

# FAREHAM

BOROUGH COUNCIL

## AGENDA PLANNING COMMITTEE

**Date:** Wednesday, 17 March 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  
Mrs C L A Hockley  
L Keeble  
R H Price, JP

**Deputies:** K A Barton  
J S Forrest  
S Dugan  
Mrs K Mandry  
Mrs K K Trott



**1. Apologies for Absence**

**2. Chairman's Announcements**

**3. Declarations of Interest**

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

**4. Deputations**

To receive any deputations of which notice has been lodged.

**5. Planning applications and Miscellaneous Matters including an update on Planning Appeals (Page 1)**

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

**ZONE 1 - WESTERN WARDS**

**(1) P/18/0756/OA - LAND BETWEEN AND TO THE REAR OF 56-66 GREENAWAY LANE WARSASH (Pages 3 - 28)**

**(2) P/20/1137/FP - 68 TITCHFIELD PARK ROAD TITCHFIELD PO15 5RN (Pages 29 - 47)**

**ZONE 2 - FAREHAM**

**ZONE 3 - EASTERN WARDS**

**(3) P/18/1437/FP - LAND TO WEST OF NORTHFIELD PARK UPPER CORNAWAY LANE PORTCHESTER PO16 8NF (Pages 50 - 71)**

**(4) Planning Appeals (Pages 72 - 75)**

**6. Tree Preservation Order 767 - 74, 80, 84 & 86 Holly Hill Lane, Sarisbury Green (Pages 76 - 82)**

To consider a report by the Director of Planning and Regeneration on Fareham Tree Preservation Order 767 to which an objection has been received.

**7. Tree Preservation Orders**

To consider the confirmation of the following Tree Preservation Order(s) which have been made by officers under delegated powers and to which no formal objections have been received.

**Fareham Tree Preservation Order No. 766 2020 – Land North Of Hazelbank, New Road, Swanwick, Sarisbury**

Order served on 13 November 2020 and covers one individual oak tree. No formal

objections have been received and it is recommended for TPO 766 to be confirmed without modification as made and served.

**Fareham Tree Preservation Order No. 768 2020 – Kingfishers, Fishers Hill, Catisfield, Titchfield**

Order served on 4 December 2020 and covers six individual trees (2x oak, 2x walnut, 1x deodar, 1x tulip tree). No formal objections have been received and it is recommended for TPO 768 to be confirmed without modification as made and served.



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

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**Report to  
Planning Committee**

**Date:** 17 March 2021

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

**Subject:** PLANNING APPLICATIONS AND MISCELLANEOUS MATTERS

**SUMMARY**

This report recommends action on various planning applications.

**RECOMMENDATION**

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

**AGENDA**

All planning applications will be heard from 2.30 onwards.

# Agenda Annex

## **ZONE 1 – WESTERN WARDS**

**Park Gate**

**Titchfield**

**Sarisbury**

**Locks Heath**

**Warsash**

**Titchfield Common**

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/18/0756/OA WARSASH	LAND BETWEEN AND TO THE REAR OF 56-66 GREENAWAY LANE WARSASH SOUTHAMPTON SO31 9HS  OUTLINE APPLICATION FOR UP TO 28 DWELLINGS TOGETHER WITH ASSOCIATED LANDSCAPING, AMENITY SPACE, PARKING AND A MEANS OF ACCESS FROM GREENAWAY LANE	1  OUTLINE PERMISSION
P/20/1137/FP TITCHFIELD	68 TITCHFIELD PARK ROAD TITCHFIELD FAREHAM PO15 5RN  CONVERSION & EXTENSION OF FORMER CARE HOME TO SIX 1-BED FLATS & THREE 2-BED FLATS	2  PERMISSION

## OFFICER REPORT FOR COMMITTEE

DATE: 17/03/2021

P/18/0756/OA  
GR DIMMICK, CD DIMMICK &  
AW WILLIAMS

WARSASH  
AGENT: WOOLF BOND PLANNING

OUTLINE APPLICATION FOR UP TO 28 DWELLINGS TOGETHER WITH ASSOCIATED LANDSCAPING, AMENITY SPACE, PARKING AND A MEANS OF ACCESS FROM GREENAWAY LANE

LAND BETWEEN AND TO THE REAR OF 56-66 GREENAWAY LANE, WARSASH

### **Report By**

Peter Kneen – direct dial 01329 824363

### **1.0 Introduction**

- 1.1 The application is being presented to the Planning Committee following the receipt of 22 third party representation responses.
- 1.2 Members will note from the 'Five Year Housing Land Supply Position' report, presented to the Planning Committee on 17<sup>th</sup> February 2021 that this Council currently has a housing land supply of 4.2 years.
- 1.3 The following applications, which are situated within proximity to the planning application site have either been granted planning permission, have a resolution to grant planning permission from the Planning Committee, or are currently undetermined:

### **Permitted applications:**

- P/17/0752/OA - Outline planning permission for up to 140 dwellings on land east of Brook Lane, north of Warsash Road
- P/18/0107/OA - Outline planning permission for up to 30 dwellings on land to the east and west of 79 Greenaway Lane
- P/18/0884/FP – Planning permission for 6 dwellings adjacent 79 Greenaway Lane

### **Planning applications with a resolution to grant from the Planning Committee**

- P/17/0845/OA - Outline planning permission for up to 180 dwellings on land to the east of Brook Lane

- P/17/0998/OA- Outline planning permission for up to 157 dwellings on land to the east of Brook Lane, west of Lockswood Road
- P/19/0402/OA – Outline planning permission for up to 100 dwellings on land adjacent to 125 Greenaway Lane

### **Applications currently undetermined**

- P/18/0590/OA – Outline planning permission for up to 62 dwellings to the west of Lockswood Road
- P/19/0313/RM – Construction of 85 dwellings pursuant to outline planning permission (P/16/1049/OA) on land to the east of Brook Lane
- P/20/0730/OA – Outline planning permission for up to 6 self build dwellings on land north of Greenaway Lane

- 1.4 A plan will be shown at the Planning Committee meeting, showing the relationship between these different planning applications and the current planning application site.

## **2.0 Site Description**

- 2.1 The application site is located to the north side of Greenaway Lane and comprises 1.29 hectares of land, designated as countryside for planning purposes. The site comprises an unmade field, formerly used as a paddock. The site is generally flat with mature woodlands located to the northern and eastern boundaries. The western boundary comprises existing paddocks, which are still in use, and the site wraps around the side and rear boundaries of 56 Greenaway Lane (to the eastern boundary) and 66 Greenaway Lane (to the western boundary).
- 2.2 The site has a 45m long frontage with Greenaway Lane, comprising a mature laurel hedgerow, with an existing gated field entrance approximately midway along the road frontage. The site is classified as Grade 2 agricultural land.
- 2.3 Greenaway Lane is a predominantly low density residential lane which is a cul-de-sac having been closed off when Lockswood Road was constructed. Greenaway Lane connects to Brook Lane, located approximately 350 metres to the west of the site.

## **3.0 Description of Proposal**

- 3.1 Outline planning permission is sought for the construction of up to 28 dwellings with all matters reserved apart from the means of vehicular access

to the site which would be from Greenaway Lane. The layout, appearance, scale and landscaping of the site are reserved for a future reserved matters application and not for consideration at this time.

- 3.2 An illustrative masterplan has been submitted which identifies the vehicular access point to the site, and an indicative layout to demonstrate how up to 28 dwellings can be accommodated on the site, including suitable landscaping and the inclusion of ecological buffers.
- 3.3 The application has been supported by a number of technical reports including a Planning Statement, Design and Access Statement, Ecological Surveys and Mitigation Reports, Arboricultural Impact Assessments, Transport Statement, Contaminated Land Assessments, and Flood Risk and Drainage Strategy.

#### **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
CS14:	Development Outside Settlements
CS15:	Sustainable Development and Climate Change
CS16:	Natural Resources and Renewable Energy
CS17:	High Quality Design
CS18:	Provision of Affordable Housing
CS20:	Infrastructure and Development Contributions
CS21:	Protection and Provision of Open Space

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

DSP1:	Sustainable Development
DSP2:	Environmental Impact
DSP3:	Impact on Living Conditions
DSP4:	Prejudice on Adjacent Land
DSP6:	New Residential Development Outside of the Defined Urban Settlement
DSP13:	Nature Conservation
DSP15:	Recreational Disturbance on the Solent Special Protection Areas
DSP40:	Housing Allocations



### **Other Documents:**

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

## **5.0 Relevant Planning History**

5.1 There is no recent planning history related to this site.

## **6.0 Representations**

6.1 There have been 22 representations of objection received. The main issues raised within the representations can be summarised as follows:

### **6.2 Policy/Principle**

- Site located in countryside;
- Not a sustainable location;
- Deviation from draft Local Plan policy;
- Cumulative impact of development needs to be considered on the local area;

### **6.3 Location**

- Loss of countryside buffer between Locks Heath and Warsash;
- Not a brownfield site;
- Overdevelopment of the site/too high a density;
- Out of character with the area;

### **6.4 Highways**

- Lane too narrow – no pavements or footpaths for pedestrians;
- Hazardous impact for cyclists and horse riders;
- Cumulative impact on highway safety;
- Inadequate on-site car parking provision;
- Traffic congestion at junction with Brook Lane and wider area;
- Impact on parking within the village centre;
- Access concerns onto Brook Lane;
- Insufficient street lighting;
- No bin collection points shown;
- Access onto Lockwood Road should be considered.

### **6.5 Ecology/Trees**

- Loss of wildlife;
- Impact on Oak trees along Greenaway Lane.

## 6.6 **Impact on Local Services**

- Lack of local infrastructure – schools, healthcare, doctors, shops;
- Lack of public transport

## 6.7 **Other Matters**

- Increased pollution;
- Air Quality
- Flooding;
- Archaeology;
- Discrepancies in submitted information;
- Insufficient community involvement.

## 7.0 **Consultations**

EXTERNAL

### **HCC Archaeology**

7.1 No objection, subject to planning condition.

### **Natural England**

7.2 No objection, subject to appropriate mitigation being secured.

### **HCC Highways**

7.3 No objection subject to S278 agreement and appropriate conditions.

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

7.4 No objection, subject to conditions.

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

Developer contribution towards primary and secondary education provision should be secured through a legal agreement.

### **Southern Water**

7.6 No objection, subject to planning condition.

### **Crime Prevention Design Advisor**

7.7 Provided advice in respect of crime prevention.

INTERNAL

### **Ecology**

7.8 No objection, subject to conditions.

### **Transport Planner**

- 7.9 No objection, subject to conditions and a Section 278 agreement to provide signage along Greenaway Lane warning of pedestrians in the road, and access junction construction.

### **Recycling Co-ordinator**

- 7.10 Comments regarding provision of bin collection points and confirmation from the Transport Planner on access for refuse vehicles.

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

- 7.11 No objection.

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

- 7.12 No objection, subject to conditions.

### **Tree Officer**

- 7.13 No objection, subject to conditions.

### **Housing Officer**

- 7.14 Advice has been provided in respect of the affordable housing mix to be secured which will be the subject of detailed negotiations.

## **8.0 *Planning Considerations***

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

- a) Implication of Fareham's current 5-year housing land supply position;
- b) Residential development in the countryside;
- c) Policy DSP40 (Housing Allocations);
- d) Other matters;
- e) The Planning balance.

### **a) Implication of Fareham's current 5-year housing land supply position**

- 8.2 A report titled "Five-year housing land supply position" was reported for Member's information to the February 2021 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 its Five-year housing land supply (5YHLS) requirement.

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.

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 (in part):

*“For decision-taking this means:*

- c) Approving development proposals that accord with an up-to-date development plan without delay; or*
- d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (see footnote 7 below), 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 (see footnote 6 below); 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 Footnote 6 to paragraph 11 reads:

*“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding*

*Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.”*

8.9 Footnote 7 to paragraph 11 reads (in part):

*“This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73);...”*

8.10 This planning application proposes new housing outside the defined urban settlement boundaries. The Council cannot demonstrate a five-year housing land supply. Footnote 7 to NPPF paragraph 11 is clear that in such circumstances those policies which are most important for determining the application are to be considered out-of-date meaning that the presumption in favour of sustainable development in paragraph 11(d) is engaged.

8.11 Taking the first limb of NPPF paragraph 11(d), as this report sets out, in this instance there are no specific policies in the NPPF which protect areas or assets of particular importance which provide a clear reason for refusing the proposed development. The key judgement therefore is that set out in the second limb of the paragraph, namely whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole (the so called ‘tilted balance’).

8.12 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”.*

8.13 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 applies.

8.14 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**

8.15 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.

8.16 Policy CS9 (Development in the Western Wards and Whiteley) of the Core Strategy supports development in the Western Wards, within the settlement boundaries. The site is outside of the settlement boundary.

8.17 Policy CS14 (Development Outside Settlements) states that:

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

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

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

**c) Policy DSP40 (Housing Allocations)**

8.20 Policy DSP40 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’.*

8.21 Each of these five points are considered in turn below:

**Policy DSP40 (i)**

8.22 The proposal for up to 28 dwellings is relative in scale to the 5YHLS shortfall and therefore point (i) of Policy DSP40 is satisfied.

**Policy DSP40 (ii)**

8.23 The urban settlement boundary is located approximately 90m to the east of the application site, on the eastern side of Lockswood Road. Whilst the application site is not located immediately adjacent to the designated urban settlement boundary, there is a ribbon of residential development between the application site and the urban area which effectively connects the application site to the urban area. It is also important to highlight that development proposals to the south of the application site have the benefit of planning permission, and due to the scale and extent of those developments they will cumulatively connect the application site to the designated urban area to the south. Other proposals to the north of the site, of which one has a resolution to grant planning permission and the other is a current application, would also connect the application site to the designated urban area to the north and west. It is therefore considered that the proposed development site, whilst not directly adjacent to the designated urban area, is within close proximity to it, and if permitted would connect to the wider urban area around the site.

8.24 The site is in close proximity to leisure and community facilities, schools and shops in both Warsash, Sarisbury Green and Locks Heath. Officers consider that the proposal can be well integrated into the neighbouring settlement including other nearby development proposals that have planning permission or resolutions to grant outline planning permission. The proposal is therefore considered to be in accordance with point (ii) of Policy DSP40.

**Policy DSP40 (iii)**

8.25 The site is within an area of designated countryside, but not within a strategic gap. Policy CS14 of the Core Strategy confirms that built development in the

countryside will be strictly controlled to protect it from development which would adversely affect its landscape, character, appearance and function.

- 8.26 The area is identified within the Fareham Landscape Assessment 2017 (LLCA 02.2a – Lower Hamble Valley) as relatively visually contained from views from surrounding areas. This area is classed as being of a lower sensitivity mainly because the character and quality of the landscape has been adversely affected by urban influences. This area is therefore more tolerant of change and there is scope for development to bring about positive opportunities.
- 8.27 It is acknowledged that the development of this site would introduce a change in character and outlook particularly to those living immediately adjacent to the site, and those travelling past it on Greenaway Lane. This change would be localised in terms of a visual impact, with longer distance views limited by the existing woodlands to the north and east of the site. Some views of the site across the open paddocks to the west of the site would be visible from the rear of properties fronting Greenaway Lane west of the site. However, to the west beyond these existing paddocks, development by Foreman Homes for up to 180 dwellings already benefits from a resolution to grant permission, thereby restricting views beyond this.
- 8.28 The illustrative masterplan shows how the overall layout and form of the development might be laid out. Whilst acknowledging that this plan is for illustrative purposes only as the layout and design of the site would be the subject of a reserved matters application, Officers consider that this aspect will need to be the subject of careful consideration at the reserved matters stage to ensure that the proposal complies with adopted policy. The layout would need to incorporate areas of accessible public open space and consideration of ecological mitigation, including pedestrian and cycle links, particularly to other developments to the north of the site. This will ensure appropriate green infrastructure in compliance with Policy CS4 and comprehensive development in accordance with Policy DSP4.
- 8.29 Officers consider that subject to detailed consideration at the reserved matters stage, the development of up to 28 dwellings would be acceptable on this site in accordance with policy (iii) of Policy DSP40.

**Policy DSP40 (iv)**

- 8.30 In terms of delivery, the limited scale of the development ensures that the site is capable of being delivered in the short term. The applicant has also confirmed that the site is capable of being delivered to meet the existing identified shortfall and would therefore be in accordance with point (iv) of Policy DSP40.



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

- 8.31 The final test of Policy DSP40 seeks to ensure that the proposal should not have any unacceptable environmental, amenity or traffic implications. These are discussed individually below.

### **Environmental/Ecology**

- 8.32 Phase I and II Ecological Surveys have been provided to support the application, together with a Biodiversity Mitigation and Enhancements Report, having regard to numerous protected species including badgers, Great Crested Newts, dormice, roosting and foraging bats, and reptiles. The Council's Ecologist and Natural England have reviewed the proposals and are satisfied that subject to the imposition of appropriate planning conditions and appropriate mitigation, the scheme would not have an unacceptable adverse impact on protected species or designated sites.
- 8.33 The Council's Tree Officer has also reviewed the application in respect on the potential impact of the development on the surrounding woodland, and the application has been supported by a detailed Arboricultural Impact Assessment. The illustrative layout shows a good relationship with the existing trees on the boundary with sufficient views between buildings from the main estate road, with various opportunities for new tree planting and landscaping throughout the scheme. Detailed landscaping, including tree planting would be subject to a reserved matters application.
- 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, the Solent Maritime Special Area of Conservation and the Solent and Isle of Wight Lagoons 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 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.

- 8.36 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 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.
- 8.38 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 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.
- 8.40 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 (prepared by Ricardo Energy &

Environment, dated December 2019) 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 33.60kg 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 33.75kg 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 In addition, to the above mitigation, and in order to ensure compliance with the Natural England methodology, a condition would be required ensuring the development can meet the Building Regulations optional requirement of a water consumption limit of 110 litres per person per day. With these mitigation measures secured, the Council has carried out an appropriate assessment and concluded that the proposed mitigation and condition will be adequate for the proposed development to 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 is likely to 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 their formal response is currently awaited.
- 8.46 Subject to the receipt and consideration of the comments of Natural England upon the Appropriate Assessment undertaken by this Council, it is considered that the development accords with the Habitat Regulations and complies with policies CS4, DSP13 and DSP15 of the adopted Local Plan.

### **Amenity**

- 8.47 In terms of the consideration of the amenity impact, matters of scale, landscaping, appearance and layout are reserved for consideration at the future reserved matters application stage. It is at that stage that the detailed consideration of these issues would need to comply with Policies DSP3 and CS17, and the adopted Design Guidance SPD to ensure appropriate amenity standards are met. At that stage it would be important to ensure that the proposals would not result in an unacceptable adverse impact on the living conditions of both existing neighbouring occupiers and future residents of the development. Officers are satisfied that there is sufficient flexibility and control in the description of up to 28 units that this can be satisfactorily addressed to ensure that the proposal would be policy compliant.
- 8.48 Several third party comments raise concerns regarding increased noise, air and light pollution as a result of increased numbers of vehicles using Greenaway Lane. Given the relatively low number of dwellings proposed, it is considered that the proposed development would not result in levels of noise, air or light pollution significantly above what would normally be associated with a residential development, and as such is considered acceptable. The Council's Environmental Health Officer has also not raised any concerns in this regard.
- 8.49 It is therefore considered that the proposal is capable of complying with policy (v) – amenity issues of Policy DSP40, and Policies CS17, DSP2 and DSP3 of the Local Plan.

### **Traffic**

- 8.50 The Council's Transport Planner and Hampshire County Highways Department have considered the application and have raised no objection to the proposed works to create the access onto Greenaway Lane and Brook Lane. The responses above highlight the general concerns regarding the resultant increase in traffic along Greenaway Lane associated with the development, however considered that with the provision of several signs along the road warning drivers of the presence of pedestrians would overcome this concern.
- 8.51 Concern was raised in respect of the southward visibility at the junction of Greenaway Lane with Brook Lane due to the presence of a large cherry laurel hedgerow which extends onto highway land and forms the boundary to the garden of 74 Brook Lane. The Council's Transport Planner and HCC Highways highlighted that the visibility issue could be readily overcome with the hedgerow being cut back. Due to the presence of the hedgerow on highway land, it is within the control of Hampshire County Council as the

Highway Authority to see the hedgerow is cut back for highway safety purposes to ensure adequate southward visibility is provided. It is therefore considered that the highway safety concerns raised by the Council's Transport Planner and HCC Highways can be overcome. This matter was also raised in respect of application P/19/0402/OA, Land adjacent to 125 Greenaway Lane, which now has a resolution to grant planning permission.

- 8.52 In summary, it is therefore considered that the proposal should not have any unacceptable environmental, amenity or traffic implications, and the proposal fully accords with the requirement of criteria (v) of Policy DSP40, and Policies CS17 and DSP3 of the adopted Local Plan.

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

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

- 8.53 If the development makes provision for 28 dwellings, the scheme will be required to provide 11.2 dwellings to be affordable homes in order to comply with the 40% requirement of policy CS18. The applicant has agreed to provide the required whole number on-site contribution, with the remaining amount comprising an off-site financial contribution. This approach has the support of the Council's Affordable Housing Strategic Lead Officer.
- 8.54 The provision and type of affordable housing would be secured through the completion of a Section 106 legal agreement.

##### ***Comprehensive Development***

- 8.55 The scheme represents a constituent part of the wider Warsash Cluster development. Policy DSP4 seeks to ensure that piecemeal developments are avoided and that where possible a comprehensive development can be achieved.
- 8.56 Due to local residents' concerns regarding increased vehicular movements along Greenaway Lane, alternative means of access were investigated, particularly through connecting the site to the adjoining development proposed to the north and east of the site. Due to significant ecological implications access to the north and east has been discounted. A further consideration regarding the creation of a Greenaway Lane junction with Lockwood Road was also discounted due to concerns regarding the impact on the flow of traffic along Lockwood Road at this point. Following consideration of the suitability of the access onto Greenaway Lane by the Council's Transport Planner and HCC Highway Officers, the use of the existing access arrangement, and the provision of (up to) 28 dwellings from this development, it was considered that the likely impact upon the character of Greenaway Lane and highway safety would not be significant. The site will however be

linked for pedestrians and cyclists through the woodland to the adjoining development to the north.

- 8.57 It is therefore considered that the proposed development accords with the provisions of policy DSP4 and would ensure suitable links to the surrounding developments. The provision of the public open space and pedestrian and cycle links to the adjoining development would be secured through a Section 106 legal agreement.

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

- 8.58 The site is classified as Grade 2 Agricultural Land and is therefore considered best and most versatile agricultural land. The NPPF does not place a bar on the development of the best and most versatile agricultural land, and Policy CS16 seeks to prevent the loss of this type of land. The impact of the loss of this land is therefore a material consideration and weighs against the proposal in the planning balance.

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

- 8.59 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.'*

- 8.60 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.

- 8.61 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.

- 8.62 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.
- 8.63 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 meaningful 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.
- 8.64 In weighing up the material considerations and conflict between policies, the development of a greenfield site weighed against Policy DSP40, Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall, it 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 areas existing character and minimising any adverse impact on the countryside.
- 8.65 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 undeveloped. However, that impact would be localised and would 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.
- 8.66 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. Further, it is acknowledged that the site is classified as Grade 2 Agricultural Land resulting in a conflict with Policy CS16. However, the relatively limited size of the site, and the fact that it would be largely surrounded by permitted residential development are considered sufficient to outweigh this minor reduction in the amount of agricultural land in the Borough.

- 8.67 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 a net increase of 28 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.
- 8.68 There is a conflict with Local Plan policy CS14 which ordinarily would result in this proposal being considered unacceptable. Ordinarily Policy 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 considered 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.
- 8.69 In undertaking a detailed assessment of the proposals throughout this report and applying the 'tilted balance' to those assessments, Officers consider that:
- (i) There are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposal, 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 the impact of nitrogen loading on the Solent can be adequately mitigated; 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.
- 8.70 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) The receipt and consideration of comments from Natural England, delegate authority to the Head of Development Management to make changes to/ impose additional conditions or heads of terms, if necessary;

And

- ii) the applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council 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 Special Protection Areas;
  - Financial contributions towards highway improvements to the highway network resulting from impacts of the development;
  - Provision and future management arrangements of an area of publicly accessible open space;
  - Pedestrian and cycle access to adjoining land;
  - Developer contributions towards the provision of primary and secondary school education;
  - The delivery of 40% of the permitted dwellings as a mixture of on-site affordable housing and off-site financial contribution.

GRANT OUTLINE PLANNING PERMISSION, subject to the following Conditions:

1. Application for approval of details of the appearance/layout and scale of the building(s), and the landscaping of the site (all referred to as the 'reserved matters') shall be 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 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 drawings:
  - a) Location Plan (Drawing: LP01 Rev P1); and,
  - b) Sketch Layout – 01 (Drawing: SKL—1 Rev L).REASON: To avoid any doubt over what has been permitted.
5. No development shall commence 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.
6. 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.
7. 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.

8. 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 at all times.

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

9. None of the development hereby approved shall be occupied until details of the proposed bin storage areas [including bin collection points if necessary] have been submitted to and approved by the Local Planning Authority and the approved areas fully implemented. The details shall include the siting, design and the materials to be used in construction. The areas shall be subsequently retained for bin storage or collection at all times.

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

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 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 Greenaway 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.

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 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.

13. No development shall commence until an intrusive site investigation and an assessment of the risks posed to human health, the building fabric and the wider environment including water resources has been carried out. The site investigation assessment should be submitted to and approved in writing by the Local Planning Authority.

Where the site investigation and risk assessment reveals a risk to receptors, a strategy of remedial measures and detailed method statements to address identified risks shall be submitted to and approved in writing by the Local Planning Authority. It shall also include the nomination of a competent person (to be agreed with the Local Planning Authority) to oversee the implementation of the measures.

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

this condition are considered essential to be agreed prior to the commencement of the development on the site to ensure adequate mitigation against land contamination on human health.

14. None of the residential dwellings hereby permitted until the agreed scheme of remedial measures have been fully implemented. Remedial measures shall be validated in writing by an independent competent person as agreed with the Local Planning Authority. The validation is required to confirm that the remedial works have been implemented in accordance with the agreed remedial strategy and shall include photographic evidence and as built drawings where required by the Local Planning Authority. The requirements of the Local Planning Authority shall be agreed in advance.  
REASON: To ensure any potential contamination found during construction is properly taken into account and remediated where required.

15. The development hereby permitted shall be undertaken in full accordance with the recommendations of the SJ Stephens Tree Report (ref: 1147 – June 2018). There shall be no deviation from this report without the prior written approval 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.

16. The development hereby permitted shall proceed in accordance with the measures set out in the Biodiversity Mitigation and Enhancement report by Ecosupport (September 2018). Thereafter the enhancements shall be permanently retained in accordance with the approved details. On completion of the works, a report of action detailing the implemented mitigation and enhancement measures, with photographic evidence, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling on site.  
REASON: To conserve and enhance biodiversity.

17. No development hereby permitted shall proceed until a surface water drainage system for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the Local Planning Authority, having regard to the specifications set out in the response from Hampshire County Council consultation in the letter dated 5 February 2019. The scheme shall subsequently be implemented in accordance with the approved details before the occupation of any dwelling.  
REASON: In order to ensure satisfactory disposal of surface water. The details secured by this condition are considered essential to be agreed prior

to the commencement of development on the site so that appropriate measures are in place to avoid adverse impacts of inadequate drainage.

18. No development hereby permitted shall commence until details of the means of foul water drainage from the site have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

REASON: To ensure satisfactory disposal of foul water. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid adverse impacts of inadequate drainage.

19. No development shall commence until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

REASON: In order to ensure that the site, which is located in an area where there is potential for archaeological discovery, is adequately investigated prior to development. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

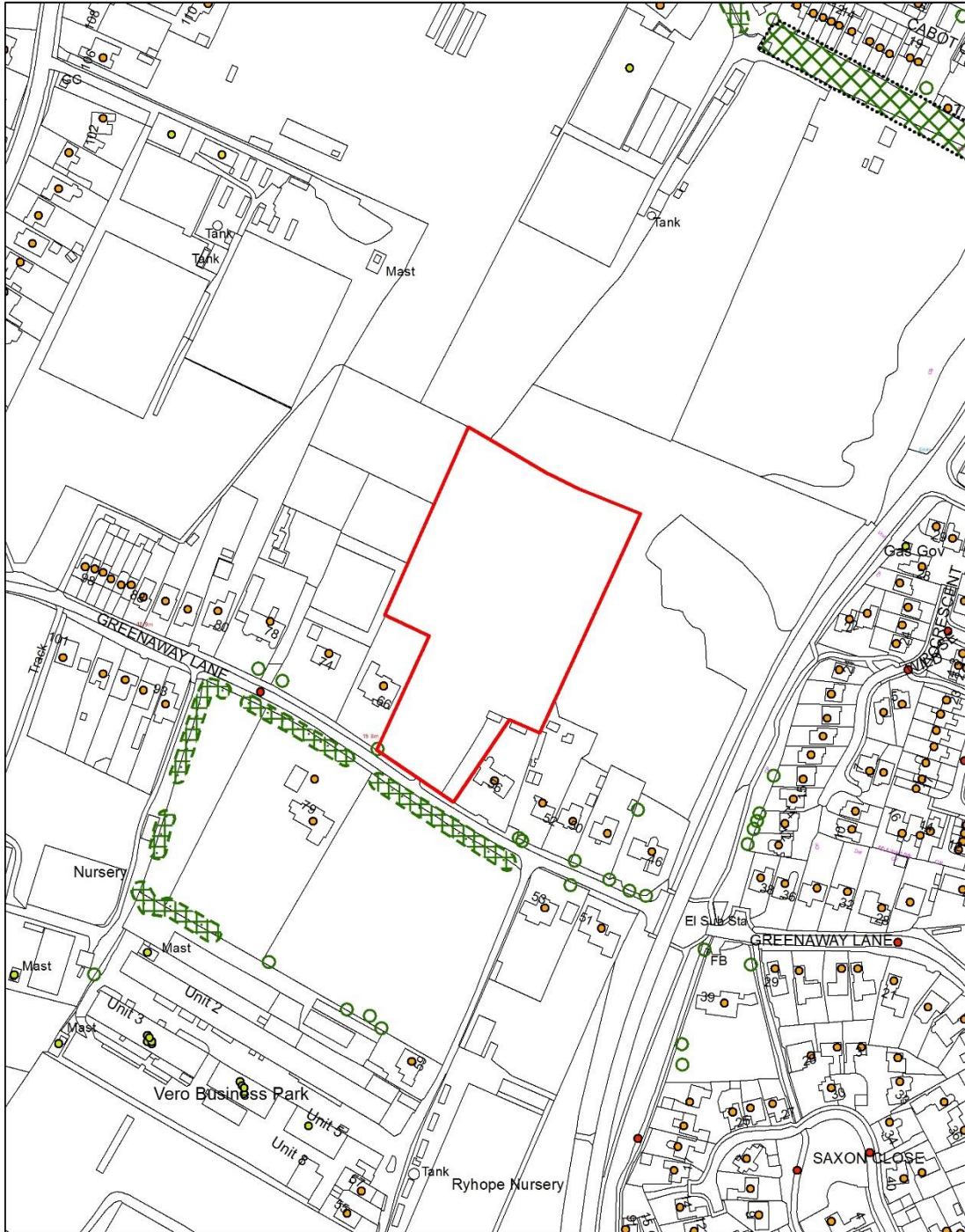
**Informative:**

- a) The applicant is advised that since the consultation response from Southern Water, concerns regarding potential capacity issues in the area have been highlighted to the Local Planning Authority. Southern Water, as a statutory undertaker has a requirement to connect additional developments to the foul drainage network, and as such, prior to the commencement of any works, it is advised that they contact Southern Water directly to seek confirmation.

**10.0 Background Papers**

P/18/0756/OA

# FAREHAM BOROUGH COUNCIL



Land between and to the rear of  
56-66 Greenaway Lane  
Scale 1:2,500



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## OFFICER REPORT FOR COMMITTEE

DATE: 17 March 2021

**P/20/1137/FP**  
**BROWNS PROPERTY LTD**

**TITCHFIELD**  
**AGENT: CAPITAL HOMES**  
**(SOUTHERN) LTD**

CONVERSION & EXTENSION OF FORMER CARE HOME TO SIX 1-BED FLATS & THREE 2-BED FLATS

68 TITCHFIELD PARK ROAD, TITCHFIELD, PO15 5RN

### **Report By**

Susannah Emery – direct dial 01329 824526

#### **1.0 Introduction**

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

#### **2.0 Site Description**

2.1 This application relates to a site which is primarily within the urban area to the west of Titchfield Park Road. The site lies at the southern end of Titchfield Park Road within close proximity to the road junction with the A27.

2.2 The site abuts the residential curtilage of No.66 Titchfield Park Road (Titchfield Lodge) to the north but has no other immediate neighbours.

2.3 The vacant two storey building on the site was constructed as a single residential property but was last used as a care home for adults with learning disabilities. The care home contained six individual bedrooms and a guest bedroom.

2.4 The car parking serving the care home is positioned along the southern boundary and an amenity space extends to the west. The western extent of the site containing the amenity space lies within allocated countryside, although under the Draft Local Plan 2037 this is proposed to become part of the urban area.

2.5 The site is well screened along the southern and eastern boundaries by mature Oak and Ash trees, many of which are protected by a Tree Preservation Order. A group of Cypress trees form a hedge along the central section of the northern boundary. From the A27 there is limited visibility of the site due to boundary screening. The Sylvan Glade SINC abuts the western boundary.



2.6 The site slopes gently down from Titchfield Park Road towards the western boundary.

2.7 The site is in Flood Risk Zone 1 (least risk).

### **3.0 Description of Proposal**

3.1 Planning permission is sought for the conversion and extension of the existing building to form six 1-bed flats and three 2-bed flats.

3.2 A two storey/single storey extension would be constructed to the western side (rear) of the existing building, replacing an existing raised terrace and patio.

3.3 An existing two storey lift shaft on the south elevation would be replaced with a wider two storey element containing the stair-well to the first floor. A two storey projection would be added centrally to the north elevation of the existing building and minor single storey extensions would be added to the east elevation of the building fronting Titchfield Park Road.

3.4 Eleven unallocated car parking spaces are proposed to serve the flats utilising the area currently laid out as car parking along the southern boundary.

3.5 The proposal complies with the Nationally Described Space Standards. Residents of the flats would have access to a large shared amenity space extending to the west.

3.6 An existing brick built shed to the north of the building would be converted into a cycle store for 12 cycles. Bin stores would be provided adjacent to the cycle store.

3.7 The building would be finished with white through colour render with vertical larch cladding used on the stairwell and entrance ways to add interest. Existing and new openings would have grey UPVC windows and doors. It is proposed to either match the roof tile with the existing interlocking clay tiles or potentially re-roof with interlocking slate tiles.

### **4.0 Policies**

4.1 The following policies apply to this application:

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

CS2: Housing Provision

CS4: Green Infrastructure, Biodiversity and Geological Conservation

CS5: Transport Strategy and Infrastructure

CS6: The Development Strategy  
CS9: Development in the Western Wards & Whiteley  
CS15: Sustainable Development & Climate Change  
CS17: High Quality Design  
CS20: Infrastructure & Development Contributions

**Adopted Development Sites and Policies**

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

**Other Documents:**

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

**5.0 Relevant Planning History**

P/05/0011/FP	Erection of Two Storey Lift Extension and Replacement Single Storey Extension Fronting Titchfield Park Road Permission 28 February 2005
P/93/1173/FP	Conversion of Garage and Extension to Form Bedroom, Bathroom and Utility Room Permission 16 December 1993
FBC 3359/34	Consultation from the Area Health Authority for Change of Use from Guesthouse to Home for Elderly Mentally Handicapped Adults No objection 1984
FBC 3359/25	Change of Use to Guest House Permission 1981
FBC 3359/15	Erection of Dwelling Permission 1970

**6.0 Representations**

6.1 Eight representations have been received raising the following objections/issues;

- Overdevelopment of the site
- Number of developments being considered locally which have a cumulative impact
- Impact on wildlife
- Loss of trees and vegetation
- Increased noise during construction and occupation
- Increased traffic and air pollution
- Insufficient car parking provision
- Additional on-street parking on Titchfield Park Road
- Detrimental to highway safety due to proximity to junction and increased volume of traffic on Titchfield Park Road
- Detrimental to pedestrian safety
- Likely to result in further damage to carriageway
- Access to Titchfield Park Road from the A27 should be prevented
- Disturbance of properties opposite from car headlights
- How would refuse be collected? Bins should not be placed on the roadside
- Loss of privacy
- Flats are not in keeping with the character of the area
- Increased numbers of residents at the site
- Visual impact
- The development is not required to fulfil a housing requirement
- A development for detached homes would be more in keeping or a reduced number of flats may be acceptable
- Who will be responsible for maintenance of the communal areas?
- Proximity to electricity pylons
- Impact on property value
- Pressure on local services

## **7.0 Consultations**

INTERNAL

### ***Trees***

7.1 Provided the recommendations of the tree report are implemented and the construction methods, as detailed within the arboricultural method statement, are followed when working near retained trees, impact would be minimal and acceptable. The development proposals will have no significant adverse impact on the contribution of the trees to the public amenity or the character of the wider setting.

### ***Ecology***

- 7.2 Sylvan Glade Site of Importance for Nature Conservation (SINC) and Ancient Woodland forms the western boundary of the application site. A minimum buffer of 15m between the extended building and the Ancient Woodland will be required.
- 7.3 Due to the proximity to the Sylvan Glade Ancient Woodland which provides optimal foraging habitat for bats, a Preliminary Roost Assessment has been requested to establish the value of the existing building for roosting bats. The submitted Preliminary Ecological Appraisal (PEA) report confirms that the building on site has negligible potential for roosting bats and only one of the trees has low potential for bats with appropriate precautionary measures stated for its removal.
- 7.4 Overall, no concerns in relation to the proposals but to ensure no net loss in biodiversity and no adverse impacts on protected species and due to the sensitive location of the site located adjacent to Sylvan Glade SINC and Ancient Woodland, it is recommended that the following are secured by condition; works shall proceed in accordance with the PEA, submission of a construction environmental management plan, a scheme of sensitive lighting and a detailed scheme of biodiversity enhancements. The 15m buffer between Sylvan Glade SINC and Ancient Woodland should be marked on a plan to ensure that any storage of materials, movement of machinery during the construction phase or incursion of developed areas (e.g. new parking spaces) is prevented within the buffer. It is recommended that the buffer is secured via a suitable condition.
- 7.5 The calculations for the proposals indicate that there would be a net nitrogen increase of +4.29 KgTN/yr from the proposed development. As such, a suitable mitigation package will need to be secured to ensure no adverse impacts on the integrity of the Solent Special Protection Areas (SPAs).

### EXTERNAL

#### ***Hampshire County Council (Highways)***

- 7.6 It is the Highway Authority's view that the width and alignment of the existing access could satisfactorily accommodate the additional vehicle movements that might be generated by the proposed development without adversely affecting the safety or convenience of users of the adjacent highway.
- 7.7 Tracking drawings have been supplied detailing that a refuse collection vehicle can reverse into the access and service the site. It is requested that

the applicant ensures there are no step-level changes between the refuse storage area and collection point during detailed design.

- 7.8 No parking spaces are now located within the first 10m of the site as entering vehicles will have limited view into the site when approaching from the A27. Whilst the aisle width on the car park is not consistently a minimum width of 6.0m, tracking drawings have been provided showing spaces can be utilised without overrunning of pedestrian areas.
- 7.9 Step out strips have been added to the required parking spaces and the bike storage area now allows the provision of 12 cycles which is acceptable. The applicant has addressed the previous issues raised by the Highway Authority. After reviewing the proposals, the Highway Authority is satisfied that there is no direct or indirect impact upon the operation or safety of the local highway network and would therefore raise no objection.

***Natural England***

- 7.10 *Solent Recreation Mitigation Strategy* - Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar site(s) may result from increased recreational pressure. Fareham Borough Council has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound. It is Natural England's view that the Solent Mitigation Recreation Strategy Contribution adequately mitigates the effects of the development on potential recreational impacts on the designated sites.
- 7.11 *Deterioration of the water environment* - The nutrient budget has been calculated in line with Natural England's Advice on Achieving Nutrient Neutrality in the Solent (version 5 June 2020). Provided the competent authority is assured and satisfied that the site areas used in the calculation are correct and that the existing land uses are appropriately precautionary, then Natural England raises no concerns with regard to the nutrient budget. In line with Natural England's advice, it is noted that a planning condition will be imposed on any permission to secure that the dwellings shall not be occupied until the Building Regulations Optional requirement of a maximum water use of 110 litres per person per day has been complied with.
- 7.12 It is noted that the approach to address the positive nitrogen budget for this development is via the section 106/section 33 legal agreement dated 30th September 2020 between the Hampshire and Isle of Wight Wildlife Trust (HIWWT), Fareham Borough Council and Isle of Wight Council. It enables land at Little Duxmore Farm, Isle of Wight to be used to neutralise the additional nutrient burden that will arise from the proposed development. This is achieved by taking land out of intensive agricultural use at Little Duxmore

Farm. It has been calculated that 0.193 hectares of land at Little Duxmore Farm will be removed from mixed agricultural use.

- 7.13 *Ancient Woodland* -Natural England has concerns regarding the close proximity of the proposed development to the woodland and the proposed buffer zone. Impacts associated with close proximity between a development and a woodland include tipping, soil compaction around tree roots, increased light pollution, localised enrichment and contamination of soils. Natural England standing advice states that buffers of a minimum of 15m should be applied when designing development in the proximity of ancient woodland.
- 7.14 *Construction Environmental Management Plan* - Natural England advises a Construction Environmental Management Plan (CEMP) should be submitted to and approved in writing by the district ecologist/biodiversity officer that identifies the steps and procedures that will be implemented to avoid or mitigate constructional impacts on species and habitats. The approved CEMP should be secured via an appropriately worded condition attached to any planning consent and shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.
- 7.15 *Protected Species and Biodiversity Net Gain* - Natural England recommends that the application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP), or equivalent, that has been agreed by the district ecologist or biodiversity officer.

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

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

- 8.2 Policies CS2 (Housing Provision) and CS6 (The Development Strategy) of the adopted Fareham Borough Core Strategy place priority on reusing previously developed land within the defined urban settlement boundaries to provide housing. The National Planning Policy Framework (NPPF) sets out there should be a strong presumption in favour of sustainable development. The existing building is located within the defined settlement boundary such that

the principle of re-development is acceptable subject to all other material considerations.

- 8.3 A report titled "Five year housing land supply position" (5YHLS) was reported for Members' information on the agenda for the Planning Committee meeting held on Wednesday 17<sup>th</sup> February 2021. The report concluded that this Council has 4.2 years of housing supply against the 5YHLS requirement. There is a need for the Council to facilitate the provision of further housing within the Borough in order to fulfil its 5YHLS.

**b) Impact on Character & Appearance of the Area**

- 8.4 Titchfield Park Road is a residential road which has a variety of different styles and ages of housing. Concerns have been raised that the proposal for flats would be out of keeping or harmful to the character of the surrounding area which is described as consisting primarily of large detached family homes. Whilst flats may not be common locally, this proposal represents a re-use of an existing larger building which has not been in use as a single residential property for decades. It would be necessary to highlight what harm the proposed conversion from a care home type facility to flats would have on the existing character and appearance of the area to justify any refusal of the application.
- 8.5 The existing building is not prominent within the streetscene either in views from Titchfield Park Road or the A27 due to the extent of boundary screening, the majority of which would be retained. The proposed two storey/single storey extension to the western side of the building would be positioned such that it would not be easily visible from the site access behind the existing building. The other extensions are more minor in nature and again would not be prominent. The proposed extensions to the building are considered to be of appropriate scale and in Officers opinion would not result in overdevelopment of the site. A large communal amenity space would be retained. The car parking area proposed along the southern boundary is largely existing with an extension to this hardstanding proposed some distance from any public vantage point.
- 8.6 The proposal would update the external appearance of the building which is currently dated and in need of modernisation. The use of render to cover the existing brickwork is not considered to be objectionable and is used elsewhere in Titchfield Park Road. The cycle store is an existing structure and the bin storage areas would be discretely positioned within the north-east corner of the site. It is not considered that the proposal would have any adverse impact on the character and appearance of the area.

### **c) Impact on Amenity of Neighbouring Properties**

- 8.7 It is not considered that the proposal would have an unacceptable adverse impact on the amenity of the nearest property to the north (Titchfield Lodge) in terms of loss of light, outlook or privacy. This property is a care home for adults with severe learning disabilities.
- 8.8 The proposed two storey extension to the west/rear of the building would be approx. 8.5m from Titchfield Lodge at its closest point and would be set 6m off the boundary. There is an intervening high hedge which would continue to provide screening and is within the control of the neighbouring property. The rear extension has been designed to ensure no additional windows would be inserted at first floor level into the north elevation of the building which would overlook the rear garden of the adjacent property. The two first floor windows proposed to be inserted into the two storey extension on the northern elevation of the existing building would face towards the flank wall of Titchfield Lodge but would be conditioned to be obscure glazed and fixed shut up to 1.7m above internal finished floor level.
- 8.9 It is not considered that the proposal would have an unacceptable impact on the living conditions of the occupants of the properties on the opposite side of Titchfield Park Road. Whilst outlook from these properties may be altered this would not result in unacceptable material harm. The proposal is considered to comply with Policy DSP3 (Impact on Living Conditions) of the Fareham Borough Local Plan Part 2.
- 8.10 Concerns have been raised that the proposal would lead to increased pressure on local services such as school and doctors as a result of increased residents however it is not considered any such impact would be sufficient to justify refusal of the application.

### **d) Highways**

- 8.11 The vehicular and pedestrian access to the site would remain as existing. It is suggested by the applicant that the level of vehicle activity generated by the re-development of the site would be comparable to the former care home which would have resulted in numerous vehicle movements per day from staff, visitors, deliveries etc. There is a lack of evidence to support these claims, however it is clear that the vehicle movements would previously have been well in excess of what could be expected from a single residential dwelling. The County Highway Officer is satisfied that the position of the access and the level of vehicle movements would not have an adverse impact on highway safety.



- 8.12 Officers acknowledge the concerns raised in relation to the cumulative impact of additional traffic movements on Titchfield Park Road from this and other developments within the vicinity. The outline application for the erection of up to 105 dwellings on land east of Southampton Road (P/18/0068/OA) secured a highway contribution towards the potential closure of Titchfield Park Road to left hand turns from the A27 or other traffic calming measures. Whilst the closure of Titchfield Park Road was considered by Hampshire County Council (HCC), based on low flows and accident data, this was not considered necessary at that time. It was acknowledged however that there may be a need to reconsider controlling movement at the junction in the future should HCC deem it necessary. As the development on land east of Southampton Road has not commenced the development has not affected Titchfield Park Road in a significant enough capacity to warrant expenditure of the contribution to date.
- 8.13 The parking area to the south side of the building would be modified to increase the level of car parking to meet the Council's standards whilst ensuring no adverse impact on retained trees. The car parking layout has been amended to ensure adequate on-site turning space and adequate visibility of any vehicle coming into the site to prevent vehicles waiting on the A27. The proposal makes adequate provision for on-site car parking in accordance with the Council's adopted Residential Car & Cycle Parking SPD. A total of eleven spaces are proposed to be provided on an unallocated basis. The standards require that for a 1-bed property 0.75 spaces are provided and for a 2-bed property 1.25 spaces (including for visitor parking). This equates to a requirement at this site for 8.25 spaces, so the proposal well exceeds this.
- 8.14 Cycle parking and bin storage would be provided and secured by planning condition. Tracking has been provided to demonstrate that the refuse lorry is able to reverse on to the site for collection.

**e) Ecology & Trees**

- 8.15 The proposed two storey/single storey extension to the western side of the building would be in excess of 15m from the boundary with the adjacent Sylvan Glade SINC/Ancient Woodland. In the absence of mitigation, the construction works could result in an increase in noise and dust, with the potential for contaminants to reach the drainage ditch present within the SINC. It is considered that the imposition of a planning condition to secure the submission of a Construction Environmental Management Plan (CEMP) would suitably mitigate this potential impact. A 15m construction exclusion zone would be expected to be incorporated to restrict any activity being undertaken adjacent to the SINC.

- 8.16 A Preliminary Ecological Appraisal has been submitted in support of the application. The existing building was subject to a preliminary roost assessment and found to have negligible potential as a bat roost. It is considered that the impact of the proposal on other protected species, such as badgers or birds, could be suitably mitigated by precautionary measures being taken both prior to and during the construction phase, as set out within the PEA (Section 6.3 & 6.4). The submission of a detailed biodiversity enhancement strategy would be secured by planning condition which could include the provision of bat/bird boxes and native planting within the buffer area between the proposed development and the adjacent SINC.
- 8.17 The Arboricultural Assessment and Method Statement (Barrell Tree Consultancy) recommends that five individual trees should be felled and that a further three trees within a group of Cypress should also be removed. These trees were identified as being low category trees, in poor condition, of small size or limited level of sustainability. The trees to be felled are positioned on the north, east and southern boundaries which ensures that a good degree of screening would still be retained. The management of further trees by pruning is also recommended and the means of protection of the root protection areas during the construction period of the development are identified.
- 8.18 The alterations to the parking layout would involve the installation of custom designed no-dig specification surfacing. This type of surfacing sits on top of the existing ground and should be permeable to ensure water can penetrate through to the tree roots. It is not considered that proposed development would have an unacceptable or adverse impact on the long-term vitality of retained trees, and therefore upon the character and appearance of the area and the Council's Principal Tree Officer raises no concerns.

**f) Impact on European Protected Sites**

- 8.19 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.
- 8.20 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.

- 8.21 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 'Protected Sites' (PS).
- 8.22 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.
- 8.23 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the PS. The key considerations for the assessment of the likely significant effects are set out below.
- 8.24 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 PS as a result of recreational disturbance in combination with other plans or projects.
- 8.25 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.
- 8.26 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 4.3 kg/TN/year. Due to the uncertainty of the effect of the nitrogen from the development on the PS, 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.

- 8.27 The applicant has purchased 4.5 kg of nitrate mitigation 'credits' from the Hampshire and Isle of Wight Wildlife Trust (HIWWT) which has been confirmed by the Trust through the submission of a 'Note of Purchase'. 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.
- 8.28 The Council's Appropriate Assessment concludes that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the PS either alone or in combination with other plans or projects. The difference between the credits and the output will result in a small annual net reduction of nitrogen entering The Solent. Natural England (NE) has been consulted on the Council's Appropriate Assessment and agrees with the Council's findings. It is considered that the development would accord with the Habitat Regulations and comply with Policies CS4 and DSP13 and DSP15 of the adopted Local Plan.

### **Summary**

- 8.29 In summary it is not considered that the proposal would have any unacceptable adverse impact on the character or appearance of the surrounding area, the living conditions of neighbouring residential properties, highway safety, ecology or trees. It is not considered that the proposal would have an adverse effect on the integrity of the PS as appropriate mitigation has been secured. Notwithstanding the objections received, Officers consider the proposal accords with the relevant local plan policies and is recommended for approval.

## **9.0 Recommendation**

9.1 Subject to;

- i) The consideration of any further representations received raising material planning considerations by 15 March 2021.

9.2 GRANT PLANNING PERMISSION, subject to the following Conditions:

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

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

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

- a) Site Location Plan & Block Plan – drwg No. 2021/100 Rev A
- b) Existing & Proposed Site Plan – drwg No. 2021/101 Rev F
- c) Existing Floor Plans – drwg No. 2021/102 Rev B
- d) Proposed Floor Plans – drwg No. 2021/103 Rev B
- e) Existing Elevations – drwg No. 2021/104 Rev B
- f) Proposed Elevations – drwg No. 2021/105 Rev B
- g) Site Overview - drwg No. 2020-6300-000
- h) Refuse Vehicle Swept Path Analysis – drwg No. 2020-6300-001
- i) Estate Car Parking Swept Path Analysis – drwg No. 2020-6300-002
- j) Nitrogen Nutrient Assessment (Aqua Callidus 1 October 2020)
- k) Preliminary Ecological Appraisal (Ecosupport 9 November 2020)
- l) Arboricultural Assessment & Method Statement & Tree Protection Plan (Barrell Tree Consultancy 8 September 2020)

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

3. No development shall take place above damp proof course/slab level until details of all external materials to be used in the development hereby permitted, 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 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. This shall include for a permeable finish within the RPA of retained trees. 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; to ensure adequate provision for surface water drainage; to ensure that retained trees are adequately protected.

5. No development above damp proof course (DPC) shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary

treatment to be erected. The boundary treatment shall be completed before the dwellings are first occupied or in accordance with a timetable agreed in writing with the local planning authority and shall thereafter be retained at all times unless otherwise agreed in writing with the local planning authority.

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

6. The first floor windows proposed to be inserted into the north elevation of the two storey extension to the north of the building (Plots 4 & 6) shall be:
  - a) Obscure-glazed; and
  - b) Of a non-opening design and construction to a height of 1.7 metres above internal finished floor level;

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

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

7. 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

8. The landscaping scheme, submitted under Condition 7 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.

9. The development shall be carried out in accordance with the Arboricultural Report (Barrell Tree Consultancy 8 September 2020) unless otherwise agreed in writing with the Local Planning Authority.

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

the construction period; in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

10. Development shall proceed in accordance with the measures detailed in Sections 6.3 & 6.4 of the submitted Preliminary Ecological Appraisal report by Ecosupport (November 2020).

REASON: to ensure the protection of nesting birds and badgers during the works.

11. Details of any floodlighting, security lighting or other external means of illumination of the site shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The lighting shall thereafter be retained only as approved unless otherwise agreed in writing with the Local Planning Authority following the submission of a planning application for that purpose.

REASON: In order to minimise impacts of lighting on the ecological interest of the site in accordance with Policy DSP13: Nature Conservation of the Fareham Local Plan.

12. Prior to the commencement of development details of biodiversity enhancements to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. Enhancements shall be beyond the inclusion of bat and bird boxes and include native shrub/tree planting along the western boundary of the site. Development shall subsequently proceed in accordance with any such approved details.

REASON: To enhance biodiversity in accordance with the Natural Environment and Rural Communities Act 2006 and the National Planning Policy Framework.

13. None of the dwellings hereby permitted shall be first occupied until the bicycle storage relating to them, as shown on the approved plan (drwg No.2021/101 Rev F), has been constructed and made available. This storage shall thereafter be retained and kept available at all times.

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

14. None of the development hereby approved shall be occupied until further details of the proposed bin storage areas have been submitted to and approved by the Local Planning Authority and the approved areas fully implemented. The details shall include the siting, design and the materials to be used in construction of the bin stores and shall confirm no step-level changes between the refuse storage area and collection point.

The areas shall be subsequently retained for bin storage or collection at all times.

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

15. No dwelling, hereby approved, shall be first occupied until the approved parking and turning areas have been constructed in accordance with the approved details and made available for use. Those areas shall thereafter be kept available for the parking and turning of vehicles on an unallocated basis 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: To ensure adequate car parking provision; In the interests of highway safety.

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

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

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

- a) The measures to be incorporated to avoid impacts on the adjacent designated site (SINC) including; the provision of a 15m exclusion zone extending into the site from the western site boundary, the arrangements for construction deliveries, demolition, dust, vibration, noise, construction traffic movement, storage of and collection of waste and the quality of surface water runoff and any other measures to be used during construction for pollution prevention;
- b) How provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;
- c) the measures the developer will be implementing to ensure that operatives'/contractors'/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;
- d) the measures for cleaning the wheels and underside of all vehicles leaving the site;
- e) the measures for cleaning Titchfield Park Road/A27 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 CEMP and areas identified in the CEMP 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; to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period; to protect the designated sites in accordance with Policy CS4 of the Fareham Local Plan Core Strategy.

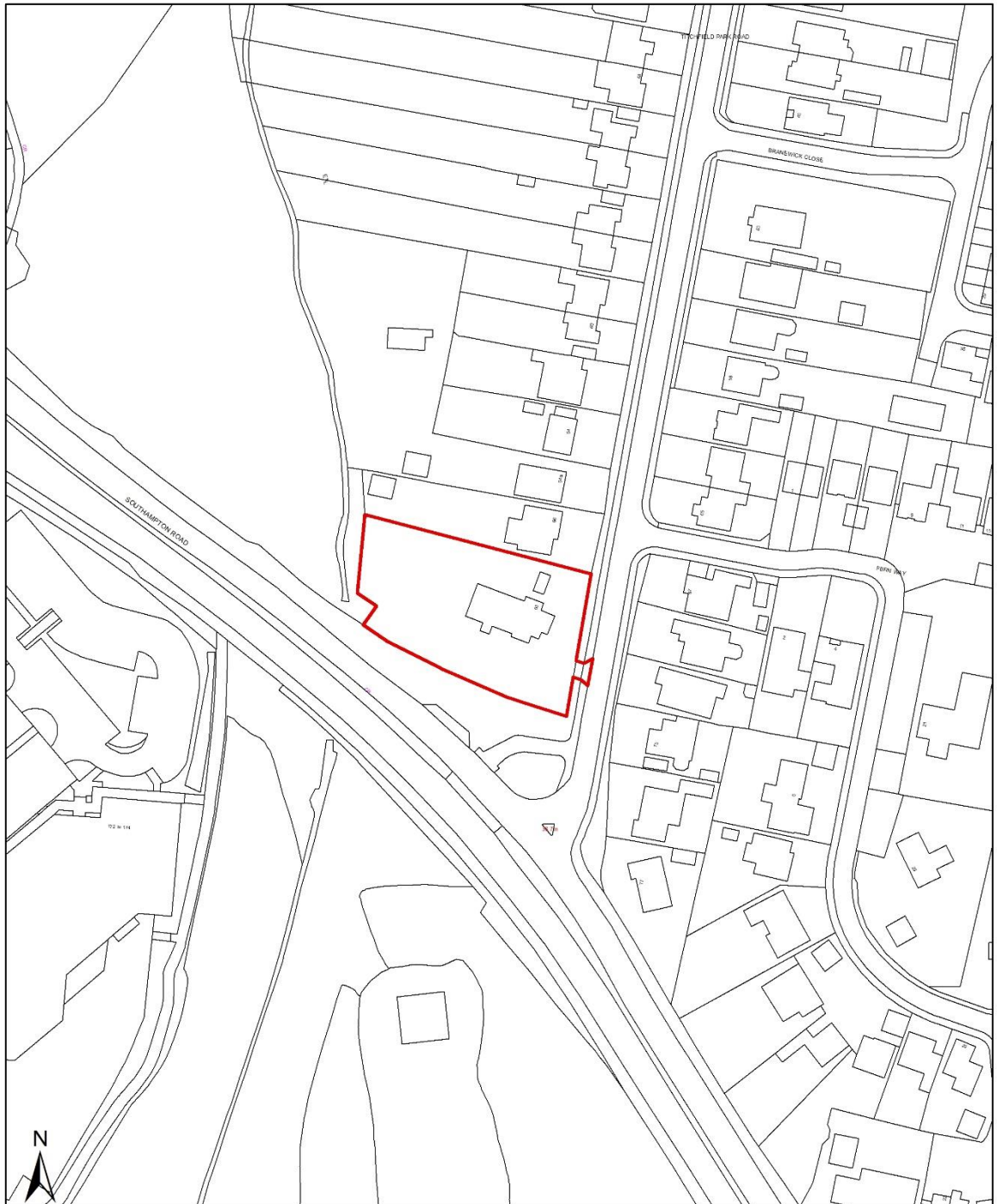
The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

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

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

# FAREHAM

BOROUGH COUNCIL



68 Titchfield Park Road  
Scale 1:1,250

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# Agenda Annex

## **ZONE 2 – FAREHAM**

**Fareham North-West**

**Fareham West**

**Fareham North**

**Fareham East**

**Fareham South**

REFERENCE    SITE ADDRESS & PROPOSAL  
NUMBER &  
WARD

ITEM NUMBER &  
RECOMMENDATION

No items in this Zone

## **ZONE 3 – EASTERN WARDS**

**Portchester West**

**Hill Head**

**Stubbington**

**Portchester East**

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/18/1437/FP PORTCHESTER WEST	LAND TO WEST OF NORTHFIELD PARK UPPER CORNAWAY LANE PORTCHESTER FAREHAM PO16 8NF  USE OF LAND FOR STATIONING OF AGED PERSONS' RESIDENTIAL PARK HOMES (WITH COMMUNITY UNIT)	3 PERMISSION

# Agenda Item 5(3)

## OFFICER REPORT FOR COMMITTEE

DATE: 22/01/2020

P/18/1437/FP  
MR & MRS A TRIMMINGS

PORTCHESTER EAST  
AGENT: ROBERT TUTTON TOWN  
PLANNING CONSULTANTS LTD

USE OF LAND FOR STATIONING OF AGED PERSONS' RESIDENTIAL PARK HOMES (WITH COMMUNITY UNIT)

LAND TO WEST OF NORTHFIELD PARK, UPPER CORNAWAY LANE, PORTCHESTER, FAREHAM

### **Report By**

Richard Wright – direct dial 01329 824758

### **1.0 Introduction**

- 1.1 This application has received a total of seven representations from six different households. The representations comprise a mixture of objection and support for the proposals.
- 1.2 This application was previously reported to the Planning Committee for determination in January 2020. At that time the application was recommended by Officers for refusal principally due to the lack of mitigation in relation to increased nitrate levels in wastewater. However, the application was withdrawn from the Committee agenda prior to the meeting at the request of the applicant.

### **2.0 Site Description**

- 2.1 The application site comprises a parcel of land located to the immediate west of the existing residential park site of Northfield Park and to the immediate north of the Portchester Memorial Gardens. Whilst the existing residential park lies within the urban settlement area as defined in the adopted local plan, the application site lies within the countryside for planning purposes.
- 2.2 Vehicular access to the existing residential park is via Upper Cornaway Lane which continues northward to form public footpath 117.
- 2.3 The application site is identified in the emerging Publication Local Plan (PLP) as a housing allocation (HA40).
- 2.4 To the immediate west of the site lies agricultural land at Winnham Farm which was the site of a recently refused application for 350 dwellings by Miller

Homes (reference P/20/0912/OA). That land is also identified in the PLP as a housing allocation (HA4).

### **3.0 Description of Proposal**

- 3.1 Permission is sought to use the land for the stationing of residential park homes. The stationing of mobile homes on the land would constitute a material change of use not operational development.
- 3.2 It is proposed that the site would be used for the stationing of 22 new residential park homes. The site would extend the existing residential park of Northfield Park which, together with the adjacent park of Eleanor's Wood, already comprises 71 residential park homes.
- 3.3 As well as new park homes a community unit is proposed. Described in the application in places as a "community lodge" this unit would be a bespoke park home approximately 60 ft x 20 ft used to facilitate residents' meetings, activities and services.
- 3.4 Submitted with the application is a proposed site plan indicating an ecology buffer zone around much of the eastern and southern perimeter of the site. Also shown on the proposed site plan is an indicative internal road layout arranged in a loop and the location of the proposed community unit. However, this application being for a change of use of the land, the precise location of the new park homes and community unit would be controlled through the site licence required from Fareham Borough Council.
- 3.5 The proposal also includes a new pedestrian footpath link between the existing Northfield Park residential park site and public footpath 117 as well as providing a financial contribution towards resurfacing and improvement of a short section of the public footpath to connect with Lancaster Close.

### **4.0 Policies**

- 4.1 The following policies apply to this application:

#### **Approved Fareham Borough Core Strategy**

CS2 - Housing Provision

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS14 - Development Outside Settlements

CS15 - Sustainable Development and Climate Change

CS16 - Natural Resources and Renewable Energy

CS17 - High Quality Design

CS18 - Provision of Affordable Housing

CS20 - Infrastructure and Development Contributions  
CS22 – Development in Strategic Gaps

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

DSP1 - Sustainable Development

DSP2 - Environmental Impact

DSP3 - Impact on living conditions

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

DSP13 - Nature Conservation

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

DSP40 - Housing Allocations

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

5.1 The following planning history is relevant:

### Land west of Northfield Park (application site)

<b>P/98/0866/CU</b>	Extension to the Gardens of Remembrance
<b>Permission</b>	22 September 1998

### Northfield Park

<b>FBC.1963/7</b>	Use of part of site for equestrian centre/riding school and mobile home site on remainder
<b>Deemed Consent</b>	27 September 1984

### Eleanor's Wood

<b>P/96/0845/CU</b>	Change of use of land for siting of residential mobile homes
<b>Permission</b>	12 April 2000

## **6.0 *Representations***

6.1 Six representations have been received from five households in objection to, or raising concerns about, the application. The following material planning considerations were raised:

- Loss of green space
- Impact on physical and mental health of existing residents affected by increased disruption, noise and traffic
- Increased frequency and speed of traffic
- A one-way system for internal traffic would be a good idea
- Inadequate drainage
- Inadequate street lighting

6.2 One representation in support of the application has been received:

- A community hall would be an added bonus
- Traffic through Northfield Park would not increase that much

## **7.0 Consultations**

### EXTERNAL

#### **Highways**

7.1 The site would be served by a two-way access road leading into a one-way loop arrangement. No footways are proposed in the layout and none are available in the existing development.

7.2 The existing development is served by a 4.1m wide road network restricted to an advisory 10mph speed restriction and the current proposals include a more formal one-way traffic arrangement which would be satisfactory.

7.3 There is a concern that, beyond the existing site boundary where more general public access is available, there are no satisfactory pedestrian provisions. Upper Cornaway Lane, which serves the crematorium car park and memorial gardens has no footways whilst there is only an unsurfaced path connection to Dore Avenue shops and bus stops. Consequently, a highway objection is raised to the application until satisfactory off-site pedestrian provisions are made.

### INTERNAL

#### **Environmental Health**

7.4 No objection. The applicant should note however that prior to occupation any new units will require a site licence from Fareham Borough Council's Environmental Health department.

#### **Ecology**

7.5 No objection subject to conditions in relation to mitigation measures and sensitive lighting scheme.

## **8.0 Planning Considerations**

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

- a) Implication of Fareham's current 5-year housing land supply position;
- b) Principle of development in the countryside;
- c) Policy DSP40(i) & (iv);



- d) Policy DSP40(ii);
- e) Policy DSP40(iii) – including design and visual impact;
- f) Policy DSP40(v) – including highways, ecology and flood risk;
- g) The Impact on European Protected Sites;
- h) Other matters;
- i) The planning balance.

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

8.2 A report titled "Five year housing land supply position" was reported for Members' information on the agenda for the Planning Committee meeting held on 17<sup>th</sup> February 2021. The report concluded that at the time this Council had 4.2 years of housing supply against its five year housing land supply (5YHLS) requirement.

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

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

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

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

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

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

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

*“For decision-taking this means:*

- c) Approving development proposals that accord with an up-to-date development plan without delay; or*
- d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (see footnote 7 below), 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 (see footnote 6 below) or*
  - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”**

8.9 Footnote 6 to paragraph 11 reads:

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

8.10 Footnote 7 to paragraph 11 reads (in part):

*“This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73);...”*

8.11 This planning application proposes new housing outside the defined urban settlement boundaries. The Council cannot demonstrate a five year housing land supply. Footnote 7 to NPPF paragraph 11 is clear that in such circumstances those policies which are most important for determining the application are to be considered out-of-date meaning that the presumption in favour of sustainable development in paragraph 11(d) is engaged.

8.12 Taking the first limb of NPPF paragraph 11(d), as this report sets out, in this instance there are no specific policies in the NPPF which protect areas of assets of particular importance which provide a clear reason for refusing the proposed development. The key judgement therefore is that set out in the second limb of that paragraph, namely whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole (the so called 'tilted balance').

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

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

8.14 The wording of this paragraph clarifies that in cases such as this one where an appropriate assessment has concluded that the proposal would not adversely affect the integrity of the habitats site subject to mitigation, the presumption in favour of sustainable development set out in Paragraph 11 does apply.

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

e) Principle of development in the countryside

8.16 Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban area. The land is not previously developed land and the site is not within the urban area. The proposal does not comply with this policy.

8.17 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.

8.18 Policy CS14 of the Core Strategy states that:

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

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

- 8.19 Policy DSP6 of the Local Plan Part 2: Development Sites and Policies states - there will be a presumption against new residential development outside of the defined urban settlement boundary (as identified on the Policies Map).
- 8.20 The site is clearly outside of the defined urban settlement boundary and the proposal is therefore contrary to Policies CS2, CS6, and CS14 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan.

f) Policy DSP40(i) & (iv)

- 8.21 In the absence of a five year supply of deliverable housing sites, Officers consider that policy DSP40 is the principal development plan policy that guides whether schemes will be considered acceptable.
- 8.22 Policy DSP40: Housing Allocations, of Local Plan Part 2, states that:

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

- i. The proposal is relative in scale to the demonstrated 5 year housing land supply shortfall;*
  - ii. The proposal is sustainably located adjacent to, and well related to, the existing urban settlement boundaries, and can be well integrated with the neighbouring settlement;*
  - iii. The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps;*
  - iv. It can be demonstrated that the proposal is deliverable in the short term; and*
  - v. The proposal would not have any unacceptable environmental, amenity or traffic implications”.*
- 8.23 Firstly, in relation to the first of these criteria at Policy DSP40(i), the proposal is for a change of use of the land to allow the stationing of residential park homes. Whilst the exact number of units to be stationed on the site could vary depending on site licence provisions, this planning application has been assessed on the basis of 22 homes being created which is relative in scale to the current shortfall.

- 8.24 In relation to Policy DSP40(iv), Officers have no concerns that the proposed development could not be delivered in the short term.
- 8.25 The remaining three bullet points from Policy DSP40 are worked through in turn below.
- g) Policy DSP40(ii)
- 8.26 The application site lies adjacent to the existing urban settlement boundary which abuts its eastern boundary. Officers consider that the proposed development would be capable of being well integrated with the adjacent urban area by forming a logical extension to the existing residential park.
- 8.27 At present no dedicated pedestrian footway exists between Dore Avenue and the existing residential park site. Pedestrians are required to walk in the carriageway of Upper Cornaway Lane and/or to use an unmade path across an adjacent area of public open space.
- 8.28 Policy CS5 (Transport Strategy and Infrastructure) of the adopted Fareham Borough Core Strategy states that development will be permitted which “is designed and implemented to prioritise and encourage safe and reliable journeys by walking, cycling and public transport”. Policy CS17 (High Quality Design) meanwhile expects development to “ensure permeable movement patterns and connections to local services, community facilities, jobs and shops”.
- 8.29 In order to improve pedestrian connectivity the proposal includes the creation of a new pedestrian footpath link between the existing Northfield Park residential park site and public footpath 117. The applicant has also indicated they would be willing to make a financial contribution towards the resurfacing and improvement of a short section of the public footpath to connect the new link footpath with Lancaster Close.
- 8.30 Using the proposed new footpath connection the nearest bus stop would lie on Dore Avenue close to the junction with Jute Close approximately 250 metres from the site. From that stop regular bus services run to Fareham and Portchester centres. A number of other services and facilities would be located within a reasonable walking distance from the site. Red Barn Primary School would be located 650 metres away and the nearby convenience store on Linden Lea 750 metres away.
- 8.31 Subject to the new pedestrian footpath link being created and the applicant entering into a Section 106 legal agreement to secure the provision of a

financial contribution towards improvement of footpath 117, the proposal would accord with Policy DSP40(ii) in that it would be sustainably located.

h) Policy DSP40(iii)

- 8.32 The third test of Policy DSP40(iii) is that 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*”. The application site is not located within a Strategic Gap.
- 8.33 Policy CS17 of the adopted Fareham Borough Core Strategy sets out a similar, but separate policy test that, amongst other things, “*development will be designed to: respond positively to and be respectful of the key characteristics of the area, including heritage assets, landscape, scale, form, spaciousness and use of external materials*”. Core Strategy Policy CS14 meanwhile seeks to protect the landscape character, appearance and function of the countryside as explained earlier in this report.
- 8.34 As referred to already in this report, this proposal seeks permission for the change of use of the land for the stationing of residential park homes. Because of this it is not possible to be precise over the visual appearance of the park homes or indeed how they may change over time as mobile homes are replaced within their individual pitches. The units will however be single storey in nature in order to comply with site licensing requirements. When viewed from the adjacent farmland to the west these homes will be seen against the backdrop of the existing urban area with the existing park homes of Northfield Park and the two-storey scale housing of nearby streets beyond. That land at Winnham Farm comprises a housing allocation in the emerging Publication Local Plan, however, can be given only limited weight at this stage in the plan preparation process. It is also noted that the proposed development of 350 houses on that land, which was the subject of a recent dismissed appeal, was not refused planning permission by this Council on the basis of adverse landscape character or visual impact.
- 8.35 Officers are satisfied that the proposed stationing of park homes on the site would sensitively reflect the character of the existing residential park and, subject to details of any proposed level changes on the site and a suitable landscaping scheme for the western and northern site boundaries, would minimise the adverse impact on the countryside. Notwithstanding there would be compliance with Policy DSP40(iii), there would still be a limited degree of harm in visual and landscape terms contrary to Policies CS14 & CS17.

i) Policy DSP40(v) – including highways, ecology and flood risk

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

*Ecology*

- 8.37 In terms of protected species which may be present on the site itself, the Council's ecologist has raised no concerns following consideration of the ecological appraisal submitted with the application which proposes appropriate ecological buffers around the perimeter of the site.
- 8.38 The effect of the development on European Protected Sites is discussed later in this report. It is concluded that the development would not result in adverse effects on the integrity of those protected sites.

*Amenity*

- 8.39 Officers are satisfied that the development would not be harmful to the living conditions of neighbouring residents. As referred to already, since the proposal is for a change of use of the land for the stationing of residential park homes, the layout and positioning of the individual park homes would not be a matter to be considered through this application but instead addressed through the relevant site licence.

*Highways*

- 8.40 The highway authority Hampshire County Council have raised the issue of the currently poor pedestrian accessibility to the site. This is discussed earlier in this report with regards to Policy DSP40(ii) as well as Policies CS5 & CS17.

j) The Impact on European Protected Sites

- 8.41 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.
- 8.42 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.

- 8.43 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 'Protected Sites' (PS).
- 8.44 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 PS 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 PS. 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.
- 8.45 A Habitat Regulations Assessment (HRA), including Appropriate Assessment, has been carried out and published on the Council's website. The HRA considers the likely significant effects arising from the proposed development. Natural England have been consulted on the HRA and their comments are awaited and will be reported to the Planning Committee by way of a written update if received prior to the meeting.
- 8.46 The HRA identifies three likely significant effects on PS none of which would result in adverse effects on the integrity of the PS provided mitigation measures are secured.
- 8.47 The first of these concerns recreational disturbance on the Solent coastline through an increase in population. Policy DSP15 of the adopted Fareham Borough Local Plan Part 2: Development Sites and Policies explains that planning permission for proposals resulting in a net increase in residential units may be permitted where the 'in combination' effects of recreation on the Special Protection Areas are satisfactorily mitigated through the provision of a financial contribution to the Solent Recreation Mitigation Strategy (SRMS). The applicant has confirmed that they would be happy to provide such a contribution to be secured through a Section 106 legal agreement.
- 8.48 The second likely significant effect relates to an in-combination effect on one of the qualifying features of the Solent Maritime SAC (one of the PS), perennial vegetation of stony banks, via increased atmospheric nitrogen deposition from road traffic emissions. The impact will affect a wider area across South Hampshire and the HRA outlines that Havant Borough Council and Portsmouth City Council will set up a Nitrogen Action Plan in order to address this. To mitigate the current development's impact the HRA outlines



Fareham Borough Council will implement the Nitrogen Action Plan accordingly.

- 8.49 Finally, Members will be aware of the potential for residential development to have likely significant effects on PS as a result of deterioration in the water environment through increased nitrogen. Natural England has highlighted that there is existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted that increased levels of nitrates entering The Solent (because of increased amounts of wastewater from new dwellings) is likely to have a significant effect upon the PS.
- 8.50 Achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites. Natural England have provided a methodology for calculating nutrient budgets and options for mitigation should this be necessary. The nutrient neutrality calculation includes key inputs and assumptions that are based on the best-available scientific evidence and research, however for each input there is a degree of uncertainty. Natural England advise local planning authorities to take a precautionary approach when addressing uncertainty and calculating nutrient budgets.
- 8.51 The applicant has submitted a nutrient budget for the development in accordance with Natural England's 'Advice on Achieving Nutrient Neutrality for New Development in the Solent Region' (June 2020). The proposed development is an extension to an existing community of residential park homes. The site owners already operate a site rule that all persons residing on the park must be 55 years of age or over. The applicant has provided details to show that as a result of this site restriction and due to the size and nature of the park homes a significant number of units are single occupancy. The remainder are occupied by two people per home and there are no units with more than two people living in them. This information is supported by electoral roll records held by the Council. On that basis an occupancy rate of 2 persons per dwelling has been used in the nutrient budget calculations and agreed by Officers. The advice issued by Natural England says that *“competent authorities may choose to adopt bespoke calculations tailored to the area or scheme, rather than using national population or occupancy assumptions, where they are satisfied that there is sufficient evidence to support this approach”* (paragraph 4.19).
- 8.52 The nutrient budget confirms that the development will generate 22.19 kg/TN/year and this budget has been agreed by Officers. Due to the uncertainty of the effect of the nitrogen from the development on the PS, 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.

- 8.53 The applicant has entered into a contract (conditional on the grant of planning permission) to purchase 22.25 kg of nitrate mitigation 'credits' from the Hampshire and Isle of Wight Wildlife Trust (HIWWT). Through the operation of a legal agreement between the HIWWT, Isle of Wight Council and Fareham Borough Council dated 30 September 2020, the purchase of the credits will result in a corresponding parcel of agricultural land at Little Duxmore Farm on the Isle of Wight being removed from intensive agricultural use, and therefore providing a corresponding reduction in nitrogen entering the Solent marine environment. A condition will be imposed to ensure that the development does not commence on site until confirmation of the purchase of the credits from the HIWWT has been received by the Council.
- 8.54 The Appropriate Assessment carried out by the Council has concluded that the proposed mitigation and condition will be adequate for the proposed development and ensure no adverse effect on the integrity of the PS 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.
- 8.55 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.

k) Other matters

- 8.56 The proposal to use the land to station residential park homes attracts a requirement for affordable housing provision under Policy CS18 of the adopted Fareham Borough Core Strategy. The applicant has provided a viability assessment which has been independently reviewed by the Council's own consultants. That review has revealed that the development is considered able to viably provide an off-site contribution towards affordable housing provision. The applicant has confirmed that they would be willing to enter into a Section 106 legal agreement to secure the payment of that contribution.

l) The planning balance

- 8.57 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”.*

- 8.58 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.
- 8.59 The approach detailed within the preceding paragraph, has become known as the ‘tilted balance’ in that it tilts the planning balance in favour of sustainable development and against the Development Plan.
- 8.60 The site is outside of the defined urban settlement boundary and the proposal does not relate to agricultural, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of the Local Plan Part 2: Development Sites and Policies Plan.
- 8.61 Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations which is engaged as this Council cannot demonstrate a 5YHLS. Officers have also given due regard to the updated 5YHLS position report presented to the Planning Committee in February this year and the Government steer in respect of housing delivery.
- 8.62 In weighing up the material considerations and conflict between policies; the development of a greenfield site weighted against Policy DSP40, Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall and located adjacent to the existing urban settlement boundaries such that it can be well integrated with those settlements. The visual impact of the development could be minimised by appropriate planning conditions to control any proposed level changes on site and to secure an appropriate landscaping scheme to reflect the area’s existing character.

- 8.63 Officers are satisfied that there are no amenity, traffic or environmental issues which cannot otherwise be addressed through planning conditions and obligations. It is noted that the proposal would make a reasonable contribution towards addressing the shortfall of new homes in the Borough and would provide an appropriate financial contribution towards off-site provision of affordable housing.
- 8.64 In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage in housing supply, Officers acknowledge that the proposal could deliver 22 residential units in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply is a material consideration, in the light of this Council's current 5YHLS.
- 8.65 There is a conflict with development plan Policy CS14 which ordinarily would result in this proposal being considered unacceptable in principle. Ordinarily CS14 would be the principal policy such that a residential scheme in the countryside would be considered to be contrary to the development plan. However, in light of the Council's lack of a five-year housing land supply, development plan Policy DSP40 is engaged and Officers have considered the scheme against the criterion therein. The scheme is considered to satisfy the five criteria and in the circumstances Officers consider that more weight should be given to this policy than CS14 such that, on balance, when considered against the development plan as a whole, the scheme should be approved.
- 8.66 In undertaking a detailed assessment of the proposals throughout this report and applying the 'tilted balance' to those assessments, Officers consider that:
- (i) there are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed, particularly when taking into account that any significant effect upon Special Protection Areas can be mitigated through a financial contribution towards the Solent Recreation Mitigation Strategy; and
  - (ii) any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.
- 8.67 Having carefully considered all material planning matters, Officers recommend that outline planning permission should be granted subject to the following matters.

## **9.0 Recommendation**

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

- i) The applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council in respect of the following:
  - a) To secure a financial contribution towards the Solent Recreation Mitigation Strategy (SRMS);
  - b) To secure a financial contribution of £17,648 towards improvements to footpath 117;
  - c) To secure a financial contribution of £511,693 towards off-site affordable housing provision; and
- ii) The following planning conditions:
  1. The development hereby permitted shall be begun before the expiration of a period of three years from the date of this decision.

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

2. The development shall be carried out in accordance with the following drawings and documents:
  - a) Drawing no. 0848-18-NJT (location plan)
  - b) Drawing no. 0850-18-NJT (site plan)
  - c) Drawing no. SD-1944-01-A - Proposed footpath connection to Upper Cornaway Lane
  - d) Reptile Surveys and Outline Mitigation Strategy (July 2019)
  - e) Preliminary Ecological Appraisal Report (January 2019)

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

3. No more than twenty-two residential park homes shall be stationed on the land at any one time.

REASON: The use of the site has been assessed on the basis of there being twenty-two residential park homes on the site having regard to the likely impacts on, amongst other things, highway safety and landscape character.

4. No development shall commence until details of the internal road layout of the site, including tracking diagrams for refuse collection vehicles, 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: In the interests of highway safety and to ensure adequate provision is made for refuse collection.

5. No development hereby permitted shall commence until a desk top study of the former uses of the site and adjacent land and their potential for contamination has been submitted to and approved in writing by the Local Planning Authority (LPA). The study should include, but shall not be limited to, the existing vegetated mound located towards the northern boundary of the site.

Should the submitted study reveal a potential for contamination, intrusive site investigation and risk assessments should be carried out, including the risks posed to human health, the building fabric and the wider environment such as water resources, and where the site investigation and risk assessment reveal a risk to receptors, a detailed scheme for remedial works to address these risks and ensure the site is suitable for the proposed use shall be submitted to and approved by the LPA in writing.

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

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

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

6. No development shall commence until details of the existing and finished ground levels on the site, including details of any areas of proposed hardstanding, 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.

7. No development shall commence until an ecologically sensitive lighting scheme has been submitted to and approved by the local planning authority. The submitted scheme shall provide details of all external lighting to be used on the site with particular focus on the ecological sensitivity of the eastern and southern site boundaries. The submitted scheme shall be designed to minimise impacts on wildlife, particularly bats. No external lighting shall be installed or used on the site unless it has been included in the approved lighting scheme or unless otherwise agreed by the local planning authority in writing.

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

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

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

9. The development shall be carried out in accordance with the approved Reptile Surveys and Outline Mitigation Strategy (July 2019) and the Preliminary Ecological Appraisal Report (January 2019). The ecology buffer zones identified in the Reptile Surveys and Outline Mitigation Strategy and identified on the approved site plan shall be retained at all times for their stated purposes in the approved documents. At no time shall any residential or other use be carried out within the ecology buffer zones.

REASON: To ensure the protection of wildlife and their habitat.

10. Before the use hereby permitted is first carried out vehicular and pedestrian access to the application site shall be provided from the land edged blue on the approved location plan (drawing no. 0848-18-NJT) as indicated on the approved site plan (drawing no. 0850-18-NJT). The vehicular and pedestrian access shall thereafter be retained at times.

REASON: To ensure satisfactory vehicular and pedestrian access to the site.

11. Before the use hereby permitted is first carried out, the footpath connection to Upper Cornaway Lane as shown on the approved drawing no. SD-1944-01-A shall be constructed in its entirety in accordance with the approved details and made available for use by residents of the development hereby permitted. The footpath connection shall be retained and made available for use by residents of the development all times thereafter.

REASON: In order to improve pedestrian connectivity to local services, community facilities, jobs and shops and encourage safe and reliable journeys by walking, cycling and public transport.

12. Before the use hereby permitted is first carried out, details of how electric vehicle charging points will be provided at the following level have been submitted to and approved by the LPA in writing:

- a. One Electric Vehicle (EV) rapid charge point per 10 park homes;
- b. One Electric Vehicle (EV) charging point per park home.

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.

13. Before the use hereby permitted is first carried out, 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, shall be submitted to and approved by the Local Planning Authority in writing. The submitted landscaping scheme shall include, but shall not be limited to, details of boundary landscaping along the western and northern site boundaries.



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

14. The landscaping scheme, submitted under Condition 13 above 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.

15. Before the use hereby permitted is first carried out, details of water efficiency measures shall be submitted to and approved in writing by the Local Planning Authority. These water efficiency measures should be designed to ensure potable water consumption does not exceed an average of 110L per person per day. The development shall be carried out in accordance with the approved details.

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

16. The residential park homes hereby permitted to be stationed on the site shall not be occupied at any time other than by persons aged 55 years or over.

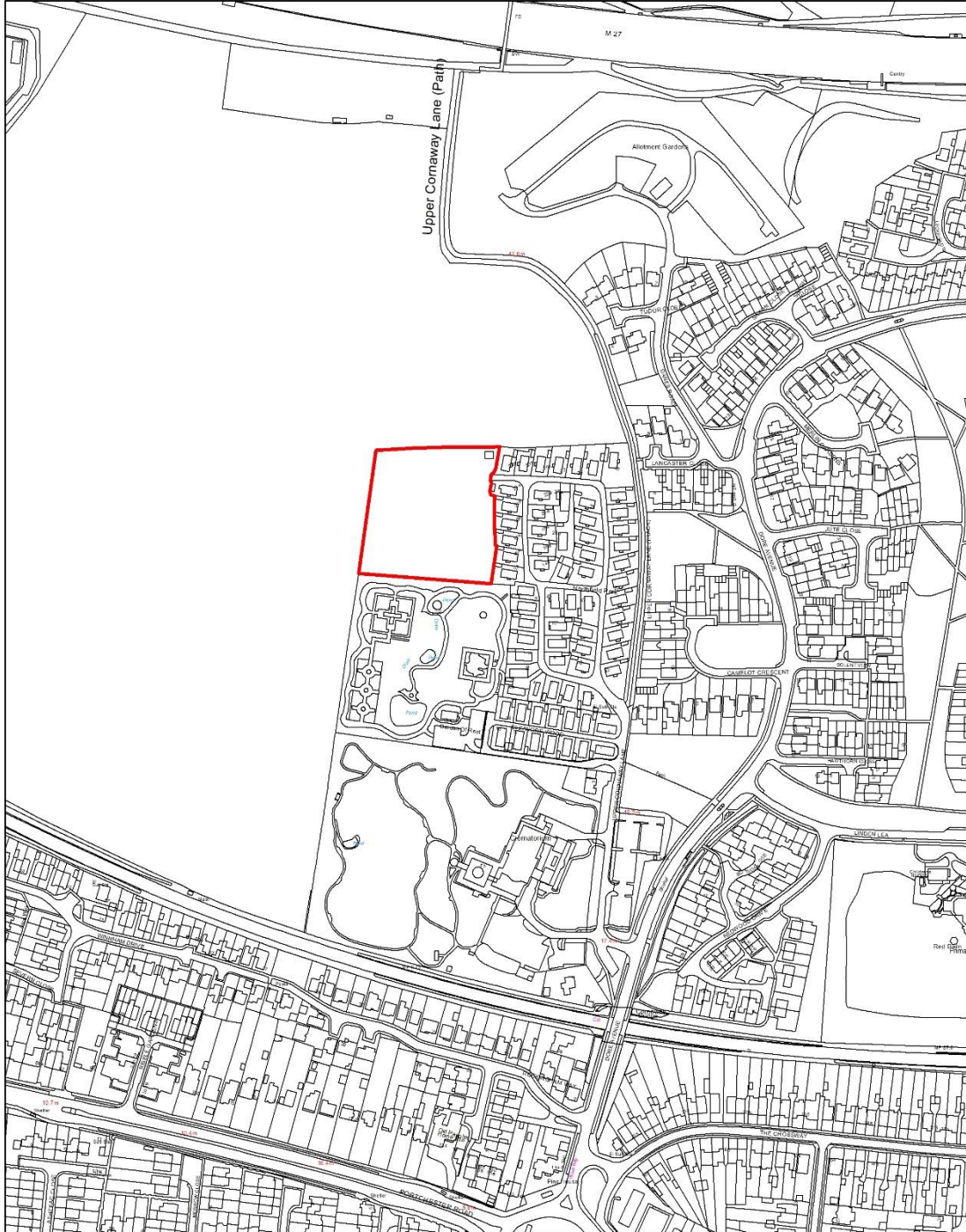
REASON: In the interests of preserving water quality and resources.

## **9.0 Background Papers**

P/18/1437/FP

# FAREHAM

BOROUGH COUNCIL



Northfield Park  
Scale 1:3750



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# Agenda Item 5(4)

## PLANNING APPEALS

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

<b>PUBLIC INQUIRY</b>	<b>ENF/40/19</b> Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	<b>PUBLIC INQUIRY</b> <b>MR KEVIN FRASER</b> The Tithe Barn Mill Lane Fareham PO15 5RB  16 June 2020 <b>AGAINST ENFORCEMENT</b> Resurfacing of car park with tarmac
<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>PUBLIC INQUIRY</b>	<b>P/19/0316/FP</b> Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	<b>PUBLIC INQUIRY</b> <b>MR K FRASER</b> The Tithe Barn Mill Lane Titchfield Fareham  NAC REFUSE REFUSE 16 June 2020 <b>AGAINST REFUSAL</b> Re-surface car park area with tarmac (retrospective application)
<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:	<b>PUBLIC INQUIRY</b> <b>Bargate Homes Ltd</b> Land at Newgate Lane (South) Fareham

Decision Maker: Non Determined  
 Recommendation: REFUSE  
 Council's Decision: PENDING PI DECISION  
 Date Lodged: 2 June 2020  
 Reason for Appeal: **NON DETERMINED**  
 Outline planning permission for the demolition of existing buildings and development of up to 115 dwellings, open space, vehicular access point from Newgate Lane and associated and ancillary infrastructure, with all matters except access to be reserved.

**HEARING**

**P/19/1193/OA**  
 Appellant:  
 Site:  
 Decision Maker:  
 Recommendation:  
 Council's Decision:  
 Date Lodged:  
 Reason for Appeal:

**HEARING**

**Foreman Homes**  
 Land East of Posbrook Lane Titchfield Fareham  
 Non Determined  
 REFUSE  
 PENDING PI DECISION  
 29 January 2021  
**NON DETERMINED**  
 Outline planning application for the erection of up to 57 dwellings, together with associated parking, landscaping and access from Posbrook Lane

**HEARING**

**P/19/1260/OA**  
 Appellant:  
 Site:  
 Decision Maker:  
 Recommendation:  
 Council's Decision:  
 Date Lodged:  
 Reason for Appeal:

**HEARING**

**Bargate Homes Limited**  
 Land East of Newgate Lane East Fareham  
 25 February 2021  
**NON DETERMINED**  
 Cross boundary outline application, with all matters reserved except for access, for the construction of up to 99 residential dwellings, landscaping, open space and associated works, with access from Brookers Lane (Gosport Borough Council to only determine part of the application relating to part of access in Gosport Borough)

**WRITTEN REPS**

**P/20/0654/OA**  
 Appellant:  
 Site:  
 Decision Maker:  
 Recommendation:  
 Council's Decision:  
 Date Lodged:  
 Reason for Appeal:

**WRITTEN REPS**

**Mr Bell**  
 50 Paxton Road Fareham  
 Officer Delegated Powers  
 REFUSE  
 REFUSE  
 29 October 2020  
**AGAINST REFUSAL**  
 Outline application for 2x 3-bed dwellings to the rear of 50-52 Paxton Road

**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

**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/20/0009/DA**  
Appellant:  
Site:  
Decision Maker:  
Recommendation:  
Council's Decision:  
Date Lodged:  
Reason for Appeal:

**PUBLIC INQUIRY**  
**Borderland Fencing Ltd**  
Borderland Fencing New Road Swanwick Southampton  
  
PENDING PI DECISION  
17 July 2019  
**AGAINST ENFORCEMENT**  
Unauthorised expansion of site and breach of conditions

**WRITTEN  
REPS**

**P/20/0373/FP**  
Appellant:  
Site:  
Decision Maker:  
Recommendation:  
Council's Decision:  
Date Lodged:  
Reason for Appeal:

**WRITTEN REPS**  
**Mrs Kayleigh Luckins**  
19 - 21 Juno Close Fareham  
Committee  
REFUSE  
REFUSE  
15 December 2020  
**AGAINST REFUSAL**  
Removal of rear boundary planting (partial relief from  
condition 2 of P/15/0690/RM)

**Decision:**  
**Decision Date:**

**DISMISSED**  
**2 March 2021**

**HH APPEAL  
SERVICE**

**P/20/0535/FP**  
Appellant:  
Site:  
Decision Maker:  
Recommendation:  
Council's Decision:  
Date Lodged:  
Reason for Appeal:

**HH APPEAL SERVICE**  
**Mr & Mrs K Moya**  
100 Mays Lane Fareham  
Officer Delegated Powers  
REFUSE  
REFUSE  
25 October 2020  
**AGAINST REFUSAL**  
Detached oak-framed garage & carport (Resubmission of  
P/19/1338/FP).

**Decision:**  
**Decision Date:**

**DISMISSED**  
**2 March 2021**

**HH APPEAL  
SERVICE**

**P/20/0656/VC**  
Appellant:  
Site:  
Decision Maker:  
Recommendation:  
Council's Decision:  
Date Lodged:

**HH APPEAL SERVICE**  
**Mr A. Wells**  
84 Merton Avenue Portchester Fareham  
Committee  
REFUSE  
REFUSE  
8 January 2021

Reason for Appeal: **AGAINST REFUSAL**  
Removal of Condition 6: (Limiting use of garage) of approved planning P/09/0797/FP - Erection of detached double garage.

**Decision:** **ALLOWED**  
**Decision Date:** **1 March 2021**

**WRITTEN REPS**

**P/20/0741/FP**  
Appellant:  
Site:  
Decision Maker:  
Recommendation:  
Council's Decision:  
Date Lodged:  
Reason for Appeal:

**WRITTEN REPS**  
**John Warner**  
87 Highfield Avenue Fareham  
Officer Delegated Powers  
**REFUSE**  
**REFUSE**  
21 December 2020  
**AGAINST REFUSAL**

Single story self contained annex to the side and rear, for dwelling for 2 family members

**Decision:** **DISMISSED**  
**Decision Date:** **18 February 2021**

**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

**Decision:** **DISMISSED**  
**Decision Date:** **17 February 2021**

# FAREHAM

BOROUGH COUNCIL

## Report to Planning Committee

**Date**                    **17 March 2021**

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

**Subject:**              **TPO 767 – 74, 80, 84 & 86 HOLLY HILL LANE, SARISBURY GREEN**

### **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 767 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. A tree preservation order was made to protect seven mature trees situated on the frontage of several properties on the west side of Holly Hill Lane, Sarisbury Green in response to a perceived threat to trees at one property on the market for sale.

## INTRODUCTION

5. On 4 December 2020, a provisional order was made in respect of seven trees: Two pedunculate oaks at 80 Holly Hill Lane, one sweet chestnut at 84 Holly Hill Lane, one pedunculate oak at 86 Holly Hill Lane and a group of three pedunculate oaks at 74 Holly Hill Lane.
6. The latter property was on the market in November 2020 and officers were contacted by prospective buyers regarding the status of the existing trees on the property. Therefore, there was a perceived threat to the trees, and it was considered expedient to assess the importance of these and similar trees on adjacent properties in terms of them being worthy of protection.



## **OBJECTION**

7. One objection has been received from the owner of 84 Holly Hill Lane in respect of sweet chestnut T3 on the following grounds:
  - The tree is 4 metres from the garage and 2 metres from the road.
  - The tree is directly opposite the entrance to the Woodland Park and many people pass by and under the tree.
  - The tree sheds leaves, catkins, spiky seeds, small branches and other debris onto the road and footpath making it dangerous for the public.
  - Concerns the roots may cause damage to the property or falling branches during highway winds.
  - There is no intention to remove the tree, but the owners wish to retain the ability to lop, top and remove dangerous branches unincumbered by a TPO.
  - Holly Hill Lane is fortunate in having many mature trees and Holly Hill woodland is opposite, so if this tree had to be removed, it would not have a significant impact on the area.

No other comments or objections have been received.

## **PUBLIC AMENITY**

8. The mature sweet chestnut is situated on the property frontage and is clearly visible from Holly Hill Lane. The tree is a prominent specimen, which makes a significant contribution to the verdant character of Holly Lane and the wider public amenity of the area (Photos - Appendix A).

## **TREE HEALTH AND RISK OF FAILURE**

9. An informal visual inspection of the sweet chestnut was undertaken from ground level. At the time of inspection, the tree was observed to be healthy and with the exception of one hung up branch, free from any significant defects or abnormalities that would give rise to concerns about the health and safety of the tree.
10. The tree was observed to be in good physical condition and exhibiting normal growth characteristics for a mature sweet chestnut in terms of bud and twig density, and annual shoot extension growth for a tree of this age.
11. Trees are living organisms and their condition and vitality can alter quickly depending on environmental and physical factors. It is acknowledged that trees have a natural failure rate as a natural evolutionary process leading to the optimisation of structural strength verses efficient use of resources. Some species have adapted more effectively than others, and some are naturally more prone to failure than others. Therefore, no tree can be considered completely safe.
12. The amount of noise and movement associated with trees during high winds can be unnerving. However, the perceived threat of failure should not be a basis for tree pruning or indeed removal. There are no guarantees of absolute safety in the event of severe adverse weather conditions, since all assessments should be undertaken for normal conditions and not try to speculate about what might happen in the event of severe or abnormal weather events.

13. It is not possible to eliminate all risk associated with trees because even those apparently free from defects can fail when the forces acting upon them exceed their inherent strength; some risk must be accepted to experience the multiple benefits trees provide.
14. Sweet chestnut T3 is not considered to be in a dangerous condition and officers conclude there is no evidence available to demonstrate that it poses a hazard sufficient to outweigh its public amenity value and thereby justify any significant pruning or removal.
15. If a protected tree presents an immediate risk of harm to people or property, any urgent works necessary to make the tree safe, such as removing dead or broken branches, can be undertaken without consent. If a protected tree is either dead or dangerous five days' written notice shall be given to the local authority of any necessary tree works.
16. 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.
17. The responsibility for street cleaning falls to the Council's cleansing teams, which includes clearing fallen leaves and other tree related debris that may pose a slip hazard to users of the public highway.

#### **TREE WORK APPLICATIONS**

18. 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.
19. 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**

20. The Council will not be exposed to any significant risk associated with the confirmation of TPO 767 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**

21. 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.

22. 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.

23. Officers therefore recommend that Tree Preservation Order 767 is confirmed as originally made and served.

**Background Papers:** TPO 767.

**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*.

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

## APPENDIX A

### SWEET CHESTNUT T3 – 84 HOLLY HILL LANE (view from south)

(OAK T2 – 80 HOLLY HILL LANE BEHIND)



**OAK T1 – 80 HOLLY HILL LANE (view from north)**



**OAK T1 – 80 HOLLY HILL LANE (view from south)**



**OAK T4 – 86 HOLLY HILL LANE**



**3 OAKS G1 – 74 HOLLY HILL LANE**

