

# FAREHAM

BOROUGH COUNCIL

## AGENDA PLANNING COMMITTEE

**Date:** Tuesday, 2 November 2021

**Time:** 2.30 pm

**Venue:** Collingwood Room - Civic Offices

**Members:**

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

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

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



**1. Apologies for Absence**

**2. Minutes of Previous Meeting (Pages 1 - 7)**

To confirm as a correct record the minutes of the Planning Committee meeting held on 13 October 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 8)**

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

**ZONE 1 - WESTERN WARDS**

(1) **P/21/0786/FP - UNIT 1 23 COAL PARK LANE SWANWICK SO31 7GW**  
(Pages 10 - 28)

(2) **P/21/1531/FP - 10 SUMMERFIELDS LOCKS HEATH SO31 6NN** (Pages 29 - 35)

**ZONE 2 - FAREHAM**

(3) **P/20/1168/OA - LAND TO THE SOUTH OF FUNTLEY ROAD** (Pages 38 - 72)

(4) **P/20/1166/CU - LAND TO THE SOUTH OF FUNTLEY ROAD** (Pages 73 - 79)

(5) **P/21/1338/FP - 1A FAREHAM PARK ROAD FAREHAM PO15 6LA** (Pages 80 - 86)

**ZONE 3 - EASTERN WARDS**

(6) **Planning Appeals** (Pages 88 - 95)



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

**For further information please contact:  
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# FAREHAM

## BOROUGH COUNCIL

### Minutes of the Planning Committee

(to be confirmed at the next meeting)

**Date:** Wednesday, 13 October 2021

**Venue:** Collingwood Room - Civic Offices

**PRESENT:**

**Councillor** N J Walker (Chairman)

**Councillor** (Vice-Chairman)

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

**Also  
Present:**



**1. APOLOGIES FOR ABSENCE**

An apology of absence was received from Councillor I Bastable.

**2. MINUTES OF PREVIOUS MEETING**

RESOLVED that subject to the following amendments to 10 September 2021 minutes:

Item 4 to be reworded to;

*“In accordance with Standing Orders and the Council’s Code of Conduct Councillor N J Walker declared a non-pecuniary interest in item 6 – Land East of Downend Road in that following advice from officers he considered himself to be pre-determined on this application.”*

And the paragraph in item 6 regarding Councillor Price be re-worded to;

*“At the invitation of the Chairman, Councillor R H Price, JP addressed the Committee on this item in his capacity as County Councillor, having removed himself from the Committee due to predetermination. He left the room after making his representation and was not present for the debate or vote on this application.”*

The minutes of the Planning Committee meetings held on 10 September 2021 and 15 September 2021 be confirmed and signed as a correct record.

**3. CHAIRMAN’S ANNOUNCEMENTS**

There were no Chairman’s announcements made at this meeting.

**4. DECLARATIONS OF INTEREST**

In accordance with Standing Orders and the Council’s Code of Conduct the following Councillors made declarations on the following items:

Councillor T M Cartwright declared and personal interest in item 6(1) – Land Adjacent to 125 Greenaway Lane as his son lives within one of the Bargate Home sites.

Councillor N J Walker, Chairman, declared a personal interest in item 6(3) – Land to the Rear of 1-5 Hill Drive in that the applicant is known to him as she is a member of the Board of Trustees for the Portchester Parish Hall of which he is the Chairman.

**5. DEPUTATIONS**

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

Name	Spokesperson representi	Subject	Supporting or Opposing	Item No/ Application No/Page No	Dep Type
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	ng the persons listed		the Application		
<b>ZONE 1 – 2.30pm</b>					
Mr R Megginson	On behalf of Mr R Holford	LAND ADJACENT TO 125 GREENAWAY LANE – TEMPORARY CONSTRUCTION ACCESS ONTO GREENAWAY LANE TO SERVE DEVELOPMENT PERMITTED UNDER P/19/0402/OA	<b>Opposing</b>	6 (1) P/21/0770/FP Pg 18	<b>In Person (3 mins)</b>
Mrs H Megginson (Lead Petitioner)	Save Warsash and the Western Wards	-DITTO-	<b>-Ditto-</b>	-Ditto-	<b>In person (3 mins)</b>
Mr R Megginson		-DITTO-	<b>-Ditto-</b>	-Ditto-	<b>In person (3 mins)</b>
Mr S Jenkins (i-Transport)		-DITO-	<b>Supporting</b>	-Ditto-	<b>In person (3 mins)</b>
Mr A Whyntie		3 GAINSBOROUGH MEWS FAREHAM – RETAIN CONVERSION OF GARAGE INTO HABITABLE LIVING SPACE AND PROPOSED OFF ROAD PARKING	<b>Opposing</b>	6 (2) P/21/1066/FP Pg 30	<b>In person (3 mins)</b>
<b>ZONE 2 – 3.30pm</b>					
Mr R Blackman / or Paul Wilson		LAND TO THE REAR OF 1-5 HILL DRIVE FAREHAM – DETACHED BUNGALOW, ASSOCIATED PARKING AND LANDSCAPING AND ACCESS ONTO HIGHLANDS ROAD	<b>Opposing</b>	6 (3) P/21/0767/FP Pg 36	<b>In person (3 mins)</b>
Mr B Kelly (Agent)		-Ditto-	<b>Supporting</b>	-Ditto-	<b>In Person (3 mins)</b>
<b>ZONE 3 – 3.30pm</b>					

**6. PLANNING APPLICATIONS AND MISCELLANEOUS MATTERS INCLUDING AN UPDATE ON PLANNING APPEALS**

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

**(1) P/21/0770/FP - LAND ADJACENT TO 125 GREENAWAY LANE WARSASH SO31 9HT**

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: -

Clarification

*Para 8.4 of the Officer report refers to a pavement next to 112 Greenaway Lane. The pavement referred to is the pavement approved under the outline application reference P/19/0402/OA that will be on the south side of Greenaway Lane opposite no. 112. Part of this section of pavement would be subject to overhanging by articulated lorries using the approved entrance. Part of the driveway directly next to 112 Greenaway Lane would also be subject to overhanging by lorries using the approved entrance.*

Representations

*12 additional representations from 8 households (all of whom previously commented on the application) have been received. Several of the concerns raised repeat previous concerns which are summarised in the Officer report. The following additional issues were also raised:*

*The creation of a footpath will future reduce the width of the carriageway*

*If planning permission is granted can a condition be included to prevent car parking along Greenaway Lane?*

*If planning permission is granted can a condition be included to restrict the use of the access to 10am-wpm only?*

*The updated transport statement does not address all of the concerns originally raised by HCC highways including that an alternative access should be sought.*

*Where will construction traffic turn when the final houses are being completed?*

*If cars park along Greenaway Lane they could block access to the site.*

*What evidence is there that HCC have considered the impact of the access on gas infrastructure within Greenaway Lane?*

*Will the temporary access be removed after construction is completed?*

*There are no notes of the meeting that took place between the developer and HCC Highways.*

Councillor T M Cartwright declared a personal interest in this item as his son lives within one of the Bargate Homes sites.

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

- (i) The conditions in the report;
- (ii) An amendment to Condition 5 as follows:

- 5. On or before 31st December 2026, or upon the occupation of the final dwellinghouse permitted by planning permission P/19/0402/OA and within the land edged blue on plan ITB13162-GA-034 Revision A, whichever is the sooner, the use of the access hereby permitted shall cease and any development carried out in pursuance of this permission shall be demolished, materials removed from the site, and the land restored to its former condition.  
REASON: To retain planning control over the development hereby permitted and to enable the circumstances leading to the grant of permission to be reviewed; and

- (iii) That Officers request that Hampshire County Council's Countryside Service and the Applicant ensure that Footpath 14 is improved for use as an alternative route during the period of use of the temporary construction access.

Was voted on and CARRIED.  
(Voting: 8 in favour; 1 against)

RESOLVED that, subject to: -

- (i) The conditions in the report;
- (ii) An amendment to Condition 5 as follows:

- 5. On or before 31st December 2026, or upon the occupation of the final dwellinghouse permitted by planning permission P/19/0402/OA and within the land edged blue on plan ITB13162-GA-034 Revision A, whichever is the sooner, the use of the access hereby permitted shall cease and any development carried out in pursuance of this permission shall be demolished, materials removed from the site, and the land restored to its former condition.  
REASON: To retain planning control over the development hereby permitted and to enable the circumstances leading to the grant of permission to be reviewed; and

- (iii) That Officers request that Hampshire County Council's Countryside Service and the Applicant ensure that Footpath 14 is improved for use an alternative route during the period of use of the temporary construction access.

PLANNING PERMISSION be granted.



**(2) P/21/1066/FP - 3 GAINSBOROUGH MEWS TITCHFIELD PO14 4EX**

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

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

(Voting: 5 in favour; 4 against)

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

**(3) P/0767/FP - LAND TO THE REAR OF 1-5 HILL DRIVE FAREHAM PO15 6JA**

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

The Chairman, Councillor N J Walker, declared a personal interest in this item as the applicant is known to him as she is on the Board of Trustees of Portchester Parish Hall of which he is the Chairman.

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: 8 in favour; 1 against)

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

**(4) P/21/0988/FP - SPINNEY VIEW 35 PENTLAND RISE PORTCHESTER PO16 8JP**

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

(Voting: 9 in favour; 0 against)

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

**(5) P/21/1242/FP - 10 OSBORNE VIEW ROAD FAREHAM PO14 3JN**

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

(Voting: 9 in favour; 0 against)

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

**(6) P/21/1418/TC - 74 CASTLE STREET PORTCHESTER PO16 9JG**

Upon being proposed and seconded the officer recommendation to raise no objection was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED the NO OBJECTION be raised.

**(7) Planning Appeals**

*Councillor P J Davies left the meeting at the start of this item and took no further part in the meeting.*

The Committee noted the information in the report.

**(8) UPDATE REPORT**

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

**7. TREE PRESERVATION ORDERS**

The Committee considered the confirmation of the following Fareham Tree Preservation Orders which have been made by officers under delegated powers and to which no formal objections had been received:-

**Fareham Tree Preservation Order 771 2021 – 100 & 102 Mays Lane, Stubbington**

Order made on 10 June 2021, and covers two individual oak trees.

RESOLVED that Fareham Tree Preservation Order No 771 be confirmed and made as served.

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

# FAREHAM

## BOROUGH COUNCIL

### Report to Planning Committee

**Date:** 2 November 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**

The meeting will take place in the Collingwood Room, Civic Offices, Civic Way, Fareham, PO16 7AZ. All items will be heard from 2:30pm.

Items for Zone 1 (Locks Heath, Park Gate, Sarisbury, Titchfield, Titchfield Common and Warsash wards) will start at 2.30pm.

Items for Zone 2 (Fareham East, Fareham South, Fareham North, Fareham North-West and Fareham West wards) will start no earlier than 3.30pm.

<p><b>ZONE 1 – WESTERN WARDS</b></p> <p><b>Park Gate</b></p> <p><b>Titchfield</b></p> <p><b>Sarisbury</b></p> <p><b>Locks Heath</b></p> <p><b>Warsash</b></p> <p><b>Titchfield Common</b></p>
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REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/21/0786/FP SARISBURY	UNIT 1, 23 COAL PARK LANE, SWANWICK, SOUTHAMPTON, SO31 7GW  CONSTRUCTION OF NEW TWO STOREY BUSINESS UNIT - UNIT C	1  PERMISSION
P/21/1531/FP TITCHFIELD COMMON	10 SUMMERFIELDS, LOCKS HEATH, SOUTHAMPTON, SO31 6NN  PROPOSED DETACHED CARPORT AND STORE (AMENDMENT TO APPROVAL P/19/0278/FP)	2  PERMISSION

# Agenda Item 6(1)

## OFFICER REPORT FOR COMMITTEE

DATE: 2<sup>nd</sup> November 2021

P/21/0786/FP  
EASTLANDS SHIPYARD LTD

SARISBURY  
AGENT: PDP ARCHITECTURE LLP

## CONSTRUCTION OF NEW, 2 STOREY BUSINESS UNIT - UNIT C

### EASTLANDS BOATYARD

#### *Report By*

Rachael Hebden 01329 824424

#### **1.0 Introduction**

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

#### **2.0 Site Description**

2.1 The site is located to the north of the M27 and east of the River Hamble and is positioned in between Eastlands Boatyard and the Midas Business Park. The land to the north and north east is undeveloped and contains a mixture of open fields and woodland.

2.2 Vehicular access to the site is via Coal Park Lane which incorporates a bridge over the M27. The riverside location also means that the Boatyard can be accessed by boat via the River Hamble.

2.3 The site is positioned on a gentle slope towards the bottom of the Hamble Valley with the gradient decreasing westwards down towards the River Hamble. The vehicular access slopes down from the motorway towards the site and has fairly steep grass banks.

2.4 The site itself is not subject to any ecological designations, however the River Hamble (which is close to the site) is identified as being: a Site of Importance for Nature Conservation (SINC), a Special Protection Area (SPA) and a Special Area of Conservation (SAC)

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

3.1 The applicant is a company that specialises in designing and building tenders for superyachts. The proposed building would be used in connection with the existing business operating at the boatyard already and would contain: a workshop space, paint spray booths, a small office, a staff canteen and toilet facilities.

- 3.2 The proposed building would be 60.4m long and 20.3m wide with a shallow pitched roof and large roller shutter doors to enable vessels to be moved in and out of the building. The building would incorporate an external spiral staircase on the north west elevation to provide a fire escape. The building would be clad in Kingspan insulated wall and roof panels with powder coated aluminium windows, doors and fascias.

#### **4.0 Policies**

- 4.1 The following policies apply to this application:

##### **National Planning Policy Framework 2021**

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

- CS1 – Employment Provision
- CS4 – Green Infrastructure, Biodiversity and Geological Conservation
- CS5 – Transport Strategy and Infrastructure
- CS6 – The Development Strategy
- CS9 – Development in the Western Wards & Whiteley
- CS14 - Development Outside Settlements
- CS17- High Quality Design

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

- DSP1 – Sustainable Development
- DSP2 – Environmental Impact
- DSP9 – Economic Development Outside of the Defined Urban Settlement Boundaries
- DSP13-Nature Conservation
- DSP19 – Boatyards

##### **Draft Fareham Local Plan 2037**

- DS3 Landscape
- E6 Boatyards

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

- Non-Residential Car Parking Standards

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

- 5.1 The following planning history is relevant:

- |                 |  |
|-----------------|--|
| P/21/0338/FP    | Refurbishment of existing industrial unit with changes to external fenestration and removal of existing dead tree.                       |
| <b>Approved</b> | 22.4.21  |
| P/21/0675/FP    | Demolition of single storey bungalow dwelling and construction of single storey office building and single storey berth holder facility. |

Not yet determined

## **6.0 Representations**

6.1 Representations have been received from 16 addresses raising the following concerns:

- Any increase in traffic requires the installation of traffic lights to be installed at the bridge.
- The proposed building should be in keeping with the existing buildings
- Potential odour.
- Any storage of equipment outside the premises should be screened from wider views.
- Traffic calming measures required
- The bridge will need to be strengthened
- Coal Park Lane is required for access/egress from the Air Traffic Control Centre in the event of an emergency.
- The statement accompanying the planning application regarding the re-location of existing businesses is disingenuous.

## **7.0 Consultations**

EXTERNAL

### **7.1 Hampshire County Council - Highways**

No objection

### **7.2 Hampshire County Council – Ecology**

No objection subject to conditions.

### **7.3 Hampshire County Council – Economic Development**

HCC's Economic Development Team actively supports the application.

7.4 Pascoe International has significant in-house experience but it also draws on many Solent SME specialist trades, subcontracting around £1 million of work and a further £1.5 million with Solent suppliers. The proposed development will enable Pascoe to increase its research and development activities and further develop the skills of its workforce. Pascoe currently employs 84 people, skilled specialist marine production staff, working alongside office-based trades people. This development would safeguard 84 existing jobs and deliver an additional 28 new jobs in a key sector for the region.

### **7.5 Natural England**

No objection subject to conditions to secure:

- Best Practice SUDS
- Construction in accordance with the Construction Environmental Management Plan
- No works to be carried out during the overwintering bird period of October-March (inclusive).

**7.6 Environment Agency**

No objection

INTERNAL

**7.7 Environmental Health - Pollution**

No objection subject to conditions

**7.8 Trees**

No objection

**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) Fareham Local Plan 2037 policy position
- c) Design and Impact on the Character of the Area
- d) Highways
- e) Impact on Neighbouring Amenity
- f) Ecology
- g) Trees
- h) Other Issues
- i) Planning Balance

a) Principle of Development

8.2 The site is located beyond the settlement policy boundary and is adjacent to an established boatyard. The proposed new building would be located beyond the curtilage of the Boatyard and as such provides for new development within the countryside outside of the defined urban settlement boundary and outside of an allocated employment site.

8.3 Policy CS14 of the Core Strategy (Local Plan Part 1) seeks to limit new development within the countryside that would adversely affect its landscape character, appearance and function to that which is essential for agriculture, forestry, horticulture and required infrastructure. The proposal does not fit within these acceptable development types and therefore is not considered be a form of development acceptable in principle under this policy.



- 8.4 Policy DSP19 of the adopted Local Plan (Local Plan Part 2 Development Site and Policies) refers specifically to development within Boatyards but is restricted to development within the curtilage of existing boatyards. The proposed building is located beyond the curtilage of the existing boatyard therefore policy DSP19 is not applicable. Policy DSP19 notes, however, that proposals for new boatyards or marine uses outside of existing boatyards or employment areas will be permitted where they accord with policy DSP9.
- 8.5 Policy DSP9 provides for new economic development outside of the defined urban settlement boundaries subject to certain criteria and the applicant carrying out a sequential test. The purpose of the sequential test is to ensure that there are no alternative suitable sites located within the settlement policy boundary and that development within the countryside is only proposed if there are no alternative suitable sites within the settlement policy boundary. The applicant worked closely with Hampshire County Council to locate suitable sites and has confirmed that several locations were considered for the relocation of the business both within and beyond Fareham Borough. The site proposed was the only suitable site within Fareham Borough. The applicant has advised that the second best site is located in Plymouth but is less desirable as it would not be suitable for many of the existing workforce.
- 8.6 Given that the business is one which needs a waterfront location it has therefore been concluded that there were no sequentially preferable alternative suitable sites located within the Fareham Borough settlement policy boundary. As such, it is considered that the policy requirement for a sequential approach has been satisfied.
- 8.7 In addition to the need for applicants to undertake a sequential approach when looking for suitable sites, policy DSP9 also states that proposals for the expansion or intensification of existing employment sites outside of the defined urban settlement boundaries will only be permitted where:
- i. Development is essential to the operation of the existing business; and
  - ii. Development can be accommodated within the curtilage of the existing site.
- 8.8 Taking each criterion in turn; The applicant's business was originally located at Universal Marina, Crableck Lane, Sarisbury Green however the business has expanded and part of it has been relocated to the recently acquired Eastlands Boatyard as there was insufficient capacity available at Universal Marina to accommodate the growth of the business. The proposed building would enable the part of the business that currently remains located at Universal Marina to be moved to Eastlands Boatyard and consolidate the operation on one site.

- 8.9 The application submits that locating the business across separate sites is not practical or tenable and that locating all of the business on one site would enable the production process to be streamlined. The location of all of the business at Eastlands Boatyard would also provide more secure premises as Universal Marina is open to members of the public. Furthermore, the re-location of the business at Eastlands Boatyard would also provide additional long-term security for the business with the applicant owning the premises and no longer having to negotiate leases with a landlord.
- 8.10 Eastlands Boatyard was selected by the company due to their specific operational needs which require a waterside location and the inability of the current premises at Universal Marina to accommodate the applicant's needs for additional space.
- 8.11 Policy DSP 9 requires development to be: '*essential to the operation of the existing business*'. The applicant has explained that the proposed development is essential in order to enable the company to streamline their production and to expand while remaining within the Borough. On this basis it is concluded that the proposed development is essential to the operation of the existing. The proposed development is therefore considered to satisfy part (i) of policy DSP9.
- 8.12 Moving to the second policy test in DSP9; the proposed building is located on land that is in between and immediately adjacent to Eastlands Boatyard and Midas Business Park. The land is within the same ownership as Eastlands Boatyard however the site is not wholly within the curtilage of the Boatyard and there is insufficient space available within the existing curtilage to accommodate the proposed development. A very small portion of the site falls within the boatyard curtilage, but the majority of the application site falls outside of this designation. As such the proposal cannot accord with the requirements of criterion (ii) of DSP9. Policy DSP9 also contains a further three criterion, however these requirements relate to the detail of the proposal (the scale, highway impact and environmental impacts) rather than the principle of development. Despite the conflict with part (ii) of the policy DSP9 the remaining tests are considered later in this report as part of the assessment of the scheme.
- 8.13 It is clear, therefore, that the proposal is not a development type that squarely fits within the types of development acceptable under policy CS14 of the adopted Core Strategy. Whilst the majority of the site is outside of the boatyard curtilage, it also fails to fully accord with the policy tests in Policy DSP9. As such, it is necessary to consider, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, whether there are any other material considerations that would weigh in favour of the scheme.

b) Fareham Local Plan 2037 Policy Position

- 8.14 National planning policy allows Council's to give appropriate weight to relevant policies in emerging plans according to the stage of preparation of the plan, the extent to which there are unresolved objections and the degree of consistency with the NPPF (para 48 NPPF). The draft Fareham Local Plan 2037 was submitted for examination on 30<sup>th</sup> September 2021 and while the NPPF doesn't refer specifically to Boatyards, Policy E6 is wholly consistent with para 82 of the NPPF which identifies the need to recognise and address the specific locational requirements of different sectors. No objections have been received in relation to policy E6 as part of the draft Local Plan consultation process. Given that the draft Local Plan has been submitted for examination, has been subject to public consultation which didn't result in any objections to policy E6 and the policy fully complies with the NPPF, Officers recommend applying 'considerable weight' to policy E6.
- 8.15 It is of relevance to note that policy E6 of the draft Local Plan (which is proposed to replace policy DSP19) has no requirement for the development of boatyards to be located within the boatyard's existing curtilage.
- 8.16 Policy E6 of the draft Local Plan states that:
- 'The extension and intensification of existing boatyards will be permitted where it relates to boat building, repair, maintenance, fitting out or other ancillary uses.*
- Proposals must demonstrate that they do not cause unacceptable harm to :*
- i safety and ease of navigation on the river or have a detrimental impact on the regime of the River Hamble; and*
- ii public access along or to the coast.'*
- 8.17 The proposed building, as already discussed above, is required to facilitate the expansion of a boat building company that is located within an existing boatyard. The location of the building is set back from the River Hamble to the rear of existing buildings within the boatyard and would therefore not have any impact on the safety and ease of navigation of the River Hamble or on public access to the coast. The proposed development is therefore in accordance with all of the requirements of policy E6.
- 8.18 As explained previously the proposed building would be located beyond the curtilage of the existing boatyard and therefore fails to satisfy all of the requirements of policies CS14, DSP9 and DSP19. However, the weight afforded to policy E6 of the Fareham Local Plan 2037 is considerable given the fact that the Plan is now Submitted for Examination with no outstanding objections. As such that this must weigh in favour of the proposal given the very specific location-based requirements of the applicant (which cannot be met at Universal Marina).

8.19 Draft policy DS3 in the Fareham Local Plan 2037 will replace policy CS14. It has similar intentions to policy CS14 but is applicable to the whole Borough rather than just development outside of settlements. The Fareham Local Plan 2037 has been subject to public consultation and although there were no representations submitted in relation to DS3 specifically there were representations received in relation to the protection of the landscape in general. Given that the Local Plan has been submitted for examination, the absence of any objections specifically relating to policy DS3 and the policies conformance with the NPPF Officers recommend applying 'some weight' to policy DS3.

8.20 Policy DS3 identifies areas of special landscape quality and states that development will only be permitted in these areas where the landscape will be protected and enhanced. The site falls within an area identified as being of a special landscape quality therefore particular regard must be had to the landscape character.

c) Design and Impact on the Character of the Area

8.21 Policy CS17 states that development will need to be designed to respond positively to and be respectful of the area, including heritage assets, landscape, scale, form, spaciousness and use of external materials. Whilst not wholly applicable to this site policy DSP 9 states that proposals should not be of a disproportionate scale to the operational requirements of the employment site and should be well designed to respect the character of the area and where possible should be grouped with existing buildings. Policy CS14 seeks to limit development in the countryside that would adversely affect its landscape character, appearance and function.

8.22 The proposed new building (identified as unit C within the submission) is, by its nature, of a functional design however it has been designed to complement the existing buildings within Eastlands Boatyard with a shallow pitched roof and use of similar materials (insulated wall and roof panels).

8.23 The building is quite large however it is not considered to be of a disproportionate scale to the operational requirements of the site as required by policy DSP9. The building would be positioned to the rear of an existing large building at Eastlands Boatyard, with buildings at Midas Business Park to the immediate south east. The location of the building in this position uses the existing built form to provide screening which would limit visibility when viewed from the north west or south east of the site.

8.24 The existing perimeter planting to the north east of the proposed building together with mature trees along the edge of the field parallel to the end of the building would also provide screening from the north east and help the building to appear embedded within the landscape. The land to the

south of the proposed building comprises the elevated access into the site and the bridge such that views of the building would be from a higher level. There are also a number of mature field boundary oak trees to the south west of the site that would further filter views of the proposed building.

- 8.25 Views from within the wider landscape would be primarily from the west of the site on the M27 and from two public rights of way. The building's position to the rear of the existing boatyard building would limit views from the west (from the M27 and from the public right of way on the western side of the River Hamble) to the upper section of the building. There is a second public right of way on the bridge over the M27 that continues along Coal Park Lane to the north east of the site. The roof of the proposed building would be clearly visible from the south due to the elevated height of the bridge, however the building would be seen alongside existing buildings on either side (those within the boatyard to the west and buildings in Midas Business Park to the east) such that it's scale and location would not be considered as inappropriate.
- 8.26 The application is supported by a landscape mitigation plan which explains the way in which the proposal has been designed to respect the landscape character including the character of the River Hamble, the visual setting and existing natural features including trees, woodland, hedgerows and the topography in line with draft policy DS3. The landscape mitigation plan also proposes the addition of supplementary planting to the north and south of the building to further screen the building and help it to appear 'embedded' within the landscape as well as enhancing biodiversity in line with policy DSP9
- 8.27 In addition to the above assessment; in 2013 a Planning Inspector allowed an appeal (P/12/0994/FP) for the provision of eight twin caravans/chalets providing short term rental accommodation and a service building on part of the application site. The inspector concluded Policy CS14 was supportive of the appeal proposals which would meet leisure and tourism needs (so a different development type to that now proposed), that can only be met in this type of location, subject to an assessment of the impact on the character and appearance of the countryside location. In that instance the impact was considered acceptable and the appeal was allowed.
- 8.28 Regarding the impact of development in this location, in the 2013 appeal the Inspector found that *"I saw on my visit that the site for the most part falls between two areas of substantial industrial buildings, including the somewhat larger of the buildings comprising Eastlands Boatyard on the bank of the River Hamble to the west. However, the site's boundaries with these two areas have substantial screening in the form of a line of mature trees and hedges on a mound on the western side and a tall and dense conifer hedge on the east. With its enclosure between these two industrial sites and their boundary screening, and with woodland beyond a further open area immediately to the north, the part of the site*

*envisaged for the proposed twin caravans is visually contained” (appeal decision para 8).*

8.29 The building is of a functional design as would be expected given its purpose. The proposed location has been chosen to take advantage of the existing built form, relationship to the boatyard and waterfront, infrastructure and vegetation which together with the position close to the valley floor will ensure that the special character of the immediate and wider landscape is protected and enhanced. The proposed design and location of the building is therefore considered to be appropriate and in accordance with policies CS17, DSP9 and DS3.

d) Highways

8.30 Policy CS5 states that the council will permit development which does not adversely affect the safety and operation of the strategic and local road network, public transport operations or pedestrian and cycle routes.

8.31 One of the tests within Policy DSP9 is that all new development, expansion and intensification of sites outside of defined urban settlement boundaries should “(iv) not have an unacceptable adverse impact on the strategic and local road network”.

8.32 Eastlands Boatyard was, prior to the applicant’s recent acquisition, let to eleven separate businesses that each employed up to 15 staff. Several of the businesses also operated trade retail counters which generated additional customer traffic. The application submits that previous business uses therefore had the potential to generate more than 165 movements to and from the site.

8.33 The applicant’s business is proposed to re-locate from Universal Marina in two phases with the first phase comprising the occupation of the existing boatyard buildings and the second phase comprising the occupation of the building proposed as part of this application. The application states that 65 members of staff would be based at the Boatyard with 49 staff occupying the existing building and 16 in the proposed building.

8.34 The application submission details that the additional traffic associated with the proposed building would include trips associated with:

- sixteen members of staff,
- eight deliveries per day;
- one client per week,
- three couriers per week,
- twenty vessels per year;
- seven staff trips to Universal Marina; and
- one movement of stock/materials to Universal Marina.

The movement of large components requiring transportation by a lorry is estimated to be 1.95 per week.

- 8.35 The amount of traffic predicted to be generated by the proposed use of the existing boatyard buildings and the proposed building would therefore be significantly lower than the levels previously associated with the site (165 daily movements versus 71 movements). The location of the proposed building adjacent to the existing boat yard buildings (both of which would be used by the applicant) would also result in a reduction of 7 car movements per day and 0.44 HGV movements per day compared to the use of just the existing boatyard buildings as there would be a reduction in traffic movements between the boatyard and Universal Marina by consolidating the business all on one site.
- 8.36 The majority of the third party objections received raise concerns about the impact that the proposed building would have on the safety of the access road because of the increase in traffic, particularly because of its narrow width and the humpback nature of the bridge which restricts the ability to see oncoming traffic. The figures provided by the applicant relating to traffic generation from the business demonstrate that the proposed use of the site by the applicant compared to the previous use of the site by a number of smaller businesses would result in a material decrease in traffic levels with a further reduction as a result of the proposed building due to the ability to co-locate additional stages of the production process within the same site.
- 8.37 Residents have raised concerns relating specifically to the potential increase in the number of large vehicle movements to the site over the narrow bridge access. However, the applicant has confirmed that the total number of large vehicle movements will actually be relatively low with larger vessels leaving the site by water in order to avoid the narrow humpback bridge.
- 8.38 It is accepted that the road approaching the site is narrow and the humpback bridge restricts views of oncoming traffic. However, the operations within the proposed building would, according to the submission, result in a decrease in the number of vehicle movements such that there would not be an additional impact on the safety of the road. Hampshire County Council have been consulted and have confirmed that the narrowness of the road acts as a natural form of traffic calming and that given the proposed reduction in traffic generation they raise no objection to the proposal.
- 8.39 Officers asked Hampshire County Council Highways whether there were any additional measures that could be used in order to address concerns raised by residents regarding the safety of the road in particular where it narrows to cross the bridge e.g. traffic lights. Hampshire County Council's Safety Engineering Team advised Officers that there is already appropriate signage and road markings on both approaches to the bridge and given the anticipated reduction in traffic there is no

justification for seeking any additional measures. It has however been noted that some of the road markings are faded and a condition is recommended to require the road markings to be updated prior to occupation of the building. The safety engineering team have also advised that the addition of a yellow background to the existing signage would make it more prominent for drivers. Officers recommend that the addition of a yellow background to the existing signage is secured by planning condition.

- 8.40 Representations have been received requesting that traffic lights are installed to restrict traffic crossing the bridge to one direction at a time. Officers are unable to request mitigation measures unless they are necessary in order to render the proposed development acceptable. Officers are also only able to require financial contributions towards improvements where there is an identified project on which the money can be spent. Hampshire Highways have advised Officers that no additional mitigation measures are required and there are no improvement schemes that a financial contribution could contribute towards.
- 8.41 Furthermore, HCC has advised that consideration has been previously given to the merits of signalling this bridge in the past, back in 2015. At that time, after detailed design work by HCC, it was concluded that there are significant practical issues with both installation and operation of traffic lights over this bridge. The HCC Traffic Signal team has advised that little has changed in terms of site constraints since that time and given the traffic data put forward for the proposed development, signalisation of the bridge is not considered necessary.
- 8.42 The application site and the wider boatyard contains a large number of car and cycle parking spaces that exceeds the requirements of the non-residential car parking SPD. The development would also incorporate ample turning space to ensure that vehicles visiting the site can park and turn within the site. Officers have considered the impact of the proposed development on the safety of the road and given that traffic numbers are anticipated to significantly decrease it has been concluded that the proposed development would not have an adverse impact on the safety of the road. The proposed development is considered to comply with policies CS5 in terms of impact on the highway.

e) Impact on Neighbouring Amenity

- 8.43 The proposed building is not located close to any residential properties and is therefore not expected to have any impact on their amenities in terms of loss of light, outlook or sunlight. Access to the site is via residential properties therefore there is the potential for disturbance due to noise from traffic, however the number of vehicle movements is anticipated to significantly decrease therefore the impact on residential amenity as a result of traffic would also decrease. A condition is recommended to restrict hours of operation to prevent large numbers of



vehicle movements early in the morning as this could cause disturbance to residential properties on Coal Park Lane.

8.44 The proposed building would incorporate spray booths. The spray booths would be used for all spray painting and would comply with DEFRA and HSE guidance. Environmental Health have assessed the proposed development for impact in terms of noise and odour nuisance and have confirmed that the proposal is acceptable subject to conditions securing the use of appropriate extraction equipment.

e) Ecology

8.45 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 from development and where appropriate enhanced.

8.46 In light of their importance, areas within the Solent have been specially designated under UK/ European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'European Protected Sites' (EPS).

8.47 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' if it can be shown that the proposed development will either not have a likely significant effect on designated European sites or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated European sites. This is done following a process known as an Appropriate Assessment. The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority.

8.48 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the EPS. The key considerations for the assessment of the likely significant effects are the impact of the proposed development on the sensitive sites in terms of noise, light pollution and contamination as a result of surface water drainage. The Council has concluded within an Appropriate Assessment that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the EPS either alone or in combination with other plans or projects. 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) Trees

8.49 There are a number of trees around the perimeter and the application is supported by a tree survey. The proposed building has been located to take advantage of the existing trees as they will provide screening and soften the impact of the building on the landscape. The application is also supported by a landscaping plan that proposes supplementary planting to complement the existing soft landscaping within and adjacent to the site.

8.50 The Council's Arborist has been consulted and has raised no objection to the proposal. Conditions are included to secure details of the tree protection measures and the implementation of the supplementary planting.

g) Other Issues

8.51 The application is supported by an Economic Impact Assessment which confirms that the proposed building adjacent to the existing boatyard, both parts which would be occupied by the applicant will safeguard 101 jobs and create an additional 28 jobs within Fareham Borough.

h) Planning Balance

8.52 As detailed earlier in this report, the proposal conflicts with the current adopted policies of the Development Plan. However, Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires the consideration of other material considerations that may outweigh the provisions of the development plan. For this application it is clear that considerable weight can now be afforded to the emerging policy E6 of the Fareham Local Plan 2037 given that there are no outstanding objections to its wording and that the Plan has been submitted for examination. This new policy facilitates the growth of boatyards by allowing expansion outside of their defined curtilage. This weighs heavily in favour of the scheme.

8.53 The landscape impact of the proposal has been considered and it was concluded that the proposed development which includes a landscape mitigation strategy would protect and enhance the special landscape character in line with draft policy DS3.

8.54 The proposed use of the site by one operator is considered to provide a reduction in likely traffic to the site which is to the benefit of the local community close to the site.

8.55 The proposed development would have economic benefits for the Borough including the safeguarding of 101 existing jobs and the creation of an additional 28 jobs.

8.56 All of the above benefits weigh in favour of the scheme as material considerations. Taking these factors along with the weight given to the new policy E6 into account; it is concluded that when considered against the policies CS14, DSP9 and DSP19 of the Development Plan the proposed development is acceptable and permission can be granted subject to planning conditions.

## **9.0 Recommendation**

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

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

- Location Plan Drawing no. 28103-PD096 Rev A
- Proposed site plan Drawing no. 28103-PD136 Rev B
- Proposed sections Drawing no. 28103-PD135
- Proposed sections Drawing no. 28103-PD302 Rev C
- Proposed elevations Drawing no. 28103-PD134 Rev A
- SUDS Water Quality Assessment provided by flow drainage design dated 18.6.21
- Construction Environmental Management Plan ref DD502R01/CEMP (version 3) dated 9/8/202
- Lighting plan drawing 21/2683/EX03 Rev P4 produced by itd consultants Ltd.
- Landscape mitigation strategy Drawing no. DD502L01

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that order with or without modification), the building hereby permitted shall only be used for development that is ancillary to the boatyard and for no other use permitted by Schedule 2, Part 3.

REASON: To protect the occupiers of the nearby residential properties from possible disturbance from permitted uses other than that specifically granted through this permission.

4. The building hereby approved shall only be used by the same company that operates in the boatyard as shown edged in blue on the Proposed site plan Drawing no. 28103-PD096 Rev A.

REASON: To protect the occupiers of the nearby residential properties from disturbance from increased levels of traffic generated by the use of buildings by multiple companies.

5. No development shall take place (including site clearance and site preparations) until an Arboricultural Impact Assessment and Method Statement for tree and hedgerow protection has been submitted to and approved by the Local Planning Authority in writing and the approved scheme has been implemented. The tree/hedgerow protection shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site.  
REASON: To ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.
6. No development hereby permitted shall take place beyond damp proof course level until samples and specifications 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.
7. No development shall take place beyond damp proof course (dpc) level until details of how and where at least 1 'rapid charge' Electric Vehicle (EV) charging point will be provided. The development shall be carried out in accordance with the approved details with the charging point(s) provided prior to first use of the development hereby permitted.  
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.
8. No development shall take place beyond damp proof course level until a detailed landscaping scheme identifying all existing trees, shrubs and hedges to be retained, together with the species, planting sizes, planting distances, density, numbers, surfacing materials and provisions for future maintenance of all new planting, including all areas to be grass seeded and turfed and hardsurfaced (in line with the principles contained in the landscape mitigation strategy) has been submitted to and approved by the Local Planning Authority in writing.  
REASON: In order to secure the satisfactory appearance of the development; in the interests of the visual amenities of the locality.
9. The landscaping scheme, submitted under Condition 7, shall be implemented and completed within the first planting season following the completion 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.

10. Prior to the first occupation of the building hereby permitted details of all extraction and air-conditioning systems, including all associated external works to be installed shall first be submitted to and approved in writing by the Local Planning Authority. The details shall include the positions of any external works (including its shielding or screening), its purpose, any noise levels which its use would generate and how this would be measured. The development shall be carried out in accordance with the approved details prior to the first use of the building and shall be maintained thereafter to ensure that they operate effectively.

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

11. Prior to the first use of the building the areas shown on the approved plan for the parking and turning of cars and/or the loading, unloading and manoeuvring of vehicles shall be fully laid out and made available for use. These areas shall thereafter be retained and kept available for these purposes at all times.

REASON: In the interests of highway safety.

12. Construction of the development shall not commence until details of the repainting of the road markings on Coal Park Lane and details of the yellow background to be added to the existing signage on both sides of the humpback bridge on Coal Park Lane have been submitted to and approved in writing by the Local Planning Authority. The road markings and yellow backgrounds for the signage shall be fully implemented in accordance with the approved details prior to the construction of the development and shall be retained in perpetuity thereafter.

REASON: In the interests of highway safety.

13. 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 between the months of October and March (inclusive).

REASON: To prevent any disturbance to overwintering birds.

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

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

15. The development shall be undertaken in accordance with the recommendations and phasing contained within the approved Construction Environmental Management Plan ref DD502R01/CEMP (version 3) dated 9/8/2021.

REASON: To provide ecological protection of the adjacent sensitive sites.

16. The implementation, phasing and maintenance of the SUDS shall be undertaken in accordance with the Landscape and Ecology Management Plan (appendix 1 of the CEMP) and the SUDS Water Quality Assessment provided by Flow Drainage Design dated 18.6.21 and shall be retained in accordance with the approved details.

REASON: To prevent contamination of the River Hamble.

17. The external lighting shall be undertaken in accordance with the details contained within the approved lighting plan drawing 21/2683/EX03 Rev P4 produced by itd consultants Ltd.

REASON: To provide ecological protection of the adjacent sensitive sites.

18. The use of the building hereby approved shall not take place other than between the hours of: -

- 07.00 -18.30 Mondays - Fridays
- 08.00 -16.00 Saturdays
- Not at all on Sundays or Bank/Public Holidays

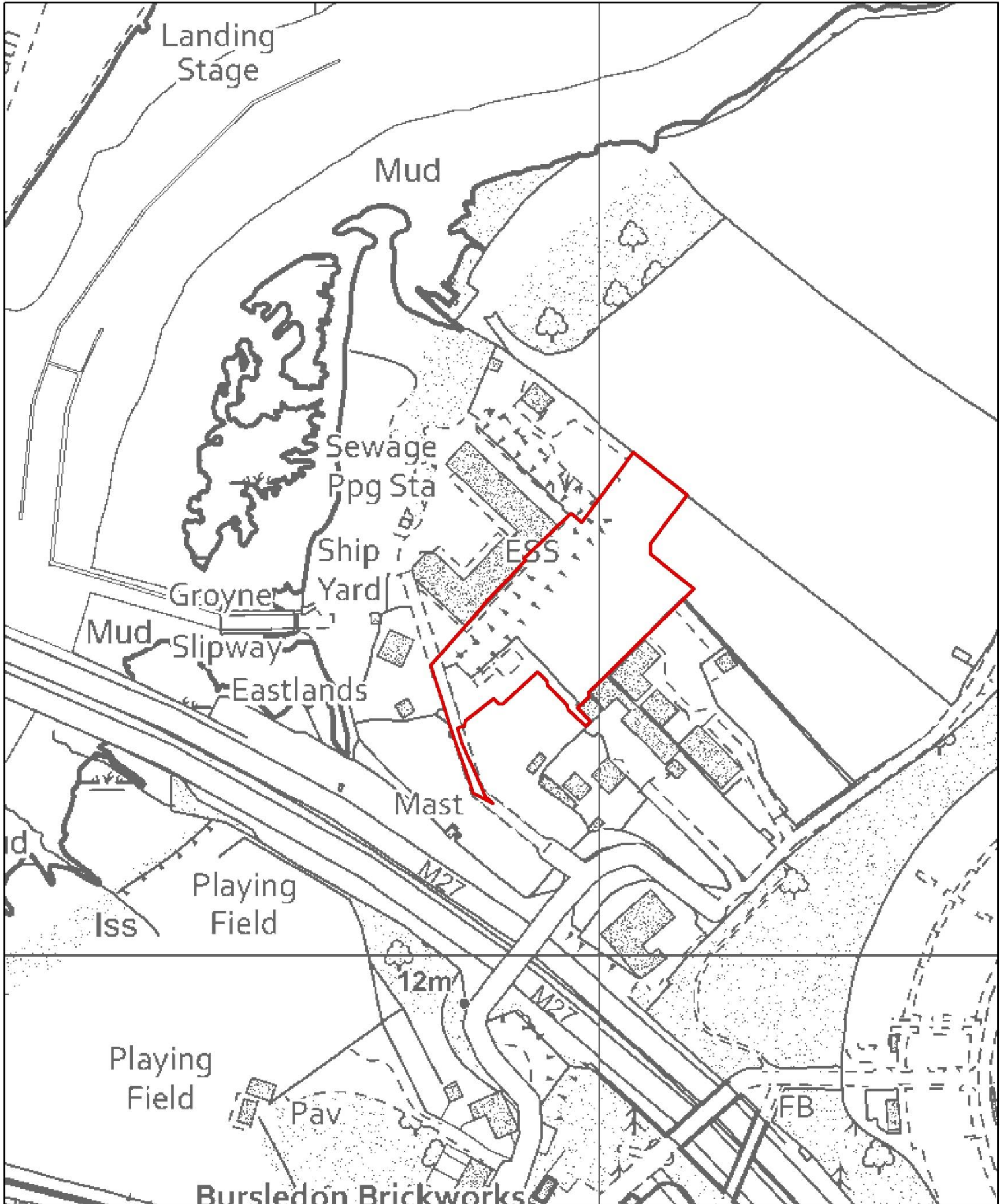
REASON: To protect the occupiers of nearby residential properties against noise and disturbance.

## **10.0 Background Papers**

P/21/0786/FP

# FAREHAM

BOROUGH COUNCIL



Unit 1, 23 Coal Park Lane  
Swanwick  
Scale 1:1250



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## OFFICER REPORT FOR COMMITTEE

DATE: 02/11/2021

P/21/1531/FP  
MR AND MRS FUGE

TITCHFIELD COMMON  
AGENT: MR PAUL GOSLING

PROPOSED DETACHED CARPORT AND STORE (AMENDMENT TO APPROVAL  
P/19/0278/FP

10 SUMMERFIELDS, LOCKS HEATH, SOUTHAMPTON, SO31 6NN

### **Report By**

Lucy Knight – direct dial 01329 824579

#### **1.0 Introduction**

1.1 This application is reported to the Planning Committee due to receiving in excess of 5 third party objections which are contrary to the Officer recommendation.

#### **2.0 Site Description**

2.1 This application relates to a site at the end of a small cul-de-sac within Summerfields. The site accommodates a detached two storey property with a forward car port and store.

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

3.1 This application seeks to amend the ground levels of the site in relation to the previously approved carport and a change in the material of the carport/ store to black timber effect composite cladding.

#### **4.0 Policies**

4.1 The following policies apply to this application:

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

CS17: High Quality Design

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

DSP3: Impact upon neighbouring properties

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

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

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

5.1 The following planning history is relevant:



**P/19/0278/FP** Single Storey Rear Extension (following demolition of the existing conservatory), Garage Conversion, Front Bay Window and Canopy Porch, Detached Carport/Garage

**APPROVED** 12/04/2019

**P/20/0448/FP** Proposed Single Storey Rear Extension (following demolition of conservatory), Garage Conversion, Front Bay Window and Canopy Porch, Detached Carport/Garage and Cladding/Rendering to Existing Property (Alternative to P/19/0278/FP)

**APPROVED** 16/07/2020

## **6.0 Representations**

6.1 Nine letters of objection were received during the 21-day period for comment from eight different households, five properties within Summerfields and three properties within Locks Heath Park Road which raise the following concerns:

- Finished height and size of building not being clear in previous applications due to scaled plans without written dimensions identified.
- Out of character with the area and application property due to black weatherboarding and steeper roof pitch resulting in completely different appearance than the existing Georgian style development.
- Setting a precedent

6.2 The agent submitted comments to address some of the points that were made by the objectors. These points are summarised as follows:

- The officer report for P/19/0278/FP stated that the carport/garage roof would have a suitable pitched roof appearance and would be an appropriate addition to the street scene. The material in this application was described as timber cladding with no colour specified and no condition to submit such detail to the LPA. These approved plans show the carport to have a pitch of 35 degrees and a ridge height of 4.303 metres above ground level.
- The second application which was approved by the planning committee (P/20/0448/FP) was a resubmission of the previous application but with black cladding added to the house. The size and scale of the carport remained the same.
- The ridge level of the building is the same as the previously approved application and the application approved previous to that if the measurement were to be taken from the highest level of ground.

- The objectors' state that the roof pitch is around 45 degrees which is incorrect. The pitch is approximately 33 degrees.
- The objectors state that the carport is 0.5 metres higher than previously approved. This is also incorrect. The carport is the same height as previously approved but appears visually 0.38 metres higher due to the change in the ground level.
- The change in the material was due to consultation with the Building Control department and the applicants were not aware this would not be in compliance with their planning permission.

## **7.0 Consultations**

None

## **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) Background
- b) Impact upon the character and appearance of the area
- c) Impact upon neighbouring properties
- d) Other matters.

### a) Background

8.2 Planning permission (P/19/0278/FP refers) was granted on 12 April 2019 for a single storey rear extension, garage conversion, front bay window and canopy porch at 10 Summerfields plus a detached carport/ garage. This car port was proposed forward of the dwellinghouse, at the head of the cul-de-sac in the location of that proposed in this application. The cladding colour of the car port was not specified in this application. The plans were solely annotated as "*timber cladding treated to achieve a Class 0 surface spread of flame*".

8.3 A further planning permission (P/20/0448/FP) was granted by the Planning Committee at its meeting on 16th July 2020. This second permission was for a single storey rear extension, garage conversion, front bay window and canopy porch, cladding/rendering to the existing property and a detached carport/garage. This second application did not change the size or scale of the car port however it did specify that timber cladding used on the detached car port would be "*painted black*".

8.4 Development has commenced on site and the car port constructed. Two changes have occurred to the car port and store building during its construction:

- The cladding has been changed to a black cement based timber effect boarding rather than black painted timber cladding; and

- the ground levels to the south western side of the car port have been lowered in order to achieve a flat site for the parking space.
- 8.5 The key considerations in the determination of this application, therefore, are the impact of the change of the ground levels on the site and the proposed change in external materials on the character and appearance of the area and the amenity of neighbours.
- b) Impact upon the character and appearance of the area
- 8.6 Summerfields is an estate built in the 1980's with mock Georgian style properties. Number 10 is in the corner of a small cul-de-sac within the estate.
- 8.7 The carport is situated to the front of the property facing the road and looking down the cul-de-sac. The carport/ store has been finished in a black composite cladding. The approved carport/ store was approved most recently by the Planning Committee to be finished with black painted timber cladding. The composite material is visually very similar to that of black painted timber that was approved previously.
- 8.8 The proposed change in material, is therefore, not considered to significantly alter the appearance of the building from that that was approved in July 2020.
- 8.9 Furthermore, the cladding is on the side which faces directly onto the application property and the side wall facing south west which is on the side of the store plus the gable ends to the roof. The carport has three open sides. Therefore, the cladding is not considered to be particularly prominent when viewing the proposal from within the Summerfields street scene.
- 8.10 The carport as previously approved has a ridge height of approximately 4.3 metres high and the site was shown as being flat. However, the site actually slopes from the property in the east of the site down towards the south west and south towards the road. It important to note that for the purposes of a planning assessment that when measuring the height of a building the height is measured from the highest part of the land that the building is situated on. In this regard the finished height of the car port on its north eastern side, closest to the host dwelling to which it serves, remains at 4.3m as per the previously approved plans under P/20/0448/FP.
- 8.11 The issue has arisen during construction whereby part of the front garden has been dug out in the south western corner to create a more level base for the carport area of the building with a step up of approximately 18cm to the store which is on the higher level of the land as it was previously, closest to the application property.

- 8.12 This results in the ground level on the southwestern side of the building being approximately 0.38 metres lower than was previously approved. The overall finished height, however, remains as previously permitted.
- 8.13 The change in ground levels is not considered to significantly change the impact upon the character and appearance of the area and the proposal is considered to comply with Policy CS17 of the Local Plan Part 1: Core Strategy.
- 8.14 One third party representation has suggested that allowing this application would set a precedent for future applications, however, each planning application is to be assessed on its own merits. Furthermore, in this case the material harm arising from the change in ground levels and the material used on the car port is not considered significant in the context of the planning history.

c) Impact upon neighbouring properties

- 8.15 The carport is approximately 11 metres away from the frontage of the neighbour to the south west of the site (9 Summerfields). There is also existing boundary planting on the neighbouring land which provides some natural screening of the carport and the lowered ground level.
- 8.16 The building is approximately 7.5 metres away from the neighbouring conservatory to the north west and extends across approximately 4 metres of the width of their rear garden which is largely planted along its north eastern boundary and is approximately 13 metres wide.
- 8.17 Given the separation distances above and the fact that at the highest point on the land the car port accords with the previously permitted plans, the proposed 0.38m change down in the ground level for the car port is not considered to adversely impact upon amenity of the neighbouring properties to their detriment.
- 8.18 The proposal is therefore, considered to comply with Policy DSP3 of the Local Plan Part 2: Development Sites and Policies.

d) Other matters

- 8.19 The objections raised that it was not possible to accurately measure the plans on the previous application and so the full size of the building had not been realised previously. The drawings were drawn to scale with the scale identified on the plans and the plans meet all requirements for a planning application.

### Conclusions

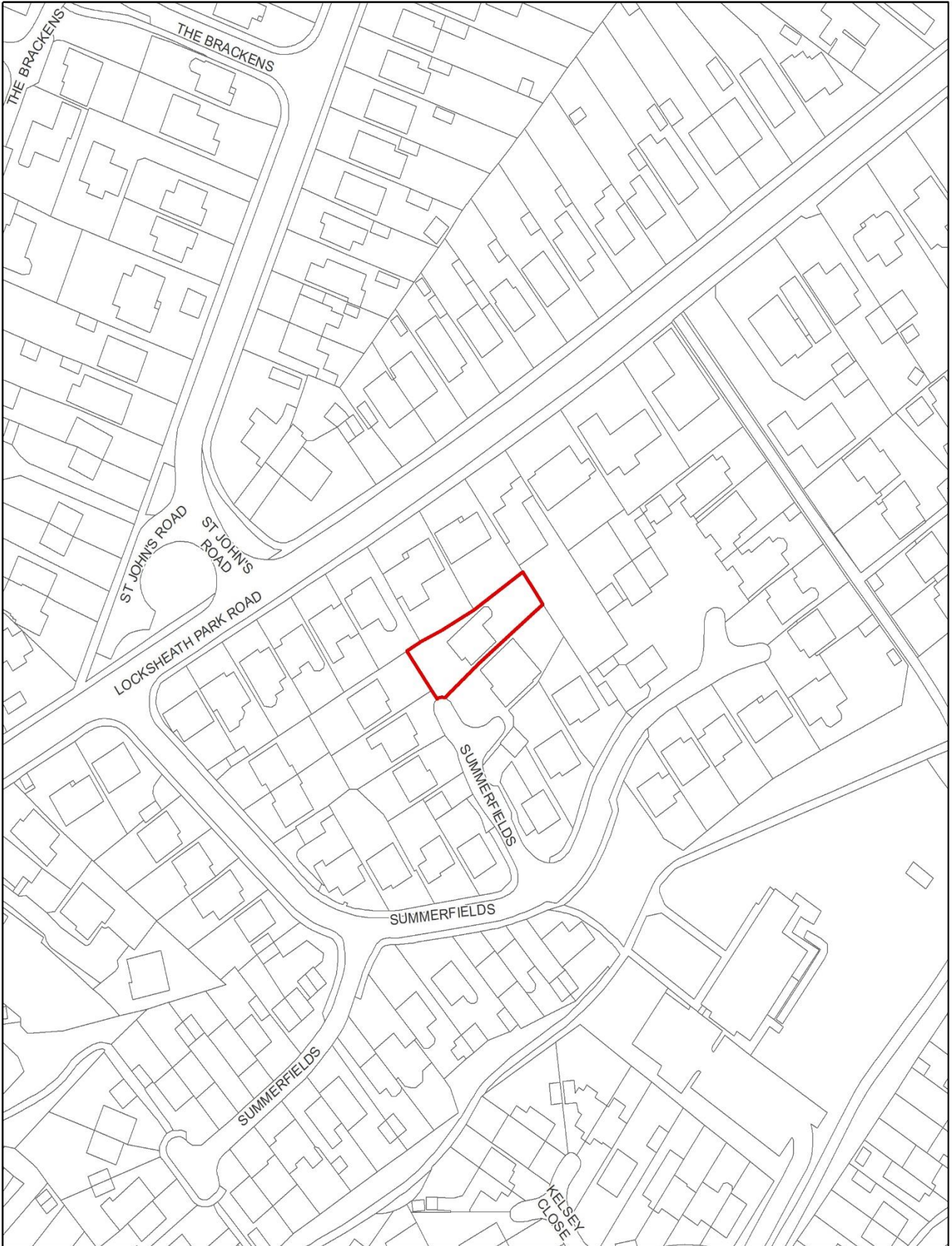
- 8.20 The black composite timber effect cladding is not considered to alter the appearance of the previously approved building such that it will result in an unacceptable impact upon the character and appearance of the area.
- 8.21 The change in ground level is not considered to result in an unacceptable adverse impact upon the amenity of neighbouring properties or the character and appearance of the area.
- 9.0 For the reasons given above officers consider that the proposal complies with Policy CS17 of the Local Plan Part 1: Core Strategy and Policy DSP3 of the Local Plan Part 2: Development Sites and Policies.

### **9.0 Recommendation**

- 9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:
1. The development shall be carried out in accordance with the following approved documents:
    - a) Drawing No: 004 rev A – Proposed PlansREASON: To avoid any doubt over what has been permitted

# FAREHAM

BOROUGH COUNCIL



10 Summerfields,  
Locks Heath  
Scale 1:1250



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# Agenda Annex

<p><b>ZONE 2 – FAREHAM</b></p> <p><b>Fareham North-West</b></p> <p><b>Fareham West</b></p> <p><b>Fareham North</b></p> <p><b>Fareham East</b></p> <p><b>Fareham South</b></p>
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REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/20/1168/OA FAREHAM NORTH	LAND TO THE SOUTH OF FUNTLEY ROAD, FAREHAM  OUTLINE APPLICATION TO PROVIDE UP TO 125 ONE, TWO, THREE AND FOUR- BEDROOM DWELLINGS INCLUDING 6 SELF OR CUSTOM BUILD PLOTS, COMMUNITY BUILDING OR LOCAL SHOP (USE CLASS E & F.2) WITH ASSOCIATED INFRASTRUCTURE, NEW COMMUNITY PARK, LANDSCAPING AND ACCESS, FOLLOWING DEMOLITION OF EXISTING BUILDINGS.	3  REFUSE
P/20/1166/CU FAREHAM NORTH	LAND TO THE SOUTH OF FUNTLEY ROAD, FAREHAM  CHANGE OF USE OF LAND FROM EQUESTRIAN/PADDOCK TO COMMUNITY PARK FOLLOWING DEMOLITION OF EXISTING BUILDINGS	4  PERMISSION
P/21/1338/FP FAREHAM NORTH- WEST	1A FAREHAM PARK ROAD, FAREHAM, PO15 6LA  CHANGE OF USE FROM CAFE/RESTAURANT (USE CLASS E) TO MIXED USE FOR	5  PERMISSION

RESTAURANT/HOT FOOD TAKEAWAY (SUI  
GENERIS)



# Agenda Item 6(3)

## OFFICER REPORT FOR COMMITTEE

DATE: 02/11/2021

P/20/1168/OA

FAREHAM NORTH

RESIDE DEVELOPMENTS LIMITED AND  
ATHERFOLD INVESTMENTS LTD

AGENT: TURLEY

OUTLINE APPLICATION TO PROVIDE UP TO 125 ONE, TWO, THREE AND FOUR-BEDROOM DWELLINGS INCLUDING 6 SELF OR CUSTOM BUILD PLOTS, COMMUNITY BUILDING OR LOCAL SHOP (USE CLASS E & F.2) WITH ASSOCIATED INFRASTRUCTURE, NEW COMMUNITY PARK, LANDSCAPING AND ACCESS, FOLLOWING DEMOLITION OF EXISTING BUILDINGS

LAND TO THE SOUTH OF FUNTLEY ROAD, FAREHAM

### **Report By**

Richard Wright - direct dial 01329 824758

#### **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 An appeal against the non-determination of this application has been submitted to the Planning Inspectorate. The Inspectorate has not yet confirmed how the appeal will be determined however the Appellant has requested an Inquiry.
- 1.3 Whilst this Council is no longer able to decide this application it is necessary for Members to confirm the case that this Council will present to the Planning Inspector. This report sets out all the relevant planning policies and relevant material planning considerations and invites Members to confirm the decision they would have made if they had been able to determine the planning application. This will then become the Council's case in respect of the forthcoming appeal.
- 1.4 Members will note from the 'Five Year Housing Land Supply Position' report to Planning Committee on the 17th February 2021 that the Council currently has a housing land supply of 4.2 years including a 20% buffer.

#### **2.0 Site Description**

- 2.1 This application relates to a 6.09ha site on land to the south of Funtley Road. The site lies outside of the defined urban settlement boundary.

- 2.2 The site comprises grass land used for the grazing of horses and associated stabling and other structures, including a larger barn towards the eastern end of the site. A portion of the western part of the site is designated in the adopted local plan as an area of existing public open space and lies adjacent to The Deviation Line, a public bridleway (Bridleway 515).
- 2.3 The land rises from north to south away from the road. Alongside Funtley Road runs an established mature hedgerow, with some trees in places along that boundary. This vegetated frontage is broken at two points; firstly where the existing vehicular entrance to the site is located towards the site's eastern end on the opposite side of Funtley Road to the southern end of Stag Way (which is closed to vehicular traffic), and secondly where relatively recently in May 2020 a new gate was formed further west along Funtley Road initially to provide alternative day-to-day access into the site but currently not used for such purposes.
- 2.4 On the opposite side of Funtley Road to the north lies the existing housing development of Roebuck Avenue/Deer Leap/Stag Way which was built on the site of the former abattoir following planning permission being granted in 1997. To the west of that housing, also opposite the current application site on the northern side of the road, lies a site where a development of 27 houses is nearing completion (planning references P/17/1135/OA, P/19/0864/RM & P/19/1185/RM). The land on the northern side of Funtley Road is not within the defined urban settlement boundary as shown on the proposals map accompanying the adopted local plan. The nearest edge of the urban settlement boundaries lies further to the east on the eastern side of the railway line.
- 2.5 To the south of the site the level of the land noticeably rises. This land which occupies the higher slopes of the hill is also currently given over to use as paddocks. A group of larger agricultural buildings and stables is located near the highest point of the land and these buildings and the surrounding paddocks are accessed via a track which runs from the entrance to the site at Funtley Road. In November 2020 planning permission was granted for this track (planning reference P/20/0809/FP) which replaces the vehicular access previously provided via another track up the hill through an area of mature woodland but which is now used as a permissive path for pedestrians and cyclists (secured through the Section 106 legal agreement for the development of 27 houses on the north side of Funtley Road). The woodland the permissive path runs through (Great Beamond Coppice), borders the application site to the south-east and is designated as an Ancient Woodland Site of Importance for Nature Conservation (SINC).
- 2.6 The land to the south of the application site, including Great Beamond Coppice, is subject of another planning application (which in turn is the subject of another non-determination appeal) by the same applicant which proposes the use of the site as

a community park (planning reference P/20/1166/CU). A report in relation to that application is included as a separate item on this Planning Committee agenda.

2.7 Beyond the land proposed to be used as a community park lies the M27 motorway. The permissive path through the land leads to a bridge over the M27 providing pedestrian and cycle access to the southern side of the bridge where the urban area of Fareham lies. On the immediate south side of the bridge is a designated public footpath running east to west (Footpath 91a).

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

3.1 Outline planning permission is sought for the construction of up to 125 homes comprising a mixture of one, two, three and four bed dwellings and including six self or custom build plots. Also proposed is a community building or local shop (falling within use class E & F2 respectively) and associated infrastructure, open space, landscaping and access following the demolition of the existing buildings on the site presently. All matters are reserved except for the means of access.

3.2 The scheme proposes to reuse and amend the existing vehicular access into the site. The submitted drawing (drawing no. 1908016-01 Rev C) shows the proposed access arrangements with a 7.86m wide carriageway at the junction with Funtley Road narrowing to 6.0m. A swept path analysis drawing (drawing no. 1908016-TK03 Rev B) shows how a standard 12m bus would be able to enter and exit the junction.

3.3 Matters of scale, appearance, layout and landscaping are to be reserved however the applicant has submitted a number of parameter plans (which would become approved documents in the event planning permission was to be granted on appeal) and an illustrative masterplan (which is for illustrative purposes only and would not be an approved plan).

3.4 The plans show the developable areas of the site where housing and roads would be built. There are broadly three of these areas shown on the parameter plans divided by what are referred to as “green links” with “rural edge green space” around the perimeter. The housing within the developable areas would be two storey in scale (with up to 2.5 storey key buildings) with the exception of an area along the southern edge of the development which would be limited to 1.5 storeys. In terms of density, the parameter plans show three bands of descending density the further the development extends from Funtley Road – up to 40 dwellings per hectare (dph), up to 35dph and up to 25 dph. A locally equipped area of play (LEAP) would be sited close to the southern boundary of the site. The community building/local shop would be located near to the vehicular entrance from Funtley Road.

3.5 A pedestrian and cycle public right of way is proposed through the site from

Funtley Road (north) to Thames Drive (south). The right of way would pass through the land to the south of the application site which would be secured as a new community park as part of this proposal.

#### 4.0 ***Policies***

4.1 The following policies apply to this application:

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

- CS2: Housing Provision
- CS4: Green Infrastructure, Biodiversity and Geological Conservation
- CS5: Transport Strategy and Infrastructure
- CS6: The Development Strategy
- CS14: Development Outside Settlements
- CS15: Sustainable Development and Climate Change
- CS16: Natural Resources and Renewable Energy
- CS17: High Quality Design
- CS18: Provision of Affordable Housing
- CS20: Infrastructure and Development Contributions
- CS21: Protection and Provision of Open Space

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

- DSP1: Sustainable Development
- DSP2: Environmental Impact
- DSP3: Impact on Living Conditions
- 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 Adopted Documents:**

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

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

5.1 P/20/1454/VC – Variation to Condition 2 Of Approved P/19/0290/FP - Provision Of A Permissive Footpath Link And New Surfacing From Funtley Road Over The M27 Motorway Connecting To Footpath Public Right Of Way 91A And Associated Bridge Improvement Works  
APPROVE 01/04/2021

5.2 P/20/0809/FP – Installation of Haul Road (Retrospective)

APPROVE 09/11/2020

- 5.3 P/18/0067/OA - Following Demolition of Existing Buildings, Residential Development of Up To 55 Dwellings (Including 3 Custom-Build Homes) (Use Class C3), Community Building Incorporating a Local Shop 250 Sqm (Use Classes A1, A3, D1 & D2), Accesses And Associated Landscaping, Infrastructure And Development Works  
APPROVE 02/09/2020

## 6.0 **Representations**

- 6.1 A total of 77 objections have been received in response to this application. The following material planning considerations were raised:

### **Principle and Location**

- Too many additional dwellings (70 more)
- Overdevelopment in local area
- No need for more housing given the Welborne development
- Too high density / cramped appearance
- Poor design and layout (illustrative masterplan)
- Visual impact of the development
- Not in keeping with local environment
- Harm to countryside
- Land is an Area of Special Landscape Quality
- Development should be restricted to more appropriate level
- The benefits of the scheme are overstated by the applicant
- Lack of evidence of viability/need/support for proposed community facilities
- Poor access to local services and facilities
- Poor public transport links (no bus service)
- Insufficient support for sustainable transport options
- Proposed public right of way to the south will be uphill and unlit
- Effect on local schools and health care

### **Highways and Transport**

- Increased traffic and congestion
- Unacceptable impact on road network
- Accident history on Funtley Road
- Concern that local roads are not suitable for, and bridges will not withstand load of, construction traffic
- Entrance/exit is dangerous
- Poor access for pedestrians and cyclists
- Ineffective Travel Plan

## **Environment and Ecology**

- Effect on Great Beamond Coppice Ancient Woodland SINC
- Proposal is not nutrient neutral
- Increase in air pollution
- Noise pollution
- Flooding historical problem in area
- Surface water drainage concerns

### **7.0 Consultations**

#### **EXTERNAL**

##### **HCC Highways**

- 7.1 Final comments awaited. Previous comments received 7<sup>th</sup> April 2021 identified a number of outstanding comments that need to be addressed in relation to vehicular access drawings, improvements to pedestrian access to Funtley and Henry Cort College, bus service provision and travel plan implementation costs.

##### **Natural England**

- 7.2 No objection. Advice provided in relation to nutrient neutrality, recreational disturbance to protected sites and impacts on Ancient Woodland SINC.

##### **HCC Flood Water Management Team**

- 7.3 No objection subject to planning conditions.

##### **HCC Archaeology**

- 7.4 No objection subject to planning condition securing written scheme of investigation.

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

- 7.5 A contribution towards education infrastructure across the primary and secondary phase of education and its use towards production of school travel plans, monitoring and any associated infrastructure has been agreed with the applicant.

##### **Southern Water**

- 7.6 No objection. Southern Water can facilitate foul sewerage disposal to service the proposed development. Advice provided regarding surface water drainage.

#### **INTERNAL**

##### **Ecology**

- 7.7 No objection subject to planning conditions relating to planting plan and Biodiversity Enhancement and Management Plan (BEMP), the development

being carried out in accordance with the outline mitigation and enhancement measures as submitted, a Construction Environment Management Plan (CEMP) and a scheme of sensitive lighting designed to minimise impacts on wildlife and designated sites.

### **Trees**

- 7.8 No objection.

### **Environmental Health**

- 7.9 No objection subject to planning conditions.

### **Contaminated Land Officer**

- 7.10 No objection subject to planning condition.

### **Public Open Spaces Manager**

- 7.11 No objection. If the open space land is intended to transfer to the Council then an appropriate maintenance contribution will be required and further comments on the progression of any transfer including site inspections prior to handover will be discussed and agreed with the developer. Alternatively, if a local management proposal is preferred by the developer then comments may be offered as to the appropriate arrangements to be put in place.

### **Landscape consultation response (by consultancy Lockhart Garratt)**

- 7.12 Lockhart Garratt, a private consultancy firm, were instructed by the Council at the start of 2021 to provide Officers with advice on the landscape and visual implications of the development proposal. Due to restrictions imposed as a result of the COVID-19 pandemic during the early part of the year, the initial consultation response from Lockhart Garratt was based on the landscape and visual assessments already carried out by the applicant. The conclusion from that initial consultation response dated 3<sup>rd</sup> March 2021 reads as follows:

*“Based upon the above analysis, the proposed development would result in significant harm upon both the local landscape character and visual environment and would fail to satisfy the requirements of Policy DSP40(iii) and paragraph 170 of the NPPF [now paragraph 174 following revision of NPPF in July 2021].”*

- 7.13 Following further discussion with the applicant and the easing of some COVID-19 restrictions, it was agreed with the applicant that a consultant from Lockhart Garratt would visit the application site and area and provide a further updated consultation response. The conclusion from that second consultation response dated 4<sup>th</sup> May 2021 read as follows:

*“Since visiting the site, my interpretation of its character has not changed, although I now have a greater appreciation of its topographic character. I have also identified two publicly accessible viewpoints within the wider landscape to the north that I consider to be important, but which have not been considered within the Appellant’s submissions, either for the previous 55-unit scheme or the current 125-unit scheme.*

*The Appellant has adjusted their Parameter Plan to retain built development within the boundary of the proposed HA10 housing allocation, which is a positive measure, although this still exceeds the extent of development within the currently consented scheme.*

*I remain of the opinion that a scheme of up to 125 dwellings is not appropriate in this village edge location, although having visited the site, I consider that it may be possible for the revised site boundary to accommodate a greater number than the current consent without unacceptable landscape and visual harm. This would be dependent upon the submission of a set of wireframe views to demonstrate the extent of visibility within the wider landscape, and also the commitment to a small number of positive design measures to seek to minimise landscape harm, as current policy requires.”*

## 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) Planning history and previous outline consent
- b) Implications of Fareham's current 5-year housing land supply position;
- c) Residential development in the countryside;
- d) The impact on European Protected Sites;
- e) Policy DSP40;
- f) Other matters
- g) The Planning Balance

### **a) Planning history and previous outline consent**

8.2 Outline planning permission was previously applied for by the same applicant for a development of up to 55 dwellings (including three custom-build homes, a community building incorporating a local shop and associated landscaping, infrastructure and development works). That application was considered by the Council's Planning Committee in October 2018 and a resolution to grant permission made. Planning permission was granted in September 2020 and a further Officer report was produced. The permission granted is referred to



throughout the remainder of this report as the “2020 consent”.

- 8.3 The October 2018 report to the Planning Committee set out the relevant material planning considerations. At the time the Council could demonstrate a housing land supply position of 4.95 years meaning that, by virtue of not being able to demonstrate a five year housing land supply, the contingency position set out in Policy DSP40 of the adopted Fareham Borough Local Plan Part 2 was engaged.
- 8.4 In relation Policy DSP40 Officers considered four of the five tests to be met.
- 8.5 In relation to Policy DSP40(ii) the report acknowledged that the site is located beyond, and is not located adjacent to, the existing settlement policy boundary. As a result there was a technical breach of that policy requirement. It continued by saying:

*“However, a significant section of the northern boundary of the site lies on the opposite side of Funtley Road to the existing housing estate at Roebuck Avenue, Deer Leap and Stag Way. This housing estate, which was granted planning permission in the late 1990s on the site of an abattoir, is also within the countryside in terms of its status within the current adopted local plan however its character and appearance is typical of an area found within the urban settlement boundary.”*

- 8.6 With regards to the relative sustainability of the site in terms of access to local services and facilities by sustainable modes of transport, the report had the following to say:

*“Bus stops are located close to the site on Funtley Road and the bus service runs approximately once an hour to Fareham and Wickham. However, the service neither starts particularly early nor finishes late and no buses run on a Sunday. There are very limited services within Funtley itself. The closest shop (McColls Newsagent) in Kiln Road for example is in the region of 1,200 metres (3/4 mile) from the site. Furthermore, Officers are not convinced that the pedestrian and cycling arrangements from the application site to facilities are ideal at present either in the vicinity of the site itself or taking into account the steep climb up from Funtley into Fareham. [In the subsequent final Officer report dated September 2020 it was observed that the bus service had since been re-routed so it does not pass through Funtley village].*

*The proposed pedestrian and cycle right of way through the site southwards and over the M27 motorway bridge represents a substantial improvement to the accessibility of the site by providing sustainable transport links through to the existing urban area of Fareham. This new link brings Orchard Lea Infant*

*and Junior Schools within a walking/cycling distance of approximately 650 metres from the application site and the shops and other services at Highlands Road Local Centre within 1.5km. Through the submitted travel plan the applicant proposes contributions towards the cost of new bikes for new residents to facilitate the use of this new pedestrian/cycle connection with Fareham. Bus vouchers are also proposed as part of that same scheme.*

*It should also be noted that part of the development proposed by the applicant comprises space for a shop and community building on the site itself meaning such facilities would be within a very short distance relatively speaking from those new homes being constructed. Officers acknowledge that the provision of a commercial enterprise such as a shop, cafe or other such use is dependent on market forces and a suitable and viable end use coming forward. Notwithstanding, the provision of space for such assists in increasing the relative accessibility of the site as would the provision of a community building subject to that facility being in a form which responded to local need.”*

8.7 Officers considered the package of measures proposed by the applicant in relation to that first application materially improved the sustainability of the location. In particular the proposed public right of way for pedestrians and cyclists to be formed through the site and over the M27 bridge to the urban area of Fareham was considered to be an essential element of the proposal delivering sustainable transport links to make the development acceptable in planning terms.

8.8 With regards to Policy DSP40(iii) the Officer report read:

*“Development on the site would have significant detrimental effects on the character and quality of local views. The eastern part of the site is enclosed by strong hedgerows and tree cover and is less visible from Funtley Road. However, the land further west is more open and built development on this land will be clearly evident thereby affecting the integrity and quality of the rural character of the surrounding landscape.”*

8.9 The report continues to explain that the applicant had sought to minimise the adverse impacts of the development in their proposals in a number of ways.

*“The masterplan as well as the submitted parameter plan show two 'green' or 'view' corridors through the site. These corridors have been devised following the advice of the Council's Urban Designer that the importance of the high ground and its relationship back to the development core and Funtley Road, linking with the existing housing development on the north*

*side of the road, is a key element. The corridors act to integrate key landscape features of the community park land to the south and reduces the urbanising impact on the rural character of the area.*

*In comparison with the existing built form, namely the housing estate on the site of the former abattoir on the north side of Funtley Road, Officers consider the proposal compares favourably. The proposed development would provide up to 55 dwellings on a site which the revised parameters plan identifies as having a developable area of 2.48 hectares. The overall density of the scheme is therefore approximately 22 dwellings per hectare (dph). This is lower than the density of the existing housing development at Roebuck Avenue/Deer Leap/Stag Way which is around 28 - 32 dph.*

*Whilst matters of scale, appearance, layout and landscaping are all reserved matters, Officers consider the quantum proposed and the parameters set out in the submission mean the proposed development would be capable of being sensitively designed to respond positively to the character of the existing housing development nearby. The work carried out by the applicant in setting the parameters for development on the site, particularly the incorporation of key 'green' or 'view' corridors through the land, acts to minimise the adverse impact on the landscape character of the countryside.”*

- 8.10 The report concluded by carrying out the ‘planning balance’ and commented as follows:

*“The site is not located adjacent to the existing urban area as identified in the adopted local plan and its location has been found by Officers to be relatively poor in terms of its accessibility. However, the proposed improvements to sustainable transport links to service the site and surrounding area are a substantial improvement which Officers consider satisfactorily address the issue of accessibility.*

*Taking into account the parameters indicated by the applicant and the site's constraints, the quantum of development proposed would be capable of being delivered at a scale and density which responds well to the adjacent existing built up area. Measures have been proposed to mitigate the visual impact of the development, notwithstanding, the proposal would harm the landscape character, appearance and function of the countryside.”*

- 8.11 It was found that the proposal accorded with four of the five criteria in Policy DSP40. Officers considered that, on balance, when considered against the development plan as a whole, the scheme should be approved.

#### **b) Implications of Fareham's current 5-year housing land supply**

## **position**

- 8.12 A report titled "Five year housing land supply position" was reported to Planning Committee on the 17th February 2021. That report sets out this Council's local housing need along with the Council's current housing land supply position. The report concluded that the Council has 4.2 years of housing supply against its five year housing land supply (5HLS) requirement.
- 8.13 Officers accept that the Council cannot currently demonstrate a 5-year supply of deliverable housing sites.
- 8.14 Had a non-determination appeal not been lodged and had the Council been in a position to determine the application, the starting point would have been 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".*

- 8.15 In determining planning applications there is a presumption in favour of the policies of the extant Development Plan unless material considerations indicate otherwise. Material considerations include the planning policies set out in the National Planning Policy Framework (NPPF).
- 8.16 Paragraph 60 of the NPPF seeks to significantly boost the supply of housing.
- 8.17 Paragraph 74 of the NPPF states that local planning authorities should identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement including a buffer. Where a local planning authority cannot do so, and when faced with applications involving the provision of housing, the policies of the local plan which are most important for determining the application are considered out- of-date.
- 8.18 Paragraph 11 of the NPPF then clarifies what is meant by the presumption in favour of sustainable development for decision-taking, including where relevant policies are "out-of-date". It states:

*"For decision-taking this means:*

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

*d) Where there are no relevant development plan policies, or the*

*policies which are most important for determining the application are out-of-date (see footnote 7 below), granting planning permission unless:*

- i. The application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed (see footnote 7 below); or*
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

8.19 Footnote 7 to Paragraph 11 reads:

*"The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change."*

8.20 Footnote 8 to paragraph 11 reads:

*"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 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirements over the previous three years."*

8.21 This planning application proposes new housing outside the defined urban settlement boundaries. Whilst the Housing Delivery Test results in December 2020 confirmed that the Council has not substantially under delivered its housing requirement, the Council cannot demonstrate a five year housing land supply. Footnote 8 to NPPF paragraph 11 is clear that in such circumstances those policies which are most important for determining the application are to be considered out-of-date meaning that the presumption in favour of sustainable development in paragraph 11(d) is engaged.

8.22 Taking the first limb of NPPF paragraph 11(d), as this report sets out, in this instance there are specific policies in the NPPF which protect areas of assets of particular importance namely habitat sites which are specifically mentioned in

footnote 7. Therefore a judgement will need to be reached as to whether policies in the Framework would have provided a clear reason for refusing the development. Where this is found to be the case, the development should be refused. The second limb of NPPF paragraph (d), namely whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole (the so called 'tilted balance') will only apply if it is judged that there are no clear reasons for refusing the development having applied the test at Limb 1.

8.23 Members will be mindful of Paragraph 182 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."*

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

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

### **c) Residential Development in the Countryside**

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

8.27 Policy CS14 of the Core Strategy states that:

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

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

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

**d) The impact upon Protected Sites**

- 8.30 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.
- 8.31 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.
- 8.32 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) (previously 'European Protected Site').
- 8.33 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'competent authority' if it can be shown that the proposed development will either not have a likely significant effect on designated European sites or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated European sites. This is done following a process known as an Appropriate Assessment. The competent authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The competent authority is either the local planning authority or the Planning Inspectorate, depending on who is determining the application. In this case, because an appeal has been lodged, it is the Planning Inspectorate.

8.34 When considering the proposed development there are two main likely significant effects on PS.

***Nutrient neutrality***

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

8.36 Achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites. Natural England have provided a methodology for calculating nutrient budgets and options for mitigation should this be necessary. The nutrient neutrality calculation includes key inputs and assumptions that are based on the best-available scientific evidence and research, however for each input there is a degree of uncertainty. Natural England advise local planning authorities to take a precautionary approach when addressing uncertainty and calculating nutrient budgets.

8.37 The applicant originally submitted a nitrate budget as Appendix 5 to the Ecological Assessment which accompanied the application. Officers wrote to the applicant in April 2021 to raise several issues with the nutrient budget which, if found to be erroneous, would have knock-on effects to the efficacy of the proposed mitigation measures. The applicant responded with a revised nitrogen statement and nutrient budget on 24<sup>th</sup> September 2021, the same day as their appeal against non-determination was lodged with the Secretary of State.

8.38 The applicant's revised nutrient budget corrects an error relating to the site area and adjusts the proposed land uses to reflect amendments made to the parameter plan after submission of the application. The budget follows the Natural England methodology (v5, June 2020) and Officers are satisfied with the conclusion that the scheme would need to mitigate against a surplus of 68.8 kg/N/year that would be generated by the proposed development.

8.39 The applicant's revised nitrogen statement identifies that the proposed new community park on land to the south of the application site comprises 9.88ha of which 6.78ha is in use for lowland grazing. Part of that grazing land (3.06ha) is already set aside to mitigate the near complete housing development on the north side of Funtley Road and this area of land is secured through the Section 106 accompanying that development. In their nitrogen statement the applicant contends that not all of this land is required to mitigate that development since



the figure contained in the Section 106 was calculated using an earlier version of the Natural England guidance. They consider 2.29ha to be needed to mitigate the development at Funtley North meaning 4.49ha of mitigation land would be available at the community park site to assist in mitigating the surplus nitrogen generated from the current application proposals. Notwithstanding, 4.49ha would only mitigate 35.92 kg/N/yr leaving 32.88 kg/N/yr of nitrate mitigation still needed. The applicant has previously submitted details of an agreement to purchase 26.20 kg/N/yr in nitrate mitigation credits from Warnford Estate, however this amount would not be sufficient to address the unmitigated surplus identified.

- 8.40 Officers take a contrary view to the applicant's approach to nitrate mitigation. Whilst it is agreed that additional nitrate mitigation will be required and that the community park land cannot provide sufficient mitigation by itself, the Council considers that more nitrate credits would be required from a third-party nitrate scheme in order to successfully achieve nutrient neutrality. The applicant has not provided a revised budget for the development north of Funtley Road to back up their assertion that less mitigation land is needed than originally calculated. Notwithstanding, the amount of mitigation land required is secured through a unilateral undertaking pursuant to Section 106 and planning permission for that development was granted following an Appropriate Assessment being carried out at the time which concluded no adverse effects on the integrity of PS. The development north of Funtley Road is nearing completion meaning the point at which the mitigation is required to take effect is imminent. It is not clear from the applicant's nitrogen statement how they consider that matter could be addressed satisfactorily. Assuming therefore that 3.06ha of the community park land would be required to mitigate the development at land north of Funtley Road the remaining site of 3.72ha would mitigate 29.76 kg/N/yr leaving 39.04 kg/N/yr unmitigated. No information has been provided by the applicant that agreement has been reached with a third-party nitrate mitigation scheme such as Warnford Estate for the applicant to purchase the required nitrate mitigation credits.
- 8.41 In summary, Officers do not consider that the applicant has satisfactorily demonstrated that the appropriate mitigation is in place to address the likely significant effects arising from increased wastewater from the development entering The Solent leading to adverse effects on the integrity of the PS of The Solent. The failure to provide appropriate and appropriately secured mitigation means the application is contrary to Policies CS4 & DSP13 of the adopted local plan as a result.

***Recreational disturbance***

- 8.42 The second of these likely significant effects on PS concerns recreational disturbance on The Solent coastline through an increase in population. Policy DSP15 of the adopted Fareham Borough Local Plan Part 2: Development Sites

and Policies explains that planning permission for proposals resulting in a net increase in residential units may be permitted where the 'in combination' effects of recreation on the Special Protection Areas are satisfactorily mitigated through the provision of a financial contribution to The Solent Recreation Mitigation Strategy (SRMS). Had the Council been able to determine the application and had the proposal been found acceptable in all other regards the applicant would have been invited to make a financial contribution through the SRMS. In the absence however of a legal agreement to secure such a contribution, or the submission of evidence to demonstrate that the 'in combination' effects of the development can be avoided or mitigated in another way, the proposal is held to be contrary to Policy DSP15.

#### **e) Policy DSP40**

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

8.44 Policy DSP40: Housing Allocations, of Local Plan Part 2, states that:

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

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

8.45 Each of these five bullet points are worked through in turn below:

#### **Policy DSP40(i)**

8.46 The proposal for up to 125 dwellings is relative in scale to the 5YHLS shortfall and therefore bullet i) of Policy DSP40 is satisfied.

#### **Policy DSP40(ii)**

8.47 In respect of Policy DSP40(ii) there are four different policy requirements that must be met. Firstly, whether the proposal would be sustainably located. Secondly, whether the site is adjacent to the existing urban settlement boundary. Thirdly, that the development is well-related to the existing settlement boundary. Fourth, that the development would be capable of being well-integrated with the existing neighbouring settlement.

***Whether the proposal would be sustainably located***

- 8.48 Without improvements to enhance accessibility for pedestrians, cyclists and users of public transport to local services and facilities, the application site is not sustainably located. Having regard to relevant guidance, Officers have assessed the application site's location in terms of what is considered to be a reasonable walking and cycling distance to those facilities. Distances to the nearest services and facilities have been identified and the walking/cycling route involved. Regard has also been had to the relative importance the destination and the quality of the walking/cycling route which may have a significant impact on its attractiveness.
- 8.49 Taking into account the proposed new public right of way for pedestrians and cyclists from the application site, up the hill and across the M27, Orchard Lea Junior School is brought within an acceptable distance following a suitably surfaced and lit route. Highlands Road local centre, where shops, hairdressers, food takeaways and a pharmacy are located, is approximately 1500m away. The doctor's surgery and dental practice on Highlands Road are a similar distance.
- 8.50 The application includes proposals for a community building/local shop. As before with the 2020 consent, it is not known at this stage what the building would comprise or actually, as is always the case with a commercial enterprise such as a shop or café which is dependent on market forces, whether it would be delivered depending on the level of interest or demand. However, the fact that space for such a facility is to be provided on the site in close proximity to the proposed housing assists in increasing the relative accessibility of the site subject to the facility being in a form which responds to local need.
- 8.51 Officers have also discussed further improvements which might be made in the surrounding area to make services and facilities more accessible. The applicant has carried out an audit which has identified possible improvements to the walking route from the site to Henry Cort Community College (the nearest secondary school). Improvements have also been identified to the available width of the pavement through vegetation clearance and resurfacing works between the application site and the urban area of Funtley east of the railway bridge along Funtley Road. Discussions with public transport officers at Hampshire County Council have revealed that a financial contribution from the

developer to fund access rights for the bus route through Funtley to Knowle village would be a positive measure reinstating the bus service. The applicant has indicated they would be willing to undertake the above measures as well as ensuring the access into the site is suitable to allow a bus to enter and turn around within the site if required at some point in the future. These measures could be secured through a combination of planning conditions and obligations in a Section 106 legal agreement.

- 8.52 When the Council considered the 2020 consent it was acknowledged that the poor accessibility to local services and facilities from the site would be materially improved by the package of measures proposed by the applicant. Whilst those same measures are proposed with this current application the development scheme is materially different and, in proposing up to 125 dwellings, could result in more than double the number of residential units previously consented. Officers consider that the assessment of whether the proposal is sustainably located must be relative in scale and have regard to the quantum of development and the resultant number of residents living on the site in the future. Even taking into account the additional improvements to the walking route to Henry Cort College, the footway along Funtley Road east of the application site and the potential to fund the reinstatement of the bus service for an initial period, the proposal would still be on the margins of what would be considered acceptable in terms of acceptable walking and cycling distances to key local services.
- 8.53 As a result of these findings, Officers consider there to be some conflict with Policy DSP40(ii) in that the proposal for 125 dwellings would not be sustainably located. Officers do accept however that the degree of conflict with the policy in this particular instance would not by itself be sufficient to lead to the application having been refused. Instead, this matter must be taken into account when carrying out the planning balance, weighing the benefits of the proposal against the relative harms. The Planning Balance section is to be found towards the end of this report.

***Whether the site is located adjacent to the existing urban settlement boundaries***

- 8.54 The application site is not located adjacent to the existing urban settlement boundary which lies on the other side of the railway line to the east. This was acknowledged in the report for the 2020 consent which also noted the proximity of the site to housing development on the north side of Funtley Road. However, the development is proposed adjacent to an area which, for all intents and purposes bears all of the characteristics of the urban area. Whilst full weight cannot be given to the proposals map of the emerging Fareham Local Plan 2037, it is noted that the land to the north of Funtley Road is proposed to be included within the defined urban settlement boundary.

***Whether the proposal would be well related to the existing urban settlement boundaries***

- 8.55 Whilst not adjoining the existing urban settlement boundary, the development on the north side of Funtley Road provides a definitive edge to the built up area. Officers consider that in principle development on the south side of the road could be accommodated so that it related well to the existing urban area. This would however be dependent on the form of development being of a suitable scale and appearance so as to represent a logical extension to the edge of the urban area and not to appear incongruous when encroaching into an area of countryside. The visual impact of the proposed development on the character and appearance of the area are discussed further below in this report.

***Whether the proposal can be well integrated with the neighbouring settlement***

- 8.56 This particular policy test looks to ensure that extensions to the urban area have good connectivity with the existing settlement area. The application proposes vehicular and pedestrian access from Funtley Road with two further indicative locations for pedestrian access at the northern boundary (as shown on the submitted illustrative masterplan). Connectivity through the site to the south over the M27 is provided by the pedestrian/cycle public right of way.
- 8.57 As set out above, improvements have been identified to the footway between the application site and the eastern side of the railway bridge along Funtley Road to the east where the existing urban area is closest. The railway bridge separates the urban area of Funtley and the housing development on the western side of the bridge. Currently the larger part of Funtley lies on the eastern side where approximately 180 dwellings are located as well as The Miners Arms public house and the Funtley Social Club. The only means of travelling on foot between the western and eastern sides of Funtley is via the railway bridge and along the pavement. At present the journey is made less attractive by the narrowness of the footway. Improvements to increase the effective width of that footway by vegetation clearance and/or resurfacing would provide better connectivity between the two settlement areas, not only promoting journeys on foot from the application site but also integrating the application site with the urban area of Funtley.

***Summary***

- 8.58 In summary, the site is located immediately adjacent to housing development of an urban nature. The proposed and improved pedestrian and cycle connections mean the proposal can be well integrated with the neighbouring settlement. However, as set out above, there is some conflict with Policy DSP40(ii) in that the proposal is not sustainably located adjacent to, and well-related to, the existing urban settlement boundaries.

**Policy DSP40(iii)**

- 8.59 The third test of Policy DSP40(iii) is that the proposal is ‘sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps’.

***Sensitively designed to reflect character of neighbouring settlement***

- 8.60 This part of the policy comprises two tests, the first of which is that *the proposal is sensitively designed to reflect the character of the neighbouring settlement*. In this instance the neighbouring settlement, although not part of the defined urban area, is the housing development on the north side of Funtley Road and then further eastwards the rest of the settlement of Funtley within the defined urban settlement boundaries.
- 8.61 Officers have had the benefit of advice provided by the Council’s Urban Designer which provides a useful description of the character of the settlement of Funtley. The Appellant has also provided a design response which has been taken into account in preparing this report.
- 8.62 It is important to note that matters of layout, scale, appearance and landscaping are all reserved matters for consideration at a later date should outline permission be granted. However, in considering whether to grant permission for 125 dwellings on the land the Council must first be satisfied that this can be delivered in an appropriate form which not only accords with the policy test at DSP40(ii) but also delivers the high quality of design expected through local policy which responds positively to the character of the neighbouring settlement as required by Policy CS17. A further material consideration is NPPF paragraph 130 which requires, amongst other things, development to be sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 8.63 The Council’s urban designer notes in his comments that the illustrative masterplan shows very compact, urban perimeter blocks with many plots having substandard gardens and separation distances. The perimeter blocks are of high density and will be much more visually cramped than both the historic examples within the Meon Valley provided as part of the submission and the contextual development that exists within Funtley.
- 8.64 In response the Illustrative Layout Plan ‘Parcel C’ submitted by the Appellant with their design response shows how such a block could be laid out to provide the minimum garden sizes, separation distances and number of parking spaces required. This is a useful demonstration however the drawing appears to confirm that, if 125 houses are to be accommodated on site, at least some if not all of the development parcels across the site will need to be built out at a similar

if not higher intensity as that shown here with minimal frontages to close knit plots and streets dominated by vehicles and hardsurfacing occupying a mixture of on- and off-street parking. No details of other parcels have been provided but even if there were to be sufficient space to deliver dwellings meeting the minimum amenity standards expected, Officers are concerned that the form of the development would not reflect the character of Funtley.

- 8.65 Consideration must also be given to how the proposal responds to the existing settlement area by creating a new settlement edge. The Appellant considers there to be no reason not to try to use new development of appropriate form and density to create a distinctive edge to the village. Nonetheless, they propose having varying density gradients within the scheme and a fragmented, landscape dominated southern edge with the community park. In turn the Council's urban designer considers the most appropriate approach to be one where development becomes less dense and more spacious the further it goes away from Funtley Road allowing the development to visually 'bleed' into the landscape.
- 8.66 Officers agree that in edge of settlement locations such as this where the sensitivity of the landscape is high, a 'fading out' of the development would provide a more sympathetic new edge to the settlement. Whilst the applicant has latterly submitted a parameter plan showing densities decreasing across the site this is from a starting density of some 40dph, a materially higher density than the adjacent housing development on the north side of Funtley Road. The decrease in density does not seem to be evident from looking at the illustrative masterplan which appears to show a fairly consistent development form throughout notwithstanding the inclusion of some smaller perimeter blocks on the southern edge.
- 8.67 In summary, the proposal is not sensitively designed to reflect the character of the neighbouring settlement of Funtley and therefore this particular policy test is failed.

***Minimising adverse impact on the countryside***

- 8.68 The second part of DSP40(iii), insofar as it is relevant here, considers whether *the proposal is sensitively designed to minimise any adverse impact on the countryside.*
- 8.69 The character assessment of this area (6.2b) in the Fareham Landscape Character Assessment (LCA) 2017 includes the following observations (underlining added for emphasis):

*“There is a typically sparse pattern of settlement within the whole of area 6.2, consisting mainly of individual farms or dwellings, or small clusters of buildings. The exceptions to this are a localised area of ‘ribbon’ development along the Southampton Road (in area 6.2a) and a rather anomalous area of*

recent residential development off the Funtley Road in the northern tip of area 6.2b. Lying on the opposite side of the railway line, the latter has no visual connection with the settlement of Funtley and is out of character with the surrounding landscape. However, its influence is limited by surrounding woodland (including SINC)s and vegetation along the rural Funtley Road and the character of the landscape within the triangle of land between the two sections of disused railway line and the motorway corridor remains essentially rural and unspoilt.’ (p121)

*This area is generally of high sensitivity as one of the most distinctive and important landscape resources within the Borough. It contains a range of highly valued landscape, ecological and heritage assets across a large proportion of the area, and its natural and unspoilt qualities and the sensitivity of those valued assets, mean that it would be highly susceptible to the intrusion of built development. The potential for development to be accommodated within this area is consequently very low* (p122)

*This area retains a predominantly rural character, with relatively few urban influences or ‘fringe’ characteristics, and has an important role in maintaining the distinction between urban and countryside areas. The clear distinction between town and countryside, and the integrity of the valley landscape as a whole, would be compromised by significant development extending into the area beyond the existing urban edge.* (p125)

*The only opportunity may be to accommodate development within small pockets of undeveloped land within existing residential areas, e.g. off the Funtley Road, along Southampton Road or St Margarets Lane, as long as it is of a similar character and scale to other dwellings within the locality and can be sensitively integrated within the landscape to avoid adverse impacts.* (p129)”

- 8.70 The applicant has produced a LVA Addendum by Rummey Environmental (appended to which is the LVA by Fabrik carried out for the 2020 consent) and rebuttal comments in response to the Council’s own advice which has been provided by Lockhart Garratt, a landscape consultancy instructed by Officers.
- 8.71 Starting with the harm in landscape and visual terms, the LVA Addendum by Rummey Environmental finds that the current proposal would have ‘minor to moderate adverse’ visual effects in the short term with potential for long term benefits. Despite the proposal being for more than double the number of homes and on a larger site than the 2020 consent scheme, the LVA Addendum suggests short-term landscape effects would be less harmful - ‘moderate adverse’ rather than ‘moderate-major negative’ as in the original LVA. In their consultation response Lockhart Garratt refer to these “contradictory conclusions



*of less harm or new benefit from a greater extent of development*". Nonetheless, both the addendum and original LVA identify that significant adverse impacts are anticipated in the early years of the development but that the significance is likely to reduce in time. Lockhart Garratt similarly concludes that the proposed development would result in significant harm upon both the local landscape character and visual environment.

- 8.72 There is therefore clearly agreement by all parties that there would be significant adverse impacts in both visual and landscape terms. By design, Policy DSP40(iii) acknowledges that there will always be 'in principle harm' arising from development in the countryside and by seeking to only permit proposals which minimise adverse impacts it seeks to prevent that which would have actual, specific and significant harm.
- 8.73 The Officer report for the 2020 consent found that the development would have significant detrimental effects on the character and quality of local views, a view that was not disputed by the applicant and was in line with the conclusions of the submitted LVA. Notwithstanding this, the previous scheme was considered to satisfy Policy DSP40(iii). As set out at paragraph 8.9 of this report, the previous Officer report to the Planning Committee highlights the high sensitivity of the landscape and the measures taken in that earlier application to minimise the adverse impacts of the development. The report acknowledges in particular the green/view corridors which align with the high ground to the south and the favourable lower density.
- 8.74 The current application proposes up to 125 dwellings over a larger site area. The overall density of the development is much higher and the form the development would take as a result considerably different. In comparison to the previous low density scheme which would be capable of delivering a loose-knit, landscape-led housing development, the proposal is now for an urban village type development as shown in the illustrative masterplan provided with the application.
- 8.75 The higher density of the development would, as shown on the illustrative masterplan, dictate a more urbanised built form. Urban perimeter blocks have replaced the landscape led character which would have previously been achievable with the lower density scheme. Whilst green/view corridors are retained and break up the urban form to an extent, they do not appear to relate to the wider landscape or the higher ground to the south which was previously an effective way of minimising the impact on the countryside. Lockhart Garratt refer to the current proposal as having watered down the positive design measures embodied within the consented scheme whilst more than doubling the amount of housing within the site. The proposal is clearly at odds with the observation made at p129 of the Fareham LCA 2017 which specifically mentions

development within small pockets such as off Funtley Road needing to be “*sensitively integrated within the landscape to avoid adverse impacts*”.

- 8.76 With the above observations in mind, Officers have concluded there would be harm to the countryside as a matter of principle because the development would be outside the settlement boundary. However, and more importantly there would be an actual harmful and significant effect to the countryside in this location as a result of the site specific development proposals. On that basis, the harm would not be minimised in accordance the requirements of Policy DSP40(iii). It is also considered that the proposed development would fail to be sensitively designed to reflect the settlement character of the neighbouring settlement of Funtley.
- 8.77 Officers have raised the foregoing concerns with the applicant and engaged in discussions with them over a reduced quantum of housing on the site. The applicant did not share Officers views on the scale of reduction that is likely to be necessary to make the scheme acceptable in design and landscape terms and have not revised the application to propose fewer units.

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

- 8.78 In terms of delivery, the applicant has not provided any specific details on when, if granted planning permission on appeal, they anticipate the development to come forward. It is understood that the applicant does not intend to build the development themselves and there is currently no confirmation of a developer lined up to acquire and bring the site forward. Notwithstanding, Officers consider that a scheme of up to 125 dwellings is capable of being delivered at the site within the next five years. The proposal would therefore be in accordance with Policy DSP40(iv) in that the proposal is deliverable in the short term.

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

- 8.79 The final test of Policy DSP40 requires that the proposal does not have any unacceptable environmental, amenity or traffic implications.

#### ***Ecology***

- 8.80 An Ecological Assessment was provided with the original application and subsequently, following consultation responses from the Council’s ecologist and Natural England, the applicant has submitted an Ancient Woodland Impact Assessment and Woodland Management and Monitoring Plan which has satisfactorily addressed initial concerns over potential impacts on Great Beamond Coppice Ancient Woodland SINC.

#### ***Surface water drainage***

- 8.81 The applicant submitted additional information to satisfy initial concerns raised by the lead local flood authority (LLFA) Hampshire County Council. The LLFA therefore raise no objection to the proposed development and, had it been

possible for the Council to favourably determine the planning application, they recommend the imposition of planning conditions requiring a detailed surface water drainage strategy based on the principles of the submitted information to date, details of long-term maintenance for the surface water drainage system and an investigation into the condition of the existing watercourse into which surface water would discharge.

### ***Amenity***

- 8.82 Matters of scale, appearance and layout are reserved for consideration at the future reserved matters application stage. It is at that stage that the detailed consideration of these issues would need to comply with policy CS17 and the adopted design guidance SPD to ensure appropriate amenity standards.

### ***Highways***

- 8.83 Hampshire County Council, the highway authority, provided detailed comments most recently on 7<sup>th</sup> April 2021. In those comments the highway authority raised issues in relation to vehicular access drawings, improvements to pedestrian access to Funtley and Henry Cort College, bus service provision and travel plan implementation costs. Since that time discussions have continued between the parties and the applicant's position has been clarified. The applicant confirmed on 24<sup>th</sup> September 2021 amended drawings they wished to be taken into account. Officers have reconsulted the highway authority and asked for updated comments to be provided. Should those comments arrive before the Planning Committee meeting they will be summarised for Members in an update to this report.

### ***Summary***

- 8.84 As set out above, detailed matters relating to the amenity of future residents (for example, internal and external space, privacy, light, etc) would be considerations for the reserved matters stage. Final comments from the highway authority are awaited however it is not anticipated that any unacceptable traffic implications will be raised due to the revised drawings submitted by the applicant. However, there are unacceptable environmental impacts arising from the failure to provide appropriate and appropriately secured nitrate mitigation leading to adverse effects on the integrity of PS as set out earlier in this report. As a result the development does not meet the requirements of criteria (v) of DSP40.

## **f) Other matters**

### ***Effect upon Local Infrastructure***

- 8.85 Concerns have been raised over the effect of the number of dwellings on schools, doctors and other services in the area.
- 8.86 Hampshire County Council have identified a need for a financial contribution towards primary and secondary education infrastructure, production of school

travel plans and monitoring. The applicant is able to provide a unilateral undertaking pursuant to Section 106 so that, in the event that the appeal is allowed, this financial contribution is secured.

- 8.87 The difficulty in obtaining doctor's appointments and dental services is an issue regularly raised in respect of new housing proposals. It is ultimately for the health providers to decide how they deliver their services. In the view of Officers, a refusal on these grounds could not be substantiated.

***Fareham Local Plan 2037***

- 8.88 On 30<sup>th</sup> September 2021 the Council submitted the Fareham Local Plan 2037 to the Secretary of State for independent examination.
- 8.89 The proposals map accompanying the emerging local plan shows that much, but not all, of the application site is designated as a housing allocation. Housing Allocation Policy HA10 covers an area of 5.74ha. An indicative yield of 55 dwellings is stated in the policy. The policy reads as follows:

*“Proposals should meet the following site-specific requirements:*

- a) The quantum of housing proposed should be broadly consistent with the indicative site capacity; and*
- b) Primary highway access should be from Funtley Road; and*
- c) Building heights are limited to a maximum of 2 storeys; and*
- d) Safe pedestrian and cycle crossing points across Funtley Road and connectivity with the existing footpath/bridleway network in the vicinity of the site and eastwards towards the centre of Funtley village in order to maximising connectivity to nearby facilities and services; and*
- e) The creation of a vehicular loop road on the site, allowing for pedestrian and cycle permeability across the site; and*
- f) Proposals shall take account of the site's landscape context by incorporating view corridors from Funtley Road through to the public open space allocation to the south of the residential allocation. The view corridors should form part of the on-site open space and should incorporate pedestrian and cycle links, whilst vehicular crossing of links should be limited; and*
- g) The existing woodland on-site shall be retained and incorporated within the design and layout of proposals in a manner that does not impact on living conditions or prevent damage to any nearby dwellings, roads, footpaths or*

*other infrastructure; and*

*h) A landscape buffer shall be incorporated between development and the Great Beamond Coppice SINC to the east of the site; and*

*i) The provision of a building/ buildings for community uses, located in an accessible location to enable a range of uses for both existing and new residents; and*

*j) The site is identified as a mineral safeguarded site (brick clay is likely to underlay site). A Minerals Assessment will be required prior to any development in accordance with the Hampshire Minerals and Waste Plan (2013); and*

*k) Infrastructure provision and contributions including but not limited to health, education and transport shall be provided in line with Policy TIN4 and NE3.”*

8.90 A small area of the southern part of the application site lies outside of the designated housing allocation land and is instead designated as a public open space allocation, strategic gap and an Area of Special Landscape Quality (ASLQ) whilst also remaining outside of the defined urban settlement boundary.

***Proposed benefits***

8.91 The benefits of the proposed development include the provision of market and affordable housing including six self-build units which Officers consider ought to be afforded significant weight in the decision making process.

8.92 Also to be afforded significant weight is the provision of a new dedicated public right of way in the form of a new pedestrian and cycle way from Funtley Road, through the development site up to and over the M27 bridge and on to Thames Drive. This route would make a significant contribution towards improving the accessibility of the site for future residents and also enhancing sustainable transport options for existing residents of that part of Funtley. Assuming the applicant agreed to make financial contributions to improving access to Henry Cort Community College and along Funtley Road either side of the railway bridge further weight can be given as these also constitute wider benefits to the existing community. Finally in relation to sustainable transport, the funding of the no. 20 bus service and provision of turning on site, whilst required to improve the site's accessibility, would have further benefit by helping maintain a bus service for the village.

8.93 The proposals for the community park and community building/local shop remain as before for the 2020 consent and which Officers previously indicated would be of significant benefit to new and existing residents alike. The community park

would be smaller as a result of the increase in the housing development site but Officers still consider the overall benefit would be great.

8.94 Lastly, it is important to acknowledge the economic benefits of the development during the construction phase and additional resident expenditure in local shops and services after occupation.

8.95 Overall it is acknowledged there would be substantial benefits arising from the development in terms of housing provision, accessibility enhancements and the provision of a community building/local shop and park.

### **g) The Planning Balance**

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

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

8.97 As set out in paragraph 8.23 above, the effect of Paragraph 182 of the NPPF is 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".*

8.98 The effect of NPPF paragraph 182 means that if having carried out an Appropriate Assessment it is concluded that the proposal is likely to have an adverse effect on the integrity of a habitats sites, then the application can be determined in accordance with paragraph 38(6) under the 'straight' balance.

8.99 In this instance Officers have identified likely significant effects on a upon PS as a result of an unmitigated surplus of nitrate pollution generated by the development entering the water environment of the Solent. If the Council had been able to determine this application, the applicant would have been invited to address that issue by producing revised mitigation proposals. If those mitigation proposals had been satisfactory to Officers, an Appropriate Assessment would have needed to have been carried out concluding no adverse effects on PS before a decision to grant planning permission could have been made. In the absence of such an agreement, the proposal would fail to appropriately secure this mitigation and would be contrary to Policies CS4 & DSP13. In this particular

case however the Officer recommendation would have been to refuse planning permission and so since the application is not able to be favourably determined it has not been necessary for the authority to carry out an Appropriate Assessment.

- 8.100 As the application is the subject of Appeal, should the Inspector be minded to grant permission for the development then it would fall to the Inspector as the Competent Authority to undertake this Appropriate Assessment.
- 8.101 If having carried out an Appropriate Assessment, the Inspector judges that the proposal would not adversely affect the integrity of the habitat sites, then the application, given a 5YHS shortfall, must be determined in accordance Paragraph 11(d). In this instance, Limb i) of Paragraph 11 d would be met (there would be no clear reason for refusing the development remaining if potential impacts on habitat sites have been addressed) and the application would fall to be determined under Limb ii), applying the presumption in favour of sustainable development. This approach detailed within the preceding paragraphs, has become known as the 'tilted balance' in that it tilts the planning balance in favour of sustainable development and against the Development Plan.
- 8.102 The site is outside of the defined urban settlement boundary and the proposed development does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of Local Plan Part 2: Development Sites and Policies Plan.
- 8.103 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 5YHLS position report presented to the Planning Committee in February this year and the Government's steer in respect of housing delivery.
- 8.104 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).
- 8.105 With regard to Policy DSP40(ii) Officers consider that there is some conflict with the policy requirement for the proposal to be sustainably located. It is acknowledged however that the degree of conflict with this policy test would not have been sufficient by itself to lead to a refusal of the planning application. Nonetheless the conflict with this policy weighs against granting planning permission on the negative side of the planning balance.

- 8.106 With regards to Policy DSP40(iii) Officers considered that there would be a harmful and significant effect to the countryside in this location as a result of the site specific development proposals and on this basis the harm has not been minimised in accordance the requirements of Policy DSP40(iii). It is also considered that the proposed development would fail to be sensitively designed to reflect the settlement character of Funtley. The proposal therefore fails to satisfy this policy test and is also considered contrary to Policies CS14 and CS17.
- 8.107 With regard to Policy DSP40(v) there would be an unacceptable environmental impact arising from the failure to appropriately mitigate the nitrate surplus generated by the development as described above.
- 8.108 In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage in housing supply, Officers acknowledge that the proposal could deliver up to 125 affordable and market dwellings in the short term, including some self and custom build plots. The contribution the proposed scheme would make towards boosting the Borough's housing supply is in itself a significant material consideration, in the light of this Council's current 5YHLS. Added to this are the wider benefits identified in this report from the creation of the community park, provision of a community building/local shop and accessibility enhancements. There is the modest benefit of the additional jobs and expenditure in the locality arising from construction activity and the completed development itself. Other benefits purported by the applicant, such as ecological enhancement measures, are in reality mitigation measures which offset the harm arising in various matters.
- 8.109 Officers have carefully weighed the benefits which would be delivered by the proposals, having regard for the Council's 5 year housing land supply position, against the conflict with adopted local plan policies and paragraphs 130 and 174 of the NPPF. In Officer's views, the harm to the character and appearance of the countryside and the unsustainable location for the proposal (albeit of less significance) outweigh the benefits arising from the scheme.
- 8.110 In summary, in undertaking a detailed assessment of the proposals throughout this report, and assuming that the 'tilted balance' is applied to those assessments (the Inspector having carried out an Appropriate Assessment concluding there would be no adverse effects on the integrity of the Habitats sites) Officers consider that in respect of NPPF Paragraph 11(d):
- (i) there are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed; and
  - (ii) any adverse impacts of granting planning permission would significantly and



demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.

8.111 In light of this assessment, and taking into account all other material planning considerations, had the Council been able to determine this application, Officers would have recommended that planning permission should not have been granted.

9.0 **Recommendation**

9.1 Subject to final comments being received from the highway authority (Hampshire County Council) and authority being delegated to the Head of Development Management to include any additional submissions to the Planning Inspector considered appropriate taking into account those comments;

Members to confirm that had they been able to determine the planning application they would have resolved to REFUSE PERMISSION for the following reasons:

The development is contrary to Policies CS2, CS4, CS5, CS6, CS14, CS16, CS17, CS18, CS20 and CS21 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP6, DSP13, DSP15 & DSP40 of the Adopted Local Plan Part 2: Development Site and Policies Plan, paragraphs 130 and 174 of the NPPF and is unacceptable in that:

- a) The proposed development is not sensitively designed to reflect the character of the neighbouring settlement of Funtley and fails to respond positively to and be respectful of the key characteristics of the area harmful to the character and appearance of the countryside;
- b) The proposal would not be sustainably located;
- c) The proposal would have likely adverse effects on the integrity of European Protected Sites in combination with other developments due to the additional generation of nutrients entering the water environment and the lack of appropriate and appropriately secured mitigation;
- d) 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;
- e) In the absence of a legal agreement to secure the provision of open space and facilities and contributions toward the associated management and maintenance, the recreational needs of residents of the proposed development would not be met;

- f) 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;
- g) In the absence of a legal agreement to secure contributions to education, the needs of residents of the proposed development would not be met;
- h) In the absence of a legal agreement to secure the submission and implementation of a full Travel Plan, payment of the Travel Plan approval and monitoring fees and 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.

10.0 ***Notes for information:***

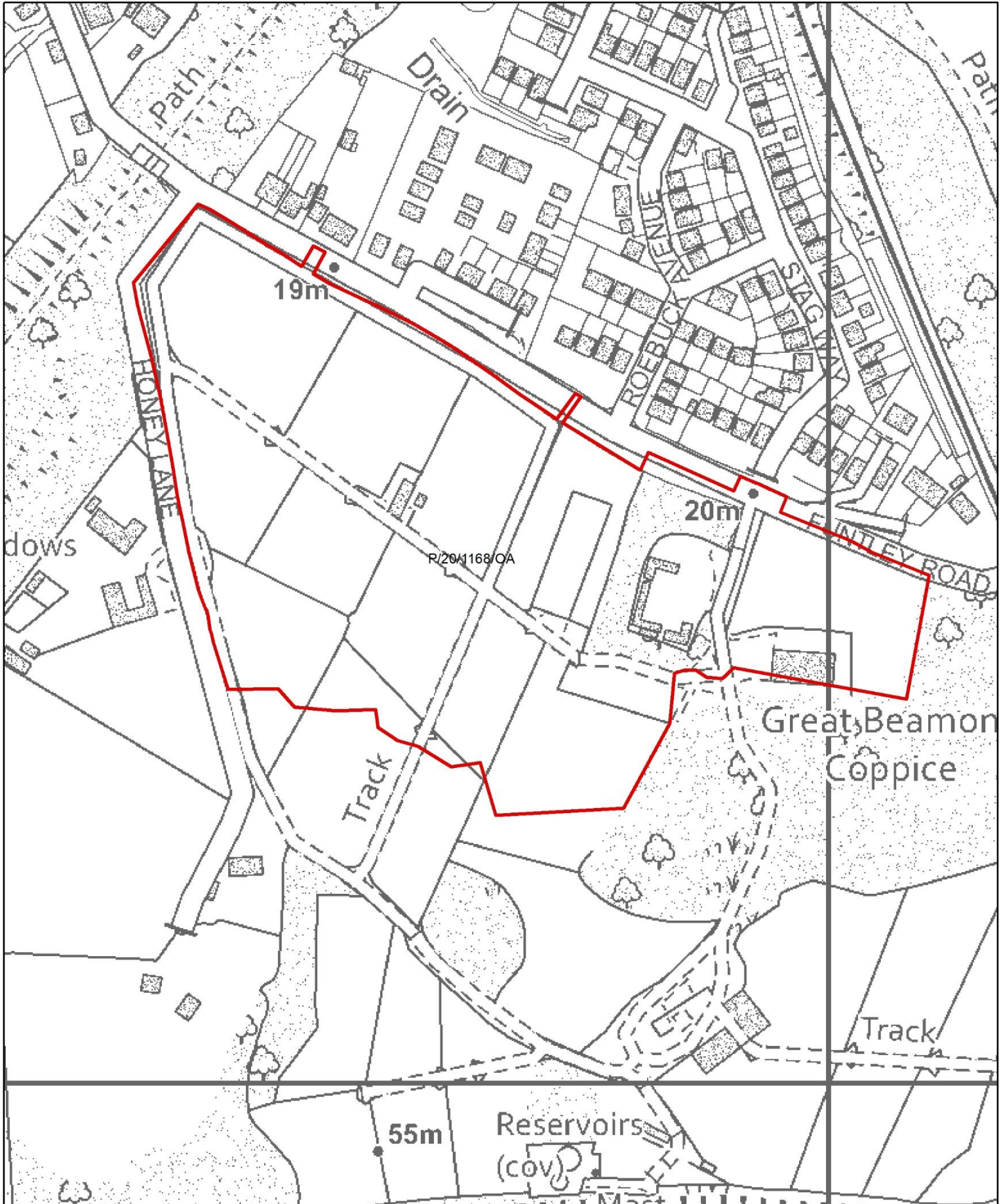
10.1 Had it not been for the overriding reasons for refusal to the proposal, the Local Planning Authority would have sought to address points e) - i) above by inviting the applicant to enter into a legal agreement with Fareham Borough Council under Section 106 of the Town & Country Planning Act 1990.

11.0 ***Background Papers***

P/20/1168/OA

# FAREHAM

BOROUGH COUNCIL



Land to the South of  
Funtley Road, Fareham  
Scale 1:2500



## OFFICER REPORT FOR COMMITTEE

DATE: 02/11/2021

**P/20/1166/CU  
RESIDE DEVELOPMENTS LIMITED  
AND ATHERFOLD INVESTMENTS  
LTD**

**FAREHAM NORTH  
AGENT: TURLEY**

CHANGE OF USE OF LAND FROM EQUESTRIAN/PADDOCK TO COMMUNITY  
PARK FOLLOWING DEMOLITION OF EXISTING BUILDINGS

LAND SOUTH OF FUNTLEY ROAD, FAREHAM

### ***Report By***

Richard Wright – direct dial 01329 824758

### **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 An appeal against the non-determination of this application has been submitted to the Planning Inspectorate. The Inspectorate has not yet confirmed how the appeal will be determined however the Appellant has requested an Inquiry.
- 1.3 Whilst this Council is no longer able to decide this application it is necessary for Members to confirm the case that this Council will present to the Planning Inspector. This report sets out all the relevant planning policies and relevant material planning considerations and invites Members to confirm the decision they would have made if they had been able to determine the planning application. This will then become the Council's case in respect of the forthcoming appeal.

### **2.0 Site Description**

- 2.1 This application relates to an area of land to the north of the M27 and on the south-western edge of Funtley village. The site's topography falls from south to north. It is bound on its western edge by Honey Lane and on its eastern edge by land adjacent to the main railway line.
- 2.2 The site measures approximately 9.88 hectares in size. The open land on the site comprises mainly paddocks and fields used for the keeping and grazing of horses. The woodland on the site forms part of a Site of Importance for Nature Conservation (SINC) and designated Ancient Woodland known as Great Beamond Coppice.

2.3 The site lies entirely outside of the defined urban settlement boundaries as identified in the adopted local plan. The site is therefore within the countryside as defined for planning purposes.

### **3.0 Description of Proposal**

3.1 Permission is sought to change the use of the land to a community park. The application has been submitted by the same applicant and at the same time as a proposal for residential development of up to 125 dwellings on land between the site and Funtley Road to the north (planning reference P/20/1168/OA). That application, like this one, is the subject of an appeal and is reported elsewhere on the agenda. As part of that development the applicant has proposed the community park be set out and provided to Fareham Borough Council as a community benefit. The park would be the subject of a unilateral undertaking pursuant to Section 106 produced by the applicant as part of the appeal now lodged.

3.2 The proposal is near identical, except for slight reduction in site area, to one that was approved in 2018 (planning reference P/18/0066/CU).

### **Policies**

4.1 The following policies apply to this application:

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

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

CS5 - Transport Strategy and Infrastructure

CS14 - Development Outside Settlements

CS17 - High Quality Design

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

DSP13 - Nature Conservation

### **4.0 Relevant Planning History**

5.1 The following planning history is relevant:

<b>P/18/0066/CU</b>	Change Of Use Of Land From Equestrian/Paddock To Community Park Following Demolition Of Existing Buildings
<b>APPROVE</b>	12/10/2018

### **5.0 Representations**

6.1 Ten letters of objection have been received in response to the planning application. These letters raised concerns in relation to the accompanying

application for 125 dwellings on the adjacent land (planning reference P/20/1168/OA) rather than specific concerns over the proposal for a new community park.

## **6.0 Consultations**

EXTERNAL

### **Natural England**

7.1 No objection subject to conditions.

INTERNAL

### **Contaminated Land Officer**

7.2 No objection subject to condition.

### **Ecology**

7.3 No objection subject to conditions.

## **8.0 Planning Considerations**

8.1 The proposed use of the site as a community park, to allow members of the public to use the land for recreational leisure purposes, is considered acceptable in principle having regard to the policies of the adopted local plan relating to proposed development in the countryside.

8.2 The Council's ecologist and Natural England have raised no objection to the proposal subject to further details of how biodiversity mitigation and enhancement measures will be carried out and what management arrangements would be put in place.

8.3 Whilst proposed as a separate stand alone proposal the park is intended to serve as an associated benefit for the adjacent housing site where the applicant proposes 125 dwellings. Residents from that development as well as existing housing estates on the north side of Funtley Road and elsewhere in the village would be able to travel to the site on foot.

8.4 Officers do not consider there would be significant demand for car parking space created by the development. Notwithstanding a condition relating to car parking provision would enable further assessment of this issue to be carried out and appropriate provision made. In the event that the adjacent proposal for 125 dwellings was allowed on appeal and the community park required as part of that development it may be that opportunities for providing car parking space within the adjacent site be explored.

8.5 Officers consider the proposed change of use to be an acceptable form of development in the countryside. There are no materially harmful impacts arising in relation to matters such as highway safety, parking provision or ecology and biodiversity interests.

**9.0 Recommendation**

9.1 Members confirm that had they been able to determine the planning application they would have resolved to GRANT PLANNING PERMISSION subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of a period of three years from the date of this decision.

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

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

a) Location plan - drawing no. RD1731-C1-L003 P2

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

3. No development hereby permitted shall take place until a Biodiversity Mitigation, Enhancement and Management Plan has been submitted to and approved by the local planning authority in writing. The submitted plan shall be devised fully in accordance with the outline ecological mitigation and enhancements measures contained within the submitted "Ecological Assessment – September 2020 - Ecology Solutions". The submitted plan shall include the following:

- a) A Reptile and Dormouse Mitigation Strategy;
- b) A Japanese Knotweed Eradication Scheme;
- c) A Badger Protection Strategy;
- d) Details of the timing of clearance works;
- e) A detailed scheme of biodiversity enhancements;
- f) Details of a soft landscaping scheme including provisions for buffer planting associated with the adjacent areas of ancient woodland;
- g) Details of darkened corridors for foraging/commuting bats;
- h) A Landscape/Ecology Management Plan including details of the maintenance of mitigation and enhancement measures.

The development shall be carried out fully in accordance with the approved Biodiversity Mitigation, Enhancement and Management Plan unless otherwise agreed in writing by the local planning authority.

REASON: To provide ecological compensation, management and enhancements.

4. No development hereby permitted shall commence until a parking provision and vehicular access plan has been submitted to and approved by the local planning authority in writing. The plan shall include details of how parking space shall be provided either on or off the application site to meet the anticipated demands of visiting members of the public. The plan shall also include details of the means of vehicular access from the existing highway access on to Funtley Road and the application site. Before the park is first brought into use for the purpose hereby authorised, the approved vehicular access shall be provided and the approved parking provision shall be made available for the purposes of providing parking space to members of the public visiting the park and that parking provision shall thereafter be retained at all times.

REASON: To ensure the provision of adequate parking space for visiting members of the public.

5. No development hereby permitted shall commence until an intrusive site investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority (LPA). The intrusive site investigation and risk assessment shall include assessment of the risks posed to human health, the building fabric and the wider environment such as water resources, and where the site investigation and risk assessment reveal a risk to receptors, it shall include a detailed scheme for remedial works to address these risks and ensure the site is suitable for the proposed use.

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

On completion of the remediation works and prior to the occupation of any properties on the development, an independent competent person shall confirm in writing that the works have been completed in full and in accordance with the approved scheme. Such confirmation shall include



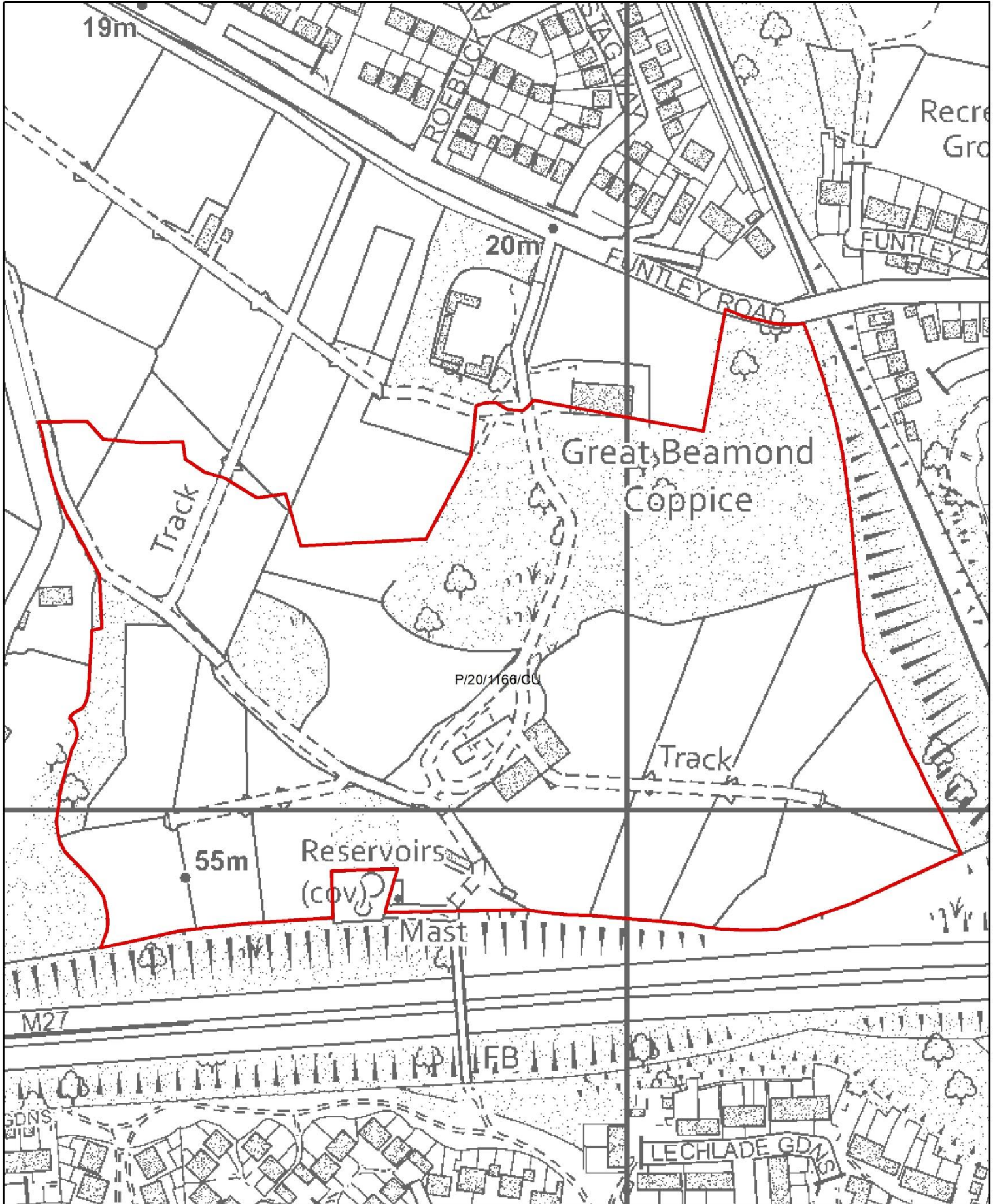
photographic evidence and, if considered necessary by the local planning authority, as built drawings of the development.

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

**10.0 Background Papers**  
P/20/1166/CU

# FAREHAM

BOROUGH COUNCIL



Land to the South of  
Funtley Road, Fareham  
Scale 1:2500



# Agenda Item 6(5)

## OFFICER REPORT FOR COMMITTEE

DATE: 2 November 2021

P/21/1338/FP

Mr F FERATI

FAREHAM NORTH-WEST

AGENT: ADVACO PLANNING LTD

CHANGE OF USE FROM CAFÉ/RESTAURANT (USE CLASS E) TO MIXED USE FOR RESTAURANT/HOT FOOD TAKEAWAY (SUI GENERIS)

1A FAREHAM PARK ROAD, FAREHAM, PO15 6LA

### **Report By**

Susannah Emery – direct dial 01329 824526

### **1.0 Introduction**

1.1 This application has been called on to the agenda by Councillor Peter Davies in order to consider whether the proposal results in overdevelopment and to consider whether the parking movements would have an adverse effect on the residential amenity of No.92 Highlands Road and to consider the general parking arrangements at the southern end of Fareham Park Road.

### **2.0 Site Description**

2.1 This application relates to a vacant commercial unit situated at the south-eastern end of a small parade of five units, on the north side of Fareham Park Road. The application site is in the urban area in close proximity to the Highlands Road local centre

2.2 The other units within this parade currently include a fish and chip shop (Sui Generis), a florist (Use Class E) and two hairdressers (Use Class E).

### **3.0 Description of Proposal**

3.1 Planning permission was granted in 2020 for the erection of a single storey side extension to the parade and the subdivision of the adjoining retail unit into two units: one retail unit and one café/restaurant unit.

3.2 The extension has been completed but the newly formed unit is currently vacant. Planning permission is sought for a change of use of the unit from a café/restaurant (Use Class E) to a mixed use for a restaurant/hot food takeaway (Sui Generis).

3.3 The indicative floor plan shows a serving counter extending down the length of the unit against the outer wall with seating along the other wall and to either side of the front door. The food preparation area and W/C would be located at the rear of the unit.

#### **4.0 Policies**

4.1 The following policies apply to this application:

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

CS5 Transport Strategy and Infrastructure  
CS17 High Quality Design

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

DSP1 Sustainable Development  
DSP2 Environmental Impact  
DSP3 Impact on living conditions  
DSP34 Development in District Centres, Local Centres and Local  
Parades  
DSP39 Hot Food Shops

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

Fareham Borough Council Non Residential Parking Standards SPD (2015)

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

5.1 The following planning history is relevant:

P/19/1327/FP Single Storey Side Extension & Subdivision of Existing Unit to Form Two Units, Use of Additional Unit within Use Class A3 (cafe/restaurant) & Installation of Extractor Hood at Rear  
Permission 13 February 2020

P/19/0972/FP Side Extension to Existing Retail (Class A1) Unit  
Permission 14 October 2019

P/17/0508/PC Part 3, Class C: Change of Use from Shop (A1) to Café/Restaurant (A3)  
Permission 22 June 2017

#### **6.0 Representations**

6.1 Three representations have been received raising the following concerns

- The area is over saturated with food outlets
- Cooking smells are unpleasant
- The number and nature of planning applications submitted for this site is confusing
- Extension of proposed opening hours is unacceptable
- Staff are parking on Highlands Road and preventing customers being able to use the spaces
- Parking on Highlands Road should be time restricted
- Customers park wherever possible including on the double yellow lines
- The road is blocked when a bus stops to load/unload outside the units

- Delivery vehicles block the pavement
- The road is an important access route
- A traffic survey is required
- Insufficient parking is available at the local centre
- The pedestrian crossing over Highlands Road is dangerous

## **7.0 Consultations**

INTERNAL

*Environmental Health*

7.1 No objection

EXTERNAL

*Hampshire County Council (Highways)*

7.2 The Highway Authority have no objection to this change of use. We note that there is parking in the vicinity which is only a short distance away and a Traffic Regulation Order present, and any parking issues is a matter to be considered by FBC to make sure that the proposed parking falls into their adopted standards.

## **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 to Living Conditions of Neighbouring Property
- c) Highways

a) *Principle of Development*

8.2 As a result of the amendments to the Use Classes Order in September 2020 the unit would now be permitted to be used for any use falling within Use Class E (Commercial, Business & Service). This more flexible use class includes retail, establishments where food and drinks are consumed mostly on the premises, financial services, professional services, indoor sport and recreation, medical and health services, day nurseries and light industrial uses. The E Use Class specifically excludes a number of uses including drinking establishments and hot food takeaways which therefore become 'Sui Generis' meaning that they require specific consent.

8.3 Concerns have been raised by some residents that a further hot food takeaway is not required within the local area. This is primarily a commercial

concern and not a material planning consideration. The site lies outside of the designated Highlands Road local centre and therefore is not strictly subject to Policy DSP34 (Development in District Centres, Local Centres and Local Parades) of the adopted Local Plan Part 2 which seeks to retain an acceptable level of retail uses within the Local Centres and prevent the formation of continuous groups of non-retail. Nonetheless it is considered that the Highlands Road shopping parade has a good proportion of retail units. An active frontage would be retained and it is not considered that the proposal would have any adverse impact on the vitality or viability of the Highlands Road local centre.

*b) Impact to Living Conditions of Neighbouring Property*

- 8.4 In preparation for use as a café/restaurant the unit has been fitted with an extraction system and hood, details of which were previously approved, and it is therefore not considered that the proposal would be likely to generate excessive cooking smells to the detriment of residential amenity. A planning condition would be imposed to secure the retention of this system in accordance with the approved details for the lifetime of the use.
- 8.5 The previous planning permission for the café/restaurant was subject to a planning condition restricting hours of opening as follows; 12.30 - 22:00 Mondays – Friday, 12.30 - 22.30 Saturdays and not at all Sundays/Bank Holidays. The reason given for the planning condition was to protect the occupiers of the nearby residential properties from possible disturbance.
- 8.6 The proposed hours of opening for the restaurant/hot food takeaway are 12:00-22:00 Monday to Friday, 12:00-22:30 Saturdays and 12:30-21:00 Sundays. The proposed opening hours do not include late night opening which would have the potential to result in noise and disturbance to adjacent residential properties. The inclusion of opening hours on Sundays/Bank Holidays is considered acceptable. It is not considered that the proposal would have an adverse impact on the living conditions of neighbouring residential properties by virtue of smells, noise or disturbance.

*c) Highways*

- 8.7 Roadside parking takes place along the northern side of Fareham Park Road in front of the commercial units and the neighbouring residential properties to the west which restricts the two-way flow of traffic at this point. There are double yellow lines which extend down to the Highlands Road junction from outside of the application site. There is also a bus stop on this stretch of double yellow lines adjacent to the application site. Officers acknowledge the comments from local residents and retailers in relation to lack of parking

outside of the units and reports of indiscriminate parking on the double yellow lines. However, it is not considered that this proposal would significantly exacerbate the situation.

- 8.8 The Highway Authority has raised no objection to the proposal in respect of the impact on highway safety and has undertaken a TRICs analysis that indicated that the proposal would result in an increase of around 30 trips a day over the permitted use. It was advised that the Local Planning Authority should consider parking issues. The Council's Non-Residential Parking Standards SPD set out parking requirements for different Use Classes. For a hot food takeaway shop the requirement is 1 space per 3 members of staff with no requirement for customer parking where there is adequate on-street parking nearby. The SPD states that generally where there are off-street parking spaces available within local centres opportunity is presented for departures from standards in the consideration of parking provision for development site proposals. The proposed site plan indicates two vehicles parked on the forecourt of the unit, which could be used for staff parking. There is ample car parking available at the Highlands Road local centre for customers and there is a pedestrian link between the local centre and the application site.
- 8.9 Officers are mindful that the unit could be used for a number of purposes within Use Class 'E' which could result in a higher turnover of customers than a café/restaurant. Furthermore, the café/restaurant could operate with an element of ancillary hot food takeaway. It is considered that it would be difficult to substantiate what harm the proposal would have in terms of increased demand for car parking or highway safety in order to justify refusing the planning application.
- 8.10 The proposal is considered to comply with the relevant local plan policies and is considered acceptable.

## **9.0 Recommendation**

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development hereby permitted shall be begun before 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:

- i) Site Location Plan, Proposed Site Plan, Floor Plans & Elevations –  
drwg No.SD-1935-04 Rev B
  - ii) Proposed Extraction System Details (Filters:Jasun Envirocare PLC,  
Fan: S&P, Silencer: EMTEC)
  - iii) Details of Roof Hood (dated 24 September 2009, LINDAB)
- REASON: To avoid any doubt over what has been permitted.

3. The premises shall not be open for customers outside the following hours: -  
12.00 - 22:00 Mondays – Friday  
12.00 - 22.30 Saturdays  
12.30 - 21:00 Sundays/Bank Holidays  
REASON: To protect the occupiers of the nearby residential properties from  
possible disturbance.

4. The development hereby permitted shall be undertaken in accordance with  
the details of the extraction system and hood approved pursuant to planning  
application P/19/1327/FP. The extraction system and hood shall be retained  
in this condition for the lifetime of the use unless otherwise agreed in writing  
with the local planning authority.  
REASON: To protect the living conditions of the occupiers of the nearby  
residential properties.

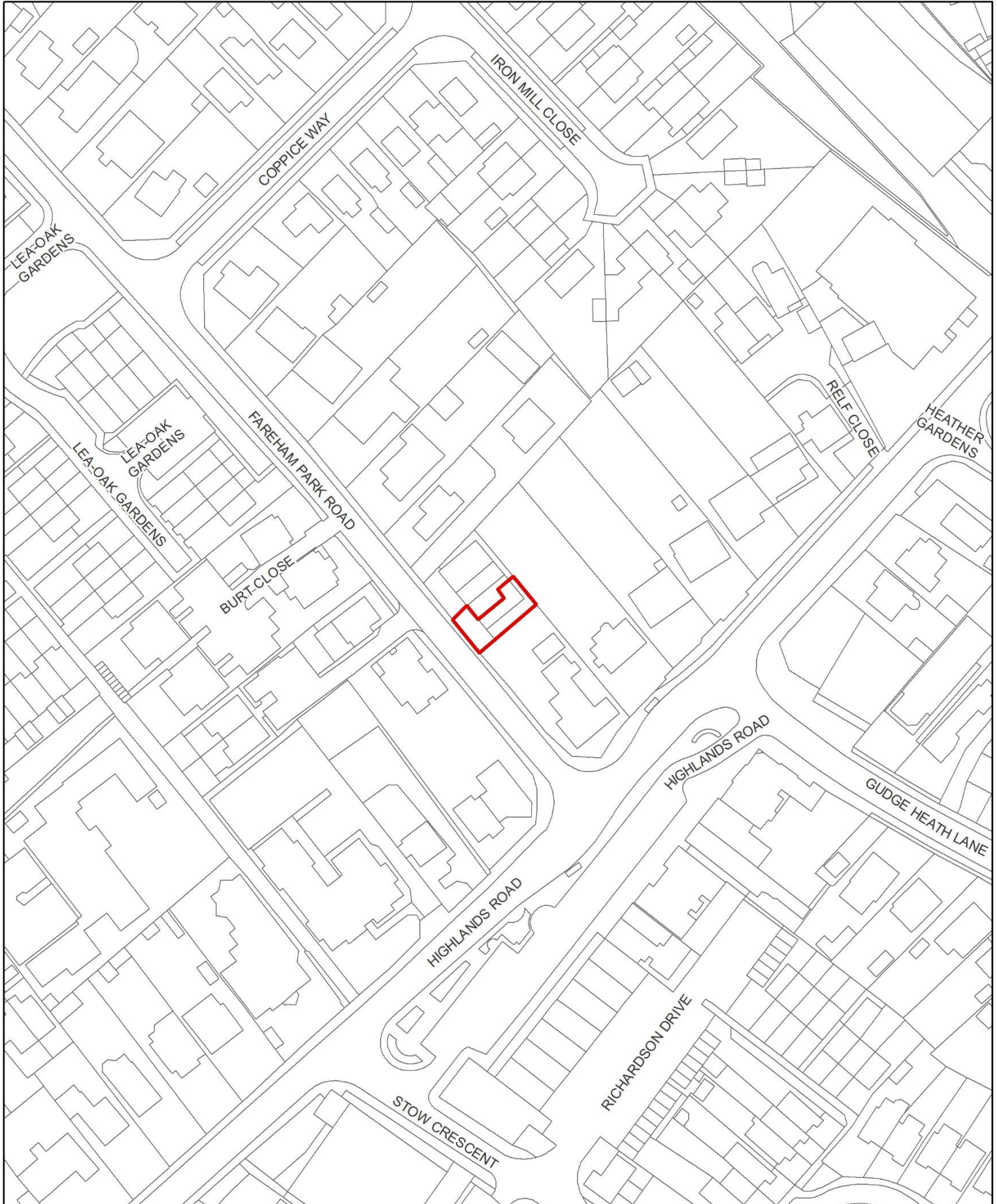
5. There shall be no tables and chairs placed outside the front of the premises  
for use by customers at any time, unless otherwise agreed in writing through  
the submission of a separate application to the Local Planning Authority.  
REASON: To protect the living conditions of occupiers of the nearby  
residential properties.

**10.0 Background Papers**  
P/21/1338/FP



# FAREHAM

## BOROUGH COUNCIL



1a Fareham Park Road  
Fareham  
Scale 1:1250



**ZONE 3 – EASTERN WARDS**

**Portchester West**

**Hill Head**

**Stubbington**

**Portchester East**

REFERENCE    SITE ADDRESS & PROPOSAL  
NUMBER &  
WARD

ITEM NUMBER &  
RECOMMENDATION

No items in this Zone

# FAREHAM

## BOROUGH COUNCIL

### Report to Planning Committee

**Date** 21/10/2021

**Report of** Director of Planning and Regeneration

**Subject** PLANNING APPEALS

#### SUMMARY

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

#### RECOMMENDATION

That the Committee note the content of the report.

## CURRENT PLANNING APPEALS

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

### WRITTEN REPRESENTATIONS & HOUSEHOLDER

Fareham Borough Council Reference: [P/18/0363/OA](#)

**Appeal site address:** 84 Fareham Park Road Fareham PO15 6LW

**Ward:** Fareham North-West

**The appellant:** T Ware Developments Limited

**Description of proposal:** Residential development of up to 28 units including the provision of 8 affordable homes, along with parking, landscaping and access road.

**Council decision:** REFUSE

**Decision maker:** Committee

**Date appeal lodged:** 26/08/2021

**Reason for Appeal:** Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/18/0756/OA](#)

**Appeal site address:** Land between and to the rear of 56-66 Greenaway Lane Warsash Southampton SO31 9HS

**Ward:** Warsash

**The appellant:** G R Dimmick, C D Dimmick & A W Williams

**Description of proposal:** Outline application for up to 28 dwellings together with associated landscaping, amenity space, parking and a means of access from Greenaway Lane

**Council decision:** REFUSE

**Decision maker:** Committee

**Date appeal lodged:** 08/09/2021

**Reason for Appeal:** Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/20/0506/OA](#)

**Appeal site address:** Land at Eversdown Farm Quarantine Kennels 285 Botley Road BurrIDGE SO31 1ZJ

**Ward:** Sarisbury

**The appellant:** Workham European Property Ltd

**Description of proposal:** Demolition of agricultural buildings and erection of up to 38 dwellings with associated landscaping and access.

**Council decision:** REFUSE

**Decision maker:** Committee

**Date appeal lodged:** 31/08/2021

**Reason for Appeal:** Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/20/0778/FP](#)

**Appeal site address:** THE TITHE BARN MILL LANE TITCHFIELD FAREHAM PO15 5RB

**Ward:** Titchfield

**The appellant:** TITCHFIELD FESTIVAL THEATRE

**Description of proposal:** Laying of a top surface to the existing tarmac surface consisting of a top layer of a thin coat of bitumen rolled with 6mm grit.

**Council decision:** REFUSE  
**Decision maker:** Officer Delegated Powers  
**Date appeal lodged:** 07/07/2021  
**Reason for Appeal:** Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/20/1007/FP](#)

**Appeal site address:** 21 Burridge Road Burridge Southampton SO31 1BY  
**Ward:** Sarisbury  
**The appellant:** RGOM  
**Description of proposal:** Residential development of 4 self-build dwellings, amenity areas with access off Burridge Road (Amended Scheme to P/18/1252/FP)  
**Council decision:** NONE  
**Decision maker:** Non Determined  
**Date appeal lodged:** 24/03/2021  
**Reason for Appeal:** No formal decision within determination period

Fareham Borough Council Reference: [P/21/0087/FP](#)

**Appeal site address:** Land South of Chartwell Brownwich Lane Titchfield PO14 4NZ  
**Ward:** Titchfield  
**The appellant:** Miss Filkins & Mr Putman  
**Description of proposal:** Erection of Detached 4-Bed Self Build Dwelling adjacent to Existing Dwelling  
**Council decision:** REFUSE  
**Decision maker:** Officer Delegated Powers  
**Date appeal lodged:** 12/10/2021  
**Reason for Appeal:** Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/21/0713/CU](#)

**Appeal site address:** 42 Pennycress Locks Heath Southampton SO31 6SY  
**Ward:** Park Gate  
**The appellant:** Miss Emma Harding  
**Description of proposal:** Change of Use of Garage to Hair and Beauty salon  
**Council decision:** REFUSE  
**Decision maker:** Officer Delegated Powers  
**Date appeal lodged:** 31/08/2021  
**Reason for Appeal:** Appeal against refusal of planning permission

## INFORMAL HEARING

Fareham Borough Council Reference: [P/19/0419/DA](#)

**Appeal site address:** 137 Newgate Lane Fareham PO14 1BA  
**Ward:** Stubbington  
**The appellant:** Mr Patrick Cash  
**Description of proposal:** Unlawful development of two structures  
**Date appeal lodged:** 11/05/2020  
**Reason for Appeal:** Against serving of planning enforcement notice  
**Date scheduled for Informal Hearing to start and duration:** 12/10/2021 for 1 day

Fareham Borough Council Reference: [P/21/1614/DA](#)



**Appeal site address:** Newlands Farm Stroud Green Lane Fareham PO14 2HT  
**Ward:** Stubbington  
**The appellant:** Mr Ashley Barlow  
**Description of proposal:** Landscaping business not operating in accordance with the approved plans  
**Date appeal lodged:** 29/09/2021  
**Reason for Appeal:** Against serving of planning enforcement notice

## PUBLIC LOCAL INQUIRY

Fareham Borough Council Reference: [P/18/1073/FP](#)

**Appeal site address:** Land to the South of Romsey Avenue Fareham  
**Ward:** Portchester West  
**The appellant:** Foreman Homes Ltd  
**Description of proposal:** Outline planning application for residential development of 225 dwellings, bird conservation area and area of public open space with all matters reserved except for access  
**Council decision:** REFUSE  
**Decision maker:** Committee  
**Date appeal lodged:** 07/04/2021  
**Reason for Appeal:** Appeal against refusal of planning permission  
**Date scheduled for Public Local Inquiry to start and duration:** 10/08/2021 for 6 days

Fareham Borough Council Reference: [P/19/1193/OA](#)

**Appeal site address:** Land East of Posbrook Lane Titchfield Fareham  
**Ward:** Titchfield  
**The appellant:** Foreman Homes  
**Description of proposal:** Outline planning application for the erection of up to 57 dwellings, together with associated parking, landscaping and access from Posbrook Lane  
**Council decision:** NONE  
**Decision maker:** Non Determined  
**Date appeal lodged:** 29/01/2021  
**Reason for Appeal:** No formal decision within determination period  
**Date scheduled for Public Local Inquiry to start and duration:** 07/12/2021 for 4 days

Fareham Borough Council Reference: [P/20/0522/FP](#)

**Appeal site address:** Land East of Crofton Cemetery and West of Peak Lane, Stubbington Fareham  
**Ward:** Stubbington  
**The appellant:** Persimmon Homes Ltd  
**Description of proposal:** Development comprising 206 dwellings, access road from Peak Lane maintaining link to Oakcroft Lane, stopping up of a section of Oakcroft Lane (from Old Peak Lane to access road), with car parking, landscaping, substation, public open space and associated works.  
**Council decision:** REFUSE  
**Decision maker:** Committee  
**Date appeal lodged:** 15/06/2021  
**Reason for Appeal:** Appeal against refusal of planning permission  
**Date scheduled for Public Local Inquiry to start and duration:** 19/10/2021 for 8 days

## DECIDED PLANNING APPEALS

Fareham Borough Council Reference: [P/18/1212/LU](#)

**Appeal site address:** Borderland Fencing New Road Swanwick Southampton SO31 7HE  
**Ward:** Sarisbury  
**The appellant:** Borderland Fencing Ltd  
**Description of proposal:** Lawful Development Certificate for mixed use of the glasshouse for storage & manufacturing (Use Class B8 & B2)  
**Council decision:** REFUSE  
**Decision maker:** Officer Delegated Powers  
**Reason for Appeal:** Appeal against refusal of planning permission  
**Appeal decision:** DISMISSED  
**Appeal decision date:** 08/10/2021

Fareham Borough Council Reference: [P/20/0009/DA](#)

**Appeal site address:** Borderland Fencing New Road Swanwick Southampton SO31 7HE  
**Ward:** Sarisbury  
**The appellant:** Borderland Fencing Ltd  
**Description of proposal:** Unauthorised expansion of site and breach of conditions  
**Council decision:** ENFORCEMENT NOTICE  
**Decision maker:** ENFT APPEAL  
**Reason for Appeal:** Against serving of planning enforcement notice  
**Appeal decision:** ALLOWED  
**Appeal decision date:** 08/10/2021

Fareham Borough Council Reference: [P/20/0912/OA](#)

**Appeal site address:** Land to the East of Down End Road Fareham  
**Ward:** Portchester West  
**The appellant:** Miller Homes Ltd  
**Description of proposal:** Outline planning application with all matters reserved (except the means of access) for residential development, demolition of existing agricultural buildings and the construction of new buildings providing up to 350 dwellings, the creation of new vehicular access with footways and cycleways, provision of landscaped communal amenity space, including children's play space, creation of public open space, together with associated highways, landscaping, drainage and utilities.  
**Council decision:** REFUSE  
**Decision maker:** Committee  
**Reason for Appeal:** Appeal against refusal of planning permission  
**Appeal decision:** ALLOWED  
**Appeal decision date:** 18/10/2021

Fareham Borough Council Reference: [P/20/1078/FP](#)

**Appeal site address:** 34 Warsash Road Warsash Southampton SO31 9HX  
**Ward:** Warsash  
**The appellant:** Mr Christopher Davison  
**Description of proposal:** Detached Garage and Front Boundary Wall  
**Council decision:** REFUSE  
**Decision maker:** Officer Delegated Powers  
**Reason for Appeal:** Appeal against refusal of planning permission  
**Appeal decision:** DISMISSED  
**Appeal decision date:** 28/09/2021

Fareham Borough Council Reference: [P/20/1399/FP](#)

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

**Ward:** Park Gate

**The appellant:** Mr Richard Becheley

**Description of proposal:** Detached games room within rear garden

**Council decision:** REFUSE

**Decision maker:** Committee

**Reason for Appeal:** Appeal against refusal of planning permission

**Appeal decision:** ALLOWED

**Appeal decision date:** 30/09/2021

Fareham Borough Council Reference: [P/21/0029/FP](#)

**Appeal site address:** 99 Crofton Lane Fareham Hampshire PO14 3QE

**Ward:** Hill Head

**The appellant:** Mrs Lesley Henderson

**Description of proposal:** Timber Frame Car Port

**Council decision:** REFUSE

**Decision maker:** Officer Delegated Powers

**Reason for Appeal:** Appeal against refusal of planning permission

**Appeal decision:** DISMISSED

**Appeal decision date:** 01/10/2021

Fareham Borough Council Reference: [P/21/0190/FP](#)

**Appeal site address:** 54 Mays Lane Fareham PO14 2EL

**Ward:** Stubbington

**The appellant:** Mr & Mrs Josh Harris

**Description of proposal:** First Floor Extension Over Existing Garage

**Council decision:** REFUSE

**Decision maker:** Officer Delegated Powers

**Reason for Appeal:** Appeal against refusal of planning permission

**Appeal decision:** DISMISSED

**Appeal decision date:** 04/10/2021

Fareham Borough Council Reference: [P/21/0437/FP](#)

**Appeal site address:** 106 Funtley Road Fareham PO17 5EF

**Ward:** Fareham North

**The appellant:** Mr Paul MacDonald

**Description of proposal:** Detached timber garage

**Council decision:** REFUSE

**Decision maker:** Officer Delegated Powers

**Reason for Appeal:** Appeal against refusal of planning permission

**Appeal decision:** DISMISSED

**Appeal decision date:** 01/10/2021



## Further information about Planning Appeals

### Introduction

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

### When are planning appeals lodged?

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

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

### Who decides planning appeals?

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

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

### The different types of appeal procedures

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

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

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

### Appeal by Written Representations

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

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

### Appeal by Informal Hearing

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

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

### Appeal by Public Local Inquiry

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

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

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

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

### Further reading

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

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

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