

# FAREHAM

BOROUGH COUNCIL

## AGENDA PLANNING COMMITTEE

**Date:** Wednesday, 17 February 2021

**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  
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 - 16)**

To confirm as a correct record the minutes of the Planning Committee meetings held on 13 January 2021 and 20 January 2021.

**3. Chairman's Announcements**

**4. Declarations of Interest**

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

**5. Deputations**

To receive any deputations of which notice has been lodged.

**6. Five Year Housing Land Supply Position Update (Pages 17 - 27)**

To consider a report by the Director of Planning and Regeneration which gives an update on the Council's five year housing land supply position.

**7. Planning applications and Miscellaneous Matters including an update on Planning Appeals (Page 28)**

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/20/0931/FP - EDENHOLME DUNCAN ROAD PARK GATE SO31 1BD**  
(Pages 30 - 41)

**ZONE 2 - FAREHAM**

**ZONE 3 - EASTERN WARDS**

- (2) **P/19/0483/FP - THE GRANGE OAKCROFT LANE PO14 2EB** (Pages 45 - 72)

- (3) **P/20/0418/OA - THE GRANGE OAKCROFT LANE PO14 2EB** (Pages 73 - 103)

- (4) **P/20/0522/FP - LAND EAST OF CROFTON CEMETERY AND WEST OF PEAK LANE STUBBINGTON** (Pages 104 - 146)

- (5) **Planning Appeals** (Pages 147 - 150)

**8. Fareham Tree Preservation Order No. 769 2020 - 8 Lambourn Close, Fareham**  
(Pages 151 - 161)

To consider a report by the Director of Planning and Regeneration on Tree

Preservation Order No. 769 (2020) to which an objection has been received.

A handwritten signature in black ink that reads "P Grimwood". The signature is written in a cursive style with a large initial "P".

P GRIMWOOD  
Chief Executive Officer  
Civic Offices  
[www.fareham.gov.uk](http://www.fareham.gov.uk)  
11 February 2021

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

# FAREHAM

BOROUGH COUNCIL

## Minutes of the Planning Committee

(to be confirmed at the next meeting)

**Date:** Wednesday, 13 January 2021

**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, M J Ford, JP, Mrs C L A Hockley, L Keeble and R H Price, JP

**Also  
Present:**



**1. APOLOGIES FOR ABSENCE**

There were no apologies of absence made at this meeting. However Councillor Mrs C L A Hockley was in attendance at this meeting as a deputy due to the loss of Councillor K D Evans.

**2. MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the Planning Committee held on 16 December 2020 be confirmed and signed as a correct record.

**3. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements: -

He started his announcement by paying tribute to Councillor Keith Evans who sadly passed away in December, the Committee agreed that his loss would be greatly felt and that everyone would miss his wisdom, sense of humor and friendship.

He then went on to make the following statement:

*“Members will recall that at the last Planning Committee meeting I provided an update on a judicial review claim which had been brought by Save Warsash and the Western Wards against the Council’s decision to grant planning permission for six detached dwelling houses on land adjoining 79 Greenaway Lane (planning reference P/18/0884/FP).*

*At that meeting I advised Members that an order by the High Court was made on 7 December 2020 refusing permission to bring the judicial review claim on all 8 grounds.*

*I also advised Members that the claimant, Save Warsash and the Western Wards, had the option to ask the Court to reconsider their claim at a hearing, on any or all of the 8 grounds of challenge. I can confirm that the claimant has now asked the court to reconsider whether to grant permission to bring the claim at a hearing, which will take place on 4 February 2021.*

*Members will also be aware that a second claim for judicial review has been brought against the Council’s decision to grant planning permission for eight detached dwelling houses at Egmont Nurseries in Brook Avenue (planning reference P/18/0592/OA).*

*In this claim, there were also eight grounds of challenge; of those eight grounds, four were similar to those pursued in the judicial review claim at Greenaway Lane. The court has granted the claimant, Brook Avenue Residents Against Development, permission to proceed on all 8 grounds of challenge and the matter will go on to be considered at a substantive hearing. A date for this hearing has not yet been set.”*

**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	Dep Type
<b>ZONE 1 – 2.30pm</b>					
Ms J Savage		23 BRIDGE ROAD PARK GATE SO31 7GD – ERECTION OF TWO 3-BED SEMI-DETACHED DWELLINGS AND ONE 4-BED DETACHED DWELLING WITH DETACHED CAR PORT, BIN AND CYCLE STORE WITH ACCESS FROM BRIDGE ROAD	<b>Opposing</b>	6 (2) P/20/0391/FP Pg 26	<b>Written</b>
Mr N Ellis (Agent)		-Ditto-	<b>Supporting</b>	-Ditto-	<b>Video</b>
<b>ZONE 2 – 2.30pm</b>					
Mr Marshall R	(The Fareham Society)	FERNEHAM HALL OSBORN ROAD – DISCHARGE OF CONDITIONS 3 (NOISE MITIGATION), 4 (SOLAR PANELS, EXTERNAL MATERIALS AND SIGNAGE), 5 (LANDSCAPING) AND 7 (BAT/SPARROW BOXES) OF	<b>Comment</b>	6 (3) P/20/0055/DP/A	<b>Written</b>

		PLANNING PERMISSION P/20/0055/FP			
Mr D Ford (Agent)		LAND AT REDLANDS LANE FAREHAM – CONSTRUCTION OF A 64 BE CARE HOME WITH ASSOCIATED INFRASTRUCTURE	<b>Supporting</b>	6 (4) P/20/0639/FP Pg 51	<b>Video</b>
Mr M Sedgley		-Ditto-	<b>-Ditto-</b>	-Ditto-	<b>Written</b>
Ms H Duffy		-Ditto-	<b>Opposing</b>	-Ditto-	<b>Written</b>
Mr R Marshall	The Fareham Society	-Ditto-	<b>-Ditto-</b>	-Ditto-	<b>Written</b>
<b>ZONE 3 – 2.30pm</b>					

## 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/20/1398/VC - SOLENT BREEZES CHILLING LANE SO31 9HG

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

*Eight further representations have been received (five supporting and three objecting) since the Planning Committee agenda was published. The comments raised no further material planning considerations other than those already included in the Officer report.*

*Condition 1 has been removed from the report.*

*The wording of Condition 2 (previously Condition 3) under part 9.1 of the report has been amended to the following:*

*Occupation of the caravans shall only be between 7<sup>th</sup> January 2021 and 1<sup>st</sup> March 2021 and between 1<sup>st</sup> March in any years and 7<sup>th</sup> January in the succeeding year inclusive of those dates.*

*REASON: In order to prevent the establishment of a permanent residential accommodation on this site within the countryside in an unsustainable location; in order to prevent the change of character of this building as a seasonal/holiday caravan which would likely lead to the similar loss of further caravans from their intended use and the eventual erosion of the character of the Solent Breezes site as a whole.*

(During the presentation on this item Councillor Price lost his connection to the meeting. As he was not present for part of the presentation and for part of the debate on this item, he was unable to vote on this application.)

Upon being proposed and seconded the officer recommendation to grant planning permission, subject to the conditions in the report and update report, was voted on and CARRIED.  
(Voting: 8 in favour; 0 against)

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

**(2) P/20/0391/FP - 23 BRIDGE ROAD PARK GATE SO31 7GD**

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

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

*Amended Planting and Landscaping Plan received.*

*Amended proposed condition 2  
h) Landscaping & Planting Plan – drwg No. 202 Rev B*

(Councillor Price lost connection to the meeting during this item and was unable to take part in the vote on this application)

Upon being proposed and seconded the officer recommendation to grant planning permission, subject to the conditions in the report and update report, was voted on and CARRIED.  
(Voting: 8 in favour; 0 against)

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

**(3) P/20/0055/DP/A - FERNEHAM HALL OSBORN ROAD PO16 7DB**

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

The Committee requested that Officers liaise with the Building Control Partnership to ensure that the proposed cladding is made of a fire-retardant material and has the approval of the Fire Authority.

Upon being proposed and seconded the officer recommendation to approve the details pursuant to Conditions 3, 4, 5 and 7 of P/20/0055/FP, was voted on and CARRIED.  
(Voting: 9 in favour; 0 against)

RESOLVED that details pursuant to Conditions 3, 4, 5 and 7 of P/20/0055/FP be APPROVED.

**(4) P/20/0639/FP - LAND AT REDLANDS LANE FAREHAM PO14 1HN**



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

The Planning Officer provided the Committee with a verbal update, informing them that since the publication of the report a further objection had been received in respect of this application, but confirmed that it did not raise any new objections to the application.

Upon being proposed and seconded the officer recommendation to refuse planning permission was voted on and CARRIED.  
(Voting: 9 in favour; 0 against)

RESOLVED that PLANNING PERMISSION be REFUSED.

Reasons for Refusal

The proposed development would be contrary to the policies set out within the National Planning Policy Framework 2019, in particular paragraphs 193, 194, 196 and 197, and to policies CS4, CS6 and CS17 of the Fareham Borough Core Strategy, and policies DSP2, DSP3, DSP5 and DSP13 of the Fareham Borough Local Plan Part 2: Development Sites and Policies, and is otherwise unacceptable in that:

- (i) By reason of the form of layout, the bulk and massing of the proposed building, which fails to respond positively to and be respectful of the key characteristics of the area, including heritage assets, scale, form, spaciousness and use of external materials, the loss of gardens associated with the listed building and the close relationship with that building, the development would be harmful to the setting of this important Grade II\* Listed Building. No overriding public benefits have been identified which outweigh the harm caused by the development;
- (ii) The development would result in increased urbanisation and disturbance to the tranquil setting of the gardens which is designated as an important non-statutory historic park and garden, harmful to the character of the gardens and the important historic value their undeveloped appearance makes to preserving the setting of Bishopwood;
- (iii) In the absence of a legal agreement to secure such, the proposal fails to appropriately secure mitigation to the likely adverse effects on the integrity of European Protected sites which, in combination with other development, would arise due to the additional generation of nutrients entering the water environment;
- (iv) In the absence of a legal agreement to secure the implementation of the full Travel Plan, the proposed development would not make the necessary provision to ensure measures are in place to assist in reducing the dependency on the use of the private motorcar.

Informative:

- a) This decision relates to the following plans:
  - i) Location Plan (Drawing 2785-HIA-01-ZZ-DR-A-0101 Rev. P20);

- ii) Proposed Site Plan (Drawing: 2785-HIA-XX-XX-DR-A-1020 Rev. P13);
- iii) Proposed Ground Floor Plan (Drawing: 2785-HIA-02-00-DR-A-0201 Rev 5);
- iv) Proposed First Floor Plan (Drawing: 2785-HIA-02-01-DR-A-0210 Rev 6);
- v) Proposed Second Floor Plan (Drawing: 2785-HIA-02-020-DR-A-0220 Rev 5);
- vi) Proposed Elevations Sheet 1 of 3 (Drawing: 2785-HIA-02-XX-DR-A-0310 Rev 5);
- vii) Proposed Elevations Sheet 2 of 3 (Drawing: 2785-HIA-02-XX-DR-A-0302 Rev 7);
- viii) Proposed Elevations Sheet 3 of 3 (Drawing: 2785-HIA-02-XX-DR-A-0303 Rev 6);
- ix) Proposed Roof Plan (Drawing: 2785-HIA-02-03-DR-A-0230 Rev 5);
- x) Landscape Proposals (Drawing: 102L); and,
- xi) External Services Layout (Drawing: ME-600 Rev P2).

**Notes for Information**

Had it not been for the overriding reasons for refusal to the proposal, the Local Planning Authority would have sought to address point (iv) above by inviting the applicant to enter into a legal agreement with Fareham Borough Council under Section 106 of the Town and Country Planning Act 1990 (as amended).

**(5) P/20/1272/FP - 45 LONGFIELD AVENUE PO14 1BX**

Upon being proposed and seconded, the officer recommendation grant planning permission, was voted on and CARRIED.  
(Voting: 9 in favour; 0 against)

RESOLVED that PLANNING PERMISSION be granted.

**(6) P/20/1171/FP - 62 PORTCHESTER ROAD PO16 8QJ**

Upon being proposed and seconded the officer recommendation to grant planning permission, subject to the conditions in the report and condition 3 being amended to include the servicing and maintenance of the current installed air conditioning unit, was voted on and CARRIED.  
(Voting: 9 in favour; 0 against)

RESOLVED that, subject to the conditions in the report and the amendment to Condition 3 to include the servicing and maintenance of the current installed air conditioning unit, PLANNING PERMISSION was granted.

**(7) Planning Appeals**

The Committee noted the information in the report.

**(8) 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 6.28 pm).

# FAREHAM

BOROUGH COUNCIL

## Minutes of the Planning Committee

(to be confirmed at the next meeting)

**Date:** Wednesday, 20 January 2021

**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, M J Ford, JP, Mrs C L A Hockley, L Keeble and R H Price, JP

**Also Present:** Councillor S Dugan (Item 7 (5))



**1. APOLOGIES FOR ABSENCE**

There were no apologies of absence at this meeting. However, Councillor Mrs C L A Hockley was in attendance at this meeting as a deputy due to the loss of Councillor K D Evans.

**2. CHAIRMAN'S ANNOUNCEMENTS**

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

**3. DECLARATIONS OF INTEREST**

In accordance with Standing Orders and the Council's Code of Conduct Councillor I Bastable declared a pecuniary interest in item 7 (2) – Land East of 246 Botley Road, Burr ridge as he lives approximately 10 metres from the application site. He left the meeting for this item and took no part in the debate or vote on the application.

**4. DEPUTATIONS**

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

Name	Spokesperson representing the persons listed	Subject	Supporting or Opposing the Application	Minute No/ Application No/Page No	Dep Type
<b>ZONE 1 – 2.30pm</b>					
Ms E Eldridge & Mr T Moody		356 BROOK LANE – LAND TO REAR SARISBURY GREEN SO31 7DP – ERECTION OF TWO DETACHED 3-BED DWELLINGS	<b>Opposing</b>	7 (1) P/18/1240/FP Pg 18	<b>Written</b>
Mr & Mrs Burnett		-Ditto-	<b>-Ditto-</b>	-Ditto-	<b>Written</b>
Mrs G Neile		LAND TO EAST OF 246 BOTLEY ROAD BURRIDGE – OUTLINE APPLICATION FOR SEVEN DETACHED DWELLINGS	<b>Opposing</b>	7 (2) P/18/1413/OA Pg 31	<b>Written</b>
Mr & Mrs Crossingham		-Ditto-	<b>-Ditto-</b>	-Ditto-	<b>Written</b>

Mr J Wood	Burrige and Swanwick Residents Associations	-Ditto-	-Ditto-	-Ditto-	Written
Mr A Ford (Agent)		-Ditto-	Supporting	-Ditto-	Written
Mr J Bell		-Ditto-	-Ditto-	-Ditto-	Written
Ms K Richards (Agent)		21 BURRIDGE ROAD BURRIDGE SO31 1BY – RESIDENTIAL DEVELOPMENT OF 4 SELF-BUILD DWELLINGS, AMENITY AREAS, WITH ACCESS OFF BURRIDGE ROAD (AMENDED SCHEME TO P/18/1252/FP)	Supporting	7 (3) P/20/1007/RM Pg 55	Written
Mr N Nejati		15 BROOK LANE WARSASH SO31 9FH – CHANGE OF USE FROM RESTAURANT (CLASS E) TO MIXED USE RESTAURANT (CLASS E) AND HOT-FOOD TAKEAWAY (SUI GENERIS)	Supporting	7 (4) P/20/1251/CU Pg 72	Written
<b>ZONE 2 – 2.30pm</b>					
<b>ZONE 3 – 2.30pm</b>					
Mrs A Penfold		65 OLD STREET FAREHAM PO14 3HQ – REMOVAL OF CONDITION 3 OF PLANNING PERMISSION – P/16/0301/FP FOR THE CONSTRUCTION OF A 14 STABLE BARN WITH HORSE WALKER AND 60 X 30 MANEGE, NEW TOILET/STORE	Opposing	7 (5) P/20/1228/VC Pg 80	Written

		BUILDING AND GRAVEL/TARMAC HARDSTANDING			
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**5. ACTUAL REVENUE EXPENDITURE**

The Committee considered a report by the Director of Planning and Regeneration on the actual revenue expenditure for 2019/20.

RESOLVED that the Committee note the content of the report.

**6. SPENDING PLANS 2021/22**

The Committee considered a report by the Director of Planning and Regeneration on the spending plans for 2021/22.

RESOLVED that the Committee:-

- (i) agree the revised budget for 2020/21;
- (ii) agree the base budget for 2021/22; and
- (iii) recommends the budget to Full Council for approval.

**7. 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/18/1240/FP - 356 BROOK LANE - LAND TO THE REAR SARISBURY GREEN SO31 7DP**

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.

**(2) P/18/1413/OA - LAND TO EAST OF 246 BOTLEY ROAD BURRIDGE SO31 1BL**

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

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

*Since the notification of the item appearing on the planning committee was issue, seven additional third party comments have been received. Five of the comments were from existing third parties, and two additional comments from new third parties. No new objections beyond those matters already raised were given.*

*In addition, paragraph 8.39 is incorrect as the applicant has already purchased the necessary credits from the Hampshire and Isle of Wight Wildlife Trust, and therefore no condition is required to secure the necessary nitrate mitigation.*

Councillor I Bastable declared a pecuniary interest in this item as he lives approximately 10 metres away from the application site. He left the meeting for the remainder of this item and took no part in the debate or vote on the application.

Upon being proposed and seconded the officer recommendation to grant planning permission, subject to the applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council to secure:

- Financial contributions to provide for satisfactory mitigation of the ‘in combination’ effects that the increase in residential units on the site would cause through increased recreational disturbance on the Solent and Southampton Water, Solent and Dorset Coast Special Protection Area and Portsmouth Harbour Special Protection Areas;
- Financial contribution toward the provision of off-site affordable housing; and,
- The provision and transfer of land to the northeast and east of the site as part of the Burr ridge/Whiteley Buffer and 5 metre width reptile habitat corridor to the Council, including financial contributions for its maintenance;

and the conditions in the report, was voted on and CARRIED.  
(Voting: 8 in favour; 0 against)

RESOLVED that, subject to the applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council to secure:

- Financial contributions to provide for satisfactory mitigation of the ‘in combination’ effects that the increase in residential units on the site would cause through increased recreational disturbance on the Solent and Southampton Water, Solent and Dorset Coast Special Protection Area and Portsmouth Harbour Special Protection Areas;
- Financial contribution toward the provision of off-site affordable housing; and,
- The provision and transfer of land to the northeast and east of the site as part of the Burr ridge/Whiteley Buffer and 5 metre width reptile habitat



corridor to the Council, including financial contributions for its maintenance;

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

**(3) P/20/1007/FP - 21 BURRIDGE ROAD SO31 1BY**

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:-

*There are two typographic errors in the Committee Report:*

*Paragraph 8.21 (last sentence) should state "would not be sustainably..."*

*In Section 9.0, Policy CS4 is missing from the recommendation for refusal.*

Upon being proposed and seconded, the officer recommendation that had Members had the opportunity to determine the application they would have refused it, was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that had Members had the opportunity to determine the application they would have REFUSED it for the following reasons:

Reasons for Refusal

The development would be contrary to Policies CS2, CS4, CS6, CS14 and CS17 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP1, DSP2, DSP3, DSP6, DSP13, DSP15 and DSP40 of the Adopted Local Plan Part 2: Development Sites and Policies Plan, and is unacceptable in that:

- i) The provision of dwellings in this location would be contrary to adopted local plan policies which seeks to prevent residential development in the countryside. Further, the development would not be sustainably located adjacent to or well integrated with the neighbouring settlement area;
- ii) The introduction of dwellings in this location would fail to respond positively to and be respectful of the key characteristics of the area, particularly its predominantly undeveloped, backland location, which would be out of character with the prevailing pattern of development in the area;
- iii) As a result of the poor layout design, the proposal would result in an excessive distance for refuse/recycling bins to be taken to and from the proposed properties, to the detriment of future residents;
- iv) Insufficient information has been provided to adequately demonstrate that no harm would be caused to features of ecological importance on and surrounding the site and protected species;
- v) The proposal would have likely adverse effects on the integrity of European Protected Sites in combination with other developments due

to the additional generation of nutrients entering the water environment and the lack of appropriate and appropriately secured mitigation; and

- vi) In the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent and Southampton Waters Special Protection Area and the Portsmouth Harbour Protection Area.

**(4) P/20/1251/CU - 15 BROOK LANE WARSASH SO31 9FH**

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:-

*There are two typographic errors in the Committee Report:*

*The description of the proposal should state: "CHANGE OF USE FROM RESTAURANT (CLASS E) TO HOT-FOOD TAKEAWAY (SUI GENERIS)".*

*In paragraph 2.1, the second sentence should state "The premises are currently vacant and were formerly occupied by an Italian Restaurant..."*

Upon being proposed and seconded the officer recommendation to grant planning permission, subject to the conditions in the report and an additional condition requiring car parking spaces to be marked out, was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that, subject to the conditions in the report and an additional condition requiring car parking spaces to be marked out, PLANNING PERMISSION be granted.

**(5) P/20/1228/VC - 65 OLD STREET FAREHAM PO14 3HQ**

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

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

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

(Voting: 9 in favour; 0 against)

RESOLVED that PLANNING PERMISSION be REFUSED.

Reasons for Refusal

The proposal is contrary to policies CS5 and CS17 of the adopted Fareham Borough Core Strategy; Policy DSP2 of the adopted Fareham Borough Local

Plan Part 2: Development Sites and Policies, in that it fails to demonstrate that the removal of Condition 3 would not result in a significant impact on the neighbouring occupiers by reason of increased noise, light and air pollution, and highway safety, by reason of insufficient information to adequately assess whether the unfettered use of the site would adversely affect the safety and operation of the local road network.

**(6) UPDATE REPORT**

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

**8. PLANNING APPEALS**

The Committee noted the information in the report.

(The meeting started at 2.30 pm  
and ended at 5.34 pm).

# FAREHAM

## BOROUGH COUNCIL

### Report to Planning Committee

**Date**                    **17<sup>th</sup> February 2021**

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

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

#### **SUMMARY**

The following report provides the latest update on the Council's Five Year Housing Land Supply position, and supersedes the update previously provided to the Planning Committee on 24<sup>th</sup> June 2020.

#### **RECOMMENDATION**

That the Committee note: -

- (i) the content of the report and the current 5-Year Housing Land Supply position;
- (ii) that the 5-Year Housing Land Supply Position set out in the attached report (which will be updated regularly as appropriate) is a material consideration in the determination of planning applications for residential development.

## **1.0 INTRODUCTION**

- 1.1. The following 5YHLS position updates and supersedes those previously provided to the Planning Committee. It will continue to be regularly updated as appropriate and will represent a material consideration in the determination of planning applications. It should be noted that the Council's housing land supply position can go down as well as up depending on the circumstances relevant at any given time.
- 1.2. The requirement of the National Planning Policy Framework is for housing need to be calculated by a standard method, as set out in the Planning Practice Guidance. The standard method uses household growth projections and house-price to earnings affordability data (produced by the Office for National Statistics) to calculate the Local Housing Need figure for a Local Planning Authority. The housing need figure for Fareham, using the standard method, is 508 dwellings per annum.
- 1.3. The latest Housing Delivery Test results were published by the Ministry of Housing, Communities and Local Government (MHCLG) in January 2021. These results require this Council to apply a buffer of 20% to its annual requirement.
- 1.4. The National Planning Policy Framework requires Local Planning Authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their local housing need. What constitutes a 'deliverable site' is defined within the National Planning Policy Framework and is an area which has been tested through the Courts.
- 1.5. Calculation of the Council's 5-Year Housing Land Supply Position based on an annual dwelling requirement of 508 and a 20% buffer gives a projected position of 4.2 years.

## **2.0 RISK ASSESSMENT**

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

## **3.0 CONCLUSION**

- 3.1 That the Committee note the content of the report and the updated 5YHLS position.
- 3.2 That the 5YHLS position set out in the attached report (which will continue to be updated regularly as appropriate) is a material consideration in the determination of planning application for residential development.

## **4.0 Enquiries:**

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

**Fareham Borough Council**  
**Five-Year Housing Land Supply Position**  
**FEBRUARY 2021**

## **Introduction**

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

## **Housing Need**

4. The requirement through the NPPF is for housing need to be calculated through a standard method. The standard method is based on household growth projections and house-price to earnings affordability data published by the Office for National Statistics (ONS).
5. Since the last 5YHLS report was presented to the Planning Committee in June 2020, updated house-price to earnings affordability data has been published by the ONS. Use of the 2014-based household growth projections along with the updated house-price to earnings affordability data (2020) within the standard method results in the Council having a Local Housing Need figure of 508 dwellings per annum.
6. There remains a requirement in the NPPF to include at least a 5% buffer on top of the 5-year housing requirement, "to ensure choice and competition in the market for land".
7. The level of the buffer (5% or 20%) is determined through the Housing Delivery Test, which was introduced through the NPPF. The NPPF advises that each Council's Housing Delivery Test result will be calculated and published by MHCLG in November of each year.
8. The results for the 2020 Housing Delivery Test (HDT) were published by the MHCLG in January 2021. The results for Fareham showed that the Council achieved 79% in terms of the number of homes delivered. Fareham's HDT results mean that the Council must apply a 20% buffer to its five-year housing land supply position.

9. One of the major contributing factors to this Council achieving 79% in the HDT, has been the Council's inability to issue many residential permissions since February 2019. This has been due to concerns identified in respect the impact of development-related nitrates on the protected habitats in The Solent. Whilst nitrate mitigation schemes have now come forward which have allowed this Council to issue some planning permissions, there will be a lag between planning permission being granted and houses completed on the ground.

### **Housing Supply**

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

### **Planning permissions**

11. A comprehensive list of all sites with outstanding planning permission at the start of each monitoring year is provided annually to the Council by Hampshire County Council. However, to ensure that this 5YHLS position provides the most accurate and up-to-date position, all new planning permissions as of 31<sup>st</sup> December 2020 are also taken account of. Sites with planning permission are only included within the projected supply where they meet the definition of 'deliverable'. What constitutes 'deliverable' is set out within Annex 2 of the National Planning Policy Framework:
12. "**Deliverable:** To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:
  - a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).
  - b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years."
13. Where there is some indication that a planning permission will not be implemented then the site has been omitted from the 5YHLS on a precautionary basis. However, this may change if subsequent information comes to light to suggest the development will take place in the five-year period.



14. The monitoring of new permissions and the delivery projections of existing sites with planning permission will continue to be kept regularly up-to-date by Fareham Borough Council Officers, through regular correspondence with site developers.
15. Dwellings completed up to the end of December 2020 have been removed from the 'Details of Projected Housing Supply for the 5-Year Period (1<sup>st</sup> January 2021 – 31<sup>st</sup> December 2025)' set out at the end of this report.

### **Resolutions to Grant Planning Permission**

16. Housing supply based on sites with a resolution to grant planning permission forms a significant component of this Council's projected supply. These consist of sites which have been approved by the Council's Planning Committee, but the formal grant of planning permission remains subject to matters such as the completion of a legal agreement (i.e. Section 106).
17. As highlighted earlier in this report, the National Planning Policy Framework requires Local Planning Authorities to identify and update annually a supply of specific deliverable sites.
18. For a period of time many Planning Inspectors were regarding the definition within the National Planning Policy Framework as a 'closed list' i.e. if a site does fall within the definitions at a) or b), set out within the preceding section of this report, it should not be included within the Council's 5 Year Housing Land Supply.
19. Then in the case of East Northamptonshire Council, the Secretary of State for Housing, Communities and Local Government (SOS) and Lourett Developments Ltd, the SOS conceded that he erred in his interpretation of the definition of deliverable within the glossary of the National Planning Policy Framework ("NPPF") as a 'closed list'. The proper interpretation of the definition is that any site which can be shown to be 'available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years' will meet the definition; and that the examples given in categories (a) and (b) are not exhaustive of all the categories of sites which are capable of meeting that definition.
20. Whether a site does or does not meet the definition is a matter of planning judgment on the evidence available. Officers have exercised that judgment, and on the basis of the evidence available consider that the planning applications with a resolution to grant planning permission should be included within the Council's 5-year housing land supply.
21. In light of the current market conditions, Officers have applied a precautionary approach to the commencement of development in respect of those sites with a resolution to grant.

### **Adopted Local Plan Housing Allocations and Emerging Brownfield Sites**

22. Officers have undertaken a review of the residual allocations and policy compliant sites from the adopted Local Plan to inform the 5YHLS position. This has been based on correspondence with the site promoter and Planning Officer judgement.

23. In other instances where Officers have gathered information on the timing and delivery rates from site landowners or developers, the Council have in some instances taken a more precautionary approach to delivery than may have been proposed by the site developer. This could be, for example, if they failed to allow sufficient time for planning permissions to be secured, or if the delivery rates were considered too optimistic. It is important that the Council has a robust basis for its 5YHLS calculations, as adopting a set of unrealistic assumptions may result in a 5YHLS figure that may not be accepted by an Appeal Inspector.
24. Late last year this Council updated and published its Brownfield Land Register. Appropriate sites identified within that Register are included within the Council's five-year housing land supply.
25. The process of liaison with site promoters and developers will remain ongoing to ensure a robust and evidenced position on 5YHLS can be demonstrated.

### **Windfall allowance**

26. Paragraph 70 of the revised NPPF enables an allowance to be made for housing delivery from windfall sites, providing that there is compelling evidence that they will provide a reliable source of supply having regard to historic windfall delivery rates and expected future trends. An allowance for windfall housing from small sites (1-4 units) has been included within the projected 5-year supply but avoids any small-site windfall development in years 1-3 of that projection and any large-site windfall from the entire 5-year projection.
27. The windfall rates used in the 5YHLS projection are set out in the Council's Housing Windfall Projections Background Paper (June 2020). The contribution from windfall provision within the 5 year period is modest, being 102 dwellings.

### **Calculating the 5YHLS**

28. In summary, the 5YHLS position in this paper is based on the following: -
- Local Housing Need figure of 508 dwellings per annum.
  - Application of a 20% buffer on the Local Housing Need figure.
  - Outstanding planning permission data as of 31<sup>st</sup> December 2020.
  - Sites allocated within the adopted Local Plan and emerging brownfield sites which are expected to deliver housing over the 5-year period 1<sup>st</sup> January 2021 to 31<sup>st</sup> December 2025.
  - Expected windfall development from small sites (1-4 units) in years 4 and 5 (i.e. 1<sup>st</sup> January 2024 – 31<sup>st</sup> December 2025).
  - Delivery projections and rates which are derived from detailed liaison with site developers (particularly for larger development sites).

## FIVE-YEAR HOUSING LAND SUPPLY POSITION AS AT 1<sup>st</sup> JANUARY 2021

### HOUSING REQUIREMENT

A	Local Housing Need: Dwellings per annum	508
B	Local Housing Need: Total requirement for 1 <sup>st</sup> January 2021 to 31st December 2025 (A x 5)	2,540
C	20% buffer - delivery of housing over the previous 3 years, has fallen below 85% of the requirement, as set out in the 2020 Housing Delivery Test results (B x 20%)	508
<b>D</b>	<b>Total housing requirement for period from 1st January 2021 to 31st December 2025 (B+C)</b>	<b>3,048</b>
E	Annual requirement for period from 1st January 2021 to 31st December 2025 (D/5)	610

### HOUSING SUPPLY

F	Net outstanding planning permissions for small sites (1-4 units) expected to be built by 31st December 2025 (discounted by 10% for lapses)	69
G	Net outstanding <b>full</b> planning permissions for large sites (5 or more units) expected to be built by 31st December 2025	402
H	Net outstanding <b>outline</b> planning permissions for large sites (5 or more units) expected to be built by 31st December 2025	296
I	Dwellings with a Resolution to Grant Planning Permission that are expected to be built by 31st December 2025	1372
J	Dwellings allocated in Adopted Local Plan that are expected to be built by 31st December 2025	33
K	Dwellings from brownfield register sites that are expected to be built by 31st December 2025	276
L	Small site windfall allowance (years 4 – 5) (51 dwellings x 2 years)	102
<b>M</b>	<b>Expected housing supply for the period from 1st January 2021 to 31st December 2025 (F+G+H+I+J+K+L)</b>	<b>2,550</b>
<b>N</b>	<b>Housing Land Supply Position over period from 1st January 2021 to 31st December 2025 (M – D)</b>	<b>-498</b>
<b>O</b>	<b>Housing Supply in Years (M / E)</b>	<b>4.2</b>

Site Address	2021	2022	2023	2024	2025	Totals
<b>Outstanding Planning Permissions - Small (1-4 dwellings) (10% discount)</b>						
Total across borough	23	23	23			
Sub-total						<b>69</b>
<b>Outstanding Full Planning Permissions - Large (5+ dwellings)</b>						
Avon Park Rest Home P/19/1348/FP				5		
3-33 West Street, Portchester (07/0042/FP)	16					
New Park Garage, Station Road, Park Gate (09/0672/FP)	14					
100 Wickham Road, Fareham (14/1252/FP)				13		
Swanwick Marina, Bridge Road (15/0424/VC)			25	25		
Willows End, 312 Old Swanwick Lane (P17/1390/FP)	6					
Cranleigh Road, Portchester (P/17/1170/RM)	37					
Wykeham House School (P/17/0147/FP)	6					
Hampshire Rose, Highlands Road, Fareham (P/17/0956/FP)	18					
18-23 Wykeham Place (Former School Sports Hall), East Street, Fareham (P/18/0589/FP)	6					
HA3 Southampton Road (Land at Segensworth Roundabout) (P/18/0897/FP) (Segensworth Cluster)	40					
123 Barnes Lane, Sarisbury Green (P/18/0690/FP)			40			
Land to south of Rookery Avenue, Swanwick (P/18/0235/FP)		6				
94 Botley Road, Park Gate (P/19/0321/PC)		8				
24 West Street, Fareham (P/19/0654/PC)		7				
Land North of Funtley Road, Funtley (P/17/1135/OA) (P/19/0864/RM)	27					
42 Botley Road (P/19/1275/PC) Prior Approval Granted	5					
Stubbington Lane, Hill Head (LP2 H12) P/19/0915/FP		11				
Land to East of Bye Road (self/custom build) (P/17/1317/OA & P/19/0061/DP/A)	4	3				
Corner of Station Road, Portchester (LP2 H20)		16				
Croft House, Redlands Lane P/18/0720/CC	6					
Former Wavemar Electronics Ltd Building, Middle Road, Park Gate (P/16/0914/FP)			9			

Site Address	2021	2022	2023	2024	2025	Totals
399-403 Hunts Pond Road (1072) (HA19) (LP2 H9) (P/19/0183/FP)		16				
Former Scout Hut Coldeast Way Sarisbury Green (P/20/0702/FP)		9				
Funtley Court, Funtley Hill (P/20/1326/PC)			24			
<b>Sub-total</b>						<b>402</b>
<b>Outstanding Outline Planning Permissions - Large (5+ dwellings)</b>						
HA3 Southampton Road (Reside) (P/18/0068/OA) (Segensworth Cluster)		40	40	25		
Land South of Funtley Road, Funtley (P/18/0067/OA)			40	15		
Land to the East of Brook Lane & South of Brookside Drive, Warsash (P/16/1049/OA)		35	50			
Egmont Nurseries, Brook Avenue (P/18/0592/OA)		8				
18 Titchfield Park Road, Titchfield (P/20/0235/OA)		6				
East & West of 79 Greenaway Lane, Warsash (P/18/0884/FP)	6					
East & West of 79 Greenaway Lane, Warsash (P/18/0107/OA)		15	9			
Burridge Lodge, 246 Botley Road (P/18/1413/OA)					7	
<b>Sub-total</b>						<b>296</b>
<b>Resolution to Grant Planning Permission - Large (5+ dwellings)</b>						
Land at Brook Lane, Warsash - (P/17/0845/OA)		24	50	50	50	
Land East of Brook Lane, Warsash (P/17/0752/OA)		20	40	20	30	
Land to the East of Brook Lane and West of Lockwood Road, Warsash (P/17/0998/OA)		25	50	50	32	
Heath Road, Locks Heath – Hampshire County Council (LP2 H11) (P/17/1366/OA)			35	35		
Land South West of Sovereign Crescent, Locks Heath (P/18/0484/FP)		24	14			
HA12 Moraunt Drive, Portchester (P/18/0654/OA)			24	24		
Welborne (LP3)		30	180	240	180	
Land adjacent to 125 Greenaway Lane (P/19/0402/OA)		20	40	40		
Magistrates Court (P/18/1261/OA)			45			
<b>Sub-total</b>						<b>1372</b>
<b>Brownfield Register Sites</b>						

Site Address	2021	2022	2023	2024	2025	Totals
Warsash Maritime Academy			50	50		
22-27a Stubbington Green				9		
Rest of 3-33 West Street				10		
Locks Heath District Centre				35		
Former Filling Station, Locks Heath Centre				30		
Hammond Ind Est (P/20/1597/FP)		36				
Assheton Court				27		
68 Titchfield Park Road (P/20/1137/FP)				9		
Wates House, Wallington Hill (P/20/1483/PC)					20	
<b>Sub-total</b>						<b>276</b>
<b>Local Plan Adopted Housing Allocations</b>						
Wynton Way, Fareham (LP2 H3)		13				
335-357 Gosport Road, Fareham (LP2 H4)						
33 Lodge Road, Locks Heath (LP2 H10)						
Land East of Church Road			20			
<b>Sub-total</b>						<b>33</b>
<b>Windfall</b>						
Small (1-4 dwellings)				51	51	
<b>Sub-total</b>						<b>102</b>
<b>Total</b>						<b>2,550</b>

# FAREHAM

BOROUGH COUNCIL

<p><b>Report to</b></p> <p><b>Planning Committee</b></p>
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**Date:** 17 February 2021

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

**Subject:** PLANNING APPLICATIONS AND MISCELLANEOUS MATTERS

## **SUMMARY**

This report recommends action on various planning applications.

## **RECOMMENDATION**

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

## **AGENDA**

All Planning applications will be heard from 2.30pm onwards.

## **ZONE 1 – WESTERN WARDS**

**Park Gate**

**Titchfield**

**Sarisbury**

**Locks Heath**

**Warsash**

**Titchfield Common**

<b>REFERENCE NUMBER &amp; WARD</b>	<b>SITE ADDRESS &amp; PROPOSAL</b>	<b>ITEM NUMBER &amp; RECOMMENDATION</b>
<b>P/20/0931/FP PARK GATE</b>	<b>EDENHOLME DUNCAN ROAD PARK GATE SOUTHAMPTON SO31 1BD PROPOSED DEMOLITION OF EXISTING DWELLING AND ERECTION OF TWO DWELLING HOUSES AND CARPORTS</b>	<b>1 PERMISSION</b>



# Agenda Item 7(1)

## OFFICER REPORT FOR COMMITTEE

DATE: 17<sup>th</sup> February 2021

P/20/0931/FP  
DAVID NEWELL

PARK GATE  
AGENT: N/A

PROPOSED DEMOLITION OF EXISTING DWELLING AND ERECTION OF TWO DWELLING HOUSES AND CARPORTS

EDENHOLME, DUNCAN ROAD, PARK GATE SO31 1BD

### **Report By**

Rachael Hebden – direct dial 01329 824424

#### **1.0 Introduction**

1.1 The application is reported to planning committee as over five third party letters of representation have been received.

#### **2.0 Site Description**

2.1 The site is located on the east side of Duncan Road and currently contains 1 single storey dwelling.

2.2 The site is in a residential area with dwellings to the north east, east, south and west. The east side of Duncan Road is characterised by detached dwellings with on-site parking on the land to the front of the houses. There are commercial premises to the north west of the site on the opposite side of the road and the character of the road changes to one of residential and commercial properties from this point north towards Swanwick Station.

2.3 Duncan Road slopes from the south west down towards Swanwick Railway Station. Within the site the levels increase from the road frontage to the rear (east) of the site.

2.4 The dwelling within the site is in a poor state of repair and the garden has recently been cleared of vegetation.

#### **3.0 Description of Proposal**

3.1 The application proposes to demolish the existing house and replace it with 2 detached houses. Plot 1 in the north of the site contains a detached double car port to the front and Plot 2 in the south of the site contains an attached, single car port on the north elevation.

#### **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 and Whiteley

CS17 High Quality Design

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

DSP1 Sustainable Development

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 There are no applications of relevance to this site.

## **6.0 Representations**

6.1

6 representations were received, of which 1 raises no objection

The remaining 5 representations raise the following concerns:

- Loss of privacy to properties at the rear
- Concerns regarding the height of the properties proposed
- Impact of plot 1 on first floor side window in neighbouring property to the north (Windrun Lodge)
- Boundary treatments must be high enough to provide privacy to neighbouring properties
- Overshadowing of neighbouring properties
- Loss of trees
- Increased surface water run off

## **7.0 Consultations**

EXTERNAL

7.1 Natural England

7.2 Natural England considers that without appropriate mitigation the application would have significant adverse effect on the integrity of: Solent and Southampton Water SPA and Ramsar, Portsmouth Harbour SPA and Ramsar, and Chichester and Langstone Harbours SPA and Ramsar, Solent

Maritime SAC. Solent and Dorset Coast. Solent and Isle of Wight Lagoons and the New Forest SPA and Ramsar.

- 7.3 In order to mitigate these adverse effects and make the development acceptable, mitigation should be secured to address recreational disturbance and ensure nitrogen neutrality.
- 7.4 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 sites with regard to recreational disturbance.
- 7.5 Provided the Council as competent authority can be satisfied that, based on a sufficient level of evidence, the development will achieve nutrient neutrality by first occupation and that the appropriate level of mitigation can be fully secured in perpetuity, Natural England would advise that the Appropriate Assessment can conclude there will be no adverse effect on the integrity of the Solent European Sites in relation to water quality impacts.

INTERNAL  
Ecology

- 7.6 No objection subject to a condition requiring the submission of a biodiversity enhancement strategy.

## **8.0 *Planning Considerations***

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

- a) Principle of Development
- b) Design and Effect on the Character of the Area
- c) Impact on Neighbouring Properties;
- d) Highways and Car Parking;
- e) Impact on European Protected Sites;
- f) Other Issues

- a) Principle of Development

- 8.2 Policies CS2 (Housing Provision), CS6 and CS9 (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 site is located within the defined settlement boundary such that

the principle of re-development of the land is acceptable subject to satisfying the requirements of the policies listed in section 4 of this report.

b) Design and Effect on the Character of the Area

- 8.3 The east side of Duncan Road is characterised by a combination of detached and semi-detached dwellings with car parking within the front of the plot. The section of Duncan Road in which the site is located is characterised solely by detached dwellings. The dwellings adhere to a fairly regular building line.
- 8.4 The dwellings would be staggered so that they would be positioned between April Rise to the south of the site and the dwelling to the north (Windun Lodge). The dwellings are a similar height to April Rise directly south of the site, although the dwelling in the north of the plot will be located at a slightly lower level due to the slight change in levels between the north and south parts of the site. The proposed detached car port located to the front of the dwelling in plot 1 would be positioned forwards of the building line created by the neighbouring properties, however this is considered to be acceptable given the position of the existing dwelling which is also located beyond the neighbouring properties.
- 8.5 In terms of design, both dwellings are detached, two storey dwellings with pitched roofs. Both dwellings have gable ends, porch canopies and ground floor bay windows on the front elevation. The dwelling in plot 1 in the north of the site has a detached, double car port (open on all sides) to the front and the dwelling in plot 2 in the south of the site has a single, car port attached to the north elevation.
- 8.6 Both dwellings accord with the National Minimum Technical Space Standards and would have gardens of an appropriate size (the rear garden serving the dwelling in plot 1 would be approximately 15m in depth with the rear garden in plot 2 measuring approximately 18m in depth.)
- 8.7 The car parking spaces would be separated from primary windows serving habitable rooms by areas of soft landscaping as recommended by the Residential Design Guidance SPD. There is sufficient space within the proposed layout for electrical charging points to be incorporated. Details of electrical charging points can be secured by condition.
- 8.8 The position and traditional design of the dwellings and car port responds to the established character of Duncan Road as such they are considered to accord with policy CS17.

c) Impact on Neighbouring Properties;

- 8.9 The neighbouring property to the north of the site (Windun Lodge) has a primary window serving a bedroom at first floor level in the south elevation. The dwelling in plot 1 (the north side of the plot) would be located to the south of Windun Lodge however it has been positioned so that the rear elevation

would not be directly in front of the window. The dwelling would therefore be visible, but only from an oblique angle. The proposed dwelling would not therefore have a significant adverse effect on the outlook from or amount of light available to this window. No objections have been submitted from the owner of this property and a letter of 'no objection' has been received from the prospective purchaser.

- 8.10 The dwelling in plot 2 is set back from the rear of Windun Lodge by approximately 4.5m and would therefore not have any impact on the amenities of the garden to the rear of Windun Lodge. Views of Windun Lodge's rear garden from first floor windows in the rear elevation of the dwelling in plot 1 would be oblique and would therefore not result in a loss of privacy.
- 8.11 The dwelling in plot 2 (the south side of the plot) would be located to the north of the neighbouring property to the south of the site (April Rise.) Unlike the neighbouring dwelling to the north, there are no primary windows in the side (north) elevation facing the proposed dwelling. The proposed dwelling would project beyond the rear of April Rise by approximately 4m and would therefore be visible from within the conservatory at the rear of April Rise and from within April Rise's rear garden, however there is a large evergreen boundary hedge of approximately 4m in height which would effectively screen all but the upper section of the proposed house from view. If the hedge were to be removed at some point in the future, the size and position of the dwelling to the north would not have such a significant adverse effect on the existing outlook from or amount of available sunlight to April Rise as to justify refusing the application. Views of April Rise's rear garden from first floor windows in the rear elevation of the dwelling in plot 2 would be oblique and would therefore not result in a loss of privacy. No objections have been received from the owner of April Rise.
- 8.12 Letters have been received from the owners of properties in Lower Duncan Road, to the rear (east) of the site raising concerns primarily regarding the impact of the proposal on their outlook, privacy and on the amount of light received by their rear gardens. The properties in Lower Duncan Road are located at a lower level than the site and several of the representations specifically referred to the height of the dwellings proposed. Amended plans were subsequently submitted which reduced the height of the roofs so that they are only 0.5m above the height of April Rise immediately south of the site. (To lower the ridge height any further would result in a decreased roof pitch which would be at odds with the overall traditional design of the proposed dwellings.)
- 8.13 The proposed dwellings would be visible from the houses in Lower Duncan Road however the separation distances between the proposed dwellings and the dwellings in Lower Duncan Road are generous with a gap of 31m between the dwelling in plot 1 and 17 Lower Duncan Road and over 35m between the proposed dwelling in plot 2 and 15 Lower Duncan Road. The separation

distances are above the 22m required by the Fareham Residential Design Guidance and the increase above the 22m is considered to compensate for the difference in levels which would mean that development at an elevated level would appear more prominent when viewed from the lower level.

- 8.14 It is acknowledged that the proposed dwellings would appear more prominent than the existing dwelling when viewed from Lower Duncan Road because they are larger, however the separation distances will prevent them from appearing overbearing or from resulting in a loss of privacy or available sunlight. The proposed dwellings are overall considered to accord with the requirements of Policy DSP3 and are therefore acceptable.

d) Highways and Car Parking;

- 8.15 Access to both dwellings would be via a shared driveway. Each dwelling would have 3 on plot car parking spaces in line with the adopted Residential Car and Cycle Parking SPD. Turning space is incorporated within the site to enable vehicles to enter and exit the site in a forwards gear. The proposed development would not have an adverse impact on the safety of the highway and therefore accords with policy CS5.

e) Impact on European Protected Sites;

- 8.16 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.
- 8.17 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.
- 8.18 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).
- 8.19 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.

- 8.20 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.
- 8.21 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.
- 8.22 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.
- 8.23 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 2.1 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.
- 8.24 The applicant has entered into a contract (conditional on the grant of planning permission) to purchase 0.75kg or nitrate mitigation 'credits' from the Hampshire and Isle of Wight Wildlife Trust. Through the operation of a legal agreement between the HIWWT, Isle of Wight Council and Fareham Borough Council dated 30<sup>th</sup> September 2020m, the purchase of the credits will result in a corresponding parcel of agricultural land (0.032 hectares) 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.

- 8.25 The Council has concluded within an Appropriate Assessment 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 no increase in the amount 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.

f) Other Issues

- 8.26 Concerns were raised regarding the loss of trees from the site. Several trees were removed from the site prior to the submission of the planning application. The trees were not protected therefore their removal did not require planning permission. Concerns have also been raised regarding the impact that the increased development would have on surface water drainage. While the application proposes to increase the number of dwellings within the site from 1 to 2, there will be large undeveloped areas to the rear of the properties in the form of rear gardens which will enable surface water to be adequately dealt with within the site.

**9.0 Recommendation**

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development hereby permitted shall be begun before 3 years from the date of this decision notice.  
REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.
2. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:  
-Location plan, site plan and streetscene Drawing no. CAP.J108/01 Rev A  
-Proposed plans and elevations Drawing no. CAP.J108/01 Rev A  
REASON: To avoid any doubt over what has been permitted.
3. 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

4. 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 and the adjacent land have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To safeguard the character and appearance of the area and to assess the impact on nearby residential properties. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

5. No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). The Construction Management Plan shall address the following matters:

- a) How provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;
- b) the measures the developer will be implementing to ensure that operatives'/contractors/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;
- c) the measures for cleaning the wheels and underside of all vehicles leaving the site;
- d) a scheme for the suppression of any dust arising during construction or clearance works;
- e) the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development.

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

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

6. No development shall proceed beyond damp proof course level until a detailed Biodiversity Enhancement and Management Plan (BEMP) demonstrating that the development will result in no net loss in biodiversity at the site, has been submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved BEMP shall be implemented and completed in accordance with the approved details prior to occupation of the dwellings and shall be retained in accordance with the approved details thereafter. Any trees or plants proposed as part of the approved BEMP 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 demonstrate no net loss in biodiversity at the site.

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

REASON: To secure the satisfactory appearance of the development.

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

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

9. No development shall proceed beyond damp proof course (dpc) level until details of how electric vehicle charging points will be provided at the following level:

- a) 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. None of the residential units hereby permitted shall be occupied until details of water efficiency measures to be installed in each dwelling 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 110 litres 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

11. 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.

12. None of the dwellings hereby permitted shall be first occupied until the bicycle storage relating to them, as shown on the approved plan, has been constructed and made available. This storage shall thereafter be retained and kept available for storing bicycles at all times.

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

13. The landscaping scheme, submitted under Condition 8, shall be implemented and completed prior to occupation of the dwellings 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.

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14. 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.

## INFORMATIVES

The development hereby permitted is subject to The Community Infrastructure Levy (CIL). The payment is due before development commences and the parties liable to pay the charge will receive a Liability Notice shortly to explain the amount due and the process thereafter. Further details about CIL can be found on the Council's website on the following link:

[http://www.fareham.gov.uk/planning/local\\_plan/ciladopt.aspx](http://www.fareham.gov.uk/planning/local_plan/ciladopt.aspx)

**10.0 Notes for Information**

**11.0 Background Papers**

**P/20/0931/FP**

# Agenda Annex

## **ZONE 2 – FAREHAM**

**Fareham North-West**

**Fareham West**

**Fareham North**

**Fareham East**

**Fareham South**

REFERENCE    SITE ADDRESS & PROPOSAL  
NUMBER &  
WARD

ITEM NUMBER &  
RECOMMENDATION

No items in this Zone

**ZONE 3 – EASTERN WARDS**

**Portchester West**

**Hill Head**

**Stubbington**

**Portchester East**

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/19/0483/FP  STUBBINGTON	THE GRANGE OAKCROFT LANE FAREHAM PO14 2EB  DEVELOPMENT COMPRISING 9 DWELLINGS, TOGETHER WITH ACCESS, LANDSCAPING, CAR PARKING AND ASSOCIATED WORKS	2  PERMISSION
P/20/0418/OA  STUBBINGTON	THE GRANGE OAKCROFT LANE FAREHAM PO14 2EB  OUTLINE APPLICATION FOR THE PROVISION OF UP TO 16 DWELLINGS AND TWO NEW VEHICULAR ACCESSES ONTO RANVILLES LANE AND THE RELOCATION OF THE EXISTING ACCESS ONTO OAKCROFT LANE (RE-SUBMISSION OF P/18/0263/OA)	3  OUTLINE PERMISSION
P/20/0522/FP  STUBBINGTON	LAND EAST OF CROFTON CEMETERY AND WEST OF PEAK LANE, STUBBINGTON FAREHAM  DEVELOPMENT COMPRISING 206 DWELLINGS, ACCESS ROAD FROM PEAK LANE MAINTAINING LINK TO OAKCROFT LANE, STOPPING UP OF A SECTION OF	4  PERMISSION

OAKCROFT LANE (FROM OLD PEAK LANE  
TO ACCESS ROAD), WITH CAR PARKING,  
LANDSCAPING, SUBSTATION, PUBLIC OPEN  
SPACE AND ASSOCIATED WORKS.

## OFFICER REPORT FOR COMMITTEE

DATE: 17 February 2021

**P/19/0483/FP**  
**DRIFTSTONE HOMES LTD**

**STUBBINGTON WARD**  
**AGENT: SENNITT PLANNING**

DEVELOPMENT COMPRISING 9 DWELLINGS, TOGETHER WITH ACCESS,  
LANDSCAPING, CAR PARKING AND ASSOCIATED WORKS

THE GRANGE, OAKCROFT LANE, STUBBINGTON, FAREHAM

### **Report By**

Peter Kneen – direct dial 01329 824363

### **1.0 Introduction**

- 1.1 This application is being reported to the Planning Committee for a decision due to the number of third party letters of objection received.
- 1.2 Members will note from the 'Five Year Housing Land Supply Position' report considered earlier at in the Planning Committee that this Council currently has a housing land supply of 4.2 years.
- 1.3 To meet the Council's duty as the competent authority under the Conservation of Habitats and Species Regulations 2017 ("the habitats regulations"), a Habitats Regulations Assessment is required to consider the likely significant effects of the development on the protected sites around The Solent. An Appropriate Assessment has been undertaken and concluded that the development proposal will not have an adverse effect on the integrity of the protected sites around The Solent subject to mitigation. Further details of this have been set out in the following report.
- 1.4 This planning application was submitted following the refusal of an application for 16 dwellings which encompassed the application site and the adjacent field Application (our planning reference: P/18/0263/OA). That application was refused by the Planning Committee in January 2019 for the following reasons:

*The development would be contrary to Policies CS14, CS17, CS18, and CS22 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP6, DSP15 and DSP40 of the Adopted Local Plan Part 2: Development Sites and Policies Plans and is unacceptable in that:*

- a) *The application site lies outside the defined urban settlement boundary where the introduction of residential development would fail to respond*



*positively to and be respectful of the key characteristics of the area, particularly its predominantly undeveloped nature. In addition the proposed development would adversely affect the integrity of the strategic gap and the physical and visual separation of settlements. Notwithstanding the Council's 5-year housing land supply position, the provision of dwellings in this location would not outweigh the harm;*

*b) Had it not been for the overriding reasons for refusal the Council would have sought to secure the on-site provision of affordable housing and a commuted sum for an off-site provision at a level in accordance with the requirements of the Local Plan;*

*c) In the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent Waters Special Protection Areas.*

1.5 Following the refusal by the Planning Committee the applicant sought to address the concerns raised by proposing a smaller scheme of nine dwellings sited within the defined residential curtilage of The Grange.

1.6 In addition to the submission of the current application, the applicant also lodged an appeal to the Planning Inspectorate in respect of the Council's refusal of the 16 unit scheme; that appeal was dismissed in October 2019. The Planning Appeal Inspector determined that the proposal would be fully compliant with Policy DSP40, and only dismissed the appeal on the issue of nitrate impact. That matter has now been addressed within the current submission.

1.7 Following the dismissal of the appeal on nitrate grounds, a further application for 16 dwellings was also re-submitted by the applicant (our planning reference: P/20/0418/OA), and is reported for determination elsewhere on this agenda.

## **2.0 Site Description**

2.1 The application site is located on the northern edge of Stubbington, and comprises the site of a former, large detached dwelling known as The Grange. The Grange, constructed in the late 1960s, was essentially abandoned by its owner which resulted in considerable health and safety issues and its subsequent demolition in 2018.

- 2.2 The site is bounded to the west by the southern end of Ranvilles Lane. Along its northern boundary is Oakcroft Lane, which forms the northern perimeter road of Stubbington.
- 2.3 To the south east of the application site lies an open undeveloped field. Beyond this lies Crofton Cemetery to the east and south. To the southwest lies the existing residential development of Farm House Close.
- 2.4 The boundary of The Grange is marked by a belt of mature leylandii trees (to Ranvilles Lane and Oakcroft Lane), and the south eastern boundary comprises a belt of mature poplar trees, which separate the residential plot from the open field to the southeast.
- 2.5 Approximately 100 metres to the south of the application site lies Crofton Old Church, a Grade II\* listed property set within its historic churchyard. The larger cemetery to the east of the site is a more recent extension to the churchyard and is connected by a bridge to the historic churchyard. Glimpsed views of the church are achieved through the existing field entrance adjacent to the site from Oakcroft Lane.
- 2.4 The Church and properties along Farm House Close are set in an elevated position, with the ground on the application site gently sloping to the north and east towards the lower level of Oakcroft Lane.

### **3.0 *Description of Proposal***

- 3.1 The application, submitted in full detail is for nine two-storey dwellings set in a similar arrangement to that previously submitted application under P/18/0263/OA. The scheme includes two new access points along Ranvilles Lane, and an altered access from Oakcroft Lane. In addition to the new accesses along Ranvilles Lane, the overall width of Ranvilles Lane would be widened along its length between the junction with Oakcroft Lane and the northern side of the proposed new main access into the site.
- 3.2 The low density, edge of settlement development would be located almost entirely on the former curtilage of The Grange.
- 3.3 The application has been supported by a detailed Planning, Design and Access Statement, Ecological Surveys, Tree Reports, Transport Statements, Landscaping and Visual Impact Assessment, Affordable Housing Viability Assessment and a Flood Risk and Surface Water Disposal Assessment. The applicant has secured nitrate mitigation credits via the Hampshire and Isle of Wight Wildlife Trust scheme at Little Duxmore Farm on the Isle of Wight.

#### **4.0 Policies**

4.1 The following policies apply to this application:

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

CS2:	Housing Provision;
CS4:	Green Infrastructure, Biodiversity and Geological Conservation;
CS5:	Transport Strategy and Infrastructure
CS6:	The Development Strategy
CS11:	Development in Portchester, Stubbington & Hill Head and Titchfield
CS14:	Development Outside Settlements
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
DSP5:	Protecting and Enhancing the Historic Environment
DSP6:	New Residential Development Outside of the Defined Urban Settlement Boundaries
DSP13:	Nature Conservation
DSP15:	Recreational Disturbance on the Solent Special Protection Areas
DSP40:	Housing Allocations

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

Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015  
Residential Car Parking Standards 2009  
The National Planning Policy Framework (February 2019)

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

5.1 The following planning history is relevant:

<b>P/18/0939/PA</b>	Demolition of Four Bedroomed Detached House
<b>Prior Approval</b>	29/08/2018
<b>Not Required</b>	
<b>P/18/0263/OA</b>	Outline application for the provision of up to 16 dwellings and two new vehicular accesses onto Ranvilles Lane, and the relocation of the existing access onto Oakcroft Lane

**Refused** 25/01/2019  
**Appeal**  
**Dismissed** 10/10/2019

**P/20/0418/OA** Outline application for the provision of up to 16 dwellings and two new vehicular accesses onto Ranvilles Lane and the relocation of the existing access onto Oakcroft Lane (Re-submission of P/18/0263/OA)

**Pending**  
**Determination**

## **6.0 Representations**

6.1 Seven letters from six address have been received regarding this application, all of which object to this application. The letters of objection raised the following concerns:

- Development in the Strategic Gap;
- Development in the designated Countryside;
- Impact on local wildlife and ecology;
- Highway safety concerns with Ranvilles Lane;
- Overdevelopment/high density;
- Inadequate car parking provision;
- Flood risk concerns;
- Impact on local services and facilities;
- Lack of affordable housing provision;
- Impact on the character of Ranvilles Lane as a rural lane;
- Impact on nitrogen loading onto the protected sites around the Solent.

## **7.0 Consultations**

EXTERNAL

### **Historic England**

7.1 No comments

### **HCC Highways**

7.2 No objection, subject to conditions.

### **Environment Agency**

7.3 No objection, subject to conditions.

### **Natural England**

- 7.4 No objection, subject to a suitable drainage system being installed to ensure no pollution of the nearby stream.

INTERNAL

### **Ecology**

- 7.5 No objection, subject to conditions.

### **Tree Officer**

- 7.6 No objection, subject to compliance with the Tree Report.

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

- 7.7 No objection, subject to informatives.

### **Environmental Health**

- 7.8 No objection.

### **Affordable Housing**

- 7.9 No objection, subject to this being secured through a Section 106 legal agreement under the Town and Country Planning Act 1990

## **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) Implications of Fareham's Current 5-Year Housing Land Supply Position (5YHLS);
- b) Residential Development in the Countryside;
- c) Policy DSP40 (Housing Allocations);
- d) Other Matters;
- e) The Planning Balance.

- 8.2 a) Implications of Fareham's Current 5-Year Housing Land Supply Position  
A report titled "Five year housing land supply position" was reported for Members' information earlier in this Planning Committee. That report sets out this Council's local housing need along with this Council's current housing land supply position. The report concluded that this Council has 4.2 years of housing supply against the current 5YHLS.
- 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 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 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 In this particular case an appropriate assessment has been undertaken and concluded that the development proposal will not have an adverse effect on the integrity of the protected sites around The Solent subject to the proposed mitigation being secured. Officers consider that the presumption in favour of sustainable development set out in paragraph 11 of the NPPF applies.

8.11 The following sections of the report assess the application proposals against this 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. 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.

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

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

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

8.15 The site is clearly outside of the defined urban settlement boundary of Stubbington and Hill Head 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) Consideration of Policy DSP40: Housing Allocations**

8.16 Policy DSP40: Housing Allocations, of the 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”.*

8.17 Each of these five bullet points are worked through in detail below.

**Policy DSP40 (i)**

8.18 The proposal, submitted in full detail, is for the construction of 9 dwellings. This is considered to be relative in scale to the demonstrated 5 year housing land supply shortfall and would therefore accord with part (i) of Policy DSP40. This consideration was not raised as a reason for refusal in the original application and the Appeal Inspector concurred that the scheme accorded with part (i) of Policy DSP40.

**Policy DSP40 (ii)**

8.19 The site is located within the designated countryside but does lie in close proximity to the defined urban settlement boundary of Stubbington and Hill Head, with good accessibility to local services, facilities, schools and employment provision. Pedestrian links to the existing public footpath along Ranvilles Lane will ensure connectivity from the site to the remainder of Stubbington.

8.20 A modern residential development is located immediately to the southwest of the site (Farm House Close), and the proposed development would be well



related to this development, and seen as an extension to the urban development along this part of Stubbington. The low density, landscaped character of the proposed development would ensure a soft transition for this edge of settlement location, which would provide a strong defensible boundary along this part of Ranvilles Lane and Oakcroft Lane to the northern part of Stubbington.

- 8.21 Officers therefore consider that the proposals can be well integrated with the neighbouring settlement, whilst offering a considerable enhancement to the site and the character of Ranvilles Lane, in accordance with point (ii) of Policy DSP40. Consideration of part (ii) was not raised as a reason for refusal in the original application and the Appeal Inspector concurred that the scheme accorded with part (ii) of Policy DSP40.

**Policy DSP40 (iii)**

- 8.22 The site is within an area designated as countryside, and forms part of the Fareham-Stubbington Strategic Gap. The site is identified within the Fareham Landscape Assessment (2017) as being within the Fareham – Stubbington Gap, as Enclosed Coastal Plain. The application is also supported by a detailed Landscape and Visual Appraisal. The Council’s Landscape Assessment highlights that:

*‘There may be some limited scope for development in areas where there is an existing structure of vegetation to help integrate it into the landscape and where it is closely associated with existing built development around the fringes of the settlement (i.e. not out in open countryside) or character is already affected by urban influences, e.g. enclosed land on the northern edge of Stubbington... However, any such development would need very sensitive siting, design and mitigation to avoid piecemeal attrition of the area’s overall rural character’.*

- 8.23 Whilst the existing site is well contained, and the proposal includes the removal of the existing mature unsympathetic biodiversity poor leylandii hedgerow fronting Ranvilles Lane/Oakcroft Lane, it would be replaced with a more traditional mixture of native hedgerow and tree planting to ensure the site is well contained. It is considered that the low density of the development proposal and its proposed landscaped character, would create a new soft urban fringe to Stubbington, whilst ensuring it does not extend into the open, arable farmland on the northern site of Oakcroft Lane. The Appeal Inspector also agreed that the *‘removal and replacement with more appropriate planting along Ranvilles Lane would lead to a visual improvement to the appearance of this area, albeit that the housing would be visible within the site from these public vantage points’.*

8.24 The development of the site would see an incursion into the Strategic Gap. Having regard to the sensitivity and development potential in the Landscape Assessment, carefully sited, designed and mitigated development in this location would be needed to ensure it would not have a significant impact on the overall integrity of the Strategic Gap. The proposal would represent an appropriate urban fringe development, in a heavily landscaped setting, respecting its location within the countryside.

8.25 In respect of the Appeal Decision the Inspector commented that the proposals would make only a;

*'minor incursion into the Gap, and the boundary of the development would be clearly defined by the cemetery, Ranvilles Lane and Oakcroft Lane'.*

8.26 The Inspector considered the potential conflict with Policy CS22, which he highlighted does not exclude all development within the Strategic Gap but requires an assessment of the impact against the policy criteria. The Inspector concluded that;

*'as the scheme would make only a minor incursion into the Gap, the integrity of the Gap and the physical and visual separation of Fareham and Stubbington would not be significantly affected'.*

8.27 The Inspector concluded that by developing the site, there would be no material conflict with Policy CS22 in these circumstances.

8.28 Officers therefore consider that this development proposal would respect the character of the neighbouring settlement, minimising any adverse impact on the character and appearance of this part of the countryside, and maintain the integrity of the Strategic Gap. The proposal therefore accords with policy (iii) of Policy DSP40 and complies with Policy CS17.

**Policy DSP40 (iv)**

8.29 In terms of delivery the applicants would be happy to work with the Local Planning Authority to ensure that the proposed redevelopment is brought forward quickly. The site has already been cleared of the original dwelling, and the relatively undeveloped nature of the site would ensure that the application, which is submitted in full detail, could be commenced immediately. It is therefore considered that point (iv) of Policy DSP40 is satisfied. This consideration was not raised as a reason for refusal in the original application and the Appeal Inspector concurred that the scheme accorded with part (iv) of Policy DSP40.

### **Policy DSP40 (v)**

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

### **Environment/Ecology**

- 8.31 In respect of environmental implications, the application has been supported by detailed Ecological Surveys, and the Council's Ecologist has raised no objection to the proposals, subject to the provision of appropriate conditions, including the provision of a Biodiversity Enhancement Strategy, in accordance with the 2018 and 2019 Ecology Reports. It is considered that subject to compliance with the recommendations of the ecological reports, the development would not have an adverse impact on those protected species on the site, and the development could result in the provision of protected habitats for bats and water voles. It is considered that the proposal would not have a detrimental impact on the local ecology of the area.
- 8.32 The Council's Tree Officer has reviewed the proposals and raised no objection to the loss of the leylandii trees, due to the relatively poor quality of the hedgerow, where many have been extensively cut back due to their proximity to Ranvilles Lane, exposing the dead wood. The loss of this hedgerow would be replaced for a new belt of native trees and hedgerow planting to be created along the eastern side of Ranvilles Lane, with pedestrian links situated behind the hedging, ensuring the overall rural character of the lane is retained. Detailed landscaping would be conditioned to be provided and the applicants are aware of the need to ensure that a good level of mature planting is provided in order to ensure that the proposal integrates quickly into the edge of settlement location.
- 8.33 As such, no objection was raised by the Council's Tree Officer, subject to compliance with the submitted Arboricultural Report and Arboricultural Method Statement.
- 8.34 The site is located within 5.6km of The Solent, and therefore the development is likely to have a significant effect on the following designated sites: Solent and Southampton Waters Special Protection Area and Ramsar Site, Portsmouth Harbour Special Protection Area and Ramsar Site, Solent and Dorset Coast Special Protection Area, Chichester and Langstone Harbours Special Protection Area and Ramsar Site, and the Solent Maritime Special Area of Conservation. These designations are collectively known as the Protected Sites around The Solent. Policy CS4 sets out the strategic approach to biodiversity in respect of sensitive protected 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.

- 8.35 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.
- 8.36 In light of their importance, areas within The Solent have been specifically designated under UK law, and comprise those designations set out above.
- 8.37 Regulation 63 of the Habitats and Special 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 the designated Protected 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 Protected 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.
- 8.38 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the Protected Sites. The key considerations for the Assessment of the likely significant effects are set out below.
- 8.39 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 Protected Sites as a result of increased recreational disturbance in combination with other development in The Solent area. The applicant has acknowledged the need to make the appropriate financial contribution towards The Solent Recreational Mitigation Partnership Strategy (SRMP) and therefore, the Appropriate Assessment concludes that the proposals would not have a likely significant effect on the Protected Sites from recreational disturbance. The SRMP payment would be secured through a Section 106 legal agreement.
- 8.40 Natural England has also 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 Protected Sites.

- 8.41 Natural England has further advised that the effects of emissions from increased traffic along roads within 200 metres of the Protected Sites also has the potential to cause a likely significant effect. The Council's Air Quality Habitat Regulations Assessment highlights that developments in the Borough would not, in combination with other plans and proposals, have a likely significant effect on air quality on the Protected Sites up to 2023, subject to appropriate mitigation.
- 8.42 Finally, in respect the impact on water quality, 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 6.57kg TN/year. Due to the uncertainty of the effect of the nitrogen from the development on the Protected Sites, 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.
- 8.43 The applicant has entered into a contract (conditional on the grant of planning permission) to purchase 15.5kg of nitrate mitigation 'credits' from the Hampshire and Isle of Wight Wildlife Trust (HIWWT). The provision of 15.5kg TN/year is based on the total for the 16 unit scheme considered under application P/20/0418/OA, and the applicant has agreed a claw back with the HIWWT in the event that only 6.5kg TN/year is needed. 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.
- 8.44 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 Protected Sites either alone or in combination with other plans or projects. The difference between the credits and the output will result in a small annual nett reduction of nitrogen entering The Solent.

- 8.45 Natural England has been consulted on the Council's Appropriate Assessment and agrees with its findings that the proposed development will not have a likely significant effect, either alone or in combination with other plans and proposals on the Protected Sites.
- 8.46 It is therefore considered that the development accords with the Habitat Regulations and complies with policies CS4, DSP13 and DSP15 of the adopted Local Plan.

### **Amenity Implications**

- 8.47 In terms of consideration of the amenity impact, the layout of the development largely follows on from that of the earlier refused planning application, which despite being dismissed on appeal, was considered acceptable in all respects other than the technical reason of the impact from increased nitrogen loading onto the Protected Sites. The current proposal has been assessed against the Council's adopted Design Guidance. Each of the proposed dwellings would comprise rear gardens broadly in compliance with the minimum standards, with the majority comprising gardens in excess of the minimum 11 metres sought.
- 8.48 In terms of the impact on future occupiers, each property has been orientated to ensure a good level of private outdoor amenity space would be provided for each dwelling. Levels of separation between dwellings also accord with the required standards, ensuring the privacy within the proposed dwellings is acceptable.
- 8.49 The neighbouring properties that back onto the site from Farm House Close all comprise garden lengths of 11 metre or more, and much of the existing boundary vegetation is proposed to be retained along the southern boundary of the site. The only plot likely to have an impact on the living conditions of the neighbouring occupiers is Plot 1, which would be located approximately 11.5 metres away from the rear elevation of 1 Farm House Close, although this part of 1 Farm House Close is a link attached, pitched roof double garage. The main residential part of the property would be located 13.5 metres away, and the two-storey element approximately 23 metres away, at an oblique angle. It is considered that this relationship is acceptable, provided no habitable room windows are orientated towards 1 Farm House Close.
- 8.50 The properties at 2, 3, and 4 Farm House Close all comprise garden lengths of over 11 metres long, which together with the intervening boundary vegetation, would not have a direct view of Plot 1. The proposed rear elevation of Plot 1 would be located 21.5 metres away from the side elevation of 5 Farm House Close and would be set 15 metres from their mutual boundary.

- 8.51 The main garden area for 5 Farm House Close is located to the north of the property, although it is acknowledged that their patio area is located to the west of the property. The area to the west of the property is well screened by boundary vegetation and would not be unacceptably adverse impact by the presence of Plot 1. The other proposed plots associated with the development would be located over 30 metres from the rear elevation of 5 Farm House Close, at oblique angles, and would not therefore have a unacceptable adverse impact on the living conditions of these occupiers.
- 8.52 The proposal therefore is considered to comply with Policy CS17, DSP2 and DSP3 of the Local Plan.

### **Traffic Implications**

- 8.53 The application includes the creation of two new vehicular access onto Ranvilles Lane, and the realignment of the existing access onto Oakcroft Lane. In addition to the new access arrangements, the application also proposes the overall widening of the length of Ranvilles Lane south of the junction with Oakcroft Lane to the northern side of the proposed new main access into the site. The widening would be considered by Hampshire County Council under a separate Section 278 Agreement and secured by the Section 106 legal agreement.
- 8.54 Ranvilles Lane currently has a 'National' unrestricted speed limit, although the narrowness of the Lane limits the general speed of vehicles along this part of the highway (average speeds recorded at only 26 mph). Presently the southern part of Ranvilles Lane and Oakcroft Lane are known to be 'rat runs' providing a link between Peak Lane (to the east) and Titchfield Road (to the west). It is likely that the completion of the Stubbington by-pass (which has now commenced and is due for completion in 2022), would see the volume of traffic along these lanes reduced. Funding to secure the provision of a Traffic Regulation Order to reduce the speed limit along Ranvilles Lane to 30mph would be secured by a Section 106 Agreement under the Town and Country Planning Act 1990.
- 8.55 The proposal would include an extension of the pavement from the northern side of 1 Farm House Close along Ranvilles Lane (set behind a new hedgerow and tree line) to the proposed main new access into the site. Pedestrians would then be able to traverse through the site, linking to the revised access on Oakcroft Lane, removing them from walking along this section of highway.
- 8.56 The application is supported by Hampshire County Council Highways, and the works to Ranvilles Lane would result in an overall improvement to all users of

the Lane. The development of the site would also improve pedestrian and cycle access, enabling them to avoid the junction of Ranvilles Lane and Oakcroft Lane. The layout demonstrates that the proposal can accommodate the necessary level of off-street car parking, adequate visitors car parking, and appropriate bin storage and collection points.

8.57 It is therefore considered that the proposed development accords with point (v – traffic issues) of Policy DSP40, and policy CS17 of the Local Plan.

8.58 Overall therefore, it is considered that the development of the site would be fully compliant with the five criteria of Policy DSP40 and would not have a significant visual or physical impact on the overall integrity of this part of the Fareham to Stubbington Gap. This opinion was also the conclusion of the Appeal Inspector to the earlier dismissed scheme for 16 dwellings. The low density, urban fringe character of the proposal would complement the edge of settlement location and has resulted in no objection from the Council's Urban Designer.

#### **d) Other Matters**

##### ***Affordable Housing***

8.59 The application proposes the provision of nine dwellings on a site measuring 0.72 hectares, and therefore there is a requirement to provide affordable housing. In accordance with the requirements of Policy CS18, the site should make a 30% contribution towards affordable housing. Due to the size of the site, the Council's Affordable Housing Officer has confirmed that an off-site financial contribution would be acceptable in this case. The applicant's submitted Affordable Housing Viability Report concludes that the provision of affordable housing on the site would result in a viability deficit. The Council has undertaken an independent review of this and concluded that an off-site financial contribution should be payable. The applicant has agreed to this, and the contribution would be sought and secured through a Section 106 legal agreement.

##### ***Flood Risk and Land Drainage***

8.60 The site is located in close proximity to a small stream that forms a tributary to the River Meon (to the east of the site), although none of the proposed dwellings are located in an area at risk of flooding. Detailed drainage assessments have been undertaken, and whilst no consultation with the Lead Local Flood Authority has taken place due to the scale of the proposed development, no objection was raised to the earlier scheme for 16 dwellings, subject to appropriate conditions. No objection has been received from the Environment Agency, subject to conditions.



### **National Space Standards**

- 8.61 The application has been considered under the minimum national space standards. The Council's adopted Design Guidance highlights for internal space standards that *'the internal dimensions of a dwelling should seek to meet at least the minimum sizes set out in the National Technical Standards'*. Therefore, Policy CS17, from which the Design Guidance was established applies and developers should seek to meet these standards in order to adhere to the advice in the adopted Local Plan and to meet high quality design standards.
- 8.62 The various house types have been considered by Officers and are fully compliant with, and in most cases exceed the minimum standard set out in the Space Standards.

### **e) The Planning Balance**

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

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

- 8.64 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.

- 8.65 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 against the Development Plan.

- 8.66 The site lies outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture or required infrastructure. The principle of the proposed development of the site would be

contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of the Local Plan Part 2: Development Sites and Policies Plan.

- 8.67 The site also lies within the Fareham-Stubbington Strategic Gap, where Policy CS22 seeks to ensure that development should not significantly affect the integrity of the Gap and the physical and visual separation of the settlements. The location of the site, immediately north of the existing urban area of Stubbington, contained a former large detached dwelling, and bounded by the northern perimeter road of the settlement is considered to contribute to the containment of the site. The development would not have a significant effect on the overall integrity of the Gap and the physical and visual separation of settlements. This was also the conclusion reached by the Appeal Inspector in the determination of the appeal for the scheme for 16 dwellings.
- 8.68 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 and the Government steer in respect of housing delivery.
- 8.69 In weighing up the material considerations and conflict between policies, the development of a site in the countryside weighed against Policy DSP40, Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall. The scheme relates well to the existing urban settlement boundary such that it can be integrated with the adjacent settlement whilst at the same time being sensitively designed to reflect the area's existing character and minimising any adverse impact on the countryside and Strategic Gap.
- 8.70 It is acknowledged that the proposal would have an urbanising impact through the introduction of housing and related infrastructure onto a site which previously contained one house. However, that impact would be localised and merely extend the existing built form of Stubbington. Officers consider that the change in character of the site and the resulting visual effect would not cause any substantial harm.
- 8.71 In respect of environmental, amenity and traffic issues (including ecological mitigation), Officers are satisfied that these issues have been appropriately addressed in the submitted application, subject to appropriate conditions and habitat mitigation. Subject to the payment of the habitat mitigation contribution, and following completion of the Appropriate Assessment, it is considered that the likely significant effect on The Solent's Protected Sites would be adequately mitigated.

- 8.1 In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage of housing supply, Officers acknowledge that the proposal could deliver an increase of 9 dwellings in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply is modest but would make a material contribution in light of the Council's current 5YHLS shortfall.
- 8.2 In undertaking a detailed assessment of the proposals throughout this report and applying the 'tilted balance' to those assessments, Officers consider that:
- There are no policies within the National Planning Policy Framework that protects 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 Protected Sites can be mitigated; and,
  - 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.
- 8.3 Having carefully considered all material planning considerations, Officers recommend that planning permission should be granted subject to the imposition of appropriate planning conditions, and subject to the prior completion of a Section 106 legal agreement.

## **9.0 Recommendation**

- 9.1 Subject to the applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council to secure:
- Financial contributions to provide for satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance on the Solent and Southampton Water, Portsmouth Harbour, and the Solent and Dorset Coast Special Protection Areas;
  - Financial contribution of £95,774.00 toward the provision of off-site affordable housing provision; and,
  - Traffic Regulation Order for highways to extend the speed reduction along Ranvilles Lane to 30mph.
  - The widening of Ranvilles Lane in accordance with approved plans.

- Provision and long-term management and maintenance of the paths within the site, and for their use by the general public.

GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development hereby permitted shall be commenced before the expiration of one year from the date of this decision.

REASON: To allow a reasonable time period for work to start, and to comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.

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

- a) Location Plan (Drawing: 17-1083-001-A);
- b) Site Layout Plan (Drawing: 17-1083-200-C);
- c) Floor Plans and Elevations – Plot 1,4 (Drawing: 17-1083-210-1st);
- d) Floor Plan and Elevations – Plot 2 (Drawing: 17-1083-211-A);
- e) Floor Plan and Elevations – Plot 3 (Drawing: 17-1083-212-A);
- f) Floor Plan and Elevations – Plot 5 (Drawing: 17-1083-213-B);
- g) Floor Plan and Elevations – Plot 6 (Drawing: 17-1083-214-A);
- h) Floor Plan and Elevations – Plot 7 (Drawing: 17-1083-215-A);
- i) Floor Plan and Elevations – Plot 8 (Drawing: 17-1083-216-A);
- j) Floor Plan and Elevations – Plot 9 (Drawing: 17-1083-217-A);
- k) Planting Plan and Indicative Hardworks (Drawing: LC/225 – 04 – Rev B);
- l) Ancillary Buildings (Drawing: 17-1083-220-A).

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

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

REASON: To secure the satisfactory appearance of the development.

4. No development of the dwellings hereby permitted shall commence until the means of vehicular access has been constructed in accordance with the approved plans.

REASON: In the interests of highway safety.

5. No dwelling hereby permitted shall be first occupied until the visibility splays of 2.4m by 35m at each of the three junctions onto Ranvilles Lane and Oakcroft Lane, as set out on the approved plans have been provided. 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.

6. No development shall take place until details of the type of construction proposed for the roads and access(es) and the method of disposal of surface water have been submitted to and approved in writing by the Local Planning Authority.

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

7. The visitors parking spaces on the approved plans shall be provided before any of the dwellings hereby permitted are first occupied, and shall thereafter be retained and kept available at all times.

REASON: In the interests of highway safety.

8. No dwelling shall be occupied until the approved parking and turning areas for that property have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking and turning of vehicles at all times unless otherwise agreed in writing by the Local Planning Authority following the submission of a planning application made for that purpose.

REASON: In the interests of highway safety.

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

- (ii) Refuse bin storage (sufficient for 2no. 240 litre wheeled bins);
- (iii) Secure cycle storage.

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

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

10. None of the residential units hereby permitted shall be occupied until details of water efficiency measures to be installed in each dwelling 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 110 litres 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

11. The development hereby permitted shall not 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.

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

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

13. No development shall commence on site until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). The Construction Management Plan shall address the following matters:

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

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

c) the measures for cleaning the wheels and underside of all vehicles leaving the site;

d) a scheme for the suppression of any dust arising during construction or clearance works;

e) the measures for cleaning Oakcroft Lane and Ranvilles Lane to ensure that they are kept clear of any mud or other debris falling from construction vehicles, and

f) the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development.

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

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

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

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

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

15. The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment (ref: 70056252-1, dated April 2019, compiled by WSP UK Limited and titled: The Grange, Oakcroft Lane, Stubbington Flood Risk Assessment and Surface Water Drainage Strategy) and the additional Flood Risk Addendum (ref: 70056252, dated 5 August 2019 and compiled by WSP UK Limited) and the following mitigation measures it details:

- (i) Finished floor levels shall be set no lower than 6.80 metres above Ordnance Datum (AOD).

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

REASON: In line with Section 9 of the Planning Practice Guidance of the NPPF for Flood Risk and Coastal Change to reduce the risk of flooding to the proposed development and future occupants.

16. Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered. Works shall not recommence before an investigation and risk assessment of the identified ground conditions have been undertaken and details of the findings, along with a detailed remedial scheme, if required, have been submitted to and approved in writing by the Local Planning Authority.

Prior to the occupation of the dwelling hereby permitted the remediation scheme shall be fully implemented and shall be validated in writing to the Local Planning Authority by an independent competent person.

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

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

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

18. The development hereby approved shall be carried out in accordance with the measures set out in Section 5 of the Preliminary Ecological Appraisal (Ecosupport, March 2019) and the Ecology Addendum (Ecosupport, August 2018).

REASON: To protect badgers, birds and water voles in accordance with the Wildlife and Countryside Act 1981 (as amended).



19. No development shall proceed beyond damp proof course level until a scheme of lighting for the north-eastern section of the site (during the operational life of the development), designed to minimise impacts on wildlife, particularly bats and water voles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be undertaken in accordance with the approved details.

REASON: In order to minimise impacts of lighting on the ecological interest of the site.

20. No development shall take place until a detailed Biodiversity Enhancement Scheme, detailing site-wide biodiversity enhancement features to be incorporated, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To conserve and enhance biodiversity in accordance with the Natural Environment and Rural Communities Act 2006.

21. The first floor window(s) to be inserted into the following elevations: Northeast Elevation of Plot 1 (stairwell), Northeast Elevation of Plot 2 (en-suite), East Elevation(s) of Plots 3 and 4 (en-suite and stairwell), and West Elevation of Plot 5 (bedroom), of the approved development shall first 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.

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

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

23. The landscaping scheme, submitted under Condition 22, 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.

#### INFORMATIVES:

- a) Applicants should be aware that, prior to the commencement of the development, contact must be made with Hampshire County Council, the Highway Authority. Approval of this planning application does not give approval for the construction of vehicular access, which can only be given by the Highway Authority. Further details regarding the application process can be read online via <http://www3.hants.gov.uk/roads/apply-droppedkerb.htm>. Contact can be made either via the website or telephone 0300 555 1388.
- b) Potentially contaminated ground conditions include: imported topsoil, made ground or backfill, buried rubbish, car parts, drums, containers or tanks, soil with extraneous items such as cement, asbestos, builders rubble, metal fragments, ashy material, oily / fuel / solvent type smells from the soil, highly coloured material or black staining and liquid fuels or oils in the ground. If in any doubt, please contact the Contaminated Land Officer on 01329 236100.

#### **11.0 Background Papers**

P/19/0483/FP

# FAREHAM

BOROUGH COUNCIL



The Grange, Oakcroft Lane

Scale 1:1,250

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## OFFICER REPORT FOR COMMITTEE

DATE: 17 February 2021

**P/20/0418/OA**  
**DRIFTSTONE DEVELOPMENTS LTD**

**STUBBINGTON WARD**  
**AGENT: SENNITT PLANNING**

OUTLINE APPLICATION FOR THE PROVISION OF UP TO 16 DWELLINGS AND TWO NEW VEHICULAR ACCESSSES ONTO RANVILLES LANE AND THE RELOCATION OF THE EXISTING ACCESS ONTO OAKCROFT LANE (RE-SUBMISSION OF P/18/0263/OA)

THE GRANGE, OAKCROFT LANE, STUBBINGTON, FAREHAM, PO14 2EB

### **Report By**

Peter Kneen – direct dial 01329 824363

#### **1.0 Introduction**

- 1.1 This application is being reported to the Planning Committee for a decision due to the number of third party letters of objection received.
- 1.2 Members will note from the 'Five Year Housing Land Supply Position' report considered earlier in the Planning Committee that this Council currently has a housing land supply of 4.2 years.
- 1.3 To meet the Council's duty as the competent authority under the Conservation of Habitats and Species Regulations 2017 ("the habitats regulations"), a Habitats Regulations Assessment is required to consider the likely significant effects of the development on the protected sites around The Solent. An Appropriate Assessment has been undertaken and concluded that the development proposal will not have an adverse effect on the integrity of the protected sites around The Solent subject to mitigation. Further details of this have been set out in the following report.
- 1.4 This planning application represents a re-submission following an earlier refused proposal (Application P/18/0263/OA). That application was refused by the Planning Committee in January 2019 for the following reasons:

*The development would be contrary to Policies CS14, CS17, CS18, and CS22 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP6, DSP15 and DSP40 of the Adopted Local Plan Part 2: Development Sites and Policies Plans and is unacceptable in that:*

- a) *The application site lies outside the defined urban settlement boundary where the introduction of residential development would fail to respond*

*positively to and be respectful of the key characteristics of the area, particularly its predominantly undeveloped nature. In addition the proposed development would adversely affect the integrity of the strategic gap and the physical and visual separation of settlements. Notwithstanding the Council's 5-year housing land supply position, the provision of dwellings in this location would not outweigh the harm;*

*b) Had it not been for the overriding reasons for refusal the Council would have sought to secure the on-site provision of affordable housing and a commuted sum for an off-site provision at a level in accordance with the requirements of the Local Plan;*

*c) In the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent Waters Special Protection Areas.*

1.5 Following that refusal by the Planning Committee the applicant submitted a proposal for nine dwellings (reported elsewhere on this agenda), which seeks to address the concerns raised by the Planning Committee, namely the siting of nine of the dwellings within the defined residential curtilage of The Grange.

1.6 The applicant also lodged an appeal to the Planning Inspectorate in respect of the Council's refusal of the 16 unit scheme; that appeal was dismissed in October 2019. The Planning Appeal Inspector determined that the proposal would be fully compliant with Policy DSP40, and only dismissed the appeal on the issue of nitrate impact. That matter has now been addressed within the current submission.

## **2.0 Site Description**

2.1 The application site is located on the northern edge of Stubbington, and comprises the site of a former, large detached dwelling known as The Grange and an adjoining field. The Grange, constructed in the late 1960s, was essentially abandoned by its owner which resulted in considerable health and safety issues and its subsequent demolition in 2018.

2.2 The site is bounded to the west by the southern end of Ranvilles Lane. Along its northern boundary is Oakcroft Lane, which forms the northern perimeter road of Stubbington.

2.3 To the east and south of the application site lies Crofton Cemetery, and to the southwest lie six existing two storey properties on Farm House Close. Between the cemetery and the application site lies a small stream, along

which runs a ribbon of mature trees and shrubs. The boundary of The Grange itself is contained by a belt of mature leylandii trees (to Ranvilles Lane and Oakcroft Lane), and to the southern-eastern boundary of the residential curtilage is a belt of mature poplar trees, which separate the residential plot from the open field to the south.

- 2.4 To the south of the site lies Crofton Old Church, a Grade II\* listed property set within its historic churchyard. The larger cemetery on the eastern boundary of the application site is a more recent expansion to the churchyard and is connected by a bridge to the southeast of the application site. Glimpsed views of the church are achieved through the existing field entrance to the site from Oakcroft Lane.
- 2.5 The Church and properties along Farm House Close are set in an elevated position, with the ground on the application site gently sloping to the north and east towards the lower level of Oakcroft Lane.

### **3.0 *Description of Proposal***

- 3.1 The application proposal is submitted in outline form with access and layout to be considered for 16 dwellings. Nine of the dwellings are within the original residential curtilage of The Grange and are sited in with the same locations as shown in planning application P/19/0483/FP reported elsewhere on this agenda. The scheme has been carefully designed to ensure that the glimpsed views of Crofton Old Church are maintained from Oakcroft Lane.
- 3.2 The remaining seven dwellings are located on an undeveloped field to the southeast of the residential curtilage of The Grange, which is currently accessed by a field gate adjacent to the existing access to The Grange. Two new access points would be created along Ranvilles Lane, and a new altered access from Oakcroft Lane. In addition to the new accesses along Ranvilles Lane, the overall width of Ranvilles Lane would be widened along its length between the junction with Oakcroft Lane to the northern side of the proposed new main access into the site.
- 3.3 The low density, edge of settlement development would incorporate a large area of open space through the centre of the site, maintaining an unimpeded view of the church when viewed from Oakcroft Lane.
- 3.4 The planning application has been supported by a detailed Planning, Design and Access Statement, Ecological Surveys, Tree Reports, Transport Statements, Landscape and Visual Impact Assessment, and a Flood Risk and Surface Water Disposal Assessment. The applicant has secured nitrate mitigation credits via the Hampshire and Isle of Wight Wildlife Trust scheme at Little Duxmore Farm on the Isle of Wight.

#### **4.0 Policies**

4.1 The following policies apply to this application:

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

CS2:	Housing Provision
CS4:	Green Infrastructure, Biodiversity and Geological Conservation
CS5:	Transport Strategy and Infrastructure
CS6:	The Development Strategy
CS11:	Development in Portchester, Stubbington & Hill Head and Titchfield
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
DSP5:	Protecting and Enhancing the Historic Environment
DSP6:	New Residential Development Outside of the Defined Urban Settlement
DSP13:	Nature Conservation
DSP15:	Recreational Disturbance on the Solent Special Protection Areas
DSP40:	Housing Allocations

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

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

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

5.1 The following planning history is relevant:

<b>P/18/0939/PA</b>	Demolition of Four Bedroomed Detached House
<b>Prior Approval</b>	29/08/2018
<b>Not Required</b>	

<b>P/18/0263/OA</b>	Outline application for the provision of up to 16
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dwellings and two vehicular accesses onto Ranvilles Lane, and the relocation of the existing access onto Oakcroft Lane

**Refused** 25/01/2019  
**Appeal Dismissed** 10/10/2019

**P/19/0483/FP** Development comprising 9 dwellings, together with access, landscaping, car parking and associated works

**Pending  
Determination**

## **6.0 Representations**

6.1 Twenty four letters of objection (from twenty two addresses) raising objections to the application proposal. The reasons for their objection to the application are set out below:

- Development in the Strategic Gap;
- Development in the designated Countryside;
- Impact on local wildlife and ecology;
- Highway safety concerns with Ranvilles Lane;
- Inadequate car parking provision;
- Flood risk concerns;
- Impact on local services and facilities;
- Out of character;
- Loss of privacy and overlooking;
- Loss of trees;
- Impact on character of cemetery;
- Impact on nearby Public Right of Way;
- Contamination risk on stream;
- Noise and air pollution;
- Impact on setting of Listed Building;
- Increased disturbance of bird population;
- Impact on nitrogen loading onto the protected sites around the Solent.

## **7.0 Consultations**

EXTERNAL

### **Natural England**

7.1 No objection, subject to a suitable drainage system being installed to ensure no pollution of the nearby stream.

### **Environment Agency**



- 7.2 Further details on the submitted Flood Risk Assessment needed. This information has been provided by the applicant to the Environment Agency which should address their objection. Final comments awaited.

**HCC Highways Authority**

- 7.3 No objection, subject to conditions and Section 106 legal agreement.

**HCC Children's Services (Education)**

- 7.4 No objection, no contribution required due to scale of proposal.

**HCC Lead Local Flood Authority**

- 7.5 No objection, subject to conditions.

**HCC Archaeology**

- 7.6 No objection

**Southern Water**

- 7.7 No objection.

**Historic England**

- 7.8 Concerns on heritage grounds due to setting of Listed Building. The Local Planning Authority need to consider the application having regard to the requirements of the National Planning Policy Framework.

INTERNAL

**Conservation Planner**

- 7.9 No objection raised – the proposal respects the setting of the Listed Building by retaining important views.

**Affordable Housing Officer**

- 7.10 No objection, subject to contributions being secured through a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990.

**Recycling Co-ordinator**

- 7.11 No objection, subject to swept path diagram being agreed with the Transport Planner.

**Principal Tree Officer**

- 7.12 No objection, subject to conditions.

**Ecology**

7.13 No objection, subject to conditions.

**Environmental Health (Contaminated Land)**

7.14 No objection, subject to condition and informative.

**Environmental Health (Noise and Pollution)**

7.15 No objection, subject to conditions. Concerns about noise disturbance from the RSPCA Ark and By-pass, but can be addressed by acoustic windows and trickle vents in north facing windows.

**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) Implications of Fareham's Current 5-Year Housing Land Supply Position (5YHLS);
- b) Residential Development in the Countryside;
- c) Policy DSP40 (Housing Allocations);
- d) Other Matters;
- e) The Planning Balance.

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

8.2 A report titled "Five Year Housing Land Supply Position" was reported for Member's information earlier in this Planning Committee. That report set out this Council's local housing need along with this Council's current housing land supply position. The report concluded that this Council has 4.2 years of housing supply against the new 5YHLS.

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 indicated 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 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 117 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 In this particular case an appropriate assessment has been undertaken and concluded that the development proposal will not have an adverse effect on the integrity of the protected sites around The Solent subject to the proposed

mitigation being secured. Officers consider that the presumption in favour of sustainable development set out in paragraph 11 of the NPPF applies.

- 8.11 The following sections of the report assesses the application proposals against this Council's adopted Local Plan policies and considers whether it complies with those policies or not. 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. 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.

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

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

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

- 8.15 The site is clearly outside of the defined urban settlement boundary of Stubbington 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) Consideration of Policy DSP40: Housing Allocations**

- 8.16 Policy DSP40: Housing Allocations, of the 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”.*

8.17 Each of these five bullet points are worked through in detail below.

**Policy DSP40 (i)**

8.18 The proposal, submitted in outline, is for the construction of 16 dwellings. This is considered to be relative in scale to the demonstrated 5 year housing land supply shortfall and would therefore accord with part (i) of Policy DSP40. This consideration was not raised as a reason for refusal in the original application and the Appeal Inspector concurred that the scheme accorded with part (i) of Policy DSP40.

**Policy DSP40 (ii)**

8.19 The site is located within the designated countryside but does lie in close proximity to the defined urban settlement boundary of Stubbington and Hill Head, with good accessibility to local services, facilities, schools and employment provision. Pedestrian links to the existing public footpath along Ranvilles Lane and through the site to the public right of way linking to Marks Tey Road will ensure connectivity from the site to the remainder of Stubbington.

8.20 A modern residential development is located immediately to the southwest of the site (Farm House Close), and the proposed development would be well related to this development, and seen as an extension to the urban development along this part of Stubbington. The low density, landscaped character of the proposed development would ensure a soft transition for this edge of settlement location, which would provide a strong defensible boundary along this part of Ranvilles Lane and Oakcroft Lane to the northern part of Stubbington.

8.21 Officers therefore consider that the proposals can be well integrated with the neighbouring settlement, whilst offering a considerable enhancement to the site and the character of Ranvilles Lane, in accordance with point (ii) of Policy

DSP40. Consideration of part (ii) was not raised as a reason for refusal in the original application and the Appeal Inspector concurred that the scheme accorded with part (ii) of Policy DSP40.

**Policy DSP40 (iii)**

- 8.22 The site is within an area designated as countryside, and forms part of the Fareham-Stubbington Strategic Gap. The site is identified within the Fareham Landscape Assessment (2017) as being within the Fareham – Stubbington Gap, as Enclosed Coastal Plain. The application is also supported by a detailed Landscape and Visual Appraisal. The Council's Landscape Assessment highlights that:

*'There may be some limited scope for development in areas where there is an existing structure of vegetation to help integrate it into the landscape and where it is closely associated with existing built development around the fringes of the settlement (i.e. not out in open countryside) or character is already affected by urban influences, e.g. enclosed land on the northern edge of Stubbington... However, any such development would need very sensitive siting, design and mitigation to avoid piecemeal attrition of the area's overall rural character'.*

- 8.23 Whilst the existing site is well contained, and the proposal includes the removal of the existing mature unsympathetic biodiversity poor leylandii hedgerow fronting Ranvilles Lane/Oakcroft Lane, it would be replaced with a more traditional mixture of native hedgerow and tree planting to ensure the site is well contained. It is considered that the low density of the development proposal and its proposed landscaped character would create a new soft urban fringe to Stubbington, whilst ensuring it does not extend into the open, arable farmland on the northern site of Oakcroft Lane. The Appeal Inspector also agreed that the *'removal and replacement with more appropriate planting along Ranvilles Lane would lead to a visual improvement to the appearance of this area, albeit that the housing would be visible within the site from these public vantage points'.*
- 8.24 The development of the site would see a minor incursion into the Strategic Gap. Having regard to the sensitivity and development potential in the Landscape Assessment, carefully sited, designed and mitigated development in this location would be needed to ensure it would not have a significant impact on the overall integrity of the Strategic Gap. The proposal would represent an appropriate urban fringe development, in a heavily landscaped setting, respecting its location within the countryside.
- 8.25 In respect of the Appeal Decision the Inspector commented that the proposals would make only a;

*'minor incursion into the Gap, and the boundary of the development would be clearly defined by the cemetery, Ranvilles Lane and Oakcroft Lane'.*

- 8.26 The Inspector considered the potential conflict with Policy CS22, which he highlighted does not exclude all development within the Strategic Gap but requires an assessment of the impact against the policy criteria. The Inspector concluded that;

*'as the scheme would make only a minor incursion into the Gap, the integrity of the Gap and the physical and visual separation of Fareham and Stubbington would not be significantly affected'.*

- 8.27 The Inspector concluded that by developing the site, there would be no material conflict with Policy CS22 in these circumstances.
- 8.28 Officers therefore consider that this development proposal would respect the character of the neighbouring settlement, minimising any adverse impact on the character and appearance of this part of the countryside, and maintain the integrity of the Strategic Gap. The proposal therefore accords with policy (iii) of Policy DSP40 and complies with Policy CS17.

#### **Policy DSP40 (iv)**

- 8.29 In terms of delivery the applicants would be happy to work with the Local Planning Authority to ensure that the proposed redevelopment is brought forward quickly. The site has already been cleared of the original dwelling, and the relatively undeveloped nature of the site would ensure that the application could be commenced in the short term. It is therefore considered that point (iv) of Policy DSP40 is satisfied. This consideration was not raised as a reason for refusal in the original application and the Appeal Inspector concurred that the scheme accorded with part (iv) of Policy DSP40.

#### **Policy DSP40 (v)**

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

#### **Environment/Ecology**

- 8.31 In respect of environmental implications, the application has been supported by detailed Ecological Surveys, and the Council's Ecologist has raised no objection to the proposals, subject to the provision of appropriate conditions, including the provision of a Biodiversity Enhancement Strategy, in accordance with the 2018 Ecology Report and the Revised Ecology Update Note 2020. It is considered that subject to compliance with the recommendations of the

ecological reports, the development would not have an adverse impact on those protected species on the site, and the development could result in the provision of protected habitats for bats and water voles. It is considered that the proposal would not have a detrimental impact on the local ecology of the area.

- 8.32 The Council's Tree Officer has reviewed the proposals, due to the relative proximity of the trees on the eastern boundary with Crofton Cemetery, and to assess the impact on the existing vegetation along the southern boundary of Ranvilles Lane and Oakcroft Lane. None of the trees on the site are subject to any preservation orders, and despite the loss of the biodiversity poor leylandii along Ranvilles Lane, those significant trees along the boundary with the cemetery, at the site entrance along Oakcroft Lane and several trees adjacent to the boundary with Farm House Close will be retained and protected during the course of the development. The line of poplar trees through the site would be largely lost as a result of the development. These trees are in a relatively poor condition, several of which are resting on others, and the scheme proposes the provision of a substantial number of additional, native trees around the periphery of the site and along the roadways within the site.
- 8.33 The Council's Tree Officer has raised no objection to the proposed loss of trees and considers that those trees which are proposed to be retained would be adequately protected during the course of the construction, subject to appropriate conditions. Detailed landscaping would be a reserved matter, and the applicants are aware of the need to ensure that a good level of mature planting is proposed to ensure that the proposal integrates quickly into the edge of settlement location.
- 8.34 The site is located within 5.6km of the Solent, and therefore the development is likely to have a significant effect on the following designated sites: Solent and Southampton Waters Special Protection Area and Ramsar Site, Portsmouth Harbour Special Protection Area and Ramsar Site, Solent and Dorset Coast Special Protection Area, Chichester and Langstone Harbours Special Protection Area and Ramsar Site, and the Solent Maritime Special Area of Conservation. These designations are collectively known as the Protected Sites around The Solent. Policy CS4 sets out the strategic approach to biodiversity in respect of sensitive protected 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.



- 8.35 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.
- 8.36 In light of their importance, areas within the Solent have been specifically designated under UK law, and comprise those designations set out above.
- 8.37 Regulation 63 of the Habitats and Special 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 the designated Protected 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 Protected 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.
- 8.38 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the Protected Sites. The key considerations for the Assessment of the likely significant effects are set out below.
- 8.39 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 Protected Sites as a result of increased recreational disturbance in combination with other development in The Solent area. The applicant has acknowledged the need to make the appropriate financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMP) and therefore, the Appropriate Assessment concludes that the proposals would not have a likely significant effect on the Protected Sites from recreational disturbance. The SRMP payment would be secured through a Section 106 legal agreement.
- 8.40 Natural England has also 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 Protected Sites.

- 8.41 Natural England has further advised that the effects of emissions from increased traffic along roads within 200 metres of the Protected Sites also has the potential to cause a likely significant effect. The Council's Air Quality Habitat Regulations Assessment highlights that developments in the Borough would not, in combination with other plans and proposals, have a likely significant effect on air quality on the Protected Sites up to 2023, subject to appropriate mitigation.
- 8.42 Finally, in respect the impact on water quality, 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 15.5kg TN/year. Due to the uncertainty of the effect of the nitrogen from the development on the Protected Sites, 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.
- 8.43 The applicant has entered into a contract (conditional on the grant of planning permission) to purchase 15.5kg 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.
- 8.44 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 Protected Sites 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.
- 8.45 Natural England has been consulted on the Council's Appropriate Assessment and agrees with its findings that the proposed development will not have a likely significant effect, either alone or in combination with other plans and proposals on the Protected Sites.
- 8.46 It is therefore considered that the development accords with the Habitat Regulations and complies with policies CS4, DSP13 and DSP15 of the adopted Local Plan.

### **Amenity Implications**

- 8.47 In terms of consideration of the amenity impact, the layout of the development largely follows on from that of the earlier refused planning application, which despite being dismissed on appeal, was considered acceptable in all respects regarding Policy DSP40 other than the technical reason of the impact from increased nitrogen loading onto the Protected Sites. The current proposal has been assessed against the advice set out in the Council's adopted Design Guidance. Each of the proposed dwellings would comprise rear gardens broadly in compliance with the minimum standards, with the majority comprising gardens in excess of the minimum 11 metres sought.
- 8.48 In terms of the impact on future occupiers, each property has been orientated to ensure a good level of private outdoor amenity space would be provided for each dwelling. Levels of separation between dwellings also accord with the required standards, ensuring the privacy within the proposed dwellings are acceptable.
- 8.49 The neighbouring properties that back onto the site from Farm House Close all comprise garden lengths of 11 metre or more, and much of the existing boundary vegetation is proposed to be retained along the southern boundary of the site. The only properties likely to have an impact on the living conditions of the neighbouring occupiers are Plots 1 and 7. The side elevation of Plot 1 would be located approximately 11.5 metres away from the rear elevation of 1 Farm House Close, although this part of 1 Farm House Close is a link attached, pitched roof double garage. The main residential part of the property would be located 13.5 metres away, and the two-storey element approximately 23 metres away. It is considered that this relationship is acceptable, provided no habitable room windows are orientated towards 1 Farm House Close.
- 8.50 The properties at 2, 3, and 4 Farm House Close all comprise garden lengths of over 11 metres long, which together with the intervening boundary vegetation, would not have a direct view of Plot 1. The proposed rear elevation of Plot 1 would be located 21.5 metres away from the side elevation of 5 Farm House Close and would be set 15 metres from their mutual boundary.
- 8.51 The main garden area for 5 Farm House Close is located to the north of the property, although it is acknowledged that their patio area is located to the west of the property. The area to the west of the property is well screened by boundary vegetation and would not be significantly impacted by the presence of Plot 1. The other proposed plots associated with the development would be located over 30 metres from the rear elevation of 5 Farm House Close, at

oblique angles, and would not therefore have an unacceptable adverse impact on the living conditions of these occupiers.

- 8.52 The rear elevation of Plot 7 is orientated almost directly southwards, towards the rear gardens of 5 and 6 Farm House Close. The first floor windows of Plot 7 are located 12 metres from the mutual boundary, and over 22 metres from the rear elevation of 6 Farm House Close. Views of the rear garden of 5 Farm House Close would be at an oblique angle and therefore the proposed levels of separation comply with the advice in the adopted Design Guidance and as such it is considered that the proposals would not result in an unacceptable adverse impact on the living conditions of existing occupiers.
- 8.53 The proposal therefore is considered to comply with Policy CS17, DSP2 and DSP3 of the Local Plan.

### **Traffic Implications**

- 8.54 The application includes the creation of two new vehicular access onto Ranvilles Lane, and the realignment of the existing access onto Oakcroft Lane. In addition to the new access arrangements, the application also proposes the overall widening of the length of Ranvilles Lane south of the junction with Oakcroft Lane to the northern side of the proposed new main access into the site. The widening would be considered by Hampshire County Council under a separate Section 278 Agreement and secured by the Section 106 Legal Agreement.
- 8.55 Ranvilles Lane currently has a 'National' unrestricted speed limit, although the narrowness of the land limits the general speed of vehicles along this part of the road (average speeds recorded at only 26 mph). Presently the southern part of Ranvilles Lane and Oakcroft Lane are known to be 'rat runs' providing a link between Peak Lane (to the east) and Titchfield Road (to the west). It is likely that the completion of the Stubbington by-pass (which has now commenced and is due for completion in 2022), would, is anticipated to see the volume of traffic along these lanes reduced. Funding to secure the provision of a Traffic Regulation Order to reduce the speed limit along Ranvilles Lane to 30mph would be secured by a Section 106 Agreement under the Town and Country Planning Act (as amended).
- 8.56 The proposal would include an extension of the pavement from the northern side of 1 Farm House Close along Ranvilles Lane (set behind a new hedgerow and tree line) to the proposed main new access into the site. Pedestrians would then be able to traverse through the site, linking to the revised access on Oakcroft Lane. The path would also link across the proposed open space to the link with the cemetery and the public right of way that connects to Marks Tey Road. The paths would remain in private

ownership, maintained by the management company but would be subject to a planning condition ensuring public access through the site.

- 8.57 The application is supported by Hampshire County Council Highways and the works to Ranvilles Lane would result in an overall improvement to all users of the Lane. The development of the site would also improve pedestrian and cycle access, enabling them to avoid the junction of Ranvilles Lane and Oakcroft Lane. The layout demonstrates that the proposal can accommodate the necessary level of off-street car parking for each of the proposed dwellings, in addition adequate visitors car parking, and appropriate bin storage and collection points for the Borough's Refuse Collection teams.
- 8.58 It is therefore considered that the proposed development accords with point (v – traffic issues) of Policy DSP40, and policy CS17 of the Local Plan.
- 8.59 Overall therefore, it is considered that the development of the site would be fully compliant with the five criteria of Policy DSP40 and would not have a significant visual or physical impact on the overall integrity of this part of the Fareham to Stubbington Gap. This opinion was also the conclusion of the Appeal Inspector to the earlier dismissed scheme for 16 dwellings. The low density, urban fringe character of the proposal would complement the edge of settlement location and has resulted in no objection from the Council's Urban Designer.

#### **d) Other Matters**

##### ***Affordable Housing***

- 8.60 The development proposal requires an on-site contribution of 40% affordable dwellings (equivalent to 6.4 units). The scheme sets out an on-site provision of four units, and therefore the remaining 2.4 units would to be secured as a financial contribution, secured by a Section 106 agreement under the Town and Country Planning Act 1990. This approach has the support of the Council's Affordable Housing Strategic Lead Officer. The type, size, mix and tenure of the properties to be provided on site would need to be agreed with this Authority.

##### ***Flood Risk and Land Drainage***

- 8.61 The site is located in close proximity to a small stream that forms a tributary to the River Meon (to the east of the site). Plots 12-16 adjacent to the stream have been sited outside the designated Flood Zones and would be constructed to ensure adequate resilience to potential extreme flooding events. Detailed drainage assessments have been undertaken, and no objections have been received from Hampshire County as Lead Local Flood Authority, subject to appropriate conditions. Detailed comments from the

Environment Agency are awaited, although it is considered that their concerns are not insurmountable as they raised no objection to the earlier application P/18/0263/OA.

- 8.62 A detailed Sustainable Urban Drainage System will be employed on the site, draining to two attenuation basins, which will form features in the open space, and will include comprehensive filtration systems, which will be managed in the long term by the estates management company to ensure no pollutants enter the stream, which in turns feeds into the Special Protection Areas. Natural England has been consulted on this approach and is content with the mitigation measures.

### ***Open Space***

- 8.63 The development site would comprise a significant proportion of the site converted to public open space, and there would be a significant level of landscaping throughout. These areas would be retained by the developers and transferred to a management company administered by the residents when the site is completed. The open space and landscaping would be considered in detail at Reserved Matters stage, and provision to ensure public access to the open space would be secured by the Section 106 Legal Agreement.

### ***National Space Standards***

- 8.64 The application has been considered under the minimum national space standards. The Council's adopted Design Guidance highlights for internal space standards that *'the internal dimensions of a dwelling should seek to meet at least the minimum sizes set out in the National Technical Standards'*. Therefore, Policy CS17, from which the Design Guidance was established applies and developers should seek to meet these standards in order to adhere to the advice in the adopted Local Plan and to meet high quality design standards.
- 8.65 Whilst the planning application has been submitted in outline, a general assessment of the proposed dwellings can be considered based on the floor areas set out in the nine unit scheme (P/19/0483/FP) which is submitted in full detail. It is clear that the scheme would be fully compliant with the space standards, although a detailed assessment would need to be undertaken following the submission of the Reserved Matters application.

### ***Heritage Assets***

- 8.66 The southern boundary of the site is bounded by the historic churchyard of Crofton Old Church. The Church is a Grade II\* Listed building, and is located next to 17 Lychgate Green, which is a Grade II Listed building (formally known as the Crofton Manor Hotel). The scheme includes a large central area of

public open space that wraps around the boundary of the historic church yard and ensures an important view of the Church from Oakcroft Lane is maintained through the development. Historic England consider the development to have a 'low level' impact, and the revised layout has the support of the Council's Conservation Planner. The large area of open space contributes not only to maintain the view of the Church from the site, but also contributes towards maintaining the edge of settlement/countryside setting of the Church. The development is therefore considered to preserve the setting, character and appearance of the nearby Listed Buildings.

- 8.67 Due to the appeal being dismissed on the grounds of nitrates, the Inspector did not consider it necessary to have regard to the matter of impact on heritage assets. However, having regard to the comments raised by both Historic England and the Council's Conservation Planner, it is considered that the proposal would not have a detrimental impact on the designated heritage assets.
- 8.68 Further, having regard to the relevant advice in the National Planning Policy Framework (NPPF), the low level of impact considered by Historic England needs to be balanced against the response of the Council's Conservation Planner who raised no concerns, particularly as the public perception of the church, when viewed from Oakcroft Lane would be unimpeded by the proposed development. Paragraph 196 of the NPPF highlights that where development proposals would lead to less than substantial harm, the harm should be weighed against the public benefits. The scheme would provide 16 dwellings to contribute towards the current HLS shortfall, whilst also ensuring that the public perception of the heritage assets are unaffected by the development. The level of harm is therefore considered acceptable.
- 8.69 In applying the statutory tests required under Sections 66 and 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposed works would preserve the setting of Crofton Old Church and The Manor House. It is therefore considered that the development proposal accords with Policies CS17 and DSP5 of the Local Plan.

#### **Loss of Agricultural Land**

- 8.70 Part of the site is classified as Grade 2 Agricultural Land and is therefore considered best and most versatile agricultural land. Policy CS16 seeks to prevent the loss of the best and most versatile agricultural land. However, due to the size of the site, its containment by previously developed land and the relative topography, it is considered that its loss would not have a significant impact on the overall level of agricultural land in the Borough.

## **e) The Planning Balance**

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

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

8.72 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.

8.73 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 against the Development Plan.

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

8.75 The site also lies within the Fareham-Stubbington Strategic Gap, where it is important that development should not significantly affect the integrity of the Gap and the physical and visual separation of the settlements. The location of the site immediately north of the existing urban area of Stubbington, part of which formerly contained a large detached dwelling, and bounded by the northern perimeter road of the settlement, is considered to contribute to the containment of the site. The development would not have a significant effect on the overall integrity of the Gap and the physical and visual separation of settlements. This was also the conclusion reached by the Appeal Inspector in the determination of the appeal for the scheme for 16 dwellings.



- 8.76 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 and the Government steer in respect of housing delivery.
- 8.1 In weighing up the material considerations and conflict between policies, the development of a site in the countryside weighed against Policy DSP40, Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall. The scheme relates well to the existing urban settlement boundary such that it can be integrated with the adjacent settlement whilst at the same time being sensitively designed to reflect the area's existing character and minimising any adverse impact on the countryside and Strategic Gap.
- 8.2 It is acknowledged that the proposal would have an urbanising impact through the introduction of housing and related infrastructure onto a site which is at present comprises partially undeveloped land and partially the curtilage of the former property known as The Grange (previously developed land). However, that impact would be localised and merely extend the existing built form. Officers consider that the change in character of the site and the resulting visual effect would not cause any substantial harm.
- 8.3 In respect of environmental, amenity and traffic issues (including ecological mitigation), Officers are satisfied that these issues have been appropriately addressed in the submitted application, subject to appropriate conditions, the S.106 legal agreement and habitat mitigation. Subject to the payment of the habitat mitigation contribution, and following completion of the Appropriate Assessment, it is considered that the likely significant effect on The Solent's Protected Sites would be adequately mitigated. Further, it is acknowledged that the undeveloped field is classified as Grade 2 Agricultural Land resulting in a conflict with Policy CS16. However, the limited size of the site would result in a very minor reduction in agricultural land in the Borough.
- 8.4 In balancing the objectives of adopted policy which seeks to restrict development within the countryside and prevent the loss of the best and most versatile agricultural land alongside the shortage of housing supply, Officers acknowledge that the proposal could deliver an increase of 16 dwellings in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply is modest but would make a material contribution in light of the Council's current 5YHLS shortfall.

8.5 There is a conflict with development plan policy CS14 which would ordinarily result in this proposal being considered unacceptable. Ordinarily CS14 would be the principal policy such that a scheme in the countryside should be refused. However, in light of the Council's lack of a five-year housing land supply, development plan policy DSP40 is engaged 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.

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

- There are no policies within the National Planning Policy Framework that protects 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,
- 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.

8.7 Having carefully considered all material planning considerations, Officers recommend that planning permission should be granted subject to the imposition of appropriate planning conditions, and subject to a Section 106 legal agreement.

## **9.0 Recommendation**

9.1 Subject to:

- i) receipt of comments from the Environment Agency confirming no objection to the proposal, 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 these comments;

And,

- ii) the applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) on terms drafted by the Solicitor to the Council to secure:
- On-site provision of 4 dwellings as affordable housing and a financial contribution to secure an equivalent of 2.4 units of off-site contribution of £249,638.00 for affordable housing. The type, size, mix and tenure to be agreed to the satisfaction of Officers.
  - Financial contribution to secure satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance of the Solent Coastal Special Protection Areas.
  - TRO for highway to extend the speed reduction along Ranvilles Lane to 30mph.
  - The widening of Ranvilles Lane in accordance with the approved plans.
  - Provision and long-term management and maintenance of the paths and open space within the site, and for their use by the general public.

GRANT OUTLINE PLANNING PERMISSION, subject to the following Conditions:

1. Application for approval of details of the appearance and scale of the building(s) and the landscaping of the site (all referred to as 'reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.  
REASON: To comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.
2. Applications for approval of all reserved matters shall be made to the Local Planning Authority not later than 12 months from the date of this permission.  
REASON: To comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.
3. The development hereby permitted shall be begun before the expiration of 12 months from the date of the approval of the last of the reserved matters.  
REASON: To comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be constructed in accordance with the following approved documents:
- a) Location Plan (Drawing: 17-1083-250-A);
  - b) Site Layout Plan (Drawing: 17-1083-251-D);
  - c) Proposed S278 Works (Drawing: 1714/S278/001 Rev B);
  - d) Access Visibility Splays (Drawing: 2020-6183-006);
  - e) Access Swept Path Analysis (Drawing: 2020-6138-007);
  - f) Vertical Visibility 1 (Drawing: 2020-6183-008);
  - g) Vertical Visibility 2 (Drawing: 2020-6138-009); and,
  - h) Ranvilles Lane Access Highway Widening (Drawing: 2020-6138-010).

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

5. No development shall take place within the 8m Easement Zone, as outlined on the approved Site Plan. The Easement Zone shall be retained thereafter and throughout the lifetime of the development.

REASON: In the interests of maintaining a buffer zone from the bank of the nearby river.

6. No development shall start on site until the access, including the footway and/or verge crossing has been constructed and lines of sight provided in accordance with the approved plans. The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 0.6 metres in height above the adjacent carriageway and shall be subsequently be retained at all times.

REASON: To provide satisfactory access and in the interests of highway safety.

7. The visitors parking spaces marked on the approved plans shall be kept available for parking at all times.

REASON: In the interests of highway safety.

8. No dwelling shall be occupied until the approved parking and turning areas for that property have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking and turning of vehicles at all times unless otherwise agreed in writing by the Local Planning Authority following the submission of a planning application made for that purpose.

REASON: In the interests of highway safety.

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

(i) Refuse bin storage (sufficient for 2no. 140 litre wheeled bins);

(ii) Secure cycle storage.

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

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

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. Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered. Works shall not recommence before an investigation and risk assessment of the identified ground conditions have been undertaken and details of the findings, along with a detailed remedial scheme, if required, have been submitted to and approved in writing by the Local Planning Authority.

Prior to the occupation of the dwelling hereby permitted the remediation scheme shall be fully implemented and shall be validated in writing to the Local Planning Authority by an independent competent person.

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

12. No development shall commence on site until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). The Construction Management Plan shall address the following matters:

- a. How provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;
- b. the measures the developer will be implementing to ensure that operatives'/contractors/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;

- c. the measures for cleaning the wheels and underside of all vehicles leaving the site;
- d. a scheme for the suppression of any dust arising during construction or clearance works;
- e. the measures for cleaning Ranvilles Lane and Oakcroft Lane to ensure that they are kept clear of any mud or other debris falling from construction vehicles, and
- f. the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development.

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

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

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

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

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

14. Development shall proceed in accordance with the measures set out in the Revised Ecology Update Note (Ecosupport, June 2020), Sections 5.5 & 5.6 of the revised Phase I Ecological Assessment (Ecosupport, revised June 2018), Section 5 of the Dormouse Survey Report (Ecosupport, June 2018), Section 6.0 of the Bat Emergence Survey Report (Ecosupport, February 2018), Ecology Addendum (Ecosupport, August 2018) and all the measures set out in the revised Reptile Survey and Mitigation Strategy (Ecosupport, August 2018).

REASON: To protect bats, reptiles, dormice, badgers and water voles in accordance with the Habitat Regulations 2017 and the Wildlife and Countryside Act 1981.

15. No development shall proceed beyond damp proof course level until a scheme of lighting (during construction and the operational life of the development), designed to minimise impacts on wildlife, particularly bats and water voles, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the lighting scheme shall be implemented in accordance with the approved details.

REASON: In order to minimise impacts of lighting on the ecological interest of the site.

16. No development shall take place until a detailed Biodiversity Enhancement Scheme, detailing site-wide biodiversity enhancement features to be incorporated, has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

REASON: To conserve and enhance biodiversity. The condition is required to be considered before commencement to ensure no harm to protected species.

17. No development shall take place until an Ecological Management Plan (EMP) for the public open space, reptile receptor site and the eastern corridor comprising the existing stream, has been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently proceed in accordance with the approved details.

REASON: To ensure the long-term protection, enhancement and management of suitable habitats on site for wildlife. The condition is required to be considered before commencement to ensure no harm to protected species.

18. No development shall take place until the protective measures for the retained trees have been implemented in accordance with the Arboricultural Method Statement included within the Tree Report prepared by Johnston Tree

Consultancy (April 2020). The measures to protect the retained trees shall be retained throughout the construction period.

REASON: In the interests of tree protection. The condition is required to be considered before commencement to ensure no harm to retained trees.

19. The development hereby permitted shall be undertaken in full accordance with the Flood Risk Assessment and Drainage Strategy (by WSP ref: 70056252-1, dated April 2019) and the Drainage Strategy Addendum (by Bright Plan Civils ref: DRIFT/20/D1860/DSA1.0, dated 2 April 2020). There shall be no deviation from these approved reports unless otherwise first agreed in writing by the Local Planning Authority.

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

20. None of the residential units hereby permitted shall be occupied until details of water efficiency measures to be installed in each dwelling 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 110 litres per person per day.

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

REASON: In the interests of preserving water quality and resources

21. The development hereby permitted shall not 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.

22. No development hereby permitted shall proceed beyond damp proof course level until details regarding the provision of acoustic glazing and installation of trickle vents have been submitted to and approved in writing by the Local Planning Authority for all windows orientated towards Ranvilles Lane and Oakcroft Lane. Once installed, the windows shall thereafter be retained in that condition at all times.

REASON: In the interests of residential amenity and noise attenuation.

#### INFORMATIVES:

- a) Applicants should be aware that, prior to the commencement of the development, contact must be made with Hampshire County Council, the Highway Authority. Approval of this planning application does not give approval for the construction of vehicular access, which can only be given by



the Highway Authority. Further details regarding the application process can be read online via <http://www3.hants.gov.uk/roads/apply-droppedkerb.htm>. Contact can be made either via the website or telephone 0300 555 1388.

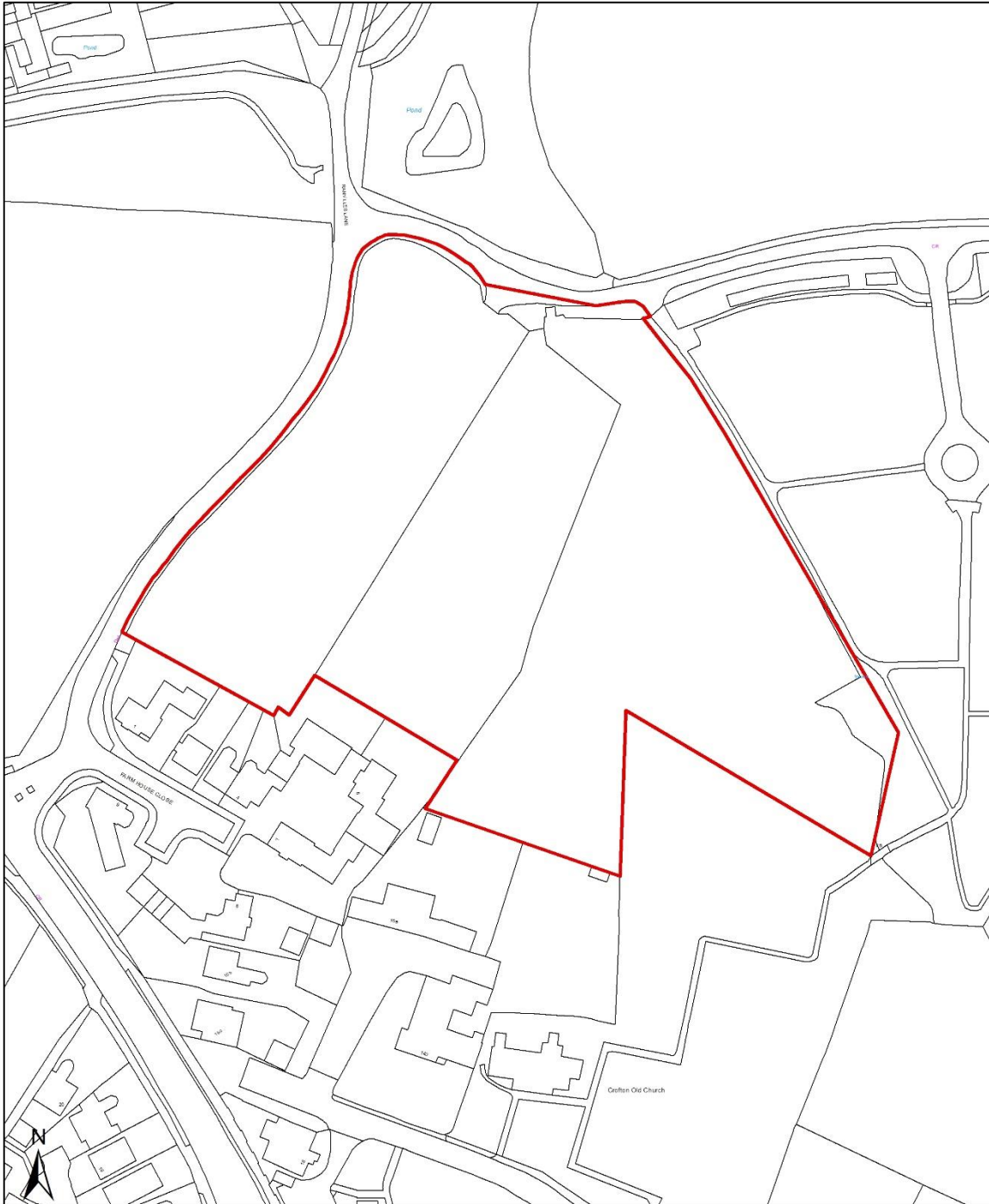
- b) Potentially contaminated ground conditions include: imported topsoil, made ground or backfill, buried rubbish, car parts, drums, containers or tanks, soil with extraneous items such as cement, asbestos, builders rubble, metal fragments, ashy material, oily / fuel / solvent type smells from the soil, highly coloured material or black staining and liquid fuels or oils in the ground. If in any doubt, please contact the Contaminated Land Officer on 01329 236100.

## **10.0 Background Papers**

P/20/0418/OA

# FAREHAM

BOROUGH COUNCIL



The Grange, Oakcroft Lane

Scale 1:1,250

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# Agenda Item 7(4)

## OFFICER REPORT FOR COMMITTEE

DATE: 17 February 2021

**P/20/0522/FP**  
**PERSIMMON HOMES LTD**

**STUBBINGTON & TITCHFIELD**  
**AGENT: PERSIMMON HOMES LTD**

DEVELOPMENT COMPRISING 206 DWELLINGS, ACCESS ROAD FROM PEAK LANE MAINTAINING LINK TO OAKCROFT LANE, STOPPING UP OF A SECTION OF OAKCROFT LANE (FROM OLD PEAK LANE TO ACCESS ROAD), WITH CAR PARKING, LANDSCAPING, SUB-STATION, PUBLIC OPEN SPACE AND ASSOCIATED WORKS

LAND EAST OF CROFTON CEMETERY AND WEST OF PEAK LANE,  
STUBBINGTON

### ***Report By***

Peter Kneen – direct dial 01329 824363

### **1.0 Introduction**

- 1.1 This application is reported to the Planning Committee for a decision as over 150 letters of objection have been received.
- 1.2 Members will note from the 'Five Year Housing Land Supply Position' report considered earlier in the Planning Committee that this Council currently has a housing land supply of 4.2 years.
- 1.3 To meet the Council's duty as the competent authority under the Conservation of Habitats and Species Regulations 2017 ("the habitats regulations"), a Habitats Regulations Assessment is required to consider the likely significant effects of the development on the protected sites around The Solent. The applicant have submitted a Shadow Habitat Regulations Assessment and the Council has completed their own Appropriate Assessment as part of the consideration of this application, and concluded that the development proposal will not have an adverse effect on the integrity of the protected sites around The Solent, subject to mitigation. Further details of this have been set out in the following report.
- 1.4 This planning application represents a re-submission following an earlier refused proposal for 261 dwellings (Application P/19/0301/FP). That application was refused by the Planning Committee in August 2019 for the following reasons:

*The development would be contrary to Policies CS2, CS4, CS5, CS6, CS14, CS15, CS17, CS18, CS20, and CS21 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP1, DSP2, DSP3, DSP5, DSP6, DSP13, DSP14, DSP15 and DSP40 of the Adopted Local Plan Part 2: Development Sites and Policies Plan, and is unacceptable in that:*

- i) the provision of dwellings in this location would be contrary to adopted local plan policies which seek to prevent residential development in the countryside.*
- ii) the development of the site would result in an adverse visual effect on the immediate countryside setting around the site.*
- iii) the introduction of dwellings in this location would fail to respond positively to and be respectful of the key characteristics of the area, in this countryside, edge of settlement location, providing limited green infrastructure and offering a lack of interconnected green/public spaces.*
- iv) the quantum of development proposed would result in a cramped layout and would not deliver a housing scheme of high quality which respects and responds positively to the key characteristics of the area.*
- v) the proposed development involves development that involves significant vehicle movements that cannot be accommodated adequately on the existing transport network. Insufficient information has been provided to demonstrate that the development would not result in a severe impact on road safety and operation of the local transport network.*
- vi) the proposed access arrangement onto Peak Lane is inadequate to accommodate the development safely. This would result in an unacceptable impact on the safety of users of the development and adjoining highway network.*
- vii) the proposal fails to demonstrate that the development would be accessible with regards to public transport links and walking and cycling routes to local services and facilities.*
- viii) the development proposal fails to provide sufficient provision of, or support for, sustainable transport options. This would result in a greater number of trips by private car which will create a severe impact on the local transport network and the environment.*
- ix) inadequate information has been provided to assess the impact of the proposed works on water voles on site and any measures required to*

*mitigate these impacts such as the provision of enhanced riparian buffers. In addition, there is insufficient information in relation to their long-term protection within the wider landscape by failing to undertake any assessment of the impact of the proposals on connectivity between the mitigation pond created as part of the Stubbington Bypass Scheme and the wider landscape. The proposal fails to provide appropriate biodiversity enhancements to allow the better dispersal of the recovering/reintroduced water vole population in Stubbington.*

- x) insufficient information has been submitted in relation to the adverse impacts of the proposals on the Solent Waders and Brent Goose Strategy Low Use Site and Secondary Support Area and any mitigation measures required to ensure the long-term resilience of these support networks.*
- xi) the development proposal fails to provide adequate wildlife corridors along the boundaries of the site to ensure the long-term viability of the protected and notable species on the site and avoidance of any future conflicts between the residents and wildlife (e.g. badgers damaging private garden areas) due to the lack of available suitable foraging habitat.*
- xii) in the absence of sufficient information, it is considered that the proposal will result in a net loss in biodiversity and is therefore contrary to the NPPF which requires a net gain in biodiversity.*
- xiii) the development would result in an unacceptable impact on a number of protected trees around the periphery of the site.*
- xiv) the submitted flood risk assessment fails to assess the impact of climate change on the development and therefore fails to demonstrate that the development is appropriately flood resistant and resilient.*
- xv) the development would fail to preserve, and would result in less than substantial harm to, the historic setting of the Grade II\* Listed building Crofton Old Church.*
- xvi) had it not been for the overriding reasons for refusal the Council would have sought to secure the details of the SuDS strategy including the mechanisms for securing its long term maintenance.*
- xvii) the development proposal fails to secure an on-site provision of affordable housing at a level in accordance with the requirements of the Local Plan.*

xviii) *in the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the ‘in combination’ effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas.*

xix) *the development proposal fails to provide adequate public open space. In addition, in the absence of a legal agreement securing provision of open space and facilities and their associated management and maintenance, the recreational needs of residents of the proposed development would not be met.*

xx) *in the absence of a legal agreement to secure the submission and implementation of a full Travel Plan, payment of the Travel Plan approval and monitoring fees and provision of a surety mechanism to ensure implementation of the Travel Plan, the proposed development would not make the necessary provision to ensure measures are in place to assist in reducing the dependency on the use of the private motorcar.*

xxi) *in the absence of a legal agreement to secure such, the proposal would fail to provide a financial contribution towards education provision.*

1.5 It is important to highlight that the application was not refused on the impact on the Strategic Gap. The applicant has sought to address these numerous reasons for refusal with the current application submission having reduced the number of units of the site by 55 (21% reduction), and increased the level of landscaping both to the periphery of the site and throughout the site. Reasons for refusal (xvi) – (xxi) could have been addressed with conditions and a Section 106 Legal agreement had that application otherwise have been found acceptable. Whether the proposal now addresses the previous reasons for refusal is considered throughout this report.

## **2.0 Site Description**

2.1 The application site is located at the northern end of the village of Stubbington, and currently forms two arable pieces of farmland divided by Oakcroft Lane that runs east – west between the two parcels of land.

2.2 The southern parcel of land is bounded by residential development to the east, with a line of protected trees providing an existing buffer between the site and the residential properties to the east. The southern boundary comprises additional residential development (Marks Tey Road), with an area of woodland and a public right of way forming a break between these two

areas. The western boundary comprises Crofton Cemetery which is separated from the site by a mature hedgerow. The northern part of the western boundary forms part of Oakcroft Lane, divided by a drainage ditch and a mature line of poplar trees. The northern boundary comprises Oakcroft Lane where the mature line of poplar trees continues along the line of the road.

- 2.3 The northern parcel of land is bounded by Oakcroft Lane to the south, and Peak Lane to the east. To the north of this piece of land the open arable field continues although this will be dissected by the Stubbington By-pass for which the construction works have commenced. To the west of the site lies an ecological enhancement area owned by Hampshire County Council, created as mitigation for the Stubbington by-pass route.
- 2.4 The two parcels of land are predominantly flat, with Oakcroft Lane set at a slightly lower level than the site to the south. The northern parcel of land comprises a drainage ditch/watercourse that broadly runs along the northern side of Oakcroft Lane and contributes towards connecting the new habitat mitigation area to the west of the site to waterbodies to the east of Stubbington. In addition to the provision of the biodiversity enhancement space, the removal of the land for agricultural use will provide nitrate mitigation to support the development proposal.
- 2.5 Stubbington Village is a sustainable settlement comprising a wide range of services and facilities including a well-established village centre, primary and secondary schools, and employment opportunities. The village is well provided for in terms of public transport, with regular buses connecting the village to Gosport and Fareham. The village is surrounded by undeveloped countryside, designated as Strategic Gap, and whilst traffic congestion through the village can be severe at peak times, the implementation of the Stubbington by-pass, which is currently under construction and is anticipated to be completed in the next 12 months should contribute towards alleviating the traffic congestion.

### **3.0 *Description of Proposal***

- 3.1 The application proposal, which is submitted in full detail comprises 206 dwellings, to be constructed on the southern part of the site, south of Oakcroft Lane. The dwellings comprise a mix of: 4 x 1 bedroom flats, 64 x 2 bedroom houses, 113 x 3 bedroom houses and 25 x 4 bedroom houses. Public open space will be created within the site with a local equipped area of play (LEAP) created to the southern part of the site.
- 3.2 A new junction to Peak Lane which would form the access road to the development site would be located approximately 175 metres to the north of

the existing access from Mays Lane/ Peak Lane onto Oakcroft Lane. The first 120 metres of Oakcroft Lane, to the west of Mays Lane/ Peak Lane will be converted into a no through road, with access to the remainder of Oakcroft Lane being made via the proposed new access road.

- 3.3 The residential development would comprise a mixture of two storey and two and half storey dwellings and one two storey block of flats. The proposal includes car parking provision to accord with the Council's Adopted Car Parking Standards, with all car parking allocated to each dwelling and a further 41 visitors' spaces provided adjacent the highway throughout the development. The application proposal also includes provision for vehicle electric charging points for all the dwellings with direct on-site vehicle parking spaces. A number of the visitors' car parking spaces will also be provided with rapid charging points throughout the development ensuring that even those properties without direct on-site parking will have easy access to vehicle charging points.
- 3.4 The land to the north of Oakcroft Lane is proposed for use as biodiversity enhancement space and used to support the wider Solent waders and Brent goose network. The land is to be transferred to the Borough Council to ensure its long-term purpose as mitigation land and would be secured through a Section 106 legal agreement.
- 3.5 The planning application was supported by a suite of technical documents and plans comprising: Planning Statement, Design and Access Statement, Biodiversity Impact Calculator, Ecological Impact Assessment, Ecological Management Plan, Shadow Habitats Regulations Assessment, Tree Protection Plan and Arboricultural Impact Assessment and Method Statement, Contaminated Land Assessment, Environmental Noise Impact Assessment, Transport Assessment and Travel Plan, Landscape Strategy Plan, Landscape and Visual Impact Assessment, Archaeological Desk-Based Assessment, Written Scheme of Investigation for Archaeological Investigation, Flood Risk and Surface Water Drainage Strategy, together with detailed plans and elevations of all the proposed dwellings and other buildings, tenure plan, building heights plan, boundary treatment plan and vehicle tracking diagrams.

#### **4.0 Policies**

- 4.1 The following policies apply to this application:

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

- CS2: Housing Provision;
- CS4: Green Infrastructure, Biodiversity and Geological Conservation;
- CS5: Transport Strategy and Infrastructure;
- CS6: The Development Strategy;



- CS11: Development in Portchester, Stubbington & Hill Head and Titchfield;
- 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;
- DSP5: Protecting and Enhancing the Historic Environment;
- DSP6: New Residential Development Outside of the Defined Urban Settlement Boundaries;
- DSP13: Nature Conservation;
- DSP14: Supporting Sites for Brent Geese and Waders;
- DSP15: Recreational Disturbance on the Solent Special Protection Areas;
- DSP40: Housing Allocations.

**Other Documents:**

- Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015
- Residential Car Parking Standards 2009
- Planning Obligations Supplementary Planning Document for the Borough of Fareham (excluding Welborne) April 2016

**5.0 *Relevant Planning History***

5.1 The following planning history is relevant:

- |                     |  |
|---------------------|--|
| <b>P/19/0301/FP</b> | Development comprising 261 dwellings, access road from Peak Lane maintaining link to Oakcroft Lane, stopping up of a section of Oakcroft Lane (from Old Peak Lane to access road), with car parking, landscaping, public open space and associated works |
| <b>REFUSED</b>      | 22 August 2019   |

**6.0 *Representations***

6.1 One hundred and sixty-eight letters of objection have been received regarding this application, and two letters of support. The letters of objection raised the following matters regarding the proposed development:

- Increased building works in the vicinity will adversely affect the ability of the land to absorb rainwater increasing the risk of flash flooding
- The extra traffic created will exacerbate the tendency for traffic jams at peak periods in and around Stubbington village
- The loss of open space close to existing residents will have a detrimental effect on the wildlife and the pleasure that is derived from it
- The Stubbington Doctors Surgery already struggles to cope with the medical demands of existing residents. Increased number of residents can only make things worse
- Erosion of Strategic Gap
- Nature conservation concerns including the impact on rodents, bats, foxes, and many species of birds. Furthermore, the houses in Summerleigh Walk and Three Ways Close contribute a significant amount of money to a management fund which maintains the wildlife habitats along the boundary of this development
- Noise and air pollution caused both during and after the construction of this development
- The natural plan for expansion of Crofton cemetery as and when it is needed should be these fields allowing generations of residents to lay to rest in the same cemetery
- Local schools, pre-schools, nurseries, doctors, dentists' hospitals and policing are all under severe pressure with increase population
- Concerns about the density of the development being out of keeping with the current properties
- Creation of excessive noise, dust and disturbance to local residents
- The development will adversely affect drainage in the area
- The land is within 5.6km of the Solent and should not be made available for development due to the associated increase in nitrates
- The development will contribute to urban sprawl and result in unacceptable increases to traffic and reduction in air quality
- The council have already noted that there is a lack of green space in Stubbington
- There are no significant areas of employment within walking distance and therefore will generate increase commuting traffic, so negating the traffic flow calculation made when designing the bypass
- Impact on highway safety
- The flora and fauna in the area need to be taken into account
- Its proximity to a historic church and cemetery
- Loss of light and privacy
- Loss of countryside and green space
- Not enough services like buses/trains in the immediate vicinity

- Highway safety concerns
- People's mental health and daily life are being affected the stress and volume of people living in the area
- The proposed housing is not even for social housing they will be executive homes at ridiculous prices so the people that are really in need of housing will not be able to access these homes
- Impact on parking within the village
- Local infrastructure not able to cope including sewerage and community service
- The application would remove valuable local, sustainable farmland which could never be replaced
- The development is not sustainable and low carbon economy with no mention of solar panels, electric vehicles etc.
- Loss of public outlook
- Impact on the character of the village
- The blocking off of Oakcroft Lane will just add to the demise of the areas, it will become a hotspot for fly-tipping as this area is completely cut-off and is not overlooked by any houses or highway
- There is a lack of detail around transport particular, public transport and cycling
- The development is not within the defined urban area
- The development can be seen as having the potential to establish a dangerous precedent that could lead to future building projects
- Consideration should be given to water supply especially in the view of several companies in the UK have warned of shortages
- No new provision for adequate green space of play area for children on the development
- There is the animal shelter nearby where the animals will become more stressed with the increase in noise. Plus, who will want to live near a shelter with dogs barking all day
- Impact on the church and cemetery with noise and dust when weddings and funerals are taking place
- Poor layout/design can lead to anti-social behaviour
- The development would result in a cramped layout and would deliver a scheme of high quality
- The site has only a single point of access for emergency vehicles for 209 houses. This seems dangerous
- There is no provision for self-build on this development
- The atmosphere of the cemetery will be tarnished through noise and pollution
- Parking concerns – there will not be sufficient parking for the number of houses and visitors

- Concerns over the pond construction, it is not clear how it will be managed, and it could carry risk to health for residents in the area
- COVID has shown that we need open space for our mental health and wellbeing
- The development makes no consideration to climate change
- The application is premature whilst the existing local plan is still in operation
- The revised travel plan and transport assessment have not been accurate when describing the local walking and cycling infrastructure

## **7.0 Consultations**

### EXTERNAL

#### **Portsmouth Water**

7.1 No adverse comments to make on this application.

#### **HCC Highways**

7.2 No objection, subject to conditions and Section 106 legal agreement

#### **HCC Archaeology**

7.3 No objection, subject to condition.

#### **HCC Lead Local Flood Authority**

7.4 No objection, subject to conditions.

#### **HCC Children's Services**

7.5 No objection, subject to Section 106 legal agreement

#### **Environment Agency**

7.6 No objection, subject to conditions.

#### **Natural England**

7.7 No objection, subject to conditions and Section 106 legal agreement. The scheme would result in a reduction of -151.00kg TN/year by removing the land from agricultural use and result in enhancements to the Solent Waders and Brent Goose site.

#### **Historic England**

7.8 No objection, although noted limited adverse impact.

#### **Southern Water**

7.9 No objection, subject to informative

## INTERNAL

### **Ecology**

- 7.10 No objection, subject to conditions. The Council's Ecologist comments on the following elements of the proposal:

Landscape Plan for Northern Open Space – this indicates the area to the north to be seeded with a wildflower seed mix. The boundaries are to be planted with hedges to prevent access and a number of scrapes to be created to benefit waders. No concerns raised in relation to this document;

Habitat Plan (South) – this is acceptable;

Biodiversity Impact Calculator (Revised Sept 2020) – satisfied that the calculations are correct and a net gain of 40.32 in habitat units and 9.18 in hedgerow units could be achieved. Therefore, a measurable biodiversity net gain could be delivered as part of the proposals;

Ecological Impact Assessment (revised Sept 2020) – satisfied that the baseline site conditions and the impacts as a result of the proposals have been adequately considered and the proposed mitigation measures are appropriate and proportionate and therefore no concerns raised;

Ecological Management Plan (revised Sept 2020) – the prescription measures are acceptable. Whilst the initial management and monitoring will be carried out by the applicant/their managing company, it is understood that the management will ultimately be transferred to Fareham Borough Council; and,

Shadow Habitat Regulations Assessment (revised Sept 2020) – This document is acceptable. Further justification has been provided in relation to National England's concern for the loss of arable habitat which is favoured by golden plover. It has been stated that whilst this species favours arable farmland, it is a generalist in terms of foraging habitat and can utilise permanent grassland. Conclusions of the Shadow HRA agreed, however it is understood that Natural England have requested further information including a costed plan that sets out how habitat management and monitoring of the northern land will be delivered and funded in perpetuity and the details of the management bodies that will take long term responsibility for this area. Provided that the requested information is submitted and agreed by Natural England, would support the Shadow HRA being adopted by the LPA.

### **Tree Officer**

- 7.11 No objection, subject to conditions

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

7.12 No objection, subject to conditions

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

7.13 No objection, subject to conditions

### **Conservation Planner**

7.14 No objection, no adverse harm to Listed Buildings

### **Recycling Co-ordinator**

7.15 No objection

### **Affordable Housing Officer**

7.16 No objection, subject to Section 106 legal agreement

### **Open Space and Street Scene Manager**

7.17 No objection, subject to S106 agreement regarding land transfer and long-term maintenance

## **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) Implications of Fareham's current Five Year Housing Land Supply Position (5YHLS);
- b) Residential development in the countryside;
- c) Consideration of Policy DSP40 – Housing Allocations;
- d) Other matters;
- e) The Planning Balance

### **a) Implications of Fareham's current Five Year Housing Land Supply Position (5YHLS)**

8.2 A report titled "Five year housing land supply position" was reported for Member's information earlier in this Agenda. That report set out this Council's local housing need along with this Council's current housing land supply position. The report concluded that this Council has 4.2 years of housing supply against the new 5YHLS.

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 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 judgment 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 In this particular case an appropriate assessment has been undertaken and concluded that the development proposal will not have an adverse effect on the integrity of the Protected Sites around The Solent subject to the proposed mitigation being secured. Officers consider that the presumption in favour of sustainable development set out in paragraph 11 of the NPPF applies.
- 8.11 The following sections of the report assesses the application proposals against this Council’s adopted Local Plan policies and considers whether it complies with those policies or not. 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. 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.
- 8.13 Policy CS14 (Development Outside Settlements) of the Core Strategy states that:
- “Built development on land outside the defined settlements will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function. Acceptable forms of development will include that essential for agriculture, forestry, horticulture and required infrastructure.”*
- 8.14 Policy DSP6 (New Residential Development Outside of the Defined Urban Settlement Boundaries) of the Local Plan Part 2: Development Sites and Policies Plan states – there will be a presumption against new residential development outside of the defined urban settlement boundaries (as identified on the Policies Map).
- 8.15 The site is clearly outside of the defined urban settlement boundary of Stubbington and Hill Head 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) Consideration of Policy DSP40: Housing Allocations**

8.16 Policy DSP40: Housing Allocations, of the 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”.*

8.17 Each of these five bullet points are worked through in detail below.

**Policy DSP40 (i)**

8.18 The proposal, submitted in full detail, is for the construction of 206 dwellings. Having regard to the Council’s Five Year Housing Land Supply Position, the proposal would be relative in scale and make a significant contribution towards addressing this shortfall. The development proposal would therefore accord with part (i) of Policy DSP40.

**Policy DSP40 (ii)**

8.19 The site is located within the designated countryside but does lie immediately to the north and west of the Stubbington and Hill Head Urban Settlement Boundary, as defined in the Adopted Local Plan. Oakcroft Lane provides a strong and well-established northern perimeter to the settlement, which also includes designated public open space in the form of Crofton Cemetery to the western side of the site.

8.20 The site is located in a sustainable location in close proximity to local schools (Meoncross School, Crofton Secondary School, Baycroft School, Crofton Anne Dale Infant and Junior Schools, Crofton Hammond Infants and Junior Schools), Stubbington Village Centre, Stubbington Community Centre and Stubbington Health Centre. The proposal offers direct access to Peak Lane,

which is well served by local buses connecting the site to Fareham, Gosport, and the Western Wards, which include significant levels of employment provision. The application proposal includes a contribution towards improving the bus stops and shelters along Peak Lane to encourage greater use of the regular bus service along this route. This contribution would be secured through the Section 106 legal agreement. The site will connect directly to Peak Lane via the new dedicated access road. This in turn will provide good access to the Stubbington By-pass, which will provide easy vehicular access to the A27, connecting the site to the Segensworth and Whiteley employment areas.

- 8.21 Pedestrian and cycle connections with the remainder of Stubbington have been integrated into the proposals, connecting the site to Marks Tey Road, to the south and east of the site, providing further links to the remainder of the settlement beyond. It is also important to highlight that the Appeal Inspector for the nearby site at The Grange, considered that development at the northern end of Stubbington would be within a reasonable walking and cycling distance for future occupiers to existing services and facilities. The Inspector therefore considered that the location was sustainable for future residential development.
- 8.22 Having regard to the facilities available within Stubbington, the views of the Planning Inspector in respect of a nearby site, the connections to the wider pedestrian and cycling network that will be achieved, and the enhancement of the bus passenger facilities close to the site Officers consider that the site is sustainably located adjacent to, and well related to, the existing urban settlement boundaries, and can be well integrated with the neighbouring settlement. The proposal is therefore considered to accord with DSP40 (ii).

**Policy DSP40 (iii)**

- 8.23 Part (iii) of Policy DSP40 seeks to ensure that development is sensitively designed to reflect the character of the neighbouring settlement and to minimise any impact on the Countryside and Strategic Gaps. The earlier refused application was refused on this part of DSP40, resulting in reasons for refusal (ii) to (iv). How the current proposal has addressed these reasons is set out in the following paragraphs.
- 8.24 The planning application has been submitted in detail where detailed consideration of the design and appearance of the development, together with the proposed site layout can be considered. The proposal seeks to construct a development of approximately 27 dwellings per hectare (calculated from only the area south of Oakcroft Lane). This represents a reduction from 34 dwellings per hectare in the earlier application of 261 dwellings (a 21% reduction in number of dwellings) and is considered by Officers to be a more

sensitive level of density for an edge of settlement location. Reason for refusal (iv) highlighted the cramped nature of the earlier proposal. The lower density and mixed character of the proposal is now considered to be more respectful of the key characteristics of the neighbouring urban area, which would result in a high quality residential environment for future occupiers. Reason for refusal (iv) is considered to have been addressed.

- 8.25 Reasons for refusal (ii) and (iii) raised concerns regarding the visual impact of the development, largely as a result of the overall density of the development and in particular how it impacted on the edge of settlement location.
- 8.26 Landscape Consultants acting for the Council previously commented that the principle of the development of the site could be supportable, but significant care would be needed to ensure its edge of settlement location is carefully articulated with a robust landscaping belt to soften the appearance of the development when viewed across the open landscape to the north. The current proposal reflects this approach and has increased the level of landscaping around the periphery of the site, particularly on the western side, adjacent to the cemetery.
- 8.27 The development proposal comprises a wide range and mix of dwelling styles and types, including detached, semi-detached and terraced properties throughout the site, although lower density detached properties are more prevalent to the periphery of the site to soften the transition to the countryside to the north and west. The mature belt of poplar trees to the northern boundary of the site would be retained (with the exception of the site entrance) and would be re-enforced and enhanced with a generous landscaping belt along the northern and western boundaries.
- 8.28 It is considered the lower density, together with the mix of property styles and types and the greater level of boundary planting and landscaping throughout the site will result in a scheme which is considered to be sensitively designed, reflecting the prevailing character of the adjoining residential estates to the east and south. These matters together with various green corridors and interconnected green spaces within and around the development site will significantly enhance the landscape setting of the development. The changes made to the scheme would ensure the visual impact of the development on the immediate countryside setting around the site, and the living conditions of residents in the site will be significantly improved above the earlier application. Officers therefore consider that reasons for refusal (ii), (iii) and (iv) have been satisfactorily addressed.
- 8.29 In addition, the site is located within the designated Fareham- Stubbington Strategic Gap, where Policy CS22 highlights that development should not

impact on the integrity of the gap and the physical and visual separation of settlements. As highlighted above in paragraph 1.5, the earlier application was not refused by the Council because of harm to the Strategic Gap. The enhanced landscape screening along the northern periphery of the developed part of the site, and use of the land to the north of Oakcroft Lane as an ecological enhancement area would contribute towards ensuring that the physical and visual level of separation between Stubbington and Fareham would not be unacceptably compromised by the development, and would not therefore have an impact on the integrity of the Strategic Gap.

8.30 It is also important to highlight that the recent appeal decision for a development of 16 dwellings at The Grange (which is also in the designated countryside and Strategic Gap), was dismissed by a Planning Inspector solely for the reason of the impact on the designated sites around The Solent arising from increased nitrates. The Inspector considered that the development of the land north of Stubbington, and south of Oakcroft Lane was acceptable given the current five year housing land supply position, stating; *“the boundary of the development would be clearly defined by the cemetery, Ranvilles Lane and Oakcroft Lane”*. The Inspector further highlights that Policy CS22 (Strategic Gaps) does not exclude all development within the Strategic Gap, provided the physical and visual separation of Fareham and Stubbington would not be significantly affected (Appeal Decision for The Grange, reference: APP/A1720/W/19/3222404).

8.31 It is therefore considered that the proposal as now presented has addressed reasons for refusal (ii) and (iii) from the earlier application. The proposal is therefore considered to accord with part (iii) of DSP40, whilst also according with the provisions of Policy CS22.

**Policy DSP40 (iv)**

8.32 The applicants have stated in their supporting Planning Statement that the greenfield nature of the site would ensure that the site can be delivered immediately in the event that planning permission is granted. The applicant has also highlighted that they have the history and resources to ensure this development is expedited in the short term.

8.33 It is therefore considered that the proposal accords with part (iv) of DSP40.

**Policy DSP40 (v)**

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

### **Environment/Ecology**

- 8.35 The application has been supported by a number of ecological surveys, and each of these have been considered in detail by the Council's Ecologist. Reasons for refusal (ix), (x), (xi) and (xii) related to ecological impacts as a result of the earlier application. These related to impact on protected species, impact on the Brent goose and Solent Waders network, wildlife corridors and a net loss in biodiversity.
- 8.36 The land to the northern side of Oakcroft Lane is proposed for use as open space, and would comprise a wildflower meadow with scrapes to enhance its function as a 'secondary support area' for the waders and Brent geese that winter along the south coast, as identified in the Solent Waders and Brent Geese Strategy (October 2018). The land would be prepared by the applicant to the satisfaction of the Local Planning Authority, and then transferred to the Council with a maintenance contribution for the first 20 years. This would be secured via the Section 106 legal agreement.
- 8.37 The provision of a biodiversity enhancement area, with detailed mitigation measures in place to the north of Oakcroft Lane addresses reasons for refusal (ix), (x) and (xi). Reason for refusal (xi) is also addressed by the increased level of landscaping belts to the periphery of the southern part of the site. All these elements combine to address the impact on biodiversity loss, and the scheme now results in a measurable increase in biodiversity, addressing reason for refusal (xii). The development proposal now benefits from support from both the Council's Ecologist and Natural England, subject to a Section 106 Legal Agreement and suitably worded planning conditions.
- 8.38 The application has also been supported by a detailed Tree Protection Plan and Arboricultural Impact Assessment, which has been considered by the Council's Tree Officer who has raised no concerns regarding the proposed development and the potential impact on the adjacent trees. The eastern and southern boundaries of the site, which comprise lines of protected trees have, under the current application been provided with sufficient space to ensure they would be able to continue to grow without pressure from the neighbouring development, and without impeding light to the proposed dwellings.
- 8.39 Additionally, the retention of the trees and levels of separation to the periphery would ensure an almost continuous path around the perimeter of the site, with properties fronting the path offering a good level of natural surveillance. The scheme is therefore considered to be acceptable on arboricultural grounds and would also result in the planting of a considerable number of trees throughout the site, including tree lined avenues along the main spine road that runs north – south through the centre of the site. These measures ensure

the longevity of the protected trees, and addresses reason for refusal (xiii) of the earlier application.

- 8.40 The site is located within 5.6km of the Solent, and therefore the development is likely to have a significant effect on the following designated sites: Solent and Southampton Waters Special Protection Area and Ramsar Site, Portsmouth Harbour Special Protection Area and Ramsar Site, Solent and Dorset Coast Special Protection Area, Chichester and Langstone Harbours Special Protection Area and Ramsar Site, and the Solent Maritime Special Area of Conservation. These designations are collectively known as the Protected Sites around The Solent. Policy CS4 sets out the strategic approach to biodiversity in respect of sensitive protected 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.
- 8.41 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.
- 8.42 In light of their importance, areas within the Solent have been specifically designated under UK law, and comprise those designations set out above.
- 8.43 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 Protected 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 Protected Sites. This is done following a process known as an Appropriate Assessment. The competent authority (Fareham Borough Council in this instance) is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations.
- 8.44 The application has also been supported by a Shadow Habitats Regulations Assessment prepared by the applicant's consultants which, together with the Council's Appropriate Assessment has been considered by Natural England. The key considerations for the assessment of the likely significant effects are set out below.

- 8.45 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 Protected Sites as a result of increased recreational disturbance in combination with other development in The Solent area. The applicant has agreed to make the necessary contribution towards the Solent Recreation Mitigation Partnership Strategy (SRMP), which would be secured via the Section 106 legal agreement, and therefore the Appropriate Assessment concludes that the proposals would not have an adverse effect on the integrity of the Protected Sites as a result of recreational disturbance in combination with other plans or projects.
- 8.46 Natural England has also 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 Protected Sites. As stated earlier in the Report, the proposed development will remove the land from agricultural use, and thereby mitigate the impact of nitrates from the development.
- 8.47 Natural England has further advised that the effects of emissions from increased traffic along roads within 200 metres of the Protected Sites also has the potential to cause a likely significant effect. The Council's Air Quality Habitat Regulations Assessment highlights that developments in the Borough would not, in combination with other plans and proposals, have a likely significant effect on air quality on the Protected Sites up to 2023, subject to appropriate mitigation.
- 8.48 Finally, in respect the impact on water quality, 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 result in a reduction of -153kg TN/year (with precautionary 20% budget) (Note: this was increased from -151kg due to the further loss of 3 dwellings from the scheme). Due to significant reduction in nitrates level, the scheme would make a significant contribution to reducing the amount of nitrates and phosphorus from entering the water environment. The scheme would also be subject to a planning condition which requires details to be submitted to and approved by the Council showing how the water usage within the dwellings of 110 litres per person per day can be achieved.
- 8.49 The Council has carried out an Appropriate Assessment and concluded, in conjunction with the applicant's submitted Shadow Habitat Regulations Assessment that the proposed development, which would take over 15ha of land out of agricultural use and subject to the water usage condition, will

ensure no adverse effects on the integrity of the Protected Sites either alone or in combination with other plans or projects. The development will result in a reduction of over 150kg TN/year of nitrates being discharged from the site. Natural England has been consulted and has agreed with the considerations of the Shadow HRA and the Council's findings, subject to the Council adopting the Shadow HRA. 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. The application proposal is therefore considered to comply with point (v) – environmental impact of Policy DSP40, and in doing so satisfactorily addresses reasons for refusal (ix) to (xiii) from the earlier application.

### **Amenity**

- 8.50 In terms of the consideration of the amenity impact on the living conditions of neighbouring occupiers and future occupiers, it is considered, having regard to the advice in the Council's Adopted Design Guidance that the relative distances between the neighbouring properties and the nearest proposed dwellings (on the eastern boundary) would exceed the minimum distances sought and would not therefore have an unacceptable adverse impact on the living conditions of these occupiers.
- 8.51 Internally, the design and layout of the scheme ensures that all the proposed dwellings adhere to the minimum standards sought in the Council's adopted Design Guidance, in terms of garden lengths and levels of separation, and in many respects the standards exceed the minimum sought. In addition, the reduced density of the development when compared to the earlier proposal, results in significant additional levels of landscaping throughout the site, creating a more pleasant living environment for future occupiers.
- 8.52 In addition to the increased levels of landscaping within the public realm within the site, each property will also be provided with front gardens which are capable of accommodating a level of landscaping which will contribute to the softening of the residential environment and public realm. The increased level of landscaping also helps soften the car parking provision for the dwellings, which whilst in the majority of cases are located immediately adjacent to the host dwelling, all are bounded by landscaping to a reasonable level to ensure its longevity.
- 8.53 It is appreciated that parking courtyards can be poorly used, with residents preferring to park cars immediately adjacent to their properties. The scheme only provides one small parking courtyard, which also benefits from a good level of landscaping and providing direct access to the associated dwellings. The courtyard area also includes a landscaped public footpath running through the centre, increasing public use of the space and ensuring the area



is well used and does not become an unused, isolated part of the development proposal.

- 8.54 To the west of the site lies Crofton Cemetery, which is designated as an area of public open space within the Adopted Local Plan. At present, the cemetery benefits from a countryside setting, with open countryside to the immediate north, east and west. The southern boundary also forms parts of an established woodland which includes a public right of way linking the cemetery to the residential development of Marks Tey Road. The cemetery is currently separated from the site by a well-established hedgerow approximately 2 metres high, which with an open, undeveloped field beyond enhances the countryside setting of the cemetery. The current proposal, unlike the earlier application, seeks to respect the setting of the cemetery by providing a 10 - 15 metre wide landscaped belt along the western edge of the site, beyond which is the western perimeter road with houses beyond. This ensures a minimum of 25 metres of separation between the hedgerow of the cemetery and the front elevation of the neighbouring houses. Whilst the development of the site will ultimately change the setting of the cemetery, it is considered that the current proposal sufficiently ensures a level of separation which, together with additional landscape planting, would ensure the semi-rural, tranquil setting of the cemetery is maintained.
- 8.55 It is considered that the proposed layout and density of the development proposed would not have an unacceptable impact on the living conditions and environment of existing and future occupiers, has careful regard to the advice in the adopted Design Guidance and as a result would result in a good quality residential environment, offering good levels of landscaping, open space and private amenity spaces for the future residents. The development would therefore accord with Policies CS17, DSP2 and DSP3 of the adopted Local Plan and complies with point (v) of Policy DSP40.

#### **Traffic**

- 8.56 In respect of the traffic related to the development proposal, the application is supported by detailed Transport Assessment and Travel Plan, both of which have been considered in detail by the Highway Authority who has raised no objection to the proposals. The earlier application was refused on several highway grounds relating to reasons (v), (vi), (vii) and (viii).
- 8.57 The application proposal will be accessed from a new linked service road into the site directly onto Peak Lane, north of the existing Oakcroft Lane junction. The access road will cross Oakcroft Lane at the northern end of the site where to the east, Oakcroft Lane will be closed off, creating a no through road for the occupiers of Three Ways Close (to the immediate east of the site). There will be a new westward junction from the new link road onto Oakcroft Lane,

maintaining the east-west connection between Peak Lane and Titchfield Road (to the west of the site).

- 8.58 The proposal seeks to provide pedestrian and cycle links to the main urban areas of Stubbington, via links through Marks Tey Road. Officers are satisfied that the site is located in a sustainable location, and is within reasonable walking and cycling distances to a wide variety of local services and facilities, and the development of the site could be integrated into the public transport network, which presently links Stubbington and Hill Head to Fareham, Gosport and the Western Wards, which in turn provide rail links to Portsmouth to the east, and Southampton to the west, and beyond. .
- 8.59 The Appeal Inspector for the scheme at The Grange considered the location of that site in relation to the services and facilities in Stubbington, commenting that *“The site has reasonably good access to local services and facilities which would reduce the reliance of future residents to be dependent on a private vehicle for all journeys”*. Given the relative proximity of The Grange to the application site, it is considered that the site is sustainably located.
- 8.60 A number of junctions have been modelled to assess the likely impact, including the site access with Peak Lane, Peak Lane/Longfield Avenue/Rowan Way roundabout, Ranvilles Lane/A27 and the proposed Bypass/Peak Lane. These junctions have been considered using a variety of scenarios including other potential developments and the implementation of the by-pass.
- 8.61 The Highway Authority has reviewed all the modelling that has been undertaken, and subject to works to several junctions in the vicinity of the site, they have raised no objection. The junction improvement works would be subject to a separate Section 278 legal agreement with Hampshire County Council which would be secured through the Section 106 legal agreement. The proposed highway modelling and minor junction improvement works demonstrate that there is sufficient capacity in the highway network to accommodate the development. Therefore, subject to these works being secured through the Section 106 legal agreement, the current proposal satisfactorily addresses reasons for refusal (v) and (vi) from the earlier application.
- 8.62 In addition to the modelling of the junctions, the Highway Authority has raised a number of detailed concerns regarding the internal roads. All of the detailed matters raised by the Highway Authority were addressed in the most recently submitted site layout plan, and therefore Officers consider that these matters have been satisfactorily resolved, and will not result in detriment to highway safety within the site.

- 8.63 All dwellings proposed include off-street car parking which accords with the Council's adopted Residential Car Parking Standards, and the site provides 41 visitors car parking spaces, spread throughout the site. It is therefore considered that the car parking arrangements will be suitable for existing and future occupiers, ensuring a safe living environment for future occupiers.
- 8.64 Additionally, the applicant has agreed to provide every property with direct, on-site car parking provision electric car charging points. Where properties do not have direct on-site car parking, a number of visitors car parking spaces throughout the site, including within the visitors spaces near those properties, will also be provided with rapid car charging stations, ensuring close to home charging for all future residents within the estate.
- 8.65 The Travel Plan, submitted with the planning application has also been considered by the Hampshire County Council's Travel Plan team, and no concerns have been raised, subject to securing the Travel Plan through the Section 106 Legal Agreement. The Travel Plan includes undertaking improvements to bus stops along Mays Lane, to enhance their suitability and encourage greater use by residents. The Travel Plan is proposed to be secured through the Section 106 legal agreement.
- 8.66 It is therefore considered that the proposals are acceptable in highway safety terms and would not have a significant impact on the existing and future occupiers or result in additional undue burden on the local road network. The proposals are considered to accord with point (v) – traffic implications of Policy DSP40, a subsequently addresses reasons for refusal (v) to (viii) from the earlier planning application.

#### **DSP40 Summary**

- 8.67 In summary therefore, the proposed development fully accords with the five criteria of Policy DSP40 of the adopted Local Plan.

#### **d) Other Matters:**

##### **Affordable Housing**

- 8.68 The development proposes the provision of 40% affordable housing (82.4 dwellings) and Officers have considered that the level set out is appropriate, with 82 dwellings being provided on site, with the remaining 0.4 unit being provided as an off-site financial contribution. The Council's Affordable Housing Officer considers that the level of on-site provision is acceptable and that the provision of 82 units will make a good contribution toward the affordable housing needs of the Borough. The affordable housing provision will be secured by a Section 106 Legal Agreement, and the type, size, mix

and tenure of the proposed to be provided on site has been agreed with this Authority.

### **Stubbington By-Pass**

- 8.69 Works have now commenced on the construction of the Stubbington By-pass, following the government's approval of the scheme in May 2019, with the construction works expected to be completed in 2022. The Stubbington By-pass would be situated adjacent to the proposed area of open space, which would be subject to a conversion from farmland to an ecological enhancement area, promoting its use as a secondary support area for Solent waders and Brent Geese.

### **National Space Standards**

- 8.70 The application has been considered under the minimum national space standards. The Council's adopted Design Guidance highlights for internal space standards that *'the internal dimensions of a dwelling should seek to meet at least the minimum sizes set out in the National Technical Standards'*. Therefore, Policy CS17, from which the Design Guidance was established applies and developers should seek to meet these standards in order to adhere to the advice in the adopted Local Plan and to meet high quality design standards.
- 8.71 Following a detailed assessment of the proposed dwellings, it was identified that a number of the units did not comply with minimum total floor areas (measured as a Gross Internal Area (GIA)), nor achieve minimum bedroom sizes. Subsequently amended house types were submitted, and the current proposal ensures that all the dwellings and flats accord with the minimum Gross Internal Areas sought by the nationally described space standards.
- 8.72 There remain a number of units which have single bedrooms marginally below the minimum sought floor area of 7.5sqm (which must include one width of at least 2.15m). Those bedrooms have been assessed and affect two house types, the '4BH' (4 units) and the 'Hanbury' (29 units). The smallest bedroom in the '4BH' measures approximately 6.9sqm and the smallest bedroom in the 'Hanbury' measures approximately 6.75sqm. Both bedrooms meet the minimum 2.15m width and are only marginally below the minimum sought. The 'Hanbury' does include a separate study adjacent to the smallest bedroom which could be incorporated to ensure these bedrooms comply with the minimum standard.
- 8.73 These bedrooms are only 0.6sqm and 0.75sqm below the minimum standard whilst the properties themselves exceed the required minimum GIA for properties of their size. A letter of support for this has been received from the applicant's Registered Provide, Sage Housing, who has confirmed that the

properties and their bedroom sizes are acceptable to them and would not discourage them from taking on the properties or the likely demand for selling/letting out the properties. Officers have had regard to the bedroom sizes and the fact that the properties exceed the minimum floor area, and as such considers the scheme to accord with the requirements of the adopted Design Guidance and is therefore acceptable.

### **Flood Risk and Climate Change**

- 8.74 The site is located wholly within Flood Zone 1, where there is considered to be a low risk from flooding. The earlier planning application was refused on flood risk grounds due to the lack of consideration of the scheme from climate change (reason for refusal (xiv)). The current application has been supported by detailed flood risk assessments and drainage strategies. These have been assessed by both the Environment Agency and Hampshire County Council as the Lead Local Flood Authority. Both Authorities have raised no objection, as the updated assessments submitted have regard to the potential implications from climate change. Subsequently reason for refusal (xiv) has been satisfactorily addressed.
- 8.75 In addition, reason for refusal (xvi) related to the long-term maintenance of the on site Sustainable Urban Drainage System. Details of this are subject to condition on the current application and therefore reason for refusal (xiv) can be satisfactorily addressed.

### **Impact on Heritage Assets**

- 8.76 The proposed development area of site is located over 110 metres to the northeast of Crofton Old Church, a Grade II\* Listed Building. Views from the development site to the Church are largely obscured by the intervening woodland. However, the earlier application included housing development immediately adjacent to the western boundary hedgerow with the cemetery. This resulted in a greater prominence of the development to the adjacent cemetery and would have had a greater impact on the setting of the Church. The current proposal includes a significant landscaped strip along the western boundary. This change has reduced the impact and lowered the concern raised by Historic England to 'low'. No objection has been raised by the Council's Conservation Planner.
- 8.77 Further, having regard to the relevant advice in the National Planning Policy Framework (NPPF), the low level of impact considered by Historic England needs to be balanced against the response of the Council's Conservation Planner who raised no concerns, given the level of separation between the site and the Church. Paragraph 196 of the NPPF highlights that where development proposals would lead to less than substantial harm, the harm should be weighed against the public benefits. The scheme would provide

206 dwellings and make a noticeable contribution towards the current HLS shortfall, whilst also being sufficiently far enough away that it would not dominate the character or appearance of the immediate or wider setting of the listed buildings. Having regard to the above, Officers consider there would be no harm caused to the setting of the listed buildings and is therefore considered acceptable, and the changes made to the development ensure the scheme satisfactorily addresses reason for refusal (xv) from the earlier application.

- 8.78 In applying the statutory tests required under Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposed works would preserve the setting of Crofton Old Church and The Manor House. It is therefore considered that the development proposal accords with Policies CS17 and DSP5 of the Local Plan.

#### **Loss of Agricultural Land**

- 8.79 The land to the south of Oakcroft Lane is classified as Grade 3b (moderate quality) Agricultural Land, with the land north of Oakcroft Lane classified as a mixture of Grade 3b and Grade 2 (best and most versatile) Agricultural Land. Policy CS16 seeks to prevent the loss of the best and most versatile agricultural land.
- 8.80 The entire area would be taken out of agricultural use, with the lower graded land subject to the residential development and the best and most versatile land converted to a biodiversity enhancement area. The loss of the Grade 3b land is acceptable and is only considered capable of producing a moderate yield of a narrow range of crops. The loss of the Grade 2 land is regrettable and results in a conflict with Policy CS16. The field is relatively limited in size and is already being dissected by the Stubbington By-pass. Whilst its loss must be considered in the Planning Balance, the loss of the land from agricultural use was not raised as a reason for refusal in the earlier application proposal.

#### **e) The Planning Balance:**

- 8.81 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 purposes 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”.*

- 8.82 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.
- 8.83 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 against the Development Plan.
- 8.84 The site lies outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture or required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of the Local Plan Part 2: Development Sites and Policies Plan.
- 8.85 The site also lies within the Stubbington to Fareham Strategic Gap, where it is important that development should not significantly affect the integrity of the Gap and the physical and visual separation of the settlements. The location of the site is immediately north and west of the existing urban area of Stubbington, and the part of the site proposed to be developed is bounded by the northern perimeter road of the settlement which is considered to contribute to the containment of the site. The development would not have a significant effect on the overall integrity of the Gap and the physical and visual separation of settlements. This conclusion was also reached by the Appeal Inspector in the determination of the appeal for the scheme of 16 dwellings at The Grange to the west of the site.
- 8.86 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 earlier to the Planning Committee and the Government steer in respect of housing delivery. It is acknowledged that the proposal would make a significant contribution to the shortfall of houses in the Borough and would be relative in scale to the current shortfall, and thereby accord with point (i) of the Policy DSP40.

- 8.87 In addition, the proposal accords with points (ii), (iii) and (v) of Policy DSP40, in that it would be sustainably located and can be well integrated with the neighbouring settlement (point (ii) of DSP40). The development results in 55 fewer dwellings than the earlier planning application in turn resulting in a lower density scheme, which is considered to have been sensitively designed to minimise the visual appearance of the development from the immediate surrounding countryside and would not compromise the integrity of the Strategic Gap. The additional landscaping proposed, and wider street layout relates well to its edge of settlement location (point (iii) of DSP40).
- 8.88 In respect of environmental, amenity and traffic issues (including ecological mitigation), Officers are satisfied that these issues have been appropriately addressed in the submitted application, subject to appropriate conditions, the Section 106 legal agreement and habitat mitigation. The scheme will result in a net gain in biodiversity and safeguard all the land between Oakcroft Lane and the Stubbington by-pass for nature conservation and ensures no unacceptable adverse impact on the living conditions of existing and future residents. Further, the impact on the wider highway network has been carefully considered by Hampshire County Council who consider that the proposal would not have a significant impact on existing and future occupiers in terms of highway safety (point (v) of DSP40) subject to identified mitigation being secured.
- 8.89 Further, the low grading of the agricultural land to the south of Oakcroft Lane means its loss from agricultural use would not impact on the best and most versatile land elsewhere in the Borough. The best and most versatile agricultural land to the north of Oakcroft Lane would be lost, and therefore is considered to conflict with Policy CS16. This land has already been impacted by the route of the by-pass, and its use as a biodiversity enhancement area would contribute significantly to the wider Solent waders and Brent goose network.
- 8.90 In balancing the objectives of adopted policy which seeks to restrict development within the countryside and prevent the loss of the best and most versatile agricultural land alongside the shortage of housing supply, Officers acknowledge that the proposal could deliver an increase of 206 dwellings in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply is substantial and would make a material contribution in light of the Council's current 5YHLS shortfall.
- 8.91 There is a conflict with development plan policies CS14 and CS16 which would ordinarily result in this proposal being considered unacceptable. Ordinarily CS14 would be the principal policy such that a scheme in the countryside should be refused. However, in light of the Council's lack of a



five-year housing land supply, development plan policy DSP40 is engaged 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.

8.92 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 protects 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.

8.93 Having carefully considered all material planning considerations, Officers recommend that planning permission should therefore be granted subject to the imposition of appropriate planning conditions, and subject to the completion of a Section 106 legal agreement.

## **9.0 Recommendation**

- i) Confirm the applicant's document titled Shadow Habitat Regulations Assessment September 2020 and the Council's Appropriate Assessment titled 'Land West of Crofton Cemetery HRA and AA, together comprise the Council's Habitat Regulations Assessment:
- ii) delegate to the Head of Development Management to make any minor modifications to the proposed conditions or heads of term,  
  
And,
- iii) 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 totalling £565,500 towards off site highway and public rights of way works;
- b. To secure the provision of highway improvements to be delivered by the developer through a Section 278 agreement with the Highway Authority;
- c. To secure the implementation of the Framework Travel Plan;
- d. To secure a financial contribution towards the Solent Recreation Mitigation Strategy (SRMS);
- e. To secure the provision of affordable housing on-site at an overall level of 40% and in line with the following size and tenure split:

Affordable Rent Units:	
1 bed dwellings	4
2 bed dwellings	24
3 bed dwellings	18
4 bed dwellings	4
Intermediate Units:	
2 bed dwellings	18
3 bed dwellings	14

- f. To secure a contribution of £978,444 towards education infrastructure and £42,000 for the provision of school travel plans and monitoring fees;
  - g. To secure the implementation of the Ecological Mitigation Land (land north of Oakcroft Lane) in accordance with details provided, after which the transfer of the land to Fareham Borough Council and the payment of £331,975 for the long-term maintenance and management of the land;
  - h. To secure the laying out, maintenance and future management arrangements of on-site routes, common space and open space within the development site, and to make the land available for public use;
  - i. To secure the provision of a Locally Equipped Area of Play (LEAP) within the site, and to make the area available for public use
- iv) GRANT PLANNING PERMISSION, subject to the following planning conditions:

1. The development hereby permitted shall commence within eighteen months from the date of this decision.  
 REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.
  
2. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:
  - a) Location Plan (Drawing: A-02-001-LP);
  - b) Site Layout (Drawing: A-02-015-SL Rev I);
  - c) Tenure Plan (Drawing: A-02-010-TP Rev K);
  - d) Building Heights (Drawing: A-02-012-BH Rev I);
  - e) Boundary Treatments (Drawing: A-02-013-BT Rev I);
  - f) North Oakcroft Lane Strategy (Drawing: PERSC22805 20);
  - g) Habitat Plan (Drawing: PERSC22805 15 Sheet 1);
  - h) Habitat Plan (Drawing: PERSC22805 15 Sheet 2);
  - i) Tree Protection Plan (Drawing: PRI21504-03A Sheet 1 of 2);
  - j) Tree Protection Plan (Drawing: PRI21504-03A Sheet 2 of 2);
  - k) Swept Path Analyses (1 of 2) (Drawing: SPA-001 Rev A);
  - l) Swept Path Analyses (2 of 2) (Drawing: SPA-002 Rev A);
  - m) Swept Path Analyses (3 of 4) (Drawing: SPA-003);
  - n) Swept Path Analyses (4 of 4) (Drawing: SPA-004);
  - o) Substation Plans and Elevations (Drawing: SUB-001);
  - p) Junction Visibility Splays (1 of 3) (Drawing: VS-001);
  - q) Junction Visibility Splays (2 of 3) (Drawing: VS-002);
  - r) Junction Visibility Splays (3 of 3) (Drawing: VC-003);
  - s) Carleton (Drawing: CAR-001);
  - t) Carleton – Type B (Drawing: CAR-002);
  - u) Carleton – Tile hanging (Drawing: CAR-003);
  - v) Charnwood Corner (Drawing: CHARN-C-001);
  - w) Charnwood Corner – Type B (Drawing: CHARN-C-002);
  - x) Charnwood Corner – WB (Drawing: CHARN-C-003);
  - y) Charnwood Corner – Flint (Drawing: CHARN-C-004);
  - z) Charnwood Corner – Bay (Drawing: CHARN-C-005);
  - aa) Charnwood Corner – Bay Type B (Drawing: CHARN-C-006);
  - bb) Dalby (Drawing: DALB-001);
  - cc) Dalby (Drawing: DALB-002);
  - dd) Single Garage (Drawing: Gar-001 Rev B);
  - ee) Twin Garage (Drawing: Gar-002 Rev B);
  - ff) Double Garage (Drawing: Gar-003 Rev B);
  - gg) Greenwood (Drawing: GWD-001);
  - hh) Greenwood Corner (Drawing: Gwd-C-001);
  - ii) Haldon (Drawing: HAL-001);

jj) Haldon HA (Drawing: Hal-001);  
 kk) Haldon HA MID (Drawing: HAL-HA-002);  
 ll) Haldon HA END (Drawing: HAL-HA-003);  
 mm) Haldon HA Type B (Drawing: HAL-HA-004);  
 nn) Haldon HA Type B (Drawing: HAL-HA-005);  
 oo) Haldon HA Type B (Drawing: HAL-HA-006);  
 pp) Hanbury (Drawing: Han-001 Rev D);  
 qq) Hanbury Type B (Drawing: Han-002 Rev D);  
 rr) Hanbury Tile Hanging (Drawing: Han-003 Rev C);  
 ss) Hanbury TH Mid (Drawing: Han-004 Rev C);  
 tt) Hanbury TH – HIP (Drawing: Han-005 Rev B);  
 uu) Hanbury – Barn Hip (Drawing: Han-006 Rev B);  
 vv) Hanbury Corner (Drawing: Han-C-HA-001 Rev D);  
 ww) Hanbury Corner – Type B (Drawing: Han-Cnr-002 Rev D);  
 xx) Hanbury Corner – TH (Drawing: Han-Cnr-003 Rev C);  
 yy) Hanbury Corner – Hip (Drawing: Han-Cnr-004 Rev B);  
 zz) Hanbury Corner (Drawing: Han-Cnr-005 Rev A);  
 aaa) Hanbury – HA (Drawing: HAN-HA-001 Rev A);  
 bbb) Hanbury – HA (Drawing: HAN-HA-002 Rev A);  
 ccc) Rendlesham HA MID (Drawing: REN-HA-002 Rev A);  
 ddd) Rendlesham HA END (Drawing: REN-HA-003 Rev A);  
 eee) Rendlesham HA Tile Hanging (Drawing: REN-HA-004 Rev A);  
 fff) Sherwood (Drawing: SHER-001);  
 ggg) Whinfell (Drawing: WHIN-001);  
 hhh) Whinfell Type B (Drawing: WHIN-002);  
 iii) Whinfell MID (Drawing: WHIN-003);  
 jjj) Whinfell Type C (Drawing: WHIN-004);  
 kkk) Whinfell Type D (Drawing: WHIN-005);  
 ll) Whiteleaf (Drawing: WHLF-001 Rev A);  
 mmm) Whiteleaf – WB Hipped (Drawing: WHLF-002);  
 nnn) Windermere (Drawing: WIN-001);  
 ooo) Windermere Type B (Drawing: WIN-002);  
 ppp) Windermere Tile Hanging (Drawing: WIN-003);  
 qqq) Windermere Tile Hanging V2 (Drawing: WIN-004);  
 rrr) Windermere v2 (Drawing: WIN-005);  
 sss) Windermere v2 Flint (Drawing: WIN-006);  
 ttt) 4 x 1 Bed flats (Drawing: 4x 1bf-001 Rev A);  
 uuu) 4 x 1 Bed flats (Drawing: 4x 1bf-002 Rev B);  
 vvv) 4620a (Drawing: 4620a-001 Rev B);  
 www) 4620a v2 (Drawing: 4620a-002);  
 xxx) Bond (Drawing: BON-001 Rev B);  
 yyy) Bond V2 (Drawing: BON-002);  
 zzz) Knightsbridge (Drawing: KNI-001 Rev B);  
 aaaa) Knightsbridge – Weather board (Drawing: KNI-002 Rev B);

bbbb) Marlborough (Drawing: MARL-001 Rev B);  
cccc) Marlborough – Weather board (Drawing: MARL-002 Rev B);  
dddd) Marlborough (Drawing: MARL-003 Rev A);  
eeee) Marylebone (Drawing: MAR-001 Rev B);  
ffff) Marylebone V2 (Drawing: MAR-002);  
gggg) Single Garage (Drawing: GAR-004 Rev A);  
hhhh) Twin Garage (Drawing: GAR-005 Rev A); and,  
iiii) Double Garage (Drawing: GAR-006 Rev A).  
REASON: To avoid any doubt over what has been permitted.

3. The development hereby permitted shall be undertaken in accordance with the materials and finishes as specified on Drawing A-02-011-MP Rev J (Materials Plan) and the submitted Schedule of Materials (dated February 2021). There shall be no deviation from these materials and finishes unless otherwise first agreed in writing with the Local Planning Authority.  
REASON: In the interests of visual amenity.

4. No part of the development hereby approved shall be occupied until the boundary treatment relating to it, as shown on Drawing A-02-013-BT Rev I (Boundary Treatment), has been fully implemented. The boundary treatment shall thereafter be retained at all times unless otherwise first 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.

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

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

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

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

6. No development shall take place until details of the width, alignment, gradient and type of construction proposed for any roads, footways and/or access(es), including all relevant horizontal and longitudinal cross sections showing the

existing and proposed ground levels, together with details of street lighting (where appropriate), the method of disposing of surface water, and details of a programme for the making up of roads and footways, have been submitted to and approved by the Local Planning Authority in writing. The development shall be subsequently carried out in accordance with the approved details.

REASON: To ensure that the roads are constructed to a satisfactory standard. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

7. No dwelling hereby permitted shall be first occupied until it has a direct connection, less the final carriageway and footway surfacing, to an existing highway. The final carriageway and footway surfacing shall be commenced within three months and completed within six months from the commencement of the penultimate building or dwelling for which permission is hereby granted. The roads and footways shall be laid out and made up in accordance with the approved specification, programme and details.

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

8. 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 first 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 permitted shall be occupied, or by such time as shall be agreed in writing with the Local Planning Authority, until the visitor parking spaces marked on the approved plan, and sufficient to serve that part of the overall development completed at that time, have been provided on site and these spaces shall be subsequently retained at all times.

REASON: The car parking provision on site has been assessed in the light of the provision of visitor parking spaces so that the lack of these spaces may give rise to on street parking problems in the future.

10. No dwelling hereby permitted shall be first occupied until the visibility splays at the junction of the estate road/access with the existing highway have been provided in accordance with the approved details. The visibility splays shall thereafter be kept clear of obstruction (nothing over 0.6m in height) at all times.

REASON: In the interests of highway safety

11. No development hereby permitted shall proceed beyond damp proof course (dpc) level until details, including location, type and technical specification of how electric vehicle charging points will be provided at the following level have been submitted to and approved by the local planning authority in writing:

a) Five dual Electric Vehicle (EV) charge points throughout the site to serve the visitors car parking spaces to serve the dwellings without on-plot charging points;

b) One Electric Vehicle (EV) charging point per dwelling, where parking is provided on plot which is contiguous with its associated dwelling.

The development shall be carried out in accordance with the approved details. Any deviation from these requirements must be submitted to and approved in writing by the Local Planning Authority.

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.

12. The development hereby permitted shall proceed in accordance with the measures detailed within Section 5 of the Ecological Impact Assessment (ECOSA Ltd, revised September 2020), Ecological Management Plan (ECOSA Ltd, revised September 2020) and the Shadow Habitat Regulations Assessment (ECOSA Ltd).

REASON: To ensure the protection of habitats, species, and designated sites and their supportive network of habitats.

13. No development above damp proof course level shall continue until a scheme of lighting (during operational life of the development), designed to minimise impacts on wildlife, particularly bats, has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

REASON: In order to minimise impacts of lighting on the ecological interest of the site.

14. The development hereby permitted shall be undertaken in accordance with the submitted Archaeological Written Scheme of Investigation (Cotswold Archaeology, dated September 2020 ref: AN0223), unless otherwise first agreed in writing by the Local Planning Authority.

REASON: To ensure that any archaeological features discovered on site are adequately protected.

15. No development shall take place until details of sewerage and surface water drainage works to serve the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The drainage schemes shall be in general accordance with the submitted Flood Risk Assessment (ref: AMc/19/0161/5909 Rev B, dated March 2019 and plans 5909-05E and 5909-25D), Surface Water Drainage Calculations (ref: AMc/20/MD/5909, dated September 2020).  
REASON: In order to ensure satisfactory disposal of sewage and surface water from the site.
16. The development hereby permitted shall be undertaken in accordance with the provisions set out within the Arboricultural Impact Assessment and Method Statement (prepared by ACD, ref PER21504aia-amsA, dated May 2020).  
REASON: To ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period.
17. No development shall take place until the tree protection measures as shown on PER21504-03A (Sheets 1 and 2) have been installed and shall thereafter be retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the fencing without the prior written agreement of the Local Planning Authority.  
REASON: To ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period.
18. No development 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 and the adjacent land have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.  
REASON: To safeguard the character and appearance of the area and to assess the impact on nearby residential properties. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.
19. Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an



investigation and risk assessment of the identified material/ ground conditions has been undertaken and details of the findings along with a detailed remedial scheme, if required, has been submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall be fully implemented and shall be validated in writing by an independent competent person as agreed with the LPA prior to the occupation of the unit(s).

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

20. Development shall be carried out in accordance with the recommendations set out within Paragraph 15.4 within the submitted acoustic report ref: SA-5785-3 dated April 2020.

REASON: In the interests of residential amenity.

21. None of the residential units hereby permitted shall be occupied until details of water efficiency measures to be installed in each dwelling 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 110 litres 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.

22. 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.

23. No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). The Construction Management Plan shall address the following matters:

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

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

c) the measures for cleaning the wheels and underside of all vehicles leaving the site;

d) a scheme for the suppression of any dust arising during construction or clearance works;

e) the measures for cleaning Oakcroft Lane, Mays Lane and Peak Lane to ensure that they are kept clear of any mud or other debris falling from construction vehicles, and

f) the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development.

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

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

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

REASON: In the interests of residential amenity.

25. The development hereby permitted shall proceed in accordance with the detailed landscaping scheme comprising drawings:

- a. Landscape Proposals (Drawing: PERSC22805 11 Sheet 1 Rev D);
- b. Landscape Proposals (Drawing: PERSC22805 11 Sheet 2 Rev D);
- c. Landscape Proposals (Drawing: PERSC22805 11 Sheet 3 Rev D);
- d. Landscape Proposals (Drawing: PERSC22805 11 Sheet 4 Rev D);
- e. Landscape Proposals (Drawing: PERSC22805 11 Sheet 5 Rev D);
- f. Landscape Proposals (Drawing: PERSC22805 11 Sheet 6 Rev D);
- g. Landscape Proposals (Drawing: PERSC22805 11 Sheet 7 Rev D);
- h. Landscape Proposals (Drawing: PERSC22805 11 Sheet 8 Rev D);
- i. Landscape Proposals (Drawing: PERSC22805 11 Sheet 9 Rev D);

j. Landscape Proposals (Drawing: PERSC22805 11 Sheet 10 Rev D);  
and,

k. Landscape Proposals (Drawing: PERSC22805 11 Sheet 11 Rev D).

Details of any variation from these approved landscaping proposals shall be submitted to and approved in writing by the Local Planning Authority.

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

26. The landscaping scheme approved under Condition 25 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.

27. Prior to the installation of any street lighting, details of the location, height, luminaires and means of accessories to ensure lighting is kept away from mature trees and hedgerows shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed and retained thereafter in accordance with the approved details.

REASON: To ensure the provision of suitable lighting within the site, in the interests of amenity.

28. No development hereby permitted shall proceed beyond damp proof course level until details of the finished treatment [and drainage] of all areas to be hard surfaced have been submitted to and approved by the Local Planning Authority in writing. The development shall thereafter be carried out in accordance with the approved details and the hard surfaced areas subsequently retained as constructed.

REASON: To secure the satisfactory appearance of the development

#### INFORMATIVES:

- a) Potentially contaminated ground conditions include: imported topsoil, made ground or backfill, buried rubbish, car parts, drums, containers or tanks, soil with extraneous items such as cement asbestos, builders rubble, metal fragments, ashy material, oily / fuel / solvent type smells from the soil, highly

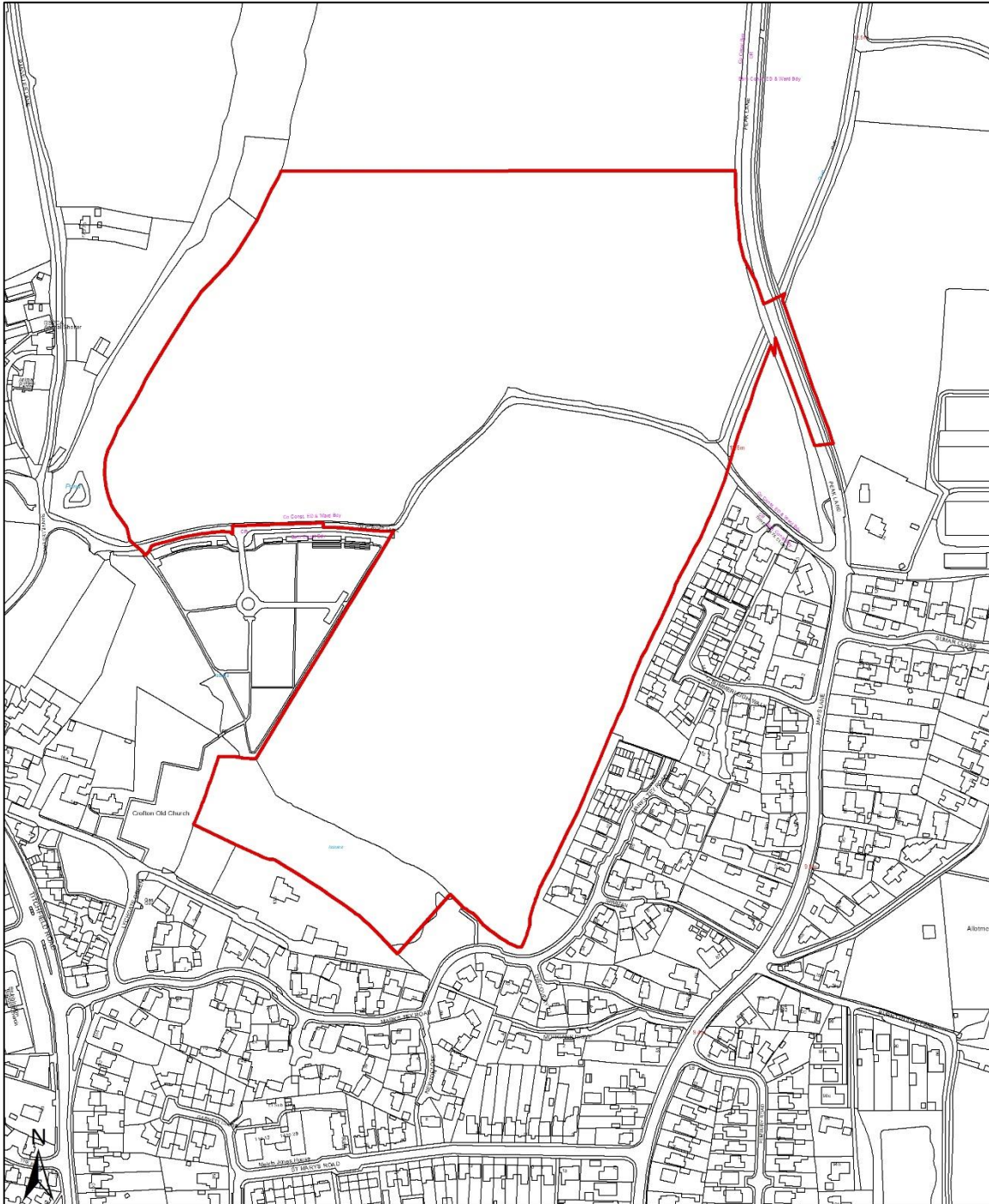
coloured material or black staining and liquid fuels or oils in the ground. If in any doubt please contact the Contaminated Land Officer on 01329 236100.

**11.0 Background Papers**

P/20/0522/FP

# FAREHAM

BOROUGH COUNCIL



Land E of Crofton Cemetery and W of Peak Lane

Scale 1:3,750

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## PLANNING APPEALS

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

<b>PUBLIC INQUIRY</b>	<b>P/18/1118/OA</b> Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	<b>PUBLIC INQUIRY</b> <b>Fareham Land LP</b> Land at Newgate Lane (North) Fareham Non Determined REFUSE PENDING PI DECISION 2 June 2020 <b>NON DETERMINED</b> 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.
<b>HEARING</b>	<b>P/19/0419/DA</b> Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	<b>HEARING</b> <b>Mr Patrick Cash</b> 137 Newgate Lane Fareham  11 May 2020 <b>AGAINST ENFORCEMENT</b> Unlawful development of two structures
<b>PUBLIC INQUIRY</b>	<b>P/19/0460/OA</b> Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	<b>PUBLIC INQUIRY</b> <b>Bargate Homes Ltd</b> Land at Newgate Lane (South) Fareham Non Determined REFUSE PENDING PI DECISION 2 June 2020 <b>NON DETERMINED</b> 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.
<b>HEARING</b>	<b>P/19/1193/OA</b> Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	<b>HEARING</b> <b>Foreman Homes</b> Land East of Posbrook Lane Titchfield Fareham Non Determined REFUSE PENDING PI DECISION 29 January 2021 <b>NON DETERMINED</b> Outline planning application for the erection of up to 57 dwellings, together with associated parking, landscaping and access from Posbrook Lane

<b>WRITTEN REPS</b>	<b>P/20/0373/FP</b> Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	<b>WRITTEN REPS</b> <b>Mrs Kayleigh Luckins</b> 19 - 21 Juno Close Fareham Committee REFUSE REFUSE 15 December 2020 <b>AGAINST REFUSAL</b> Removal of rear boundary planting (partial relief from condition 2 of P/15/0690/RM)
<b>HH APPEAL SERVICE</b>	<b>P/20/0535/FP</b> Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	<b>HH APPEAL SERVICE</b> <b>Mr &amp; Mrs K Moya</b> 100 Mays Lane Fareham Officer Delegated Powers REFUSE REFUSE 25 October 2020 <b>AGAINST REFUSAL</b> Detached oak-framed garage & carport (Resubmission of P/19/1338/FP).
<b>WRITTEN REPS</b>	<b>P/20/0654/OA</b> Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	<b>WRITTEN REPS</b> <b>Mr Bell</b> 50 Paxton Road Fareham Officer Delegated Powers REFUSE REFUSE 29 October 2020 <b>AGAINST REFUSAL</b> Outline application for 2x 3-bed dwellings to the rear of 50-52 Paxton Road
<b>HH APPEAL SERVICE</b>	<b>P/20/0656/VC</b> Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	<b>HH APPEAL SERVICE</b> <b>Mr A. Wells</b> 84 Merton Avenue Portchester Fareham Committee REFUSE REFUSE 8 January 2021 <b>AGAINST REFUSAL</b> Removal of Condition 6: (Limiting use of garage) of approved planning P/09/0797/FP - Erection of detached double garage.
<b>WRITTEN REPS</b>	<b>P/20/0741/FP</b> Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	<b>WRITTEN REPS</b> <b>John Warner</b> 87 Highfield Avenue Fareham Officer Delegated Powers REFUSE REFUSE 21 December 2020 <b>AGAINST REFUSAL</b> Single story self contained annex to the side and rear, for

dwelling for 2 family members

**HH APPEAL SERVICE**

**P/20/0826/FP**  
Appellant:  
Site:  
Decision Maker:  
Recommendation:  
Council's Decision:  
Date Lodged:  
Reason for Appeal:

**HH APPEAL SERVICE**

**Miss Nicola Gill**  
1 Beverley Close Park Gate Southampton  
Officer Delegated Powers  
REFUSE  
REFUSE  
14 January 2021  
**AGAINST REFUSAL**  
Proposed timber fence above existing boundary wall

**HH APPEAL SERVICE**

**P/20/0930/FP**  
Appellant:  
Site:  
Decision Maker:  
Recommendation:  
Council's Decision:  
Date Lodged:  
Reason for Appeal:

**HH APPEAL SERVICE**

**Mr Duncan**  
5 New Road Fareham  
Officer Delegated Powers  
REFUSE  
REFUSE  
11 January 2021  
**AGAINST REFUSAL**  
Front porch

**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)

**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)

**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



**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

**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.

**Decision:**

**Decision Date:**

**DISMISSED**

**3 February 2021**

**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

**Decision:**

**Decision Date:**

**DISMISSED**

**30 December 2020**

# FAREHAM

## BOROUGH COUNCIL

### **Report to Planning Committee**

**Date**                    **17 February 2021**

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

**Subject:**              **TPO 769 - 8 LAMBOURN CLOSE, FAREHAM.**

#### **SUMMARY**

The report details one objection to the making of a provisional order in December 2020 and provides officer comment on the points raised.

#### **RECOMMENDATION**

That Tree Preservation Order 769 is confirmed.

## BACKGROUND

1. Section 197 of The Town and Country Planning Act 1990 places a duty on local planning authorities when granting planning permission to include appropriate provision for the preservation and planting of trees.

*It shall be the duty of the local planning authority –*

- (a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and
  - (b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.
2. Section 198 gives local planning authorities the power to make tree preservation orders [TPOs].  
*(1) If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.*
  3. Fareham Borough Council Tree Strategy.

**Policy TP7** - Protect significant trees not under Council ownership through the making of Tree Preservation Orders.

**Policy TP8** - Where necessary protect private trees of high amenity value with Tree Preservation Orders.

4. An order was made on one mature pedunculate oak situated at 8 Lambourn Close in response to a perceived threat the tree was to be removed following the sale of the property.

## INTRODUCTION

5. On 23 December 2020, a provisional order was made in respect of one pedunculate oak situated at 8 Lambourn Close, adjacent to the south / east boundary.

## **OBJECTION**

6. One objection has been received from the owner of the property on the following grounds:
- The oak tree was not protected when the property was purchased in late 2020.
  - Checks were undertaken with the Council's tree team by phone and online.
  - The tree is covering the side garden, casting shade and deposition debris, particularly acorns in the autumn.
  - The retention of the tree has already increased the costs of an extension because of the deeper foundations required.
  - The tree is enormous and encroaching more over the garden.
  - Acorns can be toxic to animals and may be harmful to the pet dog.

No other comments or objections have been received.

## **PUBLIC AMENITY**

7. The mature oak tree is situated on the south side of the triangular plot, is visible from the road between 7A and 8 Lambourn Close; and can also be viewed from Clee Avenue to the south. The tree is a prominent specimen, which is clearly visible to the public and makes a significant contribution to the public amenity of the area (Photos - Appendix A).

## **THREAT TO TREE**

8. On 2nd December 2020, an application was accepted by Fareham Borough Council, from the owner of 8 Lambourn Close for a proposed rear extension - P/20/1478/PH. Prior approval was issued on 6 January 2021. The owner intended to remove the oak tree due to its positioning and future risk it may pose to the house; there was no TPO on the tree at this time.
9. The tree was originally scheduled to be cut down on Monday 21st December and the owner attended the neighbour's property at 29 Clee Avenue, to let him know as the tree overhangs the rear garden. The contractor subsequently postponed the work due to staffing issues and the removal of the oak was rescheduled until 30th December 2020.
10. On 21 December the Council received information by way of a phone call from a neighbour at 27 Clee Avenue saying the oak tree at 8 Lambourn Close was going to be felled. The circumstances at the time provided the Council with sufficient grounds to protect the oak tree based on the perceived threat based on the information provided.
11. TPO 769 was served on 23 December 2020 to protect one oak situated at 8 Lambourn Close as it was considered to be a prominent tree worthy of protection (Aerial plan – Appendix B).
12. On 30 December the owners of the property met with their tree surgeon to begin removing the oak tree. Shortly afterwards the contractor was approached by a neighbour who informed them the oak tree was protected and that they should stop what they are doing and contact the Council. Several branches had already been cut

down by this point.

13. The tree surgeon and owner of 8 Lambourn Close agreed to stop; and the tree surgeon took photos of a copy of TPO 769 provided by the neighbour and the extent of work undertaken so far, which was tidied up to leave the tree in a safe condition.
14. The TPO was served on the owner / occupier following the usual Land Registry and Council Tax checks to establish the details of those residing at the property. However, because the property had recently been sold these checks did not reveal the new owner. The TPO was addressed to the previous owner and was served by hand to the property.
15. The new owners did not open this letter because it was not addressed to them.

### **TREE CONDITION AND SAFETY**

16. The oak tree was subsequently re-inspected by the tree officer in early January who observed that only a few small diameter branches had been removed, which had not harmed the tree. At the time, the tree was observed to be healthy and free from any significant defects or abnormalities that would give rise to concerns about the health and safety of the tree.
17. Officers acknowledge that for some residents, trees can be a source of frustration. However, these very same trees contribute to the pleasant appearance of Fareham and provide multiple benefits to our communities.

### **DOGS AND ACORNS**

18. Acorns are a common sight on the ground during the autumn months. Curious dogs may be interested in these unfamiliar objects while sniffing around in the grass. Acorns are poisonous if eaten by dogs. They contain tannins and other compounds, which can cause stomach upset and in very severe cases, kidney failure and death. Acorn poisoning is also known as Quercus poisoning, which can also occur after a dog eats oak leaves.
19. The symptoms depend on the number of acorns ingested and the frequency with which this happens. For example, eating a small amount just once may cause diarrhoea, vomiting and lethargy, but dogs eating acorns regularly, or eating a large amount in one go, can result in more severe symptoms and may cause kidney or liver problems.
20. Dogs are most at risk if they eat a large number of acorns, however, what constitutes a large amount is relative to the size of the dog. Curious dogs with a tendency to pick up and eat unsuitable items are most likely to ingest acorns and are therefore particularly at risk of acorn poisoning.
21. Limiting a dog's exposure to acorns is vital. Avoiding areas with a lot of oak trees during the autumn and winter would be ideal, but if this isn't possible owner's need to be sure to keep a close eye on their dog. If trees are on or adjacent to dog owner's property, precautions need to be taken to either clear acorns regularly or fence off areas where acorns fall during the autumn.

22. Officers acknowledge that acorns can be harmful to dogs and other pets, but if appropriate precautions are taken the risk can be minimised. Oak trees are common and widespread throughout Fareham, in gardens, parks, open spaces and woodlands where people live and walk their dogs. To remove oak trees or not make them subject to tree preservation orders would have a significant adverse impact on the value and character of Fareham's urban and rural landscapes.

### **TREE WORK APPLICATIONS**

23. In dealing with applications to carry out works to protected trees the Council will consider whether the reasons given in support of an application outweigh the amenity reasons for protecting them. The Council is unlikely to support unnecessary or unsympathetic pruning that would harm a protected tree by adversely affecting its condition and appearance. Permission to prune and maintain protected trees in the context of their surroundings, species, and previous management history will not be unreasonably withheld by the Council.

24. The existence of a TPO does not preclude pruning works to, or indeed the felling of, any tree if such a course of action is warranted by the facts. There is currently no charge for making an application to carry out works to protected trees, and applications are normally decided very quickly.

### **RISK ASSESSMENT**

25. The Council will not be exposed to any significant risk associated with the confirmation of TPO 769 as made and served. Only where an application is made for consent to work on trees subject to a TPO and subsequently refused does the question of compensation payable by the Council arise.

### **CONCLUSION**

26. When making tree preservation orders the Council endeavours to consider the rights of those affected and use their powers responsibly. However, the rights of the individual must be balanced against public expectation that the planning system will protect trees when their amenity value justifies such protection.

27. Tree preservation orders seek to protect trees in the interest of public amenity; therefore, it follows that the exclusion of a tree from an order should only be sanctioned where its public amenity value is outweighed by other considerations. In this instance Officers consider the reasons put forward for objecting to the protection of the pedunculate oak are not sufficient to outweigh their public amenity value.

28. Officers therefore recommend that Tree Preservation Order 769 is confirmed as originally made and served.

**Background Papers:** TPO 769.

**Reference Papers:** Forestry Commission: The Case for Trees – 2010. Planning Practice Guidance - Tree Preservation Orders (2014), Fareham Borough Council Tree Strategy and

The Law of Trees, Forests and Hedges (second edition) – *Charles Mynors*. Acorn toxicity and pets – various online searches.

**Enquiries:** For further information on this report please contact Paul Johnston. (Ext 4451).

## APPENDIX A

1. Tree viewed from north - 8 Lambourn Close.





2. Tree viewed from northeast - 8 Lambourn Close.



3. Tree viewed from northeast - Lambourn Close.





4. Tree viewed from east - Lambourn Close.



5. Tree viewed from south - Clee Avenue



6. Tree viewed from south - Clee Avenue





7. Tree viewed from south - Clee Avenue (post works)





8. Tree viewed from south - Clee Avenue (post works)



Appendix B - 8 Lambourn Close (Aerial plan).

