

# FAREHAM

BOROUGH COUNCIL

## AGENDA PLANNING COMMITTEE

**Date:** Wednesday, 15 March 2023

**Time:** 2.30 pm

**Venue:** Collingwood Room - Civic Offices

**Members:**

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

Councillors Miss J Burton  
D G Foot  
M J Ford, JP  
Mrs C L A Hockley  
S Ingram  
P Nother  
Mrs S M Walker

**Deputies:** Ms C Bainbridge  
F Birkett  
S Dugan  
Mrs K K Trott



**1. Apologies for Absence**

**2. Minutes of Previous Meeting (Pages 1 - 9)**

To confirm as a correct record the minutes of the Planning Committee meeting held on 15 February 2023.

**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 10)**

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/22/0567/FP - 12-14 SOUTHWOOD GARDENS LOCKS HEATH SO31 6WL**  
(Pages 13 - 25)

(2) **P/21/1317/FP - ANDARK DIVING 256 BRIDGE ROAD SWANWICK S031 7FL** (Pages 26 - 42)

(3) **P/22/0167/FP - 47 FLEET END ROAD WARSASH SO31 9JH** (Pages 43 - 64)

(4) **Q/0230/23 - LAND TO THE SOUTH OF 79 GREENAWAY LANE (PHASE 20**  
(Pages 65 - 67)

(5) **Q/0261/23 - LAND EAST OF BROOK LANE WARSASH** (Pages 68 - 71)

**ZONE 2 - FAREHAM**

(6) **P/22/0363/OA - LAND AT PINKS HILL FAREHAM** (Pages 73 - 108)

**ZONE 3 - EASTERN WARDS**

(7) **P/22/1824/AD - LAND TO THE WEST OF SEAFIELD ROAD/MORAUNT DRIVE AND SOUTH OF TATTERSHALL CRESCENT PO16 6BX** (Pages 110 - 116)

(8) **Planning Appeals** (Pages 117 - 123)



P GRIMWOOD  
Chief Executive Officer  
Civic Offices  
[www.fareham.gov.uk](http://www.fareham.gov.uk)  
07 March 2023

**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, 15 February 2023

**Venue:** Collingwood Room - Civic Offices

**PRESENT:**

**Councillor** N J Walker (Chairman)

**Councillor** I Bastable (Vice-Chairman)

**Councillors:** Miss J Burton, D G Foot, M J Ford, JP, Mrs C L A Hockley,  
S Ingram, P Nother and Mrs S M Walker

**Also  
Present:**





**1. APOLOGIES FOR ABSENCE**

There were no apologies of absence.

**2. MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the Planning Committee meetings held on 18 January 2023 and 25 January 2023 be signed and confirmed as a correct record.

**3. CHAIRMAN'S ANNOUNCEMENTS**

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

**4. DECLARATIONS OF INTEREST**

There were no declarations of interest made at this meeting.

**5. DEPUTATIONS**

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

Name	Spokesperson representing the persons listed	Subject	Supporting or Opposing the Application	Minute No/ Application No/Page No	Dep Type
<b>ZONE 1 – 2.30pm</b>					
Mr Brian Fuller		69 RALEY ROAD LOCKS HEATH – TWO/SINGLE STOREY FRONT EXTENSION, SINGLE STOREY SIDE STORE EXTENSION, FRONT BOUNDARY WALL WITH SLIDING GATE	<b>Opposing</b>	9 (1) P/22/1560/FP Pg 81	<b>In Person (3 mins)</b>
Mr Garreth Nottingham		-DITTO-	<b>Supporting</b>	-Ditto-	<b>Written</b>
Ms Carrie Hopkins-Day		-DITTO-	<b>Supporting</b>	-Ditto-	<b>In Person (3 mins)</b>
<b>ZONE 2 –</b>					

<b>ZONE 3 – 3.00pm</b>					

**6. ACTUAL REVENUE EXPENDITURE**

The Committee considered a report by the Deputy Chief Executive Officer on the actual revenue expenditure for 2021/22.

The Finance Manager was asked to explain the pension costs that have been added to the employee’s expenditure, and whether this was purely in relation to Planning employees. The Finance Manager explained that the pension costs are now distributed evenly across all services of the Council, and that the amount shown is a pro-rotta figure for entire pension costs across all of the services.

Members also requested the breakdown of costs for the judicial reviews in Warsash. The Finance Manager was unable to provide members with details of this at the meeting but agreed that he would provide them with a written response on this after the meeting.

RESOLVED that the Committee noted the content of the report.

**7. SPENDING PLANS 2023-24**

The Committee considered a report by the Deputy Chief Executive Officer on the spending plans for 2023/24, which included the revised revenue budget for 2022/23, the discretionary planning charges for 2023/24 and the base budget for 2023/24.

The Finance Manager noted an amendment needed to Appendix B of the report, where the second fee payable column should read 2023/24 instead of 2022/23.

RESOLVED that the Planning Committee: -

- (i) Agrees the revised budget for 2022/23;
- (ii) Agrees the base budget for 2023/24
- (iii) Agrees the revised discretionary planning charges for 2023/24 (with amended date as referred to above) as set out in Appendix B of the report; and
- (iv) Recommends the budget to Full Council for approval.

**8. LOCAL INFORMATION REQUIREMENTS**

The Committee considered a report by the Director of Planning and Regeneration on the proposed changes to the Local Information Requirements following a 6 week period of consultation which ended on 31 January 2023.

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

*The following paragraphs have been amended to the following:*

**RECOMMENDATION**

*1.8. Members are invited to agree the proposed changes to the Local Information Requirements set out in paragraphs 13 to 16 above. The proposed changes are incorporated into Appendix A and the changes are shown in italics.*

*19. Members are further invited to approve the changes to the Local Information Requirements so that they become effective from 1<sup>st</sup> March 2023, with the exception of the requirement for the Biodiversity Gain Plan which will become effective upon the adoption of the Fareham Local Plan 2037. The requirement for a Biodiversity Gain Plan will not apply to reserved matters applications.*

Councillor Mrs Walker requested that the Local Information Requirements are amended to include reference to the Sequential Test within the Flood Risk Assessment section.

Councillor Bastable requested the Local Information Requirements are amended to clarify the requirement for the Affordable Housing Statement when development is only proposed on part of a larger site.

RESOLVED that:

- (i) Members agree the proposed changes to the Local Information Requirements;
- (ii) DELEGATE authority to the Head of Development Management to amend the wording of the Local Information Requirements in respect of the Flood Risk Assessment and Affordable Housing Statement; and
- (iii) Members agree that the Local Information Requirements apply to the all applications received on or after the 1<sup>st</sup> March 2023, with the exception of the requirement for the Biodiversity Gain Plan which will become effective upon the adoption of the Fareham Local Plan 2037.

**9. 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/22/1560/FP - 69 RALEY ROAD LOCKS HEATH SO31 6PB**

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

Upon being proposed and seconded the officer recommendation to: -

- (i) DELEGATE authority to the Head of Development Management to:
  - (a) Agree any necessary modifications to the proposed development; and
  - (b) Make any necessary modifications, deletion or addition to the proposed conditions.

(ii) GRANT planning permission, subject to the conditions in the report.  
Was voted on and CARRIED.  
(Voting: 9 in favour; 0 against)

RESOLVED that: -

- (i) AUTHORITY BE DELEGATED be given to the Head of Development Management to:
  - (a) Agree any necessary modifications to the proposed development; and
  - (b) Make any necessary modifications, deletion or addition to the proposed conditions.
- (ii) PLANNING PERMISSION be granted, subject to the conditions in the report.

**(2) P/22/1172/VC - 166 SOUTHAMPTON ROAD TITCHFIELD PO14 4QL**

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

*Delete Condition 1 – the condition is not required as the original planning permissions to be varied have been implemented and Section 73 of the Town and Country Planning Act 1990, under which this application is being considered, sets out that planning permission must not be granted under this section where it would extend the time within which a development must be started.*

The Planning Officer also addressed the Committee to provide a verbal update, which was to state that the title of the report should be amended to also include the variation of Condition 2 of P/92/0906/VC, as is set out within the Officer report.

Upon being proposed and seconded the officer recommendation to: -

- (i) DELEGATE authority to the Head of Development Management to:

- (a) Agree any necessary modifications to the proposed development; and
  - (b) Make any necessary modification, deletion or addition to the proposed conditions or heads of terms for the Section 106 agreement; and
  - (c) Make any necessary changes arising out of detailed negotiations with the applicant which may necessitate the variation, addition or deletion of the conditions and heads of terms as drafted to ensure consistency between the two sets of provisions.
- (ii) AUTHORISE the deed of discharge in relation to the existing Section 106 legal agreement to allow the limited sale of clothing/footwear from the premises;
  - (iii) GRANT planning permission, subject to: -
    - (a) The applicant first entering into a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council to secure the retention of the B&M store in Fareham Town Centre for at least five years; and
    - (b) The removal of Condition 1, as per the Update Report; and
    - (c) The conditions in the report.

Was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that: -

- (i) AUTHORITY BE DELEGATED to the Head of Development Management to:
  - (a) Agree any necessary modifications to the proposed development;
  - (b) Make any necessary modification, deletion or addition to the proposed conditions or heads of terms for the Section 106 legal agreement;
  - (c) Make any necessary changes arising out of detailed negotiations with the applicant which may necessitate the variation, addition or deletion of the conditions and heads of terms as drafted to ensure consistency between the two sets of provisions;
- (ii) AUTHORITY be given to discharge the existing Section 106 legal agreement to allow the limited sale of clothing/footwear from the premises;
- (iii) PLANNING PERMISSION be granted, subject to: -

- (a) The applicant first entering into a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council to secure the retention of the B&M store in Fareham Town Centre for at least five years;
- (b) The removal of Condition 1 as per the Update Report; and
- (c) The conditions in the report.

**(3) P/22/1271/FP - 166 SOUTHAMPTON ROAD TITCHFIELD PO14 4QL**

Upon being proposed and seconded the officer recommendation to: -

- (i) DELEGATE authority to the Head of Development Management to:
  - (a) Agree any necessary modifications to the proposed development;
  - (b) Make any necessary modification, deletion or addition to the proposed conditions; and
- (ii) GRANT planning permission subject to the conditions in the report.  
Was voted on and CARRIED.  
(Voting: 9 in favour; 0 against)

RESOLVED that: -

- (i) AUTHORITY BE DELEGATED to the Head of Development Management to: -
  - (a) Agree any necessary modifications to the proposed development;
  - (b) Make any necessary modification, deletion or addition to the proposed conditions; and
- (ii) PLANNING PERMISSION be granted, subject to the conditions in the report.

**(4) P/22/1449/FP - 39 KNIGHTS BANK ROAD FAREHAM PO14 3HX**

The Chairman addressed the Committee in respect of a request received from the Local Ward Councillor (Councillor Dugan) on this application, which requested that Condition 3 be amended in order to also prevent the use of the annexe for business or commercial purposes.

Upon being proposed and seconded the officer recommendation to: -

- (i) DELEGATE authority to the Head of Development Management to:
  - (a) Agree any necessary modifications to the proposed development; and

(b) Make any necessary modification, deletion or addition to the proposed conditions;

(ii) GRANT planning permission, subject to: -

(a) The amendment to Condition 3 to include the wording 'or for business or commercial purposes'; and

(b) The conditions in the report.

Was voted on and carried.

(Voting: 8 in favour; 1 against)

RESOLVED that: -

(i) AUTHORITY BE DELEGATED to the Head of Development Management to:

(a) Agree any necessary modifications to the proposed development;

(b) Make any necessary modification, deletion or addition to the proposed conditions; and

(ii) PLANNING PERMISSION be granted, subject to: -

(a) The amendment to Condition 3 to include the wording 'or for business or commercial purposes'; and

(b) The conditions in the report.

**(5) P/23/0005/FP - 10 JAY CLOSE FAREHAM PO14 3TA**

Upon being proposed and seconded the officer recommendation to: -

(i) DELEGATE authority to the Head of Development Management to:

(a) Agree any necessary modifications to the proposed development;

(b) Make any necessary modification, deletion or addition to the proposed conditions; and

(ii) GRANT planning permission, subject to the conditions in the report.

Was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that: -

(i) AUTHORITY BE DELEGATED to the Head of Development Management to:

- (a) Agree any necessary modifications to the proposed development;
  - (b) Make any necessary modification, deletion or addition to the proposed conditions; and
- (ii) PLANNING PERMISSION be granted, subject to the conditions in the report.

**(6) Q/1777/22 - LAND TO THE EAST OF CROFTON CEMETERY AND WEST OF PEAK LANE STUBBINGTON**

Upon being proposed and seconded, the officer recommendation to authorise the completion of a deed of variation to the Section 106 planning obligation to update the mortgagee exclusion clause to reflect NHF requirements, was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that the Committee AUTHORISE the completion of a deed of variation to the Section 106 planning obligation to update the mortgagee exclusion clause to reflect NHF requirements.

**(7) Planning Appeals**

The Committee noted the information in the report.

**(8) UPDATE REPORT**

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

**10. TREE PRESERVATION ORDER - TPO 775 - 35 - 42 FOSTER CLOSE STUBBINGTON PO14 2HH**

The Committee considered a report by the Director of Planning and Regeneration on Tree Preservation Order No. 775 2022 at 35-42 Foster Close, and to which objections have been raised.

RESOLVED that Tree Preservation Order 775 is confirmed as originally made and served.

(The meeting started at 2.30 pm  
and ended at 4.18 pm).



# Agenda Item 6



## Report to Planning Committee

**Date:** 15 March 2023

**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

Held in the Collingwood Room, Civic Offices, Civic Way, Fareham, PO16 7AZ at 2.30pm.

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

Items for Zone 2 and 3 (Fareham East, Fareham North, Fareham North-West, Fareham South and Fareham West, Stubbington, Hill Head, Portchester East and Portchester West wards) will start no earlier than 3.45pm.

<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/22/0567/FP  LOCKS HEATH	12-14 SOUTHWOOD GARDENS LOCKS HEATH SOUTHAMPTON SO31 6WL  DIVERT A PUBLIC PATH AND CHANGE THE USE OF OPEN SPACE TO GARDEN BEHIND NEW FEATHER EDGE BOUNDARY FENCE.	1  PERMISSION
P/21/1317/FP  SARISBURY	ANDARK 256 BRIDGE ROAD SWANWICK SOUTHAMPTON SO31 7FL  CHANGE OF USE OF LAND ADJACENT TO DIVING LAKE TO A MOTORHOME AND CAMPING SITE FOR UP TO 7 MOTORHOMES AND 6 TENTS (EXCLUDING CARAVANS) & CONSTRUCTION OF TOILET/SHOWER FACILITIES	2  PERMISSION
P/22/0167/FP  WARSASH	47 FLEET END ROAD WARSASH SOUTHAMPTON SO31 9JH  THREE DETACHED DWELLINGS	3  PERMISSION

Q/0230/23 WARSASH	LAND TO SOUTH OF 79 GREENAWAY LANE (PHASE 2)  DEED OF VARIATION TO A UNILATERAL UNDERTAKING PURSUANT TO SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 DATED 16 SEPTEMBER 2022, RELATING TO APPLICATION P/21/1823/FP	4  APPROVE
Q/0261/23 WARSASH	LAND EAST OF BROOK LANE WARSASH  DEED OF VARIATION TO A UNILATERAL UNDERTAKING PURSUANT TO SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 DATED 17 FEBRUARY 2021, RELATING TO APPLICATION P/17/0752/OA	5  APPROVE

## OFFICER REPORT FOR COMMITTEE

DATE: 15/03/2023

P/22/0567/FP  
MR AND MRS JONES

LOCKS HEATH  
AGENT: MR PAUL COLE

DIVERT A FOOTPATH AND CHANGE THE USE OF LAND TO GARDEN BEHIND  
NEW BOUNDARY WALL

LAND TO THE REAR OF 12-14 SOUTHWOOD GARDENS, LOCKS HEATH, SO31  
6WL

### **Report By**

Katherine Alger – direct dial 01329 824666

### **1.0 Introduction**

1.1 This application is being reported to the Planning Committee for determination due to the number of third-party representations received

### **2.0 Site Description**

2.1 This application relates to an area of land to the east of the rear gardens of 12 and 14 Southwood Gardens. The site is located within the urban area and comprises scattered trees and vegetation and is bordered to the east and west by rear gardens. The area also contains an unmade informal pathway leading from an area of open space within Southwood Gardens to Lockswood Road.

2.2 The application site has since partially been enclosed by timber fencing and included within the rear garden area of 12 Southwood Gardens. The existing fencing projects approximately 4m into the existing area of open space. The land proposed to be included within the garden of number 14 has not yet been enclosed.

### **3.0 Description of Proposal**

3.1 The application seeks planning permission for the change of use the land into residential garden to form an extended garden for both numbers 12 and 14 Southwood Gardens.

3.2 The part of the application relating to the extension to the curtilage for number 12 is made partly in retrospect, with the garden for this property already having been extended and enclosed with a 1.8 metre high fence. The application proposes that this fence is to be replaced with a boundary wall; a wall will similarly enclose the extended garden for number 14 Southwood Gardens.

- 3.3 The application also proposes a 2 metre wide metalled pathway with a 1.5 metre wide landscaped verge with hedging at the rear of the extended gardens of 12 and 14 Southwood Gardens. This would formalise the existing unmade footpath/ desire line, between the open space to the south of the site and Lockwood Road. This path is to be constructed of a metalled surface (such as tarmac) and a condition will be imposed to ensure that it is lit with a low level lighting bollard on the rear boundary wall.
- 3.4 Following the completion of works, the ownership and maintenance of the footpath will be transferred to Fareham Borough Council through a legal agreement between the owners of No 12 and No 14 Southwood Gardens.

#### **4.0 Policies**

- 4.1 The following policies apply to this application:

##### **Adopted Fareham Borough Core Strategy (Local Plan Part 1)**

CS4: Green Infrastructure, Biodiversity and Geological Conservation

CS5: Transport Strategy and Infrastructure

CS9: Development in the Western Wards and Whiteley

CS17: High Quality Design

CS21: Protection and Provision of Open Space

##### **4.2 Adopted Development Sites and Policies Plan (Local Plan Part 2)**

DSP3: Impact on Living Conditions

DSP13: Nature Conservation

##### **Fareham Local Plan 2037 (emerging)**

- 4.3 The Fareham Local Plan 2037 was submitted to the Planning Inspectorate on 30th September 2021 and an examination conducted in March and April 2022. Following the conclusion of the examination hearings the Inspector requested a number of modifications to the Plan. The proposed modifications were the subject of public consultation from 31st October until 12th December 2022. The Council's Local Development Scheme schedules that the new plan will be adopted in Winter 2022/2023. On adoption the Local Plan will have full weight and in its current advanced stage is a material consideration for the determination of planning applications. The following draft policies of the emerging plan are of relevance.

HP3: Change of Use to Residential Garden Land

NE1: Protection of Nature Conservation, Biodiversity and Local Ecological Network

NE2: Biodiversity Net Gain

- NE6: Trees, Woodland and Hedgerows
- TIN1: Sustainable Transport
- D1: High Quality Design and Place Making
- D2: Ensuring Good Environmental Conditions

#### **4.4 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:

<b>FBC.4927/19</b>	OUTLINE PERMISSION FOR ERECTION OF FOUR, FOUR BEDROOMED DETACHED DWELLINGS
<b>Permission</b>	23/05/91
<b>P/96/0141/FP</b>	ERECTION OF THREE DETACHED DWELLINGS WITH GARAGES
<b>Permission</b>	18/07/96

- 5.2 The original planning permission for the development (FBC.4927/19) included a legal agreement which required the provision of a pathway to link the existing open space in Southwood Gardens, through the application site to link with Lockwood Road.
- 5.3 The planning obligation required the delivery of this path by the developer and that such a path would subsequently be transferred to Fareham Borough Council. The housing developer never undertook this work and subsequently ceased trading which resulted in the land ownership being transferred to the Crown.
- 5.4 In the circumstances where there is non-compliance with a planning obligation, any action needs to have been taken against such a breach within a period of ten years. Once a ten year period has lapsed, as in this case, there is no longer the opportunity to secure this footpath link via the original permission via enforcement of the Section 106.
- 5.5 This land is now in the process of being acquired by the applicants and this application seeks to deliver the footpath link from Southwood Gardens through to Lockwood Road, essentially formalising what is an established desire line and delivering a route that was initially intended to be delivered through the planning permission FBC.4927/19.

## **6.0 Representations**

6.1 Six representations were received during the initial 21-day notification period from five different households. Four were received from households within Southwood Gardens, one from a household within Kingcup Avenue to the south and one from Southmead Road. The following concerns have been raised:

- Setting a precedent for land grabbing
- Loss of wooded area
- No guarantee that new trees will remain in the long term
- Path not in keeping with existing greenway to the south of green spaces within locks heath due to the narrow enclosure with no grass verge
- High fencing restricts sight lines for pedestrians and cyclists
- Fencing out of keeping with character of the area should be a brick boundary
- Loss of biodiversity
- Impact on trees
- Narrow width of the path may lend itself to criminal activity
- Impact upon the outlook from dwellings due to loss of trees
- Barriers should be provided to prevent motorcycles from accessing path
- Unclear how much land sold to residents
- Should be notices put up regarding dog fowling in this area
- Lack of publicity on planning application
- Low level bollard lighting could be at high level

6.2 Amended plans were submitted during the planning application being considered. The amended plans straightened out the path and proposed planting along the outside of the boundary wall adjacent to the path. Further publicity was carried out on the amended plans during which two representations were received from the residents of two properties within Southwood Gardens (who had both previously commented) and raised the following concerns:

- Lighting bollard is too low level and could easily be vandalised
- No barriers proposed to prevent motorcycles

## **7.0 Consultations**

EXTERNAL

7.1 **Hampshire Constabulary - Designing Out Crime Officer (comments relate to the original application submission)**

The proposal will create a footpath, with no natural surveillance from the overlooking dwellings, that is enclosed, not straight and unlit. A place within which a person might lie-in-wait unseen is also created. These attributes significantly increase the opportunities for crime and disorder. In our opinion the footpath and the newly created connectivity between Lockwood Road and Southwood Gardens will be unsafe.

7.2 **Countryside Access Team**

No Comments received.

INTERNAL

**Ecology**

- 7.3 No objection subject to condition ensuring the development is carried out in accordance with Preliminary Ecological Appraisal and a condition requiring planting of species-rich native hedging along the northern and eastern boundaries

**Street Scene (Open Space)**

- 7.4 No objection -The path appears to be straight and so would be less intimidating for users. Having low level planting and/or verge would help with the amenity value.

**Trees**

- 7.5 No objections.

**8.0 *Planning Considerations***

- 8.1 The following matters represent the key material planning considerations which need to be assessed in determining the planning application:

- a) Principle of the development
- b) Impact upon the character and appearance of the area;
- c) Impact upon residential amenity
- d) Ecology
- e) Trees
- f) Other matters

**a) Principle of the development**

- 8.2 Policy HP3 (Change of use to Garden Land) of the emerging Fareham Local Plan states that a change of use of land to residential garden will be permitted where:



- a) It is in keeping with the character, scale and appearance of the surrounding area; and
- b) It will not detract from the existing landscape; and
- c) It respects the views into and out of the site.

Proposals that include new boundary treatments must ensure that it is appropriate and in keeping with the character of the surrounding area.

- 8.3 The site was subject to a Section 106 Legal Agreement following the grant of planning permission in outline in 1991 (application reference: FBC.4927/19) and then a subsequent full detailed application in 1996 (application reference P/96/0141/FP) for the construction of the dwellings to the west of the land.
- 8.4 The legal agreement stipulated that the land should be provided as a greenway linking the open space at Southwood Gardens to Lockwood Road. Planning Condition 7 of the outline planning permission highlights that the site should be retained as greenspace.
- 8.5 The land was never laid out as public open space and no footpath was ever provided. The builder ceased trading before the works were carried out and the land transferred to the Crown.
- 8.6 The application seeks to provide a footpath link between the existing Open Space and Lockwood Road and to extend the residential garden areas for the properties at 12 and 14 Southwood Gardens.
- 8.7 It is considered that the provision of the boundary wall and provision of hedging and a tarmacked footpath would be in-keeping with the character, scale and appearance of the surrounding area. It is not considered to detract from the existing landscape and additional hedging will be planted along the boundary. Furthermore, it is considered to respect the views into and out of the site. The proposed boundary treatment is also considered to be acceptable.
- 8.8 The proposal is therefore considered to be acceptable in principle and would be in accordance with Policy HP3.

**b) Impact upon the character and appearance of the area**

- 8.9 Policy CS17 of the Core Strategy states that all development will be designed to respond positively to and be respectful of the key characterises of the area, including heritage assets, landscape, scale, form and spaciousness and use of external materials. Draft Policy D1 of the emerging Fareham Local Plan 2037 similarly requires development proposals and space to be of high-quality design based on the principles of urban design and sustainability.

- 8.10 The plans initially submitted included the provision of a timber boundary fence. However, this has since been amended to provide a 1.8 metre high brick boundary wall. There are number of brick boundary walls within the surrounding area. Therefore, it is considered that the proposed wall would have regard to the key characteristics of the area and would provide a robust and defensible boundary.
- 8.11 It is also proposed to plant hedging along the boundary wall adjacent to the footpath. This would soften the appearance of the boundary treatment and the setting of the footpath. A condition will be imposed for the applicant to provide details on the hedge species to ensure native planting is provided.
- 8.12 The surrounding properties within Southwood Gardens have varying plot sizes. Therefore, it is not considered that the enlarged plot sizes of No 12 and 14 would have an unacceptable impact on the character of the surrounding area.
- 8.13 It is therefore considered that the proposal would be acceptable in design terms and would have regard to the key characteristics of the surrounding area and would be in accordance with Policies CS17 and Policy D1.

**c) Impact on residential amenity**

- 8.14 Policy DSP3 of the Local Plan Part 2 and Policy D2 of the emerging Fareham Local Plan state that proposals should not result in an unacceptable impact upon neighbouring properties by way of a loss of light, outlook and/ or privacy.
- 8.15 The boundary wall to the rear of numbers 12 and 14 Southwood Gardens will move closer towards the properties within Heath Road South to the east. A 3.5 metre gap will remain between the rear boundaries to provide for the path and associated landscaping. Therefore, it is considered that the relocation of the boundary wall will not result in an unacceptable adverse impact upon the neighbouring properties, nor will the extended garden areas.
- 8.16 There is already an informal pathway connecting the open space to Lockwood Road and the proposal will formalise this path. There is already considered to be an amount of public activity between the rear boundaries of the properties within Heath Road South and Southwood Gardens and furthermore this pathway was always intended to be delivered as part of the development of Southwood Gardens.
- 8.17 Concerns have been raised regarding the outlook to the neighbouring properties as a result of the removal of the trees and the increase in traffic noise. Due to the separation distance between the neighbouring residential properties, it is not considered that the removal of the trees would have a

significant impact on the outlook of the neighbouring properties. It is also not considered that the removal of the trees would amount to an increase in traffic noise from Lockswood Road.

- 8.18 The proposals are therefore, considered to comply with Policies DSP3 and D2.

**d) Ecology**

- 8.19 A Preliminary Ecological Appraisal (PEA) was submitted with the application. The Council's Ecologist is satisfied with the report and has recommended a condition requesting the works to be carried out in accordance with the recommended actions to mitigate and enhance.
- 8.20 In terms of the planting of the boundary hedging, the Ecologist has raised concerns that the proposed boundary hedging would be non-native and therefore not a suitable species. They have therefore advised that a condition should be imposed to ensure that species-rich native hedging including hawthorn, spindle, holly, dogrose haze and field maple with a minimum of 4 trees within the hedge (feathered or light standard trees) along the northern and eastern boundaries are planted.

**e) Trees**

- 8.21 Several Willow trees have been removed from the site in the new enlarged garden area to the rear of 12 Southwood Gardens. There are a number of Laurel shrubs and a Sycamore tree in the area to the rear of 14 Southwood Gardens and these are shown to remain on the submitted tree plan.
- 8.22 A number of concerns have been raised regarding the loss of the woodland area. The Council's Tree Officer has considered the application and raises no objection to the proposal. This area is not a protected woodland or an area of designated public open space and the trees within this area are not subject to Tree Preservation Orders. Therefore, it is considered that the removal of trees within this location would be acceptable in this instance.
- 8.23 Concerns have also been raised that the trees and planting would not be retained in the long term. The hedgerow and tree planting along the path would be transferred to the Borough Council and as such would be maintained, along with the rest of the Southwood Gardens area of designated public open space by the Borough Council in perpetuity. A maintenance contribution would be secured through a section 106 legal agreement.

**f) Other matters**

- 8.24 **Hampshire Constabulary's Designing Out Crime Officer** raised concerns to the initial plans. The initial plans did not include the extension to the rear garden of No 14 Southwood Gardens, the path included two 90 degree turns along its length and had a width of only 1 metre. The amended plans resulted in the creation of a straight path with a 2 metre width and a condition will be imposed for lighting to be provided. Having regard to the short length of the path and the fact it is located adjacent to a main distributor road, it is considered that the amended plans have addressed the main concerns raised.
- 8.25 **Lack of safety barrier or motorcycle prevention barrier-** The provision of a barrier at the Lockswood Road end of the path would be secured through the Section 106 legal agreement to address motorcycle use of the footpath.
- 8.26 **Setting a precedent for land grabbing-** Each application is determined on its own merits. Should an application come forward in the future to purchase an area of land, it will be considered on the relevant material planning considerations.
- 8.27 **Unclear how much land sold to residents-** The extent of the purchased land will extend to the boundary with the rear garden of the properties along Heath Road South. However, 3.5 metres of the land would subsequently be transferred to the Borough Council under the s106 legal agreement once the path has been created to the satisfaction of the Council.
- 8.28 **Notices regarding dog fouling-** This is not a material planning consideration and will not be considered during the determination of this application.
- 8.29 **Low level bollard lighting should be high level-** Following discussions with the Council's Ecologist, it was considered that a low level bollard lighting would be more appropriate and of a lower impact on nocturnal species. These details will be secured via a condition.
- 8.30 **Lack of publicity on planning application-** The Local Planning Authority is satisfied that the consultation process was carried out in accordance with the legislation within the Town and Country Planning (Development Management Procedure) (England) Order 2015 giving neighbouring residents the statutory 21-day consultation process to comment initially with an additional 14-day consultation period following recipient of amended plans.

## 9.0 Summary

**9.1** In summary, it is considered that the change of use of the land and the provision of a footpath and landscaping would be a suitable addition to the area and would provide a suitable metalled surface for the use of local residents walking from Southwood Gardens to Lockwood Road. It is noted that the Crime Prevention Officer has raised objections however, the concerns raised were addressed during the amendments to the application.

## **10.0 Recommendation**

Subject to:

**10.1** The applicant/owner first entering into a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council in respect of the following:

- a) Timescale for delivery of the footpath and landscaping
- b) Once the footpath and landscaping has been completed to the reasonable satisfaction of Fareham Borough Council, transfer of the footpath and landscaping belt to Fareham Borough Council
- c) Payment of the necessary commuted maintenance sum for the path and landscaping adjacent to the path

Then;

**10.2 GRANT PLANNING PERMISSION** Subject to the following conditions:

1. The development hereby permitted shall be begun before three years from the date of this permission.  
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 constructed in accordance with the following approved documents:
  - a) Site Location Plan AIM.CPM.PLN.022 Sheet 1
  - b) Plan View of Plot AIM.CPM.PLN.022 Sheet 2
  - c) Isometric View of Plot AIM.CPM.PLN.022 Sheet 3
  - d) Tree Plan AIM.CPM.PLN.022 Sheet 4
3. No development shall proceed until details of the boundary wall surrounding the extended gardens of 12 and 14 Southwood Gardens including design and materials have been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be fully

implemented within 6 months from the date of this decision and shall thereafter be retained at all times unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure that the development harmonises well with its surroundings.

4. The works shall be carried out in accordance with Section 6.0 'RECOMMENDED ACTIONS TO MITIGATE AND ENHANCE' of the Preliminary Ecological Appraisal by Ecosupport (November 2022).  
REASON: To ensure that biodiversity is enhanced as a result of the proposed development.
5. No development hereby permitted shall proceed until details of the finished footpath treatment have been submitted to and approved by the Local Planning Authority in writing. The surfacing materials shall comprise a suitable metaled surface. The development shall thereafter be carried out in accordance with the approved details and the hard surfaced areas subsequently retained as constructed.  
REASON: In the interests of public amenity and safety.
6. No development shall proceed until a landscaping scheme identifying all trees, shrubs and hedges to be planted have been submitted. These should include planting of a species-rich native hedge including hawthorn, spindle, jolly, dogrose hazel and field maple with a minimum of 4 trees within the hedge (feathered or light standard trees) along the northern and eastern boundaries. These details shall include the species, planting sizes, planting distances, density, numbers, 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 and to ensure that biodiversity is enhanced as a result of the proposed development.
7. No development shall proceed until details of the proposed bollard lighting or other means of external illumination have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and any lighting thereafter retained in the approved form.  
REASON: In order to prevent light disturbance to occupiers of nearby residential properties and control light pollution.
8. 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.

Then;

**10.3** DELEGATE authority to the Head of Development Management to:

(a) make any necessary modification, deletion or addition to the proposed conditions or heads of terms for the Section 106 legal agreement; and

(b) make any necessary changes arising out of detailed negotiations with the applicant which may necessitate the variation, addition or deletion of the conditions and heads of terms as drafted to ensure consistency between the two sets of provisions.

**10. *Background Papers***

Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

# FAREHAM BOROUGH COUNCIL



12-14 Southwood Gardens

Scale 1:1,250

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# Agenda Item 6(2)

## OFFICER REPORT FOR COMMITTEE

DATE: 15/03/23

P/21/1317/FP  
MR & MRS GODDARD

SARISBURY  
AGENT: NOVA PLANNING LTD

CHANGE OF USE OF LAND ADJACENT TO DIVING LAKE TO A MOTORHOME AND CAMPING SITE FOR UP TO 7 MOTORHOMES & SIX TENTS (EXCLUDING CARAVANS) & CONSTRUCTION OF TOILET/SHOWER FACILITIES

ANDARK DIVING LAKE, 256 BRIDGE ROAD, SWANWICK, SO31 7FL

### **Report By**

Susannah Emery – direct dial 01329 824526

### **1.0 Introduction**

1.1 The application is reported to the Planning Committee due to the number of third party letters of objection received.

### **2.0 Site Description**

2.1 The application site is located outside of the urban settlement boundary at the eastern end of Oslands Lane.

2.2 Oslands Lane is a private lane and it is also a public right of way (PROW) that extends from Bridge Road up to the entrance to the Diving Lake and then along the northern boundary of the site. The lane is unmade and narrow in places.

2.2 The application site encompasses land adjacent to the Andark Diving Lake and ancillary pavilion.

2.3 The site abuts areas of woodland to the north, east and south. A public footpath extends along the northern boundary of the site from the end of Oslands Lane.

### **3.0 Description of Proposal**

3.1 Planning permission is sought for the change of use of the land for use as a campsite for up to seven motorhomes and six tents. The application has been amended since submission from 17 pitches (7 motorhome & 10 tents) to 13 pitches.

3.2 The pitches would be arranged to the north of the Diving Lake and pavilion extending into the paddock that lies to the east of the lake.

- 3.3 The campsite would be open on a seasonal basis between 1 March – 30 November each year.
- 3.4 A small shower and toilet block is proposed close to the entrance to the site adjacent to the northern boundary which would connect to the mains public sewers.
- 3.5 The proposed use has occurred on an unauthorised low level basis for a number of years.

#### **4.0 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

CS6 - The Development Strategy

CS9 – Development in Western Wards and Whiteley

CS14 - Development Outside Settlements

CS15 - Sustainable Development and Climate Change

CS17 - High Quality Design

CS20 - Infrastructure and Development Contributions

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

DSP1 - Sustainable Development

DSP2 - Environmental Impact

DSP3 - Impact on living Conditions

DSP8 - New Leisure and Recreation Development Outside of the Defined Urban Settlement Boundaries

DSP13 - Nature Conservation

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

##### **Fareham Local Plan 2037 (Emerging)**

The Fareham Local Plan 2037 was submitted to the Planning Inspectorate on 30th September 2021 and an examination conducted in March and April 2022. Following the conclusion of the examination hearings the Inspector requested a number of modifications to the Plan. The proposed modifications were the subject of public consultation from 31<sup>st</sup> October until 12<sup>th</sup> December 2022. The Council's Local Development Scheme schedules that the new plan will be adopted in Winter 2022/2023. On adoption the Local Plan will have full weight and in its current advanced stage is a material consideration for the determination of planning applications. The following draft policies of the emerging plan are of relevance.

- DS1 Development in the Countryside
- NE1 Protection of Nature Conservation, Biodiversity and the Local Ecological Network
- NE3 Recreational Disturbance on the Solent Special Protection Areas (SPAs)
- NE4 Water Quality Effects on the Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar Sites of the Solent
- NE6 Trees, Woodland and Hedgerows
- TIN2 Highway Safety & Road Network
- D2 Ensuring Good Environmental Conditions

## **5.0 Relevant Planning History**

5.1 The following planning history is relevant:

- |              |  |
|--------------|--|
| P/09/0454/FP | PROVISION OF DIVING TRAINING LAKE WITH ANCILLARY PAVILION BUILDING AND LANDSCAPING<br>Refused 30 September 2009<br>Appeal Dismissed 15 July 2010   |
| P/11/0197/FP | PROPOSED DIVER TRAINING LAKE WITH ANCILLARY PAVILLION BUILDING AND LANDSCAPING.<br>Permission 4 November 2011  |
| P/13/0260/VC | VARIATION OF CONDITION 2 OF PLANNING REFERENCE P/11/0197/FP - ALTERATIONS TO THE CONTOUR OF LAND AROUND APPROVED BUILDING TO CREATE FREE STANDING STRUCTURE<br>Permission 6 September 2013 |

## **6.0 Representations**

6.1 Five representations have been received raising the following concerns;

- Overdevelopment of the countryside
- The camp site has been operational for a number of years
- Noise concerns
- The applicant has failed to comply with S106 in respect of types of activities and movements on the lane
- Additional vehicle movements
- Excessive speeds of traffic
- Who will maintain the lane?
- The lane is in poor condition

- Additional signage required
- Detrimental to pedestrian safety
- Lack of lighting at night is dangerous
- Lane unsuitable for large motorhomes
- Insufficient access for emergency services
- Increased vehicle movements result in noise disturbance
- Rubbish
- Dust
- Construction traffic will need to access the lane
- Will there be someone on site 24/7 to manage any issues arising

Seven letters of support have also been received.

## **7.0 Consultations**

EXTERNAL

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

- 7.1 The applicant has used a first principle approach to calculate the level of trips generated by the proposed development, this methodology is acceptable given the unique nature of the development site.
- 7.2 It has been calculated that each camping pitch would generate a total of 6 daily traffic movements. It's understood that daily movements take place between a 12-hour period during the day of between 12:00pm and 12:00am (midnight). Operationally the vast majority of movements occur between 12:00pm and 18:00pm. With the site working at full capacity and all 17 pitches in use the site would generate a total of 102 traffic movements\* per day. When spread over a 12-hour period this would result in 8 or 9 traffic movements per hour.
- 7.3 With the above scenario being worst case, the Highway Authority are satisfied that due to the nature of this proposal, the number of trips generated by the development would not have a severe detrimental impact to highway safety in the local area and raise no objection.

\* The anticipated daily number of vehicles movements on the Lane has subsequently been reduced from 102 to 38. This reduction is because of an error in the Highway Technical Note (TN) which has been corrected and a reduction in the number of pitches.

### **Hampshire Countryside Services**

- 7.4 Fareham Footpath 18 (Oslands Lane) runs East from Bridge Road and provides a link from Swanwick to the River Hamble and links to the Coastal Path.
- 7.5 The proposed vehicular access to the development site is along footpath 18. There are no recorded public vehicular rights over footpath 18. It is an offence under Section 34 of the Road Traffic Act 1988 to drive over a public footpath, bridleway or restricted byway without lawful authority. This is a legal matter and the application should demonstrate to their own satisfaction and the satisfaction of Fareham Borough Council that they have this authority (either by owning the land over which the right of way runs, or alternatively having been granted permission by the landowner) and that this permission extends to development as proposed.
- 7.6 Hampshire County Council, as Highway Authority, have a duty to maintain the right of way to a standard commensurate only with its expected normal public use, which for footpath 18 is limited to pedestrians, we are not obliged to provide a surface suitable for cars.
- 7.7 The applicant is advised to provide suitable signage on Oslands Lane warning drivers of the presence of walkers on the footpath and of the requirement to give way to users.

### **Natural England**

- 7.8 No objection

### **INTERNAL**

#### **Ecology**

- 7.9 Immediately to the north, east and south of the site is a parcel of 'Priority Habitat' woodland. Andark Marsh Site of Importance for Nature Conservation (SINC) is located to the south of the existing access to the site.
- 7.10 It is understood that as part of the development of the diving lake, deer proof fencing was erected around the perimeter of the site. Provided that this fence line is still intact and will prevent access to the woodland by the campers, I raise no concerns.
- 7.11 I would however request that a species-rich native hedgerow or shrub/tree planting with native species, reflecting those present within the adjacent woodland is carried out along the northern, eastern and southern boundaries of the site (along the fence line). This could be secured via a Planning Condition. In addition, a planning condition should be imposed to restrict the parking of motorhomes within 10m of the woodland edge.

## **Environmental Health**

- 7.12 The operator of the site will need to apply for a licence to permit the occupation of the site for camping and motorhomes. The applicant should contact Environmental Health if planning permission is granted.

## **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:

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

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

- 8.2 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.'*

- 8.3 Policy DSP8 of the Local Plan Part 2: Development Sites & Policies concerns New Leisure and Recreation Development Outside of the Defined Urban Settlement Boundaries. It sets out that proposals for leisure and recreation development outside of the defined urban settlement will be permitted, where they do not have an unacceptable adverse impact on the strategic and/or local road network. It is stated that proposals for camping and/or caravanning outside of the defined urban settlement boundaries should have good access to services and facilities, and should not detract from views to and from the River Hamble, Fareham Creek, Portsmouth Harbour, or the Solent Way Coastal footpath. In addition proposals should avoid the loss of significant trees, should not have an unacceptable impact on the amenity of residents, and should not result in unacceptable environmental or ecological impacts or detrimental impact on the character or landscape of the surrounding area. New buildings should be well designed to respect the character of the area and, where possible, should be grouped with existing buildings.

- 8.4 Policy DS1 of the Emerging Local Plan 2037 concerns development in the countryside. It states that proposals for development in the countryside will be supported where the proposal;

*'is for retail, community and leisure facilities, tourism or specialist housing where it can be demonstrated that there is a local need for the facility that cannot be met by existing facilities elsewhere.'*

- 8.5 In addition it is stated that proposals will need to demonstrate that they protect and enhance landscapes and sites of biodiversity value and recognise the intrinsic character and beauty of the countryside. The applicant suggests that the use of the land as a camp site would support the existing business enabling visitors to the diving lake to stay overnight for activity and leisure breaks. Camping/caravan sites for short term stays are certainly not in abundance elsewhere within the Borough and there are no such facilities locally.
- 8.6 It is considered that the proposal would comply with Policy CS14 of the adopted Core Strategy, Policy DSP8 of the adopted Local Plan Part 2: Development Sites & Policies and Policy DS1 of the Emerging Fareham Local Plan 2037.

#### **b) Site History**

- 8.7 The Andark Diving Lake was initially refused planning permission (P/09/0454/FP) by the Council in 2009 for the following reason;

*'The proposed development is unacceptable in that it is not essential for agricultural, forestry or horticultural purposes nor has an overriding need for a countryside location and is therefore contrary to Policy C1 of the Fareham Borough Local Plan Review.'*

- 8.8 The main issues considered in the subsequent appeal were the effect of the proposal on the character and appearance of the surrounding area, the effect in relation to traffic and the effect in relation to noise and disturbance. The appeal was dismissed by the Planning Inspector for one sole reason relating to the impact of the proposal on the amenity of neighbouring properties in terms of noise and disturbance from increased use of the lane by vehicles.
- 8.9 Within the application it was proposed that visitors to the lake would park within the existing car park at the bottom of the lane and would be transported to the lake by electric powered vehicles to minimise movements on the lane. On this matter the appeal inspector commented:

*'There are a number of dwellings that use this track and any significant increase in vehicle movements along it could have an unacceptable impact on the living conditions of these occupiers in terms of convenience in using the track and possible disturbance when in their gardens. Meeting vehicles may have to back up a considerable distance.'*

- 8.10 The Inspector was of the view that there was insufficient information at that time to accurately assess the level of impact arising from the development in question in terms of vehicle movements and the impact to neighbouring properties. The applicants stated that only 50 people would be permitted to use the lake at any one time but there were concerns that there was potential for multiple sessions per day resulting in the need to transport up to 500 people up and down the lane in a single day. The appeal inspector indicated that transporting 50 people up and down the lane was likely to be reasonable but was concerned that transporting 500 people up and down the lane could have an unacceptable impact on the residential amenity of the occupants of those residential properties fronting the lane in terms of inconvenience and disturbance. He concluded that;

*'because of the substantial potential for harm in association with traffic movements between the existing premises and the lake that the proposal would be unacceptable in relation to the living conditions of neighbouring occupiers.'*

- 8.11 A subsequent application (P/11/0197/FP) for the Diving Lake was permitted in 2011 which addressed these concerns by limiting the number of sessions to be held at the diving lake to one per day with a maximum of 50 people permitted at the session. It was suggested that this would result in approx. 10 vehicle movements per day on Oslands Lane. Visitors would on the whole park within the car park at the end of Oslands Lane and be transported to and from the site by minibus or electric vehicles (excluding vehicles displaying a disabled badge). These requirements were secured by a Section 106 legal agreement dated 5 October 2011 which remains enforceable. In addition prior to the Diving Lake being brought into use three passing places were installed on land to the south side of the lane at appropriate intervals to allow for the convenient passing of vehicles to ease movement on the lane and reduce the potential for conflict.

### **c) Impact on Living Conditions of Neighbouring Residential Properties**

- 8.12 In light of the above the increased number of movements on Oslands Lane as a result of the proposal and the subsequent impact on the living conditions of



neighbouring residential properties in terms of noise and disturbance is a key material planning consideration.

- 8.13 Policy DSP2 of the Local Plan Part 2: Development Sites & Policies concerns Environmental Impact and states that;

*‘Development proposals should not, individually, or cumulatively, have a significant adverse impact, either on neighbouring development, adjoining land, or the wider environment, by reason of noise, heat, liquids, vibration, light or air pollution (including dust, smoke, fumes or odour).’*

- 8.14 Policy D2 of the Emerging Fareham Local Plan 2037 sets out a similar test and states in part;

*“Development must ensure good environmental conditions for all new and existing users of buildings and external space.*

*Development proposals, including changes of use, will be permitted where they:...*

*b) Do not, individually, or cumulatively, have an unacceptable adverse environmental impact, either on neighbouring occupants, adjoining land, or the wider environment...”*

- 8.15 The Highway Technical Note (TN) submitted in support of the application suggests that a motorhome pitch would generate 2 vehicular movements per day and a tent would generate 4 movements per day. Based on the reduced number of pitches proposed that would equate to a total of 38 additional vehicle movements on the lane per day. It is not considered that the number of additional vehicle movements on the lane generated by the campsite would be of a level that would result in a detrimental impact to the living conditions of neighbouring properties by virtue of inconvenience, noise or disturbance. The current application differs to the appeal proposal in this respect in that there is more certainty in the anticipated number of vehicle movements that would be generated by the campsite and the conditions on the lane have also been improved since that time through the addition of the passing bays.

- 8.16 It is also not considered that the use of the site for camping would result in noise levels that would be harmful to the living conditions of neighbouring residential properties. The nearest property (Glenside) would be in excess of 90m from the nearest pitch. The camp site has been operational on a small scale for a number of years and no direct complaints have been received by Environmental Health in respect of noise or disturbance.

#### **d) Impact on Character & Appearance of the Area**

- 8.17 The site is visually contained by surrounding woodland and there would be limited views into the site. Whilst it is possible to obtain views from the adjacent public footpath at the northern boundary it is not considered that the low number of motorhomes and tents to be accommodated on the site in a low density arrangement would be visually intrusive. The camp site would not be in use during the winter months (December - February) when tents and motorhomes would be more visible due to the loss of vegetation screening. It is not considered that the proposal would adversely affect the landscape character, appearance or function of the countryside.

#### **e) Highways**

- 8.18 The Highway Authority (Hampshire Council Council) have been consulted on the application and raised no objection in relation to highway safety as a result of the increased vehicle movements. The figures referred to in the County Highway Officers consultation response are now outdated and the anticipated daily number of vehicles movements on the lane has been reduced from 102 to 38, although it should be noted there was no objection to the higher figure. This reduction is because of an error in the Highway Technical Note (TN) which has been corrected and a reduction in the number of pitches. Given the low volume of vehicular traffic associated with the proposed use and the relatively slow vehicle speeds on Oslands Lane, the proposed development is not considered likely to result in highway capacity or safety issues, including pedestrian users of the public footpath. A planning condition would be imposed to seek additional signage on the lane to alert drivers to the presence of pedestrians and to encourage reduced vehicle speeds.
- 8.19 The applicant has advised that caravans are not to be permitted at the campsite. It is considered that the surfacing of the lane and the limited width in places would cause difficulty for cars towing a caravan which could potentially result in temporary obstruction of the lane. A planning condition would be imposed accordingly.
- 8.20 The TN includes an extract from Land Registry which demonstrates that the applicant has a legal right of access over Oslands Lane from the junction with the A27 (Bridge Road) to the application site. Although this is largely a private matter the applicant is satisfied that they have the necessary right of access to the application site and the Council has no grounds to dispute this.

#### **f) Ecology & Trees**

8.21 The proposal would not result in the removal of any trees but it is surrounded by woodland which is ecologically sensitive. The site is currently enclosed around its boundaries which would limit the potential for public access directly to the woodland from the camp site. The proposed site plan also shows a buffer (approx. 14m) along the eastern boundary of the site and a planning condition would be imposed to ensure that a further fence line is installed to enclose this buffer. Further details of a landscaping scheme incorporating species-rich native hedgerow planting or shrub/tree planting will also be sought for the buffer and along the northern and southern boundaries of the site. The position of the pitches should remain as indicated on the proposed site plan to prevent infringement on the woodland and this would be secured by planning condition.

#### **g) Impact on Habitat Sites**

8.22 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.

8.23 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.

8.24 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 'Habitat Sites' (HS).

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

- 8.26 Officers have undertaken an Appropriate Assessment to assess the likely significant effects of the development on the HS. The key considerations for the assessment of the likely significant effects are set out below.

***Recreational Disturbance -***

- 8.27 Firstly, in respect of Recreational Disturbance, the development is within 5.6km of the Solent SPAs and is therefore considered to contribute towards an impact on the integrity of the Solent SPAs as a result of increased recreational disturbance in combination with other development in the Solent area.
- 8.28 NE advised that in respect of the Solent SPA's a contribution would not be required in respect of the proposed use to address the impact of recreational disturbance provided that it was not operated during the overwintering months (Oct-March). As the camp site would be open for 3 months of the overwintering period a proportionate contribution has been sought based on the flat fee for the thirteen caravans/tents which is currently set at £652 per pitch. The applicants have made the appropriate financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMP).
- 8.29 Research undertaken by Footprint Ecology has identified that planned increases in housing around the New Forest's designated sites, will result in increased visitors to the sites, exacerbating recreational impacts upon them. It was found that the majority of visitors to the New Forest's designated sites, on short visits/day trips from home, originated from within a 13.8km radius of the sites referred to as the 'Zone of Influence' (ZOI). The western side of the Borough of Fareham falls within this 13.km radius, measured on the basis of 'how the crow flies'.
- 8.30 This Council's Interim Mitigation Solution to address this likely significant effect, was approved by the Council's Executive on 7th December 2021. The Interim Mitigation Solution has been prepared in consultation with Natural England. The mitigation comprises a financial contribution from the developer to mitigate against any impacts through improvements to open spaces within Fareham Borough and a small financial contribution to the New Forest National Park Authority. The applicant has made a financial contribution (equivalent to thirteen dwellings) which has been secured by an agreement under Section 111 of the Local Government Act 1972.

***Water Quality (nitrates)***

- 8.31 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 and overnight accommodation) will have a likely significant effect upon the HS.

- 8.32 A nitrogen budget has been calculated in accordance with Natural England's '*National Generic Nutrient Neutrality Methodology*' (Feb 2022) ('the NE Advice') and the updated calculator (20 April 2022) which confirms that the development will generate 5.58 kgTN/year. Officers have accepted the use of an average occupancy of the proposed motorhomes/tents of 2.4 persons. The existing use of the land for the purposes of the nitrogen budget is considered to be open urban land. A slightly lower level of water consumption in comparison to dwellings of 100L water/per day/per person has been proposed and accepted in the budget calculation. It is not expected that guests at the campsite would use as much water as within the typical dwelling (this is supported by water requirements set out within BS 8551:2015). The nitrate budget is also calculated based on the seasonal use of the campsite, taking into account the 3 month winter closure period. Due to the uncertainty of the effect of the nitrogen from the development on the HS, adopting a precautionary approach, and having regard to NE advice, the Council will need to be certain that the output will be effectively mitigated to ensure at least nitrogen neutrality before it can grant planning permission.
- 8.33 The applicant has secured 5.58 kg of nitrate mitigation 'credits' from a wetland scheme at Whitewool Farm and provided the Council with the completed allocation agreement to confirm. Through the operation of a legal agreement between the landowners (William and James Butler), the tenant (Butler Farms) and Fareham Borough Council dated 3rd November 2021, the purchase of the credits will result in a corresponding reduction in nitrogen entering The Solent marine environment.
- 8.34 The Council's appropriate assessment concludes that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the HS 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.

### **Summary**

- 8.35 The proposal is considered to comply with the relevant policies of the adopted Local Plan and the Emerging Fareham Local Plan 2037. It is not considered that the proposal would have an unacceptable impact on the residential

amenity of the neighbouring residential properties in terms of inconvenience, noise or disturbance. The site is visually contained and the proposal would not have an adverse impact on the character and appearance of the area. The proposal would not have an unacceptable impact on the strategic or local road network or pedestrian safety. The proposal would not adversely affect trees or ecology and appropriate mitigation has been secured to address the likely significant effect of the proposal on Habitat Sites.

## **9.0 Recommendation**

### **9.1 GRANT PLANNING PERMISSION;** subject to the following conditions;

1. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:
  - i) Location Plan – drwg No. A-XX-1000 Rev P1
  - ii) Proposed Site Plan – drwg No. A-00-100
  - iii) External elevations and plans toilets – drwg No. I-00-500 Rev I2REASON: To avoid any doubt over what has been permitted.
  
2. The use hereby permitted shall take place only between 1 March – 30 November (inclusive) in each calendar year unless otherwise agreed in writing with the Local Planning Authority following submission of a planning application for that purpose.  
REASON: In order to safeguard the character and appearance of this countryside location; To ensure the proposal would not have an adverse impact on Protected Sites.
  
3. A maximum of seven motorhomes and six tents shall be stationed at the camp site at any given time.  
REASON: In the interests of residential amenity; To ensure the proposal would not have an adverse impact on Protected Sites.
  
4. The positioning of individual tents/motorhomes on the application site shall accord with the position of pitches as shown on the approved site plan (drwg No. A-00-100).  
REASON: In order to safeguard the character and appearance of this countryside location; To protect the surrounding woodland.
  
5. No caravans shall be stationed at the camp site hereby permitted.  
REASON: Access to the site is not considered adequate; In the interests of residential amenity.
  
6. Within one month from the date of this decision notice a proposed scheme of signage to be installed on Oslands Lane to caution drivers of the presence of

walkers on the footpath and of the requirement to give way to users shall be submitted to the Local Planning Authority in writing. The approved signage shall be installed within one month from the date of approval of that scheme and shall thereafter be retained.

REASON: In the interests of pedestrian safety.

7. Within one month from the date of this decision notice further details of the means of enclosure of the ecological buffer (as shown on drwg No. A-00-100) along the eastern boundary of the site shall be submitted to the Local Planning Authority to prevent public access to this area. The approved means of enclosure shall be constructed on-site within one month from the date of approval and shall thereafter be retained.

REASON: To protect the adjacent woodland in the interests of biodiversity.

8. Within one month from the date of this decision notice a landscaping scheme shall be submitted to the Local Planning Authority with a specification for the provision of a species-rich native hedgerow or shrub/tree planting (to reflect those species present within the adjacent woodland) within the ecological buffer at the eastern boundary and along the inside of the fence line along the northern/southern boundaries of the site.

REASON: To protect the adjacent woodland and to enhance the biodiversity value of the site.

9. The landscaping scheme, submitted under Condition 8 shall be implemented and completed within the first planting season following the approval of the landscaping scheme 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 protect the adjacent woodland and to enhance the biodiversity value of the site.

10. Within one month from the date of this decision notice evidence shall be submitted to the Council to demonstrate that the required nitrate mitigation capacity has been allocated to the development pursuant to the allocation agreement dated 16 February 2023 between (1) William Northcroft Butler and James Nicholas Butler, (2) H N Butler Farms Ltd and (3) Andrew Patrick Goddard & Stephanie Jane Goddard.

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

THEN

**9.2** DELEGATE authority to the Head of Development Management to:

make any necessary modification, deletion or addition to the proposed conditions.

***Note to applicant***

Please contact Environmental Health to obtain an appropriate site license.

**10.0 *Background Papers***

Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.



# FAREHAM

BOROUGH COUNCIL



Andark, 256 Bridge Road

Scale 1:1,250

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## OFFICER REPORT FOR COMMITTEE

DATE: 15/03/2023

P/22/0167/FP

WARSASH

APPLICANT: MR S WOODHAMS

AGENT: MR D LINDSAY

THREE DETACHED DWELLINGS

47 FLEET END ROAD, WARSASH, SOUTHAMPTON, SO31 9JH

### **Report By**

Katherine Alger – direct dial 01329 824666

#### **1.0 Introduction**

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

#### **2.0 Site Description**

2.1 This application relates to a plot of land located to the rear of No 47 Fleet End Road. The site is accessed via an access drive to the northeast of the site leading between No 43 and 47 Fleet End Road. Surrounding the site is a group of mature trees beyond that is the residential properties along Green Lane.

2.2 The site forms part of a longstanding housing allocation (Allocation: H7 - Land at Fleet End Road) and as such lies within the designated Urban Settlement Boundary of the Western Wards. The allocation is not being carried over into the emerging Fareham Local Plan.

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

3.1 The proposal is for the construction of three large detached dwellings. Changes have been made to the layout of the dwellings and they are orientated with the fronts facing north-west and the rears facing south-east.

3.2 Plot one would comprise of a kitchen/family room, lounge, study, dining, WC and utility at ground floor. The first-floor accommodation would comprise of 5 bedroom, 2 en-suites and a bathroom.

3.3 Plot two would comprise of a gym, cinema room, and store at basement level. The ground floor accommodation would comprise of a kitchen/family room, lounge, dining room, study and WC. The first-floor accommodation would comprise of 5 bedrooms, 2-ensuites and a bathroom.

- 3.3 Plot Three would comprise of a kitchen, family room, lounge, dining room, utility room and WC at ground floor. The first-floor accommodation would comprise of 5 bedrooms, two en-suites and a bathroom.
- 3.4 Each dwelling would have three car parking spaces located within the front driveway.
- 3.5 The proposal would also include improvements to the existing access track. The first 12 metres would be widened to 4.5 metres with the running surface of the remaining access widened to 4.1 metres.

#### **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
- CS17: High Quality Design
- CS18: Provision of Affordable Housing
- CS21: Existing Open Space

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

- DSP1: Sustainable Development
- DSP2: Environmental Impact
- DSP3: Impact on Living Conditions
- DSP13: Nature Conservation
- DSP15: Recreational Disturbance on the Solent Special Protection Areas
- DSP40: Housing Allocation
- H7: Land at Fleet End Road, Warsash

##### **Emerging Fareham Local Plan 2037**

- 4.2 The Fareham Local Plan 2037 was submitted to the Planning Inspectorate on 30th September 2021 and an examination conducted in March and April 2022. Following the conclusion of the examination hearings the Inspector requested a number of main modifications to the Plan. The proposed modifications were the subject of public consultation from 31<sup>st</sup> October until 12<sup>th</sup> December 2022. The Council's Local Development Scheme suggests that the new plan will be adopted in Winter 2022/3. On adoption the Local Plan will have full weight and at its current advanced stage is a material consideration for the determination of planning applications. The following draft policies of the emerging plan are of relevance:

H1:	Housing Provision
HP1:	New Residential Housing Development
HP5:	Provision of Affordable Housing
NE1:	Protection of Nature Conservation, Biodiversity and the Local Ecological Network
NE2:	Biodiversity Net Gain
NE3:	Recreational Disturbance on the Solent Special Protection Areas (SPAs)
NE4:	Water Quality Effects on the Special Protection Areas (SPAs) Special Areas of Conservation (SACs) and Ramsar Sites of the Solent
TIN1:	Sustainable Transport
D1:	High Quality Design and Placemaking
D2:	Ensuring Good Environmental Conditions
D3:	Coordination of Development and Piecemeal Proposals
D5:	Internal Space Standards

**Other Documents:**

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

**5.0 Relevant Planning History**

5.1 The following planning history is relevant:

5.2 In April 2014 planning permission was refused and subsequently dismissed on appeal for the erection of two detached dwellings with garaging and parking and access from Green Lane (Ref P/14/0341/FP). The reasons for refusal were as follows:

*The proposed development would be contrary to Policies CS5 & CS17 of the adopted Fareham Borough Core Strategy and Policy DSP15 of the emerging Local Plan Part 2: Development Sites and Policies Plan and is unacceptable in that:*

- i) by virtue of its restricted width, condition, lack of passing bays and absence of lighting, Green Lane is unsuitable in its present form to accommodate the additional vehicle movements associated with the two proposed houses. The proposed development would therefore be harmful to the safety and convenience of users of Green Lane;*
- ii) the development would result in additional dwellings and therefore additional recreational pressure upon the nationally and internationally designated nature conservation sites including the Portsmouth Harbour Site of Special Scientific Interest(SSSI), the Portsmouth Harbour*

*Special Protection Area (SPA) and RAMSAR site. In the absence of an appropriate assessment to ascertain that there will not be an adverse effect on the integrity of these designated sites or mitigation measures it is considered that the proposed development would result in significant harm to the nature conservation interests of these important sites.*

- 5.3 In January 2014 planning permission was refused for the erection of two detached dwellings with garage/parking with access via Green Lane (Ref P/13/1064/FP). The reasons for refusal were as follows:

*The proposed development would be contrary to Policies CS5, CS17 & CS18 of the adopted Fareham Borough Core Strategy and Saved Policy C18 of the Fareham Borough Local Plan Review and is unacceptable in that:*

- i) the application is made on a site which is demonstrably part of a potentially larger developable site and fails to provide a financial contribution towards the off-site provision of affordable housing;*
- ii) in the absence of adequate improvements to Green Lane, which is unsuitable in its present form to take the type and amount of traffic which the proposed development would generate, and to the access between Green Lane and Fleet End Road, which is currently substandard and inadequate to safely accommodate this additional traffic, the proposal would be harmful to the safety and convenience of highway users;*
- iii) insufficient information has been provided to demonstrate that any protected species that may be present on the site will not be harmed or that adequate mitigation will be provided if necessary;*
- iv) the development would result in additional dwellings and therefore additional recreational pressure upon the nationally and internationally designated nature conservation sites included the Portsmouth Harbour Site of Special Scientific Interest (SSSI), the Portsmouth Harbour Special Protection Area (SPA) and RAMSAR site. In the absence of an appropriate assessment to ascertain that there will not be an adverse effect on the integrity of these designated sites or mitigation measures it is considered that the proposed development would result in significant harm to the nature conservation interests of these important sites.*

- 5.4 In April 2013 planning permission was refused for the erection of three dwellings with associated access, parking and landscaping following the demolition of 45 Fleet End Road and associated outbuildings (Ref P/13/0065/FP). The reasons for refusal were as follows:

*The proposed development is contrary to Policies DG4 and C18 of the Fareham Borough Local Plan Review; Policies CS5, CS15, CS17, CS18, CS20, CS21, of the Adopted Fareham Borough Core Strategy and the Council's Residential car parking standards SPD November 2009 in that:*

- (i) *the proposal will make use of an existing sub-standard access, which does not have an adequate splay at the junction with Fleet End Road, and is also of insufficient width to allow vehicles to safely travel along it failing to provide any passing place, detrimental to highway safety and convenience of users of the highway;*
- (ii) *the proposal will make use of the access between Nos. 43 and 47 Fleet End Road, which would give rise to both vehicular and pedestrian movements that would be detrimental to the amenities of the occupiers of these properties*
- (iii) *the creation of these additional dwellings would lead to greater pressure on highway infrastructure in the locality and in the absence of a contribution towards the upgrading of existing and/or provision of additional facilities, deficiencies would be exacerbated to the disadvantage of existing and new residents alike;*
- (iv) *the creation of these additional residential units would lead to greater pressure on existing open space, sport pitches and other related facilities which have been identified as deficient within the Council's approved open space supplementary planning guidance. In the absence of a commuted payment towards the upgrading of existing and/or provision of additional open space and facilities existing deficiencies would be exacerbated to the disadvantage of existing and new residents alike;*
- (v) *the application is made on a site which is demonstrably part of a potentially larger developable site and fails to provide for means to provide for affordable housing in the form of a financial contribution which would be necessitated by this development, and the development fails to provide the measures that are required in the form of a financial contribution;*

5.5 This application was subsequently dismissed on appeal in November 2013. Further consideration of these refusals is set out in Section 8 (Planning Considerations) below.

## **6.0 Representations**

6.1 Six representations from residents have been received objecting on the following grounds:

- a) Highways safety
- b) Inappropriate access
- c) Access to neighbouring garages
- d) Site not required for housing
- e) Impact on wildlife
- f) Similar to previous refused applications
- g) No refuse/recycling provision
- h) Insufficient parking
- i) Not included as housing allocation in emerging local plan
- j) Removal of neighbouring vegetation
- k) Lack of neighbour notification

- l) Impact on protected trees
- m) Lack of pedestrian access to proposed new dwellings

## **7.0 Consultations**

### EXTERNAL

#### **Highways**

7.1 No objection subject to conditions

#### **7.2 Natural England**

No objection subject to appropriate mitigation being secured.

#### **7.3 Ecology**

No objection subject to conditions

### INTERNAL

#### **7.4 Tree Officer**

No objection subject to conditions

#### **7.5 Fareham Housing**

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:

- a) Principle of development
- b) Design/impact on character of surrounding area
- c) Impact on residential amenity
- d) Highways
- e) Trees
- f) Ecology
- g) Impact on Habitat Sites
- h) Other issues raised in objections

### **a) Principle of development**

8.2 Having regard to the policy provision of the Development Plan, the site is located within the designated Urban Settlement Boundary, where there is a presumption in favour of appropriate development, subject to compliance with

the provisions of the National Planning Policy Framework and the policies of the Development Plan.

- 8.3 Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. Policy CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries.
- 8.4 Draft Policy H1 of the emerging Fareham Local Plan 2037 sets out the housing requirement for the Borough between 2021 and 2037, and draft Policy HP1 states that new residential development within the Urban Area boundary will be supported in principle.
- 8.5 The application site is located within an existing housing allocation site within the Local Plan (H7 (Land at Fleet End Road)) for the provision of 10 dwellings. The allocation of this site has not been carried forward as a housing allocation within the emerging Fareham Local Plan 2037. This 0.79ha housing allocation site consists of a number of land parcels including part of rear garden of The Jolly Farmer public house, the property and garden of 45 Fleet End Road, part of the front garden of 32 Green Lane and a strip of land to the rear of 47 Fleet End Road. The site is located to the east of Fleet End Road and Green Lane and to the South of Shorewood Close.
- 8.6 Therefore, the principle of development is considered to be acceptable in accordance with Policy CS2 of the adopted Core Strategy and draft Policies H1 and HP1 of the emerging Fareham Local Plan 2037.

**b) Design/impact on character of surrounding area**

- 8.7 Policy CS17 of the Core Strategy states that all development will be designed to respond positively to and be respectful of the key characteristics of the area. Including heritage assets, landscape, scale, form and spaciousness and use of external materials. Draft Policy D1 of the emerging Fareham Local Plan 2037 similarly requires development proposals and spaces to be of high-quality design based on the principles of urban design and sustainability.
- 8.8 The Fareham Borough Council Design Guidance: Supplementary Planning Document (Excluding Welborne) (hereinafter referred to in this report as the Design SPD) highlights the importance of new dwellings having regard to the scale and character of the surrounding area. The application site is located to the rear of Fleet End Road which is varied in character with a variety of detached, terraced and semi-detached dwellings. There are also examples of similar backland developments including No 45 Fleet End Road which neighbours the site. The site adjoins properties along Green Lane which are also large, detached



dwellings. Therefore, it is considered that the scale and layout of the site would have regard to the character of the surrounding area.

- 8.9 In terms of the design of the dwellings, these are considered to be of a suitable appearance and would be constructed of appropriate materials which would have regard to the existing character.
- 8.10 The gardens of each property would have a depth of between 15-21 metres which would exceed the guidance specified in the Design SPD. There are a number of mature trees on the site which would be located a suitable distance from the proposed properties and would therefore not result in unacceptable overshadowing.
- 8.11 The proposal would include landscaping at the front and around the side of the site.
- 8.12 The proposal is therefore acceptable in design terms and would have regard to the key characteristics of the surrounding area in accordance with policy CS17 of the adopted Core Strategy and Policy D1 of the emerging plan.

**c) Impact on Residential Amenity**

- 8.13 Policy DSP3 of the adopted Local Plan Part 2: Development Sites & Policies and draft Policy D2 of the emerging Fareham Local Plan 2037 concern the impact of development on living and environmental conditions. The policies state that development proposals should ensure that there will be no unacceptable adverse impact upon living conditions on the site or neighbouring development, by way of the loss of sunlight, daylight, outlook and/or privacy.
- 8.14 The Design SPD states that first floor windows should be at least 11 metres from the boundaries they look towards and no less than 22 metres from facing windows in neighbouring houses.
- 8.15 Plot Two would be located the closest to the boundary with the properties to the north-west in Fleet End Road and it would have a separation distance of approximately 11m between the first-floor windows and the rear boundaries the properties along Fleet End Road. These properties have gardens of at least 14 metres and there is a group of garages located to the rear of the site. Therefore, it is considered that there would be a sufficient separation distance between the application site and the properties along Fleet End Road.
- 8.16 There would be a separation distance of at least 15 metres between the access track and the neighbouring property at No 45 Fleet End Road. Having regard to this large separation distance it is not considered that the proposal would result

in an unacceptable adverse impact on the living condition of occupiers of No 45 Fleet End Road.

- 8.17 In considering the impact on the properties along Green Lane which is located to the south of the application site, there would be a separation distance of approximately 17m between the rear boundary of the site and the first-floor windows at No 32 Green Lane which is the nearest property to the site. Therefore, it is considered that the proposal would not result in any significant adverse impact on the amenities of the properties along Green Lane

**d) Highways/Parking**

- 8.18 In considering the highway safety aspect of the proposal, Hampshire County Council (HCC) as Highway Authority has compared the proposed scheme to the previously refused application at 45 Fleet End Road which was dismissed on appeal (Ref P/13/0065/FP) and the 2014 scheme which accessed the site from Green Lane (P/14/0341/FP).
- 8.19 The 2013 application (P/13/0065/FP) proposed the construction of three dwellings adjacent to 45 Fleet End Road. The site was located on the northern side of the access track opposite the application site. This application similarly proposed access from the gravel track of the application site to Fleet End Road. The application was dismissed on appeal, where the Inspector concluded that the development of three dwellings with access from Fleet End Road would seriously harm the safety and convenience of users of Fleet End Road and the track/greenway, because of the adverse combination of the significant length of the single width track; the likely increase in traffic generation and poor visibility at the junction.
- 8.20 The 2014 scheme (Ref P/14/0341/FP) saw the proposed use of Green Lane which is an existing unadopted public highway which is approximately 200 metres in length and serves up to 20 existing dwellings. It was agreed that Green Lane is 4.1 metres wide for the majority of its length. The Green Lane access proposal would have meant that the likelihood of vehicles passing each other on the access road was far more likely due to the number of dwellings the lane serves. This would have led to a greater difficulty of two cars passing along the majority of the access Lane.
- 8.21 Hampshire Highways has considered the suitability of the access track which was raised as a concern by the Inspector in the 2013 appeal. Hampshire Highways note that the first 12 metres of the access road will now be widened to 4.5 metres in width to allow the passing of two vehicles if they were to meet on the access road. The remainder of the track will be provided with a running surface of 4.1 metres in width.

- 8.22 According to Manual for Streets (MfS Figure 7.1) on a straight section of road a width of 4.5 metres can be considered acceptable to allow the passing of two vehicles (4.1 metres being the absolute minimum). The proposal involves three additional dwellings using the access which would not generate a significant number of additional trips and traffic speeds are likely to be very low. The likelihood of two cars meeting on the access road would be low but can be accommodated by the proposals.
- 8.23 With regards to visibility onto Fleet End Road, Hampshire Highways has stated that the access is an existing track which is known to be used by the existing dwelling No 47 Fleet End Road and by 45a Fleet End Road which is located to the south of the application site. They also note that there are accesses of similar style and nature along Fleet End Road. The proposed site layout plan shows visibility for the existing access is 2 metres by 43 metres north and south on Fleet End Road. According to Hampshire County Council's Technical Guidance Document (TG3) this is considered acceptable (this document was adopted after the 2013 appeal decision). Hampshire Highways do acknowledge that visibility from the access drive can be hindered by parked vehicles, but as the proposed access already serves dwellings, they do not consider this to represent an unacceptable highway safety concern.
- 8.24 The Highway Authority has reviewed the most up to date Personal Injury Accident (PIA) data along the full length of Fleet End Road. Hampshire Highways use this data to identify trends in accidents that may reveal existing highway safety issues. There are no trends or clusters in recorded accidents along the full length of the road that would indicate there is an existing safety or operational issue within the vicinity of the proposed site that may be exacerbated by the development proposals. It is noted that cars park on-street within the vicinity of the access road. This is not uncommon for the area and following review of the PIA data there is no indication of an unacceptable safety issue in that regard.
- 8.25 Pedestrian safety was also considered an issue in the 2013 appeal decision. However, Hampshire Highways considers that it is unlikely that a development of this scale would produce a significant number of pedestrian trips to be considered a severe safety issue.
- 8.26 Hampshire Highways has stated that there is adequate space for vehicles to turn on site and therefore access and egress the site in forward gear.
- 8.27 The Highway Authority is satisfied that the potential traffic generation from the development proposal is unlikely to generate a significant number of trips in the AM and PM peak period that would be considered to have a severe detrimental impact on the operation and safety of the local highway network.

- 8.28 In terms of parking, the Residential Car Parking Standard SPD requires at least 3 car parking spaces for a 4-bedroom dwelling. The submitted plans indicate 3 car parking spaces for each dwelling which meets the requirements of the Residential Car Parking Standards.
- 8.29 Concerns have been raised locally regarding the lack of additional visitor parking, but this is not a requirement of this Council for a development of this scale.
- 8.30 Concerns have also been raised regarding damage to the neighbour's hedge during the widening of the access track. This is not a material planning consideration and would be a civil matter between the applicant and owner of the hedge.
- 8.31 All the previous concerns raised by the Planning Inspector have been carefully considered by the Highway Authority. In the opinion of Hampshire Highways, the proposal would not result in any unacceptable highway safety concerns. Therefore, on balance Officer's consider that the proposal accords with Policies CS5 and CS17 of the adopted Local Plan and draft Policy TIN2 of the emerging Fareham Local Plan.

**e) Trees**

- 8.32 Following initial concerns regarding the impact of the protected trees on site, the layout of the site has been re-arranged to include the trees within the rear gardens rather than in the frontage of the development.
- 8.33 The Council's Principal Tree Officer has considered the impact on the trees and the effect of tree loss, pruning and other site operations on the local tree cover, public amenity and the local character and has concluded that the impact on the trees is minimal and acceptable.

**f) Ecology**

- 8.34 The Council's Ecologist has reviewed the Preliminary Ecological Report and raises no objection subject to conditions ensuring that the development to be constructed in accordance with the ecology report, biodiversity net gain documents and the site layout plan.

**g) Affordable Housing**

- 8.35 Policy CS18 (Provision of Affordable Housing) states that where an application relates to a small site that forms part of a larger development the whole site

capacity will be taken into account when determining the affordable housing requirement. This is echoed in the emerging Local Plan Policy HP5 (Provision of Affordable Housing) which states that in accordance with the NPPF the provision of affordable housing should be made on site, unless through a viability assessment the off-site provision and financial contribution can be robustly justified, and the agreed approach contributes to mixed and balanced communities.

- 8.36 Emerging Policy D3 (Coordination of Developments and Piecemeal Proposals) of the emerging local plan states that *“Where proposals come forward that are part of a wider development site, supporting information will be expected to demonstrate that the proposal will not prejudice the appropriate development of the adjoining site(s) in accordance with Local Plan policies, and that the proposal maximises place-making opportunities. Development proposals that prevent or limit the potential for appropriately developing an adjoining site, or which do not maximise connectivity, permeability and efficiency opportunities or address mitigation and infrastructure needs relating to the wider development, will not be permitted”*. The policy goes on to state that *“Applications which seek to evade infrastructure provision (including affordable housing) by not fully maximising the use of the site or by putting forward piecemeal development will not be supported*.
- 8.37 A Viability Assessment Report has been submitted by the applicant. This report has taken a number of factors into consideration including: land value, build costs, contingencies, CIL/Section 106 costs, fees, marketing costs, legal fees, cost of finance, the developer’s profit and development value. The conclusions of the report state that the development without affordable housing contributions is just viable. The requirement to make contributions towards affordable housing would mean that the scheme was no longer viable.
- 8.38 An appraisal on the submitted Viability Assessment Report has been carried out by an independent consultant on behalf of the Borough Council to verify the figures and calculate whether the scheme would be viable. The conclusions of the independent consultant concurred with that of the applicant and concluded that the scheme would only just be viable.
- 8.39 The Viability Assessments have also been reviewed by the Council’s Housing Development Officer who concurs with the findings of the report and agrees that the development would not be viable with an affordable housing contribution.
- 8.40 The conclusions from the viability assessment undertaken have demonstrated that the development cannot deliver affordable housing contributions and remain viable.

## **h) Impact on Habitat Sites**

- 8.41 Core Strategy Policy CS4 sets out the strategic approach to Biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policy DSP13: Nature Conservation of the Local Plan Part 2 and draft Policies NE1, NE2, NE3 and NE4 of the Fareham Local Plan 2037 (emerging) confirms the requirement to ensure that designated sites, sites of nature conservation value, protected and priority species populations and associated habitats are protected and where appropriate enhanced.
- 8.42 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 percent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within the Solent which are of both national and international importance. 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 referred to as protected Habitat Sites (HS).
- 8.43 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' if it can be shown that the proposed development will either not have a likely significant effect on designated Habitat 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 Habitat Sites. This is done following a process known as an Appropriate Assessment (AA). The Competent Authority is responsible for carrying out this process. Although they must consult with Nature England and have regard to their representations. The Competent Authority is the Local Planning Authority.
- 8.44 To fulfil the requirements under the Habitats Regulations, an AA has been carried out in relation to the likely significant effects on the HS which concludes that there would be no adverse effects on the integrity of the protected sites subject to mitigation measures. The key considerations for the assessment of the likely significant effects are set out below.
- 8.45 The first likely significant effect on HS relates to deterioration in the water environment through increased nutrients (particularly nitrates) entering The Solent. 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 Habitat Sites.

- 8.46 Achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites. Natural England has 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.
- 8.47 A nitrogen budget has been calculated with Natural England's 'Nutrient Neutrality Generic Methodology' (February 2022) and The Solent Nutrient Budget Calculator (March 2022) which confirms the development will generate 2.39kg TN/year. In the absence of sufficient evidence to support a bespoke occupancy rate, the Council accepted the use of an average occupancy of the proposed dwellings of 2.4 persons in line with the NE Advice. The existing use of the land for purposes of the nitrogen budget is considered to be urban as there is an existing building on the site. Due to the uncertainty of the effect of nitrates from the development on the HS, adopting a precautionary approach, and having regard to the NE advice, Officers will need to be certain that the output will effectively be mitigated to ensure at least nitrogen neutrality before it can grant planning permission.
- 8.48 The applicant has purchased 2.39kgTN/year of nitrate mitigation 'credits' from Whitewool Farm. This has been secured through the operation of a legal agreement between Whitewool Farm, South Downs National Park Authority and Fareham Borough Council dated 3<sup>rd</sup> November 2021. The creation of a managed wetland at Whitewool Farm is removing nitrates from the River Meon and therefore providing a corresponding reduction in nitrogen entering the Solent marine environment. The purchase of credits has the effect of allocating a proportion of this reduction in nitrates to this development, meaning that the scheme can demonstrate nutrient neutrality.
- 8.49 In addition to water quality impacts, air quality impacts are also a factor that needs consideration. The Council's Air Quality Habitats Regulations Assessment for the emerging Fareham Local Plan 2037 identifies that from the development proposed to be brought forward in the emerging Local Plan there would not be a significant impact as a result of air pollution on the Habitat Sites for the life of the plan, up to 2037.
- 8.50 The second likely significant effect on the HS, relates to disturbance on The Solent coastline and New Forest SPA, SAC and Ramsar sites through increased recreational use by visitors to these sites.

- 8.51 The development is within 5.6km of The Solent SPAs and is therefore considered to contribute towards an impact on the integrity of the Solent SPAs as a result of increased recreational disturbance in combination with other development in The Solent area. The applicant has made the appropriate financial contribution towards The Solent Recreational Mitigation Partnership Strategy (SRMP) and therefore, the Appropriate Assessment concludes that the proposals would not have an adverse effect on the integrity of the HS as a result of recreational disturbance in combination with other plans or projects on the Solent SPA.
- 8.52 In addition, the development lies within 13.8km of the New Forest Special Protection Area (SPA), New Forest Special Area of Conservation (SAC) and the New Forest Ramsar site. Research undertaken by Footprint Ecology has identified that planned increases in housing around the New Forest's designated sites will result in a marked increase in use of the sites and exacerbate recreational impacts. It was found that the majority of visitors to the New Forest designated sites on short visits/day trips from home originated from within a 13.8km radius of the sites referred to as the 'Zone of Influence' (ZOI).
- 8.53 The Council has produced an Interim Mitigation Solution to address this newly identified likely significant effect of development in Fareham within the ZOI. The Interim Mitigation Solution was approved by the Council's Executive on 7th December 2021. The Interim Mitigation Solution was prepared in consultation with Natural England. The mitigation comprises a financial contribution from the developer to mitigate against impacts through improvements to open spaces within Fareham Borough and a small financial contribution to the New Forest National Park Authority. The applicant has made this contribution, which has been secured by an agreement pursuant to Section 111 of the Local Government Act 1972.
- 8.54 The Council's Appropriate Assessment concludes that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the HS either alone or in combination with other plans or projects. The difference between the nitrates credits secured and the output will result in a small annual net reduction of nitrogen entering The Solent.
- 8.55 Natural England were consulted on the Council's Appropriate Assessment in August 2022 and raised no objection in respect of recreational disturbance on The Solent SPAs or on water or air quality implications. It is therefore considered that the development accords with the Habitat Regulations and NE1, NE2, NE3 and NE4 of the emerging Fareham Local Plan 2037.

**i) Other issues raised in objections**



8.56 **Covenant on site to prevent development-** This is not a material planning consideration and would be a civil matter between the private parties.

8.57 **Access on neighbour's land-** This is not a material planning consideration. However, any access onto the neighbouring properties will need to be agreed by the landowner.

8.58 **Lack of notification-** Concerns have been raised due to the lack of notification on this planning application. The Local Planning Authority is satisfied that the consultation process was carried out in accordance with the legislation within the Town and Country Planning (Development Management Procedure) (England) Order 2015. This included written notification to all adjoining neighbours as required in the legislation.

### **Summary**

8.59 The principle of the development is acceptable at the site and the houses proposed are of high quality and respect the character of the area.

8.60 The suitability of the access and the visibility available from it has been a previous concern to this Council and the Highways Authority. As part of the consideration of this application, Officers have provided details of the previous schemes at this site to the Highways Authority, along with the decision of the Planning Inspector in 2013.

8.61 The Highways Authority consider that the improvements made to the access along with other changes to the Highways Authority's standards since 2013, mean that the scheme as proposed is acceptable. In light of the previous planning appeal decision, Officers consider this issue to be finely balanced, but acknowledge the clear position of the Highway Authority who have been provided with all relevant previous plans and decisions.

8.62 Notwithstanding the objections received, Officers consider on balance that the proposal accords with the Council's adopted planning policies and Supplementary Planning Documents and that subject to the imposition of appropriate planning conditions, planning permission should be granted.

## **9.0 Recommendation**

9.1 **GRANT PLANNING PERMISSION**, Subject to the following conditions:

1. The development shall begin before three years from the date of this permission.

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

2. The development shall be carried out in accordance with the following approved documents:
  - a) Site Plan showing Biodiversity SD-2113-101 Rev C
  - b) Biodiversity Net Gain Plan-Baseline Habitats- Figure 1
  - c) Biodiversity Net Gain Plan-Proposed Habitats- Figure 2
  - d) Plans & Elevations for Plot 1 SD-2113-02 Rev A
  - e) Plans & Elevations for Plot 2 SD-2113-03 Rev A
  - f) Plans & Elevations for Plot 3 SD-2113-04 Rev A

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

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

REASON: To secure the satisfactory appearance of the development.

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

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

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

5. The Development shall proceed in accordance with the measures detailed in 'Ecological Survey Report- 17<sup>th</sup> January 2022' and biodiversity net gain documents.

REASON: To ensure no net loss of biodiversity in line with the NPPF.

6. No development shall commence until the measures of tree and hedgerow protection submitted and approved as part of the planning permission have

been implemented and these shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site.

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

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

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

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

REASON: In the interests of highway safety.

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

At least one Electric Vehicle (EV) charging point per dwelling with allocated parking provision;

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

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

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

10. None of the development hereby approved shall be occupied until details of the proposed cycle and bin storage areas including bin collection points have been submitted to and approved by the Local Planning Authority and the approved

areas fully implemented. The details shall include the siting, design and the materials to be used in construction. The areas shall be subsequently retained for bin and cycle storage or collection at all times.

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

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

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

12. The landscaping scheme, submitted under Condition 11 , shall be implemented and completed within the first planting season following the commencement of the development or as otherwise agreed in writing with the Local Planning Authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

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

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

REASON: In the interests of preserving water quality and resources

14. The development hereby permitted shall not commence unless the Council has received the Notice of Purchase in accordance with the legal agreement between FBC, SDNPA and Andrew Sellick of Gawthorpe Estate dated 1 April 2021 in respect of the Credits Linked Land identified in the Nitrates Mitigation Proposals Pack.

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

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

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

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

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

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

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

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

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

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

16. 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.

THEN

**9.2** DELEGATE authority to the Head of Development Management to:

Make any necessary modification, deletion or addition to the proposed conditions.

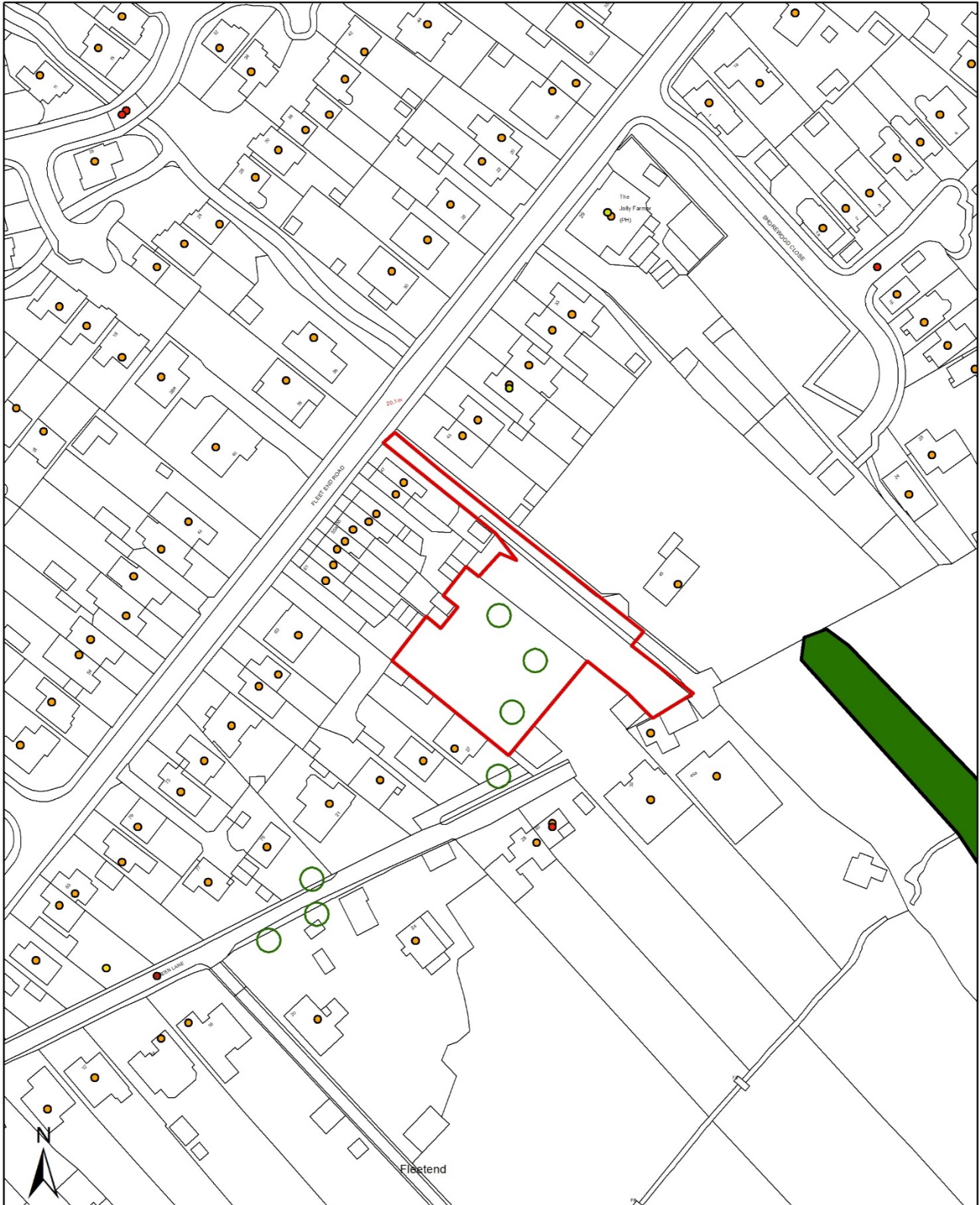
**10.0 *Background Papers***

Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

P/22/0268/FP

# FAREHAM

## BOROUGH COUNCIL



47 Fleet End Road

Scale 1:1,250

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## OFFICER REPORT FOR COMMITTEE

DATE: 15/03/2023

Q/0230/23  
MR R HANSLIP

WARSASH

DEED OF VARIATION TO A UNILATERAL UNDERTAKING PURSUANT TO SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 DATED 16 SEPTEMBER 2022, RELATING TO APPLICATION P/21/1823/FP

LAND TO SOUTH OF NO.79 GREENAWAY LANE (PHASE 2), WARSASH

### **Report By**

Susannah Emery – direct dial 01329 824526

### **1.0 Introduction**

- 1.1 In September 2022 planning permission was granted for the erection of six residential units and associated detached garages with access from Greenaway Lane (P/21/1823/FP).
- 1.2 This was the second phase of development to be permitted on the site and these dwellings would be positioned to the rear of a row of six dwellings permitted to either side of No.79 Greenaway Lane (Phase 1) which are now substantially complete. Both phases of the development share a single vehicular access from Greenaway Lane. The individual plots for both phases of the development are being sold as self-build plots.
- 1.3 The planning permission is subject to a Section 106 planning obligation which secures various obligations including off-site affordable housing contributions, payment of a contribution to address the likely significant effect of the development on Habitat sites in terms of recreational disturbance, pedestrian and cycle connectivity to adjacent land, and the provision, retention and maintenance of ecological buffers and a wildflower meadow.

### **2.0 Description of Proposal**

- 2.1 Where the plots are being sold individually as self-built plots to people who are building their own homes, a number of planning applications are likely to come forward under Section 73 of the Town and Country Planning Act 1990 seeking to make material changes to the external appearance of the permitted dwellings. Such applications have already been received from the owners of Plots 1 (P/23/0009/VC) and 3 (P/23/0122/VC).
- 2.2 Any planning permission granted under a section 73 application has the legal effect of granting an entirely new planning permission. Therefore, if it is the



Section 73 application which is implemented, the obligations that are linked to the original permission would likely not be enforceable. This is of particular concern for the obligations relating to the pedestrian/cycle links and the ecological buffers/wildflower meadow which are ongoing obligations.

- 2.3 In order to ensure that the obligations within the Section 106 remain enforceable there is a need to vary the original Section 106 agreement to ensure that the obligations would also apply to any Section 73 application granted pursuant to the full permission. The deed itself would be simple and would have the effect of dealing with the current Section 73 applications in respect of Plots 1 & 3 and also any future Section 73 applications at the site.

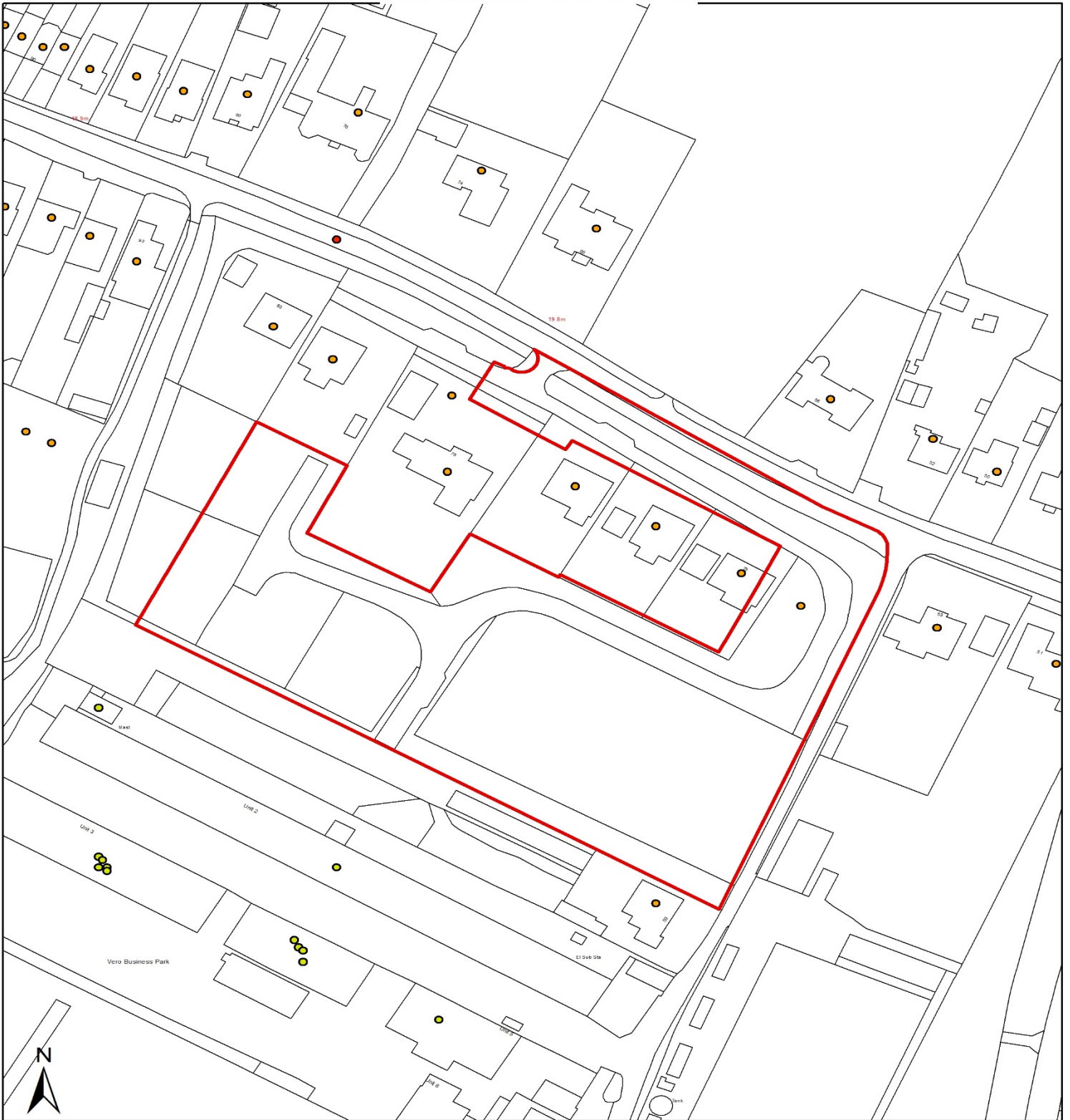
### **3.0 Recommendation**

- 3.1 DELEGATE to the Head of Development Management in consultation with the Solicitor to the Council to complete a legal agreement to ensure that the obligations set out within the Section 106 dated 16 September 2022 also apply to any subsequent Section 73 application granted pursuant to the full permission and make any other amendments necessary.

### **4.0 Background Papers**

Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

# FAREHAM BOROUGH COUNCIL



Land to South of 79 Greenaway Lane  
(Phase 2)  
Scale 1:1,250

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# Agenda Item 6(5)

## OFFICER REPORT FOR COMMITTEE

DATE: 15/03/2023

Q/0261/23

BARGATE HOMES & VIVID HOUSING

WARSASH

AGENT: TREVOR MOODY

DEED OF VARIATION TO A UNILATERAL UNDERTAKING PURSUANT TO SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 DATED 17 FEBRUARY 2021, RELATING TO APPLICATION P/17/0752/OA

LAND EAST OF BROOK LANE (PHASE 1), WARSASH

### **Report By**

Susannah Emery – direct dial 01329 824526

### **1.0 Introduction**

- 1.1 In February 2021 outline planning permission was granted with all matters reserved (except for access) for the construction of up to 140 residential dwellings on land to the East of Brook Lane, Warsash.
- 1.2 The reserved matters application for Phase 1 of the development (P/21/0300/RM) which consists of 76 dwellings was permitted in February 2022 and the reserved matters application for Phase 2 (P/21/2019/RM) which consists of 42 dwellings was permitted in October 2022. Development has commenced on site in respect of Phase 1 of the development known as 'Rivercross' which lies at the western end of the site adjacent to Brook Lane.
- 1.3 The outline planning permission is subject to a Section 106 planning obligation which secures various obligations including the provision of a central area of open space within Phase 1 of the development which was originally intended to be transferred to the Council for future maintenance (Schedule Three).

### **2.0 Description of Proposal**

- 2.1 The approved site layout for Phase 1 of the development features an area of open space which lies centrally between the two areas of housing comprising Phase 1 to the west of the site and Phase 2 to the east. It is intended that this open space will connect to development to the north in due course forming a continuous central green corridor from Warsash Road to Greenaway Lane.
- 2.2 The central area of open space will incorporate a large ecologically sensitive enclosure containing a badger sett which is an area therefore not intended for use by the public and the remainder of the open space would not contain any formal areas for play.

- 2.3 The Council received a request from the developer Bargate Homes to discharge a clause within the S106 agreement in December 2022 which was accompanied by a Scheme of Works for the laying out of the open space, an interim open space management plan and the drainage management and maintenance plan.
- 2.4 Following discussions with the Council's Open Spaces Manager he advised that after further consideration the Council would not wish to take ownership of the open space in Phase 1 as there would be drainage infrastructure beneath the ground which the Council would not wish to take responsibility for as it would likely require additional resources to manage and maintain in the long term.
- 2.5 Bargate Homes have agreed to a variation of the S106 agreement which would effectively release the Council from being required to accept the transfer of the open space and would instead ensure the open space is maintained and managed by a private management company.
- 2.6 Members may recall that that there is an area of open space within Phase 2 of the development which will also not be transferred to the Council due to the presence of drainage infrastructure. A legal agreement dated 12 October 2022 was completed at the time the Reserved Matters application was being considered for Phase 2 ensuring its maintenance and management by a private management company. In addition, for the same reason, the open space within the development of 80 dwellings on land to the north adjacent to 125 Greenaway Lane (P/19/0402/OA & P/21/1780/RM), which was recently considered by Planning Committee in December 2022 will also be maintained and managed by a private management company.

### **3.0 Recommendation**

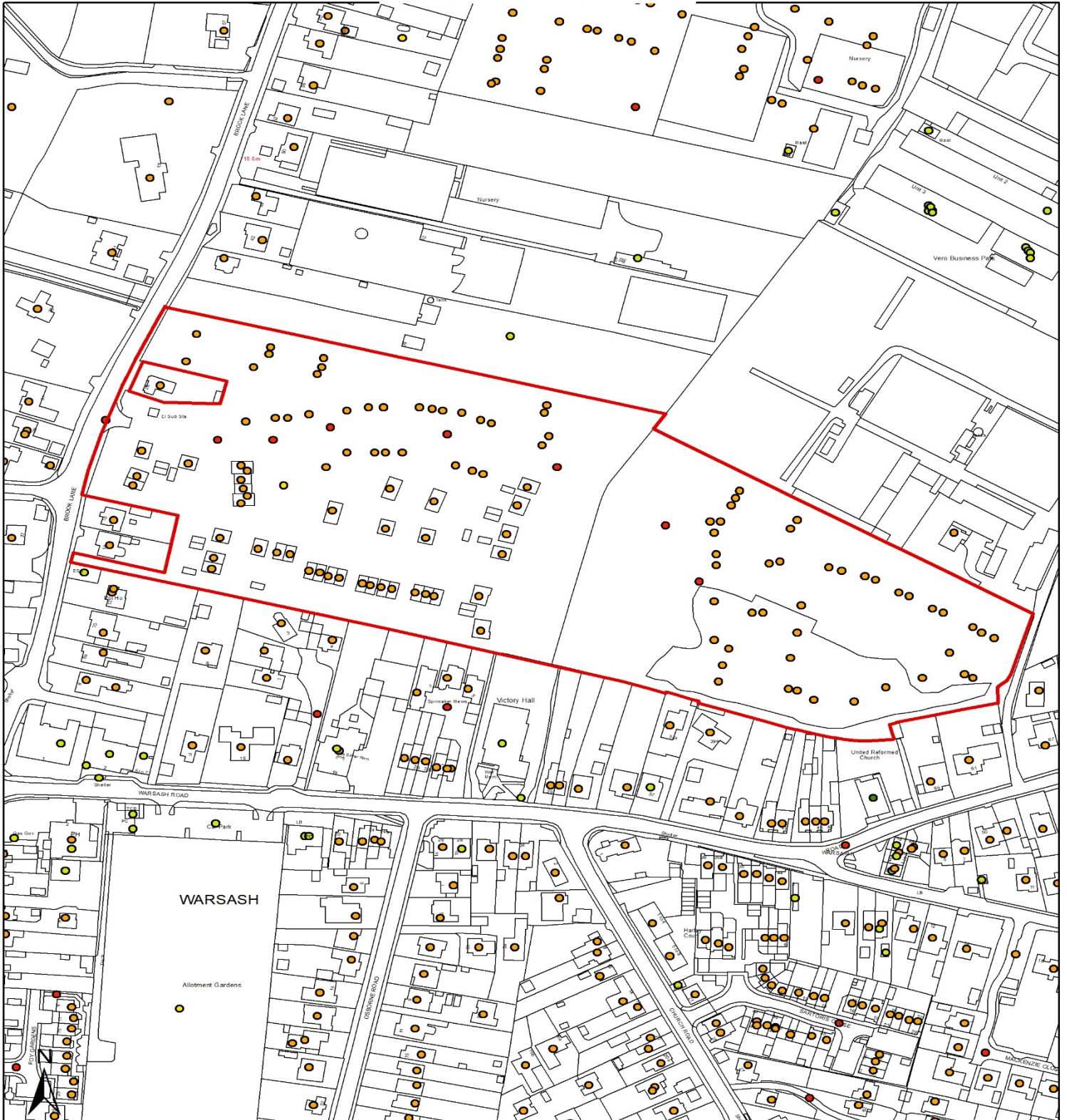
- 3.1 DELEGATE to the Head of Development Management in consultation with the Solicitor to the Council to complete a deed of variation to the existing section 106 legal agreement to:
- a) remove the obligations requiring the transfer of the public open space to the Council;
  - b) secure details of robust and appropriate management and maintenance measures relating to the public open space for the lifetime of the development in lieu of the land being transferred to the Council, including details on the formation, funding and governance of the body responsible for doing so;

- c) To delegate to the Head of Development Management authority to agree suitable revised and additional obligations in respect of the above, and any other matters deemed necessary, in relation to Schedule Three of the original legal agreement.

#### **4.0 *Background Papers***

Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

# FAREHAM BOROUGH COUNCIL



Land East of Brook Lane

Scale 1:2,500

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# Agenda Annex

## **ZONE 2 – FAREHAM**

**Fareham North-West**

**Fareham West**

**Fareham North**

**Fareham East**

**Fareham South**

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/22/0363/OA	LAND AT PINKS HILL FAREHAM	6
FAREHAM EAST	OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS) FOR THE DEVELOPMENT OF UP TO 109 RESIDENTIAL DWELLINGS (C3 USE) WITH ACCESS FROM PINKS HILL, INFORMAL AND FORMAL OPEN SPACE AND ASSOCIATED LANDSCAPING, DRAINAGE INFRASTRUCTURE, ACOUSTIC BUND AND FENCE AND OTHER ASSOCIATED WORKS INCLUDING DEMOLITION OF EXISTING BUILDINGS & ASSOCIATED HIGHWAY/PEDESTRIAN IMPROVEMENT WORKS TO PINKS HILL ROAD AND MILITARY ROAD	REFUSE

## OFFICER REPORT FOR COMMITTEE

DATE: 15/03/2023

**P/22/0363/OA**  
**VISTRY GROUP PLC**

**FAREHAM EAST**  
**AGENT: TETRA TECH**

OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS) FOR THE DEVELOPMENT OF UP TO 109 RESIDENTIAL DWELLINGS (C3 USE) WITH ACCESS FROM PINKS HILL, INFORMAL & FORMAL OPEN SPACE & ASSOCIATED LANDSCAPING, DRAINAGE INFRASTRUCTURE, ACOUSTIC BUND/FENCE & OTHER ASSOCIATED WORKS INCLUDING DEMOLITION OF EXISTING BUILDINGS & ASSOCIATED HIGHWAY/PEDESTRIAN IMPROVEMENT WORKS TO PINKS HILL & MILITARY ROAD

LAND AT PINKS HILL, FAREHAM

### **Report By**

Susannah Emery – direct dial 01329 824526

#### **1.0 Introduction**

1.1 The application is reported to the Planning Committee due to the number of third party letters of objection received.

#### **2.0 Site Description**

2.1 The application site measures approximately 5.65 ha in size and is located outside of the urban settlement boundary as defined in the adopted and emerging local plan. It consists primarily of grazing land which lies to the east side of Pinks Hill/Military Road. The site extends from the junction of Pinks Hill with the A27 at the southern tip to the Suez waste transfer station at the northern boundary. The eastern boundary is enclosed by the A27 corridor and there is a tree belt extending along this boundary.

2.2 The site is divided into a number of different paddocks and is used for grazing horses. There are several associated small scale stables and outbuildings across the site.

2.3 A 0.60ha parcel of land located approximately midway along the length of the application site from north to south adjacent to the western boundary with Pinks Hill is currently excluded from the application site boundary as it falls outside the control of the applicant. It is suggested this could come forwards as a potential development site at a later date.



- 2.4 The site is well screened along the A27 corridor with partial vegetation screening along Pinks Hill/ Military Road. The southern tip of the site is also more densely vegetated.
- 2.5 The topography of the site is sloping from the north-west boundary with Military Road down towards the south-eastern boundary. The lowest point of the site is 17.43m above ordnance datum (AOD) and the highest point is 29.58m AOD representing a range of 12.25m.
- 2.6 The site extends to the south-east of Fort Wallington Industrial Estate. The remains of Fort Wallington are Grade II listed. There is a Type 25 Pill Box located to the western boundary of the site which is of historic interest although not a designated heritage asset.
- 2.7 The site is located within Flood Zone 1, meaning it has a low probability of flooding.
- 2.8 The site is categorised as falling within Grade 3b of the Agricultural Land Classification and is therefore excluded from the definition of 'best and most versatile agricultural land' set out within the NPPF.

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

- 3.1 Outline planning permission is sought for up to 109 dwellings on the site with all matters reserved except for access.
- 3.2 A singular vehicle access point is proposed from Pinks Hill with potential pedestrian connections indicated to Pinks Hill/Military Road.
- 3.3 Matters of scale, appearance, layout and landscaping are to be reserved however a number of parameter plans have been submitted including a site framework plan, a street hierarchy plan, a land uses plan, a storey heights plan, a public open space & drainage plan, and a pedestrian movement plan.
- 3.4 The application indicates that the proposal would include 40% affordable housing split between first homes, affordable rented and shared ownership.
- 3.5 An area of public open space is indicated within the centre of the site including for the provision of a LEAP.
- 3.6 Building heights are stated as being predominantly two storey with some 2½ storey focal buildings.
- 3.7 A landscaped noise attenuation bund is shown along the south-eastern boundary with the A27 measuring 2m in height with a 2m acoustic fence on top.

- 3.8 The indicative drainage strategy for the site includes a SUD's infiltration basin located towards the southern end of the development.

#### **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
- CS17 - High Quality Design
- CS20 - Infrastructure and Development Contributions
- CS21 – Protection & Provision of Open Space

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

- 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

##### **Fareham Local Plan 2037 (Emerging)**

The Fareham Local Plan 2037 was submitted to the Planning Inspectorate on 30th September 2021 and an examination conducted in March and April 2022. Following the conclusion of the examination hearings the Inspector requested a number of modifications to the Plan. The proposed modifications were the subject of public consultation from 31<sup>st</sup> October until 12<sup>th</sup> December 2022. The Council's Local Development Scheme schedules that the new plan will be adopted in Winter 2022/2023. On adoption the Local Plan will have full weight and in its current advanced stage is a material consideration for the determination of planning applications. The following draft policies of the emerging plan are of relevance.

- DS1 - Development in the Countryside
- H1 – Housing Provision
- HP5 – Provision of Affordable Housing

HP7 – Adaptable & Accessible Dwellings  
 HP9 – Self Build & Custom Build Homes  
 CC1 – Climate Change  
 CC2 – Managing Flood Risk & Sustainable Drainage Systems  
 NE1 - Protection of Nature Conservation, Biodiversity and the Local Ecological Network  
 NE2 - Biodiversity Net Gain  
 NE3 - Recreational Disturbance on the Solent Special Protection Area (SPA's)  
 NE4 - Water Quality Effects on the SPA/SAC and Ramsar Sites of the Solent  
 NE6 – Trees, Woodland & Hedgerows  
 NE8 – Air Quality  
 NE9 - Green Infrastructure  
 NE10 – Protection & Provision of Open Space  
 TIN1 - Sustainable Transport  
 TIN2 - Highway Safety & Road Network  
 TIN4 - Infrastructure Delivery  
 D1 - High Quality Design & Placemaking  
 D2 - Ensuring Good Environmental Conditions  
 D4 - Water Quality & Resources  
 D5 - Internal Space Standards  
 HE1 – Historic Environment & Heritage Assets  
 HE3 – Listed Building & Structures and/or their Settings  
 HE4 - Archaeology

**Other Documents:**

Fareham Borough Design Guidance Supplementary Planning Document  
 (Excluding Welborne) 2015  
 Residential Car and Cycle Parking Standards SPD 2009

**5.0 Relevant Planning History**

5.1 None relevant.

**6.0 Representations**

6.1 One hundred and forty-four representations have been received (including one from the Fareham Society) raising the following material planning issues:

*Principle of development*

- The site is not allocated for development within the emerging local plan
- The decision to include the site as an allocation within the local plan was reversed for sound reasons relating to its suitability
- The proposed yield of the site as an allocation was 80 dwellings
- Loss of greenfield site

- Desirability of location for additional homes
- Site is poorly related to the urban area
- Unsustainable location in relation to facilities and services
- Residents would be reliant of private vehicles
- The housing is not required

#### *Visual Impact*

- Harmful to character and appearance of the area
- Visually intrusive
- Loss of attractive open downland setting
- Loss of rural setting would lead to urban sprawl and give Wallington an entirely sub-urban character
- No mitigation will ever compensate for the loss of natural environment
- Widening of Pinks Hill would be harmful to the appearance of the lane

#### *Highways*

- Visibility at site access is limited
- Additional traffic on local road
- Likely to increase flow of traffic through Wallington village down Military Road and Wallington Shore Road where roads are narrow and difficult to negotiate
- Increased HGV movements on Pinks Hill as a result of proposed widening and future development
- The works to Military Road leading to single file traffic would be a safety hazard and stationary traffic would lead to pollution and noise
- Delme Arms roundabout can be difficult to access for Wallington residents
- Local road network cannot safely accommodate additional vehicle movements
- Pinks Hill is unsafe for pedestrians who will take shortest route
- The widening of Pinks Hill must be delivered before development takes place
- Lack of connectivity with local services
- Safety concerns from increased use of pedestrian footpath to Pallant Gardens by cyclists/scooters
- The cumulative impact of continued piecemeal development needs to be considered
- Lack of public transport serving the site

#### *Infrastructure*

- Pressure on local services ie. schools, doctors, dentist
- Impact on utilities needs to be considered
- Foul sewage system is at capacity

- Lack of play/recreation areas

#### *Ecology*

- Loss of natural habitat
- Ecological 'benefits' are fanciful
- Impact on wildlife
- Impact on biodiversity and reliance on off-site compensation which is yet to be secured

#### *Pollution*

- The site acts as a buffer between Wallington and the motorway against noise and pollution
- Increased vehicle movements would generate noise and adversely affect air quality
- Concern over the adequacy of the noise assessment
- Site is adjacent to industrial units, A27 and motorway and residents would be subjected to associated noise and smells
- Proximity to SUEZ waste transfer station and logistics depo should not lead to restrictions on this facility, suitable mitigation must be put in place
- Noise during construction
- Increase noise of pedestrians using route through Pallant Gardens

#### *Heritage*

- Harm to setting of Wallington Fort
- Pill box must be retained
- Impact to Conservation Area

#### *Other*

- The proposal would exacerbate existing surface water flooding due to loss of natural soak away and increased run-off
- No permission is given for use of adjacent land for highway works
- Site stability may be an issue
- Detrimental to quality of life of Wallington residents
- Loss of property value

## **7.0 Consultations**

EXTERNAL

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

7.1 The Highway Authority is satisfied that the previously recommended reasons for refusal can be removed and raises no objection to the proposal on highway grounds, subject to conditions and the below being secured by either a Section 106 legal agreement or planning condition;

- A financial contribution of £425,000 towards sustainable travel improvements at the Delme Roundabout;
- To secure rights for the public to pass and repass by foot and cycle in perpetuity between the site and Pallant Gardens secured within a S106 agreement;
- Submit and implement a full Travel Plan, payment of the Travel Plan approval and monitoring fees and provision of a surety mechanism to ensure implementation of the Travel Plan;
- Implementation of highway works as shown in principle on drawings HL04000-61-TTE-00--SK-O-0001 Rev P03 (Widening of Pinks Hill & Proposed Site Access) and HL04000-61-SK0006 - P02 (Military Road improvements);
- Securing that the form of development ensures no informal pedestrian connections can be formed to Pinks Hill south of the site access.

7.2 A framework travel plan has been provided in support of the above planning application and it can be considered to be broadly acceptable at this stage. If the Local Planning Authority is minded to approve this planning application the Travel Plan should be secured via a Section 106 legal agreement with associated Approval and Monitoring Fee of £1,500 and £15,000 respectively. A Travel Plan Bond will also be required.

### **Hampshire County Council – Archaeology**

7.3 No objection subject to planning condition

### **Hampshire County Council - Flood Water Management Team**

7.4 The information submitted by the applicant in support of this planning application indicates that surface water runoff from the application site will be managed through rain gardens and an infiltration basin. This is acceptable in principle since the infiltration test showed good infiltration rates at the site.

7.5 Any subsequent reserved matters / full planning application should include additional information on the existing and proposed flow direction routes at the application site. This should demonstrate that the overland flowpaths will not be blocked or displaced to any adjacent site or land.

- 7.6 Considering that this is an outline planning application with all matters reserved, at this stage the information submitted by the applicant has addressed our concerns regarding surface water management and local flood risk. Therefore, the County Council as the Lead Local Flood Authority has no objection to the proposals subject to a planning condition to secure submission of a detailed surface water drainage scheme.

### **Environment Agency**

- 7.7 The site is in source protection zones and a principal aquifer, but there is no historical contamination on the site, and the proposed use of residential houses to mains is unlikely to present contamination issues and therefore it is considered low risk.

### **Hampshire County Council - Children's Services**

- 7.8 The proposed development of up to 109 dwellings (assuming they are all 2 beds or more) will generate 33 primary and 23 secondary pupils. This is based on a figure of 0.3 primary age children per new dwelling and 0.21 secondary age children which was derived by conducting demographic surveys of developments that have been completed within Hampshire and calculating the average number of primary and secondary age children on those developments.
- 7.9 This development lies in the catchment areas of Harrison Primary and Cams Hill Secondary Schools. These schools are full. Whilst it is not proposed to expand these schools it is necessary to acknowledge the impact additional pupils will have on the schools' facilities and accommodation. A contribution of £717,986 (index linked) is required towards school infrastructure to mitigate the impact of the development on educational facilities to accommodate the additional children expected to be generated by the development.

### **Southern Water**

- 7.10 No objection

INTERNAL

### **Affordable Housing**

- 7.11 The current Local Plan policy (CS18 of the Core Strategy) requires 40% of the proposed homes to be provided as affordable housing. The tenure split should be 65:35 (affordable/social rent to affordable home ownership).

Local Plan examination hearings have now concluded. Policy H5 from this emerging plan would require 40% of the homes on this development to be affordable with a 10:55:35 tenure split (social rent to affordable/social rent to affordable home ownership). I would expect a mix of property sizes, to reflect

local housing need and to ensure a balanced community. The applicant has stated they will provide a mix as part of a future Reserved Matters application.

- 7.12 Affordable housing and market housing should be indistinguishable from each other and the placement and layout of homes should allow for informal social interaction between tenures and house sizes. The National Planning Policy Framework promotes inclusive communities which enable informal social interaction between members of the community who may not usually come into contact with each other (paragraph 92). Mixed tenure developments, with a range of property types and sizes, and a thoughtfully designed street layout, can allow for this. The illustrative masterplan shows dwellings in a number of parcels. I would expect affordable housing to be distributed throughout these parcels.

### **Urban Design**

- 7.13 The density is some 37dph based on 109 dwellings on 2.88ha as defined on the land use parameter plan. This is fairly standard in this borough for a mixed size scheme of suburban form but will not be 'landscape led' in terms of spacing and scope within gardens for a leafy appearance. In that regard, the scheme will not assimilate well into the countryside panorama as currently viewed from Military Road/Pinks Hill.
- 7.14 Levels can provide interest if done well. Ultimately, details are to be submitted, but there is concern that suitable arrangements may reduce the identified number of units proposed.

### **Trees**

- 7.15 The existing site is predominantly paddocks for grazing horses and there is little if any tree cover across the site, with the most valuable trees, hedges and scrub around the perimeter. The latter will presumably be retained and enhanced as part of the buffer zones and habitat corridors shown on the indicative master plan. The challenge will be to provide sufficient, suitable soft landscaping and tree planting throughout the roads, parking areas, property frontages and green / amenity space to soften the built form and maintain green links through the development.

### **Ecology**

- 7.16 *Protected Species* - I can confirm that my concerns in relation to reptiles have been addressed as the submitted plan now includes an area of grassland to the north of the existing retained woodland. In respect of the impact of the proposal on Dormice further information has been submitted, confirming that habitat fragmentation is unlikely and the extent of habitat loss is limited to removal of 0.5km of hedge. No further concerns in relation to protected species.



- 7.17 *Biodiversity & Priority Habitat* - Having reviewed the submitted Land Use Plan, it is clear that the majority of the calcareous grassland (priority habitat) on site, with the exception of the northern boundary, will be lost to development. It should be noted that the creation of the proposed noise bund along the southern/eastern boundary will result in the loss of the calcareous grassland in this area, which is proposed to be re-created.
- 7.18 It has been stated that the mitigation hierarchy has been met. In my opinion, this could only be met if the proposed number of housing and layout is changed in a manner where the majority of the better-quality Priority Habitat calcareous grassland on site is retained.
- 7.19 The proposed offsite compensation (at Butler Farms, Meon Springs) is based on the conversion of arable land to calcareous grassland. However, no information has been provided to confirm how this can be achieved. Has any soil testing been carried out to confirm the soil type? If the land is arable, would the soil not be too nutrient rich? Further studies are required to confirm if the establishment of a calcareous grassland can be achieved, as this would not be a simple case of sowing the area with a chalk grassland seed mix. Due to lack of information in respect of the offsite compensation and clarification that calcareous grassland could be successfully created, my recommendation is that permission is not granted due to adverse impact on biodiversity, unless you are satisfied that the adverse impacts on ecology are outweighed by the need for, and benefits of, the development.
- 7.20 *Biodiversity Net Gain (BNG)* – Whilst the required BNG could somehow be achieved off-site there has been a misunderstanding in relation to the requirement for BNG and the separate requirements associated with compensating for loss of Priority Habitat on site.

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

- 7.21 Provided the recommendations for noise and ventilation details set out in the noise report (TETRA TECH, March 2022) are fully implemented this should protect the amenity of future residents in respect of industrial noise and road noise. I have reviewed the odour assessment (TETRA TECH, March 2022) and as long as the recommendations in relation to an odour planting buffer are implemented the amenity of future residents in relation to odour should be protected.
- 7.22 In respect of matters relating to Air Quality, there would be no adverse comments in respect of this application.

#### **Environmental Health (Contamination)**

7.23 No objection subject to planning condition

### **Conservation Planner**

7.24 Maintaining the visual and physical relationship between Grade II listed Fort Wallington and its surrounding landscape is now key to the understanding and character of the surviving elements of the Fort. In this particular instance the relationship between the Fort and the landscape are an important part of its original design. The Forts were designed to allow a field of view to the area immediately in front of them to allow the artillery pieces to be effective. The “openness” of the area is, therefore, an intrinsic part of its original design and this is now the main surviving element in terms of understanding the context of the Fort. Anything that further erodes this relationship would cause further harm to the setting of the listed building.

7.25 The visibility between Fort Wallington and Fort Nelson also forms part of the original design of the Forts and, although it has been eroded to a certain extent, the longer-distance visual relationship is still maintained. Fort Wallington is an interesting structure as it is technically the last of the Portsdown Hill Forts and forms the link between the Forts on the high ground to the north and the lower level Forts protecting the Fareham and Gosport peninsula. Anything that interrupts the current visual relationship between the two Forts will further erode the character, setting and understanding of the Grade II listed building.

### **Open Spaces Manager**

7.26 If the open space is intended to be transferred to the Council with the appropriate contribution then this would need to exclude any SUDS features. The SUDS features would need to be either retained by the developer or passed onto a suitable management company responsible for the future maintenance of the estate.

## **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:

- a) The approach to decision making
- b) Residential development in the countryside
- c) Accessibility of the Site & Highway Matters
- d) Landscape & Visual Impact
- e) Impact on Heritage Assets
- f) Ecology
- g) Impact on Habitat Sites
- h) Other Matters
- i) The Planning Balance

## A) THE APPROACH TO DECISION MAKING

8.2 A report titled "Five year housing land supply position" was reported to the Planning Committee on 25<sup>th</sup> January 2023. That report sets out this Council's local housing need along with the Council's current housing land supply position. The report concludes that the Council had 5.49 years of housing supply against its five year housing land supply (5YHLS) requirement including a 20% buffer.

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

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

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

8.5 Paragraph 60 of the NPPF seeks to significantly boost the supply of housing.

8.6 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.

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

*"For decision-taking this means:*

*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.”*

8.8 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.”*

8.9 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.”*

8.10 This planning application proposes new housing outside the defined urban settlement boundaries. Whilst the Council can demonstrate a five year housing land supply, the Housing Delivery Test results published on 14th January 2022 confirmed that the Council has achieved 62% of its housing target. This means the delivery of housing in the last three years (2018 to 2021) was substantially below (less than 75%) the housing requirement. 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.

- 8.11 Taking the first limb of NPPF paragraph 11(d), as this report sets out, in this case there are specific policies in the NPPF which protect areas of assets of particular importance referred to within footnote 7, namely habitat sites and heritage assets. Therefore, a judgement will need to be reached as to whether policies in the Framework provide a clear reason for refusing the development. Where this is found to be the case, the development should be refused.
- 8.12 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.
- 8.13 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."*

- 8.14 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.
- 8.15 The following sections of the report assess the application proposal against this Council's adopted local planning policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

## **B) RESIDENTIAL DEVELOPMENT WITHIN THE COUNTRYSIDE**

- 8.16 Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. Policies 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.
- 8.17 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.'*

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

8.19 The progress of the emerging Fareham Local Plan 2037 is well advanced and it carries weight in the consideration of planning applications, with some policies carrying considerable weight. Policy DS1 concerns development within the countryside. The policy sets out a number of exceptions (a-i) where development in the countryside may be permitted, including where associated with an existing use or involving development of previously developed land, the development of an allocation site or where there is a demonstrated need for a location outside of the urban area. Officers do not consider that any of the listed types of permissible development within the countryside are applicable to the application proposal. In addition, the policy states that;

*"Proposals for development within the Countryside will need to demonstrate that they;*

*k) Protect and enhance landscapes, sites of biodiversity or geological value and soils, and*

*l) Recognise the intrinsic character and beauty of the countryside and, if relevant, do not significantly affect the integrity of a Strategic Gap, and*

*m) Maintain the character of the undeveloped coast, and*

*n) Demonstrate a preference for lower quality agricultural land."*

8.20 The application site was initially included as a housing allocation site (HA8) within the Draft Local Plan 2036 and was consulted upon as part of the Regulation 18 consultation exercise in 2017. Following that exercise it was later omitted from the Regulation 19 Publication Local Plan which was subsequently submitted to the Planning Inspector for examination. The Emerging Fareham Local Plan 2037 states that;

*“For the avoidance of doubt, policies FTC1, FTC2, FTC3, FTC4, HA2, HA5, HA6, HA8, HA11, HA14, HA16, HA18, HA20, HA21, HA25 do not exist. These references relate to policies that were consulted upon during the Draft Local Plan 2017 consultation and are no longer proposed to be allocated in the Local Plan. This may be because the site is no longer available or deemed to be suitable.”*

- 8.21 Whilst the applicant is keen to place great weight on this previous potential allocation, Officers are of the view that the former identification of the site as a possible housing allocation is of very limited relevance and carries no weight in determining this application. The planning application is supported by a far greater site-specific body of evidence and the relevant planning issues have been considered in far greater depth than would previously have been possible.
- 8.22 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, Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies and Policy DS1 of the Emerging Fareham Local Plan 2037.

### **C) ACCESSIBILITY OF THE SITE & HIGHWAY MATTERS**

- 8.23 The application proposal initially attracted a number of objections from the Highway Authority (Hampshire County Council). Since that time there have been a series of discussions between the applicant and the Highway Authority in an attempt to resolve the objections raised.
- 8.24 Concerns were previously raised in respect of the accessibility of the site and the reliance on the use of Military Road as the primary pedestrian link between the application site and local services within Wallington/Fareham. This route was not considered suitable for all users, particularly in the hours of darkness and for more vulnerable road users, including school children, users with buggies and those with disabilities.
- 8.25 The application was amended in January 2023 to include a scheme of highway improvement works to Military Road to provide a formal pedestrian link between the application site and existing residential development within Wallington via the existing footpath through to Pallant Gardens. The proposed works include the provision of a 1.8m wide footway along the southern side of Military Road from the footpath to Pallant Gardens up to the junction with Pinks Hill. The scheme includes the provision of low level light bollards and a pedestrian crossing point across Pinks Hill to the north of the proposed access. The applicant has undertaken a walking and cycling infrastructure audit which identifies the routes and distances to local facilities. The Highway Authority considers that the pedestrian improvement works would provide a

safe, attractive and appropriate route to key local facilities within a suitable walking and cycling distance from the development site.

- 8.26 A traffic calming buildout is proposed on Military Road at the western end of the pedestrian improvement works with eastbound vehicles required to give way to oncoming traffic coming from Pinks Hill. Forward visibility eastbound is shown to be 121 metres from that build out and 96 metres for westbound traffic. Tracking plans shows vehicles would be able to access and egress driveways to the adjacent properties along Military Road as well the passing of two vehicles (one being a refuse lorry) at the stop line behind the build out. The Highway Authority consider the forward visibility and the swept path analysis on Military Road to be acceptable and does not consider the proposed works to be detrimental to highway safety.
- 8.27 The proposed pedestrian improvements works would bring a good range of services and facilities to within a 2km walk/cycle of the application site including primary/secondary schools and Fareham town centre with associated public transport, employment, retail and leisure facilities. Officers are therefore of the view that the site is sustainably located taking into account the relevant guidance on such matters.
- 8.28 Pinks Hill and Military Road are private roads which are owned by Fareham Borough Council. The amended proposals also included for works to widen Pinks Hill to 6.5m to ease two-way traffic movements. These works are considered necessary to accommodate the additional forecast traffic as a result of the development and must therefore be delivered prior to occupation of the development. The applicant has discussed these works with the Council's Asset Management team who have confirmed that in principle they would be agreeable to the proposed works being carried out. In the event planning permission were forthcoming then there would be further discussions required between the developer and the landowner before these works could come forward. The highway works could be secured by a so-called 'Grampian-style' planning condition requiring submission of a greater level of construction detail for the works to Pinks Hill for approval and for those works to be undertaken prior to the commencement of the development. The highway widening works would need to retain the historic pill box positioned to the east of Pinks Hill.
- 8.29 The Highway Authority initially raised highway safety concerns in respect of visibility at the junction of the proposed site access with Pinks Hill. An amended plan for the access showing the required level of visibility (60 metres to the south and 64 metres north of the proposed access) has been submitted. These splays are located either over land owned by FBC or the developer and would therefore need to be either dedicated as highway (requiring landowners to be party to a Section 278 Agreement) or a condition



imposed to ensure visibility at the junction will be kept free from obstruction in perpetuity. Tracking plans have been provided for the proposed site access to demonstrate the passing of a refuse vehicle and a large car, which is considered acceptable. The access plan indicates signage south of the proposed bellmouth to deter pedestrians walking in this direction; further measures to deter pedestrian use of Pinks Hill would likely be required during the detailed design stage.

- 8.30 An assessment of the impact on the A27 on-slip (Pinks Hill) junction has been carried out by the applicant using Department for Transport 2021 data that shows the daily traffic movements on that section of the road network. The A27 northbound route experiences approximately 26,000 daily traffic movements. Based on the additional 252 movements a day generated by the proposed development onto the A27, it is considered that the development impact on this junction would be minimal and would be of little detriment to the operation and safety of the A27.
- 8.31 Finally a highways contribution would be sought for highway improvement works proposed to the Delme Arms roundabout. The level of transport contribution sought relates directly to costs regarding proposed improvements to pedestrian and/or cycle infrastructure. This contribution would be required to provide more sustainable travel choices and to manage the growing travel demands in a sustainable way. A financial contribution of £425,000 has been agreed with the applicant and would need to be secured through a Section 106 legal agreement.

#### **D) LANDSCAPE & VISUAL IMPACT**

- 8.32 The Fareham Landscape Assessment 2017 (which is part of the evidence base for the Fareham Local Plan 2037) identifies that the application site lies within the Portsdown landscape character area (LCA11) within the 'Fort Wallington Fringe'. The application site falls within an area of land described as 'an area of 'captured' landscape sandwiched between the motorway, the A27 road corridor and the northern edge of Wallington'. The land is predominantly used for horse grazing and is stated as having a scruffy urban fringe character which is influenced by the nearby presence of large scale industrial/commercial buildings and associated infrastructure. The strong vegetation cover within and around the edges of the area is seen as a positive feature which significantly reduces the visual intrusion of the motorway and adjacent roads and vice versa screens views into the site from the motorway and the A27 corridor.
- 8.33 The intrinsic quality of the landscape immediately surrounding Fort Wallington is considered to be relatively low due to its disconnected nature from the wider

rural landscape and Portsdown Hill. However in relation to the land which forms the application site, the landscape assessment specifically states that;

*‘ although intrinsic landscape value is low, there may be a case for retaining the open, undeveloped character of the fields on the eastern side to allow the distinctive topography of this chalk spur and the commanding position and setting of the former Fort to be appreciated more readily than if clothed in built development.’*

- 8.34 Whilst the Council acknowledges that visibility of the application site from the surrounding area is limited there are localised open views into and across the fields, which form the application site, to the east of Fort Wallington from Pinks Hill and Military Road. These views are afforded through gaps in the hedgerows and open sections of boundary and gateways. From the most elevated viewpoints, most of the land within the eastern fields is visible within the foreground of views south-eastwards over the Borough towards Portsmouth Harbour. The application site therefore effectively forms a green undeveloped buffer between the edge of Wallington to the north and west and the A27 corridor to the south-east and the sub-urban development extending beyond. As a result of the expansive views available, the undeveloped land to the south and east of the Fort (the application site) is judged as being of moderate visual sensitivity within the Landscape Assessment.
- 8.35 The Landscape Assessment highlights that the importance of maintaining the open character of fields on the opposite side of Pinks Hill to the East of Fort Wallington as part of the setting of this heritage feature requires consideration by relevant specialists. The impact of the proposal on the setting of Fort Wallington is discussed in more detail in the relevant section of this report below.
- 8.36 The application is accompanied by a Landscape & Visual Appraisal which considers the likely significant effects of the proposed development on the landscape character and visual amenity within the surrounding area. The appraisal sets out a number of mitigation measures incorporated into the scheme to avoid or reduce adverse effects including the creation of a landscaped bund along the south-eastern boundary of the site adjacent to the A27. It is also stated that the woodland at the southern end of the site would be retained and that a landscaped buffer would be provided adjacent to this woodland with a green corridor extending through the site to the northern boundary. Existing healthy trees along the Pinks Hill/Military Road boundary would also be retained.
- 8.37 These mitigation measures however do little to lessen the visual impact of the proposed development and its impact on landscape character in terms of the

views from the upper reaches of Pinks Hill/Military Road over the application site. The applicant's Landscape appraisal concludes that there would be only short term moderate adverse effects to the landscape of the site and the setting of Fort Wallington during the construction works. In the long term it is considered that the scale of effect would reduce to a minor adverse effect following the integration of the site into its setting. In terms of visual impact only a minor adverse effect was identified on users of the public right of way (Paradise Lane/Allan King Way) to the east of the application site and Standard Way (presumably Military Road/Pinks Hill) both during construction and in the long term. The appraisal concludes that the site provides an opportunity to receive the proposed development without creating any notable adverse effects on any landscape or visual receptors with all long-term effects considered acceptable.

- 8.38 Officers do not agree with this assessment. The proposed development would clearly have a significant impact on the landscape character of the area taking it from pastoral fields to relatively dense urban development with minimal regard given to the retention of a landscaped setting. The proposed development would be clearly evident from Pinks Hill/Military Road in views to the south-east and would also be seen from higher land to the east on the opposite side of the A27 corridor and moving up the slopes of Portsdown Hill. Any attempt to further screen the development from Pinks Hill would not compensate for the loss of views over the open landscape. It is considered that the proposed development would be harmful to the local landscape character, appearance and function of the countryside in which the site lies contrary to Policies CS14 & CS17 of the Core Strategy and Policy DS1 of the emerging Fareham Local Plan 2037.

## **E) IMPACT ON HERITAGE ASSETS**

- 8.39 There are no listed buildings on the site itself and it is not located in a Conservation Area. The closest Conservation Area to the application site is Wallington which is located around 500m to the north-west and in this instance not considered to be adversely affected. The application site lies on the eastern side of Pinks Hill, around 50m to the east of the Grade II Fort Wallington which is a designated heritage asset. Fort Wallington dates to circa 1860 and was one of a series of forts built for the defence of Portsmouth Harbour against a potential war with France. Fort Wallington has a historic and spatial physical link with Fort Nelson to the north-east which is a Scheduled Monument and this relationship is considered important to its understanding.
- 8.40 The Pill Box located at the western boundary of the site which is visible from Pinks Hill dates from circa 1940 and is a circular structure made from

shuttered concrete and corrugated iron with embrasures for machine guns. This type of Pill Box is rare and should be retained as part of the proposals including the widening of Pinks Hill, which is shown to be the case.

8.41 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the local planning authority to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

8.42 The NPPF advises that heritage assets are an irreplaceable resource and the approach set out in the NPPF paragraph 195 requires local planning authorities to take account of the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting) to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. When considering the impact of a proposal on the significance of a designated heritage asset the local planning authority should give great weight to the asset's conservation and the more important the asset the greater the weight should be (NPPF paragraph 199). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (NPPF paragraph 200).

8.43 NPPF paragraph 202 advises that,

*“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

8.44 Policy DSP5 of the adopted local plan states, amongst other things, that:

*” In considering the impact of proposals that affect the Borough’s designated heritage assets, the Council will give great weight to their conservation...”*

*Harm or loss will require clear and convincing justification in accordance with national guidance...”*

It continues by saying that:

*“Listed buildings will be conserved by... ensuring that development does not harm, and if desirable, enhances their settings.”*

8.45 Policy HE1 of the Emerging Fareham Local Plan 2037 states;

*‘All development should seek to conserve and enhance the historic environment and heritage assets, in line with local and national policy. The Council will take appropriate positive steps to conserve and enhance the Borough’s historic environment and heritage assets.’*

8.46 Policy HE3 of the emerging Fareham Local Plan 2037 states in part;

*‘Where a development would affect a listed building/structure and/or its setting, proposals should preserve or enhance any features of special architectural or historic interest they possess, proposals must demonstrate sufficient understanding of and respond to the historic environment.’*

8.47 The supporting text to Policy HE3 sets out that a Heritage Statement will be required to describe the significance of any heritage assets affected, including any contribution made by their setting and the impact of the proposal on the special interest and significance of the heritage asset. It should also set out why the works proposed are desirable or necessary and demonstrate how the public benefit of the works outweighs any harm.

8.48 Proposals will be assessed in accordance with the NPPF and the Council will give great weight to the desirability of preserving the listed building/structure, its setting or any features of special architectural or historic interest. The weight to be attached to any specific harm in the overall balance remains a matter of planning judgement, reflecting both the scale of the harm itself and the particular significance of the asset.

8.49 The Council’s Conservation Planner is of the view that the proposal would be harmful to the setting of Fort Wallington. Using the terminology of the NPPF, the level of harm to the significance of the heritage asset is considered to be “less than substantial” but would lie at the upper end of a spectrum of harm.

8.50 The surviving flank wall to the south-east of Fort Wallington with its associated gun embrasures is the main surviving historic element of the building. It is considered that a key part in the continued understanding of the Fort, and an intrinsic part of its surviving character, is the reading of the flank wall and its visual relationship with its surrounding landscape context and also the intervisibility with Fort Nelson to the north-east. In this particular instance the relationship between the Fort and the landscape are an important part of its original design. The Forts were designed to allow a field of view to the area immediately in front of them to allow the artillery pieces to be effective. The “openness” of the area is, therefore, an intrinsic part of its original design and

this is now the main surviving element in terms of understanding the context of the Fort. The character of the Grade II listed Fort building has already been eroded by the construction of the industrial estate in the interior which makes the relationship between the surviving elements of the Fort and its landscape context even more important in the understanding of the building.

- 8.51 In response to these concerns the applicant's heritage consultant provided a Heritage Statement Addendum (August 2022). The Addendum asserts the view that the Conservation Planner's attribution of importance to the application site in respect of the Fort's historic function is overstated, with Fort Wallington and Fort Nelson being land defence Forts and having their fields of view to the north and north-west. In terms of the intervisibility between Fort Wallington and Fort Nelson it is suggested that the applicant has responded positively to the Council's Conservation Planner's concerns by removing any potential three storey development from the site.
- 8.52 The Council's Conservation Planner considers that the conclusion of the Heritage Statement Addendum understates the relationship between the Palmerston Forts in general (and Fort Wallington in particular) with their wider landscape context. While the original focus of the artillery pieces and gun embrasures on the forts on the higher ground was, as correctly stated, focused on the areas to the north and east, the forts themselves still have a physical and visual relationship with their landscape setting.
- 8.53 Fort Wallington was listed in 1976, well after the eastern part of the fort was demolished during the construction of the M27. This shows that the surviving southern curtain wall was still considered to have sufficient historic and architectural value to be worthy of listing even after the eastern part of the fort had been demolished.
- 8.54 As stated in NPPF paragraph 202, less than substantial harm to a heritage asset should be weighed against the public benefit of the proposal. The applicant's view is that the significant benefits of the scheme, including the delivery of additional open market and affordable housing and highway improvements to the Pinks Hill and Military Road, would significantly outweigh this harm.
- 8.55 Officers acknowledge that there would be some benefits arising from the proposal, most notably the provision of additional housing towards the Council's housing supply including affordable housing; however it is not considered that it has been demonstrated that the benefits would outweigh the harm to the designated heritage asset. It should also be noted that that the emerging Fareham Local Plan 2037, which it is anticipated will be adopted imminently, identifies sufficient land to meet the Council's housing needs.

Accordingly, the proposal is considered contrary to Policies DSP5 of the adopted Local Plan Part 2: Development Sites & Policies and Policies HE1 & HE3 of the Emerging Fareham Local Plan 2037. Furthermore, it is considered that policies in the NPPF that protect areas or assets of particular importance, and which include listed buildings, therefore provide a clear reason for refusing the development proposed in heritage terms as set out in NPPF paragraph 11d(i)

## **F) ECOLOGY**

### ***Loss of Biodiversity (Priority Habitat)***

- 8.56 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.
- 8.57 Policy NE1 of the emerging Fareham Local Plan 2037 concerns the protection of Nature Conservation, Biodiversity and the Local Ecological Network. It states that:

“Development will be permitted where;

- a) Designated international, national sites and local sites of nature conservation value are protected and enhanced, reflecting their status in the hierarchy of nature conservation designations; and*
- b) Protected and priority habitats and species, including breeding and foraging areas are protected and enhanced; and*
- c) Proposals do not prejudice the Ecological Network or result in its fragmentation...”*

- 8.58 The supporting text to Policy NE1 set out that development in Fareham Borough will be expected to make a positive contribution to the existing natural environment. It is considered that development which does not do this, contributes to the continuing decline of biodiversity and would therefore not constitute sustainable development.
- 8.59 The Ecological Appraisal submitted with the application identifies that the site consists of a large area of calcareous grassland across much of the site (3.88ha). This type of grassland is mostly found on the low chalk or hard limestone hills of southern England and is characteristically species rich in flora supporting hundreds of species of invertebrates and butterflies. Calcareous grassland is listed as a habitat of principal importance, otherwise known as ‘priority habitat’ first identified in the UK Biodiversity Action Plan (BAP). Whilst priority habitat does not receive statutory protection, the habitat

is designated as such due to its important ecological value and should therefore be afforded proportionate protection. The potential loss of priority habitat, to which the Council's Ecologist has raised significant concerns, is a material planning consideration.

8.60 The Council's Ecologist is of the view that the proposal fails to meet the 'mitigation hierarchy' of 'avoid, mitigate, compensate'. Policy NE1 of the emerging Fareham Local Plan 2037 clarifies that development will be expected to adhere to the principles of the mitigation hierarchy. This means, if a development has the potential to harm biodiversity directly or indirectly, the impact should be avoided (such as by finding an alternative site or through appropriate design). If harm cannot be avoided, then adequate mitigation should be provided. As a last resort, if mitigation is not provided, compensation amounting to the lifetime of the development should be arranged. Development should demonstrate clearly that the mitigation hierarchy has been followed.

8.61 Para 180 of the NPPF states in part;

*“When determining planning applications, local planning authorities should apply the following principles:*

*a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...”*

8.62 The applicant considers that where possible the loss of biodiversity has been avoided by retaining woodland at the southern end of the site and the tree belt along the south-east boundary. It is suggested that the loss of calcareous grassland has been avoided by retaining as many areas of calcareous grassland as possible whilst maintaining a viable development. Some mitigation is to be provided on site by replacing this habitat and where some loss cannot be avoided additional compensation is to be provided off-site. The proposed off-site compensation consists of the conversion of an existing parcel of arable land to calcareous grassland at Butler Farms, East Meon which lies outside of the Borough. However, limited information on this compensatory habitat has been provided to confirm that it is deliverable or that the conditions at the site make it suitable for calcareous grassland creation.

8.63 Officers consider that the proposed development would realistically result in the loss of much of the existing calcareous grassland on site during the construction works with some areas to be recreated as on-site mitigation post



development along the south-eastern boundary of the site and at the southern end adjacent to the retained woodland. The land uses plan however shows that the area at the southern end of the site is also intended to contain the SUD's infrastructure and pumping station leaving little space for grassland creation. The applicant's reliance largely on off-site compensation, which falls outside of the Borough, is not considered to be acceptable and fails to adhere to the principles of the mitigation hierarchy. The significant distance between the application site and the land where compensation is proposed to be provided is also a concern. Whilst alternative compensation sites within the Borough closer to the application site have been explored by the applicant, a suitable alternative has not been found, demonstrating the rarity and value of the habitat.

- 8.64 It is considered that the proposal fails to protect and enhance biodiversity by adhering to the principles of the mitigation hierarchy and would result in the unacceptable loss of priority habitat without adequate mitigation and/or compensation contrary to Policy CS4 of the adopted Core Strategy, Policy NE1 of the emerging Local Plan and Para 180 of the NPPF.

#### ***Biodiversity Net Gain***

- 8.65 Under the Environment Act 2021, all planning permissions granted in England (with a few exemptions) will have to deliver at least 10% biodiversity net gain (BNG) from an as yet unconfirmed date in November 2023. Whilst this requirement is not yet mandatory Policy NE2 of the Emerging Fareham Local Plan 2037 concerns biodiversity net gain and states;

*'The development of one or more dwelling or a new commercial/leisure building should provide at least 10% net gains for biodiversity from the existing baseline value of the site and should be maintained for a minimum of 30 years'*

In line with the Environment Bill Act 2021 and para 175 of the NPPF the Council expects development proposals to achieve demonstrable net gains in biodiversity. Policy NE2 is considered to carry considerable weight at this time and Officers consider it appropriate for the proposed development to deliver a minimum 10% BNG.

- 8.66 The National Planning Practice Guidance (NPPG) for the Natural Environment advises that biodiversity net gain should complement and work with the biodiversity mitigation hierarchy. It is important to recognise that achieving the required level of BNG does not override the protection for designated sites, protected or priority species and irreplaceable or priority habitats set out in the NPPF.

- 8.67 The supporting text to Policy NE2 advises that the Council will aim, where possible, to secure net gain for biodiversity for a longer period than that required by the Environment Act 2021 (min 30yrs) up to the lifetime of the development with which it is associated. Therefore, the Council would expect a costed management and maintenance plan for habitats created for biodiversity net gain to include enough funding to last for a minimum period of 30 years.
- 8.68 To achieve BNG in a way that is consistent with the mitigation hierarchy the Council expects biodiversity net gain to be provided on-site in the first instance. However, where it can be shown that biodiversity net gain cannot be adequately achieved on-site, either a combination of on-site and off-site measures or entirely off-site measures are acceptable. Off-site measures should be made in reasonable proximity to the development as far as possible. An initial BNG assessment for the proposed development demonstrated that the proposal would result in a net loss of 2.4% habitat units on-site.
- 8.69 The applicant has submitted an updated BNG assessment which demonstrates that the proposal could deliver a 10% net gain in habitat units based on the reliance of off-site compensation. As the application is in outline form this assessment makes a number of assumptions in terms of the on-site habitat to be retained and created which would need to be evidenced at the reserved matters stage. The off-site compensatory calcareous grassland habitat at Butler Farm, West Meon would hence serve a dual purpose in terms of compensating for the harm to biodiversity on site and demonstrating a 10% BNG for the proposal overall. Officers are not satisfied that it has been demonstrated that a higher percentage of BNG could not be provided on-site in the first instance by adhering to the mitigation hierarchy. As above there remains concerns about the suitability of the compensatory habitat site for the creation of calcareous grassland and there are also concerns that the off-site BNG is not within reasonable proximity to the site.

## **G) IMPACT ON HABITAT SITES**

- 8.70 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.

- 8.71 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.
- 8.72 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 'Habitat Sites' (HS).
- 8.73 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' if it can be shown that the proposed development will either not have a likely significant effect on designated sites or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated sites. This is done following a process known as an Appropriate Assessment. The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority.
- 8.74 Whilst an Appropriate Assessment has not been carried out at this time, when considering the proposed development Officers considers there to be two main likely significant effects on HS.

#### ***Water Quality (nitrates)***

- 8.75 The first likely significant effect on HS 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 HS.
- 8.76 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.

- 8.77 A nitrogen budget has been calculated in accordance with Natural England's '*National Generic Nutrient Neutrality Methodology*' (Feb 2022) ('the NE Advice') and the updated calculator (20 April 2022) which confirms that the development would generate 99.7 kgTN/year. In the absence of sufficient evidence to support a bespoke occupancy rate, Officers have accepted the use of an average occupancy of the proposed dwellings of 2.4 persons in line with the NE Advice. The existing use of the land for the purposes of the nitrogen budget is considered to be a combination of primarily lowland (grazing) with small parcels of commercial/industrial land, shrub and woodland.
- 8.78 Whilst Officers have agreed the calculations in the submitted nitrate budget for the proposed development and the applicant has indicated mitigation would be secured from the Whitewool nitrate credit scheme, no evidence of this mitigation has been presented to enable the Council to undertake its appropriate assessment. The proposal therefore fails 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 HS of The Solent. The failure to provide appropriate and appropriately secured mitigation means the proposal is contrary to Policies CS4 & DSP13 of the adopted local plan and Policy NE4 of the emerging Fareham Local Plan 2037.

***Recreational Disturbance -***

- 8.79 The second of the likely significant effects on HS concerns disturbance on The Solent coastline through increased recreational use by visitors to the sites. The development is within 5.6km of the Solent SPAs and is therefore considered to contribute towards an impact on the integrity of the Solent SPAs as a result of increased recreational disturbance in combination with other development in the Solent area.
- 8.80 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 proposal been found acceptable in all other regards the Appellant 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 of the Local Plan Part 2: Development Sites & Policies and Policy NE3 of the emerging Fareham Local Plan 2037.

## **H) OTHER MATTERS**

### ***Affordable Housing***

- 8.81 Policy CS18 of the adopted Core Strategy and Policy HP5 of the Emerging Fareham Local Plan 2037 require the provision of 40% affordable housing. The applicant has indicated a willingness to provide the required level of affordable housing. If planning permission were forthcoming the affordable housing provision would need to be secured via a unilateral undertaking under Section 106. In the absence of the legal agreement the proposal is considered contrary to Policy CS18 of the Core Strategy and Policy HP5 of the Emerging Fareham Local Plan 2037.

### ***Noise Disturbance to Future Residents/Smells & Dust***

- 8.82 The application is supported by a noise assessment (Tetra Tech, March 2022). Noise surveys have been undertaken and the results used to predict the effects of noise on future residents of the development. The proximity of adjacent roads, the SUEZ waste recycling and transfer facility and logistics depo and the nearby industrial units have been taken into account within the assessment. It is considered that adverse impacts could be mitigated by an appropriate glazing strategy with enhanced glazing to certain facades and through the provision of alternative means of ventilation. Alternative ventilation can be provided in several ways from acoustic trickle vents to other passive ventilation systems. The parameters plans for the site also make provision for an acoustic barrier/bund at a height of 4.0m along the southern boundary of the site to reduce road traffic noise levels. The noise levels from the industrial units to the north of the development have been assessed and are predicted to have a low impact on the proposed development. With the mitigation strategy, noise levels are predicted to meet the BS8233:2014 internal guideline criteria during the daytime and night-time. The Council's Environmental Health Officer has reviewed the Noise Assessment and agreed with its findings. Any reserved matters application would need to be supported by additional information in respect of the proposed sound attenuation measures.
- 8.83 The application is also supported by an odour survey & assessment (Tetra Tech, March 2022) which has been carried out to identify the potential magnitude and significance of odour from the SUEZ waste recycling centre on the proposed development. No complaints in respect of odour or dust have been received by the Council in recent years since 2017. The sniffing survey results identified mainly 'neutral' to 'mildly unpleasant' smells (attributed to

either livestock or waste) across the site during the surveys. Based on the odour sniffing survey results, it has been deemed that development located within the north-west corner of the site would require additional protection from odour. Odour mitigation is proposed in the form of a planting buffer, which would form a vegetative environmental buffer (VEB), at the boundary of the site.

#### ***Flood Risk & Surface Water Drainage***

- 8.84 The flood risk assessment and drainage strategy for the site concludes that the flood risk to the site from all sources is low. The proposed development would increase the impermeable area of the site. This would generate additional surface water runoff which, if uncontrolled, which could increase the risk of surface water flooding elsewhere, as well as fluvial flooding if more surface water is conveyed downstream. It is therefore necessary to manage surface water runoff on site to avoid increasing the flood risk elsewhere. Given the site's underlying geology it is considered infiltration is likely to be feasible at this location which is the preferred method of discharge. It is proposed to provide all of the required storage volume in an infiltration basin on-site. The Lead Local Flood Authority (HCC) has advised they would raise no objection to the proposals subject to a planning condition to secure submission of a detailed surface water drainage scheme.

#### ***Public Open Space (POS) & Play Provision***

- 8.85 Whilst the parameters plans indicate areas of the site to be dedicated to Public Open Space (POS) the applicant would need to satisfy the Council at the Reserved Matters stage that the overall provision of POS meets the requirements of the Planning Obligations SPD and that the areas would be useable as such and not dedicated for other purposes (ie. drainage infrastructure, pumping station, ecological areas etc). The proposed number of units would require the provision of a Locally Equipped Area of Play (LEAP). This, along with the public open space overall, would need to be secured via a Section 106 legal agreement. In the absence of a legal agreement to secure the POS the proposal is considered contrary to Policy CS21 of the Core Strategy and Policy NE10 of the emerging Fareham Local Plan 2037.

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

- 8.86 Concerns have been raised over the effect of the number of dwellings on schools, doctors and other services in the area. 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 provides to decide how they deliver their services. A refusal on these grounds would not be substantiated.

8.87 Hampshire County Council have advised that a financial contribution should be sought towards education provision which would need to be secured through a Section 106 legal agreement.

### **I) PLANNING BALANCE**

8.88 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”.*

8.89 The development proposal would harm the setting of listed buildings when applying the statutory test under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Officers consider that the level of harm would be less than substantial. NPPF paragraph 202 advises that such harm should be weighed against the public benefits of the proposal and Officers do not consider that the benefits of the proposal would outweigh the harm to the designated heritage asset. Accordingly, policies in the Framework that protect areas or assets of particular importance, and which include listed buildings, would provide a clear reason for refusing the development under NPPF paragraph 11d(i) without the ‘tilted balance’ of paragraph 11d(ii) being engaged.

8.90 However, Officers do not consider that the presumption in favour of sustainable development set out in NPPF paragraph 11 should be applied at all in this instance. As set out 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”.*

8.91 In this instance Officers have identified likely significant effects upon HS through deterioration in the water environment as a result of increased nitrates and increased recreational disturbance. As mitigation has not been secured to address these likely significant effects an Appropriate Assessment has not been undertaken by Officers at this time. Accordingly, the presumption in favour of sustainable development set out at Paragraph 11 of the NPPF does not apply.

- 8.92 In light of the harm to heritage assets and the likely significant effects of the proposed development on HS the application must be determined in accordance with the development plan unless material considerations indicate otherwise as set out in the Section 38(6) test (a 'straight balance').
- 8.93 The site is outside of the defined Urban Settlement Boundary and the proposal does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy, Policy DSP6 of Local Plan Part 2: Development Sites and Policies Plan and Policy DS1 of the emerging Fareham Local Plan 2037. The proposal would have an unacceptable impact on the landscape character, appearance and function of the countryside. Furthermore the proposal fails to follow the mitigation hierarchy and would result in a loss of priority habitat and fails to demonstrate that a 10% biodiversity net gain would be achieved. The proposal would result in harm to the significance of a Grade II listed heritage asset and in the absence of suitable mitigation would have an adverse impact on the integrity of Habitat Sites.
- 8.94 Officers acknowledge that the proposal could deliver up to 109 dwellings including a policy compliant 40% affordable housing. The contribution the proposed scheme would make towards boosting the Borough's housing supply is a material consideration however this Council is currently able to demonstrate a 5YHLS. Other potential benefits the applicant purports would be forthcoming, such as the proposed highway improvement works to Pinks Hill, are considered less as benefits and more mitigation measures proposed to offset the impacts of the development.
- 8.95 Officers have carefully weighed the benefits which would be delivered by the proposals against the conflict with adopted local plan policies and the policies of the NPPF. Officers are of the view that the harm identified in the preceding paragraphs and the degree of conflict with the development plan outweigh the benefits arising from the scheme.
- 8.96 In light of this assessment, and taking into account all other material planning considerations, Officers recommend that planning permission should not be granted for this application.

## **9.0 Recommendation**

- 9.1 REFUSE PERMISSION for the following reasons:

The development is contrary to Policies CS2, CS4, CS5, CS6, CS14, CS17, CS18, CS20 and CS21 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP1, DSP5, DSP6, DSP13 & DSP15 of the Adopted Fareham Borough Local Plan Part 2: Development Site and Policies and Policies DS1,



HP1, HP5, NE1, NE2, NE3, NE4, NE10, HE1, HE3, TIN1, TIN2 & TIN4 of the emerging Fareham Local Plan 2037

And paragraphs 175 and 180a of the NPPF and is unacceptable in that:

- a) The provision of residential development in this location would be contrary to adopted Local Plan policies which seek to prevent additional residential development in the countryside;
- b) The proposed development would be harmful to the landscape character, appearance and function of the countryside;
- c) The proposal would erode the visual and physical relationship between the Grade II listed Fort Wallington and its surrounding landscape resulting in harm to the setting of Fort Wallington (Grade II Listed) and its significance as a heritage asset;
- d) The proposal fails to protect and enhance biodiversity by adhering to the principals of the mitigation hierarchy and would result in harm to biodiversity and the unacceptable loss of priority habitat without adequate mitigation and/or compensation;
- e) On the basis of the information available it has not been demonstrated that the proposal would provide at least 10% net gain for biodiversity in an accepted manner which would thereafter be maintained for a minimum of 30 years;
- 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 such, the proposal fails to mitigate against the adverse effects of the development on the safety and operation of the strategic and local highway network in the form of a financial contribution towards off-site highway improvements;
- 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 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;

- i) In the absence of a legal agreement to secure the provision of public open space and contributions towards the associated management and maintenance of the open space, the recreational needs of residents of the proposed development would not be met;
- j) In the absence of a legal agreement to secure contributions to education, the needs of residents of the proposed development would not be met;
- k) In the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas.
- l) 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 additional generation of nutrients entering the water environment.

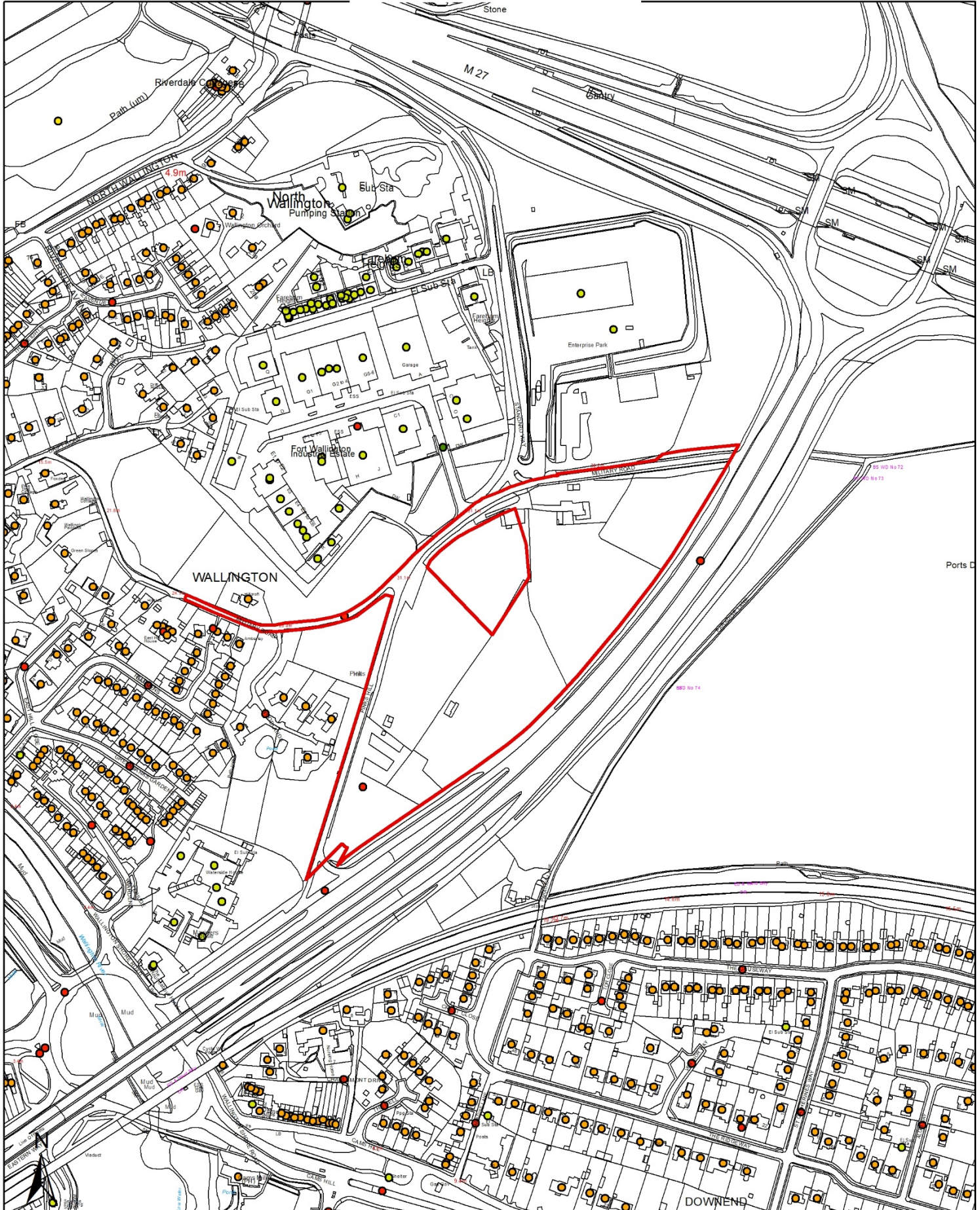
#### ***Notes for Information***

Had it not been for the overriding reasons for refusal to the proposal, the Local Planning Authority would have sought to address points f) - l) 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.

#### **10.0 Background Papers**

Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

# FAREHAM BOROUGH COUNCIL



Land at Pinks Hill

Scale 1:4,500

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## **ZONE 3 – EASTERN WARDS**

**Portchester West**

**Hill Head**

**Stubbington**

**Portchester East**

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/22/1824/AD PORTCHESTER EAST	LAND TO THE WEST OF SEAFIELD ROAD/MORAUNT DRIVE AND SOUTH OF TATTERSHALL CRESCENT FAREHAM PO16 6BX  DISPLAY 2 X STACK BOARDS AND 2 X INFORMATION BOARDS	7  CONSENT

# Agenda Item 6(7)

## OFFICER REPORT FOR COMMITTEE

DATE: 15/03/2023

P/22/1824/AD  
HAMPSHIRE HOMES GROUP

PORTCHESTER EAST

DISPLAY 2 X STACK BOARDS AND 2 X INFORMATION BOARDS

LAND TO THE WEST OF SEAFIELD ROAD/MORAUNT DRIVE AND SOUTH OF  
TATTERSHALL CRESCENT, FAREHAM

### **Report By**

Emma Marks – direct dial 01329 824756

### **1.0 Introduction**

- 1.1 This application is being reported to the Planning Committee for determination due to the number of third-party representations received.
- 1.2 The application as originally submitted, proposed a total of 16 advertisements, of which 11 were flags displayed on 5 metre high poles. The application has been amended and 12 advertisements have been removed, including all of the flags.

### **2.0 Site Description**

- 2.1 This application relates to housing site currently under construction for a total of 49 dwellings. The site is located to the west of Seafield Road with access into the site from Moraunt Drive and to the south of Tattershall Crescent.
- 2.2 The site is partly within the urban area and partly with the countryside area on the Council's Local Plan.

### **3.0 Description of Proposal**

- 3.1 Advertisement consent is sought for the display of four different signs within three different positions around the site. The two stack boards are proposed on a temporary basis until the 31<sup>st</sup> December 2024 and the two information boards will be permanent, to provide information on the wildlife to the community.
- 3.2 The two stack boards comprise an advertising panel measuring 2 metres wide by 3 metres high, mounted on two posts. The posts would result in the advertising panel being mounted 1 metre above ground level, giving the advertisement an overall height of 4 metres.



3.3 The two information boards measure 1.5 metres wide, by 1.3 metres high and are mounted at an angle on four posts, so the information can be easily viewed. The boards will be approximately 1 metre high at the front and 1.3 metres high at the back

#### **4.0 Policies**

4.1 The following policies apply to this application:

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

CS17: High Quality Design

##### **Adopted Local Plan Part 2: Development Sites and Policies**

DSP3: Impact on living conditions

##### **Fareham Local Plan 2037(emerging)**

4.2 The Fareham Local Plan 2037 was submitted to the Planning Inspectorate on 30th September 2021 and an examination conducted in March and April 2022. Following the conclusion of the examination hearings the Inspector requested a number of modifications to the Plan. The proposed modifications were the subject of public consultation from 31<sup>st</sup> October until 12<sup>th</sup> December 2022. The Council's Local Development Scheme schedules that the new plan will be adopted in Winter 2022/2023. On adoption the Local Plan will have full weight and in its current advanced stage is a material consideration for the determination of planning applications. The following draft policies of the emerging plan are of relevance.

D1: High Quality Design and Placemaking

D2: Ensuring Good Environmental Conditions

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

5.1 None

#### **6.0 Representations**

6.1 Twenty-five representations raised the following comments in relation the original submission, which proposed sixteen sign/flags: -

- There is already significant disruption and eyesore about this site entrance, it will not benefit the community in anyway to have tasteless flags
- Noise disturbance cause by the proposed flags to the residents and wildlife
- This is unnecessary signage as very low footfall around the site
- Impact on the visual amenities of the area

- No need to advertising on the south area of the site

6.2 One further letter raised the following comments in relation to the amended proposal for four signs: -

- This is a green open space that everyone wants to enjoy
- I do object to there being any intrusions on the coastal walk to the south of the site

## **7.0 Consultations**

None

## **8.0 Planning Considerations**

8.1 The following matters represent the key material planning considerations which need to be assessed in determining this application:

- a) Impact on neighbouring properties and wildlife
- b) Impact on the visual amenities of the surrounding area

### **a) Impact on neighbouring properties and wildlife**

8.2 Policy DSP3 of the Fareham Local Plan Part 2 and draft policy DS2 of the Fareham Local Plan 2037 advises that development proposals should ensure that there will be no unacceptable adverse impact upon living conditions on the site or neighbouring development, by way of the loss of sunlight, daylight, outlook and/or privacy nor environmental conditions.

8.3 The original application submission included a total of 16 proposed signs, of which 11 were flags displayed on 5 metre high poles. The concern was raised that the flags could create a noise disturbance if it was windy and would impact on the surrounding residents/wildlife. The application has since been amended and 12 signs have been removed including all the flags.

8.4 It is now proposed to have one stack board at the entrance of the site adjacent to Moraunt Drive, a stack board and information board along the northern edge of the open space/habitat land and an information board along the southern edge of the site. Officers are of the view that due to the position of the signs there will not be any adverse impact created on the neighbours or any wildlife interests .

8.5 Officers are of the view that that the proposal complies with policies DSP3 of the Fareham Borough Local Plan Part 2 and draft Policy DS2 of the emerging Fareham Local Plan 2037.

**b) Impact on the visual amenities of the surrounding area**

8.6 Policy CS17 of the adopted Core Strategy and draft Policy D1 of the emerging Fareham Local Plan 2037 states that development should be of a high quality and respond positively to and be respectful of the key characteristics of the area, whilst also having regard to the key principles of urban design.

8.7 Concern has been raised by local residents that the signage will have an adverse impact on the visual amenities of the area. The application as originally submitted, proposed a large number of signs to be displayed in and around the site, which officers considered was excessive. The revised proposal for the four signs has dramatically reduced the impact on the area. Whilst three of the signs (one stack board and two information boards) are positioned on land within the countryside, they are considered to be acceptable for the temporary period and cause no material harm.

8.8 Officers are of the view that that the proposal complies with policy CS17 of the adopted Core Strategy and draft Policy D1 of the emerging Fareham Local Plan 2037.

**Summary:**

8.16 Officers consider that the proposed advertisements would not materially harm the character or the appearance of the area nor would it have an unacceptable adverse impact on the living conditions of nearby residents or any wildlife interests at the site.

8.17 The proposal would accord with the policies of the adopted and emerging Local Plans.

8.18 Officers recommend that consent should be granted.

**9.0 *Recommendation***

9.1 GRANT ADVERTISEMENT CONSENT , subject to the following conditions:

1. The two stack boards hereby approved shall be removed by no later than the 31<sup>st</sup> December 2024 or upon the sale/let of the last dwelling at the site whichever is sooner.

REASON: In the interest of visual amenity.



- (i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- (ii) No advertisement shall be sited or displayed so as to -
  - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (iii) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- (iv) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
- (v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

9.2 DELEGATE authority to the Head of Development Management to:

- a) agree any necessary modifications to the proposed development; and
- b) make any necessary modification, deletion or addition to the proposed conditions.

## **10.0 Background Papers**

10.1 Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.



# FAREHAM BOROUGH COUNCIL



Land to the West of Seafield Road/Moraunt Drive  
and South of Tattershall Crescent  
Scale 1:2,000

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**Report to  
Planning Committee**

**Date**                    **07/03/2023**

**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/23/0239/DA

**Appeal site address:** 10 West Street Fareham PO16 0BH

**Ward:** Fareham East

**The appellant:** Mr Kultar Singh Roath

**Description of proposal:** Replacement of timber-framed windows at first and second floor with UPVC-framed windows

**Date appeal lodged:** 02/03/2023

**Reason for Appeal:** Against serving of planning enforcement notice

Fareham Borough Council Reference: P/22/1046/FP

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

**Ward:** Fareham North

**The appellant:** Mr Paul MacDonald

**Description of proposal:** Timber garage for use as ancillary storage for the existing dwelling

**Council decision:** REFUSE

**Decision maker:** Committee

**Date appeal lodged:** 06/12/2022

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

Fareham Borough Council Reference: P/22/1771/DA

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

**Ward:** Fareham North

**The appellant:** Mr P Macdonald

**Description of proposal:** Erection of Detached Timber Garage

**Date appeal lodged:** 06/12/2022

**Reason for Appeal:** Against serving of planning enforcement notice

Fareham Borough Council Reference: P/22/0706/FP

**Appeal site address:** 40 Portsview Avenue Portchester Hampshire PO16 8LU

**Ward:** Portchester East

**The appellant:** Mr B Kendall

**Description of proposal:** Construction of 2 No. 3 bed Semi-Detached chalet bungalows following demolition of existing bungalow and garage

**Council decision:** REFUSE

**Decision maker:** Officer Delegated Powers

**Date appeal lodged:** 23/01/2023

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

Fareham Borough Council Reference: P/22/0295/OA

**Appeal site address:** 50 Paxton Road Fareham PO14 1AD  
**Ward:** Fareham South  
**The appellant:** Mr George Bell  
**Description of proposal:** Outline application for 1 x 3 bedroom dwelling (with all matters reserved)  
**Council decision:** REFUSE  
**Decision maker:** Officer Delegated Powers  
**Date appeal lodged:** 21/02/2023  
**Reason for Appeal:** Appeal against refusal of planning permission

Fareham Borough Council Reference: P/21/0994/FP

**Appeal site address:** 56 West Street Portchester Fareham PO16 9UN  
**Ward:** Portchester East  
**The appellant:** Mr Bill Seager  
**Description of proposal:** Demolition of existing single storey launderette and replacement with 3 storey 5 apartment block (4x1 bed and 1x2 bed) (revised submission of P/21/0319/FP)  
**Council decision:** REFUSE  
**Decision maker:** Officer Delegated Powers  
**Date appeal lodged:** 03/10/2022  
**Reason for Appeal:** Appeal against refusal of planning permission

Fareham Borough Council Reference: P/22/0615/FP

**Appeal site address:** 93 The Hillway Portchester Fareham PO16 8BP  
**Ward:** Portchester West  
**The appellant:** Mrs K. Bennett  
**Description of proposal:** Use of annexe as an independent dwelling  
**Council decision:** REFUSE  
**Decision maker:** Committee  
**Date appeal lodged:** 23/11/2022  
**Reason for Appeal:** Appeal against refusal of planning permission

Fareham Borough Council Reference: P/22/0852/PA

**Appeal site address:** Bishopsfield Road Street Works Bishopsfield Road Fareham PO14 1ND  
**Ward:** Fareham South  
**The appellant:** CK Hutchison Networks (UK) Ltd  
**Description of proposal:** Proposed 5G telecoms installation: H3G street pole and additional equipment cabinets.  
**Council decision:** PRIOR APPROVAL REFUSED  
**Decision maker:** Officer Delegated Powers  
**Date appeal lodged:** 23/11/2022  
**Reason for Appeal:** Appeal against refusal of planning permission

Fareham Borough Council Reference: P/21/1458/FP

**Appeal site address:** Kingfishers Fishers Hill Fareham PO15 5QT  
**Ward:** Titchfield  
**The appellant:** Mr K Smith - Principal Estates (Southern) Ltd  
**Description of proposal:** Construction of three detached homes with associated garage and carports, access and landscaping following demolition of the existing swimming pool structure.  
**Council decision:** REFUSE  
**Decision maker:** Committee  
**Date appeal lodged:** 02/02/2023  
**Reason for Appeal:** Appeal against refusal of planning permission

Fareham Borough Council Reference: P/21/1919/LU

**Appeal site address:** Lake Cabin Oslands Lane Lower Swanwick SO31 7EG

**Ward:** Sarisbury

**The appellant:** Mr Andrew Goddard

**Description of proposal:** Lawful Development Certificate for construction of building and occupation as a residential dwellinghouse

**Council decision:** REFUSE

**Decision maker:** Officer Delegated Powers

**Date appeal lodged:** 02/08/2022

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

Fareham Borough Council Reference: P/22/1071/DA

**Appeal site address:** Land adjacent to 83 Swanwick Lane Swanwick Fareham

**Ward:** Sarisbury

**The appellant:** Mr N Assar

**Description of proposal:** Without planning permission, the erection of a wooden building on the Land

**Date appeal lodged:** 02/08/2022

**Reason for Appeal:** Against serving of planning enforcement notice

Fareham Borough Council Reference: P/23/0077/DA

**Appeal site address:** Land at Oaklea Farm 155 Fareham Park Road Fareham PO15 6LW

**Ward:** Fareham North-West

**The appellant:** Ms Cathryn Bowman-Wise

**Description of proposal:** Material change of use of the land to use for the storage of scaffolding equipment

**Date appeal lodged:** 18/01/2023

**Reason for Appeal:** Against serving of planning enforcement notice

Fareham Borough Council Reference: P/22/0338/FP

**Appeal site address:** Turret House Hospital Lane Portchester Fareham PO16 9LT

**Ward:** Portchester East

**The appellant:** Mr Anthony Lawrence

**Description of proposal:** New detached dwelling (self build)

**Council decision:** REFUSE

**Decision maker:** Committee

**Date appeal lodged:** 27/02/2023

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

## DECIDED PLANNING APPEALS

Fareham Borough Council Reference: P/21/1960/FP

**Appeal site address:** 21 Fragorum Fields Titchfield Common Fareham PO14 4TG

**Ward:** Titchfield Common

**The appellant:** Mr Qasim Niazi

**Description of proposal:** Convert part of the garage into a habitable room

**Council decision:** APPROVE

**Decision maker:** Officer Delegated Powers

**Reason for Appeal:** Appeal against conditions imposed on approval

**Appeal decision:** DISMISSED

**Appeal decision date:** 17/02/2023



## 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](#)