

FAREHAM

BOROUGH COUNCIL

AGENDA PLANNING COMMITTEE

Date: Wednesday, 14 July 2021

Time: 2.30 pm

Venue: Council Chamber - Civic Offices

Members:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

Councillors F Birkett
Miss J Bull
T M Cartwright, MBE
P J Davies
M J Ford, JP
Mrs C L A Hockley
R H Price, JP

Deputies: S Dugan
J S Forrest
Mrs K Mandry
Mrs K K Trott



1. Apologies for Absence

2. Minutes of Previous Meeting (Pages 1 - 13)

To confirm as a correct record the minutes of the Planning Committee meetings held on 26 May 2021 and 16 June 2021.

3. Chairman's Announcements

4. Declarations of Interest

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

5. Deputations

To receive any deputations of which notice has been lodged.

6. Planning applications and Miscellaneous Matters including an update on Planning Appeals (Page 14)

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/18/1258/FP - LAND AT BEACON BOTTOM WEST PARK GATE** (Pages 17 - 48)

(2) **P/19/1322/OA - 139 SOUTHAMPTON ROAD TITCHFIELD PO14 4PR** (Pages 49 - 83)

(3) **P/20/1190/OA - LAND TO REAR OF 195-205 SEGENSWORTH ROAD PO15 5EL** (Pages 84 - 102)

(4) **ENF/52/20 31 Rossan Avenue, Warsash, SO31 9JQ - Engineering Works Resulting in a Change of Garden Levels** (Pages 103 - 108)

ZONE 2 - FAREHAM

(5) **P/21/0736/CU - THE OLD MILL LOWER QUAY PO16 0RA** (Pages 110 - 118)

ZONE 3 - EASTERN WARDS

(6) **Planning Appeals** (Pages 120 - 128)



P GRIMWOOD
Chief Executive Officer
Civic Offices
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06 July 2021

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FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Wednesday, 26 May 2021

Venue: Council Chamber - Civic Offices

PRESENT:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

Councillors: F Birkett, Miss J Bull, T M Cartwright, MBE, P J Davies,
M J Ford, JP, Mrs C L A Hockley and R H Price, JP

**Also
Present:**



1. APOLOGIES FOR ABSENCE

There were no apologies of absence.

2. MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee meetings held on 9 April 2021 and 21 April 2021 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

"I would like to provide an update for Members on the recent judicial reviews at Warsash, the planning appeals at Newgate Lane and the part land at Warnford Park may play in nitrate mitigation.

Members will be aware that two judicial review claims have been brought against planning permission granted for eight houses at Egmont Nurseries, Brook Avenue, and one to a planning permission granted for six houses adjacent to 79 Greenaway Lane. Hearings for both claims were held between 11th-13th May. The judgements for both cases are expected to be issued imminently.

In February this year a Public Inquiry was held in respect of land at Newgate Lane. The Inquiry related to two planning applications on adjoining sites which proposed 190 dwellings between them. The Planning Inspectorate have advised that the decisions in respect of these two cases 'are likely to be issues early summer'.

Lastly, Members will be aware that nitrate mitigation is being achieved by taking land out of agricultural use and putting the land to alternative uses including re-wilding and tree planting. A landowner has identified agricultural land in their ownership at Warnford (Warnford Park) which can be used for nitrate mitigation. This Council has recently entered into a legal agreement with this land owner and South Downs National Park Authority to enable developments within Fareham to use this land as nitrate mitigation. Members will see reference to "Warnford Park" in conjunction with nitrate mitigation proposals in future Planning Reports."

4. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

5. DEPUTATIONS

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

Name	Spokesperson representing	Subject	Supporting or Opposing	Item Application No/Page No	No/ Page No	Dep Type
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	ng the persons listed		the Application		
ZONE 1 – 2.30pm					
Ms C Mays		LAND TO THE REAR OF 195-205 SEGENSWORTH ROAD – OUTLINE PLANNING APPLICATION FOR UP TO EIGHT DWELLINGS, WITH ACCESS AND PARKING FOLLOWING THE DEMOLITION OF 195 SEGENSWORTH ROAD	Opposing	6 (1) P/18/0625/OA Pg 14	In person
Mr & Mrs Ashworth		-Ditto-	-Ditto-	-Ditto-	Written
Mr N McKeon (Agent)		-Ditto-	Supporting	-Ditto-	In person
ZONE 2 – 2.30pm					
Mr A Prescott	Mr A Matthews, Ms R Keene, Mr & Mrs Kuzminski, Mr & Mrs Crosby	LAND TO REAR OF 82 THE AVENUE FAREHAM PO14 1PB – ERECTION OF 3-BED BUNGALOW WITH ACCESS FROM CHALFORD GRANGE	Opposing	6 (2) P/19/0946/OA Pg 38	In Person
Mr I Murray (Agent)		-Ditto-	Supporting	-Ditto-	In Person
ZONE 3 – 2.30pm					
Ms T Potter		22-27A STUBBINGTON GREEN (FIRST FLOOR) PO14 2JY – CHANGE OF USE OF FIRST FLOOR FROM SPORTS CLUB (USE CLASS D2) TO NINE FLATS	Opposing	6(3) P/18/1410/FP Pg 53	Written
Mr M Holman (Agent)		1-33 WEST STREET PORTCHESTER PO16 9XB – DEVELOPMENT COMPRISING AN ADDITIONAL 1 AND 2 STOREYS ON THE EXISTING BUILDINGS TO PROVIDE 26	Supporting	6 (4) P/19/1040/OA Pg68	In Person

		APARTMENTS (10 ONE-BED AND 16 TWO-BED) (CLASS C3) WITH ASSOCIATED CYCLE AND REFUSE STORAGE FACILITIES PLUS FOUR ADDITIONAL PARKING SPACES			
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6. PLANNING APPLICATIONS AND MISCELLANEOUS MATTERS INCLUDING AN UPDATE ON PLANNING APPEALS

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

(1) P/18/0625/OA - 195-205 SEGNSWORTH ROAD TITCHFIELD PO15 5EL

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

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

- i) The prior completion of a Section 111 Agreement and the payment of the appropriate Habitat Mitigation Contribution; and
 - ii) The conditions in the report
- Was voted on and CARRIED.
(Voting: 8 in favour; 1 against)

RESOLVED that, subject to: -

- i) The prior completion of a Section 111 Agreement and the payment of the appropriate Habitat Mitigation Contribution; and
 - ii) The conditions in the report.
- Outline planning permission be GRANTED.

(2) P/19/0946/FP - 82 THE AVENUE FAREHAM PO14 1PB

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

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

Amend Planning Condition 2 (approved plans) as follows;

- a) *Proposed Site & Location Plan – drwg No A101 V3.2*

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

- i) The prior completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 on terms to the satisfaction of the Solicitor to the Council to secure a contribution of up to £6,000 to fund the provision of a Traffic Regulation Order on Chalford Grange;
 - ii) The conditions in the report; and
 - iii) The amended Condition 2 as set out in the Update Report.
- Was voted on and CARRIED.
(Voting: 8 in favour; 1 against)

RESOLVED that subject to: -

- i) The prior completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 on terms to the satisfaction of the Solicitor to the Council to secure a contribution of up to £6,000 to fund the provision of a Traffic Regulation Order on Chalford Grange;
 - ii) The conditions in the report; and
 - iii) The amended Condition 2 as set out in the Update Report.
- PLANNING PERMISSION be granted.

**(3) P/18/1410/FP - 22-227A STUBBINGTON GREEN (FIRST FLOOR)
PO14 2JY**

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

At the invitation of the Chairman, the Committee Officer read out a statement on behalf of Councillor J Forrest.

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

Additional Condition;

No development hereby permitted shall proceed until details of all proposed external materials to be used in the conversion (including replacement windows and doors and external balconies) 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.

Upon being proposed and seconded the officer recommendation to grant planning permission, subject to the conditions in the report and the additional condition in the update report, was voted on and CARRIED.
(Voting 9 in favour; 0 against)

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

(4) P/19/1040/OA - 1-33 WEST STREET PORTCHESTER PO16 9XB

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

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

For clarification, the proposed cycle store will result in the loss of two car parking spaces from the existing car park. Whilst this reduces the number of spaces within the northern car park, the Officers recommendation remains unchanged due to the Government approach of supporting developments in highly sustainable locations, whilst also providing a good quality secure cycle for the future occupiers, encouraging more sustainable modes of transport.

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

- a) The prior completion of a Section 111 agreement to secure the payment of the Recreational Disturbance contribution; and
- b) The conditions in the report.

Was voted on and CARRIED.

(Voting 8 in favour; 1 against)

RESOLVED that, subject to: -

- a) The prior completion of a Section 111 agreement to secure the payment of the Recreational Disturbance contribution; and
- b) The conditions in the report.

PLANNING PERMISSION be granted.

(5) Planning Appeals

The Committee noted the information in the report.

(6) UPDATE REPORT

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

(The meeting started at 2.30 pm
and ended at 4.57 pm).

FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Wednesday, 16 June 2021

Venue: Council Chamber - Civic Offices

PRESENT:

Councillor I Bastable (Chairman)

Councillor (Vice-Chairman)

Councillors: F Birkett, Miss J Bull, T M Cartwright, MBE, P J Davies, M J Ford, JP, Mrs C L A Hockley, R H Price, JP and S Dugan (deputising for N J Walker)

Also Present: Councillor S D Martin (Items 5 (1) and 5 (2))



1. APOLOGIES FOR ABSENCE

An apology of absence was received from Councillor N Walker.

2. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcement: -

Two planning permissions granted by the Council for six dwellings at Greenaway Lane and eight dwellings at Brook Avenue were recently challenged through the Courts. The main grounds of challenge in both cases related to how the Council had sought to ensure that the developments would not have an adverse effect on the marine environment of The Solent.

Having considered extensive evidence from those bringing the legal challenges, the Council and Natural England, the High Court concluded that the approach taken by the Council to mitigating the effects of nitrates on The Solent was legally sound.

Whilst the High Court upheld the planning permission at Brook Avenue and dismissed the claim in its entirety, the Judge quashed the planning permission at Greenaway Lane on procedural issues.

Full copies of both judgments have been circulated to all Members of the Planning Committee.

3. DECLARATIONS OF INTEREST

There were no declarations of interest received at this meeting.

4. DEPUTATIONS

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

Name	Spokesperson representing the persons listed	Subject	Supporting or Opposing the Application	Item No/ Application No/Page No	Dep Type
ZONE 1 – 2.30pm					
Mr N McKeon (Agent)		69 BOTLEY ROAD PARK GATE – 12 DWELLINGS WITH ASSOCIATED ACCESS AND PARKING, FOLLOWING DEMOLITION OF THE	Supporting	5 (1) P/19/0643/FP Pg 3	In Person

		EXISTING DWELLING			
Ms G House		LAND AT ADDISON ROAD SARISBURY GREEN – ERECTION OF FOUR DETACHED DWELLINGS AND TWO SEMI-DETACHED DWELLINGS, PARTIAL DEMOLITION OF NO. 2 LONGVIEW AND TWO STOREY EXTENSION	Opposing	5 (2) P/20/0204/FP Pg 28	Written
Mr D Hope	Dalwood Cottage Addison Road	-Ditto-	-Ditto-	-Ditto-	In Person
Mr A Dingley		-Ditto-	-Ditto-	-Ditto-	Written
Mr C Moore		-Ditto-	-Ditto-	-Ditto-	Written
Mr G Giles (Agent)		-Ditto-	Supporting	-Ditto-	In Person
Ms G Walker		53 TITCHFIELD PARK ROAD TITCHFIELD – DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF FOUR DETACHED DWELLINGS WITH ASSOCIATED CAR PARKING, CYCLE AND BIN STORAGE	Opposing	5 (3) P/20/0928/FP Pg 57	Written
Mr R Tutton	55 Titchfield Park Road	-Ditto-	-Ditto-	-Ditto-	In Person
Mr G Giles (Agent)		-Ditto-	Supporting	-Ditto-	In Person
ZONE 2 – 2.30pm					
ZONE 3 – 2.30pm					
Mrs S Sadler		2 GREAT GAYS, FAREHAM, PO14 3JU	Supporting	5(4) P/21/0470/FP Pg 80	Written

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

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

(1) P/19/0643/FP - 69 BOTLEY ROAD PARK GATE SO31 1AZ

The Committee received a deputation referred to in Minute item 4 above.

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

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

Comments received from Environmental Health (Noise and Pollution) stating no further comments from those raised regarding noise attenuation from the earlier application P/18/0768/FP. Appropriate conditions applied to application.

Upton being proposed and seconded the officer recommendation to 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 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 Area;
 - The payment of an off-site financial contribution towards affordable housing provision of £52,551.00; and
 - Securing vehicular/pedestrian access to the land to the north and south;
- ii. the conditions in the report;
- iii. an additional condition to ensure that the communal landscaping areas and grass verges are designed and laid out in a manner which prevents vehicles from parking on them;
- iv. the receipt of satisfactory amended plans showing the garages on plots 10 and 11 amended from garages to carports; and
- v. an additional condition removing permitted development rights preventing the car ports on plots 10 and 11 from being converted into garages for the lifetime of the development.

Was voted on and CARRIED.

(Voting: 6 in favour; 3 Against)

RESOLVED that, 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 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 Area;

- The payment of an off-site financial contribution towards affordable housing provision of £52,551.00; and
- Securing vehicular/pedestrian access to the land to the north and south;

ii. the conditions in the report;

iii. an additional condition to ensure that the communal landscaping areas and grass verges are designed and laid out in a manner which prevents vehicles from parking on them;

iv. the receipt of satisfactory amended plans showing the garages on plots 10 and 11 amended from garages to carports; and

v. an additional condition removing permitted development rights preventing the car ports on plots 10 and 11 from being converted into garages for the lifetime of the development.

PLANNING PERMISSION be granted.

(2) P/20/0204/FP - LAND AT ADDISON ROAD SARISBURY GREEN

The Committee received the deputations referred to in Minute item 4 above.

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

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

(Voting: 5 in favour; 4 Against)

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

(3) P/20/0928/FP - 53 TITCHFIELD PARK ROAD PO15 5RN

The Committee received the deputations referred to in Minute item 4 above.

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

One additional condition relating to the requirement for electric charging points has been included. The condition reads as follows:

16. No development shall take place beyond damp proof course (dpc) level until details of how and where Electric Vehicle (EV) charging points will be provided at the following level:

- *At least one Electric Vehicle (EV) charging point per dwelling with allocated parking provision. The development shall be carried out in accordance with the approved details with the charging points provided prior to first occupation of the dwelling to which it serves.*

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.

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

- the conditions in the report and
 - the additional condition set out in the Update Report,
- was voted on and CARRIED.
(Voting: 7 in favour; 2 Against)

RESOLVED that, subject to: -

- the conditions in the report; and
 - the additional condition set out in the Update Report,
- PLANNING PERMISSION be granted.

(4) P/21/0470/FP - 2 GREAT GAYS FAREHAMS PO14 3JU

The Committee received a deputation referred to in Minute item 4 above.

At the invitation of the Chairman the Head of Development Management addressed the Committee: -

‘Chairman I am going to excuse myself for this next item as the applicant’s agent is known to me as a member of my family’

The Head of Development Management then left the room and took no part in discussions on this item and was not present during the vote on the application.

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

RESOLVED that PLANNING PERMISSION be granted.

(5) Planning Appeals

Councillor P J Davies left the meeting during discussions on this item.

The Committee noted the information in the report.

(6) UPDATE REPORT

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

(The meeting started at 2.30 pm
and ended at 5.19 pm).

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date: 14 July 2021

Report of: Director of Planning and Regulation

Subject: PLANNING APPLICATIONS AND MISCELLANEOUS MATTERS

SUMMARY

This report recommends action on various planning applications.

RECOMMENDATION

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

AGENDA

All planning applications will be heard from 2.30 onwards.

ZONE 1 – WESTERN WARDS

Park Gate

Titchfield

Sarisbury

Locks Heath

Warsash

Titchfield Common

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/18/1258/FP PARK GATE	LAND AT BEACON BOTTOM WEST PARK GATE SOUTHAMPTON RESIDENTIAL DEVELOPMENT OF 29 NO. DWELLINGS, ASSOCIATED PARKING, LANDSCAPING AND A MEANS OF ACCESS FROM BEACON BOTTOM FOLLOWING REMOVAL/REDUCTION OF FRONTAGE HEDGEROW	1 PERMISSION
P/19/1322/OA TITCHFIELD COMMON	139 SOUTHAMPTON ROAD TITCHFIELD FAREHAM PO14 4PR OUTLINE APPLICATION FOR THE PROPOSED ERECTION OF UP TO 39 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE, LANDSCAPING OPEN SPACE AND ACCESS, INCLUDING DEMOLITION OF EXISTING BUILDINGS (ALL MATTERS RESERVED EXCEPT FOR ACCESS)	2 OUTLINE PERMISSION
P/20/1190/OA TITCHFIELD	LAND TO REAR OF - 195-205 SEGENSWORTH ROAD SEGENSWORTH ROAD TITCHFIELD FAREHAM PO15 5EL	3 REFUSE

REPLACEMENT DWELLING AT 197
SEGENSWORTH ROAD AND ERECTION OF 9
DWELLINGS AND ACCESS AND PARKING AT
LAND REAR OF 195-205 SEGENSWORTH
ROAD

ENF/52/20 31 ROSSAN AVENUE WARSASH SO31 9JQ

WARSASH ENGINEERING WORKS RESULTING IN A CHANGE OF MISC
GARDEN LEVELS

OFFICER REPORT FOR COMMITTEE

DATE: 14/07/2021

**P/18/1258/FP
FOREMAN HOMES**

PARK GATE

RESIDENTIAL DEVELOPMENT OF 29 DWELLINGS, ASSOCIATED PARKING,
LANDSCAPING AND MEANS OF ACCESS FROM BEACON BOTTOM
FOLLOWING REMOVAL/REDUCTION OF FRONTAGE HEDGEROW

LAND AT BEACON BOTTOM WEST, PARK GATE

Report By

Richard Wright – direct dial 01329 824758

1.0 Introduction

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

2.0 Site Description

- 2.1 The application site lies at the western end and on the northern side of Beacon Bottom, Park Gate. The site measures 1.29 hectares in area and comprises a grass paddock with mature hedgerows/trees along the southern and eastern boundaries. An area of woodland extends to the north and west.
- 2.2 There are three sweet chestnut trees protected by a group tree preservation order (TPO) in the south-eastern corner of the site. There are also 8 oak trees along the northern site boundary covered by a group TPO. Two agricultural/stable buildings are on the site located near to the southern boundary and adjacent to the existing gated vehicular access from the road. The site slopes away from the road towards the northern boundary.
- 2.3 The application site lies outside of the urban settlement boundary as defined on the adopted local plan proposals map. Whilst the site on the northern side of Beacon Bottom is therefore in the countryside for planning purposes, the existing housing development that is located on the south side of the road is within the urban area.

3.0 Description of Proposal

- 3.1 Full planning permission is sought for 29 dwellings on the site. The application proposes a mixture of housing all at two-storey scale comprising 3 x 1-bed flats, 3 x 2-bed flats, 13 x 3-bed houses and 10 x 4-bed houses.

- 3.2 The proposed layout involves dwellings fronting on to Beacon Bottom as well as along a new internal road which splits into two a short way into the site. A small area of open space/landscaping is included in the south-eastern corner of the site where the existing sweet chestnut trees (subject to a tree preservation order) are located. To the north-west corner of the site an area of compensatory ecological habitat is proposed as well as a buffer between new houses and the protected oak trees along the northern site boundary.
- 3.3 Access into the site is proposed via a new bell mouth in approximately the same position as the existing gated access into the field.
- 3.4 When originally submitted in November 2018 the application proposed 34 dwellings in a different layout. During the course of the application being considered, and following discussions with Officers, the applicant has revised the scheme to that described above.

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

CS9 – Development in the Western Wards & Whiteley

CS14 - Development Outside Settlements

CS15 - Sustainable Development and Climate Change

CS16 - Natural Resources and Renewable Energy

CS17 - High Quality Design

CS18 - Provision of Affordable Housing

CS20 - Infrastructure and Development Contributions

Adopted Development Sites and Policies

DSP1 - Sustainable Development

DSP2 - Environmental Impact

DSP3 - Impact on living conditions

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

DSP13 - Nature Conservation

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

DSP40 - Housing Allocations

Other Documents

5.0 Relevant Planning History

5.1 None

6.0 Representations

6.1 During the course of the original application and subsequent revisions being consulted on, a total of 80 representations have been received from 47 different individuals raising the following concerns;

6.2 Objections

General

- Overdevelopment
- The site is allocated as countryside and should be retained
- Harmful to landscape character
- Additional housing is not required
- Design is not in keeping
- Any development over two storey height would not be appropriate
- Social housing should be more integrated
- The site would make an ideal community open space

Highways

- Traffic survey does not reflect reality
- Beacon Bottom cannot cope with additional vehicle movements
- Limited width of road leading to the site does not enable vehicles to pass which has resulted in accidents or near misses
- Current roadside parking is detrimental to highway safety
- Vehicles mounting the pavement detrimental to pedestrian safety
- Vehicles parked on the pavement results in pedestrians using the road
- The road is used for parking by those commuting from Swanwick railway station
- Parking restrictions proposed would result in loss of residents parking
- Access points to frontage properties would conflict with those of neighbouring properties
- Difficulty in turning out of Beacon Bottom onto Botley Road and increased waiting times
- Traffic controls required on junction
- Further damage to carriageway
- The road cannot accommodate the construction vehicles

- Inadequate access for emergency services
- Consideration should be given to an alternative access/egress to Beacon Bottom
- Increased air pollution

Amenity

- Overlooking and loss of privacy
- Increased noise levels during construction and on occupation
- Future occupants would be subject to noise disturbance from the M27
- No provision of play facilities

Environmental

- Loss of hedgerows and trees
- Ancient hedgerow on frontage should be reinstated
- Impact to wildlife

Other Matters

- Improvements are required to foul drainage system
- Additional strain on doctors'/dentist surgeries, schools
- Loss of property value

7.0 Consultations

EXTERNAL

Hampshire County Council (Highways)

- 7.1 The Highway Authority is satisfied that there is no direct or indirect impact upon the operation or safety of the local highway network and therefore, raise no objection subject to conditions.

Hampshire County Council (Flood and Water Management)

- 7.2 No objection.

Southern Water

- 7.3 No objection.

Hampshire County Council (Archaeology)

- 7.4 No objection.

Natural England

- 7.5 No objection subject to securing mitigation [in response to Appropriate Assessment consultation].

Portsmouth Hospitals NHS Trust

- 7.6 The Trust commented on the application in December 2018 to request a financial contribution of £1,026 per dwelling.

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

The contribution is being sought not to support a government body but rather to enable that body to provide services needed by the occupants of the new homes. The development directly affects the ability to provide the health service required to those who live in the development and the community at large. Without contributions to maintain the delivery of health care services at the required quality standard and to secure adequate health care for the locality the proposed development will put too much strain on the said service infrastructure, putting people at significant risk. This development imposes an additional demand on existing over-burdened healthcare services, and failure to make the requested level of healthcare provision will detrimentally affect safety and care quality for both new and existing local population. This will mean that patients will receive substandard care, resulting in poorer health outcomes and pro-longed health problems. Such an outcome is not sustainable.

INTERNAL

Ecology

- 7.7 No objection subject to conditions.

Environmental Health

- 7.8 The noise impact assessment has identified the need for alternative ventilation within certain buildings and elevations. It is suggested that trickle vents may be the resolution to this issue however trickle vents may not adequately provide suitable and sufficient ventilation to a room or property. As such it is recommended that a condition is added to any permission granted to provide a scheme of suitable and sufficient ventilation, to those properties identified, which would also allow for the integrity of the noise protection measures to be maintained. In respect of outdoor noise to gardens, the 2.5m high fence proposed, should be satisfactory to protect the amenity of future occupiers.

Contaminated Land

- 7.9 No objection subject to condition.

Trees

- 7.10 The revised June 2020 layout and updated arboricultural impact assessment addressed all previous concerns relating to the spatial relationship between trees and development. No objection subject to condition.

Fareham Housing

- 7.11 With the 29 dwellings proposed at the site 11.6 (i.e. 40%) should be provided as affordable housing. With 11 proposed on site the 0.6 equivalent should be provided as a financial contribution in lieu of on-site provision. The proposed split between affordable rent and intermediate is acceptable as it closely reflects the 65:35 sought. The mix of property sizes is also acceptable as it adequately reflects local need (and follows previous advice given to the applicant).

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) The Impact on European Protected Sites
- d) Policy DSP40
- e) Other matters
- f) The Planning balance

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

- 8.2 A report titled "Five year housing land supply position" was reported for Members' information on the agenda for the Planning Committee meeting held on Wednesday 17th February 2021. The report concluded that this Council has 4.2 years of housing supply against the 5YHLS requirement. Officers accept that the Council cannot currently demonstrate a 5-year supply of deliverable housing sites.

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

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

- 8.4 In determining planning applications there is a presumption in favour of the policies of the extant Development Plan unless material considerations indicate otherwise. Material considerations include the planning policies set out in the NPPF.
- 8.5 Paragraph 59 of the NPPF seeks to significantly boost the supply of housing.
- 8.6 Paragraph 73 of the NPPF states that local planning authorities should identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement including a buffer. Where a local planning authority cannot do so, and when faced with applications involving the provision of housing, the policies of the local plan which are most important for determining the application are considered out-of-date.
- 8.7 Paragraph 11 of the NPPF then clarifies what is meant by the presumption in favour of sustainable development for decision-taking, including where relevant policies are "out-of-date". It states:

"For decision-taking this means:

- *Approving development proposals that accord with an up-to-date development plan without delay; or*
- *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:*
 - i. *The application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

- 8.8 The key judgement for Members therefore is whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole.
- 8.9 Members will be mindful of Paragraph 177 of the NPPF which states that

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

- 8.10 The wording of this paragraph means that in cases such as this one where an appropriate assessment had concluded that the proposal would not adversely affect the integrity of the habitats site the presumption in favour of sustainable development set out in Paragraph 11 does apply.
- 8.11 In the absence of a five-year supply of deliverable housing sites, Officers consider that policy DSP40 is the principal development plan policy that guides whether schemes will be considered acceptable. The following sections of this report assess the application proposals against this Council's adopted local planning policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

b) Residential Development in the Countryside

- 8.12 Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. Policy CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries. The application site lies within an area which is outside of the defined urban settlement boundary.
- 8.13 Policy CS14 of the Core Strategy states that:
- 'Built development on land outside the defined settlements will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function. Acceptable forms of development will include that essential for agriculture, forestry, horticulture and required infrastructure.'*
- 8.14 Policy DSP6 of the Local Plan Part 2: Development Sites and Policies states - there will be a presumption against new residential development outside of the defined urban settlement boundary (as identified on the Policies Map).
- 8.15 The site is clearly outside of the defined urban settlement boundary and the proposal is therefore contrary to Policies CS2, CS6, and CS14 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan.

c) The Impact upon Protected Sites

- 8.16 Core Strategy Policy CS4 sets out the strategic approach to Biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policy DSP13: Nature Conservation of the Local Plan Part 2 confirms the requirement to ensure that designated sites, sites of nature conservation value, protected and priority species populations and associated habitats are protected and where appropriate enhanced.
- 8.17 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 per cent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within The Solent which are of both national and international importance.
- 8.18 In light of their importance, areas within The Solent have been specially designated under UK 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).
- 8.19 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' if it can be shown that the proposed development will either not have a likely significant effect on designated 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 (AA). The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority.
- 8.20 To fulfil the requirements of the Habitat Regulations, Officers have carried out an AA in relation to the likely significant effects arising from the proposed development on PS which concludes that there would be no adverse effects on the integrity of protected sites subject to mitigation measures. Natural England have been consulted on the AA and responded raising no objection.
- 8.21 The AA identifies four likely significant effects on PS none of which would result in adverse effects on the integrity of the PS provided mitigation measures are secured.

- 8.22 The first of these likely significant effects relates to recreational disturbance on The Solent coastline resulting from 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.
- 8.23 The second likely significant effect relates to hydrological changes and the risk of flooding on the site during the lifetime of the development once the homes are occupied. The AA finds that adverse effects could be avoided through the implementation of the drainage system set out in the Flood Risk Assessment & Surface Water Drainage Strategy provided by the applicant. The provision of this drainage system will avoid any adverse effects on the integrity of the PS and a suitable planning condition is proposed to secure this mitigation.
- 8.24 The third likely significant effect relates to the site's proximity to a watercourse with hydrological links to the River Hamble and the risk of pollution from the site affecting the water quality of the PS. The AA explains that in order to ensure no deterioration of the water quality of the PS, an appropriate Construction Environmental Management Plan (CEMP) must be secured via a planning condition and implemented.
- 8.25 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.
- 8.26 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.

- 8.27 The applicant has submitted a nutrient budget for the development in accordance with Natural England's 'Advice on Achieving Nutrient Neutrality for New Development in The Solent Region' (June 2020) which confirms that the development will generate 22.47kg/TN/year. In the absence of sufficient evidence to support a bespoke occupancy rate, Officers have accepted the use of an average occupancy of the proposed dwellings of 2.4 persons in line with the NE Advice. The existing use of the land for the purposes of the nitrogen budget is considered to be grazing land. 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.
- 8.28 The applicant has entered into a contract (conditional on the grant of planning permission) to purchase 23.5 kg of nitrate mitigation 'credits' from the Hampshire and Isle of Wight Wildlife Trust (HIWWT). Through the operation of a legal agreement between the HIWWT, Isle of Wight Council and Fareham Borough Council dated 30 September 2020, the purchase of the credits will result in a corresponding parcel of agricultural land at Little Duxmore Farm on the Isle of Wight being removed from intensive agricultural use, and therefore providing a corresponding reduction in nitrogen entering The Solent marine environment. A condition will be imposed to ensure that the development does not commence on site until confirmation of the purchase of the credits from the HIWWT has been received by the Council.
- 8.29 The AA carried out by the Council has concluded that the proposed mitigation and condition will be adequate for the proposed development and ensure no adverse effect on the integrity of the EPS either alone or in combination with other plans or projects. The difference between the credits and the output will result in a small annual net reduction of nitrogen entering The Solent. Natural England has been consulted on the Council's Appropriate Assessment and agrees with its findings.
- 8.30 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.

d) Policy DSP40

8.31 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.

8.32 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".*

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

Policy DSP40 (i)

8.34 The proposal is for 29 dwellings which Officers consider to be relative in scale to the 5YHLS shortfall and therefore bullet point i) of Policy DSP40 is satisfied.

Policy DSP40 (ii)

8.35 The application site immediately abuts the urban settlement boundary to the south. It occupies a parcel of land enclosed by the urban area to the south, woodland to the north and west and existing residential curtilages to the east. The proposal is for a logical extension to the urban area and the proposal is well related to the existing urban settlement boundary as a result. The development has been laid out with pedestrian and vehicular connections to and from Beacon Bottom and a footpath along the northern side of the road.

8.36 The application site is also considered to be sustainability located within close proximity to the local centre of Park Gate where various shops and local

services can be found. Park Gate Employment Area at Botley Road and Duncan Road is also close by as is Park Gate Business Centre. Swanwick train station lies within a 500m walk from the site and the nearest general use bus services are also located at the train station. From here, bus services are available between Fareham and Whiteley (28/28A route). A further bus stop is located on the A27, approximately 590m walking distance from the centre of the site. From here, services are available to Southampton and Portsmouth (X4 route). A number of school bus services are available from both stops, and these serve Barton Peveril College, Swanmore School and Peter Symonds College.

- 8.37 The site is located adjacent to the existing urban settlement boundary in a sustainable location and is clearly accessible and well served by public transport which provides the opportunity for future residents to travel by alternative modes of transport, other than the private car. It is therefore considered that point (ii) of Policy DSP40 is satisfied.

Policy DSP40 (iii)

- 8.38 The first part of this policy test relates to the sensitivity of the proposed design in relation to the existing settlement area. Policy CS17 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”*.
- 8.39 Having considered the submitted details, Officers are satisfied that the scale, design and layout of the scheme is of a high quality which would respond positively and be respectful of the established character and appearance of the area complying with Policy CS17. The scheme has been sensitively designed to reflect the suburban character of the immediate surrounding settlement area in accordance with the first part of Policy DSP40(iii).
- 8.40 The second part of the policy test considers to what extent any impact on the countryside is minimised. The site is within an area of countryside but is not designated as Strategic Gap. The Fareham Landscape Assessment 2017 (which is part of the evidence base for the published draft Fareham Local Plan 2037) identifies that the site lies within the North Sarisbury Character Area. This area is described as being of semi-rural, wooded landscape that is sandwiched between the M27 to the north and the urban edges of Lower Swanwick, Sarisbury and Park Gate. It is noted that its isolation from surrounding countryside to the north and the influence of its urban context lend a distinctive ‘fringe’ character to the landscape.

- 8.41 The area is identified in the Fareham Landscape Assessment 2017 as having some potential to accommodate limited small-scale development within the existing framework of small fields and woodland, particularly in areas adjacent to existing built development where landscape character and quality is already influenced by urban/suburban features, and where the effects could be mitigated by the existing framework of woodland or by new planting.
- 8.42 In this instance the application site is strongly enclosed by mature woodland on its northern and western edges and residential curtilage to the east. The visual effects of the proposed development would be confined to the existing field within which it sits, and more distant views would be heavily screened. There would be no harmful effects in this regard on the wider landscape. As a result, the impact of the development in visual and landscape terms would be satisfactorily minimised so as to accord with the second part of the policy test at Policy DSP4(iii).

Policy DSP40 (iv)

- 8.43 Officers are satisfied that if full planning permission were to be granted the scheme would be delivered in the short term and all 29 dwellings built out in a single phase completed within the next five years.
- 8.44 Officers consider that the site is deliverable in the short term thereby satisfying the requirement of Policy DSP40(iv).

Policy DSP40 (v)

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

Highways

- 8.46 Officers raised concerns with the applicant shortly after the application was submitted in relation to the extent of overgrown vegetation on the carriageway along Beacon Bottom. The hedgerow, extending from immediately east of the proposed access to east of the junction of Beacon Bottom and Beacon Mount, has been allowed to grow over the highway verge and carriageway over a number of years. The applicant has produced a Carriageway Width Note which demonstrates that some hedge clearance will be required to achieve the required carriageway width of 4.8m (to allow a light vehicle to pass a heavy vehicle). The note states that such clearance works can be undertaken on the public highway without undermining the integrity of the hedge and the highway authority HCC have no objection. Following consultation with HCC

highways on this point, Officers consider that such works should be secured through a suitably worded obligation in a Section 106 agreement.

- 8.47 Following the revisions made to the scheme by the applicant, the highway authority have raised no objection to the proposals and have stated that they are satisfied that there would be no direct or indirect impact upon the operation or safety of the local highway network. The applicant would be required to provide a financial contribution to amend the existing traffic regulation order (TRO) on Beacon Bottom as outlined in the submitted Transport Statement and Carriageway Width Note. The amended TRO would seek to deter long-stay parking on the road, such as the parking by commuters using nearby Swanwick Railway Station, which could comprise the introduction of day-time parking restrictions or through the extension of existing parking restrictions on Beacon Bottom. Such amendments would ensure the carriageway is kept available at a suitable width without being narrowed by parked cars.
- 8.48 In terms of the proposed site layout, the proposal would comply with the Council Car & Cycle Parking Residential Car & Cycle Parking SPD in terms of car parking provision. In order to meet these standards however, certain plots would need to be provided with car ports as opposed to garages. Clarification is sought from the applicant on the provision of car ports and garages and will be reported to Members by way of an update. Refuse vehicle tracking has also been carried out to ensure the Council's refuse lorry can access the development, service the plots and turn to leave the site in forward gear.

Environmental

- 8.49 The revised site layout has been produced by the applicant in response to previous advice given by Officers in relation to the need for compensatory habitat for protected species and for more space around protected trees. As a result plots 14 – 17 in the north-west corner of the site have been turned to address the adjacent woodland at a satisfactory distance to allow an appropriate buffer and habitat clear of the overhanging TPO tree canopies. Similarly, a better arrangement has been reached for plots 26 – 29 which face onto a small area of open space and TPO trees.
- 8.50 The Council's Principal Tree Officer has advised that in his opinion the development proposals would have no significant adverse impact on the contribution of the trees on site to the public amenity or the character of the wider setting.
- 8.51 The ecology reports submitted by the applicant show that there are two outbuildings on the site which were assessed as having low potential for

roosting bats. The subsequent emergence surveys confirmed the absence of roosting bats. The northern and western boundaries of the site, which are the woodland edges, are of more value to foraging/commuting bats.

- 8.52 Initially concerns were raised concerning the provision of insufficient replacement habitat for dormice, inappropriate mitigation for reptiles and inadequate measures to protect the adjacent woodland to the north and west. The site layout has been amended to provide a buffer along the northern boundary which would be appropriate for reptiles and therefore the proposed reptile mitigation strategy is considered acceptable. New planting would also be provided along the western boundary which would provide compensatory habitat for dormice. It is not considered that the proposal would have an adverse impact on protected species.
- 8.53 The application proposes the removal of the majority of the frontage hedgerow along the southern boundary of the site. Other parts of the hedgerow are shown to be reduced and cut back. This hedgerow removal and reduction is required to provide suitable visibility splays for the vehicular access into the site, to widen the carriageway appropriately and to provide the new footpath and access points to dwellings as shown on the submitted plans. A submitted Landscape Proposals Plan shows areas of new planting including a new hornbeam hedge along sections of the new frontage. The precise details and specification of the landscaping scheme would be secured by using a suitably worded planning condition.
- 8.54 The Lead Local Flood Authority, Hampshire County Council, have raised no objection in response to being consulted on the proposals and the applicant's Flood Risk Assessment and Surface Water Drainage Strategy.

Amenity

- 8.55 The applicant has worked to revise the proposed layout to the satisfaction of Officers and to comply with the Council's Design Guidance SPD (excluding Welborne). During the course of the application the number of dwellings proposed has been reduced from 34 to 29 in order to do so. The proposal provides private gardens and amenity areas to each unit in accordance with the standards set out in the SPD.
- 8.56 The proposals provide internal space for each dwelling in accordance with the standards set out in the Nationally Described Space Standards (March 2015).
- 8.57 Officers are satisfied that the development would be acceptable in accordance with Core Strategy Policy CS17 and Local Plan Part 2 Policies DSP3 and DSP40(v).

e) Other Matters

Affordable Housing

- 8.58 Policy CS18 of the adopted Fareham Borough Core Strategy sets out that developments of 15 dwellings or more should provide on-site affordable housing provision at a level of 40%. For a scheme of 29 dwellings this equates to 11.6 units.
- 8.59 The application includes the provision of seven dwellings for affordable rent and four dwellings for shared ownership. The remaining 0.6 equivalent would be provided as a financial contribution in lieu of on-site provision. The proposed split between affordable rent and intermediate is acceptable as it closely reflects the 65:35 sought. The mix of property sizes is also acceptable as it adequately reflects local need. If planning permission were to be granted, the provision of those units would be secured via a Section 106 legal agreement entered into by the applicant/landowner.

Comments from Portsmouth Hospitals NHS Trust

- 8.60 In December 2018 the Portsmouth Hospitals NHS Trust wrote to the Council to make representations about the application. The Trust is commissioned to provide acute healthcare services to a number of Clinical Commissioning Groups (CCGs) including Fareham and Gosport CCG. The CCGs commission planned and emergency acute healthcare from the Trust.
- 8.61 A summary of the comments made by the Trust is included earlier in this report. The Trust request a financial contribution of £1,026 per dwelling to provide services needed by the occupants of the new homes.
- 8.62 The tests for obligations are set out in paragraph 56 of the NPPF and reflect those in Regulation 122 of the Community Infrastructure Levy Regulations 2010. The tests for an obligation are whether they are:
- 1. necessary to make the development acceptable in planning terms;*
 - 2. directly related to the development; and*
 - 3. fairly and reasonably related in scale and kind to the development.*
- 8.63 There is no specific policy in the adopted local plan that relates to hospital infrastructure or contributions towards hospital services. The comments from the Trust refer however to Policy CS20 of the adopted Core Strategy which seeks to ensure that developments will contribute towards or provide

infrastructure or mitigate an impact of a development upon infrastructure. The representations are clear that they do not seek a contribution towards health infrastructure rather it is the impact upon the hospitals through the delivery of the health care service. Whilst the thrust of Policy CS20 seeks to secure contributions towards infrastructure, it could be argued that the broad nature of Policy CS20 could be material in assessing the Trust's request.

- 8.64 Furthermore, the NPPF, in Chapter 8 seeks to promote healthy and safe communities. The NPPF identifies that decisions should “...*enable and support healthy lifestyles, especially where this would address identified local health and well-being needs*” and “...*take into account and support the delivery of local strategies to improve health...of the community*” (paragraph 91-92).
- 8.65 The first point to note in relation to the Trust's comments is that the UK provides its citizens with healthcare on a national basis regardless of district or county boundaries. The funding is collected via central government taxation and distributed locally to provide healthcare. Whilst delivered locally the service is a National Health Service and as such the government has a system to ensure that each area of the country has enough funds to provide the service on the basis of the population it serves. Regardless of where someone lives, they are entitled to receive healthcare on a national basis.
- 8.66 The Trust's comments explain the way in which the hospitals are currently funded. The Trust indicate that the residents who will be living in the development are likely to use the hospitals and increase pressure on the hospital services as a result. A formula is provided with an estimated number of the proposed population predicated as being likely to need to use the hospital services. From this estimated number of hospital visits, a cost is attributed and multiplied to provide the suggested contribution.
- 8.67 In considering the requests it is noted that the construction of houses does not itself lead to population growth. Officers consider that the need for housing is a consequence of population growth. Furthermore, there is no account in the representations, it seems, for the potential for the residents of the new development to be moving locally around the Borough or adjoining boroughs such that their residence locally is already accounted for by the current services and funding commissioned by the hospital. In addition, the cost attributed to the proposed patient trips to the hospital is not considered to be clearly calculated or justified.
- 8.68 The representations from the Trust state that “...*although the Trust has plans to cater for known population growth it cannot plan for unanticipated additional growth in the short to medium term*”.

- 8.69 The length of time between sites being identified, planning permission being granted, and the houses actually being constructed and subsequently occupied is many years. The amount of residential development coming forward in the Borough which has not been reasonably foreseeable for a period of years is therefore very limited.
- 8.70 For the reasons set out above, Officers do not consider that the contribution sought by the Trust is necessary to make the development acceptable in planning terms and thus the tests for planning obligations as set out above are not considered to have been met. Furthermore given the adopted policy framework it is considered that in the absence of the contribution, the application does not fail as a consequence as this issue alone would not justify a reason for refusal, which it must do in order to make the contribution necessary to make the development acceptable in planning terms and meet the tests for a planning obligation.

Publication Version of the emerging Fareham Local Plan

- 8.71 Members will be aware of the Publication Local Plan, which addresses the Borough's development requirements up until 2037. The latest consultation stage is currently underway and will close at the end of July. Following the submission of the Publication Local Plan to the Secretary of State, and the subsequent Examination, it is intended that the Publication Local Plan will replace Local Plan Part 1 (Core Strategy) and Local Plan Part 2 (Development Sites & Policies).
- 8.72 The site of this planning application is proposed to be allocated for housing within the Publication Local Plan (reference HA15). A number of background documents and assessments support the proposed allocation of the site in terms of its deliverability and sustainability which are of relevance. The Council published the Strategic Housing and Employment Land Availability Assessment (SHELAA) in September 2020. The application site is included and has been given a housing yield of 29 dwellings which is reflective of the current application.
- 8.73 This site was previously consulted on as part of the Regulation 18 draft local plan in 2017. In response to this consultation the Council received responses from 59 individuals and/or organisations, including 56 objections. Following the consultation, work has been undertaken to respond to/resolve these objections. In 2020 the site was included in the Regulation 19 consultation on the Publication Local Plan, one consultation response was received in respect of the site in the form of support from the site promoter. Therefore, as the plan has reached publication plan stage, has been subject to a number of high

level assessments that support its allocation and the allocation policy in respect of this site has not received any objections as to its soundness, it can be considered that some weight can be applied to the policy in accordance with para 48 of the NPPF.

Planning Balance

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

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

- 8.75 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.

- 8.76 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.

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

- 8.78 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 2021 and the Government steer in respect of housing delivery.

- 8.79 In weighing up the material considerations and conflict between policies Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall and if granted, the development could be delivered in the short term. The site is located adjacent to the existing urban area and is considered to be in a sustainable location with good access to local services and public transport. The proposal would have an urbanising impact locally however any adverse impact on the wider landscape character would be minimised by the site's visual containment.
- 8.80 Officers are satisfied that there are no amenity, traffic or environmental issues which cannot otherwise be addressed through planning conditions and obligations. Affordable housing is to be provided with a type and tenure which reflects the identified needs of the local population and which again can be secured through a planning obligation.
- 8.81 In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage in housing supply, Officers acknowledge that the proposal could deliver 29 dwellings in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply is a material consideration, in the light of this Council's current 5YHLS.
- 8.82 There is a conflict with development plan Policy CS14 which ordinarily would result in this proposal being considered unacceptable in principle. Ordinarily CS14 would be the principal policy such that a scheme in the countryside would be considered to be contrary to the development plan. However, in light of the Council's lack of a five-year housing land supply, development plan Policy DSP40 is engaged and Officers have considered the scheme against the criterion therein. The scheme is considered to satisfy the five criteria and in the circumstances Officers consider that more weight should be given to this policy than CS14 such that, on balance, when considered against the development plan as a whole, the scheme should be approved.
- 8.83 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.

8.84 Having carefully considered all material planning matters, Officers recommend that outline planning permission should be granted subject to the following matters.

9.0 Recommendation

9.1 GRANT OUTLINE PLANNING PERMISSION subject to:

- i) The receipt of clarification from the applicant in relation to provision of car ports and garages to the satisfaction of Officers and to comply with the Council's adopted Residential Car & Cycle Parking Standards SPD;
- ii) The applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council in respect of the following:
 - a) To secure a financial contribution towards The Solent Recreation Mitigation Strategy (SRMS);
 - b) To secure the provision of affordable housing on-site in the form of 7no. houses for social rent (2 x 1 bed, 4 x 3 bed & 1 x 4 bed) and 4no. houses as intermediate housing (2 x 2 bed & 2 x 3bed) and a financial contribution for the remaining requirement equivalent to 0.6 dwellings;
 - c) To secure the provision of the following highway improvements to be delivered by the developer through a Section 278 agreement with the highway authority:
 - i. Delivery of the site access as detailed in drawing no. ITB14211-GA-002 rev H in submitted Transport Statement 19th June 2020;
 - ii. Provision of a footpath on the northern side of Beacon Bottom as detailed in drawing no. ITB14211-GA-002 rev H in submitted Transport Statement 19th June 2020;
 - iii. Removal/reduction of overgrown vegetation along Beacon Bottom as detailed in the Carriageway Width Note produced by i-Transport dated 2nd May 2019.
 - d) To secure a financial contribution towards funding of amendments to the existing traffic regulation order (TRO);

- e) To secure details of the maintenance and management arrangements for areas of the site not within the defined curtilage of any of the residential units hereby permitted.
- iii) Delegate to the Head of Development Management in consultation with the Solicitor to the Council to make any minor modifications to the proposed conditions or heads of terms or any subsequent minor changes arising out of detailed negotiations with the applicant which may necessitate the modification which may include the variation, addition or deletion of the conditions and heads as drafted to ensure consistency between the two sets of provisions; and
- iv) The following planning conditions:
 1. 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 drawings and documents:
 - a) 18.105.01A_Location Plan
 - b) 18.105.02_Site Plan (1) - Revised June 2020
 - c) DD230L01D_Landscape Proposals Plan - Revised June 2020
 - d) 18.105.08_Bl k J_Floor Plans and Elevations - Revised June 2020
 - e) 18.105.04D_HT Ah_Floor Plans and Elevations
 - f) 18.105.06D_Blks A-C&E_Floor Plans and Elevations
 - g) 18.105.07F_Bl k F_Floor Plans and Elevations
 - h) 18.105.10E_HT K_Floor Plans and Elevations
 - i) 18.105.11D_HT L_Floor Plans and Elevations
 - j) 18.105.12C_Bl k GV_Floor_Plans and Elevations
 - k) 18.105.21E_Bl k L_Floor_Plans and Elevations
 - l) 18.105.22D_HT ZB_Floor Plans and Elevations
 - m) 18.105.24C_HT Jh_Floor Plans and Elevations
 - n) 18.105.25B_HT JV_Floor Plans and Elevations
 - o) 18.105.27B_HT M_Floor Plans and Elevations
 - p) 18.105.28A_HT ZBV_Floor Plans and Elevations
 - q) Preliminary Ecological Appraisal (April 2019)
 - r) Bat Survey (April 19)
 - s) Beacon Bottom Reptile Surveys and Outline Mitigation (Dec 2020)
 - t) DD230D01_Dormice Mitigation Plan
 - u) Beacon Bottom Dormouse Mitigation Strategy (DMS) (Jan 21)

- v) J1128 01 05 Arboricultural Impact Assessment (AIA) - Revised June 2020
- w) Beacon Bottom - Phase II Geo environmental assessment
- x) AC105923-1r4 - Noise Impact Assessment - Revised June 2020
- y) ITB14211-004 Carriageway Width Note
- z) Transport Statement (June 2020)
- aa) Transport Statement Appendices (June 2020)
- bb) Flood Risk Assessment and Drainage Strategy (Odyssey dated June 2020)
- cc) Preliminary Drainage Strategy Plan dwg no. 18-188/001 (Odyssey dated Feb 2020)
- dd) Hydraulic calculations (Odyssey dated Feb 2020)
- ee) Site Investigation data (REC dated Oct 2018)

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

3. No development shall commence until details of the internal finished floor levels of all of the proposed buildings and proposed external finished ground levels, in relation to the existing ground levels on the site and the adjacent land, have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

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

4. No development shall commence until a scheme of lighting along the northern and western boundaries of the site (during construction and the operational life of the development), designed to minimise impacts on wildlife, particularly bats, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to minimise impacts of lighting on the ecological interests of the site in accordance with Policy DSP13 of the Fareham Borough Local Plan Part 2: Development Sites & Policies.

5. No development shall commence until a detailed biodiversity enhancement and management scheme, supported by drawings, and stating management aims, objectives and prescriptions as well as a monitoring and review process, 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: To conserve and enhance biodiversity in accordance with the NPPF and the Natural Environment and Rural Communities Act.

6. No development shall commence until additional ground gas monitoring has been undertaken to provide further evidence on the ground gas assessment of the site, as advised within the approved Phase II Geo environmental assessment. The gas monitoring should comprise no less than two additional rounds of monitoring and one should be in a falling pressure event. The results of this monitoring shall be submitted to and approved in writing by the Local Planning Authority prior to any development taking place on the site.

Where the gas monitoring 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 by the LPA in writing. This shall include the nomination of a competent person (to be agreed with the LPA) to oversee the implementation of the measures.

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.

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.

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.

7. 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.

8. No development shall commence on site until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved CEMP (unless otherwise agreed in writing by the local planning authority) which shall include (but shall not necessarily be limited to):
 - a) Details of how provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;
 - b) The measures the developer will implement to ensure that operatives'/contractors/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;
 - c) Arrangements for the routing of lorries and details for construction traffic access to the site;
 - d) The arrangements for deliveries associated with all construction works, loading/ unloading of plant & materials and restoration of any damage to the highway;
 - e) The measures for cleaning the wheels and underside of all vehicles leaving the site;
 - f) A scheme for the suppression of any dust arising during construction or clearance works;
 - g) The measures for cleaning Beacon Bottom ensure that it is kept clear of any mud or other debris falling from construction vehicles, and
 - h) A programme and phasing of the demolition and construction work, including roads, footpaths, landscaping and open space;
 - i) Location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction;
 - j) Provision for storage, collection, and disposal of rubbish from the development during construction period;

k) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

l) Temporary lighting;

m) No burning on-site;

n) Scheme of work detailing the extent and type of piling proposed;

o) A construction-phase drainage system which ensure all surface water passes through three stages of filtration to prevent pollutants from leaving the site;

r) Safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site.

REASON: In the interests of highway safety; To ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period; In the interests of protecting protected species and their habitat; In the interests of protecting nearby sites of ecological importance from potentially adverse impacts of development. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

9. No development hereby permitted shall commence until details of the maintenance of the SuDS drainage system have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the SuDS drainage system shall be maintained in accordance with the approved details at all times thereafter.

REASON: In the interests of protecting protected species and their habitat; 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.

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

REASON: To secure the satisfactory appearance of the development.

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

- One EV charging point installation per residential dwelling.

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.

12. No development shall proceed beyond damp proof course (dpc) 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

13. The development shall be carried out in accordance with the Arboricultural Impact Assessment and Tree Survey (Sapling Arboriculture, June 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.

14. The development hereby permitted shall be carried out in accordance with the submitted revised Dormouse Mitigation Strategy (Dec 2020) and revised Reptile Surveys and Outline Mitigation by Ecosupport (Jan 2021).

REASON: To ensure the protection of reptiles and dormice in accordance with the Wildlife and Countryside Act 1981 (as amended).

15. No work on site relating to the construction of any of the development hereby permitted (Including works of demolition or preparation prior to operations) shall take place before the hours of 0800 or after 1800 Monday to Friday,

before the hours of 0800 or after 1300 Saturdays or at all on Sundays or recognised public holidays, unless otherwise first agreed in writing with the Local Planning Authority.

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

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

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

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

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

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

18. None of the development hereby approved shall be occupied until details of secure cycle storage have been submitted to and approved by the Local Planning Authority in writing. The secure cycle stores shall be provided before any dwelling is first occupied and shall thereafter be retained and kept available for use at all times.

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

19. No dwelling hereby permitted shall be occupied until 2.4m by 43m visibility splays have been provided at the site access junction with Beacon Bottom in accordance with the approved details. These visibility splays shall thereafter be kept free of obstruction (nothing over 1m in height) at all times.

REASON: In the interests of highway safety; in accordance with Policies CS5 and CS17 of the Fareham Borough Core Strategy.

20. None of the residential units hereby permitted shall be occupied until details of water efficiency measures to be installed in each dwelling have been submitted to and approved in writing by the Local Planning Authority. These water efficiency measures should be designed to ensure potable water consumption does not exceed a maximum of 110 litres per person per day. The development shall be carried out in accordance with the approved details.

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

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

REASON: In the interests of highway safety.

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

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

23. The landscaping scheme, submitted under Condition 12, 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

24. The car ports hereby approved shall be constructed in accordance with the approved plan. Thereafter each car port shall be retained, without doors, at all times so they are available for their designated purpose.

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

25. Notwithstanding the provisions of Class F of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no additional hard surfaced areas shall be constructed forward of the principal elevation of the dwellings constructed on Plots 2, 3 or 4 hereby approved unless first agreed in writing with the Local Planning Authority following the submission of a planning application.

REASON: To protect the character and appearance of the locality; to prevent additional car parking spaces being formed with access from Beacon Bottom without further assessment of the likely highway implications.

26. The first floor windows proposed to be inserted into the:

1. East elevation of the dwelling at Plot 12;
2. South elevation of the dwelling at Plot 25;
3. East elevation of the dwelling at Plot 29;

shall be:

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

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

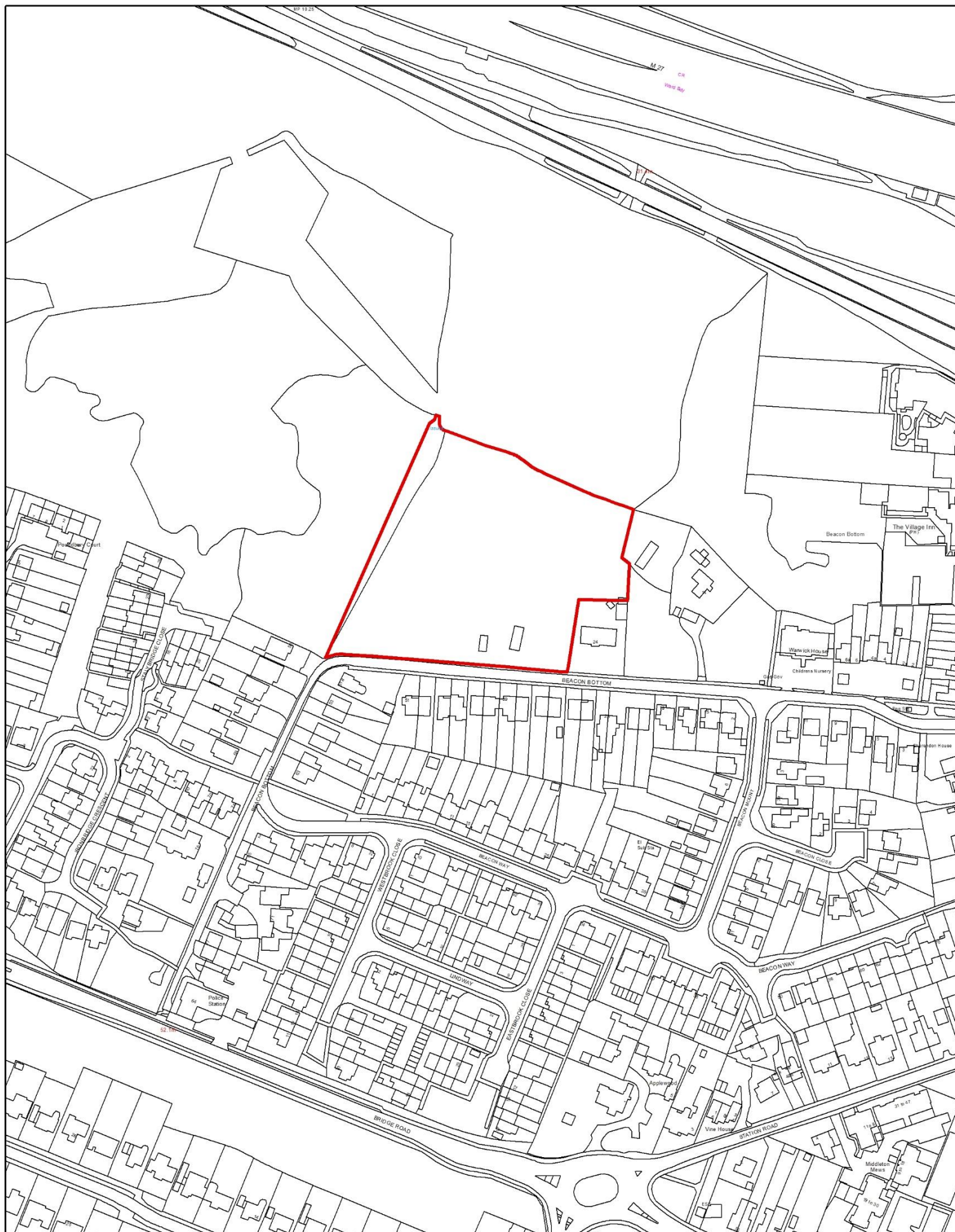
REASON: To prevent overlooking and to protect the privacy of the occupiers of the adjacent properties.

10.0 Background Papers

P/18/1258/FP

FAREHAM

BOROUGH COUNCIL



Beacon Bottom West
Scale: 1:2,500

OFFICER REPORT FOR COMMITTEE

DATE: 14/07/2021

P/19/1322/OA

Mr BARNEY & MR COOPER

TITCHFIELD COMMON

AGENT: GERALD EVE

OUTLINE APPLICATION FOR THE PROPOSED ERECTION OF UP TO 39 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE, LANDSCAPING, OPEN SPACE AND ACCESS, INCLUDING DEMOLITION OF EXISTING BUILDINGS (ALL MATTERS RESERVED EXCEPT FOR ACCESS)

139 SOUTHAMPTON ROAD, TITCHFIELD

Report By

Susannah Emery – direct dial 01329 824526

1.0 Introduction

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

2.0 Site Description

- 2.1 The application site is located within the countryside to the east of Southampton Road (A27) on the opposite side of the road to the Southampton Road Retail Park. The site is part of a larger housing allocation site (HA3) identified within the Draft Local Plan 2037 which extends north from the southern boundary of the application site up to the Segensworth Roundabout.
- 2.2 The site abuts Hambrooks Garden Centre to the north. The Sylvan Glade SINC abuts the site along the northern section of the eastern boundary. Two detached residential properties set within substantial plots lie to the south and south-east of the application site (Nos 163 & 171 Southampton Road).
- 2.3 The site is currently occupied by a large detached chalet bungalow which stands towards the north of the site. Planning permission was granted in 1981 for use of the land immediately to the north and east of the dwelling as a residential caravan park. Multiple static homes were previously on site although this use has ceased temporarily until the outcome of the planning application is known. The area of grassland within the north-east corner of the site was used as open space in association with the caravan park and the remainder of the site to the south has been left as pasture.
- 2.4 There are currently two points of vehicular access to the site from Southampton Road; one towards the north of the site closest to the existing dwelling and one towards the south.

- 2.5 The trees (Oak & Ash) which extend in a linear arrangement along the western boundary adjacent to Southampton Road are covered by a group tree preservation order (TPO) and there are also five individual Oak trees set in slightly from this boundary which are protected by TPO's.
- 2.6 The site falls within Flood Risk Zone 1 which has the lowest risk of flooding.
- 2.7 The site levels fall gently from north to south.

3.0 *Description of Proposal*

- 3.1 Outline planning permission is sought for the construction of up to 39 dwellings with all matters reserved apart from the means of access to the site. The layout, appearance and scale of dwellings and landscaping of the site are therefore reserved for a future reserved matters application and not for consideration at this time.
- 3.2 The application was originally submitted for up to 49 dwellings however a reduction to the maximum yield has been sought by Officers to address concerns over the potential density and layout of the site based on the indicative layout. This has resulted in the introduction of an area of public open space and an improved relationship between dwellings and landscaped areas in order to improve the quality of the scheme and the subsequent living environment for future residents. Whilst Officers have accepted the application for up to 39 dwellings any reserved matters application seeking approval for the layout of the development would need to further demonstrate how this could be achieved in a satisfactory arrangement.
- 3.3 A single access point with only left in and left out turning (and acceleration and deceleration tapers) is proposed from Southampton Road. Pedestrian and cycle links are included along the edge of Southampton Road to link up with the existing network to the north and the uncontrolled pedestrian crossing over Southampton Road. A 2m wide footpath is proposed running south to link with the controlled crossing at the junction of Southampton Road and Titchfield Park Road.
- 3.4 The indicative layout includes a mixture of flatted and individual properties of varying size. Building heights are indicated as being generally 2-2 ½ storey for dwellings and 2-3 storeys for flatted blocks. The scheme has been designed with an outward facing edge to Southampton Road which would be visible beyond the retained boundary trees, albeit with a 15m acoustic buffer. The primary vehicular route through the site would be from south to north with a future link included to provide access to land to the north.
- 3.5 A parameters plan has been submitted to demonstrate the developable area of the site and this allows for the retention of a large area of public open space within the north-west corner of the site (1126sqm) , which based on 39 dwellings would accord with the requirements of the Council's adopted Planning Obligation SPD. It is also proposed to provide a 15m buffer with the adjacent SINC within the north-east corner of the site which would extend at a

reduced width along the entire eastern boundary enabling circulation around the development.

- 3.6 The application would include the provision of 40% affordable housing with both rented and shared ownership properties.

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

CS14 - Development Outside Settlements

CS15 - Sustainable Development and Climate Change

CS16 - Natural Resources and Renewable Energy

CS17 - High Quality Design

CS18 – Provision of Affordable Housing

CS20 - Infrastructure and Development Contributions

CS21 - Protection and Provision of Open Space

Adopted Development Sites and Policies

DSP1 – Sustainable Development

DSP2 - Environmental Impact

DSP3 - Impact on living conditions

DSP4 – Prejudice to Adjacent Land

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

DSP13 - Nature Conservation

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

DSP40 - Housing Allocations

Other Documents:

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

Residential Car Parking Standards 2009

Planning Obligations Supplementary Planning Document (April 2016)

5.0 Relevant Planning History

- 5.1 The following planning history is relevant:

FBC 6740/1	Application for Established Use Certificate (Siting of Residential Caravans)
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Certificate granted 25 May 1979

FBC 6740/2

Use of Land as a Residential Caravan Site
Permission 22 January 1981

6.0 Representations

6.1 Twenty-six representations have been received raising the following concerns;

In relation to highway matters:

- Concerns over safety of access to the site
- Traffic increase
- Traffic controls should be applied to Titchfield Park Road to prevent it from being used as a rat run
- The southern end of Titchfield Park Road should be for residents' access only
- Vehicles turning off the A27 into Titchfield Park Road will slow the speed of traffic
- Vehicles will speed along Titchfield Park Road
- The road surface on Titchfield Park Road is in a bad state of repair
- Appropriate infrastructure including roads/pathways and cycleways must be provided
- Construction traffic should not be allowed to use Titchfield Park Road
- Traffic queues at the Segensworth roundabout on Segensworth Road will be increased
- Increased vehicle emissions

In relation to ecology

- Loss of habitat
- Loss of trees
- Impact on Sylvan Glade (SINC)
- Impact on wildlife
- The land provides a wildlife corridor
- Potential for surface water run-off contamination

In relation to other matters:

- There is already much housing planned within the local area
- Noise and disruption
- Additional strain on doctors' surgeries and schools

7.0 Consultations

EXTERNAL

Highways (Hampshire County Council)

- 7.1 *Highway Impact* - The traffic emerging from the site will be distributed 100% onto the A27 heading south-bound. For traffic heading north, the two principle routes will be to u-turn at St Margaret's Roundabout and continue along the A27, or to divert via Titchfield Park Road and up to Segensworth Road. To robustly assess the two routes, it would be prudent to assume 100% of drivers wish to drive north and all will follow the same route. In both the AM and PM peaks, 25 vehicles in total are anticipated to arrive and depart from the site. In the worst case scenario, it is considered that the site will not have a significant impact on the operation of the A27 link. The modelling of the St Margaret's Roundabout also shows the junction would operate within acceptable capacity levels. As such no concerns are raised in this regard.
- 7.2 The second scenario assumes all traffic leaving the site will wish to head north and will utilise Titchfield Park Road. The traffic levels for this scenario would be 18 vehicles in the AM peak and 8 in the PM peak. This would be a more significant impact along this residential road and there would be a cumulative impact when considering the approved application to the north (P/18/0068/OA). The actual increase in vehicles per hour in the worst case (combined) scenario would be 68 vehicles in the AM Peak and 8 vehicles in the PM Peak.
- 7.3 The TA has considered the impact of the development on the operation of the junction of Titchfield Park Road and the A27, and this operates within capacity. In addition the recent duelling of the A27 allows overtaking moments of slower vehicles entering Titchfield Park Road. In isolation the development site considered under this application is not considered to generate sufficient traffic to warrant mitigation of Titchfield Park Road.
- 7.4 Titchfield Park Road is not considered suitable for the increased use of HGV or construction traffic. As such a Construction Management Plan to include the routing of construction traffic away from Titchfield Park Road should be requested.
- 7.5 *Sustainable Transport*- It is noted that many of the local amenities do fall within acceptable walking distances, albeit at the higher end.
- 7.6 The nearest bus stop is 600m away which is considered an acceptable distance in this location, however this stop does not service the nearby train station of Swanwick. It is therefore likely that if residents are to travel sustainability to Swanwick station this will be via foot or cycling.
- 7.7 The A27 benefits from a Toucan crossing circa 250m to the south of the site, albeit there is no existing link for usage. The proposals therefore include a 2.5m shared use foot/cycle path to link the site access to the existing crossing. This would allow pedestrians and cyclists to safely connect to the wider network and local amenities.

- 7.8 *Site Access* - The draft Local Plan indicated that access onto the A27 should only be provided if direct access on to Segensworth Road is not possible, as in this instance. As such the applicant has provided an internal link to the northern boundary of the site to allow a future connection to Segensworth Road should further developments come forward. Should future development allow such a link to be made, it should be conditioned that the A27 access will be closed with immediate effect to prevent a through link between Segensworth Road and the A27. The access should then be permanently stopped up within an agreed upon timeframe.
- 7.9 *Internal Layout* – Parking should fully meet the standards in the SPD. If the parking standards are not fully met, this would result in residents parking on the internal road network and potentially prevent access for service and emergency vehicles.
- 7.10 Having regard to the above, the Highway Authority would recommend no objections to the application, subject to planning conditions.

Natural England

- 7.11 The Council's appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the Protected sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

Hampshire County Council (Flood Water Management Team)

- 7.12 The information submitted by the applicant in support of this planning application indicates that surface water runoff from the application site will be managed through permeable paving and discharged into the existing ditch at the south of the application site at a rate of 5.8l/s. This is acceptable in principle. The existing ditch requires further investigation concerning condition, capacity, flow direction and gravity connections.
- 7.13 The existing watercourses could indicate that the application site has high groundwater levels, which would have implications in the proposed drainage system including the permeable paving. Therefore, the applicant should submit information on how impacts of high groundwater will be managed in the design of the drainage system to ensure that storage capacity is not lost, and structural integrity is maintained.
- 7.14 Nevertheless, bearing in mind that this is an outline planning application we are content that these matters can be addressed through a suitably worded planning condition.

Archaeology (Hampshire County Council)

- 7.15 There are no archaeological sites recorded at this location nor in the immediate vicinity. Any archaeological potential the site might have has been compromised by the existing development on site as such there are archaeological issues.

Hampshire Constabulary Crime Prevention Officer

- 7.16 To the northeast of the development there is an area of open space to which there is easy access. From this area of space it is possible to easily access the rear garden fences of plot numbers 16, 37 and 38, it is also possible to access the flank walls of plot numbers 16 and 37. These attributes increase the opportunities for crime and anti-social behaviour. To reduce the opportunities for crime and anti-social behaviour the flank walls should be protected by an area of defensible space (a garden), the garden should be at least 1.5m wide and enclosed within a robust boundary treatment. The boundary treatments that are accessible from the open space should be of robust construction and topped with 300mm of trellis, to give an overall height of 2.1m.
- 7.17 There is very little natural surveillance of the open space which increases the opportunities for crime and anti-social behaviour. To reduce the opportunities for crime and anti-social behaviour there needs to be greater natural surveillance of this space from the nearby dwellings.

Southern Water

- 7.18 Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

HCC Children's Services

- 7.19 The development lies in the catchment area of Park Gate Primary and Brookfield Secondary Schools. At primary level there is no requirement for a contribution towards the provision of additional school places. However, Brookfield secondary school is full and there is significant pressure for places from within the schools catchment area. As such, this development will increase this pressure and a contribution towards the expansion of the school is required.

INTERNAL

Fareham Housing

- 7.20 The Housing Officer has set out the current affordable need in the Borough and advised that the mix of units should be agreed as part of the outline planning application and form part of the Section 106 legal agreement. The

proposed quantum/mix of dwellings indicated is considered to be appropriate and reflective of local need.

Streetscene

- 7.21 The open space layout is principally linear and confined to the boundaries of the site and therefore should include a circular route to encourage site surveillance through walking/jogging activities. The principles of retaining and respecting the existing landscape whilst integrating new planting to maximise wildlife value and offset Carbon is welcomed. Future management and maintenance of the public spaces may be better served by an integrated management company set up between the developer and future residents as the enclosed community feel of this proposal lends itself to hands on management by the stakeholders. If this is not possible then a suitable sum would need to be agreed and commuted to the Council before the Council could consider any formal adoption of the open space.
- 7.22 A Sweep Plan must be provided to show access into, the route through, and exit from the development for a refuse collection vehicle. Bin collection points must be provided and shown on the plans for all properties where access is not directly onto the public highway. Bin stores for communal bins in flats must be large enough to accommodate the required number of bins, must be easily accessible from the road, with a level surface and drop kerb.

Ecology

- 7.23 *Statutory Designated Sites* - In accordance with the recent guidance from Natural England in relation to the existing uncertainty about the deterioration of the water environment, any proposal should achieve nutrient neutrality. As such, the applicant is required to submit the nitrogen budget for the development to demonstrate no likely significant effect on the European designated sites due to the increase in waste water from new housing.
- 7.24 *Non-statutory Designated Sites* - Sylvan Glade Site of Importance for Nature Conservation (SINC) and some parts of the Ancient Woodland are located adjacent to the eastern boundary. A 15m buffer for the Ancient Woodland and SINC has been indicated.
- 7.25 *Protected Species*
Dormice - Surveys were carried out between June and November 2019 and no evidence of dormice was recorded. Therefore no concerns are raised.

Reptiles - The further information submitted by the applicant's ecologist (Briefing Note: Ecology Consultation Response, Ecology Solutions, July 2020), has been reviewed and is acceptable. This note confirms that some suitable habitat for reptiles will be retained on site and fencing will be installed during the construction phase to protect these areas. A logpile will also be created in the retained area.

Roosting & Foraging/commuting bats - The report states that building “B1 was recorded to support some low potential roosting features in the form of gaps under the roofing felt and soffits, while a small number of access points were recorded around the garage door and external vent.” It is understood that all these features were thoroughly investigated and no evidence of roosting bats was found. Further information has been provided in relation to the bat activity and nocturnal emergence/re-entry surveys. The additional automated and re-entry survey in May 2020, along with the photographs of the buildings on site are also very useful and on the basis of the information provided the level of survey effort is satisfactory.

- 7.26 Provided that the scheme achieves nitrogen neutrality there would be no objection subject to conditions.

Principal Tree Officer

- 7.27 Provided the method statement and tree protection measures are adhered to then it is considered that the access road could be constructed without any significant adverse impact on the retained trees along the Southampton Road frontage.

Urban Design

- 7.28 The amended indicative layout improves the original submission with particular reference to the organisation of buildings and space and has largely responded well to the issues previously raised. It is much more aligned to the thinking set out in the Draft Plan policy framework. The parking ‘courts’ are well overlooked and there appears to be plenty of landscaping to break up the space and enhance the public realm. Though plots 1-9 and 20-24 could do with some landscape space to provide relief and pedestrian space to the rear, rather than just manoeuvring for cars.
- 7.29 If the quality of the architecture used in the supporting imagery is carried through, then the scheme should be of high quality. Although flat roof examples are shown, the context of the site opposite the retail sheds etc would not preclude this typology. Subject to some minor adjustments and highlighting a few issues for Reserved Matters stage, a scheme of up to 39 can work using the mix of units in the illustrative layout.

Environmental Health (Contaminated Land)

- 7.30 No objection subject to condition

Environmental Health (Noise/Pollution)

- 7.31 When the site layout is finalised the applicant should provide a noise assessment that specifies the exact noise mitigation measures. This should include the specification of the ventilation and glazing to achieve acceptable internal noise levels and external measures to achieve acceptable external

noise levels. For external noise levels, a site map should be provided that details noise contours.

- 7.32 The applicant should submit a construction and environment management plan (CEMP) that details how noise, odour, dust etc will be controlled during the construction phase.
- 7.33 The Air Quality Assessment Report (reference: 2004710-01) has been reviewed and no objection is raised to it subject to the mitigation measures identified in section 6.0 of the report being implemented within the construction phase and section 6.5 during the operational phase.

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 (5YHLS)
- b) Residential Development in the Countryside
- c) Impact upon Protected Sites
- d) Policy DSP40 (Housing Allocations)
- e) Other Matters
- f) The Planning Balance

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

- 8.2 A Report entitled 'Five year housing land supply position' was reported for Members' 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. Officers accept that the Council cannot currently demonstrate a 5-year supply of deliverable housing sites.

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

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

- 8.4 In determining planning applications there is a presumption in favour of the policies of the extant Development Plan, unless material considerations

indicate otherwise. Material considerations include the planning policies set out in the NPPF.

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

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

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

"For decision-taking this means:

- Approving development proposals that accord with an up to- date development plan without delay; or*
- Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:*
 - i. The application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed⁶; 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 The key judgement therefore is whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole.

8.10 Paragraph 177 of the NPPF states that:

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

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

b) Residential Development in the Countryside

- 8.12 Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. Policy CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries.
- 8.13 Policy CS14 (Development Outside Settlements) of the Core Strategy states that:

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

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

c) Impact upon Protected Sites

- 8.16 Core Strategy Policy CS4 sets out the strategic approach to Biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policy DSP13: Nature Conservation of the Local Plan Part 2 confirms the requirement to ensure that designated sites, sites of nature conservation value, protected and priority species populations and associated habitats are protected and where appropriate enhanced.
- 8.17 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 per cent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within The Solent which are of both national and international importance.
- 8.18 In light of their importance, areas within The Solent have been specially designated under UK/ European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'Protected Sites' (PS).
- 8.19 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' if it can be shown that the proposed development will either not have a likely significant effect on designated 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 (AA). The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority.
- 8.20 To fulfil the requirements under the Habitat Regulations, Officers have carried out an AA in relation to the likely significant effects on the PS which concludes that there would be no adverse effects on the integrity of protected sites subject to mitigation measures. To inform the assessment the applicant has provided a nutrient budget of the development site and an updated parameter plan (secured by condition) to ensure that the assumptions made in the budget are accurate. The key considerations for the assessment of the likely significant effects are set out below.
- 8.21 In respect of Recreational Disturbance, the development is within 5.6km of The Solent SPAs and is therefore considered to contribute towards an impact on the integrity of the Solent SPAs as a result of increased recreational disturbance in combination with other development in The Solent area. Policy DSP15 (Recreational Disturbance on The Solent Protection Areas) of the

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

- 8.22 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 PS.
- 8.23 A nitrogen budget has been calculated in accordance with Natural England's '*Advice on Achieving Nutrient Neutrality for New Development in the Solent Region*' (June 2020) ('the NE Advice') which confirms that the development will generate 33 kg/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.
- 8.24 The nitrogen budget assumes an occupancy rate for the new development of 2.4 people. Natural England recommends that, as a starting point, local planning authorities should consider using the average national occupancy rate of 2.4 persons per dwelling as calculated by the Office for National Statistics (ONS), as this can be consistently applied across all affected areas. However competent authorities may choose to adopt bespoke calculations where they are satisfied that there is sufficient evidence to support this approach. In this case, there is no evidence to justify adopting a bespoke occupancy rate, and nor have there been any representations suggesting that an alternative rate should be used, and therefore a rate of 2.4 persons is considered appropriate.
- 8.25 The existing use of the land for the purposes of the nitrogen budget is considered to be a split between urban land (0.22ha), open space/greenfield (0.8ha) and woodland (0.05ha). Both open space/greenfield and woodland have the same nitrogen leaching rate per hectare (5Kg/TN/yr). A large proportion of the site is currently undeveloped and the areas occupied by built development or hard surfacing have been taken to be urban. Whilst the southern part of the site has previously been used as a paddock for the

applicants horse, insufficient evidence has been submitted of this use for the preceding 10 year period and therefore the lower leaching rate for open space/greenfield has been applied as a precautionary measure. In addition, the budget is calculated for 39 dwellings with no account for the water consumption associated with the existing dwelling or caravan park.

- 8.26 The applicant has entered into a contract (conditional on the grant of planning permission) to purchase 33.3 kg of nitrate mitigation 'credits' from Andrew Sellick at Warnford Park, Warnford. Through the operation of a legal agreement between Andrew Sellick, South Downs National Park Authority and Fareham Borough Council dated 1 April 2021, the purchase of the credits will result in a corresponding parcel of agricultural land at Warnford Park being removed from agricultural use and the implementation of a woodland planting scheme, therefore providing a corresponding reduction in nitrogen entering The Solent marine environment
- 8.27 Planning conditions would be imposed to ensure the submission of a Notice of Purchase for the nitrates mitigation prior to the commencement of development. Further details of water efficiency measures to be installed in each of the dwellings to ensure that water consumption does not exceed 110 L/per person/per day would also be secured by planning condition. The submission of a Construction Environmental Management Plan (CEMP) would be secured by planning condition to manage the risk of polluting the adjacent ditch during construction which has a hydrological link with The Solent & Southampton Water SPA and Ramsar.
- 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 has been consulted on the Council's AA and agrees with its findings. It is therefore considered that the development accords with the Habitat Regulations and complies with Policies CS4 and DSP13 and DSP15 of the adopted Local Plan.

d) Policy DSP40 (Housing Allocations)

- 8.29 Local Plan Policy DSP40 states that:

'Where it can be demonstrated that the Council does not have a five year supply of land for housing against the requirements of the Core Strategy (excluding Welborne) additional housing sites, outside the urban area boundary, may be permitted where they meet all of the following criteria:
i) The proposal is relative in scale to the demonstrate 5 year housing land supply shortfall;

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

Each of these five points are considered further below.

Policy DSP40(i)

- 8.30 Firstly, in relation to the first of these criteria at Policy DSP40(i), the proposal is for thirty-nine dwellings which is relative in scale to the current shortfall.

Policy DSP40(ii)

- 8.31 The site is considered to be sustainably located in reasonable proximity to leisure and community facilities, schools (St John's and St Anthony's Primary Schools) and retail services. A bus service along Segensworth Road provides access to Swanwick and Fareham Train stations and Fareham Town Centre and a further bus service linking Southampton, Warsash, Fareham and Gosport is accessed from Primate Way approx. 600m to the south of the application site.
- 8.32 The site is part of a wider area of land (Draft Housing Allocation HA3 in the Publication Local Plan). The site is located on the immediate opposite side of the A27 to retail warehousing in the urban area and therefore lies adjacent to the existing settlement area. Furthermore, it is considered that the site relates well to the urban settlement boundary, which extends northwards along the western edge of the A27 from the southern end of the application site up to the Segensworth Roundabout. Further to the north of the application site, also on the eastern side of the road within the draft housing allocation area, is a parcel of land where outline planning permission has already been granted for up to 105 dwellings (reference P/18/0068/OA). To the east lies the settlement of Titchfield Park which consists of both housing and significant industrial/commercial floorspace, albeit separated from the application site by the adjacent SINCE. The Fareham Landscape Assessment (2017) describes the immediate environment of the application site as an 'island' of landscape bounded by busy roads to the west and east (A27 Southampton Road, Segensworth Roundabout and Segensworth Road) and by the rear boundaries of housing along Titchfield Park Road to the south. The application site clearly sits within the middle of a heavily urbanised area. The

indicative site layout suggests that the development would provide an outward facing edge to Southampton Road rather than being inwardly facing in order to ensure visual connection. Officers are of the view that due to the urban characteristics of the area and the proximity to surrounding development, including both large scale retail/commercial units and low density housing the proposed development is both well related to, and can be designed to integrate with, the neighbouring settlement in accordance with point ii).

Policy DSP40(iii)

- 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.
- 8.34 The site is within an area of countryside but is not designated as Strategic Gap. The Fareham Landscape Assessment 2017 (which is part of the evidence base for the published draft Fareham Local Plan 2037) identifies that the site lies within the Titchfield Corridor Character Area (area 5.1a). The wooded central valley (Sylvan Glade SINC) which runs through the Character Area, is identified as a valuable landscape and ecological feature. The proposal ensures that the Sylvan Glade SINC can be appropriately buffered to ensure that there is both physical separation between development on the application site and Titchfield Park and that the SINC is appropriately protected. The western side of the valley, where the application site lies, is described within the Landscape Assessment as lacking a well-treed character and is considered to be generally of lower landscape quality with a scruffier, fringe appearance. The character is identified as being affected by the adjacent busy A27 and its highly urbanised surroundings, although the strong boundary vegetation along the roadside is identified as reducing some of these influences. The Fareham Landscape Assessment confirms that there is scope for development within this character area which is of lower landscape sensitivity.
- 8.35 It is acknowledged that the proposal would result in a change in the character of the site when viewed from the immediate vicinity. The site is however visually contained by the SINC to the east, the garden centre to the north and the A27 and adjacent tree screening along the eastern and southern boundaries. The incorporation of public open space and landscaped buffers around the boundaries of the site is intended to contribute to a sense of place but also to be sympathetic to the countryside location providing a green fringe. Existing boundary tree screening would be retained and reinforced to soften the appearance of the development which would be set back but visible from

the A27. Officers consider that the change in character would primarily have a localised visual impact which would not have an adverse impact on the wider countryside.

- 8.36 With regards to reflecting the character of the neighbouring settlement, it would clearly not be desirable to replicate the scale and form of the nearest development at the retail park on the opposite side of the A27. The neighbouring residential properties to the south and east would be well separated from and screened from the development site and therefore would not heavily influence the design approach. The proposed development is intended to be 2-3 stories in height to reduce visual intrusion with a traditional approach to design incorporating more contemporary elements and local materials.
- 8.37 Officers consider that subject to the detailed reserved matters consideration of layout, scale and landscaping, the proposed number of units could be accommodated on this site to respect the character of the surrounding area whilst minimising adverse impact on the countryside. It is considered that the proposal would satisfy point (iii) of Policy DSP40 and comply with Policy CS17.

Policy DSP40 (iv)

- 8.38 In terms of delivery, the agent has confirmed that the scheme would be deliverable in the short term. There are no land ownership or other practical constraints and there has been interest in the site from a number of developers although the sale of the site is yet to be agreed. It has been agreed that the timeframe for submission of the reserved matters application can be reduced from three years to two years with development to commence within 12 months of the last reserved matters approval. It is therefore considered that point (iv) of Policy DSP40 is satisfied.

Policy DSP40(v)

- 8.39 The final test of Policy DSP40 requires that proposals would not have any unacceptable environmental, amenity or traffic implications. The impact of the proposal on protected sites has been addressed elsewhere in the report and the remaining issues are discussed in turn below.

Ecology

- 8.40 The application site largely comprises managed (regularly mown) grassland, grazed semi-improved grassland and hardstanding/buildings, with smaller areas of scrub and ruderal vegetation also present. A Phase 1 Ecological survey has been carried out in support of the application.

- 8.41 All buildings and trees within the application site were subject to an inspection to assess their potential to support roosting bats and it is considered the application site as a whole is of low suitability for foraging / commuting bats. Moreover, there are only extremely limited potential impacts on bats arising from the development proposals.
- 8.42 The existing buildings were subject to a roost suitability assessment which included an internal and external survey. The existing garage on site (to be demolished) contains a void, which was searched for evidence of current or past use by bats using high-powered torches. Exterior checks of both buildings were also undertaken to search for signs of any use by bats and to identify any potential access points. Emergence and re-entry surveys and evening activity surveys were undertaken to ascertain whether the application site supports any features of potential importance for foraging and commuting bats. On the basis of the external and internal inspections, and the results of the emergence and re-entry surveys, it is considered neither building to be demolished supports roosting bats. Whilst the evening activity surveys revealed that bats are present within the local area it is considered the habitats present within the application site are of limited value. It was noted that the treelines, predominantly those on the north and eastern boundaries provide navigational and foraging opportunities.
- 8.43 A detailed survey was undertaken to search for evidence of Badgers in August 2019 and no evidence of Badgers was recorded within the application site. The habitats present in the application site are suitable for Hazel Dormice and therefore surveys to ascertain the presence or absence of Hazel Dormice were undertaken from June to November 2019 with nesting tubes and boxes deployed at high density across the site. No evidence of Dormice was recorded. It is considered the application site does not support any other protected or notable mammal species.
- 8.44 With regards to Great Crested Newt it was highlighted that the application site does not support any waterbodies. There is a single dry ditch running along part of the eastern boundary of the application site and no other potential breeding ponds with habitat connectivity to the application site are known. The habitats largely comprise regularly managed or grazed grassland and hardstanding, which would be unsuitable for the species. As such, it is considered the application site does not support Great Crested Newts.
- 8.45 The application site is largely considered to provide unsuitable habitat for reptiles. There are some small areas of tussocky grass on the eastern boundary of the application site which are potentially suitable. The vast majority of the vegetation along the eastern boundary of the application site is indicated as being retained. It is suggested that losses would be limited to

approximately 100m² of scrub / tussocky grass. This small loss of habitat is not considered to be significant to any reptile population that may be present within the wider area. However as the development has the potential to directly impact upon any individual reptiles that may be present during site clearance and construction operations it is recommended that a supervised habitat manipulation exercise be undertaken (at an appropriate time of year, when reptiles are active) to safeguard against any reptiles being killed or injured during development work at the site. It is not considered that it would be necessary to relocate any reptiles but it would be appropriate to safeguard the retained vegetation on the eastern boundary through the construction period through the installation of fencing.

- 8.46 Based on the indicative layout the majority of the trees and hedgerows are to be retained and enhanced thereby ensuring that the proposals will deliver long term benefits for species such as birds, invertebrates, reptiles and bats. A planted buffer is proposed along the eastern boundary of the site, buffering the development from the adjacent Sylvan Glade SINC and providing species rich meadow habitat which will link with other meadow provision which together will provide enhanced habitat suitable for the retained slow-worm population.
- 8.47 Overall, it is suggested that the proposals for the site would see a net gain for biodiversity through the introduction of additional native trees and shrubs (including new and enhanced hedgerow habitat) species rich meadow grassland, wetland areas and enhanced hedgerow ground flora. A detailed Planting Plan would accompany a future Reserved Matters Planning Application.

Trees

- 8.48 It is proposed to fell two individual Oak trees covered by TPO which lie close to the proposed access to the site. In addition, a total of three trees would be felled from the protected group that extends along the western boundary. Selective felling of poorer quality trees would be undertaken along the northern and eastern boundaries. These trees have been assessed as being in poor condition and as such their removal is warranted for reasons of health and safety. Replacement tree planting would be sought as part of the landscaping proposals at reserved matters stage.

Surface Water Drainage

- 8.49 The outline drainage strategy for the site includes sustainable drainage features. Surface water would be collected by areas of permeable paving and a hydrobrake would be utilised to restrict the flow of surface water collected by this permeable paving into an existing drainage ditch which runs along the

eastern boundary. Submission of the final design of the surface water drainage scheme would be secured by planning condition and a planning condition seeking submission of details of the finished ground levels and floor levels of the dwellings is also suggested as it is stated within the drainage strategy that it may be necessary to raise ground levels towards the south of the site.

Amenity

- 8.50 The proposal is in outline form with matters of scale, appearance and layout reserved for later consideration. At the reserved matters stage, the detailed layout and scale would need to be policy compliant to ensure that there would not be an adverse unacceptable impact on the amenity of neighbouring residents and that a good standard of living accommodation was being provided for future residents.
- 8.51 A noise survey has been undertaken to determine the prevailing noise climate at the site and a summary of the results has been provided, with reference to relevant British Standard guidelines. Recommendations of appropriate noise mitigation measures have been made in order to achieve appropriate acoustic criteria in line with relevant British Standard guidelines.

Highways

- 8.52 The access to the site would be in the form of a left-in / left-out junction from Southampton Road (A27) which would be located towards the southern end of the proposed development where the A27 has a kerbed central reservation. The existing access located at the northern end of the site (where there is a break in the central reservation) would then be closed. It is proposed to provide a deceleration lane to assist vehicles to exit off of the A27 Southampton Road but no acceleration lane. In accordance with the County Council's pre-application comments, a speed survey has been undertaken to inform the level of visibility required. Visibility of 2.4m x 120m can be achieved from the access in accordance with the speed limit.
- 8.53 The Highway Authority has suggested the potential closure of the proposed access from Southampton Road in the event that the development becomes accessible from Segensworth Road. Officer do not consider that there would be a justified need to secure this closure as it has been demonstrated that the proposed access would not have any unacceptable implications on highway safety.
- 8.54 An assessment of the traffic impact of the development has been presented within the supporting transport statement. The development is anticipated to generate 25 two-way movements in the morning and evening peak hours. This equates to approximately one additional vehicle every two

minutes. In relation to the impact of increased traffic two scenarios have been considered, one scenario which assumes traffic from the development wishing to travel north uses Titchfield Park Road and a second which assumes that northbound traffic uses the St Margaret's Roundabout to u-turn. Operational assessments of the A27 Southampton Road / Titchfield Park Road (priority) junction and St Margaret's Roundabout (signalised) have been undertaken. It is not considered that the development will have any noticeable impact on the St Margaret's Roundabout with no increases in queueing anticipated regardless of scenario and this is attributed to the low number of traffic movements generated by the development.

- 8.55 The results also show that the Titchfield Park Road/Southampton Road junction would operate within capacity in the future without any material queueing or delay in either scenario. Whilst there are no safety concerns in relation to the operation of the junction, Officers acknowledge the concerns raised by local residents in relation to the increase in vehicle movements on Titchfield Park Road and the impact this could have on residential amenity. The potential closure of Titchfield Park Road to traffic leaving the A27 was previously considered in relation to the Reside/Vivid scheme on land at the northern end of the HA3 housing allocation. At that time based on the low flows of traffic on Titchfield Park Road and the review of accident data, the highway authority were satisfied that the proposed development would not have an adverse impact on the safe operation of the junction. The Highway Authority acknowledged that if further development were to be proposed locally then there may be a need to consider measures to mitigate any impact on Titchfield Park Road including potential closure of the A27/Titchfield Park Road junction and a highway contribution was secured accordingly. The highway Authority have confirmed that sufficient funds are available in the event that the closure of Titchfield Park Road is deemed necessary in the future.
- 8.56 To ensure pedestrian and cycle connectivity a footway would be provided from the application site to the north to tie in with the existing footway provision and the uncontrolled crossing of Southampton Road. The proposed development of 105 dwellings to the north is expected to deliver a Toucan crossing over Southampton Road to provide pedestrian and cycle access to the services and facilities on the western side of the road. The crossing is located circa 250m to the north of the proposed development. There is an existing Toucan crossing to the south of the application close to the Titchfield Park Road junction and it is proposed to provide a shared use footway/cycleway linking the development to this crossing.
- 8.57 The application is in outline form however the proposal would be expected to deliver on-site car parking in accordance with the Council's adopted Residential Car & Cycle Parking SPD. A swept path analysis has been submitted to demonstrate that both a refuse vehicle and fire tender can

manoeuvre around the site and turn as required but this would need to be updated to reflect the final layout.

- 8.58 Officers are satisfied that based on the quantum of development proposed and the spatial relationship of the site to adjoining development that Core Strategy policy CS17 and Local Plan Part 2 policy DSP40(v) could be satisfied.

e) Other Matters

Affordable Housing

- 8.59 The proposal includes the provision of 40% affordable housing which subject to appropriate size, mix, tenure being agreed to meet identified local need would meet the policy requirement within Policy CS18 of the adopted Core Strategy. The provision of those units would be secured via a Section 106 legal agreement.

Effect upon Local Infrastructure

- 8.60 A number of residents have raised concerns over the effect that the additional development would have upon schools, doctors and other services in the area. Officers acknowledge the strength of local concern on these issues.
- 8.61 With regard to schools, Hampshire County Council have identified a need to increase the number of secondary school places available within the area in order to meet the needs generated by the development. A financial contribution can be secured through the Section 106 agreement.
- 8.62 In respect of the impact upon doctors/ medical services, the difficulty in obtaining appointments is an issue that is raised regularly in respect of new housing proposals. It is ultimately for the health providers to decide how they deliver health services. Officers do not believe a refusal on these grounds would be sustainable.

Publication Local Plan

- 8.63 Members will be aware of the Publication Local Plan which addresses the Borough's development requirements up until 2037. In due course it is anticipated this plan will replace Local Plan Part 1 (Core Strategy) and Local Plan Part 2 (Development Sites & Policies).
- 8.64 The site falls within part of a larger Development Allocation (HA3) within the Publication Local Plan with an overall indicative capacity of 400 dwellings. Planning permission has been granted for a 75 bed care home within the allocation adjacent to the Segensworth Roundabout which has now been constructed. A reserved matters application from Vivid for 95 dwellings is currently being considered towards the northern end of HA3 (pursuant to outline consent reference P/18/0068/OA). As the housing allocation site is in

mixed ownership the Council has prepared a development framework which sets out the rationale and approach for achieving a comprehensive and co-ordinated development which allows for connectivity throughout the site and to the surrounding area, whilst allowing development to come forwards on a phased basis. Officers are satisfied that the proposal would not prejudice the delivery of the remainder of the housing allocation to the north and that connectivity can be achieved between the various parcels of land.

- 8.65 This site was consulted on as part of the wider HA3 allocation in the Regulation 18 draft local plan in 2017. In reply to this consultation the Council received responses from 27 individuals and/or organisations, including 14 objections. Following the consultation, work has been undertaken to respond to/resolve these objections. In 2020 the allocation was included in the Regulation 19 consultation on the Publication Local Plan, as a result 5 consultation responses were received in respect of the wider allocation. The responses received were in the main providing general information relating to the allocation including information from National Grid identifying the location of the overhead power cables in relation to the site and the childcare places which would be generated by the overall development. One comment enquired where current businesses would be located. Therefore, as the plan has reached publication plan stage, has been subject to a number of high level assessments that support its allocation and the allocation policy in respect of the wider site has not received objections, it can be considered that some weight can be applied to the allocation policy in accordance with para 48 of the NPPF.

f) The Planning Balance

- 8.66 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.'

- 8.67 The site is outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of Local Plan Part 2: Development Sites and Policies Plan.
- 8.68 In weighing up the material considerations and conflict between policies Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall and if granted, the development could be delivered in the short term. The site is located adjacent to the existing urban area and is considered to be in a sustainable location with good access to local services and public transport. The proposal would have an urbanising

impact locally however it would be well related to the existing urban settlement boundaries such that it can be integrated with those settlements whilst at the same time being sensitively designed to reflect the area's existing character and minimising any adverse impact on the Countryside. Officers consider that the change in the character of the site would not result in unacceptable effects in visual or landscape terms.

- 8.69 Affordable housing at 40% of the units would be secured along with an education contribution. There would not be any unacceptable impact on highway safety. Officers are satisfied that there are no outstanding amenity and environmental issues which cannot otherwise be addressed through planning conditions.
- 8.70 There is a clear conflict with development plan policy CS14 as this is development in the countryside. Ordinarily, officers would have found this to be the principal policy such that a scheme in the countryside should be refused. However, in light of the Council's lack of a 5YHLS, development plan policy DSP40 is engaged and officers have considered the scheme against the criteria therein. The scheme is considered to satisfy the five criteria and in the circumstances, officers consider that more weight should be given to this policy than CS14 such that, on balance, when considered against the development plan as a whole, the scheme should be approved.
- 8.71 As an Appropriate Assessment has been undertaken and concluded that the development would not have an adverse effect on the integrity of the sites, Paragraph 177 of the NPPF states that the presumption in favour of sustainable development imposed by paragraph 11 of the same Framework is applied.
- 8.72 Officers have therefore assessed the proposals against the 'tilted balance' test set out at paragraph 11 of the NPPF.

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

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

and

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

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

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to;

i) completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council in respect of the following:

- a) To secure the provision and transfer of the areas of open space and buffer zones to Fareham Borough Council, including associated financial contributions for future maintenance;
- b) To secure a proportionate financial contribution (50% of total costs) towards the delivery of a play area or play equipment and associated maintenance within the HA3 housing allocation;
- c) To secure a financial contribution towards the Solent Recreation Mitigation Partnership (SRMP);
- d) To secure 40% of the proposed units as on-site affordable housing; the type, size, mix and tenure to be agreed to the satisfaction of officers;
- e) To secure a financial contribution towards education provision towards education infrastructure, for provision of school travel plans and monitoring fees and to provide additional childcare places;
- f) To secure vehicular and pedestrian access and cycle connectivity to adjoining land to the north right up to the party boundary in perpetuity;
- g) To secure provision of footpath/cyclepath to link site to footway to the north and the existing Toucan crossing on A27 to the south.

ii) the following planning conditions:

1. Details of the appearance, scale, layout and landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
REASON: To comply with the procedures set out Section 91 of the Town and Country Planning Act 1990.
2. Applications for approval of all reserved matters shall be made to the local planning authority not later than 24 months beginning with the date of this permission.

REASON: To comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun before the expiration of 12 months from the date of the approval of the last of the reserved matters.

REASON: To comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.

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

- a) Location Plan (1:1250) – drwg No. LOC
- b) Parameters Plan – drwg No. 002 Rev C
- c) Proposed Site Access with Highway Boundary Overlap – drwg No. ITB15059-GA-004 Rev G
- d) Swept Path Analysis – drwg No. ITB15059-GA-005 Rev D
- e) Planning Statement (Gerald Eve, Dec 2019)
- f) Design & Access Statement (ECE Architecture, Nov 2019)
- g) Information Specific to a HRA (Ecology Solutions, Nov 2019)
- h) Ecological Assessment (Ecology Solutions, Nov 2019)
- i) Briefing Note: Ecology Consultation Response (Ecology Solutions)
- j) Arboricultural Impact Assessment & Method Statement (Helen Brown Treescapes, 26 Feb 2021)
- k) Noise Assessment (Hepworth Acoustics, April 2019)
- l) Air Quality Assessment (Ardent, August 2020)
- m) Flood Risk Assessment & Drainage Strategy (Motion, Dec 2019)
- n) Transport Statement (i-Transport, 9 Dec 2019)
- o) Statement of Community Involvement (Gerald Eve, 2019)

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

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

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

REASON: To secure the satisfactory appearance of the development.

6. No development shall commence on site until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved CEMP (unless otherwise agreed in writing by the local planning authority) which shall include (but shall not necessarily be limited to):

- a) A programme and phasing of the demolition and construction work, including roads, footpaths, landscaping and open space;

- a) Location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction;
- b) Details of how provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;
- c) The measures the developer will implement to ensure that operatives'/contractors'/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;
- d) Arrangements for the routing of lorries and details for construction traffic access to the site;
- e) The arrangements for deliveries associated with all construction works, loading/ unloading of plant & materials and restoration of any damage to the highway;
- f) The arrangements for the protection of pedestrian routes during construction;
- g) The measures for cleaning the wheels and underside of all vehicles leaving the site;
- h) A scheme for the suppression of any dust arising during construction or clearance works;
- i) The measures for cleaning Southampton Road to ensure that it is kept clear of any mud or other debris falling from construction vehicles;
- j) Provision for storage, collection, and disposal of rubbish from the development during construction period;
- k) No burning on-site; and
- l) Safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site.

REASON: In the interests of highway safety; To ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period; In the interests of protecting protected species and their habitat; In the interests of protecting nearby sites of ecological importance from potentially adverse impacts of development. The details secured by this condition are considered essential to be agreed

prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

7. No development shall start on site until the access, including the footway and/or verge crossing have been constructed in accordance with the approved plans (drwg No. ITB15059-GA-004 Rev G).

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

8. No development (other than initial site preparation) shall commence until details of the width, alignment, gradient and type of construction proposed for the roads, footways and accesses, to include all relevant horizontal and longitudinal cross sections showing the existing and proposed ground levels, together with details of street lighting (where appropriate), the method of disposing of surface water, and details of a programme for the making up of roads and footways have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

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

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

10. 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.

11. No development shall take place beyond damp proof course (dpc) level until details of how and where Electric Vehicle (EV) charging points will be provided at the following level:

- a) At least one Electric Vehicle (EV) charging point per dwelling with allocated parking provision;
- b) At least one Electric Vehicle (EV) 'rapid charge' point in shared/unallocated parking areas per 10 dwellings with no allocated parking provision.

The development shall be carried out in accordance with the approved details with the charging point(s) provided prior to first occupation of the dwelling to which it serves.

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

12. No development shall proceed beyond damp-proof course level until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials 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.

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

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

14. No development shall commence until the following details have been submitted to and approved by the Local Planning Authority in writing.

- a) details of the finished external ground levels, and;
- b) details of the internal finished floor levels of all of the proposed buildings in relation to the existing and finished ground levels on the site and the adjacent land.

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.

15. No development shall commence until an acoustic assessment (in accordance with BS8233:2014) that details the proposed glazing and ventilation strategy for all permitted dwellings in order to achieve acceptable internal noise levels and also the external measures to achieve acceptable external noise levels (including a site map providing noise contours) has 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 ensure the provision of a satisfactory standard of living accommodation for future residents.

16. The development shall be undertaken in accordance with the mitigation measures identified in Section 6.0 of the Air Quality Assessment (Ardent, August 2020).
REASON: In the interest of residential amenity; To reduce impacts on air quality arising from the development of the site and in the interests of addressing climate change.

17. 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.

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

- a) Detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole cover and invert levels and pipe diameters, lengths and gradients.
 - b) Detailed hydraulic calculations for all rainfall events, including the 1 in 1 year, 1 in 30 years and 1 in 100 years (plus an allowance for climate change) annual probability of occurrence. The hydraulic calculations should take into account the connectivity of the entire drainage system including the connection with the ditch.
 - c) Confirmation on how impacts of high groundwater will be managed in the design of the proposed drainage system to ensure that storage capacity is not lost, and structural integrity is maintained.
 - d) Evidence that runoff exceeding design criteria has been considered. Calculations and exceedance flow diagram/plans must show where above ground flooding might occur and where this would pool and flow.
 - e) Evidence that Urban Creep has been considered in the application and that a 10% increase in impermeable area has been used in calculations to account for this.
 - f) Information evidencing that the correct level of water treatment exists in the system in accordance with the Ciria SuDS Manual C753.
 - g) Maintenance regimes of entire surface water drainage system including individual SuDS features, including a plan illustrating the organisation responsible for each element (including the drainage under the highway). Evidence that those responsible/adopting bodies are in discussion with the developer.
 - h) The condition of the existing ditch, which will take surface water from the development site, should be investigated before any connection is made. If necessary improvement to its condition as reparation, remediation, restitution and replacement should be undertaken. Evidence of this including photographs should be submitted.
- The development shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.
- REASON: In order to ensure satisfactory disposal of surface water. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid adverse impacts of inadequate drainage.

19. Development shall proceed in accordance with the measures set out in the submitted Briefing Note: Ecology Consultation Response by Ecology Solutions (July 2020) and Section 5. 'Ecological Evaluation' of the Ecological Assessment report by Ecology Solutions (November 2019).
REASON: to ensure the safeguard of protected species and non-statutory designated sites.
20. Prior to commencement, a detailed scheme of biodiversity enhancements to be incorporated into the development shall be submitted for written approval

to the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details.

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

21. The development shall be undertaken in accordance with the recommendations contained within the submitted Arboricultural Impact Assessment and Arboricultural Method Statement (Helen Brown Treescapes, Feb 2021). The tree/hedgerow protection shall be retained through the development period until such time as all equipment, machinery and surplus materials have been removed from the site.

REASON: To ensure protection of important trees and hedgerows.

22. 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 a maximum 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.

23. No development shall commence unless the council has received the Notice of Purchase in accordance with the legal agreement between FBC, SDNP and Warnford Park Estate dated 1 April 2021 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 protected sites.

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

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

25. Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered. Works shall not recommence before an investigation and risk

assessment of the identified ground conditions have been undertaken and details of the findings, along with a detailed remedial scheme, if required, have been submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall be fully implemented and shall be validated in writing by an independent competent person as agreed with the Local Planning Authority prior to occupation of the dwellings.

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

10.0 Notes for Information

A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

11.0 Background Papers

P/19/1322/OA

FAREHAM

BOROUGH COUNCIL



139 Southampton Road
Scale: 1:2,500



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Agenda Item 6(3)

OFFICER REPORT FOR COMMITTEE

DATE: 14/07/2021

P/20/1190/OA

AJ DEVELOPMENTS LTD

TITCHFIELD

AGENT: PURE TOWN PLANNING

REPLACEMENT DWELLING AT 197 SEGNSWORTH ROAD AND ERECTION OF 9 DWELLINGS AND ACCESS AND PARKING AT LAND REAR OF 195-205 SEGNSWORTH ROAD

LAND TO REAR OF 195-205 SEGNSWORTH ROAD, TITCHFIELD

Report By

Peter Kneen – direct dial 01329 824363

1.0 Introduction

- 1.1 The application represents an alternative scheme to that approved by the Planning Committee in May 2021 (Application P/18/0625/OA) as it incorporates the property at 197 Segensworth Road within the application site, which would be demolished as part of the revised scheme. Plots 2 – 9 remain largely unaltered from the approved planning application.
- 1.2 A report titled "Five year housing land supply position" was reported for Members' information on the agenda for the Planning Committee meeting held on Wednesday 17th February 2021. The report concluded that this Council has 4.2 years of housing supply against the 5YHLS requirement.
- 1.3 The planning application site comprises some land owned by an employee of Fareham Borough Council.

2.0 Site Description

- 2.1 The application site is located on the southern side of Segensworth Road, outside but immediately adjacent to the Urban Settlement Boundary (Western Wards). The properties at 195 and 197 Segensworth Road lie within the designated Urban area. The site comprises the rear gardens of 195, 197, 201 and 205 Segensworth Road, and a large area forming a paddock and stabling currently part of 195 Segensworth Road, that wraps around behind 195, 197 and 201 Segensworth Road. The extended area of rear garden to the rear of 205 Segensworth Road also extends beyond the rear elevation of 203 Segensworth Road.

- 2.2 The site is bounded by rear gardens to the northern, east and west boundaries, and open countryside to the southern boundary. The southern and western boundaries comprise ribbons of mature trees, covered by a woodland order Tree Preservation Order, although most of the protected trees are located outside the proposed site boundary. There are also several individual Protected Trees within the front and rear gardens of 193 Segensworth Road (to the east of the site).
- 2.3 The houses fronting Segensworth Road comprise a mixture of bungalows and chalet bungalows, all set back from the road frontage. Segensworth Road is an unclassified road, subject to a 30mph speed limit. The road is a long straight road connecting to Barnes Wallis Way to the east and the main Segensworth roundabout to the west. The road is mainly residential in character, although to the east of the site lies Segensworth Business Centre, which is set to the south of Segensworth Road.

3.0 *Description of Proposal*

- 3.1 The application proposes the construction of 10 detached dwellings. Nine of the dwellings are additional dwellings, with the 10th being a replacement of number 197 Segensworth Road. The application is submitted in outline form with only access and layout for consideration at this time.
- 3.2 The ten dwellings comprise a mixture of 2 and 3 bedroomed bungalows, chalet bungalows and two storey properties, following the demolition of 197 Segensworth Road, and the outbuildings to the rear of 195 Segensworth Road.
- 3.2 The application differs from the extant planning permission granted very recently (under our reference P/18/0625/OA), through the inclusion of the residential curtilage of 197 Segensworth Road. This enables the existing dwelling at 195 Segensworth Road to be retained and for the provision of an additional dwelling within the rear part of the site.
- 3.3 A new dedicated shared pedestrian and vehicular access road would be created between 195 Segensworth Road and the replacement dwelling at 197 Segensworth Road. The access road would be 5.0 metres wide for the initial 11.5 metres from the edge of the highway, narrowing to 4.1 metres in width for much of its main run. The access road incorporates a passing place and two visitors' spaces, approximately half way along its main length.

3.0 *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

CS6: The Development Strategy

CS9: Development in the Western Wards & Whiteley

CS14: Development Outside Settlements

CS17: High Quality Design

CS20: Infrastructure and Development Contributions

Adopted Development Sites and Policies

DSP1: Sustainable Development

DSP2: Environmental Impact

DSP3: Impact on Living Conditions

DSP6: New Residential Development Outside of the Defined Urban Settlement Boundaries

DSP13: Nature Conservation

DSP15: Recreational Disturbance on the Solent Special Protection Areas

DSP40: Housing Allocations

Other Documents:

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

Residential Car Parking Standards 2009

4.0 Relevant Planning History

5.1 The following planning history is relevant:

P/92/1228/OA	Erection of dwellings and the provision of associated access roads, open space and landscaping
APPEALED	21/04/1993 Dismissed: 19/11/1993
P/93/0322/OA	Erection of dwellings with the provision of associated access roads, open space and landscaping
APPEALED	21/04/1993 Dismissed: 19/11/1993
P/18/0625/OA	Outline planning application for up to eight dwellings, with access and parking following the demolition of 195 Segensworth Road
APPROVED	04/06/2021

5.0 Representations

6.1 Seven third party letters from four households have been received regarding this application, raising the following matters of concern:

- Surface water drainage concerns;
- Narrow access road will result in cars backing up onto Segensworth Road and other highway safety concerns;
- Inadequate car parking provision on site;
- No pedestrian access – conflict with vehicles using the access road;
- Over development of the site;
- Overlooking and loss of privacy;
- Loss of countryside;
- Impact on local wildlife and adjacent Sylvan Glade Site of Importance for Nature Conservation (SINC);
- Impact on local infrastructure; and,
- Impact on trees surrounding the site.

6.0 Consultations

EXTERNAL

HCC Highways

- 7.1 No objection, subject to conditions.

Natural England

- 7.2 No objection, subject to conditions securing nitrate mitigation and water consumption, in accordance with the Council's submitted Appropriate Assessment.

INTERNAL

Tree Officer

- 7.3 No objection, subject to conditions requiring compliance with the submitted Arboricultural Method Statement.

Ecology

- 7.4 No objection, subject to conditions.

8.0 Planning Considerations

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

- a) Implications of Fareham's 5 year housing land supply position
- b) Residential development in the countryside
- c) The Impact upon Protected Sites

- d) High Quality Design
- e) Policy DSP40 (Housing Allocations)
- f) Other matters
- g) The Planning Balance

a) Implications of Fareham's 5-year Housing Land Supply Position

8.2 A report titled "Five year housing land supply position" was reported for Members' information on the agenda for the Planning Committee meeting held on Wednesday 17th February 2021. The report concluded that this Council has 4.2 years of housing supply against the 5YHLS requirement. Officers accept that the Council cannot currently demonstrate a 5-year supply of deliverable housing sites.

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

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

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

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

8.5 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.

8.6 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 which are most important for determining the application are out-of-date, grant planning permission unless:*
 - i) *The application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or,*
 - ii) *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

8.7 Footnote 6 to paragraph 11 reads:

“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitat sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; and 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.”

8.8 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);...”

8.9 This planning application proposes new housing outside the defined urban settlement boundaries. The Council cannot demonstrate a five-year housing land supply. Footnote 7 of the 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.

8.10 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 taken as a whole (the so called ‘tilted balance’).

8.11 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.”

8.12 In this particular case an Appropriate Assessment has been undertaken and concluded that the development 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.

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

b) Residential Development in the Countryside

8.14 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 largely outside of the defined urban settlement boundary of the Western Wards, although two of the existing houses (195 and 197 Segensworth Road) are located in the designated settlement boundary.

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

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

8.16 Policy DSP6 (New Residential Development outside of the Defined Urban Settlement Boundaries) 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).

- 8.17 The greater part of the site is located outside of the defined urban settlement boundary and a substantial part of 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.

c) The Impact upon Protected Sites

- 8.18 The Solent is internationally important for its wildlife. Each winter it hosts over 90,000 waders and wildfowl including 10 percent of the global population of Brent Geese. These birds come for as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within The Solent which are of both national and international importance.
- 8.19 In light of their importance, areas within The Solent have been specifically designated under UK law. The site is located within 5.6km of The Solent, and therefore the development is likely to have a significant effect on the Protected Sites around The Solent (Solent and Southampton Water Special Protection Area and Ramsar site, Portsmouth Harbour Special Protection Area and Ramsar site, Solent and Dorset Coast Special Protection Area, Chichester and Langstone Harbour Special Protection Area and Ramsar site, The Solent Maritime Special Areas of Conservation and the Solent and Isle of Wight Special Area of Conservation). Policy CS4 sets out the strategic approach to biodiversity in respect of sensitive sites and mitigation impacts on air quality. Policy DSP13 confirms the requirement to ensure that designated sites, sites of nature conservation value, protected and priority species populations and associated habitats are protected and where appropriate enhanced.
- 8.20 To fulfil the requirement under the Habitat Regulations, Officers have carried out an Appropriate Assessment to consider the likely significant effects on the Protected Sites around The Solent.
- 8.21 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' if it can be shown that the proposed development will either not have a likely significant effect on the designated Protected Sites, or if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated Protected Sites. This is done following a process known as an Appropriate Assessment. The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority in this case is the Local Planning Authority.

- 8.22 The impact of increased recreational disturbance as a result of new residential developments has long been established, and The Solent Recreational Mitigation Strategy, sets out how developers can mitigate the impact of their development on the likely significant effect on the Protected Sites.
- 8.23 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.
- 8.24 Natural England has further advised that the effects of emissions from increased traffic along roads within 200 metres of the Protected Sites also have the potential to cause a likely significant effect. The Council's Air Quality Habitat Regulations Assessment undertaken as part of the Local Plan Review highlights that developments in the Borough would not, in combination with other plans and proposals, have a likely significant effect on the Protected Sites up to 2037.
- 8.25 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.
- 8.26 Firstly, in respect of Recreational Disturbance, the development is within 5.6km of the Solent and Southampton Water SPA and is therefore considered to contribute towards an impact of the Protected Sites as a result of increased recreational disturbance in combination with other development around The Solent area. The applicant has acknowledged the need to make the appropriate financial contribution in accordance with the adopted Solent Recreational Mitigation Strategy, which would be secured via a Section 111 agreement. Had the application been recommended for approval, the requirement to make this contribution would have formed part of the recommendation. The Appropriate Assessment concludes that subject to the payment of the contribution to fund the mitigation identified in the Solent Recreation Mitigation Strategy, the proposals would not have an adverse effect on the integrity of the Protected Sites as a result of recreational disturbance either in isolation, or in combination with other plans or projects.
- 8.27 Secondly, in respect of the impact of the development on water quality, a nitrogen budget has been calculated in accordance with Natural England's 'Advice on Achieving Nutrient Neutrality for New Development in The Solent Region' (June 2020) which confirms that the development will generate

6.66kg 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.

- 8.28 The nitrogen budget assumes an occupancy rate for the new development of 2.4 people. Natural England recommends that, as a starting point, local planning authorities should consider using the average national occupancy rate of 2.4 persons per dwelling as calculated by the Office for National Statistics (ONS), as this can be consistently applied across all affected areas. However competent authorities may choose to adopt bespoke calculations where they are satisfied that there is sufficient evidence to support this approach. In this case, there is no evidence to justify adopting a bespoke occupancy rate, nor have there been any representations suggesting that an alternative rate should be used, and therefore a rate of 2.4 persons is appropriate.
- 8.29 The previous use of the land has been classified in the nitrogen budget as a mixture of lowland grazing and urban land. The majority of the site forms paddocks associated with 195 Segensworth Road, with the remainder of the site forming the established residential curtilages of 195, 197, 201 and 205 Segensworth Road.
- 8.30 The nitrogen budget shows a surplus of 6.66kg/TN/yr that would enter The Solent via the wastewater treatment works. The applicant has entered into a contract (conditional on the grant of planning permission) to purchase 6.75kg 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. In the event that planning permission was being recommended, a condition would be required 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.
- 8.31 In addition to the above mitigation, and in order to ensure compliance with the Natural England methodology, a further condition would be required to ensure the development meets the Building Regulations optional requirement of a water consumption limit of a maximum 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 ensure no adverse effect on the integrity of the Protected Sites either alone or in combination with other plans or projects.

- 8.32 Natural England has been consulted on the Council's Appropriate Assessment, and they have raised no objection to the conclusions.
- 8.33 The proposal is therefore considered to accord with the Habitat Regulations and complies with policies CS4, DSP13, DSP15

d) High Quality Design

- 8.34 The majority of the layout at the rear part of the site is largely unaltered from the extant planning permission granted planning permission in June 2021. However, the current proposal has an altered access arrangement leading down from Segensworth Road, and the relationship between the access road and adjacent dwellings is now markedly different.
- 8.35 Each property within the development achieves a rear garden length of 11 metres or more, in accordance with the Council's adopted Design Guidance, and some plots also have generous garden widths.
- 8.36 Plots 3 and 4 would be located over 30 metres away from the rear elevations of 199, 201, 203 and 205 Segensworth Road, and these plots would be limited in height by condition as per the extant permission in order to reduce their visual impact on the adjacent occupiers.
- 8.37 It is therefore considered that the proposed development would not have an unacceptable adverse impact on the living conditions of the occupiers of the adjoining existing residents in terms of light, outlook and privacy.
- 8.38 In terms of the future living conditions of the occupiers of the development, as stated above, each of the properties would have a garden size in accordance with the Design Guidance, therefore providing a suitable area of private amenity space for each for the proposed dwellings. It is noted that the southern and western boundaries of the site are bounded by a mature belt of protected trees. A daylight and sunlight report has been provided to support the application, demonstrating the levels of daylight and sunlight that would be provided in the rear gardens of those proposed properties that back onto the trees. This Report has been assessed by the Council's Tree Officer who is content that the level of light entering the gardens would be unlikely to result in added pressure to cut back or remove the adjacent protected trees.

Officers are content that the level of light likely to enter the gardens is sufficient not to warrant an objection to the proposal.

- 8.39 Many of the proposed properties also benefit from front gardens, with the main estate road at the rear part of the site being relatively wide offering good levels of separation within the site, provide a spacious and well landscaped setting for future residents.
- 8.40 The current proposal seeks permission to erect two properties upon the Segensworth Road frontage with a 4.1 metre wide access road passing between them. The permitted scheme proposed one property upon this frontage, which allowed for a 5 metre wide access road with robust levels of landscaping either side.
- 8.41 The layout now proposed results in only limited space between the side elevation of the proposed dwellings and the access road. Plot 1 would be located around 0.75 metres from the edge of the access road; the retained dwelling at 195 Segensworth Road would be located 1.75 metres from the access road; and Plots 2 and 10 would be located only 1.5 metres from the edge of the access road,.
- 8.42 The rear gardens serving the two properties on the frontage, along with the rear gardens serving plots 2 and 10, would be situated immediately alongside the access road. Given this relationship, it is highly likely that a 1.8 metre high fence or similar will be erected along the boundaries of these gardens to secure privacy. Whilst a narrow landscaping strip is proposed between the access road and any boundary treatment, the narrowness of the access road coupled its close proximity to the two properties on the frontage and plots 2 and 10, will give rise to a cramped appearance and unwelcoming appearance to the development. This kind of arrangement is not characteristic of development in the vicinity, which is far more spacious, and in itself would not represent a high quality of design.
- 8.43 In addition to this, the access road would be in very close proximity to the dwellings proposed on plots 2 and 10, the dwelling proposed and that retained on the frontage, and the private rear garden areas associated with these four properties. The relationship of the access road to the adjacent properties would result in a significant adverse impact by virtue of noise upon the occupiers of those dwellings.
- 8.44 It is considered that the development would fail to accord with Policy CS17 (High Quality Design) of the adopted Core Strategy and Policy DSP2 (Environmental Impact) of the Local Plan Part 2.

e) Policy DSP40 (Housing Allocations)

8.45 Local Plan Policy DSP40 states that:

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

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

8.46 Each of these five points are considered further below.

Policy DSP40 (i)

8.47 The development proposal is for the construction of 10 dwellings (net increase of 9 dwellings), following the demolition of 197 Segensworth Road. This is considered to be relative in scale to the 5YHLS shortfall and therefore point (i) of Policy DSP40 is satisfied.

Policy DSP40 (ii)

8.48 The planning application site is located both within and immediately adjacent to the defined urban settlement boundary of the Western Wards (Segensworth), with good accessibility to local services, facilities and employment provision.

8.49 The nearest bus stops are located a few metres away to the east along Segensworth Road connecting the site to both Whiteley Shopping Centre and Park Gate (to the northwest) and Fareham Town Centre (to the east). This provides good quality access to a wider bus network and Fareham Railway Station.

8.50 Existing dwellings within the urban area are located to the immediate north fronting Segensworth Road, and to the east along Titchfield Park Road. It is also important to highlight that the Council has already considered the site to

be suitable for development, having recently approved application P/18/0625/OA. Officers therefore consider that the proposals can be well integrated with the neighbouring settlement, and make good use of the site, in accordance with point (ii) of Policy DSP40.

Policy DSP40 (iii)

- 8.51 The site is within an area of countryside which is not designated as Strategic Gap. The Fareham Landscape Assessment (2017) identifies that the site falls within the Titchfield Corridor – 05.1a Wooded Valley: Heath Associated character. It sets out that the defining characteristics comprise linear gardens and small-scale pasture bounded by hedging with abundant mature trees enclosing the land. The Assessment highlights that the area can absorb some built form, providing it does not impact on the intrinsic character of woodland and Site of Importance for Nature Conservation (SINC) areas.
- 8.52 Given the enclosed nature of the land, fronted by existing properties along Segensworth Road, by the SINC and protected woodland to the south and west of the site, views of the site would be limited to those along the access road. The Landscape Assessment highlights that development within the Titchfield Corridor area would have limited visibility impact due to these prevailing features, ensuring the development of this site would not have an adverse impact on the surrounding countryside.
- 8.53 There are also other examples of ‘backland’ developments nearby that have infilled the land to the rear of properties fronting Segensworth Road. It is considered by Officers that the proposal has been designed to integrate with the character of the neighbouring settlement and would ensure the retention of the protected boundary trees. The proposal would therefore satisfy point (iii) of Policy DSP40.

Policy DSP40 (iv)

- 8.54 In terms of delivery, the applicant has confirmed that should permission be granted that the site could be deliverable in the short term and has agreed that a reduced 12 month limit on the submission of reserved matters would be acceptable. It is therefore considered that point (iv) of Policy DSP40 is satisfied.

Policy DSP40 (v)

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

Environmental/Ecology

- 8.56 The application has been supported by a Phase 1 Bat Survey and Ecological Survey, which has been assessed by the Council's Ecologist, who has raised no objection to the proposals, subject to appropriate conditions. The Ecologist raises no concerns regarding the potential impact of bats or reptiles on the site, and sufficient information has been provided to demonstrate that the off-site woodland be protected.
- 8.57 The Council's Tree Officer has also reviewed the proposals due to the relative proximity of the woodland order Tree Preservation Order located on the southern and western boundary of the site, raising no objection to the proposals.
- 8.58 The proposal is therefore considered to not have any environmental or ecological impacts directly related to the development of the site itself, and therefore accords with the first part of point (v) of Policy DSP40.

Amenity

- 8.59 The impact upon the visual amenity of the area along with the residential amenity of residents have been considered in detail under the 'High Quality Design' section of this report at paragraphs 8.34-8.44.
- 8.60 Officers have concluded that the design of the scheme does not represent a high quality of design and is harmful to visual and residential amenity, contrary to Policies DSP2 and CS17. Officers similarly conclude that the proposal fails to satisfy policy DSP40 (v) in respect of amenity.

Traffic

- 8.61 The application, submitted in outline includes consideration of the access arrangements, and proposes the creation of a new vehicular access onto Segensworth Road following the demolition of 197 Segensworth Road. The access onto Segensworth Road, which has a restricted 30mph speed limit achieves the required visibility splays to enable safe egress onto the road, and Hampshire County Council as Highway Authority raises no objection to the proposals.
- 8.62 As stated above, unlike the extant planning permission, the access road has a reduced width of 4.1 metres along much of its length, widening to almost 4.5 metres adjacent to the passing place. The access road is 5 metres in width for the initial 11.5 metres (from the edge of highway), enabling two vehicles to pass at the site entrance clear of Segensworth Road. The lower part of the estate road, beyond the main access road, widens to between 4.5 metres and 6 metres in width, as per the extant planning permission. Limited landscaping would be created along the access road, with the exception of the area adjacent to the visitors' spaces and passing place.

- 8.63 The proposed site layout includes car parking provision in accordance with the Council's adopted Residential Car Parking Standards for each of the proposed dwellings. Visitors' parking is also provided. The site plan demonstrates that the Council's refuse vehicles will be able to enter and exit the site in a forward gear. This would also be suitable for emergency services vehicles. The construction of the road will need to be sufficiently robust to ensure it can withstand the weight of such vehicles.
- 8.64 It is considered that the proposed access arrangement would not cause unacceptable harm to other road users or pedestrians. Specific details regarding secure cycle storage, bin storage and electric charging points would be subject to conditions or reserved matters applications.
- 8.65 It is therefore considered that the proposal complies with the traffic implications point of Policy DSP40.
- 8.66 In summary, the proposed development would fail to accord fully with criteria (v) – amenity implications of the Policy DSP40.

f) Other Matters

- 8.67 **Affordable Housing:** Whilst the adopted Core Strategy sets out that affordable housing should be provided on sites over 5 dwellings (Policy CS18). This has however been superseded by the revised National Planning Policy Framework 2019, which only requires affordable housing provision for major development, comprising 10 or more dwellings. Therefore, as the scheme only represents a net increase of 9 dwellings there is no requirement for this development proposal to provide any affordable housing.

g) The Planning Balance

- 8.68 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.'

- 8.69 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.

8.70 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.

8.71 The greater part of 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.

8.72 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 2021 and the Government steer in respect of housing delivery.

8.73 Officers have weighed up the material considerations and conflict between policies and the development of a greenfield site weighed against Policy DSP40. It has been concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall and would be well related to the existing urban settlement boundary such that it can be integrated with the adjacent settlement. The scheme has been sensitively designed to reflect the character of housing in the local area and would minimise any adverse impact on the wider countryside.

8.74 In respect of the fifth criteria of Policy DSP40, Officers consider that environmental and traffic issues are satisfied that these issues have been appropriately addressed in the submitted application, subject to appropriate conditions. However, Officers have identified that there is conflict with the amenity implications criteria of DSP40, which results in the development proposal failing to comply with Policy DSP40. The proposal also conflicts with Policies DSP2 and CS17.

- 8.75 Having carefully considered all material planning considerations, Officers recommend that planning permission should not be granted as the proposal does not represent a high quality design, is harmful to the visual amenity of the area and the residential amenity of dwellings adjoining the access road.

9.0 Recommendation

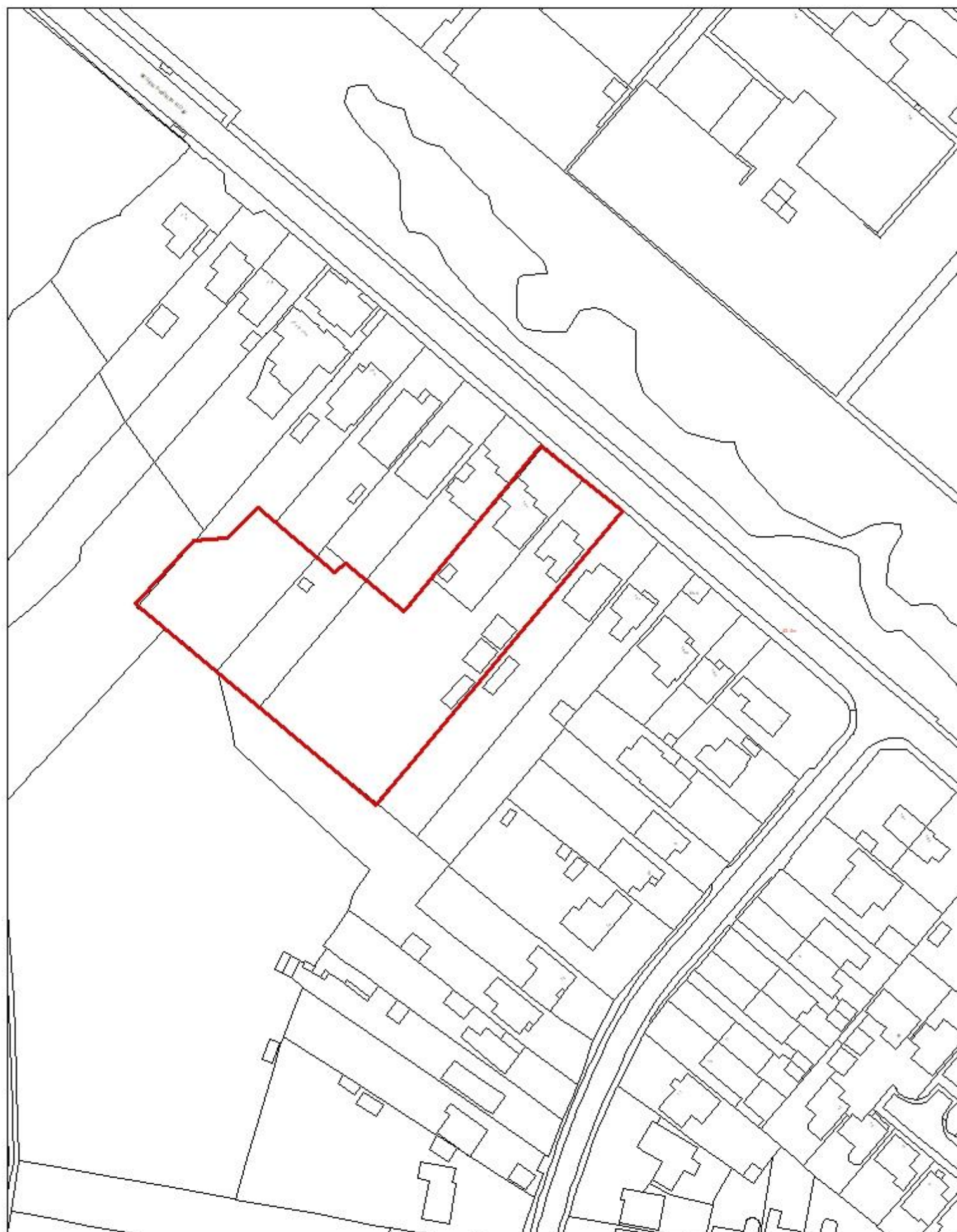
- 9.1 REFUSE OUTLINE PLANNING PERMISSION, for the following reasons:

1. The development would be contrary to Policies CS17 of the adopted Fareham Borough Core Strategy 2011, and Policies DSP2 and DSP40(v) of the adopted Local Plan Part 2: Development Sites and Policies Plan, and is unacceptable in that:

The narrow access road with its close relationship to the buildings and associated boundary treatments for 195 Segensworth Road and Plots 1, 2 and 10, along with the limited opportunities for landscaping alongside these properties, would result in a particularly cramped and uncharacteristic form of development in this locality, which does not represent a high quality of development and one which would be harmful to the amenity of the area. Furthermore, the close proximity of the access road to these four properties and their associated rear garden areas, would not provide a satisfactory level of amenity for the occupiers of these dwellings.

10.0 Background Papers

P/20/1190/OA



FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date **14 July 2021**

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

Subject: **31 ROSSAN AVENUE, WARSASH, SO31 9JQ –
ENGINEERING WORKS RESULTING IN A CHANGE OF
GARDEN LEVELS**

SUMMARY

This matter is reported to the Planning Committee in accordance with the agreed procedure for breaches of planning control not considered expedient to enforce against. A Ward Member or the Chairman of the Planning Committee have a different view and wish for the item to be brought before the Planning Committee.

RECOMMENDATION

It **is not** considered reasonable, proportionate and expedient in view of policies contained within the Development Plan to instigate formal planning enforcement action.

INTRODUCTION

SITE DESCRIPTION

1. The site is a mid-terrace family house set on the north west side of Rossan Avenue with a small, east facing, sloped rear garden. There are a number of similar type properties in Rossan Avenue. Access to the rear garden is provide by a pathway which runs between a block of garages to the east of the property and the rear gardens of the row of terraced houses. The highest point of the garden is at the north east corner where the garden joins the rear footpath access.

INVESTIGATION OF THE BREACH

2. In August 2020, it was brought to the attention of the Local Planning Authority that new levels had been created and an outbuilding had been erected in the rear garden of 31 Rossan Avenue. The site was visited, and three flat levels had been created in the previously sloped rear garden by importing materials to create tiers from the highest part of the garden, stepping down towards the rear of the house. An outbuilding had been erected on the highest level, furthest from the house with a reflective window. The outbuilding is within 2 metres of the boundary and when measured from the highest part of the land is 2.5 metres in height. The outbuilding is to be used as a hobby room for the homeowner. The development is now complete.
3. Under the provision of Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015, an outbuilding can be constructed within the curtilage of a dwelling house provided that if within 2 metres of the boundary of the property it does not exceed 2.5 metres in height and is used for purposes incidental to the enjoyment of the dwelling. Therefore, the outbuilding is Permitted Development (i.e. it does not require planning permission) and is not subject to the consideration of this expediency report.
4. However, there are no provisions within the Town and Country Planning (General Permitted Development) Order 2015, for increasing the land level of the garden to create flat levels in a previously sloped garden. It is considered to be an engineering project due to the importation of materials and work undertaken to raise parts of the garden in order to form the flat levels. There are no permitted development rights for an engineering project and therefore these works would require planning permission.
5. The occupants of 31 Rossan Avenue have been invited to make a planning application for the retention of the garden levels. At the time of writing this report, the householder has not submitted a planning application despite the best efforts of Officers to encourage them to do so.
6. There has been a breach of planning control in that, without planning permission, an engineering project has been undertaken creating tiered levels in the rear

garden. The breach has occurred within the last four years and the Council is therefore able to take formal enforcement action to remedy the breach if considered expedient to do so. The following report assesses the planning merits of the engineering works and the expediency of taking enforcement action.

POLICY

7. National Legislation/Policy/Guidance

- Town and Country Planning Act 1990;
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

8. Fareham Borough Local Plan Part 1 , Core Strategy (2011):

CS17 – High Quality Design

9. Fareham Borough Local Plan Part 2: Development Sites and Policies (2015)

DSP3 – Impact on Living Conditions

PLANNING ASSESSMENT

10. As outlined in the site description above, the sloping nature of the gardens is a particular feature of the properties in Rossan Avenue and especially in relation to the row of terraced houses. Some of the neighbouring properties have not made any changes to the rear garden levels which results in the garden sloping away from the rear of the property to the eastern boundary. Other properties have undertaken similar engineering projects to level the garden by creating tiers. The site subject of this report is flanked by an example of both.
11. The nature of the sloping gardens in the area does mean there are oblique views from rear gardens into neighbouring rear gardens and towards the rear elevations of the adjoining houses. These oblique views are generally afforded regardless of whether the garden remains in its original sloping design or whether the garden has been changed to create tiered levels.

12. The highest part of the garden where the outbuilding is located is no higher than it was before any work was carried out to tier the garden. Officers have considered the development of the garden levels in relation to the outlook, light, privacy and living conditions of the occupants of the neighbouring properties.
13. It is not considered that the development of the garden levels has an unacceptable adverse impact upon the neighbouring properties light or outlook. In consideration of the privacy and impact on the living conditions of the residents of the adjoining properties, it is the assessment of Officers that there were similar views across the adjoining gardens with the sloping nature of the original garden. Because views into neighbouring properties would previously have been possible from the rear garden of 31 Rossan Avenue before any work to alter the levels took place, views from the newly tiered garden are little different in terms of the impact they have on the privacy of neighbours in their own properties. Other properties in the area have minimised the impact on privacy through planting and additional screening and such measures, although not a requirement in order to make the development acceptable in planning terms, could be utilised here by the homeowners.
14. Because of the nature of the changes being to a rear garden and that garden being enclosed, the changes to the garden levels cannot be easily seen or appreciated from the public realm and are not considered harmful to the appearance of the surrounding area.
15. In summary, Officers invited a planning application for the retention of the alterations to the garden levels as it was considered that such an application could be supported. No application was made however the absence of an application to regularise unauthorised development is not in itself sufficient reason for the Council to take planning enforcement action. Such a decision must turn on the merits of the particular circumstances of the case and an assessment made as to the harm that has arisen as a result of the breach of planning control. The Officer assessment set out in this report is clear that, whilst there are oblique views across the neighbouring gardens from the new tiered garden, those views are similar to those that already existed beforehand in the original sloped garden. Officers have observed that similar views are afforded of neighbouring gardens along this part of Rossan Avenue due to the gradient of the rear gardens. In conclusion, it is not considered that it would be expedient to take formal planning enforcement action in this case.

RISK ASSESSMENT

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

CONCLUSION

17. Based on the assessment, consideration of the relevant Act and other relevant material considerations including advice contained within the policies of the Development Plan, para 207 of the NPPF (2019) and PPG, it **is not** considered reasonable, proportionate and expedient in view of policies contained within the Development Plan to instigate

formal planning enforcement action.

Background Papers:

ENF/52/20

Enquiries:

For further information on this report please contact Jenna Flanagan. (Ext 4815)

FAREHAM

BOROUGH COUNCIL



<p>ZONE 2 – FAREHAM</p> <p>Fareham North-West</p> <p>Fareham West</p> <p>Fareham North</p> <p>Fareham East</p> <p>Fareham South</p>		
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REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/21/0736/CU FAREHAM EAST	THE OLD MILL LOWER QUAY FAREHAM PO16 0RA CHANGE OF USE OF PART OF GROUND FLOOR UNIT FROM SUI GENERIS USE TO COFFEE BAR (CLASS E).	4 PERMISSION

Agenda Item 6(5)

OFFICER REPORT FOR COMMITTEE

DATE:

P/21/0736/CU

WARD: FAREHAM EAST

KATHERINE WAINWRIGHT

CHANGE OF USE OF PART OF GROUND FLOOR UNIT FROM SUI GENERIS USE
TO COFFEE BAR (CLASS E)

THE OLD MILL, LOWER QUAY, FAREHAM, PO16 0RA

Report By

Katherine Alger- direct dial 01329 824666

1.0 Introduction

- 1.1 This application is reported to the Planning Committee due to the number of third party letters that have been received.

2.0 Site Description

- 2.1 This application relates to the Old Mill which is a Grade II Listed building located on the eastern side of Lower Quay within Town Quay Conservation Area. The ground floor of the building is used as the Marina's office and as a local chandlery. The surrounding area is varied in character with a variety of buildings associated with Fareham Marina as well as residential properties located opposite the site.

3.0 Description of Proposal

- 3.1 The proposal is for the change of use of part of the ground floor unit from sui generis use to a coffee bar (Class E).

4.0 Policies

The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS5: Transport Strategy and Infrastructure
CS17: High Quality Design

Adopted Development Sites and Policies

DSP2: Environmental Impact
DSP3: Impact on Living conditions
DSP5: Protecting and Enhancing the Historic Environment
DSP37: Out-of-Town Shopping
DSP38: Local Shops

Other Documents:

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

Non-Residential Car Parking Standards 2009

5.0 Relevant Planning History

5.1 There is no relevant planning history.

6.0 Representations

6.1 Twenty five letters of objection have been received on the following grounds:

- Parking
- Highways safety
- Increased footfall
- Increased traffic
- Impact on conservation area
- Noise
- Litter
- Could turn into restaurant or alternative use
- Pollution
- Increased crime
- Antisocial behaviour
- Other businesses need supporting
- Vermin
- Overuse of site
- Impact on wildlife
- More appropriate in town centre
- Loss of privacy
- Inadequate disabled facilities

6.2 Eight letters of support have been received on the following grounds:

- Useful for people using marina
- Not many local facilities
- Would not impact on character
- Bring more people to area
- Supports local community

7.0 Consultations

Environmental Health (Noise and Pollution)

7.1 The Environmental Health Officer raises no objection to the proposal subject to a condition restricting the equipment used for cooking food and an extract fan is installed in the area where food is prepared.

Conservation Planner

7.2 The Conservation Officer raises no objection to the proposal. The proposal is in accordance with Policy DSP5, of the adopted Fareham Local Plan Part 2: Development Sites and Policies. Sections 66 and 72 of The Planning (Listed Building and Conservation Areas) Act, 1990 and Section 16 of the National Planning Policy Framework.

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 change of use
- b) Impact on heritage assets
- c) Impact on residential amenity
- d) Parking
- e) Other matters

a) Principle of change of use

8.2 The site is located within Lower Quay which is varied in character with a number of businesses and a public house. The proposal seeks to include a main town centre use outside the defined centres, and therefore consideration of Policies DSP37 and DSP38 are required.

8.3 Policy DSP37 states (in part):

'Proposals for main town centre uses outside of the Borough's centres or parades will only be permitted where:

- i. A full sequential test has been carried out demonstrating that there are no more centrally located sites that are available, suitable or viable;*
- ii. Appropriate levels of parking are provided;*
- iii. The site is not located outside the defined urban settlement boundaries and is acceptable, particularly by public transport;*
- iv. The scale and design of the buildings are appropriate to their surroundings; and*

- v. *The proposal would not have any unacceptable environmental, amenity or traffic implications.'*

- 8.4 Policy DSP38 (Local Shops) states that new local shops within the urban area to meet the day-to-day needs of the immediate locality will be permitted provided they are of an appropriate scale.
- 8.5 In respect of Policy DSP37, no sequential test has been provided as part of the application proposal. However, a recent proposal for a coffee shop within the rear garden of 84 Merton Avenue was allowed on appeal outside the designated centres (Appeal APP/A1720/W/20/324666, dated 15 June 2021). That proposal also failed to submit a sequential test, but was allowed by the Planning Inspector due to the small-scale of the proposal, and is sufficiently distant from other competing uses (in this case Fareham Town Centre) not to be contrary to the overall objectives of Policy DSP37. The coffee shop would be available for use by the existing businesses in the immediate vicinity of the marina and address the lack of a coffee shop to walkers and cyclists that regularly use this part of Town Quay to traverse between Fareham and Gosport/Lee-on-the-Solent.
- 8.6 The appeal Inspector highlighted that the Merton Avenue proposal would also address a *"local recreational need, whilst not meeting a day-to-day shopping need, the proposal would accord with thrust of the presumption in favour of new local shops within the urban area as encouraged by Policy DSP38"*. In this respect, and having regard to both the small-scale of the proposed change of use (only 32 sqm), and the varied character of the area it is considered that the addition of a coffee house within an existing mixed commercial unit would be an acceptable addition to the area, and accord with Policy DSP38.

b) Impact on heritage assets

- 8.7 Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places a duty on the LPA to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.
- 8.8 Section 72 of the same Act places a duty on the LPA to pay special attention to the desirability of preserving or enhancing its character or appearance of a conservation area. To satisfy this test the proposal must preserve the character or appearance of the conservation area, leaving it unharmed.
- 8.9 In respect of the proposed change of use there will be no alteration to the external envelope of the building, therefore the works are considered to preserve the existing historic and architectural character and appearance of the

surrounding conservation area, satisfying the requirements of the NPPF and Policy DSP5, of the adopted Fareham Local Plan Part 2: Development Sites and Policies.

- 8.10 Turning to the interior of the listed building the proposed works are of such a nature that they will not result in the introduction of partitions or other fixed elements within the building and therefore considered reversible in context of the historic value attributed to the heritage asset and as such would result in no harm to the significance, satisfying the requirements of the NPPF and Policy DSP5 of the adopted Fareham Local Plan Part 2: Development Sites and Policies.
- 8.11 The surrounding area is a mix of residential and commercial uses. The coffee bar use is modest in scale and is within a building already in commercial use. The coffee bar use is unlikely to lead to any material change in the numbers of visitors or movements within the Conservation Area nor any material increase in noise or disturbance. Officers are satisfied that the character and appearance of the Conservation Area will be preserved.
- 8.12 In summary the works proposed at The Old Mill a Grade II listed building situated in the Town Quay conservation area, would preserve the character and appearance of the conservation area and would preserve the listed building and its setting and any features of special architectural or historic interest which it possesses.

c) Impact on residential amenity

- 8.13 Having regard to the character of the area there is already a degree of background noise from other premises associated with Fareham Marina. Furthermore, the nature of the proposed use as a coffee house is unlikely to give rise to any significant adverse noise impact and disturbance to the surrounding residential occupiers.
- 8.14 The Environmental Health Officer and Food Hygiene Officer have been consulted on this application. They raise no objection to the proposal subject to a planning condition restricting the equipment used for cooking of food. This condition would prevent odours from hot food being served which would require a more substantial kitchen extraction and ventilation system which would pose a risk of odour causing nuisance to residents. An additional condition is recommended to ensure that an extract fan is installed where food is being prepared and cooked. Details of the extract fan will be submitted and approved by the Local Authority prior to the change of use being implemented. This will also likely require the submission of a listed building application.

8.15 The coffee house would operate between the hours of 09:00 to 16:00 Monday to Sunday. These opening hours limit the potential for any nuisance to be caused to local residents.

8.16 The proposal is therefore in accordance with Policies DSP2 and DSP3.

d) Parking/Highways

8.17 The use of the coffee shop is primarily targeted at existing residents and businesses within the Town Quay area, whilst also making use of the numerous pedestrian and cyclists that use Town Quay as a means of access between Gosport and Fareham. The applicant has stated that there are 5 car parking spaces located outside the front of the building as well as 8 spaces located to the side. There are also 48 car parking spaces located within the Marina Car Park. This is considered to be suitable for the proposed use.

8.18 Furthermore, the surrounding area around Lower Quay has restricted on-street car parking due to the presence of double yellow lines. Customers are unlikely to park outside of the designated parking spaces. Due to the nature of the use, the majority of customers are likely to walk or cycle to the site. The relatively close proximity of Fareham Town Centre is also likely to result in few visitors seeking to specifically visit the coffee shop by car. It is considered that the proposal would not therefore result in a adverse impact upon highway safety.

e) Other Matters

8.19 Objections have been received regarding the potential impact of anti-social behaviour, crime and littering. However, these are largely criminal matters dealt with by the police, and do not therefore form a material planning consideration.

8.20 Concerns have been raised that the proposal could turn into a restaurant and set a precedent for further development within the surrounding area. Whilst both coffee shops and restaurants fall under the same use class (Class E) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), given the limited size of the proposed use, and the conditions restricting the type of cooking equipment on the site and opening hours, its use as a restaurant would require the submission of a further application to lift these restrictions. Further, any future planning applications or relief of any imposed condition would need to be considered on its own merits.

8.21 The impact that the proposal could have on other businesses within the surrounding area is not a material planning consideration.

8.22 Vermin is an issue dealt with by Environmental Health.

Summary:

8.23 The application seeks to convert a small element (32 sqm) of the existing sui generis use at ground floor into a coffee shop. Whilst the applicant has not provided a sequential test demonstrating that the use could be undertaken in a suitable location within the designated centres, a recent appeal decision highlights that such small-scale proposals in the designated urban area can make a valuable contribution without significantly affecting the viability and vitality of the designated centres.

8.24 The site is located in a popular walking and cycling route and within close walking distance to a number of existing employment uses, which would likely result in fewer visits to the use by cars. It is therefore considered to be an appropriate location and a suitable addition to the varied uses that are already undertaken within the Old Mill.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development shall begin before 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 approved documents:

- a) Site Plan
- b) Floor Plans
- c) Local Parking Plan
- d) Planning Statement

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

3. The use hereby permitted shall not commence until details of all extraction, systems, including all associated external works to be installed, have been submitted to and approved in writing by the Local Planning Authority. The details shall include the positions of any external works (including its shielding or screening), its purpose, any noise levels which its use would generate and how this would be measured. The development shall be carried out in accordance with the approved details.

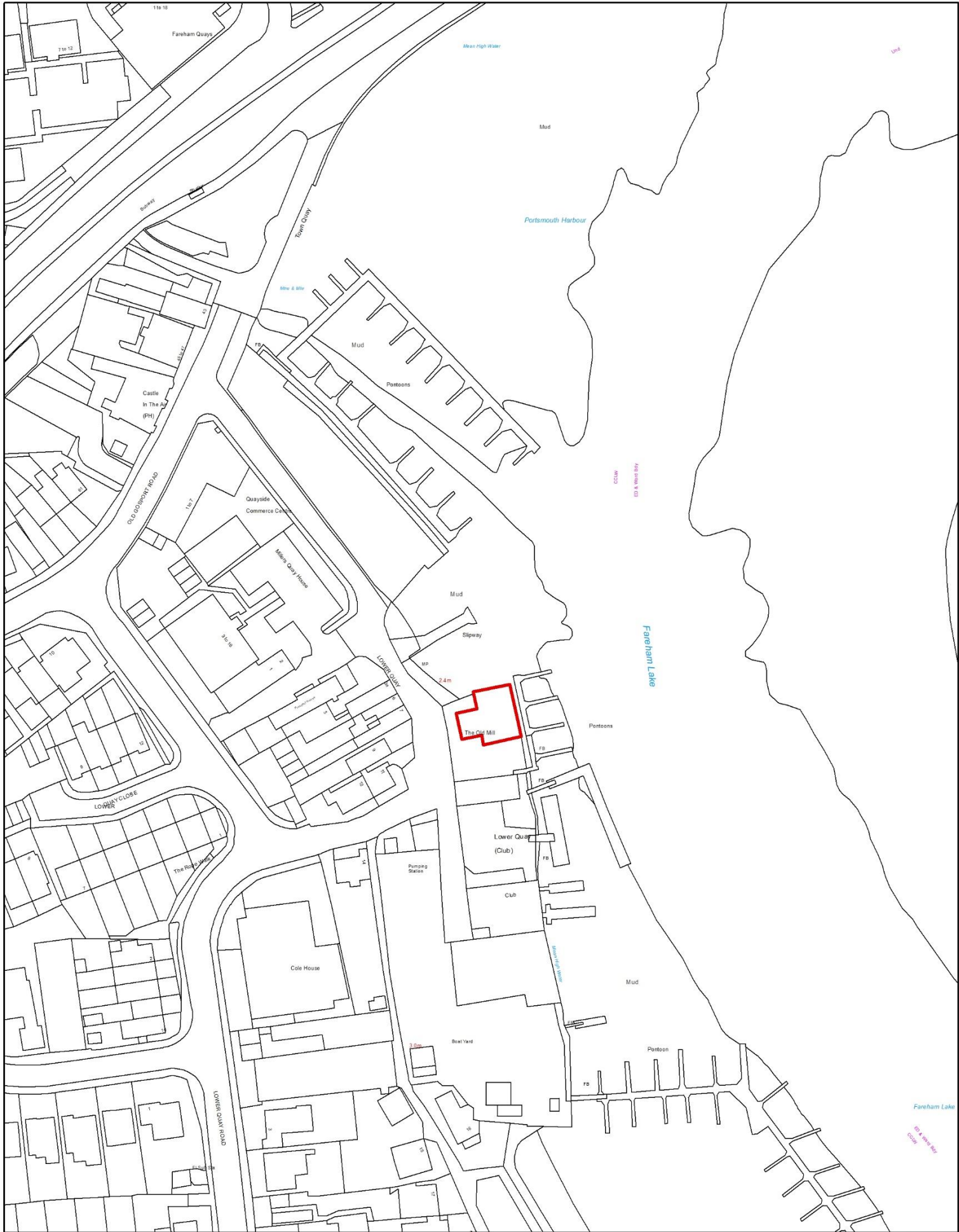
REASON: In order to protect neighbours from avoidable disturbance by noise and smells.

4. Unless otherwise agreed in writing, only the following equipment shall be used for preparing and cooking of food: microwave(s), toaster(s), panini toaster(s), soup kettle(s) and coffee machine(s).
REASON: In order to protect neighbours from avoidable disturbance by noise and smells.
5. The coffee bar use shall not be open for customers other than between the hours of: 09:00 to 16:00 Monday- Sunday.
REASON: In order to protect the amenities of occupiers of nearby residential properties.
6. No deliveries shall be taken at or despatched from the site outside the hours of 10:00 to 23:00 Monday-Sunday.
REASON: In order to protect the amenities of occupiers of nearby residential properties.
7. Part of the premises shown on the approved floor plan shall be used for a coffee house and for no other purpose including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification, or as may be permitted by any Class within Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification
REASON: To protect the occupiers of the nearby residential properties from possible disturbance from permitted uses other than that specifically granted through this permission.

10.0 Background Papers

P/21/0736/CU

FAREHAM
BOROUGH COUNCIL



The Old Mill
Lower Quay
Scale: 1:1,250



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ZONE 3 – EASTERN WARDS

Portchester West

Hill Head

Stubbington

Portchester East

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL
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ITEM NUMBER & RECOMMENDATION

No items in this Zone

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date	06/07/2021
Report of	Director of Planning and Regeneration
Subject	PLANNING APPEALS

SUMMARY

The following report provides details of all current planning appeals, in particular the procedures under which the appeal will be considered and details of any planning appeal decisions received since the previous Planning Committee meeting.

RECOMMENDATION

That the Committee note the content of the report.

CURRENT PLANNING APPEALS

The following details set out all current planning related appeals and the procedures under which they will be dealt with

WRITTEN REPRESENTATIONS & HOUSEHOLDER

Fareham Borough Council Reference: P/20/0654/OA

Appeal site address: 50 Paxton Road Fareham PO14 1AD

Ward: Fareham South

The appellant: Mr Bell

Description of proposal: Outline application for 2x 3-bed dwellings to the rear of 50-52 Paxton Road

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Date appeal lodged: 29/10/2020

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: P/20/1007/FP

Appeal site address: 21 Burr ridge Road Burr ridge Southampton SO31 1BY

Ward: Sarisbury

The appellant: RGOM

Description of proposal: Residential development of 4 self-build dwellings, amenity areas with access off Burr ridge Road (Amended Scheme to P/18/1252/FP)

Council decision: NONE

Decision maker: Non Determined

Date appeal lodged: 24/03/2021

Reason for Appeal: No formal decision within determination period

Fareham Borough Council Reference: P/20/1078/FP

Appeal site address: 34 Warsash Road Warsash Southampton SO31 9HX

Ward: Warsash

The appellant: Mr Christopher Davison

Description of proposal: Detached Garage and Front Boundary Wall

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Date appeal lodged: 29/04/2021

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: P/20/1399/FP

Appeal site address: Yale Cottage Duncan Road Park Gate Southampton SO31 1BD

Ward: Park Gate

The appellant: Mr Richard Becheley

Description of proposal: Detached games room within rear garden

Council decision: REFUSE

Decision maker: Committee

Date appeal lodged: 14/06/2021

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: P/21/0190/FP

Appeal site address: 54 Mays Lane Fareham PO14 2EL
Ward: Stubbington
The appellant: Mr & Mrs Josh Harris
Description of proposal: First Floor Extension Over Existing Garage
Council decision: REFUSE
Decision maker: Officer Delegated Powers
Date appeal lodged: 29/06/2021
Reason for Appeal: Appeal against refusal of planning permission

INFORMAL HEARING

Fareham Borough Council Reference: P/19/0419/DA

Appeal site address: 137 Newgate Lane Fareham PO14 1BA
Ward: Stubbington
The appellant: Mr Patrick Cash
Description of proposal: Unlawful development of two structures
Date appeal lodged: 11/05/2020
Reason for Appeal: Against serving of planning enforcement notice
Date scheduled for Informal Hearing to start and duration: 20/07/2021 for 1 day

Fareham Borough Council Reference: P/19/1193/OA

Appeal site address: Land East of Posbrook Lane Titchfield Fareham
Ward: Titchfield
The appellant: Foreman Homes
Description of proposal: Outline planning application for the erection of up to 57 dwellings, together with associated parking, landscaping and access from Posbrook Lane
Council decision: NONE
Decision maker: Non Determined
Date appeal lodged: 29/01/2021
Reason for Appeal: No formal decision within determination period

Fareham Borough Council Reference: P/19/1260/OA

Appeal site address: Land East of Newgate Lane East Fareham
Ward: Stubbington
The appellant: Bargate Homes Limited
Description of proposal: 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)
Council decision: NONE
Decision maker: Non Determined
Date appeal lodged: 25/02/2021
Reason for Appeal: No formal decision within determination period
Date scheduled for Informal Hearing to start and duration: 22/06/2021 for 1 day

PUBLIC LOCAL INQUIRY

Fareham Borough Council Reference: P/18/1073/FP

Appeal site address: Land to the South of Romsey Avenue Fareham

Ward: Portchester West

The appellant: Foreman Homes Ltd

Description of proposal: Outline planning application for residential development of 225 dwellings, bird conservation area and area of public open space with all matters reserved except for access

Council decision: REFUSE

Decision maker: Committee

Date appeal lodged: 07/04/2021

Reason for Appeal: Appeal against refusal of planning permission

Date scheduled for Public Local Inquiry to start and duration: 10/08/2021 for 6 days

Fareham Borough Council Reference: P/18/1212/LU

Appeal site address: Borderland Fencing New Road Swanwick Southampton SO31 7HE

Ward: Sarisbury

The appellant: Borderland Fencing Ltd

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

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Date appeal lodged: 13/08/2019

Reason for Appeal: Appeal against refusal of planning permission

Date scheduled for Public Local Inquiry to start and duration: 01/09/2021 for 3 days

Fareham Borough Council Reference: P/20/0009/DA

Appeal site address: Borderland Fencing New Road Swanwick Southampton SO31 7HE

Ward: Sarisbury

The appellant: Borderland Fencing Ltd

Description of proposal: Unauthorised expansion of site and breach of conditions

Council decision: NONE

Date appeal lodged: 17/07/2019

Reason for Appeal: Against serving of planning enforcement notice

Date scheduled for Public Local Inquiry to start and duration: 01/09/2021 for 3 days

Fareham Borough Council Reference: P/20/0522/FP

Appeal site address: Land east of Crofton Cemetery and west of Peak Lane, Stubbington Fareham

Ward: Stubbington

The appellant: Persimmon Homes Ltd

Description of proposal: Development comprising 206 dwellings, access road from Peak Lane maintaining link to Oakcroft Lane, stopping up of a section of Oakcroft Lane (from Old Peak Lane to access road), with car parking, landscaping, substation, public open space and associated works.

Council decision: REFUSE

Decision maker: Committee

Date appeal lodged: 15/06/2021

Reason for Appeal: Appeal against refusal of planning permission

Date scheduled for Public Local Inquiry to start and duration: 19/10/2021 for 8 days

Fareham Borough Council Reference: P/20/0912/OA

Appeal site address: Land to the East of Down End Road Fareham

Ward: Portchester West

The appellant: Miller Homes Ltd

Description of proposal: Outline planning application with all matters reserved (except the means of access) for residential development, demolition of existing agricultural buildings and the construction of new buildings providing up to 350 dwellings, the creation of new vehicular access with footways and cycleways, provision of landscaped communal amenity space, including children's play space, creation of public open space, together with associated highways, landscaping, drainage and utilities.

Council decision: REFUSE

Decision maker: Committee

Date appeal lodged: 22/04/2021

Reason for Appeal: Appeal against refusal of planning permission

Date scheduled for Public Local Inquiry to start and duration: 03/08/2021 for 4 days

DECIDED PLANNING APPEALS

Fareham Borough Council Reference: ENF/40/19

Appeal site address: The Tithe Barn Mill Lane Fareham PO15 5RB

Ward: Titchfield

The appellant: MR KEVIN FRASER

Description of proposal: Resurfacing of car park with tarmac

Reason for Appeal: Against serving of planning enforcement notice

Appeal decision: DISMISSED

Appeal decision date: 17/05/2021

Fareham Borough Council Reference: P/18/1118/OA

Appeal site address: Land at Newgate Lane (North) Fareham

Ward: Stubbington

The appellant: Fareham Land LP

Description of proposal: 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.

Council decision: NONE

Decision maker: Non Determined

Reason for Appeal: No formal decision within determination period

Appeal decision: DISMISSED

Appeal decision date: 08/06/2021

Fareham Borough Council Reference: P/19/0316/FP

Appeal site address: The Tithe Barn Mill Lane Titchfield Fareham PO15 5RB

Ward: Titchfield

The appellant: MR K FRASER

Description of proposal: Re-surface car park area with tarmac (retrospective application)

Council decision: REFUSE

Decision maker: COMMITTEE

Reason for Appeal: Appeal against refusal of planning permission

Appeal decision: DISMISSED

Appeal decision date: 17/05/2021

Fareham Borough Council Reference: P/19/0460/OA

Appeal site address: Land at Newgate Lane (South) Fareham

Ward: Stubbington

The appellant: Bargate Homes Ltd

Description of proposal: 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.

Council decision: NONE

Decision maker: Non Determined

Reason for Appeal: No formal decision within determination period

Appeal decision: DISMISSED

Appeal decision date: 08/06/2021

Fareham Borough Council Reference: P/20/0811/CU

Appeal site address: 84 Merton Avenue Portchester Fareham PO16 9NH
Ward: Portchester East
The appellant: Mr & Mrs A Wells
Description of proposal: Temporary consent for a takeaway coffee shop.
Council decision: REFUSE
Decision maker: COMMITTEE
Reason for Appeal: Appeal against refusal of planning permission
Appeal decision: ALLOWED
Appeal decision date: 15/06/2021

Further information about Planning Appeals

Introduction

Under the English planning system, only the applicant has a right of appeal. There is currently no right of appeal for third parties. Planning decisions can only be challenged by third parties through the Courts. The Courts can examine whether the decision was lawfully made- the Courts' role is not to consider whether they agree with the decision itself.

When are planning appeals lodged?

A very small proportion of all planning decisions made by this Council end up being considered through the planning appeal system. When planning applications are refused, Government advice is that applicants should firstly contact the Council to see if their proposal can be modified to address the Council's concerns.

The most common type of planning appeal is against the refusal of a planning application. Planning appeals can also be made against specific conditions that have been imposed on a planning permission or where a Council has not made a decision within prescribed time periods.

Who decides planning appeals?

Planning appeals are handled and decided by the Planning Inspectorate. The Planning Inspectorate is an executive agency of the Ministry of Housing, Communities and Local Government.

Nearly all appeals are decided by Planning Inspectors from the Planning Inspectorate and in each case the Inspectors are solely responsible for their decisions. A very small percentage are decided by the Secretary of State - these tend to be the very largest or most contentious schemes.

The different types of appeal procedures

There are different types of procedures for different types of planning appeals, often depending on the complexity of the issues. The Planning Inspectorate decide which type of procedure will be used for any given appeal.

There is an 'expedited procedure' for Householder appeals, with most other appeals being determined through the written representations' procedure. Larger scale and/ or more controversial planning appeals may be dealt with by way of an Informal Hearing or by a Public Local Inquiry.

With all planning appeals, the Planning Inspector will visit the site and will notify the outcome of the planning appeal by way of a written decision. A summary of the three main procedures are set out below:

Appeal by Written Representations

Under this procedure, the Planning Inspector will decide the appeal on the basis of the written material provided by all interested parties and following a visit to the appeal site.

The key aspect of this procedure is that submissions made by the Council, the applicant or interested parties, can only be made in writing for the Planning Inspector to consider.

Appeal by Informal Hearing

The hearing is an inquisitorial process led by the Planning Inspector who identifies the issues for discussion based on the evidence received and any representations made. The hearing may include a discussion at the site.

Interested parties including residents, amenity groups and councillors can normally attend and take part in the discussion. Most hearings last a day, but more complex cases may continue over several days.

Appeal by Public Local Inquiry

Public Local inquiries are the most formal procedure and are used for complex cases where legal issues may need to be considered, or evidence needs to be taken under oath.

An Inquiry is open to the public and provides for the investigation into, and formal testing of, evidence, usually through the questioning ("cross examination") of expert witnesses and other witnesses. Parties may be formally represented by advocates.

Interested parties including residents, amenity groups and councillors can normally attend and speak if they would like to do so.

The length of an inquiry depends on the complexity of the case and can range between a day and several weeks.

Further reading

You can find out more details about the planning appeal process on the [Planning Portal](#)

A [detailed procedural guide on planning appeals](#) can be viewed on the Government website.

You can look at planning appeal decisions made by the Planning Inspectorate across England [via their website](#)