation on the Council's Appropriate Assessment and delegate to the Head of Development Management in consultation with the Solicitor to the Council to make any minor modifications to the proposed conditions or heads of terms or any subsequent minor changes arising after having had regard to those comments;
- ii) the applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council in respect of the following:

- a. to secure a financial contribution towards the Solent Recreation Mitigation Strategy (SRMS);
 - b. to secure the provision of a policy-compliant financial contribution towards off-site provision of affordable housing based on the increase in floorspace arising from the proposed development over the existing gross internal floorspace of 2,736 square metres;
 - c. to secure the removal of specified agricultural land from agricultural use for the lifetime of the development in order to achieve nutrient neutrality for the development;
- iii) the following planning conditions:
1. Application for approval of details of the appearance, layout and scale of the building(s) and the landscaping of the site (all referred to as the 'reserved matters') shall be made to the Local Planning Authority (LPA) before the expiration of three years from the date of this permission. 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.

2. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:
 - a) Site location plan – drawing no. 40562-Lea007
 - b) Access Plan – drawing no. 40562-Lea008b

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

3. Vehicular access into and out of the site shall be as shown on the approved Access Plan (drawing no. 40562-Lea008b) and no other means of vehicular access shall be formed at any time.

REASON: In the interests of highway safety.

4. No development hereby permitted, with the exception of demolition of the existing buildings on the site, shall commence until an intrusive site investigation and risk assessments, including the risks posed to human health, the building fabric and the wider environment such as water

resources, has been submitted to and approved by the LPA in writing. Where the site investigation and risk assessments reveal a risk to receptors, no development hereby permitted, with the exception of demolition of the existing buildings on the site, shall commence until a detailed scheme for remedial works to address these risks and ensure the site is suitable for the proposed use, has been submitted to and approved by the LPA 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 LPA. This shall be investigated to assess the risks to human health and the wider environment and a remediation scheme implemented following written approval by the LPA. 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 of the apartments hereby permitted, the developers and/or their approved agent shall confirm in writing that the works have been completed in full and in accordance with the approved scheme.

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

5. No development hereby permitted, with the exception of demolition of the existing buildings on the site, shall commence until a detailed surface water drainage scheme based on the principles within the submitted Drainage Technical Note dated July 2018 has been submitted to and approved in writing by the LPA. The surface water drainage scheme shall include:
 - a) detailed drainage drawings with confirmation of the location, levels and gradients of each drainage feature;
 - b) updated calculations in relation to each drainage feature, and;
 - c) confirmation of who will be responsible for the long-term maintenance of each drainage feature.

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

REASON: To ensure satisfactory means of surface water disposal.

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

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

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

7. No development shall proceed beyond damp proof course level until a scheme for sound attenuation against external noise sources has been submitted to and approved in writing by the Local Planning Authority in writing. The scheme shall assess the impact of noise from vehicles and surrounding land uses and identify the measures necessary to attenuate against noise nuisance to future occupants. The development shall thereafter be carried out in accordance with the approved details.

REASON: To prevent avoidable disturbance to residents from noise.

8. No development hereby permitted shall proceed beyond damp proof course (dpc) level until details of how electric vehicle charging points will be provided at the following level have been submitted to and approved by the LPA in writing:

- a. One Electric Vehicle (EV) rapid charge point per 10 dwellings;
- b. One Electric Vehicle (EV) charging point per allocated parking space.

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

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

9. No development hereby permitted shall proceed beyond damp proof course (dpc) level until a scheme of biodiversity enhancements to be incorporated into the development has been submitted to and approved by the LPA in writing. None of the apartments hereby permitted shall be first occupied until the approved biodiversity 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.

10. 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.

11. None of the residential units 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 Notes for Information

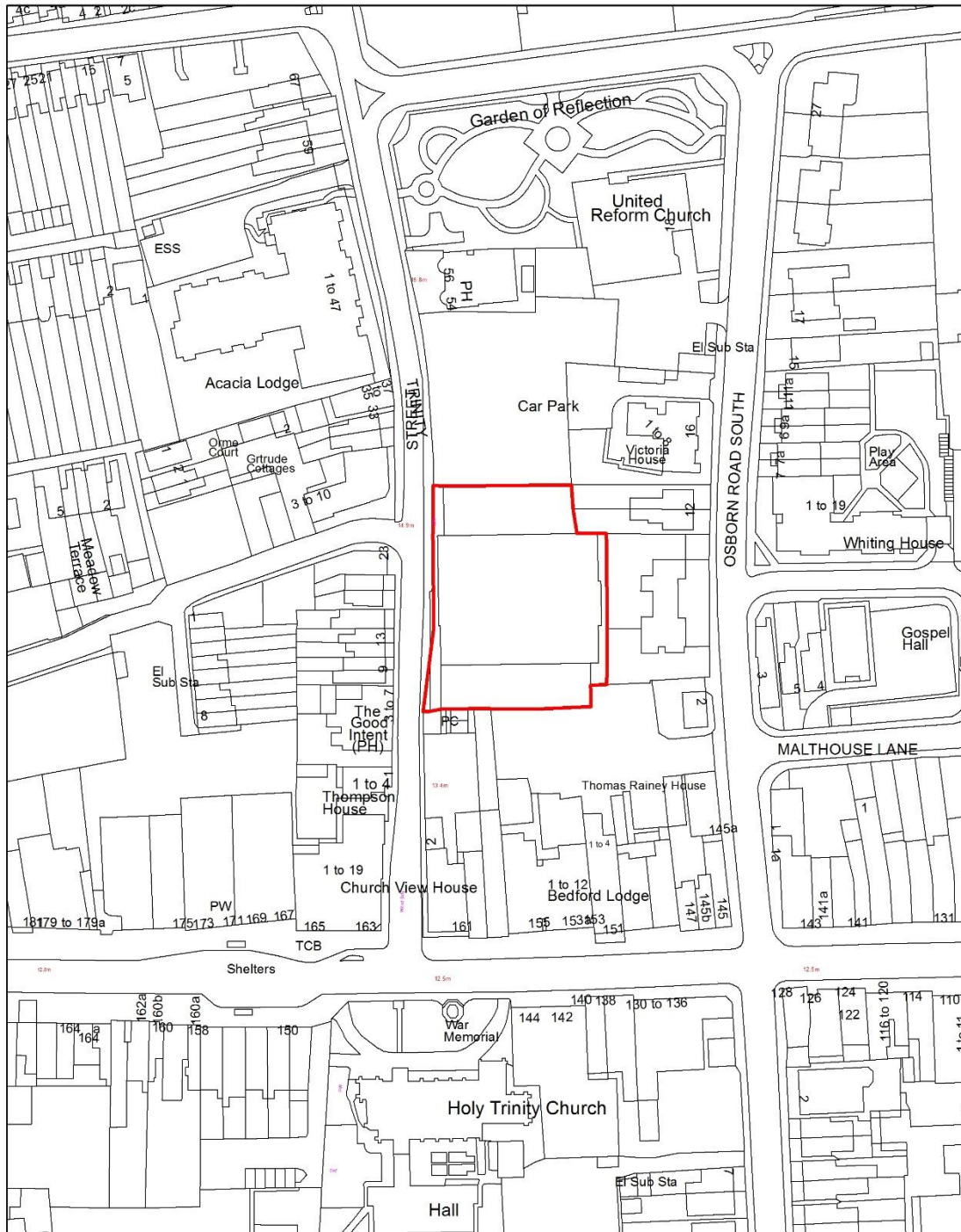
- a. Notwithstanding the results of the ecological survey submitted with this application special care must still be taken not to disturb wild animals and plants protected by the Wildlife and Countryside Act 1981 (as amended). This includes birds and bats that nest or roost in trees. Should specimens of any protected species be discovered during building operations you should contact Natural England for further advice - 0300 060 3900
www.naturalengland.org.uk
- b. The applicant is advised that, in order to comply with the requirement to provide adequate external amenity space to serve the apartments hereby permitted, innovative ways of providing quality outdoor space will be required, for example through the use of courtyards, roof terraces or balconies, when a subsequent reserved matters application is made. The applicant is advised to discuss this matter with Officers prior to submitting reserved matters and their attention is drawn to Policy CS17 of the adopted Local Plan Part 1: Core Strategy and Design Guidance (excluding Welborne) Supplementary Planning Document.

11.0 Background Papers

P/18/1261/OA

FAREHAM

BOROUGH COUNCIL



Former Magistrates Court
 Trinity Street
 Scale 1:1,250



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OFFICER REPORT FOR COMMITTEE

DATE: 16 December 2020

**P/19/0697/VC
AMBERLEY HOMES SOUTHERN LTD**

**FAREHAM NORTH
AGENT: ROBERT TUTTON TOWN
PLANNING CONSULTANTS LTD**

**VARIATION OF CONDITION 2 OF P/18/0511/FP; ERECTION OF TWO
ADDITIONAL DETACHED 2-BED BUNGALOWS; ALTERNATIVE SCHEME FOR
PLOT 5 INCLUDING RAISED FLOOR LEVEL TO REAR, ADDITION OF WINDOW
TO REAR ELEVATION, REDUCED DOOR OPENING TO ACCESS STEPS &
ADDITION OF PRIVACY SCREEN, ALTERATIONS TO FENESTRATION ON
EAST ELEVATION AND INCREASE HEIGHT OF BOUNDARY FENCE**

**PLOT 5 AMBERLEY GARDENS, FORMERLY 90 GUDGE HEATH LANE,
FAREHAM, PO15 5AY**

Report By

Susannah Emery – direct dial 01329 824526

1.0 Introduction

- 1.1 The application is reported to planning committee as six third party letters of representations have been received.
- 1.2 A residential development consisting of five detached dwellings at 90 Gudge Heath Lane, now referred to as Amberley Gardens, is largely complete and several of the properties are now occupied.
- 1.3 Members may recall that a full planning application for the retention of the dwelling constructed on Plot 1 was reported to Planning Committee in December 2019. The application was required to regularise significant departures from the approved plans which were identified by Officers following receipt and investigation of a number of complaints. The departures included a raised floor level and ridge height of approx. 1m. Members resolved to permit the application having secured specific measures to address privacy and surface water drainage issues.
- 1.4 At this time the floor level of Plot 5 was also identified as being raised at the rear of the dwelling by approx. 0.6m. The applicant was invited to submit an application for minor-material amendments to the permitted dwelling to retain the dwelling as built. This application encompasses the increased floor level and changes to fenestration, to ensure that the privacy of neighbouring

properties would not be significantly compromised by the raised floor level. The determination of this application for Plot 5 has been delayed as the applicant has been required to secure nitrates mitigation.

2.0 Site Description

2.1 The application site is located to the west of Gudge Heath Lane within the urban area. Planning permission was granted for the demolition of No.90 Gudge Heath Lane and the erection of three detached dwellings (Plots 1-3) within the residential curtilage of No.90 Gudge Heath Lane in 2017. The developer then acquired additional land to the rear of this plot, which was formerly scrub land, and planning permission was granted for two further detached dwellings (Plots 4 & 5) in 2018.

3.0 Description of Proposal

3.1 This application seeks to regularise the raised floor level of Plot 5 and incorporates a number of amendments sought to address any potential privacy issues arising as a consequence of the raised floor level to the rear of the dwelling. The application includes the following;

- Raise floor level to rear of dwelling by approx. 0.6m above ground level
- The addition of a small window to the rear elevation and subsequent reduction in width of the rear facing bi-fold doors;
- Access steps up to the bi-fold doors on the rear elevation with a 1.7m privacy screen to the east side;
- Replacing two clear glazed windows with two obscure glazed windows in the east elevation which would be fixed shut to 1.7m above internal floor level;
- The installation of obscure glass within the utility room door within the east elevation;
- Raising the height of the boundary fence on the eastern boundary by approx. 0.3m to 2.1m alongside the rear gardens of Plot 1 & No.88 Gudge Heath Lane

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

CS7: Development in Fareham

CS15: Sustainable Development & Climate Change

CS17: High Quality Design

CS20: Infrastructure & Development Contributions

Adopted Development Sites and Policies

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

Other Documents:

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

5.0 Relevant Planning History

The following planning history is relevant:

- 5.1 P/19/0759/FP Erection of Detached 2-Bed Dwelling (Alternative to P/16/1357/OA & P/17/0707/RM to Regularise Alterations to Plot 1)
Permission 18 December 2019
- 5.2 P/18/0511/FP Erection of Two Additional Detached 2-Bed Bungalows & Double Car Port and Alteration to Previously Approved Access and Carport (P/17/0707/RM)
Permission 16 October 2018
- 5.3 P/17/0707/RM Reserved Matters in Relation to Outline Application P/16/1357/OA (Appearance, Landscaping & Scale) for Erection of Two Bungalows & One Chalet Bungalow
Permission 20 July 2017
- 5.4 P/16/1357/OA Demolition of Existing Dwelling and Erection of Three Dwellings including Two 2-Bed Bungalows & One 3-Bed Chalet Bungalow (Outline Application for Access & Layout)
Permission 25 January 2017

6.0 Representations

- 6.1 Six representations have been received raising the following concerns;
- The development was permitted in two stages which seems misleading and orchestrated to reduce objections
 - Loss of privacy and views
 - The buildings are eyesores
 - The dwellings are too high and close to neighbouring properties
 - Increased ground levels
 - Increased surface water run-off on to adjacent land

- Windows could be changed to clear glazing later
- The approved plans should be enforced, and the developer should not be able to submit amended plans

7.0 Consultations

EXTERNAL

Natural England

- 7.1 Without appropriate mitigation the application would have a significant effect on Solent and Southampton Water SPA & Ramsar and Portsmouth Harbour SPA & Ramsar, Solent Maritime SAC and the Solent and Dorset Coast SPA .
- 7.2 In order to mitigate these adverse effects and make the development acceptable, mitigation measures are required to ensure there is no adverse impacts to water quality (nutrients) and to address the impact of recreational disturbance.
- 7.3 The nutrient budget calculation has been carried out in accordance with the latest Natural England guidance on Solent nutrients, and outlines the development will result in a nitrogen surplus of TN 1.3 kg/yr. The supporting appropriate assessment outlines that Land at Little Duxmore Farm will be used as mitigation land to offset the development's nutrient burden. Provided that you as competent authority are satisfied that the appropriate level of mitigation can be ascertained and will be delivered and secured in perpetuity prior to first occupation, Natural England would raise no further concerns over this aspect of the proposals.
- 7.4 This application is within 5.6km of Solent and Southampton Water SPA and will lead to a net increase in residential accommodation. Natural England is aware that Fareham Borough Council has adopted planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP). Provided that the applicant complies with the policy and the Bird Aware Definitive Strategy, Natural England is satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and would have no objection to this aspect of the application.

8.0 Planning Considerations

- 8.1 The development of two bungalows has previously been permitted and therefore the principle of development and impact on the character and appearance has previously been considered and found to be acceptable. The key issues to be considered in the determination of this application comprise:
- a) Impact on Living Conditions of Neighbouring Residential Properties
 - b) Impact on European Protected Sites

a) Impact on Living Conditions of Neighbouring Residential Properties

- 8.2 As a result of the natural slope of the development site, which rises from south to north, the floor level of Plot 5 sits higher at the rear than at the front of the dwelling. This was not indicated on the approved plans. Due to the raised floor height at the rear of the dwelling it has been necessary to install a short flight of narrow access steps to the rear facing bi-fold doors which were also not indicated on the approved plans. As any raised platform has the potential to overlook adjacent private garden areas a 1.7m privacy screen has been fitted to the eastern end to prevent overlooking into the rear garden of No.88 Gudge Heath Lane. The steps are not of sufficient depth to form a balcony and therefore it is not considered that this feature would result in a detrimental loss of privacy from prolonged use. The privacy screen would be subject to a planning condition to ensure its retention.
- 8.3 The openings within the side (east) elevation of Plot 5 are currently partially visible above the adjacent boundary fence and this has raised concerns regarding loss of privacy. The secondary kitchen and bathroom window have therefore been fitted with obscure glass and would be fixed shut to 1.7m above internal finished floor level to prevent overlooking of the rear garden of Plot 1 and No.88 Gudge Heath Lane. In addition, the utility room door within this elevation has also been fitted with obscure glass and the boundary fence would be raised by approx. 0.3m to 2.1m in height alongside the dwelling. It is not considered that alterations to the fenestration on the rear of Plot 5 would have any significant implications and their retention in this form would be secured by planning condition.
- 8.4 A small number of complaints were received over the Winter 2018/19 concerning increased surface water run-off from the site. A drainage appraisal was undertaken which identified that the soakaways installed on the site would be ineffective for the disposal of surface water run-off due to the nature of the soil. The soakaways have been made redundant and the access road has been constructed as a tanked permeable paving structure. All rainwater pipes and other drainage infrastructure is routed to outfall to the sub-base layers of the paving structure which feeds into the public sewer. It is considered that this would address the issues of increased surface water run-off that have been reported by local residents during the build.

b) Impact on European Protected Sites

- 8.5 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.

- 8.6 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.
- 8.7 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).
- 8.8 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 LPA in this instance) is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations.
- 8.9 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the EPS. The key considerations for the assessment of the likely significant effects are set out below.
- 8.10 Firstly, in respect of Recreational Disturbance, the development is within 5.6km of the Solent SPAs and is therefore considered to contribute towards an impact on the integrity of the Solent SPAs as a result of increased recreational disturbance in combination with other development in the Solent area. The applicants have made the appropriate financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMP) and therefore, the Appropriate Assessment concludes that the proposals would not have an adverse effect on the integrity of the EPS as a result of recreational disturbance in combination with other plans or projects.
- 8.11 Secondly in respect of the impact of the development on water quality as a result of surface water and foul water drainage, 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.

- 8.12 A nitrogen budget has been calculated in accordance with Natural England's *'Advice on Achieving Nutrient Neutrality for New Development in the Solent Region'* (June 2020) which confirms that the development will generate 1.3 kg/TN/year (with precautionary 20% budget). Due to the uncertainty of the effect of the nitrogen from the development on the EPS, adopting a precautionary approach, and having regard to NE advice, the Council will need to be certain that the output will be effectively mitigated to ensure at least nitrogen neutrality before it can grant planning permission.
- 8.13 The applicant has entered into a contract to purchase 1.5 kg of nitrate mitigation 'credits' from the Hampshire and Isle of Wight Wildlife Trust (HIWWT). Through the operation of a legal agreement between the HIWWT, Isle of Wight Council and Fareham Borough Council dated 30 September 2020, the purchase of the credits will result in a corresponding parcel of agricultural land at Little Duxmore Farm on the Isle of Wight being removed from intensive agricultural use, and therefore providing a corresponding reduction in nitrogen entering the Solent marine environment. A condition will be imposed to ensure that the development does not commence on site until confirmation of the purchase of the credits from the HIWWT has been received by the Council.
- 8.14 The Council has carried out an Appropriate Assessment and concluded that the proposed mitigation and planning condition will ensure no adverse effects on the integrity of the EPS either alone or in combination with other plans or projects. The difference between the credits and the output will result in a small annual net reduction of nitrogen entering the Solent. Natural England has been consulted and has agreed with the Council's findings. It is considered that the development would accord with the Habitat Regulations and complies with Policies CS4 and DSP13 and DSP15 of the adopted Local Plan.

Summary

- 8.15 Officers do not consider that the amended proposal would have any significant adverse implications on the living conditions of the occupants of neighbouring residential properties subject to the imposition of appropriate planning conditions. Furthermore it is not considered that the proposal would have adverse effect on the integrity of the EPS either alone or in combination with other plans or projects.
- 8.16 The proposal accords with Policies CS4 and CS17 of the adopted Fareham Borough Core Strategy and Policies DSP2, DSP3, DSP13 and DSP15 of the adopted Fareham Local Plan Part 2: Development Sites and Policies and is considered acceptable.

8.0 Recommendation

9.1 GRANT PLANNING PERMISSION

Subject to;

- i) receipt of comments from Natural England in relation to the Council's Appropriate Assessment concurring with the Council's findings
- ii) the following conditions

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

- i) Site Location Plan – drwg No. L05 Rev C
- ii) Site Plan – drwg No. 1734 101 Rev O
- iii) Site Section Plot 5 – drwg No. 1734-57F
- iv) Floor Plan Plot 4 – drwg No. 1734-51b
- v) Proposed Floor Plans Plot 5 – drwg No. 1734 – 53f
- vi) Plot 4 Elevations – drwg No. 1734-52b
- vii) Proposed Elevations Plot 5 – drwg No. 1734 -54d
- viii) Double Car Port – drwg No. 1734 17
- ix) Landscape Plan – drwg No. 0877-19-NJT Rev B (27/11/2019)
- x) Drainage Maintenance & Management Schedule (RGP Design) 26 June 2019
- xi) Drainage Appraisal (RGP 20 August 2019)
- xii) Landscaping Planting Method Statement
- xiii) Specification for Marshalls Tegula Piora Permeable Paving
- xiv) Ecological Assessment (ECOSA August 2018) & the Technical Note 'Reptile Receptor Area' (Ecosa 21 September 2018)

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

2. None of the development hereby approved shall be occupied until the approved boundary treatment has been fully implemented (drwg No.101 Rev O). It shall thereafter be retained at all times unless otherwise agreed in writing with the Local Planning Authority.

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

3. Prior to occupation of the dwelling (Plot 5) the ground floor (bathroom and kitchen) windows proposed to be inserted into the east (side) elevation(s) of the dwelling shall be:

- a) Obscure-glazed; and
- b) Of a non-opening design and construction to a height of 1.7 metres above internal finished floor level;

and shall thereafter be retained in that condition at all times.

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

4. Prior to occupation of the dwelling (Plot 5) the ground floor utility room door proposed to be inserted into the east (side) elevation(s) of the dwelling shall be obscure-glazed and shall thereafter be retained in that condition at all times.

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

5. The dwelling hereby approved on Plot 5 shall not be brought into use until the 1.7 metre high privacy screen indicated on the on the approved plans (drwg No. 101 rev O) on the eastern side of the rear access steps has been erected. The screening shall subsequently be retained at all times.

REASON: To protect the privacy of the occupiers of the neighbouring property and to prevent overlooking.

6. The approved landscaping scheme (drwg No. 0877-19-NJT Rev B) 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.

7. No dwelling shall be occupied until the means of vehicular access has been constructed in accordance with the approved plans. The visibility splays at the junction of the access with Gudge Heath Lane as shown on the approved site plan (drwg No. 1734 101 Rev O) shall be kept clear of obstruction (nothing over 0.6m in height) at all times.

REASON: In the interests of highway safety.

8. The development shall be carried out in accordance with the approved Drainage Appraisal (RGP 20 August 2019) unless otherwise agreed in writing with the Local Planning Authority in writing. The approved remedial measures should thereafter be maintained at all times in accordance with the Drainage Maintenance and Management Schedule (RPG Design 26 June 2019).

REASON: In order to ensure satisfactory disposal of surface water.

9. No dwelling, hereby approved, shall be first occupied until the approved parking and turning areas (where appropriate) 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.

10. The dwelling shall be occupied until the cycle stores and bin collection point have been made available in accordance with the approved plans. These designated stores shall thereafter be kept available and retained at all times for the purpose of bin and cycle storage.

REASON: In the interests of visual amenity; in order to facilitate modes of transport alternative to the motorcar; in accordance with Policies CS15 and CS17 of the Fareham Borough Core Strategy.

11. Development shall proceed in accordance with the measures set out in Section 5.0 (Mitigation/Compensation/Enhancement Measures) of the Ecological Assessment (ECOSA August 2018) & the Technical Note 'Reptile Receptor Area' (Ecosa 21 September 2018) unless otherwise agreed in writing with the Local Planning Authority.

REASON: to protect and conserve biodiversity in accordance with Policy DSP13 of the Fareham Local Plan Part 2.

12. Notwithstanding the provisions of Classes A, B and C of Schedule 2, Article 3, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extensions or roof alterations (including the insertion of rooflight/dormer windows) shall be carried out unless first agreed in writing with the local planning authority following the submission of a planning application.

REASON: To ensure the provision of adequate private amenity space; to protect the living conditions of the occupants of neighbouring residential properties; to ensure adequate car parking provision; in accordance with Policies CS5 and CS17 of the Adopted Fareham Borough Core Strategy and Policy DSP3 of the Fareham Borough Local Plan Part 2: Development Sites & Policies.

13. Notwithstanding the provisions of Class E of Schedule 2, Article 3, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no outbuildings (with the exception of the cycle store indicated on drwg No. 101 Rev O) shall be erected within the curtilage of the dwellings unless first agreed in writing with the local planning authority.

REASON: To ensure the provision of adequate private amenity space; to protect the living conditions of the occupants of neighbouring residential properties; in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy and Policy DSP3 of the Fareham Borough Local Plan Part 2: Development Sites & Policies.

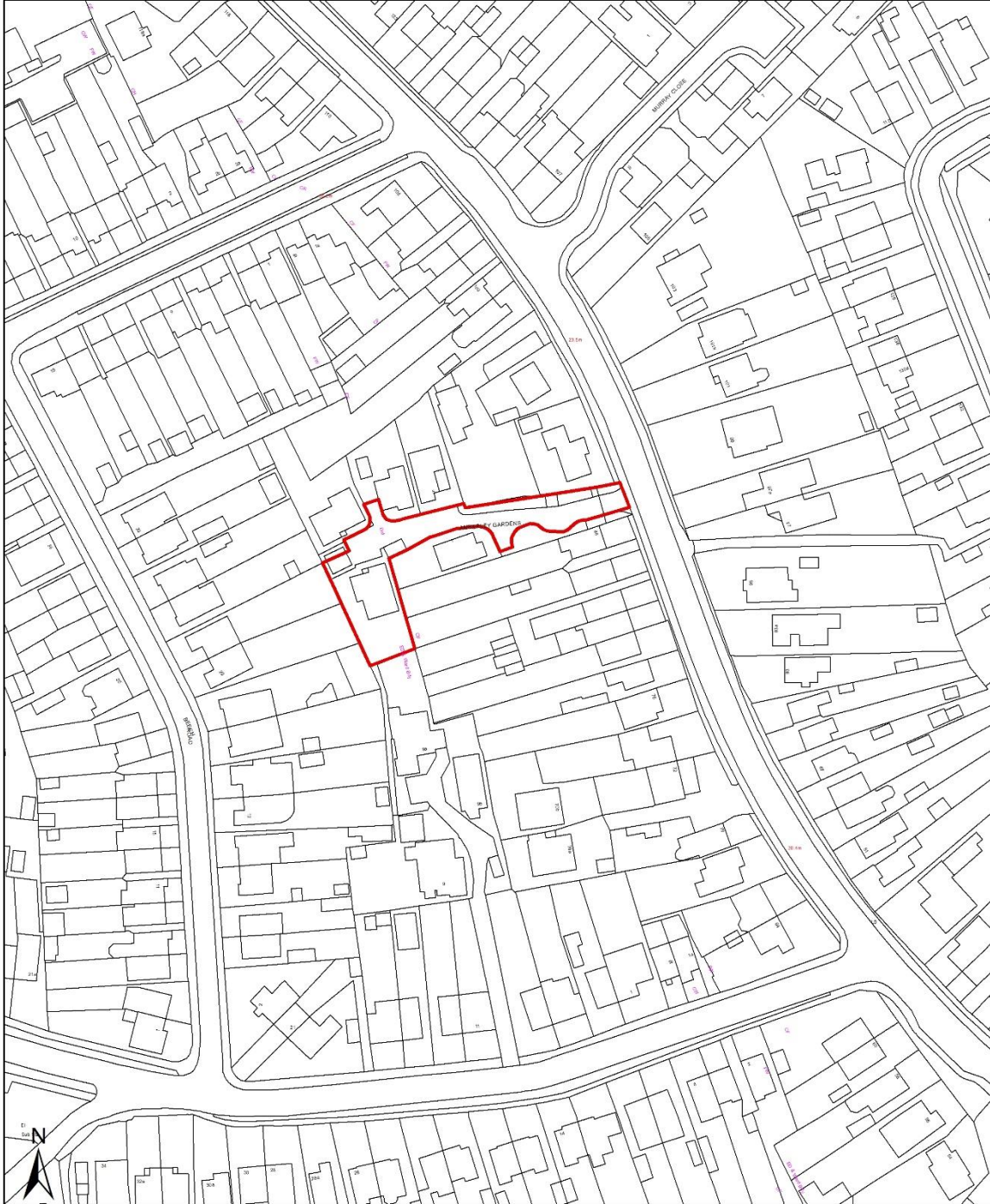
14. The double car port hereby approved shall be constructed in accordance with the approved plan. Thereafter, the car port shall be retained, without doors, at all times so it is available for its designated purpose.
REASON: To ensure adequate car parking provision; in accordance with Policy CS17 of the Fareham Borough Core Strategy.
15. The dwelling hereby permitted on Plot 5 shall not 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
16. The dwelling hereby permitted on Plot 5 shall not be occupied until the Council has received the Notice of Purchase in accordance with the legal agreement between FBC, IWC and HIWWT dated 30 September 2020 in respect of the Credits Linked Land identified in the Nitrates Mitigation Proposals Pack.
REASON: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on European protected sites.
17. No work relating to the construction of any of the development hereby permitted (Including works of demolition or preparation prior to operations) shall take place before the hours of 0800 or after 1800 Monday to Friday, before the hours of 0800 or after 1300 Saturdays or at all on Sundays or recognised public holidays, unless otherwise first agreed in writing with the local planning authority.
REASON: To protect the living conditions of the occupiers of nearby residential properties.

11.0 Background Papers

P/19/0697/VC; P/18/0511/FP

FAREHAM

BOROUGH COUNCIL



90 Gudge Heath Lane
Scale 1:1,250

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ZONE 3 – EASTERN WARDS

Portchester West

Hill Head

Stubbington

Portchester East

REFERENCE SITE ADDRESS & PROPOSAL
NUMBER &
WARD

ITEM NUMBER &
RECOMMENDATION

No items in this Zone

Agenda Item 6(6)

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
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/19/0069/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.
	Decision:	ALLOWED

	Decision Date:	2 November 2020
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/19/0925/FP Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	WRITTEN REPS Mr Anthony Lawrence Turret House Hospital Lane Portchester Fareham Committee REFUSE REFUSE 11 August 2020 AGAINST REFUSAL Detached dwelling with parking & access from Hospital Lane and associated landscaping & drainage works
	Decision: Decision Date:	DISMISSED 2 November 2020
WRITTEN REPS	P/19/1017/DA Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged:	WRITTEN REPS Mrs Alicia Bayer Land at Woodcote Lodge 6 Bridgefoot Drive Fareham APL REFUSE 23 April 2020

	Reason for Appeal:	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
	Decision:	DISMISSED
	Decision Date:	19 October 2020
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
	Decision:	DISMISSED
	Decision Date:	24 November 2020
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
	Decision:	DISMISSED
	Decision Date:	4 November 2020
PUBLIC INQUIRY	P/20/0009/DA Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	PUBLIC INQUIRY Borderland Fencing Ltd Borderland Fencing New Road Swanwick Southampton PENDING PI DECISION 17 July 2019 AGAINST ENFORCEMENT Unauthorised expansion of site and breach of conditions
WRITTEN REPS	P/20/0266/FP Appellant: Site:	WRITTEN REPS Mr & Mrs Miller 310 Botley Road Burrridge Southampton

	Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	Officer Delegated Powers REFUSE 16 September 2020 AGAINST REFUSAL Erection of Detached Bungalow & Use of Existing Annexe as Ancillary Building
	Decision: Decision Date:	DISMISSED 18 November 2020
WRITTEN REPS	P/20/0267/FP Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	WRITTEN REPS Mr & Mrs Miller 310 Botley Road Burrridge Southampton Officer Delegated Powers REFUSE 16 September 2020 AGAINST REFUSAL Erection of Detached Two Storey Dwelling following Demolition of Existing Annexe
	Decision: Decision Date:	DISMISSED 18 November 2020
WRITTEN REPS	P/20/0298/FP Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	WRITTEN REPS The Executors of E.D. Jowett The Old Forge 251 Bridge Road Lower Swanwick Fareham Officer Delegated Powers REFUSE REFUSE 19 October 2020 AGAINST REFUSAL Demolition of existing garage/workshop and construction of 3 Bedroom detached dwelling with associated parking
HH APPEAL SERVICE	P/20/0478/FP Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	HH APPEAL SERVICE Mr Ken Carter 23 Hill Head Road Fareham Committee APPROVE REFUSE 13 November 2020 AGAINST REFUSAL Single storey rear extension and balcony

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date 16 December 2020

Report of: Director of Planning and Regeneration

Subject: Introducing charges for heritage advice and design codes, and the use of Planning Performance Agreements

SUMMARY

A report by the Director of Planning and Regeneration in respect of introducing charges for heritage advice and design codes, and the use of planning performance agreements, is due to be considered by the Council's Executive on 4th January 2021. The Executive report is attached as a background paper to this summary report.

RECOMMENDATION

That the Committee:-

- (i) note the proposals the Director of Planning and Regeneration is making to the Executive in respect of charges for heritage advice and design codes, and the use of planning performance agreements; and
- (ii) refer any comments on the charges for heritage advice and design codes, and the use of planning performance agreements to the Executive when it considers this item at its meeting on 4th January 2021.

INTRODUCTION

1. At their meeting on the 3rd February 2020, the Executive agreed several changes to the Council's pre-application planning advice service, which included increasing the fees the Council charges to provide informal planning advice. The changes to the service along with the increases in fees came into effect on the 1st April 2020.
2. The Executive were also advised in February, that a further report would be bought back for consideration relating to charging for heritage advice; charging for design coding work; and the use of planning performance agreements. The report which is due to be considered by the Executive in January, and is appended to this report, sets out proposals in respect of each of these three areas.
3. The proposals being considered by the Executive in January are being bought to the attention of Members of the Planning Committee. If Members would like to make any comments on the proposals, they are invited to do so; any comments they wish to make will be draw to the attention of the Executive when it formally considers the proposals in January.

RISK ASSESSMENT

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

CONCLUSION

Appendix A: Draft Executive Report - Introducing charges for heritage advice and design codes, and the use of Planning Performance Agreements.

Background Papers:

Report by the Director of Planning and Regeneration in respect of introducing charges for heritage advice and design codes, and the use of Planning Performance Agreements.

Enquiries:

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

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision

04 January 2021

Portfolio:	Planning and Development
Subject:	Introducing charges for heritage advice and design codes, and the use of Planning Performance Agreements
Report of:	Director of Planning and Regeneration
Corporate Priorities:	A dynamic, prudent, progressive and best practice Council

Purpose:

To advise the Executive on introducing charges for heritage advice and design codes, and the use of planning performance agreements.

Executive summary:

In February, 2020, the Executive considered proposals to increase the level of fees that the Council charges for providing pre-application planning advice.

The Executive was advised at that time that a further report would be brought back for consideration relating to charging for heritage advice and for design code work, and the use of planning performance agreements.

This report sets out proposals in respect of each of these three areas.

Recommendation:

It is recommended that the Executive:

- (a) agrees the introduction of pre-application planning advice charges for heritage advice as set out at Paragraph 11, and that the charges will come into effect for all related requests received on or after the 1st February 2021;

- (b) agrees the introduction of charges in respect of work undertaken on design codes as set out at Paragraph 21, and that the charges will come into effect on the 1st February 2021;
- (c) notes the benefits to applicants and this Council of using planning performance agreements along with the potential for the Council to recover some of the abnormal costs it expends in processing related planning applications to agreed timetables;
- (d) agrees that this Council consider the use of planning performance agreements on any appropriate planning applications received on or after 1st February 2021.

Reason:

To ensure that the heritage advice provided, along with the advice provided on design codes, meets the needs of customers. To ensure that a proportion of the cost of delivering the heritage pre-application planning advice service is recovered from users of the service along with the full cost of providing advice on design codes. To manage the progress and cost of dealing with large scale and complex planning proposals.

Cost of proposals:

If the charges proposed in the report are implemented, the Council will receive additional income and recover a greater proportion of the cost of delivering the pre-application planning advice service, and potentially some of the abnormal costs associated with processing large scale and complex proposals.

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date:	04 January 2021
Subject:	Introducing charges for heritage advice and design codes, and the use of Planning Performance Agreements
Briefing by:	Director of Planning and Regeneration
Portfolio:	Planning and Development

INTRODUCTION

1. The provision of pre-application planning advice is a discretionary service provided by Fareham Borough Council and is strongly encouraged through the Government's planning guidance. Section 93 of the Local Government Act 2003 gives local authorities a discretionary power to charge for providing pre-application planning advice, being a service that this authority has the power to provide but is not obliged to.
2. At their meeting on the 3rd February 2020, the Executive agreed several changes to the Council's pre-application planning advice service, which included increasing the fees the Council charges to provide informal planning advice. The changes to the service along with the increases in fees came into effect on the 1st April 2020.
3. The Executive were also advised in February, that a further report would be bought back for consideration relating to charging for heritage advice; charging for design coding work; and the use of planning performance agreements. The following report sets out proposals in respect of each of these three areas.

Introduction of pre-application planning advice charges for listed buildings and heritage advice

4. Fees associated with listed building consent applications are set nationally. The current position is that the Council cannot charge a fee to deal with any formal applications seeking listed building consent. The Council is expected to meet the cost in full for processing these types of applications. In addition to this, at present this Council does not charge for providing pre-application planning advice on works solely relating to listed buildings.
5. The Council has one specialist Conservation Planner post who deals with the large majority of heritage related issues. The Conservation Planner receives large numbers of enquiries seeking advice on matters relating to listed buildings and other heritage assets. The most common enquiries relate to whether listed building consent is required or not and whether listed building consent is likely to be granted or not. It is estimated

that approximately 30% of the Conservation Planner's time is spent dealing with informal planning enquiries such as these.

6. Whilst it is important to maintain an advice service for customers, this needs to be balanced against the other pressures on the Conservation Planner's time. These include deciding listed building consent applications; advising on the heritage aspects of planning applications; undertaking Conservation Area Character Assessments and progressing related Article 4 procedures; and advising on the development of planning policy with respect to listed buildings and heritage assets.
7. Whether listed building consent is required or not is normally a fairly straight forward question to answer. At present the Council does not charge customers when they seek informal advice as to whether planning permission is required or not. In light of this it is not proposed to charge customers seeking informal advice as to whether listed building consent is required or not.
8. Whether listed building consent is likely to be granted or not is however a far more complicated question and one which can involve a fair amount of the Conservation Planner's time. To answer this question often requires research to be undertaken in respect of the specific listed building along with an assessment of the proposals; the assessment will often require a site visit including an inspection of the inside of the property. In many cases if the proposal is not acceptable, the Conservation Planner will provide advice on what changes need to be made to make it acceptable in their view.
9. Officers have reviewed a number of recently 'completed' enquiries where pre-application advice was sought and provided in respect of proposals to carry out works to a listed building. Of those completed cases, it was found that the Conservation Planner spent around 2 1/2 hours on average working on requests.
10. In considering the level at which a fee should be set, Officers have had regard to the approach taken by all the other planning authorities in Hampshire. A table listing all the charges set by the other planning authorities in Hampshire is attached at Appendix A of this report. Whilst a small number of authorities do not charge for this work, many charge a fee within a range of £40-£320.
11. The Council's Finance Officers have confirmed that the hourly rate for this Council's Conservation Planner is £75 per hour, when incorporating all relevant on-costs. Whilst it is acknowledged that some Hampshire authorities have set fees in the region £40-£50, this level of fee would not achieve full cost recovery for anything other than the simplest enquiry based on a desk-top response. It is considered appropriate to set a fee which strikes a balance between introducing one simple easily understood charge, whilst achieving full cost recovery in a large number of cases. It is recommended that this Council sets a fee of £150 (inclusive of VAT) for any requests for informal planning advice to carry out works or alterations to a listed building.
12. It is estimated that around 50 detailed enquiries are currently received each year seeking pre-application advice in respect of heritage assets, particularly listed buildings. If the number of enquiries continues unchanged following the introduction of a charge, approximately £7,500 would be recovered

Introduction of charges in respect of work undertaken on design codes

13. Design codes are a distinct form of detailed design guidance. They are a set of

illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area. They provide clarity over what constitutes high design quality for a particular site or area, providing a level of certainty for developers and the local community alike.

14. Design codes set out design principles aimed at delivering better quality places, by setting out the requirements for street widths, building heights and setbacks, treatment of footways, type and scale of planting and so forth. However, unlike many generic urban design guidelines or local development standards, design codes do not simply repeat policy or guidance found in other national or local policy or guidance documents. Instead, design codes provide a positive statement about the particular qualities of a place.
15. Design codes are focussed around those design characteristics that are important to achieve, and they establish and firmly fix the 'must have' design elements. In so doing codes help to provide continuity in quality and consistency over time. To achieve this aim, design codes often build upon a design vision in a development plan or masterplan.
16. Design codes can be commissioned or prepared by either the local planning authority or developer but are best prepared in partnership to secure agreed design outcomes and maintain viability, particularly across complex sites and phased and multi-developer schemes. They can also be prepared for smaller sites, including self-build or custom build projects, where codes can be used to maintain a degree of certainty whilst allowing for design freedom. Design codes can be applied to all development types including residential, commercial, mixed use, open space, landscape or public realm requirements.
17. Members will be aware from the recent consultation on the White Paper: Planning for the Future, that the Government wants to see design codes play a far greater role in the decision-making process on planning applications. The thrust of the White Paper is that the Government expects design codes to be prepared locally with community involvement, and that codes will be more binding on decisions made on planning applications.
18. As part of the planning permission the Planning Committee resolved to grant for Welborne, there is a requirement for the developer to submit both strategic and neighbourhood design codes to the Council for approval.
19. Strategic design codes will provide details of the nature of the character of the whole Welborne site, within which the neighbourhood areas will sit. The strategic design codes will provide details of the different character areas within Welborne, where they are located and how they will vary to reflect the site conditions, the different uses and spaces proposed. The neighbourhood design codes will supplement the strategic design codes and provide a greater level of detail in relation to different parcels of land within Welborne.
20. Officers consider that it is highly important that both strategic and neighbourhood design codes are prepared in partnership with the master developer. The neighbourhood design codes will continue to be produced and refined throughout the lifetime of the Welborne development. Developing the design codes in partnership with the master developer is likely to involve considerable Planning Officer and Urban Designer time and may require additional input from external consultants on occasions.

21. In recognition of the amount of officer time which is likely to be spent working on design codes, it is considered appropriate to recover this cost from master- developers or applicants. The differing scale of proposals which may use design codes, mean that it is not possible to set a 'fixed fee' at this stage for the work likely to be undertaken. It is therefore recommended that the charge for any work undertaken by this Council in respect of design codes, will be on a 'price on application' basis. The fee will be calculated on a case by case basis, based on a schedule of officer rates published annually on the Council's website, plus the costs of external consultant input when required.
22. With respect specifically to Welborne, there is a need to develop and agree a strategic design code with the master developer. It is anticipated that the work in association with the strategic design code will require in the region of 100 hours of Fareham Borough Council's Officers' time which will equate to approximately £9,000 of the Council's costs being recovered.
23. Work on subsequent neighbourhood design codes will be dependent on the manner in which Welborne is which brought forward, and the size of the neighbourhood areas. At this stage it is estimated that the initial neighbourhood design code is likely to require the same level of Officer time and in turn could secure the same level of cost recovery as the strategic design code. The Welborne program produced by Buckland Development Limited sets out that the strategic design code and first neighbourhood design code will be developed during 2021. Charging for design code work will assist in recovering the costs to this Council for delivering the Welborne Garden Village.
24. Whilst Welborne is one particular site where design codes will play an important role, there is potential that other development sites will come forward where the use of design codes will be appropriate.

The use of planning performance agreements

25. The statutory time limits for making decision on planning applications is usually 13 weeks for applications for major development and 8 weeks for all other types of development. In the case of an application subject to an Environmental Impact Assessment, there is a period of 16 weeks in which to make a decision. Where it is clear at the outset that an extended period will be necessary to process an application, the Government recommends that the local planning authority and the applicant should consider entering into a planning performance agreement before the application is submitted.
26. A planning performance agreement is a project management tool which local planning authorities and applicants can use to agree timescales, actions and resources for handling particular applications. They are intended to cover the pre-application and application stages but may also extend through to the post-application stage. Planning performance agreements can be particularly useful in setting out an efficient and transparent process for determining large and/or complex planning applications. They encourage joint working between the applicant and local planning authority and can also help to bring together other parties such as statutory consultees. Whilst they can be used for differing scales of applications, they are more likely to be used on the larger more complex schemes.
27. There are no prescribed national format for planning performance agreements, and it is for the local planning authority and the applicant to discuss and agree a suitable

process, format and content which is proportionate to the scale of the project and the complexity of the issues to be addressed. As a minimum, these agreements should be built around an agreed timetable, setting out development objectives and the responsibilities for various tasks. There will always need to be a clear and agreed timescale for reaching a decision on the application once it is submitted.

28. A planning performance agreement can extend to matters beyond the formal application process – such as programming the negotiation of any section 106 agreement. For very large or complex schemes the agreement may also provide a basis for any voluntary contributions which the applicant has offered to pay to assist with abnormal costs of processing the application. The parties will want to ensure that such payments do not exceed the cost of the additional work involved, are not seen to have any implications for the decision on the application, and do not deflect resources from processing other cases; any additional resource provided in this way needs to be used for additional capacity that is genuinely required to ensure a timely and effective service.
29. The use of planning performance agreements would be a helpful project management tool, particularly in respect of larger scale and more complex development proposals. An opportunity would exist for this Council to seek agreement from applicants to cover some of the abnormal costs which might be incurred by the Council in determining such planning applications. As there is no nationally specified format to planning performance agreements and each one will be bespoke, the drafting of individual agreements will be undertaken by planning officers in consultation with either the Head of Development Management or the Director of Planning and Regeneration.

RISK ASSESSMENT

30. If the charges are not introduced for providing pre-application advice on listed buildings, heritage assets and design codes, the Council will need to continue funding this part of the service from other revenue budgets.

CONCLUSION

31. The Executive is invited to approve the proposed charge for providing advice on proposals affecting listed building and heritage assets as set out at Paragraph 11; the charge in connection with work on design codes as set out at Paragraph 21; and to agree to the Council using planning performance agreements on appropriate planning proposals.

Enquiries:

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

Pre-application planning charge for heritage advice

Local Planning Authority	Charges	Explanation for differing fees
Basingstoke	£0	
East Hampshire	£67-£133	The first fee is for a desk based assessment with written advice only; the second fee includes a site visit
Eastleigh	£0	
Gosport	£50 upwards	£50 is for householder proposals. For all other types of development, a fee of at least £80 is levied on top of the Council's quoted pre-application charges
Hart	£70-£320	£70 is for householder proposals and for either written advice or a meeting. £320 relates to non- householder heritage advice
Havant	£67-133	The first fee is for written advice only, with the second including a site visit
Isle of Wight	£150 - £200	The first fee is for householder proposals with the second being for non-householder proposals
New Forest DC	£66-£130- £198	The first fee relates to advice where only listed building consent is involved. The second fee is for householder development relating to listed buildings which requires planning permission. The last fee is for extensive works proposed to listed buildings.
New Forest NP	£50	
Portsmouth	£40	
Rushmoor	£40	
Southampton	£50 -100	The first fee is for a desk based assessment with written advice only; the second fee includes a site visit
South Downs NP	£0 - £48	The first fee is for written advice only. Meetings are charged at £48 per hour
Test Valley	£0	
Winchester	£123.60	

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date **16th December 2020**

Report of: **Director of Planning and Regeneration**

Subject: **LOCAL INFORMATION REQUIREMENTS**

SUMMARY

A report was presented to the Planning Committee on 14th October 2020 which set out proposed changes to this Council's Local Information Requirements. A four week period of consultation was undertaken on the proposed changes which concluded on the 20th November 2020.

This report sets out the results of the consultation and the assessment by officers of the responses received. Further changes to the Local Information Requirements List are summarised in the following report and set out in full in the accompanying Appendix.

RECOMMENDATION

Members are recommended to agree the proposed changes to the Local Information Requirements which have been carefully considered in the context of the consultation responses received. The proposed changes to the Local Information Requirements should take effect on the 1st January 2021 and will be applied to all applications received on or after that date.

INTRODUCTION

1. A report was presented to the Planning Committee on the 14th October 2020 reviewing the levels of information required by this Council before it will validate planning applications. The report presented proposed changes to:
 - i) further clarify the information required particularly for householder and minor applications;
 - ii) require the submission of a nitrate mitigation statement for applications that will result in a net gain in overnight accommodation;
 - iii) a flexible approach to community consultation;
 - iv) require the addition of a statement confirming that the floor areas and sizes of new dwellings are in compliance with the National Minimum Technical Space Standards as required by the Fareham's Design Guidance (excluding Welborne) SPD; and
 - v) amendments regarding the submission of ecological and arboricultural information relating to householder applications.
2. At that meeting members resolved that the proposed changes to Fareham Borough Council's Local Information Requirements, shown in Appendix A to that report, be approved for public consultation. A four week period was allowed for consultation with statutory and local consultees, and with regular planning agents.
3. As a result of that consultation, six responses have been received from external consultees (the Environment Agency, Historic England, Highways England, Hampshire County Council as Lead Local Flood Authority, Hampshire County Council Ecology, and Sport England), with one further response received from a planning agent (Martin Critchley Architects.)
4. The following is a summary of the consultee responses together with a section setting out officers' recommendations.

SUMMARY OF RESPONSES

The Environment Agency

5. The list states that a flood risk assessment (FRA) is only required for householder applications at ground level when in flood zone 2 or 3 when they should be provided for all householder development in flood zones 2 and 3 not just those at ground level.

Historic England

6. Heritage Statements should be provided for all planning applications affecting a heritage asset or its setting and for all applications for listed building consent not just for major applications.
7. The list currently includes an archaeological desk-based assessment as part of a heritage statement. Archaeological desk-based assessments and heritage statements fulfil different functions with distinct formats and should be provided as stand-alone documents.

Hampshire County Council (Lead Local Flood Authority)

8. The LLFA may request an FRA for sites smaller than 1ha if they are at risk from other sources of flooding. The submission of an FRA with a drainage strategy rather than a formal FRA may be acceptable for smaller sites.
9. The list currently refers to critical drainage areas as notified by the Environment Agency. The Environment Agency are no longer involved in surface water matters therefore the LLFA would like to submit comparable areas.
10. There is no reference to the provision of drainage strategies, infiltration testing, groundwater monitoring or the development of SUDs strategies.

Highways England

11. No comment

Sport England

12. Please see Sport England's checklist which confirms the level of information required.

Hampshire County Council (Ecology Team)

13. Ecological assessments are also required for any development that may have an impact on notable habitats.
14. Ecological assessments must be carried out by qualified ecologists meeting CIEEM's Competencies for Species Survey
15. List updated to confirm that Solent Waders and Brent Geese Strategy Sites fall into the category of Noise Sensitive Areas.
16. List updated to require the submission of a lighting assessment for major applications that are adjacent to a woodland.

Martin Critchley Architects

17. The provision of a flood risk assessment for a householder application is excessive when a checklist could be used.
18. Given the difficulty in visiting sites during Covid the submission of photos could prevent the need for site visits for householder applications.

COMMENTS ON CONSULTEE RESPONSES

19. The Environment Agency have requested that Flood Risk Assessments are provided for all householder development in flood zones 2 and 3 not just those at ground floor level. Officers are satisfied that they can consider the Environment Agency's standing advice for development above ground level in flood zones 2 and 3 without the need for a Flood Risk Assessment to be provided. Officers do not consider any change is required to this aspect of the proposed Local Information Requirements.

20. The Lead Local Flood Authority have requested reference to the provision of drainage strategies, infiltration testing, groundwater monitoring and the development of SUDs strategies at an early stage in the project. The Local Information Requirements list has been amended to include the requirement for a drainage strategy for all major applications and for sites that are located in 'critical drainage areas.' Infiltration testing, groundwater monitoring and the development of SUDs strategies would be provided within the drainage strategy for all major applications and for all sites located within 'critical drainage areas'. Infiltration testing, groundwater monitoring and the development of SUDs strategies may be required for major applications and for sites other than those located within 'critical drainage areas' in the future due to the requirements of new policies contained within the publication local plan.

21. There is likely to be a need to update the Council's Local Information Requirements as the policies of the Fareham Local Plan 2037 increase in weight. The Council will need to re-consult on changes made to its Local Information Requirements and will engage again with the LLFA at that time.

22. Several of the requirements contained within Sport England's checklist are mandatory national requirements and would already be required in order to validate the application e.g. existing and proposed site plans and elevations. Other requirements such as the specification of pitch surface types and other ancillary features such as lighting would normally be provided within the planning statement and/or design and access statement. If the information required was not provided within the planning or design and access statement the planning officer would request it, however it is not considered to be necessary as a 'stand-alone' validation requirement.

23. PROPOSED FURTHER AMENDMENTS TO LOCAL INFORMATION REQUIREMENTS ARISING FROM CONSULTATIONS

24. The list has been amended to require heritage statements to be provided for all planning applications affecting a heritage asset or its setting and for all applications for listed building consent. This amendment is in accordance with the National Planning Policy Framework which states that: "*In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected.*"

25. The list has been amended to require archaeological desk-based assessments to be provided as a stand-alone document (distinct from any heritage assessments that may also be required) for development that involves disturbance of the ground in an areas of archaeological significance.) A link has also been provided to guidance of the Chartered Institute of Archaeologists relating to desk-based assessments.

26. The list has been amended to require drainage strategies to be provided for all major applications and for all development located within 'critical drainage areas'. Guidance has also been provided confirming what a drainage strategy must contain.

27. The amendments to the list are incorporated in Appendix 1. Recommended new text in the list is shown in *italics*. Items recommended to be deleted are shown with a ~~line through them~~.

28. RISK ASSESSMENT

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

RECOMMENDATION

30. Members are invited to agree the proposed changes to the Local Information Requirements set out in paragraphs 23 to 25 above and incorporated into Appendix A, to become effective from 1st January 2021.

Background Papers:

- Town and Country Planning (Development Management Procedure) (England) (Order) 2015
- Town and Country Planning Act 1990 (amended by the Growth and Infrastructure Act 2013)
- National Planning Policy Framework
- Planning Practice Guidance – Validation requirements
- Sport England’s Playing Fields Policy and Guidance
- Lead Local Flood Authority’s checklist of information requirements

Enquiries:

For further information on this report please contact Rachael Hebden, Senior Planner, Strategic Sites, Development Management (01329 824424.)

Appendix A - Local Information Requirements

Local list of additional information that must be submitted to Fareham Borough Council with certain types and scales of applications, or in particular locations.

Affordable housing statement

Required for:

- Full planning applications
- Outline planning applications

In the event that the proposal is not fully policy compliant, then a viability assessment must be submitted with the application.

When

- Residential schemes of 10 units and above or which have a maximum combined gross floorspace of more than 1000 square metres (gross internal) or if the site is part of an allocated site or a larger area capable of development.

Air Quality Assessment

Required for the following types of major applications*

- Full planning applications
- Outline planning applications

When

- Where the development would be likely to result in a significant increase in traffic on the following routes:

A27, between Downend Road to the east of Delme Roundabout and Redlands Lane to the west of Station Roundabout, (inclusive of Delme Roundabout, Quay St Roundabout and Station Roundabout); and the A32 Gosport Road Air Quality Management Area.

Archaeological Desk-Based Assessment

Required for the following types of applications

- *Full planning applications*
- *Outline planning applications*
- *Full planning application with listed building consent*
- *Listed building consent*

When:

- *When the development involves the disturbance of ground within an area of archaeological significance as shown on Hampshire County Council's [Historic Environment Record](#)*

Community Involvement

Required for the following types of major applications*

- Full planning applications
- Outline planning applications
- Reserved matters**

**Community Involvement should take place on reserved matters submissions where local interest in them is known to exist or is reasonably foreseeable.

When a revised planning application is submitted following a refusal, or an amended planning application is submitted making substantial changes to a previously approved scheme, further community involvement must be undertaken.

Contamination Assessment

Required for the following types of major applications*

- Full planning applications
- Outline planning applications

When

- All sites within 250 metres of a currently [licensed or historic landfill site](#) or where former uses may have contaminated land and/or the land is known to be contaminated.

Drainage Strategy

Required for the following types of applications

- *All major applications*

And

- *Householder applications*
- *Full planning applications*
- *Outline planning applications*

When



- *The site is located within a critical drainage area*

Ecological Assessment

Required for the following types of major applications*

- *Householder applications*
- Full planning applications
- Outline planning applications

When*:

- any development that may affect a nationally designated habitat. You can see these sites on the website of [Natural England](#) 
- any development that may affect a locally designated nature conservation habitat. You can see these sites in the Fareham Borough Local Plan Proposals map at the [planning portal](#) .
- any development that may have an impact on a protected species.
- *any development that may have an impact on notable habitats.*

Visit [Hampshire biodiversity information centre](#)  for information and help.

**The [Hampshire Biodiversity Information Centre checklist](#) can be used to ascertain whether ecological/ protected species assessments need to be undertaken.*

If a phase 1 survey (*also referred to as a preliminary ecological assessment*) is undertaken and identifies that a further survey is necessary, then this must be carried out and submitted with the application.

Flood Risk Assessment

Required for

- Householder applications

When:

- Development is at ground level in Flood Risk Zones 2 and 3

And

- Full planning applications for major development
- Outline planning applications for major development

When:

- Sites in Flood Risk Zone 1 of 1 hectare or more in area
- All sites within Flood Risk Zones 2 & 3
- *All sites in areas of medium or high risk of flooding from surface water drainage*

Foul Sewage and Utilities Assessment

Required for the following types of major applications*

- Full planning applications

When:

- If the proposed development results in any changes or replacement to an existing system or the creation of a new one. All applications in areas where existing sewage flooding takes place.

Heritage Statement (including historical, archaeological features and scheduled ancient monuments)

Required for the following types of major applications

- Full planning applications
- Outline planning applications
- Full planning application with listed building consent
- Listed building consent

When:

- Where ~~archaeological~~ or historical features or remains may be affected and development within a Conservation Area or affecting a Listed Building either directly or its setting.

Landscaping Scheme (Detailed)

Required for the following types of major applications*

- Full planning applications
- Outline planning applications where landscaping to be considered

Lighting Assessment

Required for the following types of *major applications

- Full planning applications

When:

- ~~Only where~~ Significant external lighting is proposed, i.e. flood lighting, lit areas of car parking, new street lighting.
- *Sites are next to areas of woodland*

Nitrate Mitigation Statement

Required for the following types of applications

- *Full planning applications*
- *Outline planning applications*

- *Reserved Matters*

When:

- *The applications will result in a net increase in overnight accommodation*

Noise Assessment

Required for the following types of *major applications

- Full planning applications
- Outline planning applications

When:

- Noise generating development such as Class B2 Uses are located near to noise sensitive areas i.e. residential *and Solent Waders and Brent Geese Strategy Sites*; and all noise sensitive developments eg, housing, nursing home etc., located near to a potential sources of noise e.g. licensed premises, busy urban road, motorway, industrial site.

Open Space Assessment

Required for the following types of applications

- Full planning applications including change of use
- Outline planning applications

When:

- Where the proposed development is on existing public open space.

Parking Provision

Required for the following types of *major applications

- Full planning applications
- Reserved matter applications for layout

When:

- Where new dwellings and/ or floorspace is proposed; where a loss of existing car parking is involved.

Planning Statements

Required for the following types of major applications

- Full planning applications
- Outline applications

Playing Field Checklist

Required for the following types of applications

- Full planning applications
- Outline applications

When


- The application involves the loss/partial loss of playing fields

Retail Impact Assessment

Required for the following types of applications where main town centre uses are proposed and the floor exceeds 500 square metres

- Full planning applications (including change of use)
- Outline planning applications

When

- Where proposed at edge of centres and out of centre locations [National Planning Policy Framework](#) 

Refuse and Recycling Plan

Required for the following applications:

- Detailed Planning applications for residential development including applications for changes of use

Space Standards Checklist

Required for the following applications:

- *Full planning applications*
- *Reserved Matter applications*
- *Change of use applications*

When

- All new residential development

Transport Assessment (TA)

Required for the following types of major applications*

- Full planning applications
- Outline planning applications

When

- Where the development has significant transport implications. The detail of the TA should reflect the scale of the development and the extent of the transport implications of the proposal.

Travel Plan

Required for the following types of *major applications

- Full planning applications
- Outline planning applications

When

- Where the development has significant transport implications, subject to following thresholds ([National Planning Policy Framework](#)):

Tree Survey/Arboricultural Assessment

Required for the following types of ~~major~~ applications*

- *Householder applications*
- Full planning applications
- Outline planning applications

When

- There are trees on the site or immediately adjacent that are subject to a TPO or within a Conservation Area and may be affected by the proposed development.

Ventilation/Extraction (impact) report

Required for

- Full planning applications including Change of Use

- Reserved matter applications for layout and appearance

When

- All A3/A4/A5 and B2 uses

*Major applications are those which involve: 10 or more dwellings; where the site has an area of 0.5 hectares or more and the number of dwellings is unknown; the provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; development carried out on a site having an area of 1 hectare or more.

For all residential, commercial and community related planning applications submitted within the policy boundary of Welborne (as shown on the Policies Map in Appendix B.2 of the Welborne Plan), the following Local Information Requirements apply in addition to those set out above

Comprehensive Masterplans

Required for:

- Initial planning application(s) for Welborne

Ecological Assessment

Required for:

- Initial planning application(s) for Welborne

Employment and Training Plan

Required for:

- Initial planning application(s) for Welborne

Energy Strategy

Required for:

- All planning application(s) for Welborne

Flood Risk Assessment

Required for:

- Initial planning application(s) for Welborne

Framework Travel Plan

Required for:

- Planning application(s) for all or part of Welborne

Heritage Strategy

Required for:

- Initial planning application(s) for Welborne

Infrastructure Delivery Plan

Required for:

- Initial planning application(s) for Welborne

Landscaping Scheme (detailed)

Required for:

- Detailed Planning application(s) and Reserved Matter submissions for all or part of Welborne

Landscaping Scheme (Structural)

Required for:

- Initial planning application(s) for Welborne

Open Space and Green Infrastructure strategy

Required for:

- Initial planning application(s) for Welborne

Phasing Plan

Required for:

- Initial planning application(s) for Welborne

Site wide Viability assessment

Required for:

- Any application(s) for Welborne that include a reduced or delayed provision of infrastructure

Strategic Design Codes or Design Principles Documents

Required for:

- Initial planning application(s) for Welborne

Structuring Plan (including parameter plans)

Required for:

- Initial planning application(s) for Welborne

Transport Framework and Transport Assessment

Required for:

- Planning application(s) for all or part of Welborne

Waste Water Strategy

Required for:

- All planning applications for Welborne

Definitions:

Affordable Housing Statement

Affordable Housing is an aim of the National Planning Policy Framework and is required through Policy CS18 of the Fareham Borough Core Strategy which is further amplified through the [Affordable Housing Supplementary Planning Document](#). We may need information about both the affordable housing and any market housing for example, the numbers of residential units, the mix of units with numbers of habitable rooms and/or bedrooms, or the floor space of habitable areas of residential units, plans showing the location of units and their number of habitable rooms and/or bedrooms, and/or the floor space of the units. If different levels or types of affordability or tenure are proposed for different units this should be clearly and fully explained. The affordable housing statement should include details of any registered social landlords acting as partners in the development.

In the event that the proposal is not fully policy compliant, then a viability assessment needs to be provided with the planning application.

Archaeological Desk Based Assessment

Required for all applications involving the disturbance of ground within an area of archaeological significance as shown on [Hampshire County Council's Historic Environment Record](#). An applicant may need to commission an assessment of existing archaeological information and submit the results as part of the desk-based assessment. [Standards and guidance](#) regarding archaeological desk-based assessments are provided by the Chartered Institute for Archaeologists.

Air Quality Statement

An air quality statement should be proportionate to the scale of the development. For minor development the statement should demonstrate how the development will reduce its impact on air quality. For major development the statement should demonstrate how emissions will be minimised and the way in which the local air quality will be improved. It should explain the measures proposed to minimise the impact of the development on air quality in the following area: A27, between Downend Road to the east of Delme Roundabout and Redlands Lane to the west of Station Roundabout (inclusive of Delme Roundabout, Quay Street Roundabout and Station Roundabout) and the A32 Gosport Road Air Quality Management Area.

In the case of large scale developments which are likely to result in a significant increase in traffic movements, it may be necessary to assess the predicted concentration of pollutants of

concern at appropriate dates and sensitive locations, the predicted change in air quality and the extent of the area affected.

Guidance is available:

Planning for Air Quality

<http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf> 

Air Quality Management Areas

https://www.fareham.gov.uk/licensing_and_inspections/air_quality/aqmapage.aspx

Community Involvement

Prior to submitting any major planning applications, applicants must write to and consult with the local community. The extent of consultation will need to be determined on a case by case basis having regard to the scale of the proposals and the likely extent of local interest.

In addition to this, and subject to the prevailing national advice on holding public meetings, exhibitions would be appropriate in publicly accessible local locations setting out proposals for the community to be able to view and comment upon. There is an expectation that exhibitions will be arranged for all major applications unless it has been agreed with Fareham Borough Council in advance that there is not likely to be sufficient public interest in the proposals.

These exhibitions should be staffed by developers/ their representatives and/or consultants in order to assist the community with their questions upon the proposals. Fareham Borough Council recognises that where exhibitions are undertaken over a long period of time it may not be possible to staff the exhibition for the whole period. In these cases, the applicant should endeavour to staff the exhibition at least in part, at times which are likely to attract the greatest level of interest from the community.

The Council also recognises that in some instances it may be appropriate for applicants to create websites which display key plans and documents and enable interested parties to ask questions and provide comments on proposals.

Major planning applications will need to be supported by a statement setting out how the applicant has consulted with the local community, details of the views expressed by the local community and demonstrating how their views have been taken into account in the formulation of development proposals.

Comprehensive Masterplans (Welborne)

Comprehensive Master Plans propose the layout and location of land uses, buildings, public and private spaces, streets, pedestrian and cyclist routes. A Comprehensive Master Plan adds a further level of detail to the Structuring Plan.

The Comprehensive Master Plans must:

- Define the distribution of land-uses and activities;

- Define the heights, massing and bulk of buildings including average densities and maximum building heights;
- Define the public spaces, including the streets and open spaces;
- Define the nature of the relationships between buildings and public spaces (i.e. nature of boundaries between private and public spaces);
- Identify the network of streets and routes for people moving by foot, cycle, car or public transport, service and refuse vehicles, as well as access points and connections off-site;
- Identify the provision of key infrastructure elements, such as supply of electricity and disposal of foul water, sustainable drainage measures, green infrastructure, structural landscaping etc;
- Demonstrate an understanding of how well the new community is integrated with the surrounding landscape context and how this is reflected in the character areas of the development.

Contamination Assessment

Sufficient information should be provided to determine the existence or otherwise of contamination, its nature and the risks it may pose and whether these can be satisfactorily reduced to an acceptable level. Where contamination is known or suspected or the proposed use would be particularly vulnerable, the applicant should provide such information with the application as is necessary to determine whether the proposed development can proceed. To identify whether a site could be affected by contaminants in the ground it will be necessary to consider the following;

All submissions should include an assessment of the risks to humans, buildings and services, ground and surface water and the environment based upon preliminary findings. Commercial property searches that identify environmental risk are available over the internet, although it should be noted that these may not have access or refer to all available information relating to the previous use of a site and may not assess the site in the context of a new planning use. The pollution section of Environmental Health may be able to provide advice and help. Please contact us to discuss this in more detail.

Drainage Strategy

The drainage strategy should provide the level of information and detail specified in the [Lead Local Flood Authority's checklist](#) .

Further guidance is available from:

[The Lead Local Flood Authority Building Regulations Approved document H Drainage and Waste Disposal](#)

Ecological Assessment

Where a proposed development may have possible impacts on wildlife and biodiversity, information should be provided on existing biodiversity interests and possible impacts on them to allow full consideration of them. Where proposals are being made for mitigation and/or compensation measures information to support those proposals will be needed. Where appropriate, accompanying plans should indicate any significant wildlife habitats or features and the location of habitats of any species protected under the Wildlife and

Countryside Act 1981, the Conservation of *Habitats and Species* Regulations 2010 or the Protection of Badgers Act 1992. Applications for development in the countryside that will affect areas designated for their biodiversity interests are likely to need to include assessments of impacts and proposals for long term maintenance and management. This information might form part of an environmental statement, where one is necessary. Certain proposals which include work such as the demolition of older buildings or roof spaces, removal of trees, scrub, hedgerows or alterations to water courses may affect protected species and will need to provide information on them, any potential impacts for them and any mitigation proposals for such impacts. Government planning policies for biodiversity are set out in [National Planning Policy Framework](#). The Council has developed a biodiversity [checklist](#) to give detailed validation requirements for biodiversity and geological conservation.

Ecological assessments should be carried out by qualified ecologists meeting CIEEM's Competencies for Species Survey <https://cieem.net/resource/competencies-for-species-survey-css/>

Energy Strategy (Welborne)

The Energy Strategy must demonstrate how the development will:

- i. Optimise energy efficiency by minimising the use of energy through design, layout, orientation, landscaping and materials;
- ii. Achieve high energy efficiency standards for all buildings, including meeting the Passivhaus Standard if appropriate; and
- iii. Secure energy supply, maximising the use of low or zero carbon technologies including district energy networks

Flood Risk Assessment

The FRA should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. The FRA should identify opportunities to reduce the probability and consequences of flooding. The FRA should include the design of surface water management systems including sustainable drainage systems (SUDs) and address the need for safe access to and from the development in areas at risk of flooding. The FRA should be prepared by an applicant in consultation with the local planning authority with reference to their published local development documents and any strategic flood risk assessment. The FRA should form part of an environmental statement when one is required by The [Town and Country Planning \(Environmental Impact Assessment\) Regulations 2017](#).

The [National Planning Policy Framework](#) provides guidance for both local planning authorities and applicants in relation to the undertaking of FRAs and the responsibilities for controlling development where it may be directly affected by flooding or affect flooding elsewhere.

Further guidance is also provided by the Lead Local Flood Authority

You can determine whether your site is at risk from surface water flooding by referring to the Environment Agency's [flood risk for surface water map](#)

Flood Risk Assessment (Welborne)

In addition to the above guidance:

Initial or outline planning applications for Welborne must include a site-specific flood risk assessment for the development site, to demonstrate that the proposed development will not increase flood risk on the Welborne site or elsewhere.

The development of Welborne shall manage flood risk, in accordance with the findings of the site-specific flood risk assessment through the integration of Sustainable Drainage Systems (SuDS). A comprehensive SuDS Strategy showing the principles of delivery, future management and maintenance across Welborne, shall be prepared and submitted with the initial planning applications.

Foul Sewage and Utilities Assessment

All new buildings need separate connections to foul and storm water sewers. If your application proposes to connect a development to the existing drainage system, you should show details of the existing system on the application drawing(s). It should be noted that in most circumstances surface water is not permitted to be connected to the public foul sewers¹. Where the development involves the disposal of trade waste or the disposal of foul sewage effluent other than to the public sewer, then a fuller foul drainage assessment will be required including details of the method of storage, treatment and disposal. A foul drainage assessment should include a full assessment of the site, its location and suitability for storing, transporting and treating sewage. Where connection to the mains sewer is not practical, then the foul/non-mains drainage assessment will be required to demonstrate why the development cannot connect to the public mains sewer system and show that the alternative means of disposal are satisfactory.

An application should indicate how the development connects to existing utility infrastructure systems. Most new development requires connection to existing utility services, including electricity and gas supplies, telecommunications and water supply, and also needs connection to foul and surface water drainage and disposal.

Framework Travel Plan (Welborne)

An area wide Framework Travel Plan in accordance with Highway Authority Guidance agreed between the Council, Highway Authority and the developers which will demonstrate how modal shares by walking, cycling and public transport and the encouragement of more sustainable transport will be achieved.

Heritage Statement (including historical, archaeological features and scheduled ancient monuments)

The scope and degree of detail needed in a heritage statement will vary depending on the circumstances of each application. You are advised to discuss proposals with either a planning officer or a conservation officer before making an application. The following is a guide to the sort of information that we may need for different types of application.


For applications for listed building consent, a written statement that includes a schedule of works to the listed building(s), ~~an analysis of the significance of archaeology,~~ history and

character of the building/structure, the principles of and justification for the proposed works and their impact on the special character of the listed building or structure, its setting and the setting of adjacent listed buildings may be required. A structural survey may be required in support of an application for listed building consent.

For applications either related to or impacting on the setting of heritage assets a written statement that includes plans showing historic features that may exist on or adjacent to the application site including listed buildings and structures, historic parks and gardens, historic battlefields and scheduled ancient monuments and an analysis of the significance of archaeology, history and character of the building/structure, the principles of and justification for the proposed works and their impact on the special character of the listed building or structure, its setting and the setting of adjacent listed buildings may be required.

For applications within or adjacent to a conservation area, an assessment of the impact of the development on the character and appearance of the area may be required.

~~For all applications involving the disturbance of ground within an area of archaeological potential as defined in the development plan or in other areas in the case of a major development proposal or significant infrastructure works, an applicant may need to commission an assessment of existing archaeological information and submit the results as part of the heritage statement.~~

Guidance on Planning and Heritage Assets is available as part of the National Planning Policy Framework and advice on formulating a Heritage Statement is provided by [Historic England](#). the Council's [Advice Note Design and Access Statements to Accompany Applications for Listed Building Consent](#)  (112 KB).

Heritage Strategy and Historic Environment Management Plan (Welborne)

Initial or outline planning applications shall be accompanied by a heritage strategy and an historic environment management plan, which sets out the broad principles and options for how the following might be addressed:

- i. How the heritage assets will be assessed and identified;
- ii. The significance of the known heritage assets and their setting;
- iii. How the heritage assets will be preserved and enhanced;
- iv. The positive contribution that the conservation of heritage assets will make to a sustainable new community;
- v. How the heritage assets have influenced the layout and design of the development should be clearly set out in the supporting documentation;
- vi. The methodology for recording and storing any archaeological finds of lesser importance;
- vii. How the results of any archaeological investigations and the retained heritage assets will be presented to the public.

Infrastructure Delivery Plan (Welborne)

The Infrastructure Delivery Plan will set out what infrastructure is required to support the scale of development envisaged at Welborne, and at what point that infrastructure will need to be delivered or completed by.

The applicants will be expected to base their Infrastructure Delivery Plan on the Plan produced by Fareham Borough Council as part of the evidence for the Welborne Plan. The IDP must be produced to at least the same level of detail as that produced by this Council.

Landscaping Scheme (Detailed)

Applications may be accompanied by landscaping details and include proposals for long term maintenance and landscape management. There should be reference to landscaping and detailed landscaping proposals which follow from the design concept in the design and access statement, if required. Existing trees and other vegetation should, where practicable, be retained in new developments and protected during the construction of the development.



Landscaping Scheme (Structural) (Welborne)

Structural landscaping schemes must identify how the existing landscape features on and around the site can be strengthened and used to create a unique 21st century model for a new garden community .

Structural landscaping schemes will show how they respond positively to areas of high landscape quality to the north and east of the site and take into account any material impact upon long distance views of the site from Portsdown Hill to the east and across the site from the south.

All structural landscaping schemes should include a detailed phasing and management plan, with the emphasis on bringing forward the structural planting elements in the early phases of the development.

Lighting Assessment

Proposals involving provision of publicly accessible developments, in the vicinity of residential property, a listed building or a conservation area, or open countryside, where external lighting would be provided or made necessary by the development, should be accompanied by details of external lighting and the proposed hours when the lighting would be switched on. These details shall include a layout plan with beam orientation and a schedule of the equipment in the design. [Lighting in the countryside: towards good practice \(1997\)](#)  and The Institution of Lighting Engineers '[Guidance Notes For The Reduction of Obtrusive Light](#)'  are valuable guides for local planning authorities, planners, highway engineers and members of the public. It demonstrates what can be done to lessen the effects of external lighting, including street lighting and security lighting. The advice is applicable in towns as well as the countryside.

Nitrate Mitigation Statement

The Solent coastline provides feeding grounds for internationally protected populations of overwintering waders and wildfowl.. Natural England has advised that there is likely to be adverse effects on the integrity of European Protected Sites resulting from new housing around the Solent unless mitigation is carried out. Applications for residential development within the Borough therefore need to identify the measures to mitigate the direct impacts of their development upon the European Protected Sites in The Solent.


The following key pieces of information should be submitted as part of any Nitrate Mitigation Statement:

-Confirmation of the way in which the site has been used during the 10 years preceding the submission of the application. If the land has had more than one land use (as specified in [Natural England's guidance](#)) a plan is required to confirm the location of each land use. Each parcel of land must have the area annotated and be provided with a detailed chronology confirming when each parcel of land was used for each separate use.

-The land uses and areas must be used to complete a Nutrient Budget using [Natural England's Nutrient Calculator](#)

-The mitigation statement should also confirm the form of mitigation proposed for example the provision of a financial contribution towards a strategic project off-site or on-site mitigation. Full details of the mitigation are not required for validation purposes but will be required for the case officer to undertake an appropriate assessment prior to the determination of the application.

Noise Assessment

Applications for developments that raise issues of disturbance by noise to the occupants of nearby existing buildings, and for developments that are considered to be noise sensitive and which are close to existing sources of noise should be supported by a noise assessment prepared by a suitably qualified acoustician. Further guidance is provided in the [National Planning Policy Framework](#) 

Open Space Assessment


For development within open spaces, application proposals should be accompanied by plans showing any areas of existing or proposed open space within or adjoining the application site. In the absence of a robust and up-to-date assessment by a local authority, an applicant for planning permission may seek to demonstrate through an independent assessment that the land or buildings are surplus to local requirements. Any such evidence should accompany the planning application.

Open Space and Green Infrastructure Strategy (Welborne)

The strategy shall identify the exact location, quantity, nature and quality standards of each type of on-site green infrastructure required, together with adequate changing, storage and parking facilities, where appropriate.

Specifications for the layout and construction of the relevant facilities together with details of the required level of parking and floodlighting (where appropriate), and boundary treatment shall be included.

Parking Provision

Applications must provide details of existing and proposed parking provision. These details should be shown on a site layout plan. Advice on residential car parking requirements is set out in [Residential Car & Cycle Parking Standards Supplementary Planning Document November 2009](#)  (732 KB). Non-residential car parking requirements are set out in

[Fareham Borough Council's Non-Residential Parking Standards Supplementary Parking Document](#) adopted in September 2015.

Phasing Plan (Welborne)

The Phasing Plan will set out what areas of land within Welborne will be developed and in what order. The way in which development comes forward at the site will have a direct link to what infrastructure needs to be delivered and when.


The applicants will be expected to base their Phasing Plan on the Plan produced by Fareham Borough Council as part of the evidence for the Welborne Plan. The Phasing Plan must be produced to at least the same level of detail as that produced by this Council.

Playing Field Checklist

The Playing Field Checklist must contain all of the information required by Sport England's Playing Fields Policy and Guidance Annex B Information Requirements:


[Playing Fields Policy and Guidance Annex B Information Requirements](#) 

Retail Impact Assessment

[National Planning Policy Framework](#)  provides up to date advice concerning the application of the sequential test for town centre uses. The level and type of evidence and analysis required to address the key considerations should be proportionate to the scale and nature of the proposal.

Refuse and Recycling Plan

A refuse and recycling plan needs to show the proposed route (tracked) for the refuse vehicle (if appropriate) together with bin collection and storage points.

For information relating to the detailed access and refuse storage requirements see the [Refuse Storage Design Guidance](#)  (11 MB) (Contained within the Technical Annex of the Fareham Borough Design Guidance Supplementary Planning Document (Excluding Welborne))

Space Standards Checklist

The [Fareham Borough Design Guidance SPD](#) recommends that the internal dimensions of dwellings meet the minimum sizes set out in the [Nationally described space standards](#).

The space standards checklist needs to confirm and demonstrate that all proposed dwellings comply with the Nationally described space standards. The checklist needs to include the gross internal floor area of all rooms and built in storage together with the floor to ceiling height.

Strategic Design Codes or Design Principles Document (Welborne)

Strategic Design Codes are technical documents that illustrate the detailed design rules and requirements for the area of Welborne, which they control.

Strategic Design Codes will provide details of the nature of the overarching and consistent character of the whole Welborne site, within which character areas sit. They provide details of each character area, where they are located and how they vary to reflect the site conditions, the different use(s) and spaces proposed. They will include an explanation of each character area and how it relates to the overall character of Welborne. The rationale for the design will be supported by an analysis of the site and surrounding area to demonstrate how the character of the landscape and surrounding area has influenced the design options within the code. Each Strategic Design Code will contain a plan showing where each character area applies, and which sections of the code (i.e. the rules) apply. For each character area covered by the code, an illustrative design with supporting text explaining the type of place proposed will be provided.

For each character area, the Strategic Design Codes will illustrate:

Typical street design including how highway, footpaths, cycling routes, servicing/refuse, boundaries, planting, lighting and 'on street' parking will be provided;

Typical housing types with boundary treatments, parking, bin/cycle provision and storage (including corner plots);

Typical planting species for trees, shrubs and ground cover;

Treatment of areas of public space;

Treatment of key views and non residential buildings; and

Palette of main materials

The Strategic Design Codes should include elevations of the front or side view of a building, and cross sections that slice through a building and the entire street which services the property. They must also clearly show how necessary green and physical infrastructure and utilities can be accommodated, such as underground servicing.

If no Strategic Design Codes are submitted with initial outline planning application(s), then High-Level Development Principles to be submitted with the Structuring Plan, in accordance with this SPD. High-Level Development Principles (which accompany the Structuring Plan) will set out what the design objectives for Welborne will be; the Design Codes will provide detailed instructions on how these principles will be delivered.

Structuring Plan (including parameter plans) (Welborne)

The Structuring Plan is a plan with a supporting evidence base that both shows and explains how the development can come forward on a comprehensive basis at Welborne. It will need to reflect the phasing and delivery guidelines set out in the adopted Plan.

The purpose of the Structuring Plan is to ensure that Welborne is developed comprehensively and the design process is co-ordinated across site ownership boundaries. It is essential that a Structuring Plan is prepared for all of the land within the Welborne Plan policy boundary as shown on the 'Policies Map'.

The Structuring Plan must show and justify the following:

The disposition of the main land-uses, the location of Welborne's schools, the District and Local Centres and the Community Hub (with a rationale for the location, distribution and amount of different land uses, as well as average densities and maximum building heights shown), together with an agreed land budget (i.e. breakdown of each land use by measured area);

The main pedestrian and cycle routes throughout Welborne, the access points and primary road network, including the Bus Rapid Transit (BRT) route (with a rationale for the transport network and hierarchy, including street design/dimensions details to ensure consistency throughout the development);

The areas proposed for SANGs (Suitable Alternative Natural Greenspaces) and strategic green infrastructure, including the green corridors linking them (with a rationale for the location, distribution, type and amount of green infrastructure, including structural landscaping); and

The location of strategic utilities, infrastructure, including for the supply of electricity and disposal of foul water (with a rationale for the location, utility network and nature of provision).

Parameter plans should support the Structuring Plan for the Welborne site; they should also be accompanied by a written explanation of the rationale behind the plans.

Further details and guidance on these elements are contained within pages 11-17 of the adopted Welborne Design Guidance SPD.

Transport Assessment

[National Planning Policy Framework](#) provides up to date advice concerning the status of Transport Assessments. The coverage and detail of the TA should reflect the scale of the development and the extent of the transport implications of the proposal. For smaller schemes the TA should simply outline the transport aspects of the application, while for major proposals, the TA should illustrate accessibility to the site by all modes of transport, and the likely modal split of journeys to and from the site. It should also give details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal, and to mitigate transport impacts.

Transport Framework (incorporating a Public Transport Plan) and Transport Assessment for Welborne

Demonstration of how the following will be achieved:

- i. The delivery of high quality sustainable public transport system, including the extension of the existing Bus Rapid Transit network to serve the new community;
- ii. Implementation of Travel planning to reduce the reliance on the private car;
- iii. A development which is southwards-facing in transport terms through the masterplan layout and delivery of access via the A32 and an improved junction 10 of the M27;
- iv. The rate of development linked to the funding and provision of necessary transport infrastructure;
- v. The incorporation of transport interventions to mitigate traffic impacts on the local and strategic road network and to mitigate any environmental impacts.

Travel Plan

A travel plan should be submitted alongside planning applications which are likely to have significant transport implications. The need for a travel plan is based upon the scale of the proposed development as set out above. Initially a Framework Travel Plan may need to be submitted, as the detail will be subject to agreement with Hampshire County Council as Highway Authority.

Tree Survey/ Arboricultural Implications

Where there are trees within the application site, or on land adjacent to it that could influence or be affected by the development (including street trees), information will be required on which trees are to be retained and on the means of protecting these trees during construction works. This information should be prepared by a qualified arboriculturist. Full guidance on the survey information, protection plan and method statement that should be provided with an application is set out in the current BS5837:2012 ; Trees in relation to design, demolition and construction - Recommendations. Using the methodology set out in the BS should help to ensure that development is suitably integrated with trees and that potential conflicts are avoided.

Ventilation/Extraction Statement

Details of the position and design of ventilation and extraction equipment, including odour abatement techniques and acoustic noise characteristics, will be required to accompany all applications for the use of premises for purposes within use classes A3 (i.e. restaurants and cafes – use for the sale of food and drink for consumption on the premises), A4 (i.e. drinking establishments – use as a public house, wine-bar or other drinking establishment), A5 (i.e. hot food takeaways – use for the sale of hot food for consumption off the premises), B1 (general business) and B2 (general industrial). This information (excluding odour abatement techniques unless specifically required) will be required for significant retail, business, industrial, leisure or other similar developments where substantial ventilation or extraction equipment is proposed to be installed.

Viability Assessment

In the event that applicants consider infrastructure should be reduced or delayed, this will need to be fully justified through a viability assessment undertaken by a suitably qualified person. The scope and methodology of the viability assessment must be agreed with the Council before the assessment is undertaken and submitted.

In line with National Planning Practice Guidance advice, any viability assessment should be prepared on the basis that it will be made publicly available other than in exceptional circumstances. Even in those circumstances an executive summary should be made publicly available. In circumstances where it is deemed that specific details of an assessment are commercially sensitive, the information should be aggregated in published viability assessments and executive summaries, and included as part of total costs figures. Where an exemption from publication is sought, this Council must be satisfied that the information to be excluded is commercially sensitive.

As a minimum, the government recommends that the executive summary sets out the gross development value, benchmark land value including landowner premium, costs, as set out in

this guidance where applicable, and return to developer. Where a viability assessment is submitted to accompany a planning application, the executive summary should refer back to the viability assessment that informed the plan and summarise what has changed since then. It should also set out the proposed developer contributions and how this compares with policy requirements.

Waste Water Strategy (Welborne)

Planning application(s) for development will be accompanied by details of a comprehensive waste water conveyance and treatment solution for Welborne, including details on the phasing of new waste water infrastructure.