

FAREHAM

BOROUGH COUNCIL

AGENDA PLANNING COMMITTEE

Date: Wednesday, 26 May 2021

Time: 2.30 pm

Venue: Council Chamber - Civic Offices

Members:

To be confirmed at the Annual Council Meeting on Thursday 20 May 2021



1. Apologies for Absence

2. Minutes of Previous Meeting (Pages 1 - 11)

To confirm as a correct record the minutes of the Planning Committee meetings held on 9 April 2021 and 21 April 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 12)

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/18/0625/OA - 195-205 SEGNSWORTH ROAD TITCHFIELD PO15 5EL**
(Pages 14 - 36)

ZONE 2 - FAREHAM

- (2) **P/19/0946/FP - 82 THE AVENUE FAREHAM PO14 1PB** (Pages 38 - 51)

ZONE 3 - EASTERN WARDS

- (3) **P/18/1410/FP - 22-227A STUBBINGTON GREEN (FIRST FLOOR) PO14 2JY**
(Pages 53 - 67)
- (4) **P/19/1040/OA - 1-33 WEST STREET PORTCHESTER PO16 9XB** (Pages 68 - 85)
- (5) **Planning Appeals** (Pages 86 - 89)



P GRIMWOOD
Chief Executive Officer
Civic Offices
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18 May 2021

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FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Friday, 9 April 2021

Venue: Microsoft Teams Virtual Meeting

PRESENT:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

Councillors: T M Cartwright, MBE, M J Ford, JP, Mrs C L A Hockley, L Keeble, S Dugan (deputising for P J Davies), Mrs K Mandry (deputising for F Birkett) and Mrs K K Trott (deputising for R H Price, JP)

Also Present: Councillor J S Forrest (Item 6 (1))



1. APOLOGIES FOR ABSENCE

Apologies of absence were received from Councillors F Birkett, P J Davies and R H Price, JP.

2. MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee meeting held on 3 March 2021 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

The Chairman used the Chairman's announcements to outline how he intended on running the meeting.

4. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

5. DEPUTATIONS

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

Name	Spokesperson representing the persons listed	Subject	Supporting or Opposing the Application	Item No/ Application No/Page No	DEP Type
ZONE 1 – 2.30pm					
ZONE 2 – 2.30pm					
ZONE 3 – 2.30pm					
Ms A Roast	Lee Residents Association	LAND AT NEWGATE LANE (EAST) FAREHAM – CROSS BOUNDARY OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS FOR THE CONSTRUCTION OF UP TO 99 RESIDENTIAL DWELLINGS,	Opposing	6 (1) P/19/1260/OA Pg 12	Written

		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)			
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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/19/1260/OA - LAND AT NEWGATE LANE (EAST) FAREHAM

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

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

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

Paragraph 8.104 is amended as follows:

"In weighing up the material considerations and conflict between policies; the development of a greenfield site weighed against Policy DSP40, Officers have concluded that the proposal satisfies two of the five policy tests (points) (i) and (iv)."

Upon being proposed and seconded, the officer recommendation that had members been able to determine the application they would have resolved to refuse it, was voted and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that, had members been able to determine the application, the application would have been REFUSED.

Reasons for Refusal:

The development is contrary to Policies CS2, CS4, CS5, CS6, CS14, CS16, CS17, CS18, CS20, CS21 and CS22 of the Adopted Fareham Borough Core

Strategy 2011 and Policies and DSP6, DSP13, DSP14, DSP15 & DSP40 of the Adopted Local Plan Part 2: Development Site and Policies Plan, paragraphs 127(c) and 170(b) of the NPPF and is unacceptable in that:

- a) The provision of residential development in this location would be contrary to adopted Local Plan policies which seek to prevent additional residential development in the countryside;
- b) The proposed development would not be well-related to the existing urban settlement boundary;
- c) The proposed development fails to respond positively to and be respectful of the key characteristics of the area and would be harmful to the character and appearance of the countryside;
- d) The provision of development in this location would significantly affect the integrity of the strategic gap and the physical and visual separation of settlements;
- e) The proposal would result in the loss of best and most versatile agricultural land;
- f) In the absence of a legal agreement to secure such, the proposal fails to appropriately secure mitigation of the likely adverse effects on the integrity of European Protected Sites which, in combination with other developments, would arise due to the impacts of recreational disturbance;
- g) In the absence of a legal agreement to secure such, the proposal fails to appropriately secure mitigation of the likely adverse effects on the integrity of European Protected Sites which, in combination with other developments, would arise as a result of the loss of a Low Use site for brent geese and waders;
- h) In the absence of a legal agreement to secure the provision of open space and facilities and contributions towards the associated management and maintenance, the recreational needs of residents of the proposed development would not be met;
- i) In the absence of a legal agreement to secure such, the proposal fails to make on-site provision of affordable housing at a level in accordance with the requirements of the local plan;
- j) In the absence of a legal agreement to secure contributions to education, the needs of residents of the proposed development would not be met;
- k) In the absence of a legal agreement to secure such the submission and implementation of a full Travel Plan, payment of the Travel Plan approval and monitoring fees and the provision of a surety mechanism to ensure implementation of the Travel Plan, the proposed development would not make the necessary provision to ensure measures are in

place to assist in reducing the dependency on the use of the private motorcar;

- l) In the absence of a legal agreement to secure the implementation of footway improvements to The Drive; pedestrian/cycle improvements to the crossing at Brookers Lane; and local accessibility improvements to Woodcot Primary School and Tukes Avenue Local Centre, Holbrook Primary School and Bridgemary School and Nobes Avenue Local Centre, appropriate opportunities to promote sustainable modes of access would not be provided;
- m) In the absence of a legal agreement to secure an amendment to the Prohibition of Driving Order TRO on Brookers Lane and contribution toward parking restrictions on Brookers Lane; an appropriate means of site access would not be provided;
- n) In the absence of a legal agreement to secure contributions towards safety improvements at the junction of Brookers Lane/Tukes Avenue and Carisbrooke Road, there would be an unacceptable impact on highway safety.

Notes for Information:

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

(2) Planning Appeals

The Committee noted the information in the report.

(3) UPDATE REPORT

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

(The meeting started at 2.30 pm
and ended at 3.24 pm).

FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Wednesday, 21 April 2021

Venue: Microsoft Teams Virtual Meeting

PRESENT:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

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

**Also
Present:**



1. APOLOGIES FOR ABSENCE

There were no apologies of absence.

2. MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee meeting held on 17 March 2021 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

The Chairman used the Chairman's announcements to outline how he intended to run the meeting.

4. DECLARATIONS OF INTEREST

In accordance with Standing Orders and the Council's Code of Conduct the following Councillors declared the following interests on the items identified:-

Councillor T M Cartwright declared a Personal Interest in Item 6 (1) – Land Adjoining 79 Greenaway Lane as the brother of the applicant is known to him.

Councillor M J Ford declared a Personal Interest in Item 6 (1) – Land Adjoining 79 Greenaway Lane as the brother of the applicant is known to him.

5. DEPUTATIONS

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

Name	Spokespers on representing the persons listed	Subject	Supporting or Opposing the Application	Item Application No/Page No	Dep Type
ZONE 1 – 2.30pm					
Mrs H Russell		LAND ADJOINING 79 GREENAWAY LANE WARSASH – RESERVED MATTER APPLICATION FOR THE LAYOUT, APPEARANCE, SCALE AND LANDSCAPING FOR PHASE 1-7 OF P/18/0107/OA (OUTLINE APPLICATION FOR	Opposing	6 (1) P/21/0133/RM Pg 10	Written

		THE ERECTION OF UP TO 30 RESIDENTIAL UNITS AND ASSOCIATED DETACHED GARAGES REVISED SCHEME INCORPORATING ACCESS TO THE SOUTH) AND DISCHARGE OF CONDITION 9 (BIODIVERSITY ENHANCEMENT AND MITIGATION PLAN)			
Mrs H Megginson	Lead Petitioner	-Ditto-	-Ditto-	-Ditto-	Audio
Mrs V Wyatt		-Ditto-	-Ditto-	-Ditto-	Written
Mr R Megginson		-Ditto-	-Ditto-	-Ditto-	Audio
Mr S Dinnage		-Ditto-	Supporting	-Ditto-	Written
Mr & Mrs Fricker		-Ditto-	-Ditto-	-Ditto-	Video
Mr M Dove		-Ditto-	-Ditto-	-Ditto-	Written
Mr P Airey (Agent)		-Ditto-	-Ditto-	-Ditto-	Written
ZONE 2 – 2.30pm					
Mr & Mrs Asby		5 BRIARWOOD CLOSE FAREHAM – GROUND FLOOR REAR EXTENSION, FIRST FLOOR ROOF TERRACE AND BALCONY	Opposing	6 (2) P/21/0367/FP Pg 22	Written
Mr & Mrs Wright		-Ditto-	-Ditto-	-Ditto-	Video
Mr L Wright		-Ditto-	-Ditto-	-Ditto-	Video
Mrs K Dawkins		-Ditto-	Supporting	-Ditto-	Written
Ms R Smith (Agent)		-Ditto-	-Ditto-	-Ditto-	Written
ZONE 3 – 2.30pm					

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/21/0133/RM - LAND ADJOINING 79 GREENAWAY LANE, WARSASH

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

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

Since the report was written the following representations were received:

1. A statutory declaration from the owner of 112 Greenaway Lane stating:
 - He has lived at the address since August 2010
 - There were never any more than 1-2 horses and they were grazing land to the east of 79 Greenaway Lane
 - He did not ever see any horses on land to the west of 79 Greenaway Lane
 - He has witnessed the grazing of horses for no longer than 12 months over the last 10 years.
2. A statutory declaration from the owners of 50 Greenaway Lane stating:
 - He has lived at the address for 19 years and he has witnessed the grazing of horses for no longer than 12 months over the last 10 years.
3. A statutory declaration from the owner of Rosemary Cottage, Brook Avenue stating:
 - She has lived at the address for 9 years
 - She did not see any animals grazing on the land between mid-2013 and January 2016
 - She know the person who grazed her horses on the land to the East of 9 Greenaway Lane for a period of 10 months.
 - The garden for 79 Greenaway Lane extended to the southern boundary at the time when the land to the east was used to graze horses.
4. 12 objections (7 from addresses linked to objections already submitted.) The objections raised concerns regarding the following issues (not already raised):
 - Insufficient nitrate mitigation
 - Carbon footprint of the construction process and proposed housing

Officer Comment

The impact of the proposed development on the European Protected Sites, in particular the impact of nitrates and the necessary mitigation required to ensure nitrate neutrality, was considered and secured as part of the determination of the outline planning application. An Appropriate Assessment was undertaken and was considered satisfactory by Natural England.

Representations submitted in respect of the reserved matters application contain statutory declarations relating to the past use of the land within the site, in particular the area within the site that was grazed by horses and the duration of the grazing. The statutory declarations do not provide any new information that was not available and taken into account at the outline stage, and therefore there is no requirement to carry out a further Appropriate Assessment.

Councillor T M Cartwright declared a Personal Interest in this item as the applicant's brother is known to him.

Councillor M J Ford declared a Personal Interest in this item as the applicant's brother is known to him.

Upon being proposed and seconded the officer recommendation to approve the reserved matters application, subject to the conditions in the report, was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that, subject to the conditions in the report, the reserved matters application be APPROVED.

(2) P/21/0367/FP - 5 BRIARWOOD CLOSE FAREHAM PO16 0PS

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

At the invitation of the Chairman, written representations from Councillors K Barton, and G Fazackarley were read out by the Committee and Information Manager, and the Committee Officer.

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

Environmental Health

No objection.

Additional representation from Redlands School

Redlands School confirmed that the field is used for sports activities and outdoor education. It is not used on a regular basis but in general is used more in summer months. Use tends to be for a couple of hours at a time.

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: 6 in favour; 3 against)

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

7. PLANNING APPEALS

The Committee noted the information in the report.

8. UPDATE REPORT

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

(The meeting started at 2.30 pm
and ended at 4.30 pm).

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date: 26 May 2021

Report of: Director of Planning and Regeneration

Subject: PLANNING APPLICATIONS AND MISCELLANEOUS MATTERS

SUMMARY

This report recommends action on various planning applications.

RECOMMENDATION

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

AGENDA

ZONE 1 – WESTERN WARDS

Park Gate

Titchfield

Sarisbury

Locks Heath

Warsash

Titchfield Common

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/18/0625/OA TITCHFIELD	195-205 SEGENSWORTH ROAD TITCHFIELD FAREHAM PO15 5EL OUTLINE PLANNING APPLICATION FOR UP TO EIGHT DWELLINGS, WITH ACCESS AND PARKING FOLLOWING THE DEMOLITION OF 195 SEGENSWORTH ROAD	1 OUTLINE PERMISSION

Agenda Item 6(1)

OFFICER REPORT FOR COMMITTEE

DATE: 26/05/2021

P/18/0625/OA

A J DEVELOPMENTS LTD

TITCHFIELD

AGENT: PURE TOWN PLANNING

OUTLINE PLANNING APPLICATION FOR UP TO EIGHT DWELLINGS, WITH ACCESS AND PARKING FOLLOWING THE DEMOLITION OF 195 SEGENSWORTH ROAD

LAND TO THE REAR OF 195-205 SEGENSWORTH ROAD, SEGENSWORTH

Report By

Peter Kneen – direct dial 01329 824363

1.0 Introduction

1.1 The application was first presented to the Planning Committee in December 2018. At that meeting Members considered the proposal was too cramped with too many properties. Members resolved to defer the application to allow the applicant the opportunity to redesign the scheme taking on board the comments made by the Committee. The following changes have been made since the application was considered by the Planning Committee in December 2018:

- Number of units proposed reduced from 9 to 8;
- Unit 3 has been repositioned to provide parking adjacent to the boundary with 203 Segensworth Road in turn moving the proposed property away from the site boundary;
- The car parking arrangement has been altered to provide more side-by-side parking, rather than tandem parking;
- The passing bay has been removed in lieu of additional landscaping along the boundary with 193 Segensworth Road; and,
- Two visitors' parking spaces have been changed to a parking layby along the access road.

1.2 The remainder of the Report has been updated to reflect these changes and the Council's current Housing Land Supply Position.

1.3 The application is being presented to the Planning Committee as fourteen letters of objection have been received.

- 1.4 Members will have noted from the 'Five Year Housing Land Supply Position' report presented to the Planning Committee on 17th February 2021 that this Council currently has a housing land supply of 4.2 years.

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 property 195 Segensworth Road itself lies within the designated Urban area. The site comprises the rear gardens of 195, 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, western and eastern boundaries, and 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. To the south/southwest beyond these trees the Planning Committee has recently resolved to grant outline planning permission for the construction of six dwellings (our planning reference: P/20/0235/OA). There are also several individual Protected Trees within the front and rear garden 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, which is submitted in outline form with only access and layout for consideration, proposes the construction of eight detached dwellings, comprising a mix of 3-bedroom and 2-bedroom houses, chalet bungalows and bungalows, following the demolition of 195 Segensworth Road and its associated outbuildings. A new dedicated access would be created between 193 and 197 Segensworth Road

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS2: Housing Provision

CS4: Green Infrastructure, Biodiversity and Geological Conservation

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

5.0 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
NON-DETERMINED	21/04/1993
APPEALED	Dismissed: 19/11/1993
P/93/0322/OA	Erection of dwellings with the provision of associated access roads, open space and landscaping
NON-DETERMINED	21/04/1993
APPEALED	Dismissed: 19/11/1993
P/20/1190/OA	Replacement dwelling at 197 Segensworth Road and erection of 9 dwellings and access and parking
CURRENT	

6.0 Representations

6.1 Fourteen letters from nine households have been received objecting to this planning application. The main areas of concern relate to the following issues:

- Loss of green space;
- Loss of wildlife/biodiversity;
- Flooding and drainage;
- Overdevelopment of the site;
- Overlooking and loss of privacy;
- Loss of trees;
- Noise disturbance;
- Impact on infrastructure and lack of local services;
- Inadequate car parking/highway safety

7.0 Consultations

INTERNAL

Ecology:

7.1 Following the submission of additional information, no objection, subject to conditions and habitat mitigation contribution

Transport Planner:

7.2 Following the submission of additional information, no objection, subject to conditions.

Tree Officer:

7.3 Following the submission of additional information, no objection.

Recycling Co-ordinator:

7.4 No objection subject to confirmation from the Transport Planner regarding refuse vehicle access.

EXTERNAL

HCC Highways

7.5 No objection, subject to conditions.

8.0 Planning Considerations

8.1 The following matters represent the key material planning considerations which need to be considered:

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

a) Implication of Fareham's 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.

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.

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

"For decision-taking this means:

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

- d) *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, 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 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.”

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

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

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

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

the benefits, when assessed against the policies taken as a whole (the so called 'tilted balance').

- 8.12 Members will be mindful of paragraph 177 of the NPPF which states that:

"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats 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."

- 8.13 In this particular case an appropriate assessment has been undertaken and concluded that the development proposal will not have an adverse effect on the integrity of the protected sites around The Solent subject to the proposed mitigation being secured. Officers consider that the presumption in favour of sustainable development set out in paragraph 11 applies.

- 8.14 The following sections of the report assesses the application proposals against 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

- 8.15 Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. Policy CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries. The application site lies largely outside of the defined urban settlement boundary, although the host dwelling at 195 Segensworth Road (to be demolished to create the access) is located within the defined settlement boundary.

- 8.16 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'.

- 8.17 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).

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

c) Policy DSP40 (Housing Allocations)

- 8.19 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.*

- 8.20 Each of these five points are considered further below.

Policy DSP40(i)

- 8.21 The proposal for 8 (7 net) dwellings is relative in scale to the 5YHLS shortfall and therefore point (i) of Policy DSP40 is satisfied.

Policy DSP40(ii)

- 8.22 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.
- 8.23 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.

- 8.24 Existing dwellings within the urban area are located to the immediate north, fronting Segensworth Road, and to the east along Titchfield Park Road. Officers therefore consider that the proposals can be well integrated with the neighbouring settlement, in accordance with point (ii) of Policy DSP40.

Policy DSP40(iii)

- 8.25 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 closing the land. The Assessment highlights that the area can absorb some built form, provided it does not impact on the intrinsic character of woodland and Site of Importance for Nature Conservation (SINC) areas.
- 8.26 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.
- 8.27 There are 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 appropriately designed and laid out 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 and comply with policies CS17.

Policy DSP40(iv)

- 8.28 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)

- 8.29 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

- 8.30 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 would be protected.
- 8.31 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.
- 8.32 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.
- 8.33 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.
- 8.34 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.
- 8.35 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.

- 8.36 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.
- 8.37 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.
- 8.38 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 highlights that developments in the Borough would not, in combination with other plans and proposals, have a likely significant effect on air quality on the Protected Sites up to 2023, subject to appropriate mitigation.
- 8.39 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.
- 8.40 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. This forms part of the recommendation to this application. 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.

- 8.41 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 5.25kg 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.
- 8.42 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). The increased number of credits purchased by the applicant is to also off-set the impact of another application for the site (currently under consideration) for slightly more houses (our reference: P/20/1190/OA).
- 8.43 Through the operation of a legal agreement between the HIWWT, Isle of Wight Council and Fareham Borough Council dated 30 September 2020, the purchase of the credits will result in a corresponding parcel of agricultural land at Little Duxmore Farm on the Isle of Wight being removed from intensive agricultural use, and therefore providing a corresponding reduction in nitrogen entering The Solent marine environment. A condition will be imposed to ensure that the development does not commence on site until confirmation of the purchase of the credits from the HIWWT has been received by the Council.
- 8.44 In addition to the above mitigation, and in order to ensure compliance with the Natural England methodology, a condition would be required to ensure the development meets the Building Regulations optional requirement of a water consumption limit of 110 litres per person per day. With these mitigation measures secured, the Council has carried out an appropriate assessment and concluded that the proposed mitigation and condition will ensure no adverse effect on the integrity of the Protected Sites either alone or in combination with other plans or projects.
- 8.45 Natural England has been consulted on the Council's Appropriate Assessment, and they have raised no objection to the conclusions.
- 8.46 The proposal is therefore considered to accord with the Habitat Regulations and complies with policies CS4, DSP13, DSP15 and criteria (v) – environmental issues, of Policy DSP40 of the adopted Local Plan.

Amenity

- 8.47 In terms of the consideration of the amenity impact, the layout shown on the site plan is part of the consideration of the outline application proposal, and demonstrates how eight new detached dwellings can be accommodated on the site in compliance with the requirements of the Council's adopted Design Guidance SPD. Each property would have gardens 11 metres in length, and in many cases, with generous garden widths.
- 8.48 A distance of 28 metres would be achieved between the rear elevation of the proposed property on Plot 1 and 197 Segensworth Road (this Council normally seeks a minimum of 22 metres in such relationships). Plot 2 would be located over 32 metres away from the rear elevation of 199 Segensworth Road. Finally, the rear elevation of Plot 3 would be located over 33 metres away from the rear elevation of 203 Segensworth Road (the built form for Plot 3 has been re-sited further away from the rear elevation of 203 Segensworth Road since the application was first submitted). Any windows within the northeast facing roof planes of plots 2 and 3 would be high level with a sill height of at least 1.7 metres above internal floor level to prevent overlooking.
- 8.49 It is therefore considered that the proposals would not have an unacceptable adverse impact on the living conditions of the occupiers of neighbouring properties fronting Segensworth Road. A condition is proposed to ensure that Plots 1, 2 and 3 have low eaves and ridge lines to ensure a limitation on the usability of the roof space and to ensure the outlook from the existing properties is not unacceptably adversely affected.
- 8.50 In terms of the future living conditions of occupiers of the development proposal, each of the proposed properties would have a garden size in accordance with the Design Guidance, therefore providing a suitable area of private amenity space for each of 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.
- 8.51 With the reduction in number of units from 9 to 8, the overall spaciousness within the site has been improved, in line with the comments raised by Members at the December 2018 Committee. Many of the properties include front gardens, measuring between 2.5m to 8m in length, and with a road width

of 5m or more throughout the development, the scheme would provide a spacious and well landscaped setting for the future occupiers.

- 8.52 It is therefore considered that the proposed dwellings would result in a high quality of environment for future occupiers. It is therefore considered that the proposal complies with policies CS17, DSP2, DSP3 and DSP40 (point (v) – amenity impact) of the Local Plan.

Traffic

- 8.53 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 195 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 the Council's Transport Planner raises no objection to the proposal.
- 8.54 The access road would measure 5 metres in width along most of its length, whilst also providing a passing place along the main length of the roadway between 193 and 197 Segensworth Road. The overall width of the land accommodating the accessway measures approximately 13 metres in width. In addition to the 5-metre-wide running surface of the access road, a 5 metre wide landscaping buffer will be created one side and a 3 metre landscape buffer to the other, in order to limit the potential impact on the neighbouring properties. Further details regarding landscaping would be considered at the reserved matters stage.
- 8.55 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 road within the proposal measures a minimum of 5 metres wide throughout, which is wide enough for 2 vehicles to pass, and with the current layout, provides ample space for vehicles to pass refuse vehicles which will access the site.
- 8.56 There has been no objection from the Council's Waste and Recycling Co-ordinator. Vehicle tracking shown on the proposed Site Layout Plan indicates the suitability of refuse vehicles 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 sufficient robust to ensure it can withstand the weight of such vehicles.
- 8.57 It is considered that the proposed access arrangements would not cause unacceptable harm to other road users or pedestrians. Details regarding secure cycle storage and bin storage areas would be considered as reserved

matters, although adequate spaces on site have been provided to ensure these can be accommodated.

8.58 It is therefore considered that the proposal complies with policy CS17 and DSP40 (point (v) – traffic impact) of the Local Plan.

8.59 It is therefore considered that overall, the proposed development fully accords with the requirements of Policy DSP40 of the Adopted Local Plan and would make a valuable contribution to overcoming the current shortfall in housing supply in the Borough.

d) Other Matters

8.60 **Affordable Housing:** Whilst the adopted Core Strategy sets out that affordable housing should be provided on sites over 5 dwellings (Policy CS18), this has 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, there is no requirements for this development proposal to provide any affordable housing.

e) The Planning Balance

8.61 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.'

8.62 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.

8.63 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.

- 8.64 The site lies predominantly 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.
- 8.65 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.
- 8.66 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 proposal has been sensitively designed to reflect the existing character of the area and would minimise any adverse impact on the wider countryside.
- 8.67 It is acknowledged that the proposal would have an urbanising impact through the introduction of housing and related infrastructure onto a site which is at present largely undeveloped. However, that impact would be localised and merely extend the existing built form. Officers consider that the change in character of the site and the resulting visual effect would not cause any substantial harm.
- 8.68 In respect of environmental, amenity and traffic issues (including ecological mitigation), Officers are satisfied that these issues have been appropriately addressed in the submitted application, subject to appropriate conditions and habitat mitigation. Subject to the payment of the habitat mitigation contribution, and following completion of the Appropriate Assessment, it is considered that the likely significant effect on the Protected Sites around The Solent would be appropriately mitigated.
- 8.69 In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage of housing supply, Officers acknowledge that the proposal could deliver a net increase of 7 dwellings in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply would make a material contribution in light of the Council's current 5YHLS.

8.70 There is a conflict with development plan policy CS14 which ordinarily would result in this proposal being considered unacceptable. Ordinarily CS14 would be the principal policy such that a scheme in the countryside should be refused. However, in light of the Council's lack of a five-year housing land supply, development plan policy DSP40 is engaged and Officers have considered the scheme against the criterion therein. The scheme is considered to satisfy the five criteria and in the circumstances, Officers consider that more weight should be given to this policy than CS14 such that, on balance, when considered against the development plan as a whole, the scheme should be approved.

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

- (i) There are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposal, particularly when taking into account that any significant effect upon Special Protection Areas can be mitigated through a financial contribution towards the Solent Recreation Mitigation Strategy and the impact of nitrogen loading on The Solent can be adequately mitigated; and,
- (ii) Any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the National Planning Policy Framework taken as a whole.

8.72 Having carefully considered all material planning considerations, Officers recommend that planning permission should be granted subject to the imposition of appropriate planning conditions and the payment of the appropriate habitat mitigation contribution.

9.0 Recommendation

9.1 GRANT OUTLINE PLANNING PERMISSION, subject to:

- the prior completion of a Section 111 Agreement and the payment of the appropriate Habitat Mitigation Contribution; and,
 - the following conditions:
1. Application for approval of details of the appearance and scale of the building(s) and the landscaping of the site (all referred to as the 'reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

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

2. Applications for approval of all reserved matters shall be made to the Local Planning Authority not later than 12 months from the date of this permission.

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

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

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

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

- a) Site, Block and Location Plans (Drawing: 9041/100 Rev S);
- b) Indicative Floor Plans and Elevations (Drawing: 9041/101 Rev A);
- c) Existing Floor Plans (Drawing: 9041/102); and,
- d) Visibility Plan (Drawing: 9041/103 Rev C).

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

5. The development hereby permitted shall proceed in accordance with the measures set out in Section 4 'Conclusions and Recommendations' of the Phase 1 Bat Survey and Ecological Appraisal report by ABR Ecology Ltd (November 2018). Thereafter, the reptile receptor area in the southwest and enhancements in the form of bat tubes and bird boxes shall be permanently retained in accordance with the approved details.

REASON: To conserve and enhance biodiversity in accordance with the Wildlife & Countryside Act 1981 (as amended).

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

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

and the approved bin storage and secure cycle storage areas have been provided and made available.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10. No works shall commence on site above damp proof course level until details of the proposed surface water and foul drainage and means of disposal have been submitted to and approved by the Local Planning Authority and no building shall be occupied until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority.

REASON: To ensure that the proposed development is satisfactorily drained.

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

REASON: In the interests of highway safety.

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

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

13. The visitors parking spaces marked on the approved plans shall be kept available for parking at all times.
REASON: In the interests of highway safety.
14. No dwelling shall be occupied until the approved parking and turning areas for that property have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking and turning of vehicles at all times unless otherwise agreed in writing by the Local Planning Authority following the submission of a planning application made for that purpose.
REASON: In the interests of highway safety.
15. The existing accesses to the site shall be stopped up and footway crossings shall be reinstated to the requirements of the Local Planning Authority, immediately after completion of the new access and prior to the occupation of any dwelling hereby permitted.
REASON: In the interests of highway safety.
16. No building on plot no's 1-3 (as shown on the layout plan hereby approved) shall exceed an eaves height of 2.5 metres and a ridge height of 6.8 metres.
REASON: To protect the amenities of neighbouring occupiers.
17. Any rooflight windows proposed to be installed in the first floor northeast facing roof slope of Plots 2 and 3 shall be set no lower than 1.7 metres above the internal finished floor level.
REASON: To protect the amenities of neighbouring occupiers.
18. None of the residential units hereby permitted shall be occupied until details of water efficiency measures to be installed in each dwelling have been submitted to and approved in writing by the Local Planning Authority. These water efficiency measures should be designed to ensure potable water consumption does not exceed an average of 110 litres per person per day. The development shall be carried out in accordance with the approved details.
REASON: In the interests of preserving water quality and resources
19. The development hereby permitted shall not commence unless the Council has received the Notice of Purchase in accordance with the legal agreement between FBC, IWC and HIWWT dated 30 September 2020 in respect of the Credits Linked Land identified in the Nitrates Mitigation Proposals Pack.
REASON: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on the Protected Sites around The Solent.

INFORMATIVES:

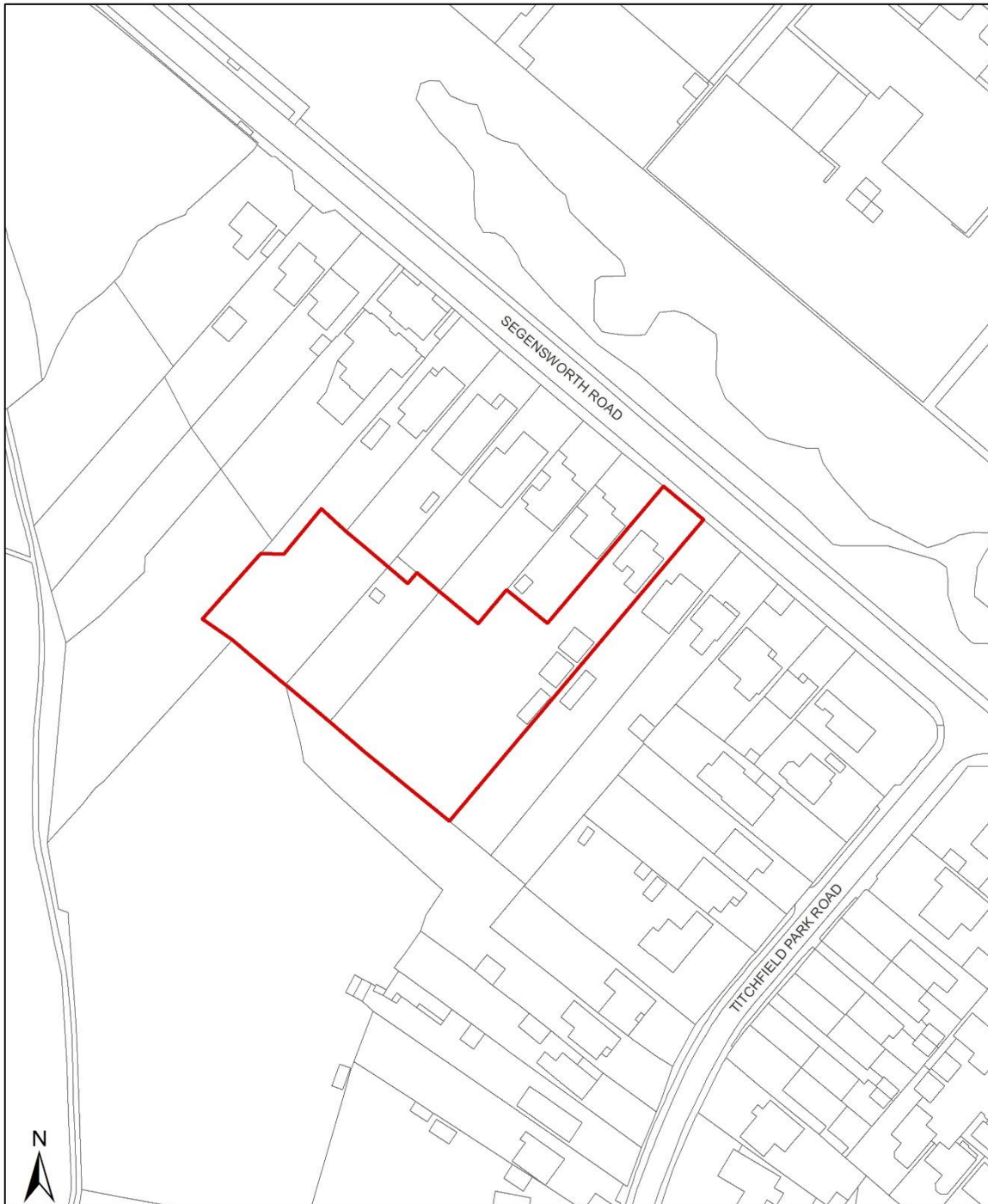
- a) Applicants should be aware that, prior to the commencement of the development, contact must be made with Hampshire County Council, the Highway Authority. Approval of this planning application does not give approval for the construction of vehicular access, which can only be given by the Highway Authority. Further details regarding the application process can be read online via <http://www3.hants.gov.uk/roads/apply-droppedkerb.htm>. Contact can be made either via the website or telephone 0300 555 1388.

10.0 Background Papers

P/18/0625/OA

FAREHAM

BOROUGH COUNCIL



Land to Rear of 195-205 Segensworth Road

Scale 1:1,250

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ZONE 2 – FAREHAM

Fareham North-West

Fareham West

Fareham North

Fareham East

Fareham South

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/19/0946/FP FAREHAM WEST	82 THE AVENUE FAREHAM PO14 1PB ERECTION OF 3-BED BUNGALOW TO REAR WITH ACCESS FROM CHALFORD GRANGE	2 PERMISSION

Agenda Item 6(2)

OFFICER REPORT FOR COMMITTEE

DATE: 26 May 2021

P/19/0946/FP

MR S NEAL & MR G EVANS

FAREHAM WEST

AGENT: I J MURRAY ASSOCIATES

ERECTION OF 3-BED BUNGALOW TO REAR WITH ACCESS FROM CHALFORD GRANGE

LAND TO REAR OF 82 THE AVENUE, FAREHAM, PO14 1PB

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 This application relates to a site within the urban area to the rear of 82 The Avenue. The site abuts Chalford Grange to the north. To the west of the site is a flatted development which has a detached bin/cycle store located on the boundary with the application site.
- 2.2 Chalford Grange has been developed in various stages with the access road and initial eight dwellings, sited to the north of the road, permitted in 2004. The flatted development to the west of the application site consisting of 23 apartments in four blocks was permitted in 2005. An additional four detached dwellings were granted extending Chalford Grange to the east in 2006 and finally a further two dwellings were permitted in 2011 immediately to the east of the application site on the south of the road (Nos 14 & 16).

3.0 Description of Proposal

- 3.1 Planning permission is sought for the erection of a detached 3-bed bungalow fronting Chalford Grange with a detached single garage on the frontage.
- 3.2 A private garden area would extend to the west of the dwelling.
- 3.3 Access to the dwelling would be taken from the turning head within Chalford Grange.
- 3.4 The proposal complies with the Nationally Described Minimum Space Standards.

4.0 Policies

Adopted Fareham Borough Core Strategy

CS2: Housing Provision;
CS4: Green Infrastructure, Biodiversity and Geological Conservation;
CS5: Transport Strategy and Infrastructure;
CS6: The Development Strategy;
CS7: Development in Fareham;
CS15: Sustainable Development and Climate Change;
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;
DSP13: Nature Conservation;
DSP15: Recreational Disturbance on the Solent Special Protection Areas;

Other Documents:

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

5.0 Site History

P/18/0354/FP	Two Storey/Single Storey Side extensions & Alterations to Roof Incorporating Front & Rear Dormers Permission 28 June 2018
P/16/1016/FP	Construction of two-storey detached house with associated landscaping and car parking to the rear of existing dwelling Refused 22 April 2017 Appeal Dismissed 9 January 2018
P/15/0780/FP	Demolition of Existing Building and Construction of four semi-detached houses with associated Landscaping and Car Parking Refused 25 November 2015

6.0 Representations

Eight representations have been received raising the following concerns;

- Increased congestion on Chalford Grange
- Access to Chalford Grange can be challenging at times with a lot of on street parking and additional traffic would exacerbate the problem
- The turning head is a vital requirement which is often used as parking
- Increased density of development
- Reduced plot sizes
- Cramped and out of character
- The redevelopment of the existing dwelling was undertaken part time and often at weekends which should not be allowed
- The extension of the existing dwelling was considered acceptable based on the large plot and therefore the subsequent reduction of this plot would not be acceptable
- The proposal conflicts with the Councils adopted Design SPD
- Gardens lengths should be a minimum of 11m or larger in more spacious areas and not subject to excessive shading
- The retained amenity space of the existing dwelling is not adequate and should be greater than 11m in length as it is a large family home
- The retained plot would be out of character with neighbouring properties
- An up to date tree survey and tree protection plan should be submitted
- The proposed dwelling does not align in any way to the existing streetscene of Chalford Grange
- The scale of the dwelling, being single storey, is out of character
- The design of the dwelling is not consistent with existing dwellings which have front and rear gardens
- The garden of the proposed dwelling would be sited adjacent to a bin store creating an unsuitable living environment
- Insufficient separation distances between existing and proposed dwellings resulting in unacceptable privacy levels
- Poor outlook from proposed dwelling directly on to boundary fences
- The footprint of the dwelling and siting in relation to boundaries leaves small unusable parcels of land
- Grass verge and existing hedgerow on Chalford Grange should be retained
- Overshadowing of adjacent rear garden
- Piecemeal development neither contributes to housing supply in a meaningful way or improves or maintains the local area

7.0 Consultations

EXTERNAL

Natural England

- 7.1 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 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.

INTERNAL

Highways (Hampshire County Council)

- 7.2 It is noted that the access is located off an existing turning head. Despite road markings indicating the area to be kept clear, evidence shows the existing residents and visitors use the area for parking, restricting the turning head being used for residents and emergency services. The proposed access will prevent indiscriminate parking in the turning head, and thus provide a betterment for residents of Chalford Grange.

Trees

- 7.3 The proposal is acceptable in arboricultural terms subject to a planning condition to secure works in accordance with the tree protection plan.

8.0 Planning Considerations

- 8.1 The main issues to be considered in the determination of this planning application are:

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

a) Principle of Development

- 8.2 Policies CS2 (Housing Provision) and CS6 (The Development Strategy) of the adopted Fareham Borough Core Strategy place priority on reusing previously developed land within the defined urban settlement boundaries to provide housing. The National Planning Policy Framework (NPPF) excludes private residential gardens from being defined as previously developed land but sets out there should be a strong presumption in favour of sustainable

development. It is recognised that garden sites can assist in meeting housing needs provided that the proposed development is acceptable in all other respects.

- 8.3 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 Five year housing land supply (5YHLS) requirement. Officers accept that the Council cannot currently demonstrate a 5-year supply of deliverable housing sites.
- 8.4 The site is located within the defined settlement boundary such that the principle of re-development of the land is acceptable subject to all other material considerations.

b) Impact on Character and Appearance of the Area

- 8.5 A previous application for the erection of a detached two storey dwelling to the rear of No.82 The Avenue, with vehicular access from The Avenue, was refused in April 2017 (planning reference P/16/1016/FP). A subsequent appeal was dismissed, however despite the Council raising concerns regarding the impact of the development on the character of the area the reason for dismissal of the appeal related solely to the impact of the development on the neighbouring property to the east (14 Chalford Grange). The inspector commented that whilst the proposal would result in the creation of two plots smaller than many along the Avenue that it would be difficult to notice generally from the road. The same is considered true of the current application, the size of both plots would not be particularly appreciable from either The Avenue or Chalford Grange. The positioning of the proposed dwelling was considered to be acceptable in relation to No.14 taking into account the positioning of existing dwellings in Chalford Grange and it was considered that it would not appear cramped within the streetscene.
- 8.6 The current application differs to the refused application in that the dwelling would now be single storey as opposed to two-storey. Access to the dwelling would be achieved from Chalford Grange rather than from the Avenue and the dwelling would front Chalford Grange forming a more integral part of that streetscene. The plot boundary between the existing dwelling and the proposed dwelling is slightly altered and the dwelling has a different footprint.
- 8.7 Taking the previous appeal decision into account as a material planning consideration, Officers are of the view that the sub-division of the plot of No.82 The Avenue would not have an adverse impact on the character of the area. The existing dwelling currently benefits from one of the largest plots in the area and there are a variety of different size plots within the locality. It is

considered that the existing dwelling and the proposed dwelling would be provided with ample amenity space. The garden length of No 82 The Avenue would vary between 10 – 16.5m however the plot is wide, measuring in excess of 23 metres, and therefore it considered to be of sufficient size to serve the existing dwelling. The proposed dwelling would have an amenity space to the western side of the dwelling measuring 15m in length and between 6 – 11.5 metres in width or approx. 195 square metres. This again is considered of sufficient size to serve the dwelling.

- 8.8 The proposed bungalow has been designed to replicate the style of the existing dwellings on Chalford Grange incorporating the characteristic feature buff stone lintels and sills to the front elevation. Whilst it is evident that the proposed dwelling is single storey and the existing dwellings on Chalford Grange are two storey it is not considered that this results in an unacceptable form of development. The site lies immediately adjacent to a flatted scheme and the dwellings along the Avenue vary greatly in design and appearance. Whilst the proposed dwelling is not an exact replica of the existing two storey dwellings on Chalford Grange it is not considered that it would be harmful to the appearance of the streetscene or the character of the area. The existing beech hedge along the site frontage would be removed and a replacement Laurel hedge would be planted to soften views of the detached garage proposed on the frontage.
- 8.9 Concerns have been raised that the proposal would not represent a high standard of design and would therefore be contrary to Policy CS17 (High Quality Design) of the Core Strategy. In particular it is suggested that outlook from some of the windows on to adjacent fencing would be poor and that the footprint of the dwelling and relationship to the plot boundaries would leave small parcels which would have no meaningful purpose. Officers have considered both these points and do not consider that either would result in an unacceptable living environment. It is considered that access would be afforded around the entire dwelling with a 1 metre margin between the dwelling and the boundary fence and that the remaining areas could be landscaped or utilised by the future occupant as desired.

c) Impact on Living Conditions of Neighbouring Residential Properties

- 8.10 It is not considered that the proposal would have any adverse impact on the living conditions of the adjacent residential properties. The previous concerns in relation to No.14 Chalford Grange have been addressed by reducing the height of the dwelling and also re-positioning the dwelling so that it would not sit hard up against the boundaries with this property. It is not considered that the proposal would result in unacceptable overshadowing of the end of the rear garden of the neighbouring property to the east (No.80 The Avenue) which measures approximately 25m in length.

d) Highways

- 8.11 The proposed dwelling would be accessed via an existing turning head in Chalford Grange. The turning head has 'Keep Clear' markings on the road however it has been suggested that this instruction is not always observed. Officers are of the view that the proposal would generally prevent the turning head being used for parking, as any indiscriminate parking would block the driveway to the proposed dwelling. However in order to ensure that the turning head is not used as an extended driveway to the proposed dwelling by residents and visitors it has been agreed with the applicant that a contribution will be secured via a S106 agreement for the provision of a traffic regulation order within the turning head. The provision of double yellow lines would formalise the existing keep clear markings and would be enforceable ensuring that the turning head would be kept clear for emergency services and refuse vehicles.
- 8.12 The proposal makes provision for the parking of two vehicles on the driveway which would accord with the requirements for a 3-bed dwelling as set out within the Council's Residential Car & Cycle Parking SPD. The provision of a garage would be in addition to this which would also provide secure cycle storage.

e) Trees and Ecology

- 8.13 There are three mature trees approximately 10 – 12 metres in height close to the western boundary of the site; a Scots Pine positioned within the south-west corner of the site and two Sycamore trees which sit both centrally and within the north-west corner. The Scots Pine and the centrally positioned Sycamore tree are protected by a Tree Preservation Order. It is not considered that the proposal would have any adverse impact on the health of these trees and an arboricultural impact assessment and tree protection plan has been submitted to ensure that these trees are protected for the duration of the works. It is not considered that the amenity space of the proposed dwelling would be subject to excessive shading.
- 8.14 Due to the limited habitat on offer there are no concerns in relation to the presence of protected species on site. In order to ensure that the proposal delivers biodiversity enhancement and net gain, as set out in the NPPF, a planning condition would be imposed for the submission and approval of a scheme of biodiversity enhancement prior to the commencement of development.

f) Impact on Protected Sites

- 8.15 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.

- 8.16 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.
- 8.17 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).
- 8.18 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 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 sites. This is done following a process known as an Appropriate Assessment. The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority.
- 8.19 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the PS. The key considerations for the assessment of the likely significant effects are set out below.
- 8.20 Firstly, in respect of Recreational Disturbance, the development is within 5.6km of the Solent SPAs and is therefore considered to contribute towards an impact on the integrity of The Solent SPAs as a result of increased recreational disturbance in combination with other development in The Solent area. The applicants have made the appropriate financial contribution towards The Solent Recreational Mitigation Strategy (SRMS) and therefore, the Appropriate Assessment concludes that the proposals would not have an adverse effect on the integrity of the PS as a result of recreational disturbance in combination with other plans or projects.
- 8.21 Secondly in respect of the impact of the development on water quality as a result of surface water and foul water drainage, Natural England has

highlighted that there is existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted that increased levels of nitrates entering the Solent (because of increased amounts of wastewater from new dwellings) will have a likely significant effect upon the PS.

- 8.22 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 0.7 kg/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 urban. 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.
- 8.23 The applicant has purchased 0.75 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.
- 8.24 The Council has carried out an appropriate assessment and concluded 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 Appropriate Assessment and agrees with its findings. It is therefore considered that the development accords with the Habitat Regulations and complies with Policies CS4 and DSP13 and DSP15 of the adopted Local Plan.

Summary

- 8.25 In summary it is not considered that the proposal would have any detrimental impact on the character or appearance of the surrounding area, the living conditions of neighbouring residential properties, or highway safety. It is not considered that the proposal would have an adverse effect on the integrity of

PS as appropriate mitigation has been secured. The proposal accords with the relevant local plan policies and is recommended for approval.

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 Garage;
- ii) 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 approved documents:

- a) Proposed Site & Location Plan – drwg No. A101 V3.1
- b) Proposed Floor Plan – drwg No. A102 V3.2
- c) Proposed Elevations – drwg No. A103 V3
- d) Proposed Site Sections – drwg No. A104 V3
- e) Proposed Site Views – drwg No. A105 V3
- f) Proposed Site 3D Axonometric – drwg No. A106 V3
- g) Detailed Boundary Treatment – drwg No. A107 V3.1
- h) Arboricultural Impact Assessment & Tree Protection Plan (Gifford Tree Service 22 October 2019)
- i) Tree Protection Plan – drwg No. A101 V3.1

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

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

REASON: To secure the satisfactory appearance of the development.

- 4. The approved scheme of boundary treatment (drwg No. A107 V3.1) shall be completed before the dwelling is first occupied or in accordance with a timetable agreed in writing with the local planning authority and shall thereafter be retained at all times unless otherwise agreed in writing with the local planning authority.

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

5. The approved landscaping scheme (drwg No. A101 V3.1) shall be implemented and completed within the first planting season following the commencement of the development or as otherwise agreed in writing with the Local Planning Authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

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

6. The development shall be undertaken in accordance with the Arboricultural Impact Assessment & Tree Protection Plan (Gifford Tree Service 22 October 2019) and Tree Protection Plan (drwg No. A101 V3.1) unless otherwise first agreed with the Local Planning Authority in writing.

REASON: In the interests of the appearance of the area; 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.

7. No development shall take place until details of biodiversity enhancements to be incorporated into the development have been submitted to and approved in writing by the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details.

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

8. The dwelling, hereby approved, shall not be first occupied until the approved parking and turning areas have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking and turning of vehicles at all times unless otherwise agreed in writing by the Local Planning Authority following the submission of a planning application for that purpose.

REASON: In the interests of highway safety.

9. No development shall take place beyond damp proof course (dpc) level until details of how and where one Electric Vehicle (EV) charging points will be provided. The development shall be carried out in accordance with the approved details with the charging point provided prior to first occupation of the dwelling.

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

10. Notwithstanding the provisions of Classes A and B 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 extensions shall be constructed within the curtilage of the dwelling house and no roof additions/alterations shall be carried out unless first agreed in writing with the Local Planning Authority following the submission of a planning application.

REASON: To protect the outlook and privacy of the adjacent residents; To protect the character and appearance of the locality; To ensure the retention of adequate garden area.

11. The dwelling hereby permitted shall not be occupied until details of water efficiency measures have been submitted to and approved in writing by the Local Planning Authority. These water efficiency measures should be designed to ensure potable water consumption does not exceed an average of 110L per person per day. The development shall be carried out in accordance with the approved details.

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

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

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

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

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

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

e) the measures for cleaning Chalford Grange to ensure that it is kept clear of any mud or other debris falling from construction vehicles, and

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

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

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

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

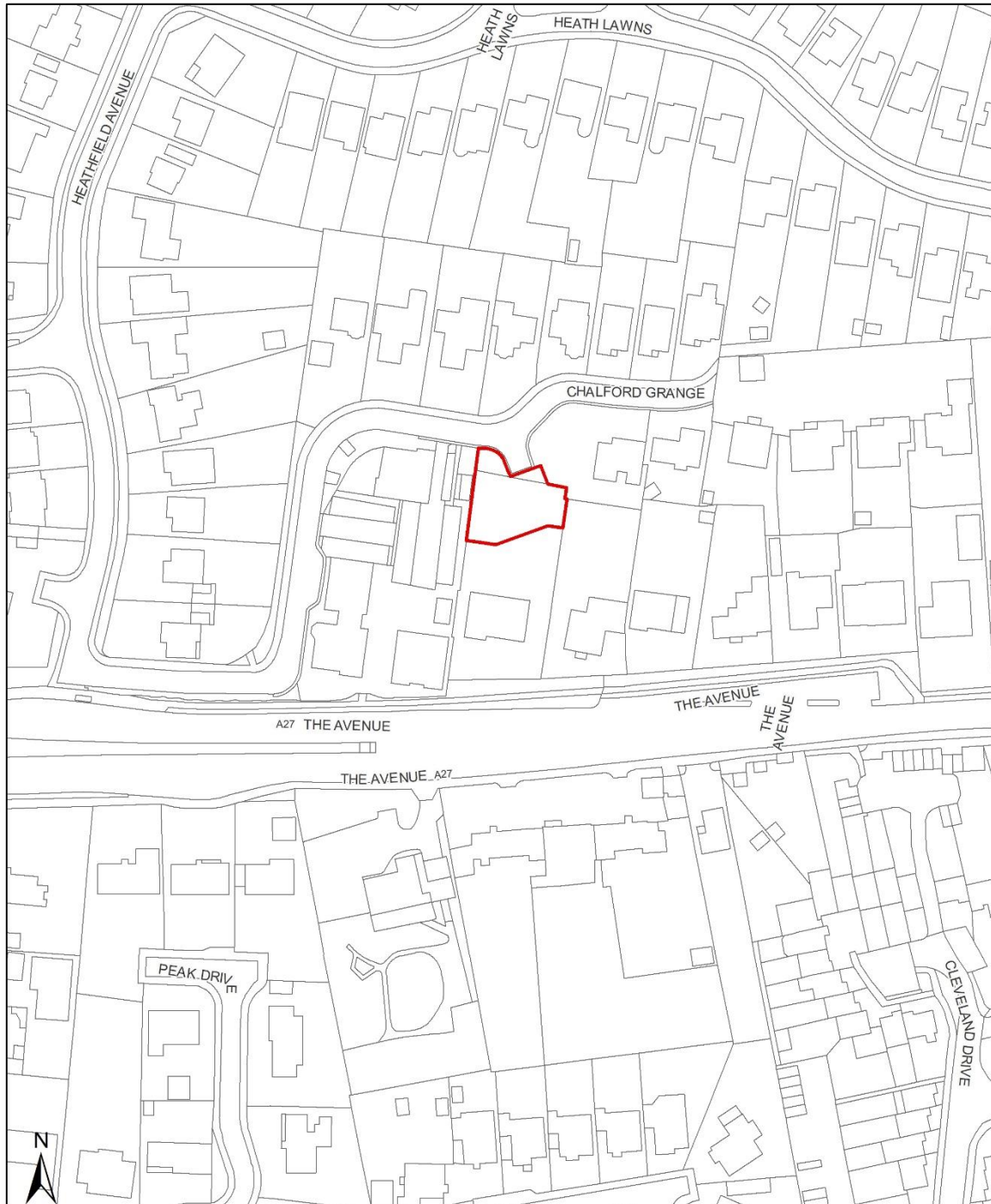
REASON: To protect the amenities of the occupiers of nearby residential properties; in accordance Policy DSP3 of the Development Sites and Policies Plan.

Further Information

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

FAREHAM

BOROUGH COUNCIL



82 The Avenue

Scale 1:1,250

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Agenda Annex

ZONE 3 – EASTERN WARDS

Portchester West

Hill Head

Stubbington

Portchester East

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/18/1410/FP STUBBINGTON	22 - 27A STUBBINGTON GREEN (FIRST FLOOR) FAREHAM PO14 2JY CHANGE OF USE OF FIRST FLOOR FROM SPORTS CLUB (USE CLASS D2) TO NINE FLATS (1 X 3 BED, 6 X 2 BED AND 2 X 1 BED)	3 PERMISSION
P/19/1040/OA PORTCHESTER EAST	1-33 WEST STREET PORTCHESTER FAREHAM PO16 9XB DEVELOPMENT COMPRISING AN ADDITIONAL 1 AND 2 STOREYS ON THE EXISTING BUILDING TO PROVIDE 26 APARTMENTS (10 ONE-BED AND 16 TWO-BED) (CLASS C3) WITH ASSOCIATED CYCLE AND REFUSE STORAGE FACILITIES PLUS FOUR ADDITIONAL PARKING SPACES	4 OUTLINE PERMISSION

OFFICER REPORT FOR COMMITTEE

DATE: 26 May 2021

P/18/1410/FP
LONDON & CAMBRIDGE
PROPERTIES LTD

STUBBINGTON
AGENT: D2 PLANNING

CHANGE OF USE OF FIRST FLOOR FROM SPORTS CLUB (USE CLASS D2) TO
NINE FLATS

22-27a STUBBINGTON GREEN, FAREHAM, PO14 2JY

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.
- 1.2 A previous application to convert the first floor to ten flats was refused by this Planning Committee in June 2017 and an appeal was dismissed in April 2018 (our planning reference P/17/0405/FP, appeal reference APP/A/1720/W/17/3180724).

2.0 Site Description

- 2.1 This application relates to the first floor of a detached building which is located centrally in Stubbington Village within the urban area. The buildings within Stubbington Village are arranged facing towards Stubbington Green which lies directly to the south of the building subject to this application. The ground floor contains a number of commercial units and the first floor is occupied by Stubbington Sports Club which provides a gym, bar and function rooms for social events and fitness classes. To the north of the site there is a public car park.

3.0 Description of Proposal

- 3.1 Planning permission is sought for a change of use of the first floor from a Sports Bar (Use Class D2 'Assembly & Leisure') to nine residential flats. The flats would consist of 1 x 3 bed, 6 x 2 bed and 2 x 1bed. Access would be from the existing entrance on the east side of the building.
- 3.2 The changes to the external appearance of the building are minimal and include replacement windows to the north and south elevation with the addition of small balconies, new windows to the east and west elevation, re-modelling of the existing entrance on the eastern elevation, rooflights and a

canopy to the residential bike store to the north elevation. An odour control filtration system would be fitted at Unit 23 The Green including a flue on the rear elevation.

- 3.3 No car parking is proposed to be provided for the residential flats. Cycle parking would be provided for ten bicycles. An internal bin store is proposed on the ground floor adjacent to the entrance. The existing fire escape to the western side of the building would be retained.
- 3.4 The proposal complies with the Nationally Described Minimum Space Standards.

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
CS11 - Development in Portchester, Stubbington, Hill Head & Titchfield
CS15 - Sustainable Development and Climate Change
CS16 - Natural Resources and Renewable Energy
CS17 - High Quality Design
CS20 - Infrastructure and Development Contributions
CS21 - Protection and Provision of Open Space

Adopted Development Sites and Policies

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

Other Documents

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

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/17/0405/FP	Change of Use of First Floor from Snooker Hall (Use Class D2) to 10 Residential Flats (6 x 2 bed and 4 x 1 bed) Refuse 22 June 2017 Appeal Dismissed 3 April 2018
FBC 6500/2	Erection of 6 Shops with Offices Over Permission 2 December 1970
FBC 6500/15	Change of Use From Offices to Billiard and Snooker Club Permission 24 May 1983

6.0 Representations

6.1 Fifty-two representations (including one from ex-Councillor Heneghan & Councillor Forrest) have been received raising the following concerns;

- Existing use provides a valued community facility which now provides a whole range of activities for adults and children
- Inadequate car parking provision for residents
- Local public transport is not good
- Lack of car parking available in Stubbington at present
- Local traders driven out
- Unnecessary development
- The change of use has previously been refused
- Unpleasant living environment in flats
- Noise and disturbance from use of service area and units below
- The odour extraction system will not be effective
- Increased demand on local services ie. schools, doctors
- Lack of light to north facing flats
- Insufficient space for bin storage
- Insufficient cycle parking
- No access for disabled
- The use of the first floor has changed since previous application
- Lack of external space
- Where will contractors park during the works?
- Noise and disruption during fit out and following occupation may be detrimental to business

7.0 Consultations

INTERNAL

Environmental Health

- 7.1 The Planning Noise Assessment submitted by the developer indicates that acceptable noise levels will be achieved by the installation of noise mitigation measures. It is recommended that all mitigation measures detailed in the report should be installed including mechanical extraction ventilation to all rooms facing the service yard. The proposals should be amended so that cooking odours are discharged at eaves level and above the balconies of the proposed residential units. At the very least the developer should ensure there is sufficient space within the commercial kitchen to retrofit additional odour abatement and sufficient space to install external ductwork so that cooking odours can be discharged at eaves level.

Highways

- 7.2 No parking provisions are available for the present sports club although time-restricted car parking is available in the Stubbington Green area. On the understanding that the parking demands for the proposal would be likely to be less than that associated with the existing sports club, no highway objection is raised to the application. This is subject to the applicants providing all new residents with a Welcome Pack giving comprehensive travel information and free bus tickets in accordance with details set out in the Parking Statement dated May 2017, submitted with the appealed application P/17/0405/FP.

EXTERNAL

Natural England

- 7.3 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 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.

8.0 Planning Considerations

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

- a) Principle of Development;
- b) Impact on Character and Appearance of Area;
- c) Highways;
- d) Living Conditions within Proposed Flats
- e) Impact on Protected Sites
- f) Other Matters

a) Principle of Development

- 8.2 Policies CS2 (Housing Provision) and CS6 (The Development Strategy) of the adopted Fareham Borough Core Strategy place priority on reusing previously developed land within the defined urban settlement boundaries to provide housing.
- 8.3 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.
- 8.4 Policy DSP34 (Development in District Centres, Local Centres and Local Parades) of the Fareham Borough Local Plan Part 2 states that the conversion of upper floors in centres and parades to residential units will be permitted provided there is no negative impact on the amenity of neighbouring development and the proposal meets with design requirements in all relevant documents.
- 8.5 The use of the first floor has changed since the last application was considered in 2017. At that time the first floor was a snooker club but it is now under new management and has expanded the facilities on offer to become a sports club. There are no local plan policies which would protect the existing sports club use although officers appreciate that it may be a valued community facility in which the current tenant has invested. The Planning Appeal Inspector did not make any comments on the issue of the loss of the existing use. The principle of the change of use is therefore considered acceptable subject to an assessment of any other impacts arising from the proposal.

b) Impact on Character and Appearance of Area

- 8.6 There are no concerns with regards to the impact of the proposal on the character/appearance of the area. The alterations proposed to the external appearance of the building are minor in nature and would in Officer's opinion enhance the appearance of the building.

c) Highways

- 8.7 The Council's adopted Residential Car & Cycle Parking SPD sets out the parking requirements for new development. For this development this would equate to 16 allocated spaces or 10.75 unallocated spaces to serve the nine flats. The requirements are almost exactly the same as the previous refused application. The proposal makes no provision for car parking for the intended occupants of the flats, referred to as a 'car-free development'. The SPD states that residential development that provides less than the standards will only be considered acceptable in areas of high accessibility or for specific types of residential development that create a lower demand for parking.
- 8.8 Officers previously recommended planning permission should not be withheld on the basis of there being no on-site car parking provision. It was considered that the proposed flats would be likely to generate a lower level of parking demand than the use of the first floor as a snooker club at that time. Since then demand for parking as a result of the changed use of the first floor can only have increased.
- 8.9 The previous application was refused by the Planning Committee for two reasons. The first reason for refusal related to car parking provision and stated;
- a) The proposed development fails to provide appropriate parking space for residents of the new units which would lead to pressure on the availability of on-street parking in the vicinity and parking spaces within nearby public car parks;*
- 8.10 The refused application was subject to an appeal which was dismissed. With regards to the first reason for refusal the Inspector considered the site to be in a sustainable location with good access to public transport and local services. It was therefore not considered that any future occupant of the flats would be reliant on owning a private vehicle. Nonetheless if future occupants were to own a car then it was not considered that this would unacceptably increase parking pressure nearby. The Inspector noted that the existing use of the first floor generates a parking requirement which is currently accommodated within the area and this would be the same for the proposed flats with both short and long stay car parking available nearby and unrestricted on-street car parking. Furthermore the evidence submitted by the appellant referred to the lower

level of car ownership for households in flats compared to houses. Having regard to these points and the fact that the SPD provides for a lower parking requirement in areas of high accessibility, in this instance where a wide range of services and employment opportunities would be available to future residents, the reason for refusal on the grounds of insufficient allocated car parking was not substantiated. The Inspector's findings in relation to the previous proposal are a significant material consideration when determining this current application.

- 8.11 The local centre is served by approx. 263 spaces including on-street parking on The Green and the public car parks to the north of The Green, Longs Lane to the north of the site and at Crofton Community Centre. Whilst the on-street car parking spaces and public car park to the north of The Green have waiting limited to 1 hour between 8am-6pm the car parks at Longs Lane and the Community Centre are unlimited. The nearest residential roads such as Cutlers Lane and Burnt House Lane have restrictions where required to keep visibility clear around junctions. Therefore, whilst the lack of car parking provision may discourage vehicle ownership there are options for the parking of a vehicle owned by the occupants of the flats and any parking on residential roads is unlikely to be hazardous to highway safety. Communal cycle parking would be provided to accord with the Council's Residential Car & Cycle Parking SPD.
- 8.12 Many of the representations received highlight the increased popularity of the sports club over the former snooker club. Whilst this is intended to be supportive of the club it clearly indicates that the existing use of the site generates a significant level of parking demand already. It is not considered that the proposed change of use to residential would exacerbate any existing parking problems reportedly experienced at peak times.
- 8.13 In summary whilst no provision is made for on-site car parking for future residents the accessible location of the site and the lower car ownership associated with flat occupation are mitigating factors in this respect. In addition, it is necessary to weigh up the demand for car parking generated by the proposed development against the existing use of the first floor or in fact any potential Class D2 occupant. Given the previous appeal decision and the Inspector's clear views on this issue, Officers are of the view that the refusal of the current application on the grounds of insufficient car parking could not be substantiated.

d) Living Conditions within Proposed Flats

- 8.14 The second reason for refusal on the previous application related to the quality of the living conditions within the proposed flats and stated:

b) by virtue of the relationship between first floor windows serving the proposed units set within the northern elevation of the building and the refuse stores associated with the ground floor commercial units below them, the development would be harmful to the living conditions of future residents due to the odour and noise from those refuse stores. In addition, by virtue of their location, limited size and the odour likely to be created by storage of refuse, the proposed storage facilities for refuse and recycling bins would be inadequate and harmful to the living conditions of future residents.

- 8.15 The Inspector agreed that as a result of the use of the service area to the rear of the ground floor commercial units, that the future occupants of the flats would experience frequent noise and disturbance at close quarters. It was considered this would be particularly so as the servicing areas would be directly under the projecting bay windows. It was considered there would be frequent disturbance from use of the access road and public car park, whilst the storage and use of large commercial bins would also generate noise and nuisance including the potential for odour. The internal bin store for the proposed flats was however considered to be acceptable.
- 8.16 The current application seeks to address the concerns relating to noise and disturbance and odours. A noise assessment has been carried out and submitted with the application to consider the potential impact of commercial activity as well as general environmental noise levels. The results of the survey indicate that the recommended ambient noise levels for both the day and night as specified in BS 8233 (Guidance on Sound Insulation and Noise Reduction for Buildings) should be achievable with standard double glazing and ventilation products. Nonetheless the applicant has agreed to install mechanical ventilation to the flats which would overlook the rear service areas so that residents are able to ventilate the flats without the need to open windows. The internal layout of the flats has been altered so that living accommodation would not extend into the bay windows but instead these would become external balconies.
- 8.17 Individual bin stores are proposed to be installed to the rear of each of the commercial units to reduce any potential for odour. An odour control system is proposed to be installed at Donny's Tea Room (Unit 23 The Green) which is the only use at ground floor level likely to generate excessive odour. The details of this system have been agreed with the Council's Environmental Health Officers and includes an external flue terminating above eaves height as requested.
- 8.18 Whilst the flats would not be provided with private amenity space this is not unusual for first floor flats located within a commercial centre. The council's

adopted Design Guidance SPD recognises that there may be circumstances when the provision of outdoor space is not possible such as the conversion of existing non-residential buildings in local or town centre locations. The addition of balconies is suggested as an alternative to the provision of outdoor space. The site is located within close proximity to the designated open spaces of Stubbington Green immediately to the south and the larger Stubbington House Park for recreational purposes.

- 8.19 The proposed flats would meet the national internal space standards and are therefore considered acceptable in terms of their size.
- 8.20 Officers are of the view that the proposed mitigation measures would be sufficient to address the concerns relating to noise disturbance and odours and have no concerns regarding the living conditions within the flats for future residents.

e) Impact on Protected Sites

- 8.21 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.
- 8.22 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.
- 8.23 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).
- 8.24 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 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 sites. This is done following a process known as an Appropriate Assessment. The Competent Authority is responsible for carrying out this process, although they must consult with Natural England

and have regard to their representations. The Competent Authority is the Local Planning Authority.

- 8.25 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the PS. The key considerations for the assessment of the likely significant effects are set out below.
- 8.26 Firstly, in respect of Recreational Disturbance, the development is within 5.6km of The Solent SPAs and is therefore considered to contribute towards an impact on the integrity of The Solent SPAs as a result of increased recreational disturbance in combination with other development in the Solent area. The applicants have made the appropriate financial contribution towards The Solent Recreational Mitigation Partnership Strategy (SRMP) and therefore, the Appropriate Assessment concludes that the proposals would not have an adverse effect on the integrity of the EPS as a result of recreational disturbance in combination with other plans or projects.
- 8.27 Secondly in respect of the impact of the development on water quality as a result of surface water and foul water drainage, Natural England has highlighted that there is existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted that increased levels of nitrates entering the Solent (because of increased amounts of wastewater from new dwellings) will have a likely significant effect upon the PS.
- 8.28 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 6.3 kg/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 urban. 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.
- 8.29 The applicant has entered into a contract (conditional on the grant of planning permission) to purchase 6.3 kg of nitrate mitigation 'credits' from Mr Sellick at Warnford Park, Warnford. Through the operation of a legal agreement between Mr 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. A condition will be imposed to ensure that the development does not commence on site until confirmation of the purchase of the credits has been received by the Council.

- 8.30 The Council has carried out an Appropriate Assessment and concluded 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. Natural England has been consulted on the Council's Appropriate Assessment and agrees with its findings. It is therefore considered that the development accords with the Habitat Regulations and complies with Policies CS4 and DSP13 and DSP15 of the adopted Local Plan.

f) Other Matters

- 8.31 A number of other issues have been raised by the objectors which includes the increased pressure on local services such as school and doctors as a result of increased residents. It is not considered any impact would be sufficient to justify refusal of the application. The impact of construction noise on the ground floor businesses for the duration of the works has been raised as a concern but Officers do not consider that planning permission can be withheld for this reason. In the long term it is not considered that the proposed change of use to residential would be likely to result in a level of noise which would exceed the current use, particularly with heavy gym equipment and music being in use.

Conclusion

- 8.32 The principle of the proposed change of use complies with relevant local plan policies and there would be no adverse visual impact on the surrounding area as a result of the proposal. The primary issues in the determination of the planning application are the lack of provision of any on-site car parking to serve the residents and the acceptability of the living conditions within the flats.
- 8.33 The site is within a sustainable location and the form of development indicates that a reduced level of car parking provision may be appropriate. It is considered that the existing D2 use would be more intensive in terms of vehicle activity. A previous application refused on the grounds of insufficient car parking has been subject to appeal and this reason for refusal was not substantiated by the Inspector. The change in use of the first floor from a snooker club to a sports club by all accounts resulted in an increase in the demand for car parking (prior to the more recent Covid-19 restrictions). On this basis officers consider that a refusal on highway grounds could not be substantiated.

8.34 Mitigation measures have been incorporated into the proposal to address concerns relating to noise and disturbance and smells. This includes providing the ground floor commercial units with enclosed bin stores, fitting mechanical ventilation to the flats overlooking the services area and the loss of the projecting bay windows over the service areas. A noise assessment has been carried out which suggests that the flats would provide an acceptable living environment in this regard.

8.35 Notwithstanding the objections received Officers consider the proposal acceptable subject to the imposition of planning conditions.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development shall begin before the expiration of three years following the date of this decision.

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

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

- a) Planning Statement (D2 Planning Ltd Nov 2018)
- b) Design & Access Statement (LCP Nov 2018)
- c) Parking Statement (IMA Transport Planning) May 2017
- d) Planning Noise Assessment (Anderson Acoustics Oct 2018)
- e) Existing Ground Floor Plan – drwg No. E-001
- f) Existing First Floor Plan – drwg No. E-002
- g) Existing North & East Elevations – drwg No. E-003
- h) Existing South & West Elevations – drwg No. E-004
- i) Existing Roof Plan – drwg No. E-005
- j) Proposed Ground Floor Plan – drwg No. P-001
- k) Proposed First Floor Plan – drwg No. P-002
- l) Proposed North & East Elevations – drwg No. P-003
- m) Proposed West & South Elevations – drwg No. P-004
- n) Proposed Roof Plan – drwg No. P-005

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

3. None of the dwellings hereby permitted shall be first occupied until the communal cycle store, as shown on the approved plan, has been constructed and made available. This storage shall thereafter be retained and kept available at all times.

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

4. None of the flats hereby permitted shall be occupied until details of the proposed bin stores to be provided for the ground floor commercial units have been submitted to and approved by the Local Planning Authority and the approved areas fully implemented. The details shall include the dimensions, design and the materials to be used in construction. The bin stores shall be provided before any dwelling is occupied and shall thereafter be retained for bin storage at all times.

REASON: To ensure that these bin stores are suitable for purpose and to ensure the character and appearance of the development and the locality are not harmed.

5. None of the flats hereby permitted shall be occupied until the internal refuse bin storage area on the ground floor has been provided in accordance with the approved plans. The refuse bin storage area shall thereafter be retained for use at all times.

REASON: In the interests of residential amenity.

6. None of the flats hereby permitted shall be occupied until the 'Residents Welcome Pack' as detailed within the approved Parking Statement (para 5.4) has been submitted to and approved in writing by the Local Planning Authority. The approved Residents Welcome Pack shall thereafter be provided to the future residents prior to occupation.

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.

7. None of the flats hereby permitted shall be occupied until the odour control filtration system has been installed at Unit 23 The Green (including the flue) in accordance with the approved details (Design & Access Statement (LCP Nov 2018)). This system shall thereafter be retained in working order at all times.

REASON: In the interests of residential amenity.

8. The five flats to the north side of the building shall not be occupied until the mechanical ventilation system has been installed in accordance with the agreed details (para 5.15 Planning Statement, D2 Nov 2018). This system shall thereafter be retained in working order at all times.

REASON: In the interests of residential amenity.

9. None of the residential dwellings hereby permitted shall be occupied until details of water efficiency measures to be installed in each dwelling have been submitted to and approved in writing by the Local Planning Authority. These water efficiency measures should be designed to ensure potable water

consumption does not exceed an average of 110 litres per person per day.
The development shall be carried out in accordance with the approved details.
REASON: In the interests of preserving water quality and resources.

10. No development shall commence unless the council has received the Notice of Purchase in accordance with the legal agreement between FBC, SDNPA and Andrew Sellick 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.

11. No work on site relating to the conversion hereby permitted shall take place before the hours of 0800 or after 1800 Monday to Friday, before the hours of 0800 or after 1300 Saturdays or at all on Sundays or recognised bank and public holidays, unless otherwise first agreed in writing with the Local Planning Authority.

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

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

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

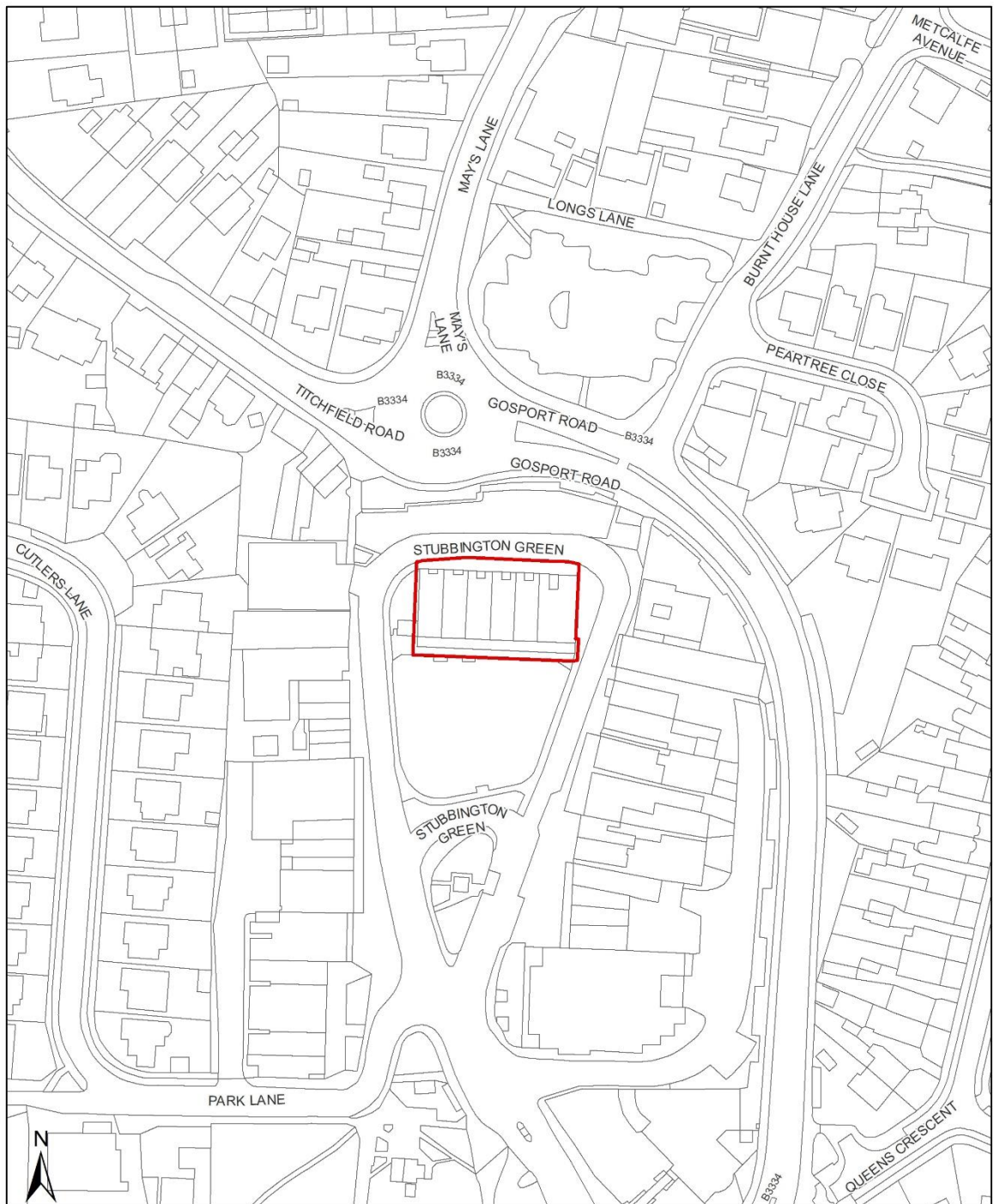
b) the areas to be used for the storage of building materials and equipment associated with the implementation of the approved development.

The development shall be carried out in accordance with the approved CMP and areas identified in the approved CMP for specified purposes shall thereafter be kept available for those uses at all times during the construction period, unless otherwise agreed in writing with the LPA.

REASON: In the interests of highway safety. 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.

FAREHAM

BOROUGH COUNCIL



22-27a Stubbington Green (First Floor)

Scale 1:1,250

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Agenda Item 6(4)

OFFICER REPORT FOR COMMITTEE

DATE: 26/05/2021

**P/19/1040/OA
WEST STREET HOMES LTD**

**PORTCHESTER EAST
AGENT: H R P ARCHITECTS LTD**

DEVELOPMENT COMPRISING AN ADDITIONAL 1 AND 2 STOREYS ON THE EXISTING BUILDING TO PROVIDE 26 APARTMENTS (10 ONE-BED AND 16 TWO-BED) (CLASS C3) WITH ASSOCIATED CYCLE AND REFUSE STORAGE FACILITIES PLUS FOUR ADDITIONAL PARKING SPACES

1 – 33 WEST STREET, PORTCHESTER, FAREHAM, PO16 9XB

Report By

Peter Kneen – direct dial 01329 824363

1.0 Introduction

- 1.1 The application has been called onto the Planning Committee agenda by Councillor Price, due to the scale and implications of the development, which he considers should be debated in a public forum.

2.0 Site Description

- 2.1 The application site is located within the existing defined urban area of Portchester, and within the defined Portchester District Centre. The site lies on the northern side of the pedestrian precinct and presently forms a ribbon of existing 1960s commercial and residential development set over two floors, with shops at ground level and flats above. To the immediate north of the site lies a private car park (owned by the West Street Management Company) with the A27 wrapping around the northern perimeter of the District Centre. The A27 on the northern side of the District Centre is four lanes wide. To the north of the A27 is a development of bungalows served by The Leaway.
- 2.2 To the south of the site lies a further ribbon of mixed commercial and residential properties with the main Fareham Borough Council car park to the south beyond.
- 2.3 The existing flats below the application site are accessed via a communal staircase located to the northwest end of the terrace, with each of the flats accessed via individual external doors from a communal flat roof terrace to the rear of the block. The site is situated within the Environment Agency Flood Zones 2 and 3, which are areas at risk of tidal flooding.

3.0 Description of Proposal

- 3.1 The application seeks planning permission for the construction of an additional 2 storeys above the existing flats fronting West Street and a single storey addition over the rear part of the building which projects northwards into the car park. The scheme will provide 26 additional flats, and result in the overall building increasing in height from 6.5 metres to 12.1 metres.
- 3.2 The flats would be accessed via three new staircases, two from the existing flat roof terrace at first floor and the third directly from the car park. The additional single storey to the rear of the building will be connected to the front element of the building by a floating passageway at second floor level between the front and rear parts of the building. Separate secure bin and cycle stores would also be provided from the car park, following the removal of the existing bin store and redundant stairwell.
- 3.3 The application is submitted in outline with access, appearance, layout and scale being considered. The only outstanding matter, landscaping, would be considered under a separate reserved matters application.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS2 – Housing Provision

CS3 – Vitality and Viability of Centres

CS4 – Green Infrastructure, Biodiversity and Geological Conservation

CS5 – Transport Strategy and Infrastructure

CS6 – The Development Strategy

CS11 – Development in Portchester, Stubbington & Hill Head and Titchfield

CS17 – High Quality Design

CS18 – Provision of Affordable Housing

Adopted Development Sites and Policies

DSP1 – Sustainable Development

DSP2 – Environmental Impact

DSP3 – Impact on Living Conditions

DSP13 – Nature Conservation

DSP15 – Recreational Disturbance on the Solent Special Protection Areas

DSP34 – Development in District Centres, Local Centres and Local Parades

Other Documents:

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

Residential Car Parking Standards 2009

National Planning Policy Framework 2019

Planning Practice Guidance

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/07/0042/FP	Erection of second floor comprising 16no. flats over existing ground floor shops and first floor flats
APPROVED	03/04/2007
P/15/1060/FP	Five x 2-bed apartments and four x 1-bed apartments created by constructing an additional floor to the front of the property and two additional storeys to the rear of the property
REFUSED	17/11/2016
APPEAL	15/05/2017
DISMISSED	

6.0 Representations

6.1 Two third party letters of representation have been received regarding this application. One letter of support from the Portchester Civic Society, and one objection from a resident living in The Leaway. The concerns raised relate to the following issues:

- increased height and bulk and its overpowering impact on the precinct;
- impact on car parking provision in the centre;
- prospect of electronic communications antenna leading to an intrusion in the skyline; and,
- increased pressure on local services.

7.0 Consultations

EXTERNAL

Environment Agency

7.1 No objection, subject to condition ensuring compliance with the submitted Flood Risk Assessment.

HCC Children's Services

7.2 No objection. No requirement for a contribution due to size of flats.

HCC Highways

7.3 No objection, subject to condition.

Natural England

7.4 No objection to the Council's Appropriate Assessment.

INTERNAL

Affordable Housing Strategic Lead

- 7.5 Following a review of the independent viability report, no objection to the lack of affordable housing provision.

Environmental Health (Noise and Pollution)

- 7.6 No objection.

Recycling Co-ordinator

- 7.7 Concerns raised regarding initial bin store. The bin store was subsequently amended based on the comments raised.

Urban Designer

- 7.8 The current proposal represents a significant improvement on earlier schemes, and subject to some minor amendments and approval of materials, is considered to be a good scheme.

8.0 Planning Considerations

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

- a) Principle of the development;
- b) Design and effect on the character of the area;
- c) Living conditions of occupiers;
- d) Car Parking;
- e) Ecology and impact on Protected Sites;
- f) Other matters.

a) Principle of the development

- 8.2 The site is located within the defined urban area of Portchester and is therefore considered to be a highly sustainable location for the provision of additional residential accommodation. The site is immediately adjacent to local services and facilities, together with regular bus services along the A27 and through Portchester. The site is also within easy walking distance of Portchester Railway Station, linking Portchester to Portsmouth and London to the east, and Fareham and Southampton to the west. Further residential development in the District Centre is therefore considered acceptable, subject to the consideration of other material considerations.

b) Design and effect on the character of the area

- 8.3 Policy CS17 (High Quality Design) seeks to ensure that new development is 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 materials.
- 8.4 Planning permission was granted in 2007 (our planning reference: P/07/0042/FP) for the provision of 16 flats at second floor level above all the existing flats fronting West Street. This planning permission remains extant having been partially implemented with the provision of the bin store and a staircase within the car park area. The current application would essentially override this planning permission.
- 8.5 The design of the scheme has evolved since that dismissed on appeal in 2017. That scheme, which sought to construct nine flats above 21 West Street only, was dismissed due to the incongruous addition the two storeys would have represented in isolation.
- 8.6 The current scheme now proposes an additional two storeys of residential development above the shop units facing the pedestrianised area. The accommodation within the top storey is contained entirely within the roofspace. A single additional storey is proposed above the existing single storey building which extends northwards from the shop units towards the A27.
- 8.7 By way of a comparison, the existing building facing the pedestrianised area measures in the order of 6.6 metres in height. The height of the additional storey permitted in 2007 increased the height of the existing building from 6.6 metres to 11 metres for the majority of the building. The permitted roof design included some localised further increases in heights along its length, up to a maximum of 12 metres. The current application would see the main ridgeline increase to 12.1 metres in height, with a central feature measuring 13.2 metres in height.
- 8.8 The marginal overall increase in the height of the ridgeline of one metre above the permitted scheme, in the main commercial centre for Portchester, is not considered to be problematic and would not be harmful to the area. Further, the recently permitted development to the immediate north of the site at the former Merjen Engineering site would see development over 2 and 2.5 storeys and has a maximum ridge height of around 11.5 metres.
- 8.9 It is therefore considered that the increased height of the structure will not be significantly greater than the extant permission and will be characteristic of a commercial centre and other developments in the locality.

- 8.10 The design approach, with the use of the mansard, metal seamed roof is characteristic of other developments in the District Centre.
- 8.11 Furthermore, the scheme includes a metal effect seamed roof and facing bricks to match those on the existing building. Additionally, the elevated walkway on the northern elevation will comprise vertical larch-board timber cladding and louvres, which will add an element of interest and variation to the northern, car park facing elevation. The materials would be subject to a condition requiring samples to be provided to ensure a high-quality finish. Overall, the use of materials is considered to be sympathetic to the wider District Centre and would enhance the visual appearance of the dated structure, which since the removal of the perimeter wall of the car park makes the existing building more prominent.
- 8.12 The proposal is considered to represent a high-quality design and accords with the overarching principles of policy CS17.

c) Living conditions of occupiers

- 8.13 The application proposes the construction of additional flats above an existing row of flats at first floor level on the northern side of West Street. No third party comments have been received from the existing occupiers of the flats, and only one third party comment has been received from a resident in The Leaway, to the north of the A27 (their comments do not relate to any impact on their living conditions).
- 8.14 The proposed flats at first and second floor level at the northern end of the scheme would be situated over 60 metres from the rear elevation of the properties on The Leaway, and 40 metres from their residential curtilage. This far exceeds the minimum 22 metres level of separation sought in the Council's adopted Design Guidance.
- 8.15 The flats on the front elevation (facing West Street) would be situated between 18 metres and 20 metres from the front elevation of the properties on the southern side of West Street. Whilst this is less than the minimum level of separation sought, it is an existing situation between the occupiers of the first floor flats, and given the District Centre location, is considered to represent an acceptable level of separation.
- 8.16 The proposed development is therefore considered to not result in an unacceptable adverse impact on the living conditions of neighbouring occupiers, in accordance with policy DSP3.

- 8.17 In respect of the provision of outdoor space for new flatted developments, the Council's adopted Design Guidance (Excluding Welborne) SPD states:

'New flats should have access to adequately sized and good quality outdoor space. There may be exceptional circumstances, such as the conversion of existing non—residential buildings in local or town centre locations, where the provision of outdoor space is not possible'.

- 8.18 The Guidance continues to state that:

'In the town centre and other centres around the Borough more innovative ways of providing quality outdoor space might be required. For example, courtyards, roof terraces and balconies may be acceptable alternatives to gardens'.

- 8.19 Due to the District Centre location, and the provision of new residential units on top of an existing structure it is not possible for the flats to be provided with substantial areas of private outdoor amenity space. The existing residents do not themselves have access to private amenity space. However, the future residents would have access to the communal first floor roof space, and Portchester as a whole has good access to public areas of open space and other areas of public amenity. Four of the proposed flats will benefit from small balconies (6.5 sqm each approximately) on the front (south) elevation fronting West Street.
- 8.20 Officers consider that this proposal represents one of the 'exceptional circumstances' envisaged by the Design Guidance SPD, and in this instance fact that the development does not includes private amenity space for the individual flats is acceptable.
- 8.21 The development proposal has been assessed against the Nationally Described Space Standards. The Nationally Described Space Standards set out nationally acceptable minimum standards for property sizes based on the number of bedrooms and intended number of occupants, and further minimum standards for single and double bedroom sizes. The scheme is fully compliant with the standards sought in the Space Standards.

d) Car Parking

- 8.22 The site is located in the Portchester District Centre, in close proximity to a wide range of local services and facilities, including shops, schools and community facilities, including a health centre. The District Centre is well served by public transport, with regular bus services along the A27 and through Portchester, and the site is within easy walking distance to Portchester Railway Station. Government advice highlights the importance of

providing new residential development in the most sustainable locations, where the provision of non-car modes of transport should be promoted.

- 8.23 The site benefits from direct access to a privately owned car park, where spaces are available to residents, shop owners and staff and their customers. Availability of spaces varies at different times of the day and week, and no spaces are reserved specifically for residents. This car park would be enlarged marginally through the provision of four additional car parking spaces. Accommodating parking for a range of different users in this communal manner ensures the best use of parking spaces.
- 8.24 The extant planning permission for 16 flats (P/07/0042/FP) did not propose to provide additional car parking spaces, and the planning application refused under planning application P/15/1060/FP, would have generated a net additional increase in 7 flats. Whilst P/15/1060/FP was refused and dismissed on appeal, the scheme was not refused on car parking issues, and the matter was not raised by the Planning Appeal Inspector.
- 8.25 The combined contribution of the earlier applications would have resulted in 23 additional flats being constructed, with no increase in car parking in the District Centre. It is therefore considered reasonable, given the high sustainability of the location that the provision of four additional parking spaces for the development is acceptable, and accords with the Government's priority of promoting development in the most sustainable locations. Further, the relatively small size of the flats (one and two bedrooms) would likely result in residents having either none or a lower number of cars, and the existing capacity of the car park could be considered appropriate for the development proposal.
- 8.26 Hampshire County Council as the Highway Authority has raised no objection to the proposed works, subject to conditions securing the provision of bin and secure cycle storage.

e) Ecology and impact on the Protected Sites

- 8.27 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.
- 8.28 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.

- 8.29 To fulfil the requirement under the Habitat Regulations, Officers have carried out an Appropriate Assessment in consider the likely significant effects on the Protected Sites around The Solent.
- 8.30 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.
- 8.31 The impact of increased recreational disturbance as a result of new residential developments has long been established, and the Council's adopted Solent Recreational Mitigation Strategy, in accordance with Policy DSP15 sets out how developers can mitigate the impact of their development on the likely significant effect on the Protected Sites.
- 8.32 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.
- 8.33 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 highlights that developments in the Borough would not, in combination with other plans and proposals, have a likely

significant effect on air quality on the Protected Sites up to 2023, subject to appropriate mitigation.

- 8.34 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.
- 8.35 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 the Council's Section 111 agreement. This forms part of the recommendation to this application. Therefore, the Appropriate Assessment concludes that the proposals would not have an adverse effect on the integrity of the Protected Sites as a result of recreational disturbance in combination with other plans or projects.
- 8.36 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 18.339kg TN/year. Due to the uncertainty of the effect of the nitrogen from the development on the Protected Site, 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.
- 8.37 The applicant has entered into a contract (conditional on the grant of planning permission) to purchase 18.5kg of nitrate mitigation 'credits' from the Hampshire and Isle of Wight Wildlife Trust (HIWWT). Through the operation of a legal agreement between the HIWWT, Isle of Wight Council and Fareham Borough Council dated 30 September 2020, the purchase of the credits will result in a corresponding parcel of agricultural land at Little Duxmore Farm on the Isle of Wight being removed from intensive agricultural use, and therefore providing a corresponding reduction in nitrogen entering The Solent marine environment. A condition will be imposed to ensure that the development does not commence on site until confirmation of the purchase of the credits from the HIWWT has been received by the Council.

- 8.38 In addition to the above mitigation, and in order to ensure compliance with the Natural England methodology, a condition would be required to ensure the development can meet the Building Regulations optional requirement of a water consumption limit of 110 litres per person per day. With these mitigation measures secured, the Council as 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.
- 8.39 Natural England has been consulted on the Council's Appropriate Assessment, and they have raised no objection to the conclusions.
- 8.40 The proposal is therefore considered to accord with the Habitat Regulations and complies with policies CS4, DSP13, DSP15.

f) Other Matters

- 8.41 **Bin Storage** - Amended plans have been provided ensuring the bin storage area and number of bins accord with the requirements of the Council's Recycling Co-ordinator. The bin store would replace the existing bin store in the car park constructed to accommodate the 2007 planning permission. A tracking diagram has also been provided demonstrating that the Council's refuse vehicles would be able to manoeuvre in the car park and enter and exit in a forward gear.
- 8.42 The bin store would be subject to a condition to ensure it is constructed prior to the occupation of any of the proposed dwellings. No car parking spaces would be lost in the car park as a result of the provision of the bin store.
- 8.43 **Affordable Housing** – Under Policy CS18 of the Council's adopted Core Strategy, the Council requires the provision of affordable housing at 40% on a scheme of this scale. Policy CS18 also states that 'where development viability is an issue, developers will be expected to produce a financial assessment in which it is clearly demonstrated the maximum number of affordable dwellings which can be achieved on the site.' The planning application is accompanied by an Affordable Housing Viability Assessment which sets out that the scheme is not capable of providing any affordable housing.
- 8.44 The applicant's Affordable Housing Viability Assessment has been reviewed by the Council's appointed viability consultants. The Council's consultants have reviewed the prospective sales values for the intended flats, proposed build costs, together with other costings such as CIL, fees, marketing costs, legal fees, financing, profit, timing and land value. The Council's viability consultants disagree with some of the assumptions made by the applicant and

have substituted the applicant's assumptions with their own in these instances. Even with their substitutions however, the Council's viability consultants have confirmed that the development would not be viable were it to make either on-site provision or an off-site financial contribution towards affordable housing.

- 8.45 Officers consider that on this basis the proposal accords with Policy CS18 of the adopted Core Strategy.
- 8.46 **Flood Risk** – The whole of the pedestrianised Portchester District Centre is situated within the Environment Agency's Flood Zones 2 and 3. A high proportion of the car park on the northern side of the District Centre is also subject to Flood Zones 2 and 3, with the exception of the north-western corner of the car park.
- 8.47 Much of the proposed development will take place above existing structures. There will be limited structures at ground level (mostly those associated with storage and stairway access). The areas around the existing buildings are currently extensively hard-surfaced.
- 8.48 Members will be aware that a Vision entitled 'Putting the Village back into Portchester' was approved by the Executive in July 2017. The Vision identified a number of elements to be explored as part of a wider Portchester Village Centre Regeneration. The Vision referenced the importance of improving the visual appearance of the Centre and redevelopment to help deliver housing and commercial vibrancy. The proposed development would contribute to these objectives for the Centre.
- 8.49 The National Planning Policy Framework sets out the guidance for proposed development which lies within areas at risk of flooding. The initial approach is that new development should be steered to areas at a lower risk of flooding. Any development in areas at risk of flooding should be assessed by applying the sequential test, and then, if necessary, the exception test.
- 8.50 In this particular case the creation of the development above the existing building is part of broader proposals for the regeneration of the Portchester District Centre. The scheme, as a regeneration proposal is such that the extent of the sequential test consideration would be limited to the Portchester District Centre boundary. Given almost the entirety of the District Centre lies within Flood Zones 2 and 3 there is no other opportunity to provide additional residential accommodation in areas at a lower risk of flooding.

- 8.51 As set out in the Planning Practice Guidance under the Flood Risk sequential test, the development is a 'more vulnerable' proposal (residential) where it is necessary to undertake the exception test.
- 8.52 The exception test requires proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it is safe for its lifetime without increasing flood risk elsewhere.
- 8.53 As a regeneration scheme it will provide sustainability benefits to the community through enhancing the visual appearance of the District Centre, introducing more residents to support local businesses and increasing natural surveillance of the Centre. Additionally, as a development over an existing structure it is set well above the height which would be affected by any flood water events. The scheme would not increase the risk of flooding elsewhere.
- 8.54 The Flood Risk Assessment concludes that the flood risk from tidal sources is considered to be low to moderate. All future occupiers would be connected to the Environment Agency's 24-hour flood warning service and have details of a flood evacuation plan. Other measures which would be incorporated into the development include:
- All sleeping accommodation set above the tidal flood level;
 - All plumbing insulation to be of a closed-cell design;
 - Non-return valves to be fitted to all drain and sewer outlets; and,
 - Anti-syphon fitted to all toilets.
- 8.55 The Environment Agency has been consulted on the Flood Risk Assessment and raises no objection subject to this Council satisfying itself in respect of the sequential test. For the reasons set out above, Officers are satisfied that both the sequential test and the exception test are passed, subject to a condition to ensure compliance with the measures set out within the submitted Flood Risk Assessment.

Summary

- 8.56 The application proposal would see the provision of 26 much needed additional residential dwellings provided in the District Centre location, which would contribute significantly towards both enhancing the appearance of the existing terrace of shops and flats and would contribute towards the viability and vitality of the Centre by bringing more residents directly into the precinct.
- 8.57 The design and appearance of the building has been carefully articulated to ensure that despite the increased height, the overall massing and bulk of the

structure is appropriate in this location, and its architecture is reflective of other developments locally.

- 8.58 Whilst the scheme will only provide four additional car parking spaces, there are large car parks in close proximity, and the District Centre is very well served by public transport. The site furthermore has easy access to a wide range of services and facilities which would encourage future occupiers to use modes of transport other than the private car.
- 8.59 Officers are satisfied that the scheme complies with the Council's adopted planning policies and guidance and relevant National planning policies and guidance. Subject to the prior completion of a Section 111 agreement and the imposition of appropriate conditions, Officers recommend that the scheme should be permitted.

9.0 Recommendation

9.1 GRANT OUTLINE 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 following Conditions:
 - 1. Application for approval of details of the landscaping of the site (referred to as the 'reserved matters') shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be commenced in pursuance of this permission either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.
 - 2. The development hereby permitted shall be retained only in accordance with the following approved plans:
 - i) Proposed Floor Plans (Drawing: 8761-10-A);
 - ii) Proposed Floor Plans (Drawing: 8761-11-A);
 - iii) Front Elevation & Rear Section (Drawing: 8761-12);
 - iv) Rear Elevations & Perspectives (Drawing: 8761-13-A);
 - v) Side Elevations & Section's (Drawing: 8761-14-A);
 - vi) 3D Perspectives (Drawing: 8761-15); and,
 - vii) Indicative Perspectives (Drawing: 8761-16).

REASON: To avoid any doubt over what is permitted

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

REASON: To secure the satisfactory appearance of the development.

4. None of the development hereby approved shall be occupied until the proposed bin storage areas has been constructed in accordance with the submitted details on Drawing: 8761-10-A. The bin storage areas shall be constructed in accordance with the approved details and shall subsequently be retained for bin storage at all times.

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

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

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

6. No dwelling, hereby approved, shall be first occupied until the four additional car parking spaces are provided on site and made available for use in accordance with the approved plan. Those spaces shall thereafter be kept available for the parking of vehicles at all times.

REASON: In the interests of highway safety.

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

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

8. The development hereby permitted shall not commence unless the Council has received the Notice of Purchase in accordance with the legal agreement between FBC, IWC and HIWWT dated 30 September 2020 in respect of the Credits Linked Land identified in the Nitrates Mitigation Proposals Pack.

REASON: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on the Protected Sites around The Solent.

9. The development hereby approved shall be carried out in full accordance with the recommendations set out in paragraph 7.3 of the Ambient Environmental Assessment, Flood Risk Assessment 4813 submitted as part of the application. None of the development hereby approved shall be first occupied until the measures recommended by the approved FRA have been fully implemented. These measures shall be subsequently be retained at all times.

REASON: To ensure that the protection of the development against flooding.

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

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

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

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

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

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

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

e) the measures for cleaning West Street and Jubilee Road to ensure that they are kept clear of any mud or other debris falling from construction vehicles, and

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

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

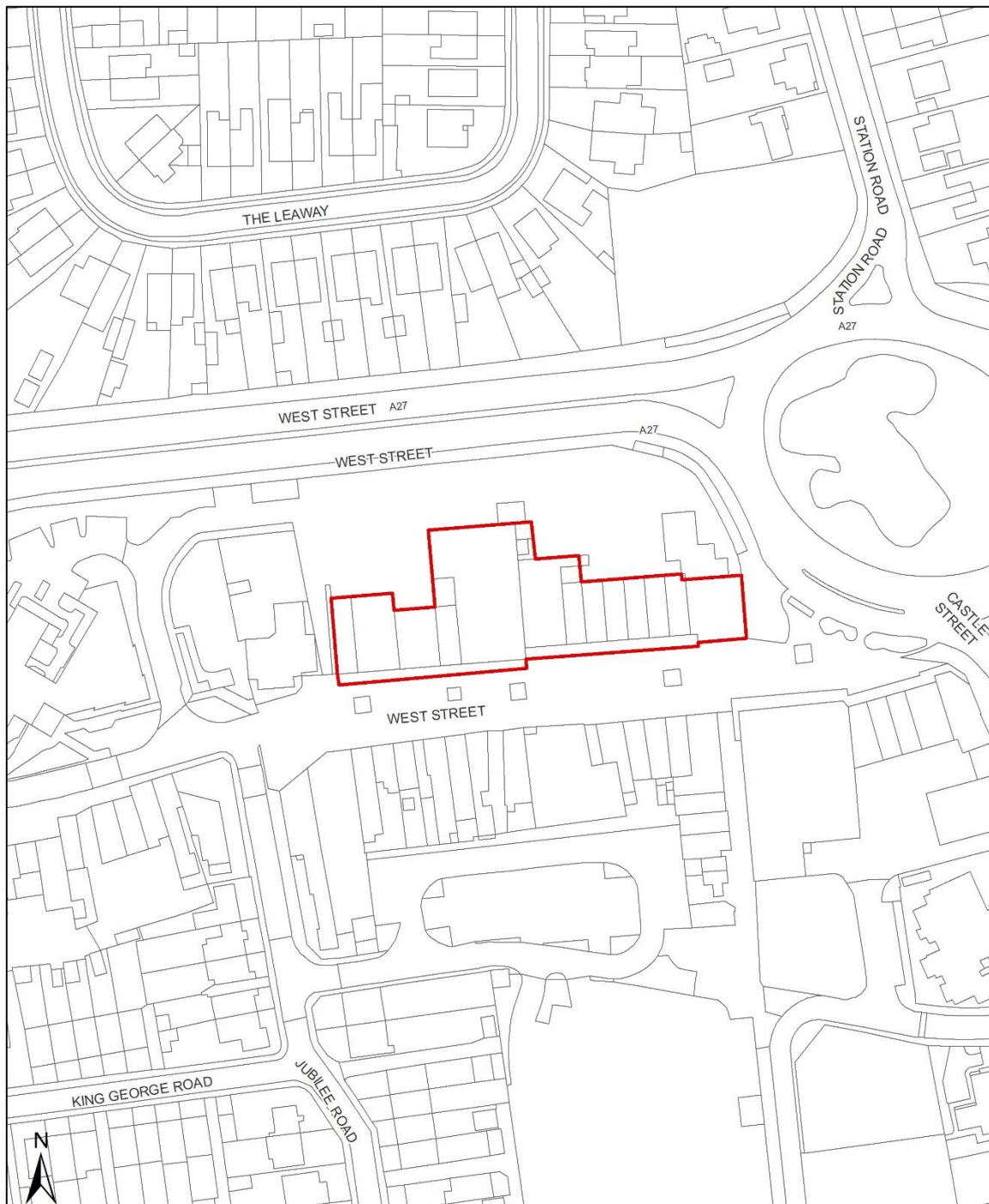
REASON: In the interests of highway safety and to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period. The details secured by this condition are considered essential to be agreed prior to the commencement of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

10.0 Background Papers

P/19/1040/OA

FAREHAM

BOROUGH COUNCIL



1-33 West Street, Portchester

Scale 1:1,250

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Agenda Item 6(5)

PLANNING APPEALS

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

3 PUBLIC LOCAL INQUIRY

P/18/1073/FP

Appellant:

Site:

Decision Maker:

Recommendation:

Council's Decision:

Date Lodged:

Reason for Appeal:

3 PUBLIC LOCAL INQUIRY

Foreman Homes Ltd

Land to the South of Romsey Avenue Fareham

Committee

REFUSE

REFUSE

7 April 2021

Appeal against refusal of planning permission

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

3 PUBLIC LOCAL INQUIRY

P/18/1118/OA

Appellant:

Site:

Decision Maker:

Recommendation:

Council's Decision:

Date Lodged:

Reason for Appeal:

3 PUBLIC LOCAL INQUIRY

Fareham Land LP

Land at Newgate Lane (North) Fareham

Non Determined

REFUSE

PENDING PLANNING INSPECTORATE DECISION

2 June 2020

Non Determined

Outline Planning Permission for the demolition of existing buildings and development of up to 75 dwellings, open space, vehicular access point from Newgate Lane and associated and ancillary infrastructure, with all matters except access to be reserved.

3 PUBLIC LOCAL INQUIRY

P/19/0460/OA

Appellant:

Site:

Decision Maker:

Recommendation:

Council's Decision:

Date Lodged:

Reason for Appeal:

3 PUBLIC LOCAL INQUIRY

Bargate Homes Ltd

Land at Newgate Lane (South) Fareham

Non Determined

REFUSE

PENDING PLANNING INSPECTORATE DECISION

2 June 2020

Non Determined

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

2 INFORMAL HEARING

P/19/1193/OA

Appellant:

Site:

Decision Maker:

Recommendation:

Council's Decision:

Date Lodged:

Reason for Appeal:

2 INFORMAL HEARING

Foreman Homes

Land East of Posbrook Lane Titchfield Fareham

APPEAL LODGED

REFUSE

PENDING PLANNING INSPECTORATE DECISION

29 January 2021

Non Determined

Outline planning application for the erection of up to 57

dwellings, together with associated parking, landscaping and access from Posbrook Lane

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

2 INFORMAL HEARING
Bargate Homes Limited
Land East of Newgate Lane East Fareham

REFUSE

25 February 2021

Non Determined

Cross boundary outline application, with all matters reserved except for access, for the construction of up to 99 residential dwellings, landscaping, open space and associated works, with access from Brookers Lane (Gosport Borough Council to only determine part of the application relating to part of access in Gosport Borough)

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

1 WRITTEN REPRESENTATIONS
Mr Bell
50 Paxton Road Fareham PO14 1AD
Officer Delegated Powers
REFUSE
REFUSE
29 October 2020

Appeal against refusal of planning permission

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

1 WRITTEN REPRESENTATIONS **P/20/0811/CU**
Appellant:
Site:
Decision Maker:
Recommendation:
Council's Decision:
Date Lodged:
Reason for Appeal:

1 WRITTEN REPRESENTATIONS
Mr & Mrs A Wells
84 Merton Avenue Portchester Fareham PO16 9NH
COMMITTEE
APPROVE
REFUSE
16 March 2021

Appeal against refusal of planning permission

Temporary consent for a takeaway coffee shop.

3 PUBLIC LOCAL INQUIRY **P/20/0912/OA**
Appellant:
Site:
Decision Maker:
Recommendation:
Council's Decision:
Date Lodged:
Reason for Appeal:

3 PUBLIC LOCAL INQUIRY
Miller Homes Ltd
Land to the East of Down End Road Fareham

Committee
APPROVE
REFUSE
22 April 2021

Appeal against refusal of planning permission

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.

1 WRITTEN REPRESENTATIONS	P/20/1007/FP Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	1 WRITTEN REPRESENTATIONS RGOM 21 Burrridge Road Burrridge Southampton SO31 1BY Non Determined REFUSE PENDING PLANNING INSPECTORATE DECISION 24 March 2021 Non Determined Residential development of 4 self-build dwellings, amenity areas with access off Burrridge Road (Amended Scheme to P/18/1252/FP)
4 HOUSEHOLDER APPEAL SERVICE	P/20/1078/FP Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	4 HOUSEHOLDER APPEAL SERVICE Mr Christopher Davison 34 Warsash Road Warsash Southampton SO31 9HX Officer Delegated Powers REFUSE REFUSE 29 April 2021 Appeal against refusal of planning permission Detached Garage and Front Boundary Wall
3 PUBLIC LOCAL INQUIRY	P/18/1212/LU Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	3 PUBLIC LOCAL INQUIRY Borderland Fencing Ltd Borderland Fencing New Road Swanwick Southampton SO31 7HE Officer Delegated Powers REFUSE REFUSE 13 August 2019 Appeal against refusal of planning permission Lawful Development Certificate for mixed use of the glasshouse for storage & manufacturing (Use Class B8 & B2)
2 INFORMAL HEARING	P/19/0419/DA Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	2 INFORMAL HEARING Mr Patrick Cash 137 Newgate Lane Fareham PO14 1BA 11 May 2020 Appeal against serving of a planning enforcement Unlawful development of two structures
3 PUBLIC LOCAL INQUIRY	P/20/0009/DA Appellant: Site: Decision Maker: Recommendation: Council's Decision:	3 PUBLIC LOCAL INQUIRY Borderland Fencing Ltd Borderland Fencing New Road Swanwick Southampton SO31 7HE PENDING PLANNING INSPECTORATE DECISION

Date Lodged: 17 July 2019
Reason for Appeal: **Appeal against serving of a planning enforcement**
Unauthorised expansion of site and breach of conditions

**3 PUBLIC
LOCAL
INQUIRY**

P/19/0316/FP
Appellant:
Site:
Decision Maker:
Recommendation:
Council's Decision:
Date Lodged:
Reason for Appeal:

3 PUBLIC LOCAL INQUIRY
MR K FRASER
The Tithe Barn Mill Lane Titchfield Fareham PO15 5RB
COMMITTEE
REFUSE
REFUSE
16 June 2020
Appeal against refusal of planning permission
Re-surface car park area with tarmac (retrospective application)
DISMISSED
17 May 2021

Decision:
Decision Date:

**4
HOUSEHOL
DER
APPEAL
SERVICE**

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

4 HOUSEHOLDER APPEAL SERVICE
Miss Nicola Gill
1 Beverley Close Park Gate Southampton SO31 6QU
Officer Delegated Powers
REFUSE
REFUSE
14 January 2021
Appeal against refusal of planning permission
Proposed timber fence above existing boundary wall
DISMISSED
12 March 2021

Decision:
Decision Date:

**3 PUBLIC
LOCAL
INQUIRY**

ENF/40/19
Appellant:
Site:
Decision Maker:
Recommendation:
Council's Decision:
Date Lodged:
Reason for Appeal:

3 PUBLIC LOCAL INQUIRY
MR KEVIN FRASER
The Tithe Barn Mill Lane Fareham PO15 5RB
16 June 2020
Appeal against serving of a planning enforcement
Resurfacing of car park with tarmac
DISMISSED
17 May 2021

Decision:
Decision Date: