

FAREHAM

BOROUGH COUNCIL

AGENDA PLANNING COMMITTEE

Date: Wednesday, 12 April 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 - 13)

To confirm as a correct record the minutes of the Planning Committee meeting held on 15 March 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 14)

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

ZONE 1 - WESTERN WARDS

(1) **P/21/1334/OA - LAND WEST OF LOCKSWOOD ROAD (Pages 16 - 49)**

(2) **P/21/1335/OA - LAND WEST OF LOCKSWOOD ROAD (Pages 50 - 83)**

(3) **P/23/0008/FP - 35 BURRIDGE ROAD (Pages 84 - 104)**

ZONE 2 - FAREHAM

(4) **P/23/0333/FP - 53 NICHOLAS CRESCENT (Pages 106 - 110)**

(5) **Q/0495/23 - LAND TO THE SOUTH OF FUNTLEY ROAD (Pages 111 - 115)**

ZONE 3 - EASTERN WARDS

(6) **P/22/1865/D3 - SOLENT AIRPORT DAEDALUS DRIVE (Pages 117 - 144)**

(7) **P/23/0243/FP - 85 HILL HEAD ROAD (Pages 145 - 157)**

(8) **Planning Appeals (Pages 158 - 164)**

P. G. Greenwood

P GRIMWOOD
Chief Executive Officer
Civic Offices
www.fareham.gov.uk
31 March 2023

**For further information please contact:
Democratic Services, Civic Offices, Fareham, PO16 7AZ
Tel:01329 236100
democraticservices@fareham.gov.uk**

FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Wednesday, 15 March 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: Councillor Ms C Bainbridge (Item 6(7)) and Councillor
Mrs K K Trott (Item 6(6))



1. APOLOGIES FOR ABSENCE

There were no apologies of absence.

2. MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee meeting held on 15 February 2023 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

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

4. DECLARATIONS OF INTEREST

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 |
|--------------------------------|--|--|--|-----------------------------------|-------------------------------|
| | | | | | |
| ZONE 1 - 2.30pm | | | | | |
| Mr & Mrs Pearson | | ANDARK DIVING LAKE 256 BRIDGE ROAD – 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 | Opposing | 6 (2) P/21/1417/FP Pg 26 | Written |
| Andrew Goddard | | -DITTO- | Supporting | -Ditto- | In Person (3 mins) |

| | | | | | |
|-------------------------------------|--------------------------------|---|-------------------|-------------------------------|---------------------------|
| ZONE 2 – 3.45pm | | | | | |
| Stephen Clark | | LAND AT PINKS HILL – 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 | Supporting | 6(6) P/22/0363/OA Pg 73 | In Person (3 mins) |
| Nick Billington (Agent) | | -DITTO- | Supporting | -Ditto- | In Person (3 mins) |
| Bob Marshall | The Fareham Society | -DITTO- | Opposing | -Ditto- | In Person (3 mins) |
| Eleanor Crick | | -DITTO- | Opposing | -Ditto- | In Person (3 mins) |
| Arthur Hackney | Wallington Village Association | -DITTO- | Opposing | -Ditto- | Written |
| ZONE 3 – 3.45pm | | | | | |

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

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

(1) P/22/0567/FP - 12-14 SOUTHWOOD GARDENS LOCKS HEATH SO31 6WL

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

Following receipt of further comments from the Designing Out Crime Officer raising concerns regarding the 2m width path and the proposed bollard lighting, the plans have been amended to increase the width of the path by 3m and a street light has been included. This addresses the concerns raised by the Designing Out Crime Officer.

As a result of these amended plans the following conditions have been superseded with the following:

- 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 Issue 7*
 - (b) Plan View of Plot AIM.CPM.PLN.022 Sheet 2 Issue 7*
 - (c) Isometric View of Plot AIM.CPM.PLN.022 Sheet 3 Issue 7*
 - (d) Tree Plan AIM.CPM.PLN.022 Sheet 4 Issue 7**

- 7. No development shall proceed until details of the proposed street lighting or other means of external illumination to a standard BD 5489-1:2020 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.**

An additional head of term has also been added to the S106 agreement which is revised as follows:

- a) Timescale for delivery of the foot path 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 path and landscaping adjacent to the path*
- d) Installation of motorcycle prevention barrier*

Upon being proposed and seconded the office recommendation to: -

- (i) 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;
- (ii) GRANT planning permission, subject to: -
- (a) 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
 - d) Installation of motorcycle prevention barrier;
 - (b) The conditions in the report; and
 - (c) The amended conditions 2 and 7 as set out in the update 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) make any necessary modification, deletion or addition to the proposed conditions or heads of terms for the Section 106 legal agreement; and
 - (b) make an 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) PLANNING PERMISSION be granted, subject to: -
 - (a) 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
- d) Installation of motorcycle prevention barrier;

(b) The conditions in the report; and

(c) The amended conditions 2 and 7 as set out in the update report.

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

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

[The meeting was adjourned for 5 minutes after the debate on this application to allow officers time to confer on some points of clarity]

A motion to refuse the application was proposed and seconded and voted on and CARRIED.

(Voting: 5 in favour; 4 against)

RESOLVED that PLANNING PERMISSION be REFUSED.

Reason for Refusal:

Oslands Lane is of limited width, with an unmade surface and limited opportunities for vehicles to pass. The increased vehicular movements along Oslands Lane generated by the proposal (which would include larger vehicles in the form of motorhomes), along with the increased prospect of vehicles meeting on the Lane requiring vehicles to reverse, would have a significant adverse impact upon the living conditions of neighbouring residential properties in terms of noise, disturbance and inconvenience. The development is contrary to Policy DSP2 of the Adopted Local Plan Part 2: Development Sites and Policies and Policy D2 of the emerging Fareham Local Plan 2037.

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

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

Conditions 9 and 14 are re-worded to the following:

- 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 provisions;

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.

14) No development shall take place until the Council has received evidence that the required nitrate mitigation capacity has been allocated to the development pursuant to the allocation agreement dated 26th August 2022 between (1) William Northcroft Butler and James Nicholas Butler (2) HN Butler Farms Limited and (3) JHE Global Limited.

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

Upon being proposed and seconded the officer recommendation to: -

- (i) DELEGATE authority to the Head of Development Management to make any necessary modification, deletion or addition to the proposed conditions; and
- (ii) GRANT planning permission, subject to: -
 - (a) The conditions in the report; and
 - (b) The amended Conditions 9 and 14 as set out in the Update 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 make any necessary modification, deletion or addition to the proposed conditions; and
- (ii) PLANNING PERMISSION be granted, subject to: -
 - (a) The conditions in the report;
 - (b) The amended conditions 9 and 14 in the Update Report.

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

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

The report header is corrected to remove Mr R Hanslip as the applicant and substitute with Ms L Hanslip.

Upon being proposed and seconded the officer recommendation to 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, was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that DELEGATION be given 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.

(5) Q/0261/23 - LAND EAST OF BROOK LANE WARSASH

Upon being proposed and seconded the officer recommendation to 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) 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.

Was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that DELEGATION be given 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) 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.

(6) P/22/0363/OA - LAND AT PINKS HILL FAREHAM

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

At the invitation of the Chairman, Councillor Mrs K Trott, addressed the Committee on this item.

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

Officers were advised by Mr Stephen Clark (representing the Vistry Group) on 10 March 2023 that it was intended to seek Counsel advice regarding the officer report on this agenda which would be shared with the Council prior to the Planning Committee meeting. It was requested that determination of the planning application be deferred until April to enable consideration of this advice.

The Counsel advice was submitted to the Council on 14 March 2023 which provides advice on a number of areas of concern in respect of the officer report including;

- i) *The starting point for considering nutrient neutrality in the planning balance , and the way in which para 11 of the NPPF has been disapplied;*
- ii) *The absence in the report of a number of perceived public benefits associated with the development;*
- iii) *The lack of weight attributed to the benefits arising from the development in the planning balance, and the failure to provide guidance to members towards a balanced recommendation;*
- iv) *The robustness of reasons for refusal relating to nutrient neutrality, ecology and heritage impact;*
- v) *Prospect of success at appeal.*

In addition, it has been indicated by Mr Clark that a shadow HRA will be submitted to the Council in the week commencing 20 March 2023 and evidence that nitrates mitigation has been reserved at Warnford Park has been provided.

Mr Clark again requested that the determination of the application be deferred and offered an extension of time to determine the application until 21 April 2023.

Officers have now considered the Counsel advice and are of the opinion that the approach to decision making set out within the officer report is sound. The report refers to the public benefits offered by the proposal to which officers have attributed weight in the planning balance. The weight to be attributed to those benefits is a matter for the decision maker. Officers have given their view as to the weight, but it is a matter for members as to what weight to ascribe to the degree of conflict with the development plan and other material

considerations including the NPPF. It is not considered that there is any basis to defer determination of the planning application.

A motion not to defer the application and to accept the officer recommendation to refuse planning permission, for the reasons set out in the report along with an additional reason for refusal relating to the impact of noise disturbance upon proposed dwellings from nearby commercial traffic and industrial uses (especially the Suez waste recycling and transfer station), was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that PLANNING PERMISSION be REFUSED.

Reasons for Refusal

The development is contrary to Policies CS2, CS4, CS5, 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, DS2, D2, HP1, HP5, NE1, NE2, NE3, NE4, NE10, HE1, HE3, TIN1, TIN2 & TIN4 of the emerging Fareham Borough Local Plan 2037.

And paragraphs 175 and 108a 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) The proposal's location in close proximity to the Suez Recycling and Recovery Facility would result in an unacceptable level of noise disturbance to the proposed properties that are nearest to this site;
- f) 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;
- g) 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;

- h) 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;
- i) 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;
- j) 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;
- k) In the absence of a legal agreement to secure contributions to education, the needs of residents of the proposed development would not be met;
- l) 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 Protected Areas;
- m) 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.

In light of the close proximity of proposed housing to commercial traffic and industrial uses (especially the Suez waste recycling and transfer station/ logistics depot to the north), future occupants of the proposed development would be unacceptably adversely impacted from existing activities in the surrounding area.

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.

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

At the invitation of the Chairman, Councillor Mrs C Bainbridge addressed the Committee on this item.

Members expressed no concerns over the information boards, or the proposed stack board at the entrance to the site. However, they raised concerns to the stack board that is proposed alongside Wicor Path. They felt that it would be harmful to amenity and was otherwise unnecessary.

Upon being proposed and seconded the officer recommendation to grant advertisement consent, subject to: -

- (i) The conditions in the report; and
- (ii) The receipt of satisfactory amended plans showing the removal of the stack board from the location along Wicor Path within 21 days from the date of this Planning Committee meeting.

Was voted on and CARRIED.

(Voting: 8 in favour; 1 against)

In the event that satisfactory amended plans are not submitted within 21 days of the date of the Planning Committee. Members also voted on and carried authorisation for the Head of Development Management to refuse the application as the stack board alongside Wicor Path would be harmful to the amenity of the area.

RESOLVED that, subject to: -

- (i) The conditions in the report; and
- (ii) The receipt of satisfactory amended plans showing the removal of the stack board from the location along Wicor Path within 21 days from the date of this Planning Committee meeting.

ADVERTISEMENT CONSENT be granted.

In the event that satisfactory amended plans are not submitted within 21 days of the date of the Planning Committee, the Head of Development Management be authorised to refuse the application as the stack board alongside Wicor Path would be harmful to the amenity of the area.

(8) Planning Appeals

The Committee noted the information in the report.

(9) UPDATE REPORT

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

(The meeting started at 2.30 pm
and ended at 5.22 pm).

Agenda Item 6



Report to Planning Committee

Date:

Report of: Director of Planning and Regeneration

Subject: PLANNING APPLICATIONS AND MISCELLANEOUS MATTERS

SUMMARY

This report recommends action on various planning applications.

RECOMMENDATION

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

AGENDA

The meeting will be 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 (Fareham South, Fareham North, Fareham North-West, Fareham East and Fareham West wards) and Zone 3 (Stubbington, Hill Head, Portchester East and Portchester West wards) will start no earlier than 3.30pm.

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|---|
| <p>ZONE 1 – WESTERN WARDS</p> <p>Park Gate</p> <p>Titchfield</p> <p>Sarisbury</p> <p>Locks Heath</p> <p>Warsash</p> <p>Titchfield Common</p> |
|---|

| REFERENCE NUMBER & WARD | SITE ADDRESS & PROPOSAL | ITEM NUMBER & RECOMMENDATION |
|---------------------------|--|------------------------------|
| P/21/1334/OA WARSASH | LAND WEST OF LOCKSWOOD ROAD WARSASH SOUTHAMPTON OUTLINE APPLICATION FOR UP TO 27 DWELLINGS WITH ACCESS FROM LOCKSWOOD ROAD, ASSOCIATED OPEN SPACE, SUSTAINABLE DRAINAGE AND LANDSCAPING (ALL MATTERS RESERVED). | 1 |
| P/21/1335/OA WARSASH | LAND WEST OF LOCKSWOOD ROAD WARSASH SOUTHAMPTON OUTLINE APPLICATION FOR UP TO 11 SELF/CUSTOM BUILD DWELLINGS WITH ACCESS FROM LOCKSWOOD ROAD, ASSOCIATED OPEN SPACE, SUSTAINABLE DRAINAGE AND LANDSCAPING (ALL MATTERS RESERVED). | 2 |
| P/23/0008/FP SARISBURY | 35 BURRIDGE ROAD BURRIDGE SO31 1BY PARTIAL DEMOLITION OF THE EXISTING HOUSE, MAKE GOOD THE SIDE ELEVATION, SEVER LAND AND ERECTION OF FOUR 4-BED DETACHED HOUSES WITH SHARED VEHICULAR ACCESS | 3 REFUSE |

Agenda Item 6(1)

OFFICER REPORT FOR COMMITTEE

DATE: 12/04/2023

P/21/1334/OA
LAND & PARTNERS LTD

WARSASH
AGENT: BJC PLANNING

OUTLINE APPLICATION FOR UP TO 27 DWELLINGS WITH ACCESS FROM LOCKSWOOD ROAD, ASSOCIATED OPEN SPACE, SUSTAINABLE DRAINAGE & LANDSCAPING

LAND WEST OF LOCKSWOOD ROAD, WARSASH

Report By

Susannah Emery – direct dial 01329 824526

1.0 Introduction

- 1.1 This application is reported to the Planning Committee for determination because of the number of representations which have been received.
- 1.2 Members will be aware that the emerging Fareham Local Plan 2037 is now at a very advanced stage. Upon adoption, the Fareham Local Plan 2037 will replace the Local Plan Part 1 (Core Strategy) and Local Plan Part 2 (Development Sites and Policies).
- 1.3 The Executive is considering a report on the adoption of the Fareham Local Plan 2037 at its meeting on the 3 April. One of the recommendations within the report is that a recommendation is made to Council to adopt the Fareham Local Plan 2037. If the Executive agrees this recommendation, Council will be convened on 5 April to consider the Executive's recommendation that the Fareham Local Plan 2037 be adopted.
- 1.4 Officers will provide an update at the Planning Committee meeting confirming the status of the Fareham Local Plan 2037 and Local Plan Parts 1 and 2.
- 1.5 The site is within an area allocated for residential development in the emerging Fareham Local Plan 2037 under Policy HA1 which covers a total area within Warsash of approximately 33ha and has an indicative yield of 824 dwellings.
- 1.6 A previous outline planning application (P/17/0998/OA) for a much larger parcel of land which extended from Brook Lane in the west to Lockswood Road in the east, included the land subject to this application. That application was reported to the Planning Committee in October 2018. Members resolved to grant planning permission subject to planning conditions and the prior

completion of a Section 106 legal agreement. The application was eventually withdrawn in February 2022 as the applicant no longer wished to proceed.

- 1.7 The ownership of a large portion of the site subject to the previous application has now been transferred by the applicant to Bargate Homes/VIVID and there is a separate planning application currently being considered in relation to this site (P/22/1812/FP)

2.0 Site Description

- 2.1 The application site lies outside of the urban settlement boundary to the west of Lockwood Road just to the north of the roundabout at the junction with Warsash Road.
- 2.2 The site extends to 1.49ha in size. The northern part of the site is currently occupied by large horticultural greenhouses and associated residential mobile homes. To the east of the greenhouses adjacent to Lockwood Road extends a triangular shaped area of grassland. There is a significant tree belt/hedgerow along the eastern site boundary running parallel with Lockwood Road. A dropped kerb and five bar gate provide access to the site from Lockwood Road, although this access does not appear to be in regular use.
- 2.3 The southern part of the site is currently undeveloped and consists of grassland with scattered trees. There are a number of trees within the south west corner of the site covered by a group tree preservation order (TPO) as well as a number of protected individual trees which are concentrated particularly around the boundaries of the southern part of the site.
- 2.4 The western boundary of the application site abuts the private unmade vehicular track that connects Greenaway Lane with Warsash Road and provides access to Vero's business park. The southern boundary abuts residential properties on Warsash Road.
- 2.5 The site is located within Flood Zone 1, meaning it has a low probability of flooding.

3.0 Description of Proposal

- 3.1 Outline planning permission is sought for the construction of up to 27 dwellings with all matters reserved. The means of access to the site, the layout, appearance and scale of buildings and the landscaping of the site are therefore matters reserved for a future application and not for consideration at this time.

- 3.2 An illustrative masterplan has been submitted which identifies a vehicular access point to the site from Lockwood Road together with the developable areas of the site, it also indicates the areas to be used for surface water drainage infrastructure and an area within the southern part of the site to be retained as ecological habitat. A potential vehicular/cycle and pedestrian link to land to the west is shown.
- 3.3 It is indicated that the development would be split into two clusters of dwellings. One would be sited to the north of the site where the greenhouses currently stand and the second cluster would be located within the southern undeveloped part of the site. The two areas would be separated by the access road leading into the site from Lockwood Road. The illustrative masterplan shows 22 dwellings sited to the north of the access and 5 dwellings to the south. It is suggested that the development would provide a mix of house types, sizes and tenures and would be a maximum of 2 ½ storey height. The proposal would provide a policy compliant 40% affordable housing.

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

DSP4 – Prejudice to adjacent land

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

DSP13 - Nature Conservation

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

DSP40 - Housing Allocations

Fareham Local Plan 2037 (Emerging)

- DS1 Development in the Countryside
- DS3 Landscape
- H1 Housing Provision
- HA1 North & South of Greenaway Lane
- HP5 Provision of Affordable Housing
- HP7 Adaptable & Accessible Dwellings
- HP9 Self & 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
- TIN1 Sustainable Transport
- TIN2 Highway Safety & Road Network
- TIN4 Infrastructure Delivery
- D1 High Quality Design & Placemaking
- D2 Ensuring Good Environmental Conditions
- D3 Co-ordination of Development and Piecemeal Proposals
- D4 Water Quality & Resources
- D5 Internal Space Standards

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 The following planning history is relevant:

| | |
|---------------------|--|
| P/17/0998/OA | Outline application for up to 157 dwellings with access from Brook Lane and Lockwood Road, associated open space, sustainable drainage and landscaping |
| Withdrawn | 28 February 2022 |

6.0 *Representations*

6.1 Nine representations have been received (including one from the Fareham Society) raising the following concerns;

- Impact on character of the area
- High density of development
- Loss of village identity
- Urban sprawl
- Loss of greenspace
- Loss of habitat and impact to wildlife
- Detrimental to highway safety
- Increased vehicle movements on local road network
- Increased road noise
- Air pollution
- Lack of local public transport
- Increased pedestrian/cycle movements on private track
- The junction of the track with Warsash Road is not safe for pedestrians/cyclists
- The new access to Lockwood Road should be used to provide access to the northern users of the track (i.e. Vero) as opposed to Greenaway Lane
- There should be no vehicular link formed between Lockwood Road and Brook Lane
- A pedestrian/cycle link east-west should be secured
- The substantial tree/hedge screen along Lockwood Road should be retained
- Impact on local facilities and services

7.0 Consultations

EXTERNAL

Highways (Hampshire County Council)

- 7.1 The site is located to the west of Lockwood Road and north of Warsash Road. Access is to be taken via a priority bellmouth junction of Lockwood Road. Lockwood Road is a C-classified road governed by a 30mph speed limit (the submitted Transport Assessment incorrectly states this as a 40mph road). The proposed access is c.100m north of the Warsash Road/ Lockwood Road mini-roundabout.
- 7.2 The proposed development is estimated to generate 15 trips in the AM peak and 16 trips in the PM peak period. The Highway Authority agree to the trip generation figures proposed.

- 7.3 The updated PIA data (personal injury accident) within the submitted transport statement identifies a total of 6 recorded accidents within the vicinity of the site, 1 being serious and 5 being slight in nature. It is considered that there is no significant cluster of accidents in the vicinity of the site and there appears to not be an existing safety issue in within the study area that may be exacerbated by the number of trips produced by the development. A Road Safety Audit (RSA) was previously submitted in relation to planning application P/17/0998/OA. It has been agreed with the applicant that a further RSA will be submitted to support a future reserved matters application, whereby the access will be a matter for determination.
- 7.4 It is considered that the indicative location of the access is acceptable in principle subject to further information to be submitted as part of a future reserved matters planning application. A new crossing point is proposed just north of the new access to allow pedestrians to cross to the eastern side Lockswood Road from the development and travel north towards Locks Heath Shopping Centre. Cyclists are expected to use the carriageway on site from the development site and further join Lockswood Road.
- 7.5 As this is an outline planning application with all matters reserved the internal layout is not currently considered as part of this planning application. It has been agreed that comments on the internal layout (i.e pedestrian / cycle connectivity, SUDs clarification, future links etc) can be determined as part of a future reserved matters planning application. It is confirmed that the crossover north of the site access will be closed as part of this application as it will become redundant.
- 7.6 The Highway Authority raises no objection to the proposal.

Ecology (Hampshire County Council)

- 7.7 It has been confirmed that the reptiles on site would be translocated to an offsite receptor area which will require works to be made suitable for reptiles. Whilst I have no major concerns in relation to the strategy itself, I request that a planning condition is secured to ensure the receptor site is made suitable for reptiles (through the removal of cotoneaster and seeding the site with horseshoe vetch), prior to any translocation taking place. Reptile translocation can only be carried out once these works have been completed.
- 7.8 An Ecology Corridors Plan has been submitted, showing 3m buffers along the eastern, central, north-western and southern boundaries of the site. This is positive however the Reserved Matters application must also secure the retention of the areas shown as new planting/retained habitats on the submitted Land Use plan. If you are satisfied that these matters could be

resolved during the Reserved Matters stage, then I wouldn't raise any additional concerns in relation to the application.

HCC – Education

- 7.9 Due to the low number of dwellings there is no requirement for a contribution towards educational infrastructure.

HCC – Archaeology

- 7.10 No objection

HCC - Flood Water Management Team

- 7.11 The information submitted by the applicant in support of this planning application indicates that surface water runoff from the application site will be managed through permeable paving, gravel trench soakaways, infiltration crates and an infiltration basin. This is acceptable in principle considering that the infiltration testing showed acceptable infiltration rates at the site.
- 7.12 Considering that this is an outline planning application with all matters reserved, and bearing in mind that there is a potential for the applicant to discharge surface water runoff into the adjacent surface water network if the additional groundwater assessment shows that infiltration is not feasible at the site, at this stage the information submitted by the applicant has addressed our concerns regarding surface water management and local flood risk.

INTERNAL

Affordable Housing

- 7.13 Policy HP5 of the emerging plan would require 40% of the homes on this development to be provided as affordable housing. In accordance with Policy HP5 at least 10% must be for social rent and at least 55% must be for affordable rent and at least 10% of the overall housing provision on site must be provided as affordable home ownership. Based on the maximum proposed yield the development would generate a requirement for 10.8 affordable dwellings. The applicant has offered the policy compliant amount of 10 dwellings for affordable housing on site and 0.8 of a unit as a financial contribution.

Trees

- 7.14 If adequate precautions to protect the retained trees are specified and implemented in accordance with the arboricultural method statement included

in the tree report produced by RGS Arboricultural Consultants – May 2022, the development proposals will have no significant adverse impact on the contribution of the trees to the public amenity or the character of the wider setting.

Environmental Health (Contamination)

7.15 No objection subject to condition

8.0 Planning Considerations

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

- a) The approach to decision making
- b) Fareham Local Plan 2037 policy position
- c) Residential development in the countryside
- d) Accessibility of the site & Highway Matters
- e) Landscape & Visual Impact
- 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 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 over the previous three years. 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), there are specific policies in the NPPF which protect areas or assets of particular importance, namely habitat sites, which are specifically mentioned in footnote 7. Where such policies provide a clear reason for refusing the development proposed then this should be the case. The key judgement in regard to the second limb of NPPF paragraph 11(d), is 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'). However, this will only apply if it is judged that there are no clear reasons for refusing the development having applied the test at Limb 1.

8.12 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."

8.13 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.

8.14 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) Fareham Local Plan 2037 policy position

- 8.15 National planning policy allows Council's to give appropriate weight to relevant policies in emerging plans according to the stage of preparation of the plan, the extent to which there are unresolved objections and the degree of consistency with the NPPF (para 48 NPPF). The emerging Local Plan is well advanced carries considerable weight in the consideration of planning applications.
- 8.16 The site of this planning application is part of a wider allocation for housing with an indicative overall yield of 824 dwellings within the emerging Fareham Local Plan (Policy HA1). A number of background documents and assessments support the proposed allocation of the site in terms of its deliverability and sustainability which are of relevance. A number of representations have been submitted both in support of and objecting to the policy however the proposed modifications to the policy are of a minor nature. Officers therefore consider that significant weight can be given to this policy in the assessment and determination of this application.

c) Residential development in the countryside

- 8.17 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.
- 8.18 Policy CS14 of the Core Strategy states that:
- 'Built development on land outside the defined settlements will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function. Acceptable forms of development will include that essential for agriculture, forestry, horticulture and required infrastructure.'*
- 8.19 Policy DSP6 of the Local Plan Part 2: Development Sites and Policies states - there will be a presumption against new residential development outside of the defined urban settlement boundary (as identified on the Policies Map). 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.

- 8.20 Policy DS1 of the emerging Fareham Local Plan 2037 concerns development within the countryside. The policy sets out a number of exceptions (a-i) where development in the countryside may be permitted, particularly 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. The application involves the development of an allocation site and is therefore compliant with Policy DS1.
- 8.21 The site is located outside of the defined urban settlement boundary and the proposal is therefore contrary to Policies CS2 and CS6 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies. The proposal would be considered contrary to Policy CS14 if it were deemed that it would adversely affect the landscape character, appearance and function of the countryside which is discussed in more detail in section e) of this report. The proposal would comply with Policies HA1 and DS1 of the emerging Fareham Local Plan 2037 as the site is an allocation site within the emerging Fareham Local Plan 2037.

d) Accessibility of the Site & Highway Matters

- 8.22 Policy CS15 of the Core Strategy states that the Council will promote and secure sustainable development by directing development to locations with sustainable transport options and access to local services. The nearest bus stop to the application site is located on Warsash Road approx. 250m from the application site which is served by the X5 first bus service which runs between Southampton, Warsash, Fareham & Gosport. The site is located within approx. 750m of the centre of Warsash village where there is a range of local shops and services. The Locks Heath District Centre lies approx 1.8km from the proposed development site to the north. The nearest primary school, Hook with Warsash C of E Primary School, is located approx. 850m from the site and Brookfield secondary school lies approximately 1.6km away. The site is considered to be sustainably located.
- 8.23 Whilst this is an outline application with all matters reserved it is confirmed within the application description that access would be taken to the site from Lockswood Road and it is also intended to secure this by planning condition. The Highway Authority considers the indicative location of the access to be acceptable in principle. No concerns are raised in respect of the impact of the proposal on highway safety based on the indicative position and formation of the bellmouth access shown within the transport statement and the predicted additional vehicle movements on the local road network. However, the means of access to the site is not being approved at this time and would be the subject of a Reserved Matters application.

- 8.24 Concerns have been raised by a local residents in respect of the potential connection of the application site to the private track which extends along the western boundary of the site and the prospect of the increased movement of vehicles, pedestrians or cyclists on this track as a result. The illustrative masterplan for the proposed development indicates a potential vehicular link from the internal highway within the application site across the track to land to the west.
- 8.25 The applicant has submitted a statement in respect of the legal status of the track. The track serves several properties that are in various commercial and residential uses. According to records obtained from HM Land Registry a number of properties identified along the track own their portion of the track but the other track owners also have rights of access, including vehicles, over the entire length. The track is unmade and it appears that the various frontage properties are responsible for the maintenance of the section within their ownership. Whilst the public appear to have been using the track for a number of years as a short cut between Greenaway Lane and Warsash Road there are no formal rights registered on the Land Registry Titles and the route does not appear on the public rights of way records.
- 8.26 Officers view on this matter is that the application site forms part of a wider housing allocation and it is considered important that every opportunity is taken to secure the potential for vehicular, pedestrian and cycle connectivity between individual sites, even if these links do not ultimately come to fruition. Policy HA1 of the emerging Local Plan states that proposals should meet a number of site specific requirements including the provision of pedestrian and cycle connectivity between adjoining parcels, as well as providing connectivity with Warsash Road and nearby facilities and services. As it stands, at present there are clearly legal issues which would prevent vehicular access from the application site over the track to connect with existing (ie Vero's) or future development to the west. The condition of the track means that increased use in its current state by vehicles in particular would not be desirable and this is not something Officers are seeking to orchestrate. The Highway Authority have clearly indicated that they would not support a motorised vehicular link between Lockswood Road and Brook Lane, however they advise that there should be a safeguarded route for pedestrians and cyclists east-west through the site and up to the site boundary.
- 8.27 Through the Section 106 legal agreement it is intended to secure the provision of a vehicular/pedestrian/cycle link from the application site right up to the western boundary with the track (and also to the north boundary). In doing so there remains the ability to form a vehicular connection should this be considered beneficial in the future. The applicant has been advised by the

highway authority that the highway infrastructure within the site must be designed to be capable of accommodating higher volumes of traffic that could arise in the event that a connection is formed. Irrespective of whether a vehicular connection is formed in the future it is considered important to deliver a pedestrian/cycle connection up to the western boundary so as not to restrict movement throughout the housing allocation. The provision of such a connection up to the western boundary would not encroach onto private land or interfere with private property rights.

- 8.28 Officers are satisfied that the proposal would not have any unacceptable highway implications and would comply with Policy CS5 of the adopted Core Strategy and Policies TIN1, TIN2 and HA1 of the emerging Fareham Local Plan 2037.

e) Landscape & Visual Impact

- 8.29 The site is not located with a designated strategic gap within the current adopted local plan or an area of special landscape quality within the emerging Fareham Local Plan 2037. It is however, located within designated countryside where Policy CS14 of the adopted Fareham Borough Core Strategy confirms that built development will be strictly controlled to protect it from development which would "adversely affects its landscape character, appearance and function".
- 8.30 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 'Warsash Nurseries' Character Area (LCA2). The sub area in which the site lies (02.2a) is described as having a suburban, fringe character. It is stated that;

'The character and quality of the landscape has already been affected by urban influences and landscape value is relatively low and, therefore, tolerant of change. The presence of a good structure of woodland, hedgerows and trees provides opportunities for integration of new buildings within the existing field pattern, without significant adverse effects upon landscape resources.'

- 8.31 The parties who would primarily be affected by visual changes would be residents close to the site and those travelling along Lockwood Road or the private track. A large area of the northern part of the site is previously developed land, occupied by greenhouses and residential mobile homes. The indicative layout shows that the development of the northern part of the site would likely occupy a similar area of the site as the greenhouses and this development would be set back from Lockwood Road with existing

vegetation on the eastern and western boundaries retained. Development to the south of the site would be more visually contained, screened from view to an extent by trees, vegetation and the frontage properties on Warsash Road. It is considered that the proposal would primarily have a localised visual impact and the visual impact from longer distance views would be limited.

8.32 The indicative masterplan shows how the site might be laid out. Whilst acknowledging that this plan is for illustrative purposes only, Officers are satisfied that the site could accommodate up to the maximum overall quantum of development proposed. The layout and design of the site would be the subject of a Reserved Matters application and these aspects would need to be the subject of careful consideration at that time.

8.33 Whilst the scale and appearance of buildings is also a reserved matter, in terms of building heights the application suggests development would be a maximum of 2 ½ storey. Policy HA1(f) of the Emerging Fareham Local Plan 2037 states that;

'Building heights should be limited to a maximum of 2.5 storeys, except for buildings which front onto Greenaway Lane, Lockwood Road and Brook Lane where building heights shall be limited to a maximum of 2 storeys. In very limited circumstances, a 3 storey form can be acceptable within the central part of the site(s) away from the surrounding road network, having regard to Policy D1'

The reserved matters application would need to demonstrate building heights to be acceptable in terms of visual impact.

8.34 It is not considered that the development of the site would have an unacceptable impact on the landscape character of the surrounding area. The development of the site is considered in principle to comply with Policy CS14 of the Core Strategy and Policy DS1 of the emerging Local Plan although further consideration will need to be given to the site layout, and the appearance and scale of buildings at the reserved matters stage and to ensure compliance with Policy CS17 of the Core Strategy (D1 of the Emerging Fareham Local Plan 2037).

f) Ecology & Trees

8.35 The application is supported by an ecological assessment (Peach, 6 July 2022) which includes an assessment of the impact of the proposal on protected species. The trees and buildings/structures proposed to be removed have been checked for roosting bats and none were found, they were all considered to have negligible bat roosting potential. The majority of existing

hedgerows and trees would be retained and new features for roosting bats would be required to be incorporated into the proposed dwellings.

- 8.36 The updated reptile survey in 2021 recorded a good population of slow worms and a low population of common lizards on the site. To avoid harm to reptiles during the development phase the use of an off-site receptor site has been agreed with Council Officers at Anson Grove Public Open Space. The reptile receptor site can be enhanced to support the translocated reptiles and a scheme of works to include the clearance of invasive shrub species (cotoneaster) and replanting (horseshoe vetch) has been discussed with the Council's Countryside Rangers. Prior to the commencement of development a detailed mitigation strategy, including a plan of the proposed works to the reptile receptor site and the arrangements in place for the implementation of the strategy, will be required to be submitted to the Council and agreed. The submission and agreement of the reptile mitigation strategy (including for the short term management of the site to treat cotoneaster regrowth for 2 years following initial clearance) and a contribution towards future maintenance of the receptor site would be secured within the Section 106 legal agreement. There are opportunities to enhance areas of the site such as the wildlife corridors and SUD's area for reptiles in the longer term which should be further considered at the reserved matters stage.
- 8.37 Badger tracks were recorded through the site and nearby and a latrine was recorded; no badger setts were recorded during the surveys however it is considered important that the proposals do not prevent movement of badgers into or through the site. A badger culvert would be required beneath the internal spine road to enable movement of badgers safely from south-north. In light of the proposed mitigation, the Council's Ecologist has not raised any concerns in respect of the impact of the proposal on protected species.
- 8.38 Initially concerns were raised by the Council's Ecologist and Design Officer in respect of the loss of ecological connectivity between the application site and surrounding land. Policy HA1 of the emerging Fareham Local Plan sets out a requirement for the provision of natural greenspace and wildlife habitats and east-west wildlife corridors within the allocation. In order to ensure that the proposal retains connectivity for wildlife between adjacent sites, it has been agreed that 3m wide wildlife corridors would be secured around the boundaries of the site and internally which would allow the movement of badgers for example between their setts and their foraging areas. The provision and retention of these corridors and a larger area of retained/enhanced habitat shown on the illustrative masterplan within the south-western part of the site would be secured through the S106. The Council's ecologist has recommended a planning condition to secure the submission of an ecological management plan which would clarify the

ecological features to be retained and created, a planting scheme and the management arrangements for these areas of the site.

Biodiversity Net Gain (BNG)

- 8.39 In line with the Environment Act 2021 and paragraph 175 of the National Planning Policy Framework, the Council expects development proposals to achieve demonstrable net gains in biodiversity. Policy NE2 of the emerging 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’

- 8.40 BNG has been calculated for the proposed development by the applicant’s ecologist using the biodiversity metric. In accordance with NE guidance, in order to demonstrate a 10% BNG the metric should show separate gains for both habitat units and linear hedgerow units. Clarification has been sought from the Council’s ecologist as to whether the submitted calculations demonstrate the required 10% BNG in an acceptable form and an update will be provided at the Planning Committee meeting. Since this is an outline application and the inputs are based to an extent on assumptions at this stage, the submission of a biodiversity net gain plan with the Reserved Matters application would be secured through the S106 confirming that the minimum 10% net gain would be achieved and providing further detail of how the habitat would be managed and maintained for a minimum of 30 years.

Trees

- 8.41 The proposal would necessitate the removal of a number of trees as set out within the supporting tree survey report which are assessed as being of low/moderate quality. It is not considered that the loss of these trees would have a significant impact upon the visual amenity of the immediate or surrounding area. In respect of the retained trees, and in particular the concentration of protected trees in the southern half of the site, the indicative layout does not appear to significantly conflict with, nor compromise the root protection areas. An arboricultural method statement would be required to support a detailed application.
- 8.42 The construction of the access as shown on the indicative plans would necessitate the removal of a section of the tree belt/hedgerow fronting Lockwood Road measuring approximately 30m in length. The remainder of

the hedgerow would continue to provide an effective screen for the development.

g) Impact on Habitat Sites

- 8.43 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.
- 8.44 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.
- 8.45 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).
- 8.46 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.
- 8.47 When considering the proposed development Officers considers there to be two main likely significant effects on HS.

Water Quality (nitrates)

- 8.48 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.

- 8.49 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. 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's 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.
- 8.50 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 24.02 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 residential urban land, horticulture, woodland and greenspace.
- 8.51 The applicant has entered into a contract to reserve 24.02 kgTN/yr of nitrate mitigation 'credits' from a wetland scheme at Whitewool Farm. 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.
- 8.52 A condition will be imposed to ensure that the development does not commence on site until confirmation of the purchase of the credits from Whitewool Farm has been received by the Council. A further planning condition would secure details of the water efficiency measures to be installed within the dwellings to ensure that water consumption would not exceed 110L per person/per day to reflect the assumptions of the nitrate budget.

Recreational Disturbance

- 8.53 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.

- 8.54 Policy DSP15 of the adopted Fareham Borough Local Plan Part 2: Development Sites and Policies (NE3 of the emerging Local Plan) 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).
- 8.55 Natural England have also advised that the development's location within a 13.8km radius of the New Forest designated sites requires mitigation in order to mitigate the impact of increased recreational disturbance in combination with other development on the New Forest designated sites.
- 8.56 The applicant will be required to enter into a legal agreement to secure the appropriate financial contribution in accordance with the Solent Recreation Mitigation Strategy and the Council's interim Mitigation Solution on New Forest Recreational Disturbance.
- 8.57 The Council has carried out an Appropriate Assessment and concluded that the proposed mitigation and conditions will be adequate for the proposed development and ensure no adverse effect on the integrity of the HS either alone or in combination with other plans or projects. It is therefore considered that the development accords with the Habitat Regulations and complies with Policies CS4, DSP13 and DSP15 of the adopted Local Plan and Policies NE1, NE3 and NE4 of the emerging Fareham Local Plan 2037.
- 8.58 Natural England has been consulted on the Council's Appropriate Assessment and their formal comments are expected shortly. Members will be updated at the Committee Meeting.

h) Other Matters

Affordable Housing

- 8.59 The proposal would include the provision of 40% affordable housing and the applicant has agreed this would be compliant with the tenure mix set out within Policy HP5 of the emerging Fareham Local Plan 2037. It is recommended that the size, mix and tenure of affordable housing is secured by legal agreement in line with identified local need as guided by Fareham Housing.

Self-Build

- 8.60 The NPPF states that authorities should plan for a mix of housing to address the need of different groups in the community. This includes people wishing to commission or build their own homes (para 61). Policy HP9 of the emerging

Fareham Local Plan 2037 promotes the provision of self and custom build homes to help meet the demands of those on the Council's Self Build Register. The policy states that that on sites of 40 dwellings or more 10% of the overall dwellings proposed shall be provided as self or custom build dwellings. The policy also clarifies that sites that feature as part of a cluster of adjoining development sites shall be considered cumulatively and if progressed on an individual basis 10% of dwellings shall also be provided as self or custom build homes. As the application site forms part of the wider HA1 allocation site it is therefore intended to secure this 10% provision by planning condition.

Adaptable and Accessible Dwellings

- 8.61 The emerging Fareham Local Plan 2037 set out that in light of Fareham's above average aged population it is important that more homes are constructed at an adaptable standard to give greater choice and the ability for older people to remain in their homes should they wish, whilst supporting and encouraging the provision of specialist and older person housing when appropriate. In addition, 16% of the resident population of the Borough have a long-term health problem or disability indicating that there is an increased requirement for specialist accommodation options moving forward. In accordance with Policy HP7 of the emerging Fareham Local Plan 2037 it is proposed to impose a planning condition to secure that at least 15% of the proposed dwellings are constructed to Category 2 standard as outlined in Part M (Access to and Use of Buildings) of the Building Regulations (2015 edition).

Amenity Implications

- 8.62 Matters of scale, appearance and layout are reserved for consideration at the future reserved matters application stage. It is at that stage that the detailed consideration of these issues would need to comply with relevant local plan policy and the adopted design guidance SPD to ensure appropriate amenity standards for future residents and to protect the living conditions of neighbouring residential properties.

Effect upon Local Infrastructure

- 8.63 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 providers to decide how they deliver their services. A refusal on these grounds could not be substantiated. The County Council have advised that based on the scale of the scheme an educational contribution would not be warranted.

Loss of Agricultural Land

8.64 Policy CS16 seeks to prevent the loss of the best and most versatile agricultural land. The NPPF does not place a bar on the development of the best and most versatile agricultural land. Parts of the site are classified as Grade 3b agricultural land which falls outside of the 'best and most versatile' agricultural land category and therefore there is no conflict with Policy CS16.

i) The Planning Balance

8.65 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".

8.66 As set out earlier in this report Paragraph 11 of the NPPF clarifies the presumption in favour of sustainable development in that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in the Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

8.67 Paragraph 182 of the NPPF states that;

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

8.68 An Appropriate Assessment has been undertaken and concluded that the proposal would not adversely affect the integrity of protected Habitat Sites. There is therefore no clear reason to refuse the application on these grounds. Whilst the Council can demonstrate a 5YHLS, having regard to the results of

the Housing Delivery Test, the application should be determined in accordance with paragraph 11(d)(ii) applying the presumption in favour of sustainable development.

- 8.69 This approach detailed within the preceding paragraph has become known as the 'tilted balance' in that it tilts the planning balance in favour of sustainable development and against the Development Plan.
- 8.70 The site is outside of the defined urban settlement boundary and the proposed development does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would therefore be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of Local Plan Part 2: Development Sites and Policies Plan.
- 8.71 The site is however part of the HA1 housing allocation as identified within the emerging Fareham Local Plan 2037, and it is considered that considerable weight can now be attributed to this policy. The proposal would also be compliant with Policy DS1 of the emerging Local Plan 2037 concerning development in the countryside.
- 8.72 In terms of any potential adverse impacts, it is not considered that the development would harm the landscape character and appearance or function of the countryside. The proposed residential development would be sustainably located. Subject to appropriate mitigation it is not considered that the proposal would likely have any adverse impacts on ecology, trees or highway safety.
- 8.73 In balancing the objectives of adopted policy which seeks to restrict development within the countryside along with the shortage of housing supply, it is acknowledged that the proposal could make a valuable contribution towards boosting the Borough's housing supply, which is a material consideration in favour of the proposal. The proposal would also deliver 40% affordable housing.
- 8.74 In undertaking a detailed assessment of the proposals throughout this report and applying the 'tilted balance' to those assessments, Officers consider that:
- (i) there are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed, particularly when taking into account that any significant effect upon Special Protection Areas can be mitigated; and
 - (ii) any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.

8.75 Therefore, the tilted balance points towards granting approval in any event.

8.76 Having carefully considered all material planning matters and assessing the proposal against the development plan and the tilted balance, it is considered that the proposal is acceptable.

9.0 **Recommendation**

9.1 Subject to:

i) The consideration of any comments received from Natural England in response to consultation on the Council's Appropriate Assessment;

and

9.2 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) To secure 40% of the proposed dwellings as on-site affordable housing; the type, size, mix and tenure to be agreed to the satisfaction of Officers;
- b) To secure vehicular and pedestrian access and cycle connectivity to adjoining land to the north and west right up to the party boundary in perpetuity;
- c) To secure a financial contribution towards the Solent Recreation Mitigation Partnership (SRMP);
- d) To secure a financial contribution in accordance with the Council's New Forest Recreational Disturbance Interim Mitigation Solution;
- e) To secure the retention of specified areas of the site for habitat retention/creation in accordance with the illustrative masterplan (those areas indicated for 'retained trees/ecology' and 'new native planting');
- f) To secure the provision of 3m wide ecological corridors as shown on the submitted plan;
- g) To secure the submission of a biodiversity net gain plan demonstrating that a minimum 10% BNG is achievable and confirm how the proposed BNG habitats will be implemented, managed, maintained, monitored and funded for a minimum of 30-years;
- h) To secure the preparation and provision of the off-site reptile translocation area and a contribution towards the future management/maintenance.

THEN

9.3 **GRANT OUTLINE PERMISSION** Subject to the following conditions:

1. Details of the means of access to the site, the appearance, scale, and layout of buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
REASON: To comply with the procedures set out Section 91 of the Town and Country Planning Act 1990.
2. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
REASON: To comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.
3. The development hereby permitted shall be begun before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.
4. The development hereby permitted shall be constructed in accordance with the following approved documents:
 - i) Location Plan – drwg No. 151210/SL/LP Rev B
 - ii) Ecological Assessment (Peach Ecology, 6 July 2022)
 - ii) Amended Ecological Corridors Plan – drwg No. SLP-01 Rev P2
 - iii) Tree Survey Report (RGS Arboricultural Consultants, May 2022)
 - iv) Revised Transport Statement (Paul Basham, August 2022)
 - iii) Flood Risk Assessment & Drainage Strategy (Paul Basham, July 2021)
 - iv) Desk Study & Preliminary Risk Assessment Report, 14 February 2017REASON: To avoid any doubt over what has been permitted.
5. No reserved matters application shall be made pursuant to condition 1 unless vehicular access to the site is shown as being taken from Lockswood Road.
REASON: In the interests of highway safety and residential amenity.
6. Before or on submission of the reserved matters application pursuant to condition 1 it shall be demonstrated that at least 10% of the total number of dwellings to be provided on the site (rounded up to the nearest whole number) shall be provided as self or custom build plots. The plots shall be provided as grouped, serviced plots. The reserved matters application shall include details of the design parameters in place to take account of the emerging built

form of the rest of the development and to ensure no significant detrimental impact on the amenity of existing and future neighbours.

REASON: To meet the identified need for self/custom build dwellings within the Borough in accordance with Policy HP9 of the emerging Fareham Local Plan 2037.

7. Before or on submission of the reserved matters application pursuant to condition 1 it shall be demonstrated that at least 15% of the total number of dwellings to be provided on the site (rounded up to the nearest whole number) shall be constructed at Category 2 standard as outlined in Part M (Access to and Use of Buildings) of the Building Regulations (2015 edition) or equivalent as agreed in writing with the local planning authority.

REASON: To meet the needs for specialist housing within the Borough in accordance with Policy HP7 of the emerging Fareham Local Plan 2037.

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

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

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

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

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

10. No dwelling erected on the site subject to this planning permission shall be first occupied until there is a direct connection from it, less the final

carriageway and footway surfacing, to an existing highway. The final carriageway and footway surfacing shall be commenced within three months and completed within six months from the date upon which construction is commenced of the penultimate building/dwelling for which permission is hereby granted. The roads and footways shall be laid out and made up in accordance with the approved specification, programme and details.

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

11. 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.

12. No development shall proceed beyond damp proof course level until details of secure cycle storage have been submitted to and approved by the Local Planning Authority in writing. The secure cycle stores shall be provided before any dwelling is first occupied and shall thereafter be retained and kept available for use at all times.

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

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

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

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

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

14. No development shall take place until details of the internal finished floor levels of all of the proposed buildings in relation to the existing and finished ground levels on the site shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: To safeguard the character and appearance of the area and to assess the impact on nearby residential properties.

15. The landscaping scheme, submitted under Condition 1 shall be implemented in accordance with a scheme to be submitted (including a delivery timetable) or as otherwise agreed in writing with the local planning authority and shall be maintained commencement of the development or as otherwise agreed in writing with the local planning authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the local planning authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

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

16. No development shall commence until a scheme of lighting (during the operational life of the development), designed to minimise impacts on wildlife, particularly within the wildlife corridors, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented.

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

17. Development shall proceed in accordance with the measures detailed in Section 5.0 'Requirements and Recommendations' of the Ecological Assessment by Peach Ecology (July 2022).

REASON: to ensure the protection of designated sites, retained habitats and protected species.

18. No development shall take place until a Landscape/Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority in writing. This shall include;

a. A description, plan and evaluation of ecological features to be retained, created and managed such as grasslands, hedgerows, SUDs pond and treelines;

b. A planting scheme for ecology mitigation and enhancement areas;

d. A work schedule (including an annual work plan);

e. The aims and objectives of landscape and ecological management;

f. Appropriate management options for achieving aims and objectives;

- g. Details of the persons, body or organisation responsible for implementation of the plan; and,
- h. Details of a scheme of ongoing monitoring and remedial measures where appropriate

The development shall be carried out in accordance with the approved LEMP
REASON: to ensure the enhancement/retention of habitats; in the interests of biodiversity.

19. The development shall be undertaken in accordance with the recommendations contained within the submitted Tree Survey Report (RGS Arboricultural Consultants, May 2022). The tree/hedgerow protection shall be retained through the development period until such time as all equipment, machinery and surplus materials have been removed from the site.
REASON: To ensure protection of important trees and hedgerows.

20. No development shall commence until a detailed surface water drainage scheme for the site, based on the principles within the Flood Risk Assessment & and Drainage Strategy ref: 097.5007/FRA&DS/3, has been submitted and approved in writing by the Local Planning Authority. The submitted details should include:
- a. A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment.
 - b. A groundwater assessment which includes seasonal variations (winter months).
 - c. Detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole cover and invert levels and pipe diameters, lengths and gradients.
 - d. Detailed hydraulic calculations for all rainfall events, including the listed below. The hydraulic calculations should take into account the connectivity of the entire drainage features including the discharge location. The results should include design and simulation criteria, network design and result tables, manholes schedule tables and summary of critical result by maximum level during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. The drainage features should have the same reference that the submitted drainage layout.
 - e. Evidence that Urban Creep has been considered in the application and that a 10% increase in impermeable area has been used in calculations to account for this.
 - f. Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753.
 - g. Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

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

21. Details for the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings. The submitted details shall include;
- a. Maintenance schedules for each drainage feature type and ownership.
 - b. Details of protection measures.

REASON: In order to ensure satisfactory disposal of surface water.

22. No development hereby permitted shall commence until an intrusive site investigation and an assessment of the risks posed to human health, the building fabric and the wider environment including water resources has been submitted to and approved in writing by the Local Planning Authority (LPA). The site investigation shall not take place until the requirements of the LPA have been fully established.

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

Prior to the occupancy of each unit:

The agreed scheme of remedial measures shall be fully implemented.

Remedial measures shall be validated in writing by an independent competent person as agreed with the LPA. The validation is required to confirm that the remedial works have been implemented in accordance with the agreed remedial strategy and shall include photographic evidence and as built drawings where required by the LPA. The requirements of the LPA shall be agreed in advance.

Should contamination be encountered during works that has not been investigated or considered in the agreed scheme of remedial measures, investigation, risk assessment and a detailed remedial method statement shall be submitted to and agreed with the LPA. The remediation shall be fully implemented and validated in writing by an independent competent person as agreed with the LPA.

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

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

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

c) Arrangements for the routing of lorries and details for construction traffic access to the site;

d) The arrangements for deliveries associated with all construction works, loading/ unloading of plant & materials and restoration of any damage to the highway;

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

f) A scheme for the suppression of any dust arising during construction or clearance works;

g) The measures for cleaning Lockswood Road/Warsash Road to ensure that they are kept clear of any mud or other debris falling from construction vehicles, and

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

i) Location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction;

k) Provision for storage, collection, and disposal of rubbish from the development during construction period;

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

m) Temporary lighting;

o) No burning on-site;

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

REASON: In the interests of highway safety; To ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period. 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.

24. 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.

25. No development shall take place until the Council has received evidence that the required nitrate mitigation capacity has been allocated to the development pursuant to the allocation agreement dated 24 February 2023 between (1) William Northcroft Butler and James Nicholas Butler, (2) H N Butler Farms Ltd and (3) Land & Partners.

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

26. 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.

Then;

9.4 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

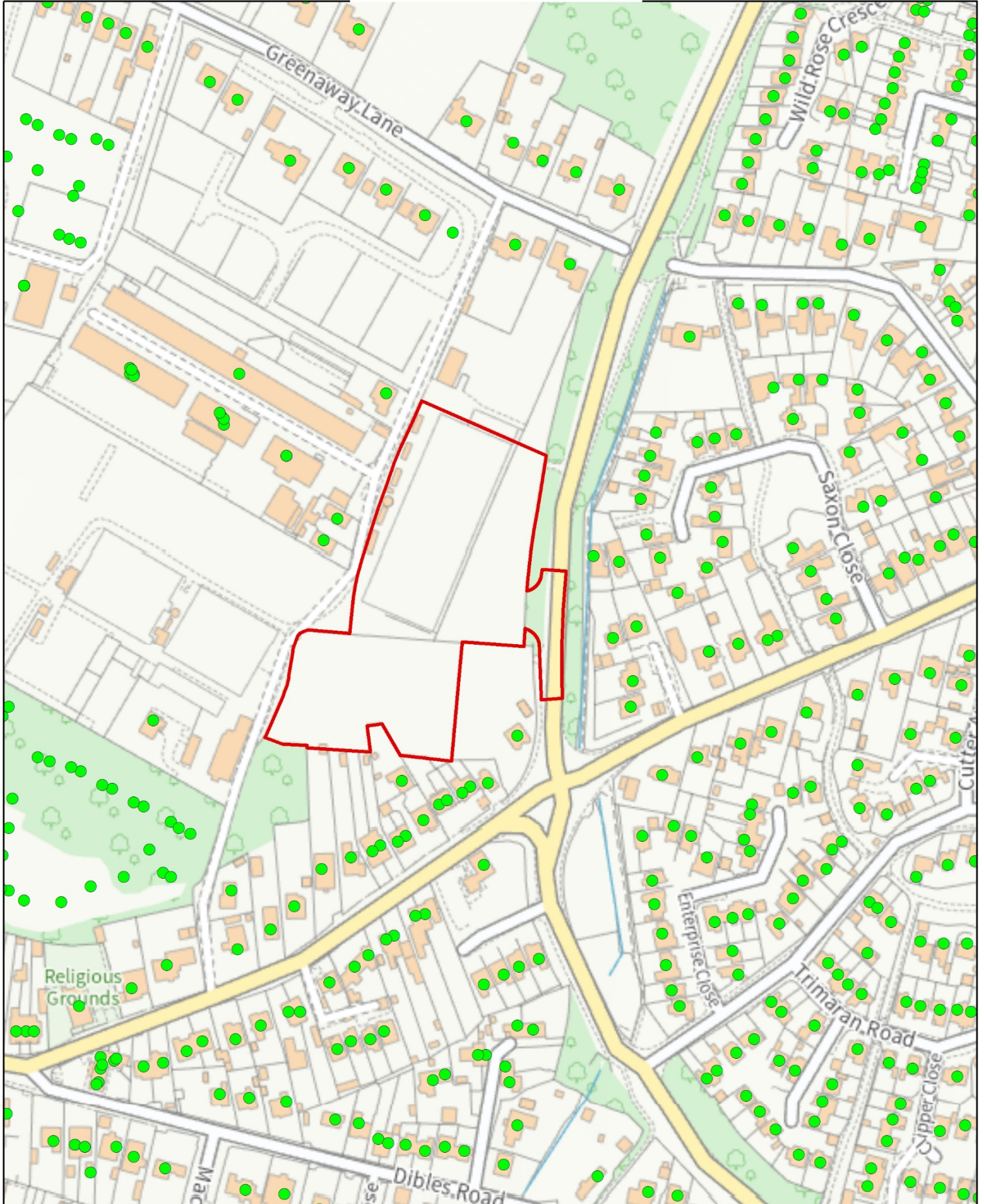
- (b) make any necessary changes arising out of detailed negotiations with the applicant which may necessitate the variation, addition or deletion of the conditions and heads of terms as drafted to ensure consistency between the two sets of provisions.

10.0 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 West of Lockwood Road
Warsash
Scale 1:2,500



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Agenda Item 6(2)

OFFICER REPORT FOR COMMITTEE

DATE: 12/04/2023

P/21/1335/OA
LAND & PARTNERS LTD

WARSASH
AGENT: BJC PLANNING

OUTLINE APPLICATION FOR UP TO 11 SELF/CUSTOM BUILD DWELLINGS WITH ACCESS FROM LOCKSWOOD ROAD, ASSOCIATED OPEN SPACE, SUSTAINABLE DRAINAGE & LANDSCAPING

LAND WEST OF LOCKSWOOD ROAD, WARSASH

Report By

Susannah Emery – direct dial 01329 824526

1.0 Introduction

- 1.1 This application is reported to the Planning Committee for determination as there is another application on this same agenda (P/21/1334/OA) for the same site which has generated a higher level of public interest and it is considered appropriate for both applications to be considered simultaneously.
- 1.2 Members will be aware that the emerging Fareham Local Plan 2037 is now at a very advanced stage. Upon adoption, the Fareham Local Plan 2037 will replace the Local Plan Part 1 (Core Strategy) and Local Plan Part 2 (Development Sites and Policies).
- 1.3 The Executive is considering a report on the adoption of the Fareham Local Plan 2037 at its meeting on the 3 April. One of the recommendations within the report is that a recommendation is made to Council to adopt the Fareham Local Plan 2037. If the Executive agrees this recommendation, Council will be convened on 5 April to consider the Executive's recommendation that the Fareham Local Plan 2037 be adopted.
- 1.4 Officers will provide an update at the Planning Committee meeting confirming the status of the Fareham Local Plan 2037 and Local Plan Parts 1 and 2.
- 1.5 The site is within an area allocated for residential development in the emerging Fareham Local Plan 2037 under Policy HA1 which covers a total area within Warsash of approximately 33ha and has an indicative yield of 824 dwellings.
- 1.6 A previous outline planning application (P/17/0998/OA) for a much larger parcel of land which extended from Brook Lane in the west to Lockwood Road in the east, included the land subject to this application. That application

was reported to the Planning Committee in October 2018. Members resolved to grant planning permission subject to planning conditions and the prior completion of a Section 106 legal agreement. The application was eventually withdrawn in February 2022 as the applicant no longer wished to proceed.

- 1.7 The ownership of a large portion of the site subject to the previous application has now been transferred by the applicant to Bargate Homes/VIVID and there is a separate planning application currently being considered in relation to this site (P/22/1812/FP).

2.0 Site Description

- 2.1 The application site lies outside of the urban settlement boundary to the west of Lockwood Road just to the north of the roundabout at the junction with Warsash Road.
- 2.2 The site extends to 1.49ha in size. The northern part of the site is currently occupied by large horticultural greenhouses and associated residential mobile homes. To the east of the greenhouses adjacent to Lockwood Road extends a triangular shaped area of grassland. There is a significant tree belt/hedgerow along the eastern site boundary running parallel with Lockwood Road. A dropped kerb and five bar gate provide access to the site from Lockwood Road, although this access does not appear to be in regular use.
- 2.3 The southern part of the site is currently undeveloped and consists of grassland with scattered trees. There are a number of trees within the south west corner of the site covered by a group tree preservation order (TPO) as well as a number of protected individual trees which are concentrated particularly around the boundaries of the southern part of the site.
- 2.4 The western boundary of the application site abuts the private unmade vehicular track that connects Greenaway Lane with Warsash Road and provides access to Vero's business park. The southern boundary abuts residential properties on Warsash Road.
- 2.5 The site is located within Flood Zone 1, meaning it has a low probability of flooding.

3.0 Description of Proposal

- 3.1 Outline planning permission is sought for the construction of up to 11 self build/custom build dwellings with all matters reserved. The application was originally submitted for up to 14 self/custom build dwellings, but this was subsequently reduced to 12 dwellings by the applicant due to a change in the arrangement of the internal road layout (indicative) and then later to 11

dwellings to address concerns raised in respect of the retention of ecological habitat within the south-west corner of the site.

- 3.2 The means of access to the site, the layout, appearance and scale of buildings and the landscaping of the site are matters reserved for a future application and not for consideration at this time.
- 3.3 An illustrative land uses plan has been submitted which identifies a vehicular access point to the site from Lockswood Road together with the developable areas of the site, it also indicates the areas to be used for surface water drainage infrastructure and an area within the southern part of the application site to be retained as ecological habitat. A potential vehicular/cycle and pedestrian link to land to the west is shown.
- 3.4 It is indicated that the development would be split into two clusters of dwellings. One would be sited to the north of the site where the greenhouses currently stand and the second cluster would be located within the southern undeveloped part of the site. The two areas would be separated by the access road leading into the site from Lockswood Road. The illustrative site layout shows 8 dwellings sited to the north of the access and 3 dwellings to the south. It is suggested that the development would consist of detached 4-bed dwellings of varying size and that development heights would be a maximum of 2 ½ storey height.

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
DSP4 – Prejudice to adjacent land
DSP6 - New residential development outside of the defined urban settlement boundaries

DSP13 - Nature Conservation
DSP15 - Recreational Disturbance on the Solent Special Protection Areas
DSP40 - Housing Allocations

Fareham Local Plan 2037 (Emerging)

DS1 Development in the Countryside
DS3 Landscape
H1 Housing Provision
HA1 North & South of Greenaway Lane
HP5 Provision of Affordable Housing
HP7 Adaptable & Accessible Dwellings
HP9 Self & 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
TIN1 Sustainable Transport
TIN2 Highway Safety & Road Network
TIN4 Infrastructure Delivery
D1 High Quality Design & Placemaking
D2 Ensuring Good Environmental Conditions
D3 Co-ordination of Development and Piecemeal Proposals
D4 Water Quality & Resources
D5 Internal Space Standards

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 The following planning history is relevant:

| | |
|---------------------|--|
| P/17/0998/OA | Outline application for up to 157 dwellings with access from Brook Lane and Lockwood Road, associated open space, sustainable drainage and landscaping |
|---------------------|--|

6.0 Representations

6.1 Two representations have been received (including one from the Fareham Society) raising the following concerns;

- Access to the northern part of the adjacent track from the application site would reduce vehicle movements on Greenaway Lane
- It should be made compulsory for the users of the northern section of the track to use the new access to Lockswood Road thereby enabling the stopping up of the track
- Additional vehicular /pedestrian movements along the southern section of the track would increase noise and disturbance to neighbouring properties
- The junction of the track with Warsash Road is dangerous for pedestrians/cyclists
- The tree/hedgerow screen along Lockswood Road should be retained

7.0 Consultations

EXTERNAL

Highways (Hampshire County Council)

- 7.1 The site is located to the west of Lockswood Road and north of Warsash Road. Access is to be taken via a priority bellmouth junction of Lockswood Road. Lockswood Road is a C-classified road governed by a 30mph speed limit (the submitted Transport Assessment incorrectly states this as a 40mph road). The proposed access is c.100m north of the Warsash Road/ Lockswood Road mini-roundabout.
- 7.2 The trips analysis estimates the proposal to generate 7 two-way trips in both the AM and PM peak periods. The Highway Authority agree to the trip generation figures proposed.
- 7.3 The updated PIA data (personal injury accident) within the submitted transport statement identifies a total of 6 recorded accidents within the vicinity of the site, 1 being serious and 5 being slight in nature. It is considered that there is no significant cluster of accidents in the vicinity of the site and there appears to not be an existing safety issue in within the study area that may be exacerbated by the number of trips produced by the development. A Road Safety Audit (RSA) was previously submitted in relation to planning application P/17/0998/OA. It has been agreed with the applicant that a further

RSA will be submitted to support a future reserved matters application, whereby the access will be a matter for determination.

- 7.4 It is considered that the location of the access is acceptable in principle subject to further information to be submitted as part of a future reserved matters planning application. A new crossing point is proposed just north of the new access to allow pedestrians to cross to the eastern side Lockwood Road from the development and travel north towards Locks Heath Shopping Centre. Cyclists are expected to use the carriageway on site from the development site and further join Lockwood Road.
- 7.5 As this is an outline planning application with all matters reserved the internal layout is not currently considered as part of this planning application. It has been agreed that comments on the internal layout (i.e pedestrian / cycle connectivity, SUDs clarification, future links etc) can be determined as part of a future reserved matters planning application. It is confirmed that the crossover north of the site access will be closed as part of this application as it will become redundant.
- 7.6 The Highway Authority raises no objection to the proposal.

Ecology (Hampshire County Council)

- 7.7 It has been confirmed that the reptiles on site would be translocated to an offsite receptor area which will require works to be made suitable for reptiles. Whilst I have no major concerns in relation to the strategy itself, I request that a planning condition is secured to ensure the receptor site is made suitable for reptiles (through the removal of cotoneaster and seeding the site with horseshoe vetch), prior to any translocation taking place. Reptile translocation can only be carried out once these works have been completed.
- 7.8 An Ecology Corridors Plan has been submitted, showing 3m buffers along the eastern, central, north-western and southern boundaries of the site. This is positive however the Reserved Matters application must also secure the retention of the areas shown as new planting/retained habitats on the submitted Land Use plan. If you are satisfied that these matters could be resolved during the Reserved Matters stage, then I wouldn't raise any additional concerns in relation to the application.

HCC – Education

- 7.9 Due to the low number of dwellings there is no requirement for a contribution towards educational infrastructure.

HCC – Archaeology

7.10 No objection

HCC - Flood Water Management Team

7.11 The information submitted by the applicant in support of this planning application indicates that surface water runoff from the application site will be managed through permeable paving, gravel trench soakaways, infiltration crates and an infiltration basin. This is acceptable in principle considering that the infiltration testing showed acceptable infiltration rates at the site.

7.12 Considering that this is an outline planning application with all matters reserved, and bearing in mind that there is a potential for the applicant to discharge surface water runoff into the adjacent surface water network if the additional groundwater assessment shows that infiltration is not feasible at the site, at this stage the information submitted by the applicant has addressed our concerns regarding surface water management and local flood risk.

INTERNAL

Trees

7.13 If adequate precautions to protect the retained trees are specified and implemented in accordance with the arboricultural method statement included in the tree report produced by RGS Arboricultural Consultants – May 2022, the development proposals will have no significant adverse impact on the contribution of the trees to the public amenity or the character of the wider setting.

Environmental Health (Contamination)

7.14 No objection subject to condition

8.0 *Planning Considerations*

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

- a) The approach to decision making
- b) Fareham Local Plan 2037 policy position
- c) Residential development in the countryside
- d) Accessibility of the site & Highway Matters
- e) Landscape & Visual Impact
- 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 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 over the previous three years. 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), there are specific policies in the NPPF which protect areas or assets of particular importance, namely habitat sites, which are specifically mentioned in footnote 7. Where such policies provide a clear reason for refusing the development proposed then this should be the case. The key judgement in regard to the second limb of NPPF paragraph 11(d), is 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'). However, this will only apply if it is judged that there are no clear reasons for refusing the development having applied the test at Limb 1.

8.12 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."

8.13 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.

8.14 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) Fareham Local Plan 2037 policy position

8.15 National planning policy allows Council's to give appropriate weight to relevant policies in emerging plans according to the stage of preparation of the plan, the extent to which there are unresolved objections and the degree of consistency with the NPPF (para 48 NPPF). The emerging Local Plan is well advanced carries considerable weight in the consideration of planning applications.

8.16 The site of this planning application is part of a wider allocation for housing with an indicative overall yield of 824 dwellings within the emerging Fareham Local Plan 2037 (Policy HA1). A number of background documents and assessments support the proposed allocation of the site in terms of its deliverability and sustainability which are of relevance. A number of representations have been submitted both in support of and objecting to the policy however the proposed modifications to the policy are of a minor nature. Officers therefore consider that significant weight can be given to this policy in the assessment and determination of this application.

c) **Residential development in the countryside**

- 8.17 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.
- 8.18 Policy CS14 of the Core Strategy states that:
- 'Built development on land outside the defined settlements will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function. Acceptable forms of development will include that essential for agriculture, forestry, horticulture and required infrastructure.'*
- 8.19 Policy DSP6 of the Local Plan Part 2: Development Sites and Policies states - there will be a presumption against new residential development outside of the defined urban settlement boundary (as identified on the Policies Map). 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.
- 8.20 Policy DS1 of the emerging Fareham Local Plan 2037 concerns development within the countryside. The policy sets out a number of exceptions (a-i) where development in the countryside may be permitted, particularly 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. The application involves the development of an allocation site and is therefore compliant with Policy DS1.
- 8.21 The site is located outside of the defined urban settlement boundary and the proposal is therefore contrary to Policies CS2 and CS6 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies. The proposal would be considered contrary to Policy CS14 if it were deemed that it would adversely affect the landscape character, appearance and function of the countryside which is discussed in more detail in section e) of this report. The proposal would comply with Policies HA1 and DS1 of the emerging Fareham Local Plan 2037 as the site is an allocation site within the emerging Fareham Local Plan 2037.

d) Accessibility of the Site & Highway Matters

- 8.22 Policy CS15 of the Core Strategy states that the Council will promote and secure sustainable development by directing development to locations with sustainable transport options and access to local services. The nearest bus stop to the application site is located on Warsash Road approx. 250m from the application site which is served by the X5 first bus service which runs between Southampton, Warsash, Fareham & Gosport. The site is located within approx. 750m of the centre of Warsash village where there is a range of local shops and services. The Locks Heath District Centre lies approx 1.8km from the proposed development site to the north. The nearest primary school, Hook with Warsash C of E Primary School, is located approx. 850m from the site and Brookfield secondary school lies approximately 1.6km away. The site is considered to be sustainably located.
- 8.23 Whilst this is an outline application with all matters reserved it is confirmed within the application description that access would be taken to the site from Lockswood Road and it is also intended to secure this by planning condition. The Highway Authority considers the indicative location of the access to be acceptable in principle. No concerns are raised in respect of the impact of the proposal on highway safety based on the indicative position and formation of the bellmouth access shown within the transport statement and the predicted additional vehicle movements on the local road network. However the means of access to the site is not being approved at this time and would be the subject of a Reserved Matters application.
- 8.24 Concerns have been raised by a local residents in respect of the potential connection of the application site to the private track which extends along the western boundary of the site and the prospect of the increased movement of vehicles, pedestrians or cyclists on this track as a result. The illustrative site layout for the proposed development indicates a potential vehicular link from the internal highway within the application site across the track to land to the west.
- 8.25 The applicant has submitted a statement in respect of the legal status of the track. The track serves several properties that are in various commercial and residential uses. According to records obtained from HM Land Registry a number of properties identified along the track own their portion of the track but the other track owners also have rights of access, including vehicles, over the entire length. The track is unmade and it appears that the various frontage properties are responsible for the maintenance of the section within their ownership. Whilst the public appear to have been using the track for a number of years as a short cut between Greenaway Lane and Warsash Road there

are no formal rights registered on the Land Registry Titles and the route does not appear on the public rights of way records.

- 8.26 Officers view on this matter is that the application site forms part of a wider housing allocation and it is considered important that every opportunity is taken to secure the potential for vehicular, pedestrian and cycle connectivity between individual sites, even if these links do not ultimately come to fruition. Policy HA1 of the emerging Local Plan states that proposals should meet a number of site specific requirements including the provision of pedestrian and cycle connectivity between adjoining parcels, as well as providing connectivity with Warsash Road and nearby facilities and services. As it stands, at present there are clearly legal issues which would prevent vehicular access from the application site over the track to connect with existing (ie Vero's) or future development to the west. The condition of the track means that increased use in its current state by vehicles in particular would not be desirable and this is not something Officers are seeking to orchestrate. The Highway Authority have clearly indicated that they would not support a motorised vehicular link between Lockswood Road and Brook Lane, however they advise that there should be a safeguarded route for pedestrians and cyclists east-west through the site and up to the site boundary.
- 8.27 Through the Section 106 legal agreement it is intended to secure the provision of a vehicular/pedestrian/cycle link from the application site right up to the western boundary with the track (and also to the north boundary). In doing so there remains the ability to form a vehicular connection should this be considered beneficial in the future. The applicant has been advised by the highway authority that the highway infrastructure within the site must be designed to be capable of accommodating higher volumes of traffic that could arise in the event that a connection is formed. Irrespective of whether a vehicular connection is formed in the future it is considered important to deliver a pedestrian/cycle connection up to the western boundary so as not to restrict movement throughout the housing allocation. The provision of such a connection up to the western boundary would not encroach onto private land or interfere with private property rights.
- 8.28 Officers are satisfied that the proposal would not have any unacceptable highway implications and would comply with Policy CS5 of the adopted Core Strategy and Policies TIN1, TIN2 and HA1 of the emerging Fareham Local Plan 2037.

e) Landscape & Visual Impact

8.29 The site is not located with a designated strategic gap within the current adopted local plan or an area of special landscape quality within the emerging Fareham Local Plan 2037. It is however, located within designated countryside where Policy CS14 of the adopted Fareham Borough Core Strategy confirms that built development will be strictly controlled to protect it from development which would "adversely affects its landscape character, appearance and function".

8.30 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 'Warsash Nurseries' Character Area (LCA2). The sub area in which the site lies (02.2a) is described as having a suburban, fringe character. It is stated that;

'The character and quality of the landscape has already been affected by urban influences and landscape value is relatively low and, therefore, tolerant of change. The presence of a good structure of woodland, hedgerows and trees provides opportunities for integration of new buildings within the existing field pattern, without significant adverse effects upon landscape resources.'

8.31 The parties who would primarily be affected by visual changes would be residents close to the site and those travelling along Lockwood Road or the private track. A large area of the northern part of the site is previously developed land, occupied by greenhouses and residential mobile homes. The indicative layout shows that the development of the northern part of the site would likely occupy a similar area of the site as the greenhouses and this development would be set back from Lockwood Road with existing vegetation on the eastern and western boundaries retained. Development to the south of the site would be more visually contained, screened from view to an extent by trees, vegetation and the frontage properties on Warsash Road. It is considered that the proposal would primarily have a localised visual impact and the visual impact from longer distance views would be limited.

8.32 The indicative site layout shows how the site might be laid out. Whilst acknowledging that this plan is for illustrative purposes only, Officers are satisfied that the site could accommodate up to the maximum overall quantum of development proposed. The layout and design of the site would be the subject of a Reserved Matters application and these aspects would need to be the subject of careful consideration at that time.

8.33 Whilst the scale and appearance of buildings is also a reserved matter, in terms of building heights the application suggests development would be a maximum of 2 ½ storey. Policy HA1(f) of the Emerging Fareham Local Plan 2037 states that;

'Building heights should be limited to a maximum of 2.5 storeys, except for buildings which front onto Greenaway Lane, Lockswood Road and Brook Lane where building heights shall be limited to a maximum of 2 storeys. In very limited circumstances, a 3 storey form can be acceptable within the central part of the site(s) away from the surrounding road network, having regard to Policy D1'

The reserved matters application would need to demonstrate building heights to be acceptable in terms of visual impact.

- 8.34 It is not considered that the development of the site would have an unacceptable impact on the landscape character of the surrounding area. The development of the site is considered in principle to comply with Policy CS14 of the Core Strategy and Policy DS1 of the emerging Local Plan although further consideration will need to be given to the site layout, and the appearance and scale of buildings at the reserved matters stage and to ensure compliance with Policy CS17 of the Core Strategy (D1 of the Emerging Fareham Local Plan 2037).

f) Ecology & Trees

- 8.35 The application is supported by an ecological assessment (Peach, 6 July 2022) which includes an assessment of the impact of the proposal on protected species. The trees and buildings/structures proposed to be removed have been checked for roosting bats and none were found, they were all considered to have negligible bat roosting potential. The majority of existing hedgerows and trees would be retained and new features for roosting bats would be required to be incorporated into the proposed dwellings.
- 8.36 The updated reptile survey in 2021 recorded a good population of slow worms and a low population of common lizards on the site. To avoid harm to reptiles during the development phase the use of an off-site receptor site has been agreed with Council Officers at Anson Grove Public Open Space. The reptile receptor site can be enhanced to support the translocated reptiles and a scheme of works to include the clearance of invasive shrub species (cotoneaster) and replanting (horseshoe vetch) has been discussed with the Council's Countryside Rangers. Prior to the commencement of development, a detailed mitigation strategy, including a plan of the proposed works to the reptile receptor site and the arrangements in place for the implementation of the strategy, will be required to be submitted to the Council and agreed. The submission and agreement of the reptile mitigation strategy (including for the short term management of the site to treat cotoneaster regrowth for 2 years following initial clearance) and a contribution towards future maintenance of

the receptor site would be secured within the Section 106 legal agreement. There are opportunities to enhance areas of the site such as the wildlife corridors and SUD's area for reptiles in the longer term which should be further considered at the reserved matters stage.

- 8.37 Badger tracks were recorded through the site and nearby and a latrine was recorded; no badger setts were recorded during the surveys however it is considered important that the proposals do not prevent movement of badgers into or through the site. A badger culvert would be required beneath the internal spine road to enable movement of badgers safely from south-north. In light of the proposed mitigation, the Council's Ecologist has not raised any concerns in respect of the impact of the proposal on protected species.
- 8.38 Initially concerns were raised by the Council's Ecologist and Design Officer in respect of the loss of ecological connectivity between the application site and surrounding land. Policy HA1 of the emerging Fareham Local Plan sets out a requirement for the provision of natural greenspace and wildlife habitats and east-west wildlife corridors within the allocation. In order to ensure that the proposal retains connectivity for wildlife between adjacent sites, it has been agreed that 3m wide wildlife corridors would be secured around the boundaries of the site and internally which would allow the movement of badgers for example between their setts and their foraging areas. The provision and retention of these corridors and a larger area of retained/enhanced habitat shown on the land uses plan within the south-western part of the site would be secured through the S106. The Council's ecologist has recommended a planning condition to secure the submission of an ecological management plan which would clarify the ecological features to be retained and created, a planting scheme and the management arrangements for these areas of the site.

Biodiversity Net Gain (BNG)

- 8.39 In line with the Environment Act 2021 and para 175 of the NPPF the Council expects development proposals to achieve demonstrable net gains in biodiversity. Policy NE2 of the emerging 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'

- 8.40 BNG has been calculated for the proposed development by the applicant's ecologist using the biodiversity metric. In accordance with NE guidance, in

order to demonstrate a 10% BNG the metric should show separate gains for both habitat units and linear hedgerow units. Clarification has been sought from the Councils ecologist as to whether the submitted calculations demonstrate the required 10% BNG in an acceptable form and an update will be provided at the Planning Committee meeting. Since this is an outline application and the inputs are based to an extent on assumptions at this stage, the submission of a biodiversity net gain plan with the Reserved Matters application would be secured through the S106 confirming that the minimum 10% net gain would be achieved and providing further detail of how the habitat would be managed and maintained for a minimum of 30 years.

Trees

- 8.41 The proposal would necessitate the removal of a number of trees as set out within the supporting tree survey report which are assessed as being of low/moderate quality. It is not considered that the loss of these trees would have a significant impact upon the visual amenity of the immediate or surrounding area. In respect of the retained trees, and in particular the concentration of protected trees in the southern half of the site, the indicative layout does not appear to significantly conflict with, nor compromise the root protection areas. An arboricultural method statement would be required to support a detailed application.
- 8.42 The construction of the access as shown on the indicative plans would necessitate the removal of a section of the tree belt/hedgerow fronting Lockswood Road measuring approximately 30m in length. The remainder of the hedgerow would continue to provide an effective screen for the development.

g) Impact on Habitat Sites

- 8.42 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.
- 8.43 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.

- 8.44 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).
- 8.45 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.
- 8.46 When considering the proposed development Officers considers there to be two main likely significant effects on HS.

Water Quality (nitrates)

- 8.47 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.
- 8.48 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. 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's 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.
- 8.49 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 11.3 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 residential urban land, horticulture, woodland and greenspace.

- 8.50 The applicant has entered a contract to reserve 24.02 kgTN/yr of nitrate mitigation 'credits' from a wetland scheme at Whitewool Farm (to account for the higher nitrate budget associated with P/21/1334/OA). 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.
- 8.51 A condition will be imposed to ensure that the development does not commence on site until confirmation of the purchase of the credits from Whitewool Farm has been received by the Council. A further planning condition would secure details of the water efficiency measures to be installed within the dwellings to ensure that water consumption would not exceed 110L per person/per day to reflect the assumptions of the nitrate budget.

Recreational Disturbance -

- 8.52 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.
- 8.53 Policy DSP15 of the adopted Fareham Borough Local Plan Part 2: Development Sites and Policies (NE3 of the emerging Local Plan) 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).
- 8.54 Natural England have also advised that the development's location within a 13.8km radius of the New Forest designated sites requires mitigation in order to mitigate the impact of increased recreational disturbance in combination with other development on the New Forest designated sites.
- 8.55 The applicant will be required to enter into a legal agreement to secure the appropriate financial contribution in accordance with the Solent Recreation Mitigation Strategy and the Council's interim Mitigation Solution on New Forest Recreational Disturbance.

- 8.56 The Council has carried out an Appropriate Assessment and concluded that the proposed mitigation and conditions will be adequate for the proposed development and ensure no adverse effect on the integrity of the HS either alone or in combination with other plans or projects. It is therefore considered that the development accords with the Habitat Regulations and complies with Policies CS4, DSP13 and DSP15 of the adopted Local Plan and Policies NE1, NE3 and NE4 of the emerging Fareham Local Plan 2037.
- 8.57 Natural England has been consulted on the Council's Appropriate Assessment and their formal comments are expected shortly. Members will be updated at the Committee Meeting.

h) Other Matters

Self-Build

- 8.58 The NPPF states that authorities should plan for a mix of housing to address the need of different groups in the community. This includes people wishing to commission or build their own homes (para 61). Policy HP9 of the emerging Fareham Local Plan promotes the provision of self-build dwellings to help meet the demands of those on the Council's Self Build Register. The 100% self/custom build provision on this site is therefore welcomed.

Affordable Housing

- 8.59 Policy CS18 of the adopted Core Strategy requires 30% affordable units on sites that can accommodate between 10-14 dwellings. Policy CS18 states that where development viability is an issue, developers will be expected to produce a financial assessment in which it is clearly demonstrated the maximum number of which can be achieved on the site. Policy HP5 of the emerging Fareham Local Plan requires 40% of dwellings as affordable housing on greenfield sites that can accommodate 10 or more dwellings or that exceed 0.5ha. The sub-text to Policy HP5 states that the viability of providing affordable housing is considered at the plan making stage and should not need to be assessed on a case by case basis when determining planning applications. However, in instances where development viability is an issue, developers will need to submit sufficiently detailed viability evidence which will be reviewed by the Council and a third party
- 8.60 The proposal would be contrary to Policy HP5 of the emerging Fareham Local Plan 2037 as it does not include for the provision of on-site affordable housing or a contribution in lieu of on-site provision. The application is accompanied by a viability assessment that has been objectively assessed on behalf of the Council by Aspinall Verdi. The purpose of the viability assessment is to test

the financial viability of the proposed development of the site, taking into account the policy requirements and national planning policy and guidance. Aspinall Verdi's report confirms that a scheme of 12 dwellings with 30% affordable housing would be unviable and that one with nil affordable housing would be marginally unviable. The conclusion drawn by Aspinall Verdi was that the applicant cannot adequately provide the required affordable housing contribution. Whilst the applicant had originally offered a financial contribution of £142,336 to the Council in lieu of on-site provision, this offer was subsequently withdrawn as during the course of the consideration of the application the maximum number of dwellings was reduced from 12 to 11 to enable the retention of ecological habitat on-site.

Amenity Implications

- 8.60 Matters of scale, appearance and layout are reserved for consideration at the future reserved matters application stage. It is at that stage that the detailed consideration of these issues would need to comply with relevant local plan policy and the adopted design guidance SPD to ensure appropriate amenity standards for future residents and to protect the living conditions of neighbouring residential properties.

Adaptable and Accessible Dwellings

- 8.61 The emerging Fareham Local Plan 2037 set out that in light of Fareham's above average aged population it is important that more homes are constructed at an adaptable standard to give greater choice and the ability for older people to remain in their homes should they wish, whilst supporting and encouraging the provision of specialist and older person housing when appropriate. In addition, 16% of the resident population of the Borough have a long-term health problem or disability indicating that there is an increased requirement for specialist accommodation options moving forward. In accordance with Policy HP7 of the emerging Fareham Local Plan 2037 it is proposed to impose a planning condition to secure that at least 15% of the proposed dwellings are constructed to Category 2 standard as outlined in Part M (Access to and Use of Buildings) of the Building Regulations (2015 edition).

Effect upon Local Infrastructure

- 8.62 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 providers to decide how they deliver their services. A refusal on these grounds would not be substantiated. The County Council have advised that based on the scale of the scheme an educational contribution would not be warranted.

Loss of Agricultural Land

8.63 Policy CS16 seeks to prevent the loss of the best and most versatile agricultural land. The NPPF does not place a bar on the development of the best and most versatile agricultural land. Parts of the site are classified as Grade 3b agricultural land which falls outside of the 'best and most versatile' agricultural land category and therefore there is no conflict with Policy CS16.

i) The Planning Balance

8.64 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".

8.65 As set out earlier in this report Paragraph 11 of the NPPF clarifies the presumption in favour of sustainable development in that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in the Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

8.66 Paragraph 182 of the NPPF states that;

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

8.67 An Appropriate Assessment has been undertaken and concluded that the proposal would not adversely affect the integrity of protected Habitat Sites. There is therefore no clear reason to refuse the application on these grounds. Whilst the Council can demonstrate a 5YHLS, having regard to the results of the Housing Delivery Test, the application should be determined in

accordance with paragraph 11(d)(ii) applying the presumption in favour of sustainable development.

- 8.68 This approach detailed within the preceding paragraph has become known as the 'tilted balance' in that it tilts the planning balance in favour of sustainable development and against the Development Plan.
- 8.69 The site is outside of the defined urban settlement boundary and the proposed development does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would therefore be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of Local Plan Part 2: Development Sites and Policies Plan.
- 8.70 The site is however part of the HA1 housing allocation as identified within the emerging Fareham Local Plan 2037, and it is considered that considerable weight can now be attributed to this policy. The proposal would also be compliant with Policy DS1 of the emerging Local Plan 2037 concerning development in the countryside.
- 8.71 In terms of any potential adverse impacts, it is not considered that the development would unacceptably harm the landscape character and appearance or function of the countryside. The proposed residential development would be sustainably located. Subject to appropriate mitigation it is not considered that the proposal would likely have any adverse impacts on ecology, trees or highway safety.
- 8.72 In balancing the objectives of adopted policy which seeks to restrict development within the countryside along with the shortage of housing supply, it is acknowledged that the proposal would make a valuable contribution towards boosting the Borough's housing supply, which is a material consideration in favour of the proposal.
- 8.73 Whilst there are two different proposals being proposed for the same site each should be considered on their own merits. It is acknowledged that this proposal would deliver a lesser number of dwellings towards the Council's housing supply than P/21/1334/OA and it would also be contrary to Policy HP5 in that it would fail to deliver affordable housing. There is however support for custom and self-build housing both at National level and within the emerging Fareham Local Plan 2037 and the proposal would deliver a scheme which is 100% custom/self build dwellings.
- 8.74 In undertaking a detailed assessment of the proposals throughout this report and applying the 'tilted balance' to those assessments, Officers consider that:

(i) there are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed, particularly when taking into account that any significant effect upon Special Protection Areas can be mitigated; and

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

8.75 Therefore, the tilted balance points towards granting approval in any event.

8.76 Having carefully considered all material planning matters and assessing the proposal against the development plan and the tilted balance, it is considered that the proposal is acceptable.

9.0 **Recommendation**

9.1 Subject to:

i) The consideration of any comments received from Natural England in response to consultation on the Council's Appropriate Assessment;

and

9.2 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) To secure vehicular and pedestrian access and cycle connectivity to adjoining land to the north and west right up to the party boundary in perpetuity;
- b) To secure a financial contribution towards the Solent Recreation Mitigation Partnership (SRMP);
- c) To secure a financial contribution in accordance with the Council's New Forest Recreational Disturbance Interim Mitigation Solution;
- d) To secure the retention of specified areas of the site for habitat retention/creation in accordance with the land uses plan (those areas indicated for 'retained trees/ecology');
- e) To secure the provision of 3m wide ecological corridors as shown on the submitted plan;
- f) To secure the submission of a biodiversity net gain plan demonstrating that a minimum 10% BNG is achievable and confirm how the proposed BNG habitats will be implemented, managed, maintained, monitored and funded for a minimum of 30-years;

- g) To secure the preparation and provision of the off-site reptile translocation area and a contribution towards the future management/maintenance.

Then;

9.3 GRANT OUTLINE PERMISSION Subject to the following conditions:

1. Details of the means of access to the site, the appearance, scale, and layout of buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

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

2. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

3. The development hereby permitted shall be begun before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

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

- i) Location Plan – drwg No. SLP-01 Rev P2
- ii) Phasing Plan – SKL-01 Rev P10
- iii) Ecological Assessment (Peach Ecology, 6 July 2022)
- ii) Amended Ecological Corridors Plan – drwg No. SLP-01 Rev P2
- iii) Tree Survey Report (RGS Arboricultural Consultants, May 2022)
- iv) Revised Transport Statement (Paul Basham, August 2022)
- iv) Flood Risk Assessment & Drainage Strategy (Paul Basham, July 2021 ref: 097.5007/FRA&DS/3)
- v) Desk Study & Preliminary Risk Assessment Report, 14 February 2017

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

5. The development shall be constructed in accordance with the Phasing Plan Drawing no. SKL-01 Rev P10. Phase 1 must be completed before the

commencement of any subsequent phases. Notwithstanding the numbering of the subsequent phases (2-7) these phases may be commenced in any order.
REASON: To ensure that adequate access is provided to the plots.

6. No reserved matters application shall be made pursuant to condition 1 unless vehicular access to the site is shown as being taken from Lockwood Road.
REASON: In the interests of highway safety and residential amenity.

7. Not to carry out the development hereby permitted unless as a 'Self/Custom Build' development and by:
- a) individuals;
 - b) association of individuals; or,
 - c) persons working with or for individuals or associations of individuals;
- on the plot(s) to be occupied as homes by those individuals and thereafter the development shall not be occupied by anyone else other than by those same individuals for a continuous period of not less than three years starting from the date of first occupation.

REASON: To ensure that the development is carried out and occupied as a 'custom build' development for which permission was granted.

8. No reserved matters application shall be made pursuant to condition 1 until a detailed Design Parameters Guide in relation to all of the proposed dwellings has been submitted to and approved in writing by the Local Planning Authority. The Guide shall set out details such as height, scale and materials to be used within the construction of the proposed dwellings. Any subsequent reserved matters application submitted shall accord with the approved details. Thereafter there shall be no deviation from these requirements without a separate grant of permission for that purpose.

REASON: To ensure a cohesion in the overall design and appearance of the development.

9. Before or on submission of the first reserved matters application pursuant to condition 1 it shall be demonstrated that at least 15% of the dwellings to be constructed on the wider site (rounded up to the nearest whole number) shall be constructed at Category 2 standard as outlined in Part M (Access to and Use of Buildings) of the Building Regulations (2015 edition) or equivalent as agreed in writing with the local planning authority.

REASON: To meet the needs for specialist housing within the Borough in accordance with Policy HP7 of the emerging Fareham Local Plan 2037.

10. No development in relation to Phase 1 of the development shall take place until the Council has received evidence that the required nitrate mitigation capacity has been allocated to the development pursuant to the allocation

agreement dated 24 February 2023 between (1) William Northcroft Butler and James Nicholas Butler, (2) H N Butler Farms Ltd and (3) Land & Partners.

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

11. No development in relation to Phase 1 of the development shall take place until details of the width, alignment, gradient and type of construction proposed for the roads, footways and accesses, to include all relevant horizontal and longitudinal cross sections showing the existing and proposed ground levels, together with details of street lighting (where appropriate), the method of disposing of surface water, and details of a programme for the making up of roads and footways have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

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

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

13. No development in relation to Phase 1 of the development shall take place until a Landscape/Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority in writing. This shall include;

- a. A description, plan and evaluation of ecological features to be retained, created and managed such as grasslands, hedgerows, SUDs pond and treelines;
- b. A planting scheme for ecology mitigation and enhancement areas;
- d. A work schedule (including an annual work plan);
- e. The aims and objectives of landscape and ecological management;
- f. Appropriate management options for achieving aims and objectives;
- g. Details of the persons, body or organisation responsible for implementation of the plan; and,
- h. Details of a scheme of ongoing monitoring and remedial measures where appropriate

The development shall be carried out in accordance with the approved LEMP

REASON: to ensure the enhancement/retention of habitats; in the interests of biodiversity.

14. No development in relation to Phase 1 of the development shall commence until a detailed surface water drainage scheme for the site, based on the principles within the Flood Risk Assessment & and Drainage Strategy ref: 097.5007/FRA&DS/3, has been submitted and approved in writing by the Local Planning Authority. The submitted details should include:
- a. A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment.
 - b. A groundwater assessment which includes seasonal variations (winter months).
 - c. Detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole cover and invert levels and pipe diameters, lengths and gradients.
 - d. Detailed hydraulic calculations for all rainfall events, including the listed below. The hydraulic calculations should take into account the connectivity of the entire drainage features including the discharge location. The results should include design and simulation criteria, network design and result tables, manholes schedule tables and summary of critical result by maximum level during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. The drainage features should have the same reference that the submitted drainage layout.
 - e. Evidence that Urban Creep has been considered in the application and that a 10% increase in impermeable area has been used in calculations to account for this.
 - f. Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753.
 - g. Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.
- REASON: In order to ensure satisfactory disposal of surface water. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid adverse impacts of inadequate drainage.
15. Details for the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of Phase 1 of the development. The submitted details shall include;
- a. Maintenance schedules for each drainage feature type and ownership.
 - b. Details of protection measures.
- REASON: In order to ensure satisfactory disposal of surface water.
16. No development in relation to Phase 1 of the development hereby permitted shall commence until an intrusive site investigation and an assessment of the

risks posed to human health, the building fabric and the wider environment including water resources has been submitted to and approved in writing by the Local Planning Authority (LPA). The site investigation shall not take place until the requirements of the LPA have been fully established.

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

Prior to the occupancy of each unit:

The agreed scheme of remedial measures shall be fully implemented.

Remedial measures shall be validated in writing by an independent competent person as agreed with the LPA. The validation is required to confirm that the remedial works have been implemented in accordance with the agreed remedial strategy and shall include photographic evidence and as built drawings where required by the LPA. The requirements of the LPA shall be agreed in advance.

Should contamination be encountered during works that has not been investigated or considered in the agreed scheme of remedial measures, investigation, risk assessment and a detailed remedial method statement shall be submitted to and agreed with the LPA. The remediation shall be fully implemented and validated in writing by an independent competent person as agreed with the LPA.

17. No development shall commence on site until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. All phases of the development shall be carried out in accordance with the approved CEMP (unless any deviation is agreed in writing for individual phases by the local planning authority) which shall include (but shall not necessarily be limited to):

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

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

- c) Arrangements for the routing of lorries and details for construction traffic access to the site;
- d) The arrangements for deliveries associated with all construction works, loading/ unloading of plant & materials and restoration of any damage to the highway;
- e) The measures for cleaning the wheels and underside of all vehicles leaving the site;
- f) A scheme for the suppression of any dust arising during construction or clearance works;
- g) The measures for cleaning Lockwood Road/Warsash Road to ensure that they are kept clear of any mud or other debris falling from construction vehicles, and
- h) A programme and phasing of the demolition and construction work, including roads, footpaths, landscaping and open space;
- i) Location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction;
- k) Provision for storage, collection, and disposal of rubbish from the development during construction period;
- l) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- m) Temporary lighting;
- o) No burning on-site;
- r) Safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site.
REASON: In the interests of highway safety; To ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

18. Development shall proceed in accordance with the measures detailed in Section 5.0 'Requirements and Recommendations' of the Ecological Assessment by Peach Ecology (July 2022).
REASON: to ensure the protection of designated sites, retained habitats and protected species.
19. The development shall be undertaken in accordance with the recommendations contained within the submitted Tree Survey Report (RGS Arboricultural Consultants, May 2022). The tree/hedgerow protection shall be retained through the development period until such time as all equipment, machinery and surplus materials have been removed from the site.
REASON: To ensure protection of important trees and hedgerows.
20. No development in relation to each individual dwelling shall take place until details of the internal finished floor levels of that dwelling in relation to the existing and finished ground levels on the site has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
REASON: To safeguard the character and appearance of the area and to assess the impact on nearby residential properties.
21. Any landscaping scheme, submitted and approved under Condition 1, shall be implemented and completed within the first planting season following the commencement of the development of the phase to which it relates 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.
22. No individual dwelling, hereby approved, shall be occupied until a plan of the position, design, materials and type of boundary treatment to be erected on that plot 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.

23. No development shall commence in respect of any reserved matters application approved pursuant to Condition 1 until a scheme of lighting for that phase of the development (during the operational life of the development), designed to minimise impacts on wildlife, particularly within the wildlife corridors, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented.

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

24. No individual 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.

25. No development on any individual dwelling, hereby approved, shall proceed beyond damp proof course level until details of secure cycle storage for that dwelling have been submitted to and approved by the Local Planning Authority in writing. The secure cycle stores shall be provided before the dwelling is first occupied and shall thereafter be retained and kept available for use at all times.

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

26. No development on any individual dwelling, hereby approved, shall proceed beyond damp proof course (dpc) level until details of how and where one electric vehicle (EV) charging point will be provided to serve that dwelling have been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details with the charging point provided prior to first occupation.

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

27. No individual dwelling, hereby approved, shall be first occupied until details of water efficiency measures to be installed within that 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.

28. 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;

9.4 DELEGATE authority to the Head of Development Management to:

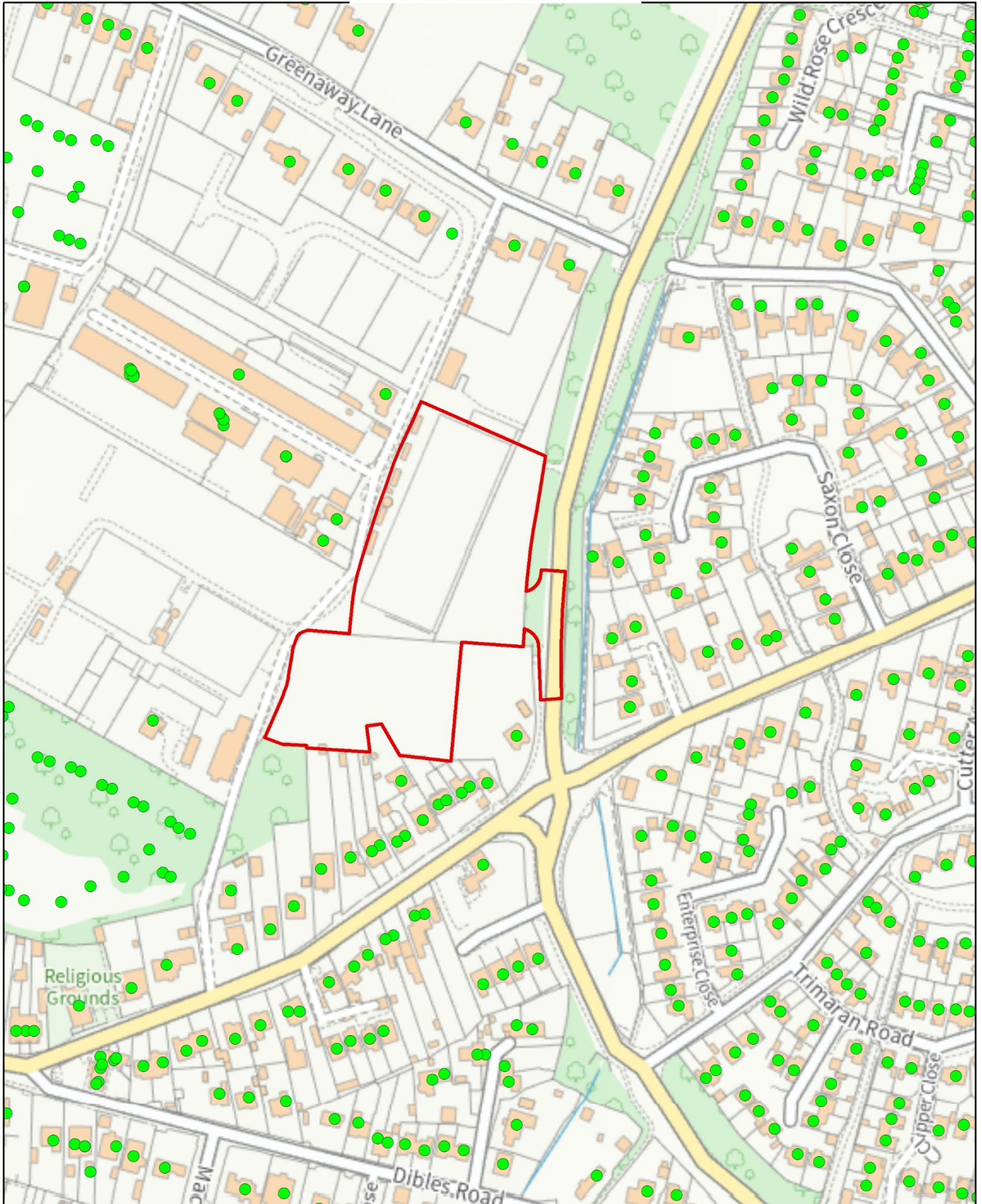
- (a) make any necessary modification, deletion or addition to the proposed conditions or heads of terms for the section 106 legal agreement; and
- (b) make any necessary changes arising out of detailed negotiations with the applicant which may necessitate the variation, addition or deletion of the conditions and heads of terms as drafted to ensure consistency between the two sets of provisions.

10.0 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 West of Lockwood Road
Warsash
Scale 1:2,500



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Agenda Item 6(3)

OFFICER REPORT FOR COMMITTEE

DATE: 12th April 2023

P/23/0008/FP

APPLICANT: MR LUKER & MR K ROSE

SARISBURY

AGENT: DARRYL HOWELLS

PARTIAL DEMOLITION OF THE EXISTING HOUSE, MAKING GOOD THE SIDE ELEVATION, SEVER LAND AND THE ERECTION OF FOUR 4-BED DETACHED HOUSES WITH SHARED ACCESS

35 BURRIDGE ROAD, BURRIDGE, SO31, 1BY

Report By

Katherine Alger – direct dial 01329 824666

1.0 Introduction

- 1.1 This application is reported to the Planning Committee for determination because of the number of representations which have been received.
- 1.2 Members will be aware that the emerging Fareham Local Plan 2037 is now at a very advanced stage. Upon adoption, the Fareham Local Plan 2037 will replace the Local Plan Part 1 (Core Strategy) and Local Plan Part 2 (Development Sites and Policies).
- 1.3 The Executive is considering a report on the adoption of the Fareham Local Plan 2037 at its meeting on the 3 April. One of the recommendations within the report is that a recommendation is made to Council to adopt the Fareham Local Plan 2037. If the Executive agrees this recommendation, Council will be convened on 5 April to consider the Executive's recommendation that the Fareham Local Plan 2037 be adopted.
- 1.4 Officers will provide an update at the Planning Committee meeting confirming the status of the Fareham Local Plan 2037 and Local Plan Parts 1 and 2.

2.0 Site Description

- 2.1 This application relates to a detached dwelling located on the southern side of Burridge Road. Burridge Road comprises an existing ribbon of residential development that extends westwards from the western side of Botley Road. Burridge is a small village comprising limited services and facilities formed along Botley Road.
- 2.2 The application is located within the defined countryside and is not located close to or adjacent to the existing defined urban settlement.

- 2.3 Burrige Road is a long, straight cul-de-sac with ribbon development of mainly detached dwellings along both sides facing the road and mostly long, narrow rectangular shaped rear gardens. The road slopes down from Botley Road and there are views to the open countryside beyond these dwellings.

3.0 Description of Proposal

- 3.1 The proposal is for the partial demolition of the existing house, making good of the side elevation, severance of the land and the construction of four detached houses with shared vehicular access.
- 3.2 The access to the site would be located immediately adjacent to the host dwelling at No 35 and would continue southwards providing access to each dwelling. The houses would be constructed of brickwork with Plots 3 and 4 including weatherboard cladding detail on the first floor elevations.
- 3.3 Each dwelling would include a living room/kitchen/diner, a snug, a utility room, wc and cloakroom at ground floor. The first-floor accommodation would comprise of 4 bedrooms including one en-suite and a bathroom. The dwellings would also have a garage and individual gardens.

4.0 Policies

- 4.1 The following policies and guidance apply to this application:

National Planning Policy Framework (NPPF)

4.2 Adopted Fareham Borough Core Strategy

- CS2: Housing Provision
CS4: Green Infrastructure, Biodiversity and Geological Conservation
CS5: Transport Strategy and Infrastructure
CS6: The Development Strategy
CS14: Development Outside Settlements
CS15: Sustainable Development and Climate Change
CS16: Natural Resources and Renewable Energy
CS17: High Quality Design

4.3 Adopted Development Sites and Policies

- DSP1: Sustainable Development
DSP2: Environmental Impact
DSP3: Impact on living Conditions
DSP4: Prejudice to adjacent land
DSP6: New residential development outside of the defined urban settlement boundaries

- DSP13: Nature Conservation
DSP15: Recreational Disturbance on the Solent Special Protection Areas

4.4 **Emerging Fareham Local Plan 2037**

- DS1: Development in the Countryside
DS3: Landscape
H1: Housing Provision
HP1: New Residential Development
HP2: New Small-Scale Development Outside the Urban Areas
CC2: Managing Flood Risk and 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 Areas (SPAs)
NE4: Water Quality Effects on the SPAs, SACs and Ramsar Sites of the Solent
NE6: Trees, Woodland and Hedgerows
NE9: Green Infrastructure
TIN2: Highway Safety and Road Network
D1: High Quality Design and Placemaking
D2: Ensuring Good Environmental Conditions
D3: Co-ordination of Development and Piecemeal Proposals
D4: Water Quality and Resources

4.5 **Other Documents:**

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

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

Residential Car Parking Standards 2009

5.0 *Relevant Planning History*

5.1 The following planning history is relevant:

In March 1997 planning permission was refused for the construction of a detached granny annexe (Ref P/97/0102/FP).

In January 2019 planning permission was refused for a subterranean 5-bedroom dwelling to the rear of 35 Burr ridge Road, accessed from Green Lane

(Ref P/18/1331/FP). A subsequent planning appeal was dismissed in December 2019.

6.0 Representations

6.1 Twenty eight representations have been received which raise the following issues:

- a) No need for more housing
- b) Too many houses being constructed in surrounding area
- c) Loss of privacy and overlooking
- d) Impact on local services
- e) Highway safety
- f) Set precedent for future backland development
- g) Insufficient parking
- h) Impact on water supply
- i) Access will not be granted from Green Lane
- j) Increased risk of flooding
- k) Impact on drainage
- l) No nitrate mitigation provided
- m) Previous applications for back land development within Burr ridge Road have been refused
- n) Noise and disruption during construction
- o) Impact on rural character
- p) Not in-keeping with countryside location
- q) Environmental impact
- r) Increase in traffic
- s) More appropriate locations for housing
- t) Impact on biodiversity
- u) Similar to application at 21 Burr ridge Road

Four comments in support have been received on the following grounds:

- a) Requirement for more housing
- b) Development in Whiteley not part of Fareham housing requirements
- c) Public footpath near to application site
- d) Close to local services
- e) Footpaths being improved
- f) Other similar countryside development recently approved and complies with Policy HP2

7.0 Consultations

EXTERNAL

Natural England

7.1 Further information required to determine impacts on designated sites

Hampshire County Council – Highways

7.2 Holding Objection-subject to the submission of further information

Hampshire County Council – Lead Local Flood Authority

7.3 No comments received.

INTERNAL

Ecology

7.4 Objection- A Preliminary Ecological Appraisal is required to enable the Local Planning Authority to determine the application on the basis of full knowledge about the ecological impacts of the proposal and to ensure that any impacts can and will be mitigated. Additionally, measures to ensure that no net loss in biodiversity, but an overall net gain on the site through the creation of new habitats will be required in line with the NPPF and emerging Local Plan Policy. Therefore, further information is required.

Trees

7.5 Insufficient arboricultural supporting information to make a fully informed decision.

Street scene

7.6 The Bin presentation area is noted and is acceptable as long as its large enough to accommodate 2 bins per property on collection day.

8.0 Planning Considerations

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

- a) The approach to decision making
- b) Residential development in the countryside
- c) Impact on character and appearance of area
- d) Impact on residential amenity
- e) Highways
- f) Ecology
- g) Trees
- h) Impact on Habitat Sites
- i) Other matters
- j) The Planning Balance

a) The approach to decision making

8.2 An update report on the Council's five year housing land supply position was presented to the planning committee in January 2023. The report set out this Council's local housing need along with the Council's current housing land supply position. The report concluded that the Council has 5.49 years of housing supply against its five year housing land supply (5YHLS) requirement.

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

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

8.4 In determining planning applications there is a presumption in favour of the policies of the 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:

a. For decision-taking this means:

b. Approving development proposals that accord with an up-to-date development plan without delay; or

c. 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 boundary. 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 over the previous three years. 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), there are specific policies in the NPPF which protect areas or assets of particular importance, namely habitat sites which are specifically mentioned in footnote 7. Where such policies provide a clear reason for refusing the development proposed then this should be the case. The key judgement in regard to the second limb of NPPF paragraph 11(d), is 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'). However, this will only apply if it is judged that there are no clear reasons for refusing the development having applied the test at Limb 1.

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

b) Residential Development in the Countryside

- 8.13 The application site is located within the designated countryside where the principle of development is often not considered to be acceptable. Policies CS14 (Development Outside Settlements) and DSP6 (New Residential Development Outside of the Defined Urban Settlement Boundaries) of the Local Plan set out the considerations as to whether or not new residential development in the countryside is acceptable.

- 8.14 Policy CS14 states that *"Built development on land outside of 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. The conversion of existing buildings will be favoured. Replacement buildings must reduce the impact of development and be grouped with existing buildings where possible"*.

- 8.15 Policy DSP6 states that there will be a presumption against new residential development outside of the defined urban settlement boundaries. New residential development will be permitted in instances where one or more of the following apply:

- i. It has been demonstrated that there is an essential need for rural worker to live permanently or near his/her place of work*
- i. It involves a conversion of an existing non-residential building*
- ii. It comprises one or two new dwellings which infill an existing a continuous built-up residential frontage*

- 8.16 The proposal would provide 4 residential dwellings and would not be used for agriculture, forestry, horticulture and required infrastructure. The dwellings would not be a conversion of an existing building and would not be a replacement.

- 8.17 With regards to part i) of DSP6 it has not been demonstrated that this development would be used as an essential need for a rural worker to live. Therefore, part i) has not been met.

- 8.18 The proposal does not involve the conversion of an existing non-residential building therefore the proposal fails to comply with part ii).
- 8.19 Having regard to the location of the dwellings further forward of the building line, it is not considered the proposal would infill an existing continuous built-up residential frontage. Therefore, the proposal does not comply with part iii).
- 8.20 Having regard to the relevant policies of the emerging Fareham Local Plan, policies HP1 and HP2 are relevant.
- 8.21 Policy HP1 (New Residential Development) states that residential development in locations outside of the Urban Area Boundary will be permitted where one of the following applies:
- a) It involves a conversion of an existing non-residential building where:
 - 1) The building is structurally sound and capable of conversion without the need for significant extension, alteration or rebuilding; and
 - 2) Evidence has been provided to demonstrate that no other suitable alternative uses can be found and conversion would lead to an enhancement to the building's immediate setting.
 - b) It is for a replacement dwelling which is of an appropriate character to the location.
- 8.22 The proposal does not involve the conversion of an existing non-residential building and it is not for a replacement dwelling. Therefore, the proposal fails to accord with Policy HP1.
- 8.23 Policy HP2 (New Small-scale Development Outside the Urban Areas) states that new small-scale housing development outside of the Urban Areas boundary, as shown on the Policies map, will be permitted where:
- 1) The site is within or adjacent to the existing areas of housing; or
 - 2) The site is well related to the settlement boundary; and
 - 3) The site is within reasonable walking distance to a good bus service route or train station as well as safe walking and cycling routes that connect to a local district of town centre; and
 - 4) It comprises development that does not adversely affect the predominant development form of the area, taking particular account of:
 - a) Building line and scale of adjacent dwellings;
 - b) Plot size and proportion
 - c) Site coverage/ratio

- d) Space between dwellings
 - e) Landscape and views to countryside and beyond
- 5) It comprises development:
- a) Or no more than 4 units; and
 - b) Where the design and external appearance of each dwelling is demonstrably different, unless a terrace or semi-detached form is appropriate; and
 - c) That does not extend the settlement frontage

- 8.24 This policy specifically relates to small scale housing development outside of the urban area boundary. This policy is being introduced as it is recognised that small housing development sites can make a significant contribution to the supply of new dwellings within the Borough, helping the Council to meet its housing need requirement. Small sites help to support small and medium sized house builders and those seeking self build plots. Most small sites have historically been delivered within existing urban settlements, often as a result of developing large single house plots or as amalgamations of smaller plots. However, small site delivery has been declining over recent years as opportunities within existing urban settlements reduce. The supporting text to the policy sets out that in order to maintain a suitable supply of small sites, the Council considers that, with careful design, there is scope to appropriately deliver small sites within or adjacent to existing sustainable located housing settlements within the Borough.
- 8.25 With regards to part of the criteria (1) the site is located within Burrige Road which is characterised by frontage properties. Burrige Road is not within a defined settlement (i.e. a town, village, hamlet) however, does comprise of a number of dwellings. Therefore, it is considered that the development is adjacent to existing housing and therefore complies with part (1).
- 8.26 In relation to part (2) the site would be located approximately 400 metres from the nearest urban settlement boundary of Whiteley. Burrige Road is a ribbon of road frontage residential development stretching into the open countryside, with many properties comprising long rear gardens with the open countryside beyond. The proposal would not be sustainably located adjacent to, or well related to the existing urban area. Its backland character would also be fundamentally contrary to the road frontage development and would therefore not be well integrated within the neighbouring settlement. The proposal therefore fails to comply with criteria (2).
- 8.27 With regards to part (3), Burrige contains very limited services and facilities, meaning that most residents will be required to access local services and facilities, such as doctors, shops, cafes, schools and employment by private motor vehicles.
- 8.28 The applicant has provided details within their supporting statement of 2 local bus services located within 235m from the application site. However, the supporting text

of the emerging Local Plan states that *“sites are considered to be particularly sustainable if there is a safe pedestrian or cycling access to a bus stop that provides a service equivalent to 2 buses per hour between 7:30am and 6:30pm, or a train station within one mile (20 minute walk or 1.6km), and a local convenience store(s) selling day to day needs within 800m (10 minute walk).*

- 8.29 The closest railway station (Swanwick) is located 2.25 kilometres away and an estimated 30 minute walk along a busy heavily trafficked road. Furthermore, there is no local convenience store within a 10 minute walk from the application site. Therefore, it is considered that the site would not be located in an accessible area with access to local services and facilities and the proposal fails to comply with part (3).
- 8.30 With regards to part (4)(a) the development would be a backland development and would not respect the building line of the existing properties along Burrige Road.
- 8.31 With regards to criteria (4)(b and c), the plot sizes and scale ratio would be significantly smaller than the other properties along Burrige Road and therefore would not be proportionate to the surrounding properties.
- 8.32 In considering part (4)(d) it is accepted that there would be sufficient space between the dwellings.
- 8.33 In (4)(e) it is accepted that the application site would not be visible from the wider countryside. However, it is considered that an urbanising backland development would impact the landscape of the open countryside character and would therefore be contrary to part (4)(e).
- 8.34 The proposal would be for 4 units so would comply with part (5)(a).
- 8.35 The design and external appearance of each dwelling is relatively uniform and would not be demonstrably different. Therefore, the proposal would fail to comply with part (5)(b).
- 8.36 The development significantly extends beyond the settlement frontage and encroaches further into the countryside. Therefore, it fails to comply with part (5)(c).
- 8.37 It is therefore concluded that the proposal fails to comply with parts 2, 3, 4(a), 4(b), 4(c), 4(e), 5(b) and 5(c) of Policy HP2 and is therefore contrary to Policy HP2.

c) Impact on Character & Appearance of the Area

- 8.38 The Fareham Landscape Assessment (which is part of the evidence base for the emerging Fareham Local Plan 2037) identifies that the site lies within the

Burrige/Swanwick/Whiteley character area (LCA13) and is characterised as 'Low Density Fringe/Ribbon Development'. As a whole the area is considered to be of relatively low sensitivity to development as built development is the dominant characteristic of this area. However, it does state that any new development would need to respond to existing settlement patterns and retain mature/trees woodland and areas of public open space.

- 8.39 Comparisons can be made to an appeal decision at 21 Burrige Road which was dismissed in November 2021 (Ref APP/A1720/W/20/3264952). This site is located approximately 90 metres to the east of the application site and proposed the construction of 4 detached backland dwellings. The Inspector described the character of the area by stating "*...the site reflects some key characteristics of the Council's Landscape Character Assessment. Consequently, it has more in common with the essential rural character of the area and the countryside setting to this part of Burrige, rather than as part of the built-up frontage development in this part of the settlement along Burrige Road*". The Inspector went on to state that "*...by edging further away from Burrige Road in the manner proposed, further into the countryside, the development would be an unwelcome encroachment and introduce substantial built form where there is currently none. The development of this site in the manner proposed would therefore fail to integrate with the ribbon frontage development in this part of the settlement and unduly erode, and degrade the largely open, development rural setting of this part of Burrige*".
- 8.40 Therefore, it is concluded that this development would result in overly urbanising pocket of development resulting in the intrinsic loss of openness and of the integrity of this part of the countryside. Furthermore, the layout is not considered to be an acceptable addition to the established ribbon development along Burrige Road.

d) Impact on Residential Amenity

- 8.41 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.
- 8.42 The Fareham Borough Design Guidance Supplementary Planning Document (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.
- 8.43 Plot 1 has a separation distance of approximately 8 metres between the boundary with the adjoining occupier at 45 Burrige Road. However, there are no windows on

the side elevation which would face onto the boundary. Therefore, it is considered that the proposal would not result in any overlooking to the occupiers of No 45 Burrige Road.

- 8.44 Due to the orientation of the proposed dwellings, it is not considered that they would face onto the windows of the neighbouring occupiers. Furthermore, there would be a separation distance in excess of 22 metres from facing windows.
- 8.45 It is therefore considered that the proposal would not result in an unacceptable adverse impact upon the living or environmental conditions on the site or neighbouring development, by way of loss of sunlight, daylight outlook and/or privacy. The proposal therefore complies with Policies DSP3 and D2.

e) Highways Impact

- 8.46 Hampshire County Council as the Highway Authority has commented on this application.
- 8.47 The proposed access to the development will remain via the existing dropped kerb arrangement adjacent to Burrige Road which is an adopted unclassified road subject to a 30mph speed limit.
- 8.48 It has been set out in the submitted planning statement that the access will be altered to accommodate the requirements of the development. The Highway Authority requested some clarification on this point. If the access is to be widened via the dropping of raised kerbs, then the application will require a highway licence to carry out those works on the highway.
- 8.49 The Highway Authority has requested that the width of the access road is clarified and confirmation that two cars will be able to pass one another on the access road if they were to meet. The proposed site plan shows there to be laybys outside of Plots 2, 3 and 4 that allows two vehicles to pass one another, and a turning head is proposed outside Plot 1 so vehicles will be able to turn on-site and egress back onto the highway in a forward gear.
- 8.50 The proposed Site Plan shows bin storage at the point of access, as kerb side collection takes place along Burrige Road. The bin store located at the access needs to be unobtrusive and be clear of the tracking of vehicles accessing and egressing the development. Manual for Streets provides guidance in that residents should not be required to carry waste more than 30 metres to the storage point. As part of these proposals, residents would be required to carry waste further than 30 metres to the storage/collection point. If refuse vehicles are to access the site as an alternative, it will need to demonstrate that they can manoeuvre within the site and egress back onto the highway in a forward gear.

- 8.51 The Residential Car Parking Standards requires at least 3 car parking spaces for a 4-bedroom dwelling. The submitted site plans demonstrates that there is sufficient space for 3 car parking spaces. Therefore, the proposal complies with the residential car parking standards.
- 8.52 Cycle storage for individual plots have not been shown on the plans. The Highway Authority has requested that information on the proposed cycle parking provision for the development are detailed.

f) Ecology

- 8.53 Strategic Policy NE1: Protection of Nature Conservation, Biodiversity and the Local Ecological Network 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.*
- 8.54 The Council's Ecologist has reviewed the application and has carried out a desk-based assessment. Due to the location of the new access road and works to the drainage ditch and the boundary vegetation, she is concerned that these areas have potential for reptiles, amphibians (including Great Crested newts (GCN)) and water voles. There are records of GCN and grass snake present adjacent to the site and therefore there is a reasonable likelihood that protected species will be present on the site and affected by the proposals. Furthermore, there are a large number of SINC's (Sites of Importance for Nature Conservation) and wooded parcels nearby and therefore dormice may well be present on site.
- 8.55 The Ecologist also raises concerns that the site layout has no regard for the woodland located immediately alongside the north-western boundary.
- 8.56 A Preliminary Ecological Appraisal has been requested. However, the applicant has not provided this.
- 8.57 In addition to the provision of an Ecological Appraisal, Policy NE2: Biodiversity Net Gain of the emerging Local Plan states that the development of one or more dwellings or a new commercial/leisure building should provide at least 10% net gain for biodiversity for the lifetime of the development. No details have been provided regarding a 10% BNG and therefore the proposal is contrary to Policy NE2.

g) Trees

8.58 The Council's Principal Tree Officer has commented on the application stating that the principle of the proposed development of four 4-bedroom detached houses with shared vehicular access appears viable. However, no tree constraint information has been provided and no information on how the scheme can be implemented without adversely affecting the trees. The development is therefore considered to be contrary to Policy NE6 of the emerging Fareham Local Plan 2037.

h) Impact on Habitat Sites

8.59 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 emerging Fareham Local Plan 2037 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.

8.60 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).

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

8.62 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.

- 8.63 The development would result in increased nitrogen loading from water sources and air pollution. The Council has recently published an Air Quality Habitat Regulations Assessment which assesses the air quality impact up until 2037, however, no information has been provided by the applicant to address the adverse effects on water quality. The applicant has failed to provide Nitrate Mitigation on this proposal therefore, it is considered that the proposal should be refused on the grounds of the likely adverse impact of the development on the integrity of the Habitat Sites.
- 8.64 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.
- 8.65 The second likely significant effect on the HS, relates to disturbance on The Solent coastline SPA, SAC and Ramsar sites through increased recreational use by visitors to these sites.
- 8.66 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.
- 8.67 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 designated sites will result in a marked increase in the use of 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 13.8km radius of the sites referred to as the 'Zone of Influence; (ZOI).
- 8.68 Had the proposal been found acceptable in all other regards the applicant would have been invited to make a financial contribution through the SRMP and the New Forest SPA. However, the absence of such a contribution or the means to secure one, 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 continues to be contrary to Policy DSP15 and the Interim Mitigation Strategy.
- 8.69 In this particular case, no Appropriate Assessment has been carried out by the Local Planning Authority under the 'habitat regulations'. Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted

by a 'Competent Authority' (in this case the Local Planning 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 is likely to have a 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. However, since the application is being recommended for refusal, there is no requirement to carry out an Appropriate Assessment and therefore an Appropriate Assessment has not been carried out in this instance.

- 8.70 It is therefore concluded that the development will have an adverse impact on the integrity of these protected Habitat Sites due to the absence of secured mitigation and the adverse effects arising through increased wastewater output and recreational disturbance on the Habitat Sites.
- 8.71 The development therefore fails to accord with the Habitat Regulations and does not comply with Policies CS4, DSP13 and DSP15 of the adopted Local Plans and policies NE1, NE3 and NE4 of the emerging Local Plan.

i) Other matters raised in representations

- 8.72 **Flooding-** The application site is located within Flood Zone 1 therefore, it is not considered that there would be an increased risk of flooding during the construction of the development. The Lead Local Flood Authority were consulted on this application particularly in relation to the drainage on the site. However, no comments were received.
- 8.73 **Impact on Water Supply-** This is not a material planning consideration. However, should the application have been found acceptable then this aspect would have been dealt with by Southern Water as the water provider. Further Southern Water has a statutory duty to ensure adequate supply of water to serve new developments.
- 8.74 **Access from Green Lane-** The application only proposes access from Burridge Road.
- 8.75 **Noise and Disruption during construction-** Any development is likely to generate some level of noise and disturbance during construction. Had the application been found acceptable, conditions would have been imposed requesting a Construction Management Plan and restricting the hours of construction.
- 8.76 **Other applications have been approved in countryside locations-** Whilst it is acknowledged that other planning applications for residential development have been permitted within the countryside, each planning application must be considered on its individual merits. Officers have assessed the current proposal

against the policies of the adopted and emerging Local Plan and have set out their assessment within this report.

j) The Planning Balance

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

“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”.

8.78 As set out above, the effect of paragraph 177 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”.

8.79 In this instance Officers have identified likely significant effects on habitats site and in particular, the lack of mitigation against the impact of increasing levels of nitrogen on the protected sites around The Solent as a result of increased numbers of residential properties. Officers have not undertaken an Appropriate Assessment. Accordingly, the presumption in favour of sustainable development set out in paragraph 11 of the NPPF does not apply.

8.80 In weighing up the material considerations, it is concluded that the development could be achievable in the short term and would make a very small contribution towards the delivery of housing in the Borough.

8.81 The site is located outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture or required infrastructure. The form of the scheme is not of the type supported under Policy HP1. The proposed development would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of the Local Plan Part 2: Development Sites and Policies Plan and Policies H1, HP1 and HP2 of the emerging Fareham Local Plan 2037.

8.82 The proposal would be poorly related to the existing urban area which is located some distance to the east, and out of character with the current pattern and scale of residential development in Burrige Road.

- 8.83 If it had not been for these overriding objections, updated survey work would have been sought to ensure that protected species on or immediately around the site would not be adversely harmed by the proposals and that the development would achieve a biodiversity net gain of 10%. Insufficient information has been provided to demonstrate that the development would not have a adverse impact on trees and ecological interests.
- 8.84 Finally, without evidence of how nitrate mitigation will be secured and in the absence of contributions to mitigate the recreational impacts upon The New Forest and Solent Special Protection Areas, it is concluded that the proposal would have an adverse impact on the protected habitat sites.

9.0 Recommendation

9.1 REFUSE PLANNING PERMISSION

The development would be contrary to Policies CS2, CS6, CS14 and CS17 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP1, DSP2, DSP3, DSP6, DSP13 and DSP15 of the Adopted Local Plan Part 2: Development Sites and Policies Plan and Policies DS1, DS3, H1, HP1, HP2, NE1, NE2, NE3, NE4, NE6, D1 and D2 of the emerging Fareham Local Plan 2037 and is unacceptable in that:

- i) The provision of dwellings in this location would be contrary to adopted and emerging Local Plan policies which seeks to prevent residential development in the countryside. Furthermore, the development would not be sustainably located adjacent to or well-integrated with the neighbouring settlement area.
- ii) The introduction of dwellings in this location would fail to respond positively to and be respectful of the key characterises of the area, particularly its predominantly undeveloped, backland location, which would be out of character with the prevailing pattern of development in the area.
- iii) Insufficient information has been provided to adequately demonstrate that no harm would be caused to features of ecological importance on the surrounding site and protected species.
- iv) Insufficient information has been provided to adequately demonstrate that no harm would be caused to existing trees on and adjacent to the site.
- v) No information has been provided to demonstrate that the proposal would provide at least 10% net gain for biodiversity for the lifetime of the development and would therefore be contrary to Policy NE2.

- vi) The proposal would have likely adverse effects on the integrity of protected Habitat Sites in combination with other developments due to the additional generation of nutrients entering the water environment and the lack of appropriate and appropriately secured mitigation.

- vii) The site lies within 5.6km of The Solent Waters Special Protection Areas. The proposal fails to provide appropriate mitigation against the impact of increased recreational disturbance created from the provision of additional residential accommodation within this area.

- viii) The site lies within 13.8km of the New Forest Special Protection Area, Special Area of Conservation and Ramsar site. The proposal fails to provide appropriate mitigation against the impact of increased recreational disturbance created from the provision of additional residential accommodation.

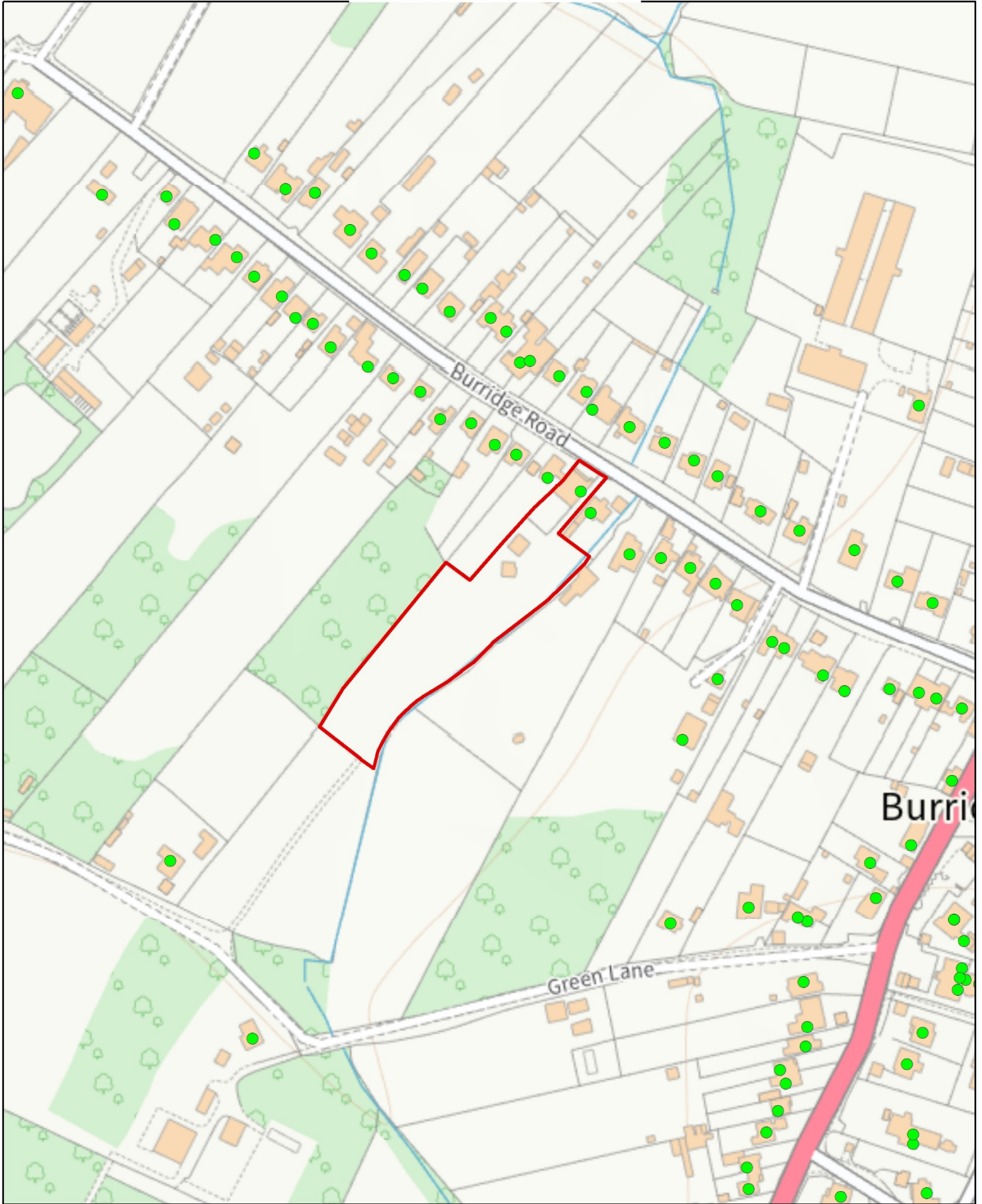
Then;

9.2 DELEGATE authority to the Head of Development Management to:

- (a) make any necessary modifications, deletions or additions to the proposed reasons for refusal.

FAREHAM

BOROUGH COUNCIL



35 Burridge Road
Burrige
Scale 1:2,500



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|---|
| <p>ZONE 2 – FAREHAM</p> <p>Fareham North-West</p> <p>Fareham West</p> <p>Fareham North</p> <p>Fareham East</p> <p>Fareham South</p> |
|---|

| REFERENCE NUMBER & WARD | SITE ADDRESS & PROPOSAL | ITEM NUMBER & RECOMMENDATION |
|---|---|---------------------------------|
| <p>P/23/0333/FP FAREHAM NORTH</p> | <p>53 NICHOLAS CRESCENT FAREHAM PO15 5AJ SINGLE STOREY REAR EXTENSION AND REPLACEMENT DETACHED GARAGE</p> | <p>4 PERMISSION</p> |
| <p>Q/0495/23 FAREHAM NORTH</p> | <p>LAND TO THE SOUTH OF FUNTLEY ROAD FAREHAM DEED OF VARIATION TO PROW AND AH OBLIGATIONS</p> | <p>5 APPROVE</p> |

Agenda Item 6(4)

OFFICER REPORT FOR COMMITTEE

DATE: 12/04/2023

P/23/0333/FP
MR AND MRS HUGHES

FAREHAM NORTH
M W ARCHITECTURAL SERVICES

SINGLE STOREY REAR EXTENSION AND REPLACEMENT DETACHED GARAGE

53 NICHOLAS CRESCENT, FAREHAM

Report By

Emma Marks – direct dial 01329 824756

1.0 Introduction

- 1.1 The application is reported to the Planning Committee as it has been submitted by an employee of Fareham Borough Council.
- 1.2 Members will be aware that the emerging Fareham Local Plan 2037 is now at a very advanced stage. Upon adoption, the Fareham Local Plan 2037 will replace the Local Plan Part 1 (Core Strategy) and Local Plan Part 2 (Development Sites and Policies).
- 1.3 The Executive is considering a report on the adoption of the Fareham Local Plan 2037 at its meeting on the 3 April. One of the recommendations within the report is that a recommendation is made to Council to adopt the Fareham Local Plan 2037. If the Executive agrees this recommendation, Council will be convened on 5 April to consider the Executive's recommendation that the Fareham Local Plan 2037 be adopted.
- 1.4 Officers will provide an update at the Planning Committee meeting confirming the status of the Fareham Local Plan 2037 and Local Plan Parts 1 and 2.

2.0 Site Description

- 2.1 This application relates to a detached dwelling located on the western side of Nicholas Crescent, to the north of Rowland Road.
- 2.2 The property is within the urban settlement boundary.

3.0 Description of Proposal

- 3.1 Planning permission is sought for the erection of a single storey rear extension and replacement detached garage.

- 3.2 The extension will replace an existing conservatory and measure 2.3 metres in depth, 5 metres in width, 2.7 metres to the eaves and 4.6 metres to the ridge.
- 3.3 The replacement garage will measure 5.5 metres deep, 3 metres wide with an eaves height of 2.2 metres and ridge height of 3.2 metres.

4.0 Policies

4.1 The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS17: High Quality Design

Adopted Development Sites and Policies

DSP3: Impact on living conditions

Emerging Fareham Local Plan 2037

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 None

7.0 Consultations

7.1 None

8.0 Planning Considerations

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

- a) Design of the proposal
- b) Impact on neighbouring properties

a) Design of the proposal

8.2 The property is positioned on the corner of the junction of Nicholas Crescent and Rowland Road; there is a change in levels which drop from south to north. Due to the site's topography and the position of the corner plot, there

would be some limited views of the rear extension. The extension has been designed in keeping with the character of the main dwelling and there are no design issues raised by the development.

- 8.3 The replacement garage will be positioned on the same footprint as the existing garage, which is to the rear of the dwelling, accessed from Nicholas Crescent. The design of the garage will be identical to the existing garage and therefore there are no street scene issues created by the proposal.

b) Impact on neighbouring properties

- 8.5 The property currently has a rear conservatory which will be removed, and the rear extension will be erected in the same position. The neighbour to the rear is orientated so the extension will project towards the side elevation of the neighbour. This neighbour has two side secondary windows which look towards the extension. Due to the change in levels, boundary treatment, distance achieved and position of the proposed windows in the extension, Officers are satisfied that there would not be an unacceptable adverse impact on the neighbour's light, outlook or privacy.

- 8.6 The neighbour to the south-west is a good distance from the proposed extension and would not be adversely impacted by the development proposed.

9.0 Recommendation

- 9.1 GRANT PLANNING PERMISSION, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of a period of three years from the date of this decision notice.
REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.

2. The development shall be carried out in accordance with the following approved documents:
 - a) Proposed Floor Plan – Sheet 1 of 2
 - b) Proposed Elevations – Sheet 2 of 2REASON: To avoid any doubt over what has been permitted.

Then

DELEGATE authority to the Head of Development Management to:

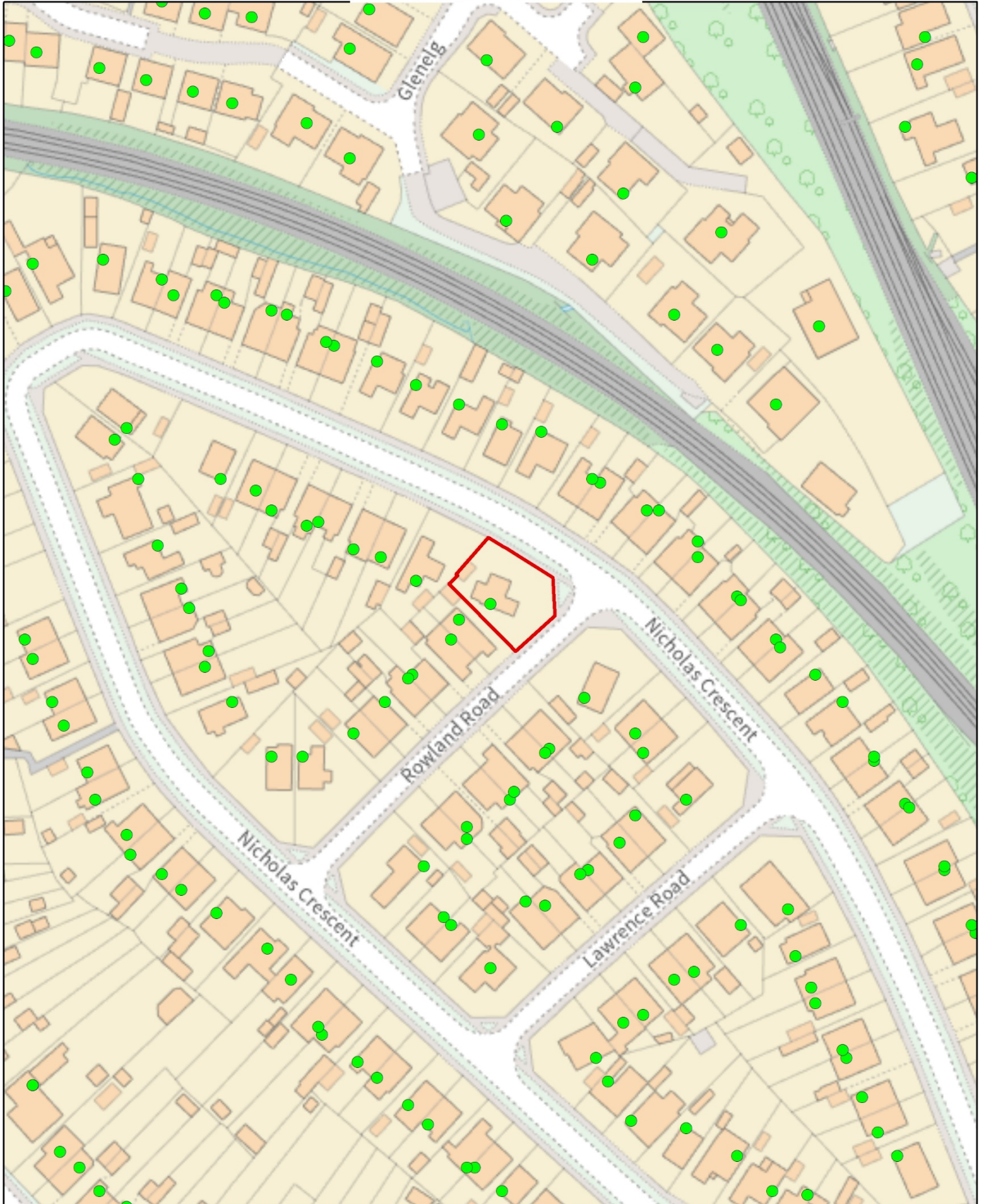
- (a) make any necessary modification, deletion or addition to the proposed conditions;*

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



53 Nicholas Crescent
Fareham
Scale 1:1,250



OFFICER REPORT FOR COMMITTEE

DATE: 12/04/2023

Q/0495/23

FAREHAM NORTH

RESIDE DEVELOPMENTS LIMITED

DEED OF VARIATION OF SECTION 106 UNILATERAL UNDERTAKING
REGARDING PUBLIC RIGHT OF WAY AND AFFORDABLE HOUSING
OBLIGATIONS

LAND SOUTH OF FUNTLEY ROAD, FAREHAM

Report By

Richard Wright – direct dial 01329 824758

1.0 Introduction

1.1 In May 2022 outline planning permission was granted on appeal for the construction of up to 125 one, two, three and four-bedroom dwellings including 6 self or custom build plots and a community building or local shop on land to the south of Funtley Road, Fareham (planning reference P/20/1168/OA; appeal reference APP/A1720/W/21/3283643). The planning permission is subject to a Section 106 planning obligation which secures various obligations including, but not limited to, financial obligations and the provision of a public right of way (PROW) to the south linking up with Thames Drive. The Section 106 provides obligations to both Fareham Borough Council and Hampshire County Council, who are the authority responsible for both highways and public rights of way.

2.0 Description of Proposal

2.1 As part of the development, the Section 106 requires the owner of the land to submit details of a Public Right of Way Scheme before development commences. The route proposed in the scheme as a PROW is to be for pedestrians and cyclists and is to run across the land south of Funtley Road effectively linking Funtley Road and Thames Drive. The route shown in principle on the plan in the Section 106 shows that route crossing the existing M27 bridge where to the south of which it connects into an existing public footpath which would be widened and improved through to where it then meets Thames Drive.

2.2 The Section 106 requires the approved scheme to be fully constructed, secured and completed prior to the occupation of any of the houses. A Deed of Dedication to grant public rights of way on foot and by bicycle over the route must then be entered into which, once completed, would mean the route would then become a PROW maintainable at public expense.

- 2.3 The developer has approached both this Council and Hampshire County Council with a request that a Deed of Variation be entered into to vary the Section 106. The reason for the request is that a small part of the route for the PROW passes over unregistered land a short distance south of the M27 bridge the owner of which cannot be identified through Land Registry records. The current wording of the Section 106 requires the developer to use all reasonable endeavours to identify the owner of the unregistered land through a process pursuant to Section 228 of the Highways Act 1980 after which the works to construct the PROW must be carried out at the developer's own expense and risk.
- 2.4 The current owner of the land south of Funtley Road site has indicated that they do not intend to develop the site themselves and have an interested purchaser. Officers consider it would be reasonable to amend the wording of the Section 106 to allow the works to the southern section of the PROW south of the M27 to come forward separately from the rest of the PROW and to amend the definitions within the Section 106 to mean that undertaking those works would not constitute commencement of the development as a whole for the purposes of the planning obligations. This would allow the current owner of the development site to proceed with the Section 228 process and then carry out the works to construct the southern section of the PROW themselves ahead of, or separately to, any sale of the development site thereby removing any risk in relation to the unregistered land to those carrying out the development on the land at Funtley Road.
- 2.5 During the course of discussions over this matter the current owners have indicated that the prospective purchaser would also like to request minor changes to the definitions and obligations relating to affordable housing provision on the site. The proposed changes would not affect the amount of affordable housing being secured and have been agreed by Officers from Fareham Housing.
- 2.6 With the exception of those parts of the Section 106 which relate to the PROW and affordable housing, there would be no changes to any of the other definitions or obligations it contains.

3.0 *Planning Considerations*

- 3.1 The purpose of the obligations relating to the provision of the PROW is to ensure that appropriate improvements to access to local services and facilities for pedestrians and cyclists are provided. The PROW will provide a route over which there is a public right of access in perpetuity connecting the new development and the wider settlement of Funtley with the services and facilities in the urban area of Fareham, including schools, shops and health services.

3.2 Officers are satisfied that, subject to wording drafted to the satisfaction of the Council's solicitor, the proposed variations to the Section 106 would not undermine that purpose or its effectiveness in securing the provision of the PROW. Similarly, the proposed amendments to the affordable housing elements of the Section 106 would not adversely affect that provision and the changes have been agreed by housing officers.

4.0 Recommendation

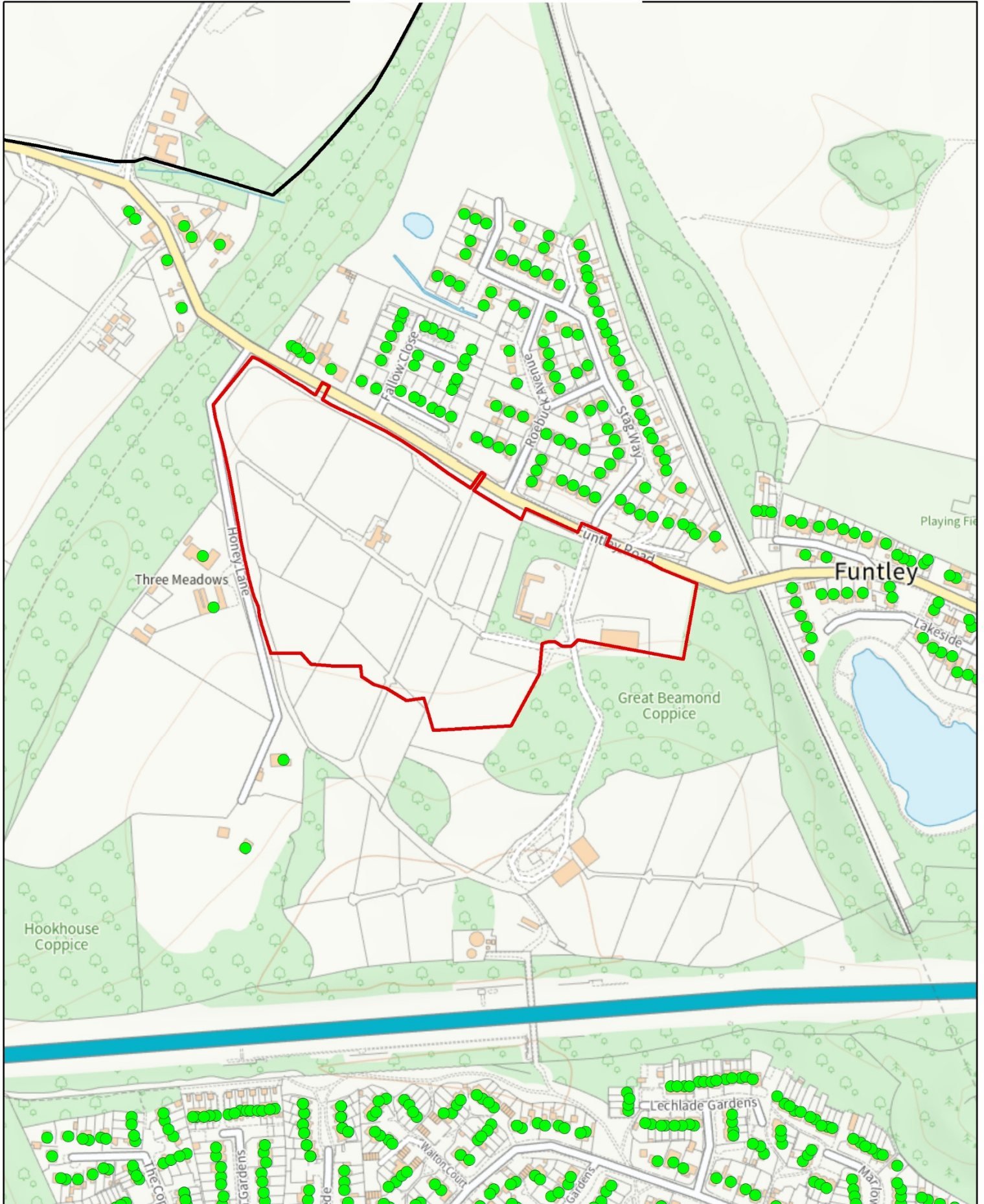
4.1 That Members authorise the completion of a Deed of Variation to the Section 106 along the following lines:

- a) To vary the wording of certain definitions and obligations relating to delivery of the Public Right of Way to:
 - i. Separate the definition of the Public Right of Way into Northern and Southern sections to enable the respective sections to come forward independently;
 - ii. Require the submission of a Northern Public Right of Way Scheme and a Southern Public Right of Way Scheme, including details of their laying out and construction, to the Council;
 - iii. Include the construction of the Southern Public Right of Way within the definition of a Preparatory Operation meaning its construction would not trigger the commencement of the development for the purposes of the planning obligation;
 - iv. Simplify the process for discharging obligations under Section 228 of the Highways Act 1980 in relation to unregistered land;
 - v. Amend the meaning of Deed of Dedication accordingly.
- b) To vary the wording of certain definitions and obligations relating to Affordable Housing provision regarding:
 - i. the minimum term of shared ownership lease increasing from 125 to 999 years;
 - ii. the minimum equity stake for shared ownership dwellings reducing from 25% to 10%;
 - iii. the protections applying to purchasers/occupiers of individual dwellings also applying to mortgagees, chargees and successors in title of those purchasers/occupiers.

5.0 Background Papers
P/20/1168/OA; Q/0495/23

FAREHAM

BOROUGH COUNCIL



Land South of Funtley Road
Fareham
Scale 1:4,000



Agenda Annex

ZONE 3 – EASTERN WARDS

Portchester West

Hill Head

Stubbington

Portchester East

| REFERENCE NUMBER & WARD | SITE ADDRESS & PROPOSAL | ITEM NUMBER & RECOMMENDATION |
|-----------------------------|---|------------------------------|
| P/22/1865/D3 STUBBINGTON | SOLENT AIRPORT DAEDALUS DRIVE LEE-ON-THE-SOLENT PO13 9FZ INSTALLATION OF AN AIRFIELD GROUND LIGHTING SYSTEM AND ASSOCIATED WORKS INCLUDING RUNWAY APPROACH LIGHTING, TAXIWAY LIGHTING AND SIGNAGE FORMING PART OF WIDER AIRFIELD GROUND LIGHTING SYSTEM EXTENDING INTO AIRPORT LAND WITHIN GOSPORT BOROUGH (SEPARATE GOSPORT PLANNING APPLICATION REF. 22/00524/FULL). | 5 PERMISSION |
| P/23/0243/FP HILL HEAD | 85 HILL HEAD ROAD HILL HEAD FAREHAM PO14 3JP DEMOLISH THE EXISTING HOUSE AND REBUILD A TWO STOREY HOUSE ON THE EXISTING FOOTPRINT, WITH ASSOCIATED LANDSCAPING AND NEW ACCESS GATE (ALTERNATIVE TO P/22/1116/FP) | 6 PERMISSION |

OFFICER REPORT FOR COMMITTEE

DATE: 12/04/2023

P/22/1865/D3
FAREHAM BOROUGH COUNCIL

STUBBINGTON
AGENT: SAVILLS

INSTALLATION OF AN AIRFIELD GROUND LIGHTING SYSTEM AND ASSOCIATED WORKS INCLUDING RUNWAY APPROACH LIGHTING, TAXIWAY LIGHTING AND SIGNAGE FORMING PART OF WIDER AIRFIELD GROUND LIGHTING SYSTEM EXTENDING INTO AIRPORT LAND WITHIN GOSPORT BOROUGH (SEPARATE GOSPORT PLANNING APPLICATION REF. 22/00524/FULL).

SOLENT AIRPORT, DAEDALUS DRIVE, FAREHAM, LEE-ON-THE-SOLENT, PO13 9FZ

Report By

Mark Wyatt – direct dial 01329 824704

1.0 Introduction

1.1 This application is made in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992. The Regulations set out that

"...an application for planning permission by an interested planning authority to develop any land of that authority...shall be determined by that authority".

1.2 This application is presented to the Planning Committee in light of the number of representations received.

1.3 Members will be aware that the emerging Fareham Local Plan 2037 is now at a very advanced stage. Upon adoption, the Fareham Local Plan 2037 will replace the Local Plan Part 1 (Core Strategy) and Local Plan Part 2 (Development Sites and Policies).

1.4 The Executive is considering a report on the adoption of the Fareham Local Plan 2037 at its meeting on the 3 April. One of the recommendations within the report is that a recommendation is made to Council to adopt the Fareham Local Plan 2037. If the Executive agrees this recommendation, Council will be convened on 5 April to consider the Executive's recommendation that the Fareham Local Plan 2037 be adopted.

1.5 Officers will provide an update at the Planning Committee meeting confirming the status of the Fareham Local Plan 2037 and Local Plan Parts 1 and 2.

2.0 Site Description

- 2.1 The application site is irregular in shape. From the north, the site abuts the Gosport Road before extending south westwards through the Queen Elizabeth II Platinum Jubilee Park (QEIIJPJ).
- 2.2 The site continues airside, beyond the airport fence to encompass the land and taxiway that runs north to south alongside the business hangars on the east side of the airport and then follows the runway from the north east to the south west.
- 2.3 Staying airside, the application site encompasses the east – west taxiway up to the Marine and Coastguard Agency (MCA) hangar and the land and taxiway, within the Borough of Gosport, immediately to the north and west of the Control Tower.
- 2.4 Beyond the airport boundary fence and to the south west of the airport the red edge crosses Stubbington Lane and includes the triangular shaped parcel of land on the west side of the highway that slopes down to the Monks Hill Beach car park.

3.0 Description of Proposal

- 3.1 The application seeks full planning permission for the installation of an Aeronautical Ground Lighting (AGL) system at Solent Airport. AGL is a collection of ground-installed lights, to enable ground navigation of aircraft in conditions of low visibility or hours of darkness. The AGL system would be switched on when needed – for a flight arrival or departure – in the relevant weather conditions or at night and turned off after, rather than being in use all the time that the airport is open.
- 3.2 The AGL system requires lights along the edge of the runways and taxiways on the airport but also requires a series of elevated approach lights outside of the airport beyond either end of the runway. The position, separation distance between these approach lights and their finished height is dictated by the Civil Aviation Authority (CAA). The CAA Regulations provide strict AGL design requirements to ensure the airport complies with all the requirements for licensing.
- 3.3 Starting in the northern part of the site, within the QEIIJPJ, an area of the existing vegetation in the park needs to be cleared to provide for a set of elevated approach lights. In total at this location there will be eleven lights mounted in a linear arrangement with a triple mast, double mast, single mast, double mast and triple mast; all at 4.3m tall.
- 3.4 Moving south west through the QEIIJPJ, two further single mast approach lights are to be installed decreasing in their finished heights at 3.7m high and 2.5m high.
- 3.5 Crossing airside, a further single mast approach light is proposed north of the runway edge at 1m in height.

- 3.6 Around the northern edge of the runway, to the eastern side are two taxiways. These are to both have a series of elevated LED lights to their edges at approximately 36cm tall along with mandatory airport signage at the runway entrance point to a height of 1.1m, which is also illuminated by LEDs.
- 3.7 At the runway threshold are a series of inset LED lights across its width with a small number of elevated lights either side, approximately 53cm tall. To the west of the northern end of the runway a set of elevated runway guard lights are also proposed to the taxiway edge.
- 3.8 On both sides of the runway, at either end, there are proposed to be a set of Precision Approach Path Indicator (PAPI) lights. These are to be a maximum of 1.1m in height and will face along the length of the runway.
- 3.9 The edge of the runway itself is to be provided, on both sides, with seventeen pairs of lights comprising of both inset LEDs and elevated LED lights with a maximum height of 36cm.
- 3.10 An elevated LED wind directional indicator is proposed in the middle of the airfield at a maximum height of 6m.
- 3.11 The southern runway threshold is proposed, as it was at the northern end, to have a series of inset LED lights installed across its width with a small number of elevated lights either side, approximately 53cm tall.
- 3.12 As is the case at the northern end of the runway, runway guard lights are proposed at the runway entrance points from the taxiway and the taxiways themselves, east and west of the runway will have elevated taxiway lighting installed up to the control tower and the MCA hangar. This latter part of the proposal falls partially within the Borough of Gosport for which a separate planning application has been made to the neighbouring Authority.
- 3.13 Illuminated information signs are also proposed at 900mm tall providing taxiway information to pilots.
- 3.14 Beyond the south western edge of the runway, but still airside, a set of elevated approach lights are to be installed. Reflecting the arrangement in the QEIIPJP at the north eastern end of the site there will be eleven lights mounted on a triple mast, double mast, single mast, double mast and triple mast, again in a linear arrangement at 3m tall.
- 3.15 On the south side of Stubbington Lane, within the field, a single light approach mast is proposed at 5.2m high and then the final approach light is on the same parcel of land but on the lower point of the field, at the Monks Hill beach car park edge, and is proposed at 11.3m tall.

4.0 Policies

- 4.1 The following guidance and policies apply to this application:

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

4.2 **Adopted Fareham Borough Core Strategy**

- CS5 Transport Strategy & Infrastructure
- CS11 Development in Portchester, Stubbington & Hill Head and Titchfield
- CS12 Daedalus Airfield Strategic Development Allocation
- CS14 Development in the Countryside
- CS17 High Quality Design
- CS21 Protection and Provision of Open Space
- CS22 Development in Strategic Gaps

4.3 **Adopted Development Sites and Policies**

- DSP1 Sustainable Development
- DSP2 Environmental Impact
- DSP3 Impact on Living Conditions
- DSP13 Nature Conservation
- DSP14 Supporting Sites for Brent Geese and Waders

4.4 **Emerging Fareham Local Plan 2037**

- DS1 Development in the Countryside
- E7 Solent Airport
- DS2 Development in Strategic Gaps
- DS3 Landscape
- NE1 Protection of Nature Conservation, Biodiversity and the Local Ecological Network
- NE5 Solent Wader and Brent Goose Sites
- NE10 Protection and Provision of Open Space
- TIN1 Sustainable Transport
- D1 High Quality Design and Placemaking
- D2 Ensuring Good Environmental Conditions

4.5 **Other Relevant Planning Documents:**

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

5.0 Relevant Planning History

5.1 The following planning history is relevant:

| | | |
|--------------|---|--------------------------|
| P/11/0436/OA | USE OF AIRFIELD FOR EMPLOYMENT BASED DEVELOPMENT (UP TO 50202 SQ.M OF FLOOR SPACE) IN NEW AND EXISTING BUILDINGS (USE CLASSES B1, B2 & B8) WITH INCREMENTAL DEMOLITION TOGETHER WITH CLUBHOUSE (CLASS D2) VEHICLE | PERMISSION 20/12/2013 |
|--------------|---|--------------------------|

ACCESS, ALLOTMENTS, OPEN SPACE
AND LANDSCAPING.

| | | |
|-----------|--|---|
| N/23/0001 | INSTALLATION OF AN AIRFIELD GROUND LIGHTING SYSTEM AND ASSOCIATED WORKS INCLUDING TAXIWAY LIGHTING AND SIGNAGE, FORMING PART OF WIDER AIRFIELD GROUND LIGHTING SYSTEM EXTENDING INTO AIRPORT LAND WITHIN FAREHAM BOROUGH (SEPARATE FAREHAM PLANNING APPLICATION REF. P/22/1865/D3) | NEIGHBOURING AUTHORITY CONSULTATION – UNDER CONSIDERATION |
|-----------|--|---|

6.0 Representations

- 6.1 Six letters of support have been received expressing the following comments:
- The addition of lighting will enable a greater utilisation of this valuable local resource with little or no negative impact upon local residents.
 - The lighting will greatly increase safety in all weathers.
 - The PAPI's will also ensure that pilots are aware of the correct approach path angle which should benefit residents in having less aircraft flying lower on approach meaning less noise.
 - The hours of operation, whilst longer, will still be limited and not 24hrs (except the coastguard).
 - If you chose to live by an airfield then you must expect some noise.
 - Improvements will guarantee jobs and open space. that is much more preferable than housing
- 6.2 Thirty letters of objection have been received including representations from the Ranvilles Residents Community Group. The letters raise a number of material planning considerations but also a large number of non-material planning considerations or matters which the Planning Committee is unable to consider as part of this planning application. Officers have split the matters raised into those which the Planning Committee can consider and those which it can't below:
- 6.3 Material Planning Considerations:
- There are already red lights lighting the runway area. Objection to more bright lights on the runway which will shine into neighbour's bedroom.
 - Any more activity, lights and noise could affect sleep and mental health.
 - Light pollution and noise pollution.
 - Night flights and night circuit flying will affect residents
 - Increased risks from plans associated with increasing fuel distribution at Solent Airport once the lights are completed.
 - The airport is not geared up for this and the associated increase in activity...there is no terminal, no fire station, limited parking
 - This is the first step in the growth of activity at the airport

- The noise report assumes pilots fly on the centre line of the circuit route, when in practice they don't. I am sceptical of the accuracy of the noise model predictions
- I consider the direct impact of the aircraft noise is in breach of Article 8 of the Human Rights Act
- Damage to the health and welfare of residents putting extra pressure on the already stretched NHS.
- A curtain of trees and mist spray could go some way to reducing impacts
- It is important that the voices of those most close to the airport and most likely to be affected are given due weight.
- The height of the approach masts are tall enough to dazzle and distract vehicles possibly resulting in road traffic accidents.
- Light pollution will affect wildlife as well as residents.
- The primary function of the Council is to look after its residents not visiting pilots
- As I understand it, aircraft movements exclude aircrafts making practice landings and take-offs (also known as bumps). If this is the case, an increase in operational hours will likely increase the amount of actual flying time available and increase the health risk to residents.
- We should be focused on reducing our environmental impact when this seems to be doing the opposite.

6.4 Non-Material considerations and/or matters the Planning Committee are not able to consider as part of this planning application:

- The airport opening times is 0900-1800. There is no need for lighting. Any lighting will extend the closing time which is totally unacceptable owing to noise.
- More aircraft after 1800 will be totally unacceptable.
- There is no map indicating exactly where the work and lighting will be.
- Cannot see why these lights are required.
- To spend this money at a time of hardship and rising energy costs should be considered an abuse of public funds
- Public health will be affected by lead pollution due to the extra flights
- Pilots can't stay on the right circuit in the day, it will be worse at night for residents on the airport approach.
- The cost will result in greater FBC funds shortfall
- Approach lights are on land not owned by FBC
- If this goes ahead it will be a money pit and another burden on the taxpayer.
- This application should be declined and blocked from resubmission in the future
- During the unconvincing and performative public consultation, it was made clear that the airport loses money and is supported by the commercial side of the site.
- No one at the consultation could answer the question on how many flybys this would result in.

- Where is the business case for this expenditure? What is the return on this investment. Why are the Council not being transparent about the profitability of the airport.
- Whilst the funding of the AGL may not be considered a planning matter, the possible impact of any of the possible scenarios developed for further development of the airport should and must be.
- Circuits are flights which if counted exceed the allowance. Based on resident surveys and flightaware data the numbers of these flights are over the allowance.
- To not include these circuit flights is a nonsense and they must be counted.
- Please advise how you will proceed knowing that you are already breaking the rules?
- We should be focused on reducing our environmental impact when this seems to be doing the opposite.
- Some Members of the Committee will have, by virtue of their Conservative Party Membership, pre-determined the planning application.

6.5 Comments have also been received from National Grid Ventures regarding the interplay between the proposal and the National Grid cables through the airfield associated with the IFA2 Interconnector:

- National Grid Ventures (NGV) objects to this work on the basis there are high voltage underground cables, protected by an easement, crossing the site.
- Any works within this easement area will require a crossing agreement with NGV.
- We will happily discuss such an agreement on receipt of detailed plans.
- Providing we can ensure safe working in the vicinity of our cable, and a crossing agreement for works within our easement is entered into, we will withdraw our objection.

7.0 Consultations

EXTERNAL

Natural England:

7.1 No objection subject to appropriate mitigation being secured.

Hampshire County Council – Highways:

7.2 No objection

Hampshire County Council – Archaeology:

7.3 No objection

Defence Infrastructure Organisation:

7.4 No objection

INTERNAL

Ecology:

7.5 No objection subject to conditions

Environmental Health (Pollution):

7.6 No objection subject to conditions

Environmental health (Contaminated Land):

7.7 No objection subject to conditions

8.0 Planning Considerations

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

- a) Non-Material Considerations
- b) Daedalus Vision and planning history;
- c) The principle of development;
- d) Landscape, open space and gap impacts;
- e) Noise impacts;
- f) Lighting impacts;
- g) Air quality;
- h) Ecology;
- i) Sustainability;
- j) Other matters;
- k) Conclusion

Non-Material Considerations:

8.2 A number of representations raise questions around how much the lighting scheme will cost, how it will be funded and the period over which it will achieve return on the investment. None of the issues around the financial cost of the proposal nor the period of return on the investment are material planning considerations in the determination of this planning application

8.3 There are also concerns raised about the principle of aircraft movements during the evening/ night-time period before midnight. The planning permission granted for this site in 2013 sets out the maximum number of aircraft movements permitted at the site annually. There are no daily limitations on the number of aircraft movements which can take place between the hours of sunrise and sunset. The existing planning permission also permits a daily maximum of 10 aircraft movements between the hours of sunset and midnight (in addition to the operation of the MCA). These aspects are set out in greater detail within the following report.

Daedalus Vision and Planning History

Daedalus Vision:

- 8.4 On 12 October 2015, after extensive engagement with various stakeholders and a two-month period of public consultation, the Council formally adopted its Vision and Outline Strategy for Daedalus, setting out its ambitions for the airfield and the wider development area. The vision for Daedalus is:

‘... to become a premier location for aviation, aerospace engineering and advanced manufacturing businesses, creating many skilled employment opportunities for local people, underpinned by a vibrant and sustainable airfield.

Building on the existing general aviation uses, the airfield will be an attractive destination for visiting aircraft and will offer the hangars, facilities and services to attract more corporate and commercial aviation activities, allowing it to be a self-sustaining in the medium term and contribute positively to the local community’.

- 8.5 The Vision document was updated in 2018. It is not an adopted part of the Development Plan nor is it a Supplementary Planning Document. It does, however set out the Corporate Vision for Daedalus.
- 8.6 The Council's Daedalus Vision and Outline Strategy sets out the Council's intention to install Aeronautical Ground Lighting (AGL), a collection of ground-installed lights, to enable ground navigation of aircraft in conditions of low visibility or hours of darkness, within existing regulatory constraints.
- 8.7 In March 2022, the Council announced a £4.7M package of further investment in the Airport to enable its continued safe operation and to continue to deliver the Council's Vision to develop a vibrant and sustainable airfield. The proposed programme of investment includes aeronautical ground lighting.

Planning History:

- 8.8 The outline planning permission for Solent Airport (granted under reference P/11/0436/OA in 2013) contains a planning condition which sets out the total number of aircraft movements permitted at the airport and the hours of operation:

“The total number of aircraft movements at the site shall not exceed 40,000 per annum. With the exception of emergency related movements associated with the Maritime and Coastguard Agency Search and Rescue service which may operate 24 hours a day there shall be a maximum of 10 aircraft movements a day after sunset, with no aircraft movements between the hours of midnight and sunrise”.

- 8.9 This Council in its capacity as the local planning authority has, through the grant of outline planning permission, previously considered the implications for flight arrivals and departures at different times of the day and has limited operations

accordingly through the outline planning permission. This application does not seek to vary or remove this condition. The airport will continue to operate in accordance with the existing planning permission.

- 8.10 According to the Planning Statement, the airport currently operates flight movements at times that are less than the maximum permitted hours in the outline planning permission condition. Solent Airport currently hosts a fully functional airport with current opening hours of 0900 to 1800 in summer and 0900 to 1630 in winter.
- 8.11 With AGL the airport operator will benefit from more flexibility to plan operations at the airport knowing that, if flights run late in the winter months for example, they will still be able to land rather than divert to other airports locally with AGL. During the winter period, operations at the airport currently cease at dusk, typically 16:30. AGL will facilitate such operations between sunset and midnight (subject to the maximum ten movement limit per day imposed by the planning condition). In the summer months, when sunset is later in the day, the airport can already extend its operational hours if it wishes to do so without the need for any further planning permission (subject to the terms of the planning condition). AGL will also enable flight movements in times of poor visibility during the hours permitted by the outline planning permission condition.
- 8.12 The outline planning permission clarifies that “...each take-off, lift-off, landing or touchdown constitutes one aircraft movement”.
- 8.13 It is important to emphasise again that this application does not seek to vary or remove the condition from the outline planning permission. This previous permission has established the number of flight movements that can take place at Solent Airport and when they can take place.

The principle of development

- 8.14 Nationally, the NPPF advises that planning policies should recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the government’s General Aviation Strategy (Para 106 (f)).
- 8.15 A number of overlapping land use policies apply to the application site, which amongst other considerations fall to be considered when assessing the principle of development. The site falls within the Daedalus Employment allocation under policy CS12 in the Core Strategy. There is no specific requirement within CS12 relative to the installation of AGL. The first criterion of CS12 seeks to ensure that development

“...does not adversely affect the existing or future potential general aviation operation of the airfield”.

It is considered that the proposed AGL installation would comply with this part of CS12 as it would improve the aviation operation of the airfield.

- 8.16 The employment policies of the Fareham Local Plan 2037 separates the two airport based business parks from the airport operations. As such policy E7 is the new and most pertinent policy applicable to the proposal and sets out that the area defined as the airport

“...will be retained for airport related uses to support aviation activities, unless it can be demonstrated that such uses are no longer financially viable”.

- 8.17 In this case the proposal is for an aviation related facility on an active and operational airport. The principle of the development on the airport is therefore acceptable pursuant to policy E7 subject to other material considerations being considered.

- 8.18 For the land outside of the operational airport; the land between Stubbington Lane and Monks Hill Beach Car Park is within the defined countryside and the QEIIPJP is now regarded as public open space.

- 8.19 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.'

- 8.20 The proposals comprise an infrastructure project within the terms of the airport operations and would reflect the Infrastructure delivery commitments in the Daedalus Vision.

- 8.21 Policy DS1 of the Fareham Local Plan 2037 is the replacement policy for CS14 in the emerging Plan. This policy is supportive of development outside of the Urban Area where the proposal:

*“a) Is for development associated with an existing lawful dwelling, or
b) Is proposed on previously developed land and appropriate for the proposed use, or
c) 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; or
d) Is for a new or replacement building, conversion and/or extension within 25 an existing educational facility (as identified on the Policies map) and would not result in the loss of playing fields and/or sports pitches unless it can be demonstrated that these facilities are no longer required or they can be adequately replaced elsewhere on site or,
e) Is for housing development either allocated or compliant with one of the following policies; HP1, HP2, HP4, HP6 or HP11, or
f) Is for employment development compliant with one of the following policies: E1 or E5, or*

- g) Is for a new small-scale employment development to convert or extend an existing building, or replace a redundant or derelict structure, or*
- h) Provides infrastructure that meets an overriding public need. Or*
- i) Can demonstrate a requirement for a location outside of the urban area”.*

- 8.22 In this case the proposed infrastructure in the countryside is required as a result of the airport regulatory requirements for the provision of AGL. The position and siting of the approach masts and lights are dictated by the CAA Regulations. It would not be feasible to locate the approach masts in the urban area when the alignment of the runway and the position of the airport is such that their siting in the countryside to the south west of the airport is unavoidable. To that end, the proposal is considered acceptable pursuant to criterion (i) of policy DS1 as development outside of the Urban Area boundary.
- 8.23 Policy CS21 of the Core Strategy seeks to protect areas of open space. Development which would result in the loss of or reduce the recreational value of open space, including public and private playing fields, allotments and informal open space will not be permitted, unless it is of poor quality, under-used, or has low potential for open space and a better quality replacement site is provided which is equivalent in terms of accessibility and size. Policy NE10 is the equivalent policy to CS21 within the Fareham Local Plan 2037.
- 8.24 The proposal will result in development within the QEIPJP such that the implications of the development upon the newly opened area of open space requires due consideration. There is an area of proposed vegetation clearance to facilitate the provision of the approach lights within the Park. Replacement planting can be secured for this by planning condition.
- 8.25 The proposed approach lights outside of the airport and within the QEIPJP will each sit on a 0.4m by 0.4m square concrete base. In total there are seven approach masts in the new Park. The masts are not enclosed so users of the park can, if straying from the defined path network, walk amongst the masts. As such the cumulative area of the Park occupied by the seven mast bases is just the dimension of the pole and the bases in which they sit. This is approximately 1.2sqm.
- 8.26 The QEIPJP has been delivered by National Grid as part of the IFA2 Interconnector project and extends to circa 16 hectares. The resultant loss of 1.2 sqm (0.00075% of the Park as a whole) is considered negligible, or ‘de-minimis’ in the wider context of the Park. The proposal is considered to accord with policies CS21 and NE10
- 8.27 In planning policy terms, the principle of the development in the locations proposed is acceptable. The planning application proposals are considered below in the remainder of this report against all relevant local planning policies, national planning guidance, and other material planning considerations.

Landscape, open space and strategic gap impacts

Landscape:

- 8.28 The 2017 Fareham Landscape Assessment notes that the area for the assessment

“...excludes the Daedalus Airfield Strategic Development Allocation ... which will effectively lie within the urban settlement boundary”.

The parcels of land outside of the airport boundary but within the application site are also part of the land excluded from the 2017 Landscape Assessment.

- 8.29 It is clear that the proposal will introduce new urban elements into the landscape. However, the proposed approach lighting columns, whilst tall, are not wholly alien in the local surrounding landscape with street lighting being common.
- 8.30 The proposed lighting within the airport itself is all at a very low height or is inset to the runway and taxiway edges. There is already an element of lighting in the airport and there is an expected level of activity of this type of site given that it is an active airfield and the landscape itself is not considered sensitive in Landscape Assessment terms.

Open Space:

- 8.31 The QEIIJP is a newly opened extensive area of public open space. A small number of approach masts will be erected within the Park. The approach masts are slimline and sit on a small base. The resultant area of open space needed for the delivery of these masts is considered to be negligible in the context of the park as a whole. The design and layout of the Park, is one of circular paths, different types of grassland areas and areas of planting around the space. The Park has not been designed as a short cut, manicured grass park where people would be expected to use the area for informal recreation. It is not designed as an area of open space where users would commonly stray from the path network. The Park is to be managed as though it is a parkland rather than an informal recreation space.
- 8.32 Furthermore the design of the Park has included an airport/runway viewing mound and the furniture within the park has been designed to reflect the historic airport and military use of Daedalus. The land used to facilitate the delivery of the AGL project would further link the Park with the airport.
- 8.33 The proposed lighting will deliver the approach masts in these grassland areas without disruption to the path network through the open space and replacement planting will be secured elsewhere within the Park for the area of landscaping removed to facilitate the northern most array of approach lights.
- 8.34 Given the design rationale of the Park and the intended way that the public will use the space the approach masts would not demonstrably affect the usability of the Park and the network of paths.

- 8.35 On the basis that mitigating planting is secured to replace that removed for the eleven elevated approach lights near to the Gosport Road boundary then this overall area, given the size and scale of the wider Park, is considered to be acceptable and in accordance with policy NE10 and policy CS21.

Strategic Gap:

- 8.36 Strategic Gaps are established planning tools designed, primarily, to define and maintain the separate identity of settlements. Policy CS22 states that:

“Land within a Strategic Gap will be treated as countryside. Development proposals will not be permitted either individually or cumulatively where it significantly affects the integrity of the gap and the physical and visual separation of settlements.”

Policy DS2 of the Fareham Local Plan 2037 is the corresponding emerging policy for strategic gaps.

- 8.37 The gap designation is not a countryside protection or landscape designation, its primary purpose is to maintain the ‘separate identity’ of settlements and to prevent their individual character and sense of place being eroded through the coalescence of settlements.
- 8.38 Daedalus Airfield currently falls within a Strategic Gap and helps to retain the sense of leaving one settlement and then entering another between Stubbington and Lee-on-the-Solent. The airfield contributes to both the physical and visual separation between settlements.
- 8.39 The airfield does not form a tract of undeveloped countryside in the same way that other parts of the Strategic Gap do. It already contains sporadic built development and has a distinct character of its own. Existing development within the airfield to an extent blurs the settlement edges of Stubbington and Lee-on-the-Solent, meaning that there is not a strong boundary between the settlement and the Strategic Gap in most instances. The open areas around the runways are the greatest contributors to the Strategic Gap.
- 8.40 In terms of physical separation, the development proposals would have a minimal encroachment into the gap and there would be no actual physical coalescence of built form.
- 8.41 In terms of visual separation, whilst the proposed development would be visible from some locations on the edges of existing settlements, the overall visual separation between settlements would remain unaffected.
- 8.42 The proposal would not, as a consequence, result in the coalescence of settlements or the perception of coalescence and the scheme is therefore considered by Officers to accord with the aims of policies CS22 and DS2 in that it would not affect the separation of settlements and would not physically and visually affect the integrity of the gap.

Noise impacts

- 8.43 A large number of the third party letters refer to the matter of noise and the likely impact of noise from the proposal. It is important to re-emphasise that the Local Planning Authority has already previously accepted some aircraft movements between sunset and midnight (in addition to MCA movements) at the Airport. The application is supported with a Noise Impact Assessment which validates the earlier decision of the Council in respect of the impact of flights during the times permitted by the outline planning permission.
- 8.44 There is no noise emitted from the lighting itself. Noise will be generated by the additional flight activity over and above the current airport operations which has already been permitted under the outline planning permission.
- 8.45 Policy DSP2 sets out that development should not, alone or cumulatively, have a significant adverse impact upon neighbouring development and policy D2 of the Fareham Local Plan 2037 also seeks to ensure that development will not have an unacceptable adverse impact upon neighbours. Advice in the NPPF is that decisions should aim to

“...avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development” (para 123).

- 8.46 Within the footnotes of the NPPF reference is made to the Noise Policy Statement for England (NPSE). The NPSE sets out three thresholds relating to the assessment of noise.
- NOEL- No Observed Effect Level. This is the level below which no effect can be detected;
 - LOAEL- Lowest Observed Adverse Effect Level. This is the level above which adverse effects on health and quality of life can be detected;
 - SOAEL- Significant Observed Adverse Effect Level. This is the level above which significant adverse effects on health and quality of life occur.
- 8.47 The Planning Practice Guidance (PPG) reflects the NPPF and NPSE plus provides guidance on a noise exposure hierarchy for use in Noise Planning Assessments.
- 8.48 The application is supported with a Noise Impact Assessment (NIA). This assessment has been undertaken based upon establishing the ambient noise levels surveyed at the closest residential receptors to the airport and then uses acoustic modelling for noise emissions from the airport.
- 8.49 The NIA refers to the Aviation Policy Framework (APF) which sets out the framework for noise management at UK airports. The APF sets out that aircraft operators are expected to offer noise mitigation such as acoustic insulation to noise sensitive buildings exposed to levels of 63dB or more. Assistance with the costs of moving home is expected to receptors exposed to levels of 69dB

or higher. The NIA concludes that on the basis that the APF states that acoustic insulation should be offered to occupants of noise sensitive buildings exposed to a noise level of 63 dB or more this is considered to be a reasonable level (which is adopted by Southampton Airport and a number of others in the UK) at which a SOAEL - significant impact - would occur.

- 8.50 The NIA gathered the ambient, background noise levels at a location north and south of the main runway at Solent Airport. The survey was undertaken during July 2022 to reflect the time that people would be using their gardens or sleeping with windows open.
- 8.51 The NIA then modelled the noise generated by aircraft that use Solent Airport. The modelling concludes that, with the AGL in place, that there is no housing within the 63dB noise contour – which, as above, is considered to represent the on-set of SOAEL – during the Summer daytime period (07.00-23.00).
- 8.52 The calculations indicate that the noise from the modelling of aircraft operations with AGL in place will be lower than the average prevailing ambient noise level. It is accepted that on occasion, when an aircraft movement takes place, the noise may be greater than the background level but this would only be for a very short period; The noise impact is recorded in the NIA as an average level over 1 hour periods. Therefore the average over the hour is reduced in the monitoring period when an aircraft movement occurs but over the whole monitoring period and overall, the resultant impact is considered to be acceptable.
- 8.53 There is no objection to the NIA methodology nor the conclusions from the Environmental Health Service. As set out above, the Local Planning Authority has already previously permitted that some aircraft movements between sunset and midnight (in addition to MCA movements) at the Airport is acceptable.

Lighting Impacts

- 8.54 Policy DSP2 sets out that development should not, alone or cumulatively, have a significant adverse impact upon neighbouring development. Policy DS2 of the Fareham Local Plan 2037 is the corresponding policy in the emerging plan.
- 8.55 Within the NPPF paragraph 185 requires decisions to take into account the likely effects on living conditions and

*“...limit the impact of light pollution from artificial light on local amenity”
(criterion C)*

The PPG also has a chapter on ‘Light Pollution’ and details the pollution considerations for Planning to address.

- 8.56 The application is supported with a Lighting Assessment Study (LAS). This LAS refers to the NPPF & PPG as above but also other guidance on light intrusion such as that from the Institute of Lighting Professionals (ILP) and specifically for this project, the UK aviation standards. The Solent Airport AGL installation

will have to comply with the Civil Aviation Authority (CAA), 'CAP 168 – Licencing of Aerodromes' specification. The CAP 168 regulation provides strict AGL design requirements to ensure the airport complies with all the requirements for airport licensing.

- 8.57 The LAS considers the baseline condition at Solent Airport; the existing runway and taxiways are not provided with any existing AGL installation but it is noted that there are other existing lights visible emanating from the airfield buildings. Two view points, in line with the runway orientation, were assessed during night time to assess the existing lighting conditions external to the airport. Receptors around the airport boundary are also identified.
- 8.58 The ILP have established 'Environmental Zones' for exterior lighting based on existing external ambient lighting levels of an area. These 'Zones' cover dark lighting environments (Zone E0) through to urban environments with high levels of brightness (Zone E4). The LAS applies a judgement, and the Solent Airport site is determined to be in Zone E3. Zone E3 applies to suburban areas with medium brightness (examples of areas in Zone E3 are small town centres or suburban locations).
- 8.59 All runway lights are effectively narrow beam lights with sharp cut offs. The aviation guidance in CAP168 specifies the type of lights in order to provide adequate guidance to aircraft landing, talking off and manoeuvring around the airfield.
- 8.60 The lights will be controlled from the control tower and can be on or off and the brightness of the lights can be controlled as well. CAA Regulations (within CAP168) provides guidance on the luminous intensity for the lights depending on the type of airfield and the varying weather conditions. The LAS sets out that the brightness on the runway edge and approach lights will not be required to be increased above 1%. However, the MCA will operate in all weather conditions such that the lighting may be used at increased brightness under emergency conditions (30% brightness) for a short period of time as the MCA aircraft take off or land.
- 8.61 The LAS only measured the white approach lights and runway edge lights as these have an output of 20,000 candelas and 10,000 candelas respectively. The blue taxiway lights have an output of circa 7 candelas and were therefore omitted from the study.
- 8.62 The LAS identifies five sensitive receptors around the airport at varying distances from the proposed lighting. Ross House, within Gosport, due south of the airport is approximately 75m from the nearest taxiway. The end property along Crofton Avenue is 43m away from the nearest taxiway. The southern most property on the east side of Stubbington Lane shares a boundary with the airport, but the closest proposed light is in excess of 100m away. The end property at Glenthorne Close is over 160m from the runway lighting and the final sensitive receptor is identified at Frome Farm Cottages on the north side of Gosport Road. These dwellings are approximately 65m from the nearest proposed light within the QEIIPJP.

- 8.63 The LAS concludes that the calculated light intrusion into the windows of the five identified receptors around the airport at 100% brightness (the worst case, but at a setting that wouldn't be used at the airport) is within acceptable norms. At the 1% brightness setting, the calculated light intrusion to nearby receptors would be acceptable. Levels of glare are also concluded to be within the range of acceptable standards.
- 8.64 There is no objection to the LAS methodology nor the conclusions from the Environmental Health Service and the proposal is considered to accord with policy DSP2 of the Local Plan Part 2 and policy D2 of the Fareham Local Plan 2037.

Air Quality

- 8.65 The same development plan policies referred to under the lighting and noise assessments apply for the consideration of air quality given that the site is not identified within an Air Quality Management Area.
- 8.66 The total flight movements associated with Solent Airport are already permitted through the previous planning permission for the site. For clarity, the count for the additional "movements" that AGL will facilitate includes the 'touch and go' flight events; a movement that third parties correlate in representations to a potential increase in flying of the airport circuits and resultant increased levels of air pollution.
- 8.67 This application for AGL will not take or allow total flight movements over the already permitted limit. As such, for matters relating to Air Quality, Environmental Health has advised that there are no adverse comments in respect of this application.

Ecology

- 8.68 Policy DSP14 of the Local Plan Part 2 sets out that development can take place if it is demonstrated that there is no adverse impact upon designated sites for Brent Geese and Waders or that there is appropriate mitigation secured. Policy DSP13 confirms the requirement to ensure that designated sites, sites of nature conservation value, protected and priority species populations and associated habitats are protected from development and where appropriate enhanced.
- 8.69 The application is supported with an Ecological Appraisal. The Appraisal includes a site survey and a desk based assessment to provide a view on the ecological value of the site and the likely impacts.
- 8.70 This Appraisal concludes that the habitats to be directly affected by the works are dense scrub, semi-improved grassland and areas of existing hardstanding. The proposed works will result in approximately 0.9hectares of direct impacts to these habitats, the majority of which will be temporary with land restored after the development.

- 8.71 The Ecological Appraisal has considered the impacts upon protected species concluding there is no impact upon bats, dormice or amphibians. There is a known, active, badger sett to the west of the site however this can be protected through suitable working practices and a planning condition to deal with construction management as set out within the Ecological Appraisal.
- 8.72 The primary ecological constraint to the proposal is the presence of overwintering birds. The majority of the site is covered by a Solent Waders and Brent Goose site designation (F13) as a secondary support site. The parcel of land between Monks Hill Beach car park and Stubbington Lane is designated as a Low Use Site (F82).
- 8.73 The Solent Waders and Brent Goose Strategy (SWBGS) aims to protect the network of non-designated terrestrial wader and brent goose sites that support the Solent Special Protection Areas (SPA) from land take and recreational pressure associated with new development. The non-designated sites are classified as Core Areas, Primary Support Areas, Secondary Support Areas, Low Use and Candidate Sites. The aim of the Strategy is to ensure that the current geographical spread of sites across the network is maintained and enhanced.
- 8.74 The Secondary Support Areas offer a supporting function to the Core and Primary Support ecological network but are generally used less frequently by significant numbers of SPA geese and waders. The Secondary Support Areas network also provide suitable and favoured sites in years when the population includes high numbers of juveniles, as well as ensuring future resilience.
- 8.75 Low Use Sites have the potential to be used by waders or brent geese. Such sites have potential to support the existing network of sites and provide alternative options for the networks of other sites for the future. The in combination loss of these sites would impact upon the continued function of the wider brent geese and wading bird network.
- 8.76 Loss of or damage to Secondary Support Areas and Low Use Areas should be discouraged, and on-site avoidance and mitigation measures considered wherever possible. It is expected that in most cases the loss, or partial loss, of Areas will be off-set by the provision of suitable replacement habitats which are supported by an agreed costed habitat management plan and funding secured in perpetuity as summarised in the supporting text to policy NE5.
- 8.77 The application proposes the permanent loss of a small part of a Secondary Support Site and an even smaller part of a Low Use Site for Solent Wader and Brent Geese, around 70sqm (0.007ha) in total.
- 8.78 In order to compensate for this loss of supporting habitat the applicant has offered through the application to provide a contribution towards the creation of off site bird habitat mitigation.
- 8.79 The application makes reference to land at Mill Lane, Titchfield which has recently been acquired by the Council in order to establish a permanent

wintering bird refuge. The SWBGS has published a guide on mitigating and offsetting requirements with a cost attributed per hectare to provide functional habitat lost to development. The application submits that the application should contribute a proportionate amount of the cost reflective of the 70sqm area habitat lost to be provided elsewhere off site. The land at Mill Lane is one such site that could benefit from the contribution. Natural England and the Council's Ecologist have endorsed this approach.

- 8.80 In this case the Council cannot contract with itself to provide the financial contribution (circa £600) bi-laterally through a normal Section 106 legal agreement because it is both owner of the land and the local planning authority. The appropriate way to secure the payment is by way of a unilateral undertaking pursuant to Section 106 submitted by the Council in its capacity as land owner.
- 8.81 The above is considered to deal with the mitigation for the direct and permanent loss of Solent Wader and Brent Geese supporting habitat; consideration also needs to be given for the impact on the operation of the AGL system on wading birds and the construction process impacts.
- 8.82 The proposed scheme will introduce lighting which has potential to result in disturbance to birds using the site. According to the Ecological Appraisal there is limited research on the effects of lighting on night feeding birds. As a result of the active bird hazard management undertaken at the airport, there is a general absence of wintering birds being recorded on the site or those using the site for night feeding. It is considered that there is a very limited likelihood of impacts to night feeding birds from the proposal.
- 8.83 The Ecological Appraisal advises that to avoid any potential impacts on wading birds or Habitat Sites construction work should avoid the main season for overwintering birds; namely between 1st October and 31st March. However, given the very limited opportunity for potential impacts to overwintering birds the Appraisal concludes that work could be undertaken during this season, but these works would be subject to an ecological watching brief to determine if there are any effects. Both Natural England and the Council's ecologist are content with this approach and have recommended a condition be used to secure a Construction Environmental Management Plan (CEMP) to manage construction.
- 8.84 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 (HS) 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.
- 8.85 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 Fareham Borough Council in its capacity as the Local Planning Authority.

- 8.86 The Council has undertaken an Appropriate Assessment to assess the likely significant effects of the development on HS. The key considerations for the assessment of the likely significant effects are the impact of the proposed development on the sensitive sites in terms of noise and light pollution. The Council has concluded within an Appropriate Assessment that the proposed mitigation and planning conditions as set out above will ensure no adverse effect on the integrity of the HS either alone or in combination with other plans or projects.
- 8.87 Natural England has been consulted on the Council's Appropriate Assessment and their comments are awaited. It is considered that the development accords with the Habitat Regulations and complies with Policies DSP13 and DSP14 of the adopted Local Plan and NE1 and NE4 of the emerging Fareham Local Plan 2037.

Sustainability

- 8.88 Third party comments have challenged the application relative to the fact that the increase in flights will in turn increase the amount of emissions from aviation fuel over residential areas under the flight circuit. Representations also indicate that the count of movements should be the number of aircraft circuits undertaken rather than the metric used in the outline planning permission condition.
- 8.89 Whilst Officers acknowledge these views, the provision of an AGL system at Solent Airport will not increase the number of movements at Solent Airport above that already permitted. The Planning Committee are not able to review or amend the planning conditions imposed on the earlier planning permission granted in 2013 as part of this planning application.

Other Matters

- 8.90 Within the third party representations reference is made to the proposal infringing on people's human rights. By way of setting the matter into context; the Human Rights Act 1998 brings into domestic law the protections contained in the European Convention on Human Rights (ECHR), which protects human rights and fundamental freedoms. It sets out the rights of every person and the limitations placed on these rights in order to protect the rights of others and the wider community. Article 8 gives the right to respect for private and family life.
- 8.91 Human rights are a material planning consideration and should be respected but are not guaranteed. The rights have to be balanced against all other material considerations and how these are assessed in that process is a planning judgement.
- 8.92 The planning process is concerned with the wider public interest and must balance this against the rights of individuals. In general, the process of determining planning applications by FBC involves the assessment of the effect that the development proposal will have on individuals as well as the wider

public impacts. Any interference with individual rights must be in accordance with law and be proportionate.

- 8.93 In the case of this application the Council has sought expert consultee advice on the matters of noise, lighting and air quality impacts. The Local Planning Authority is satisfied that it has properly considered the impact of the development on individuals and weighed this against other material considerations.
- 8.94 Third party comments are also critical of the noise report modelling and the likely noise based on the current approach circuit to the airport. Public comments are critical that the actual airport operations, and the behaviour of pilots is such that aircraft deviate from the approach circuit both in terms of alignment and altitude. It is the residents' case that that the impact is greater and over a wider area due to these variables not being accounted for. The Environmental Health Service has considered the noise report and is satisfied with its methodology and its conclusions therein. The issue of pilot behaviour and whether they are following any set circuit on the airport approach is a matter for the airport management and not a matter for the Local Planning Authority.
- 8.95 Residents have also challenged the fact that flight circuits are what should be measured and that if this is counted then the number of flights at Solent Airport is already over the permitted allowance. The definition of "movement" as per the outline planning permission condition is detailed above. The flying of a circuit is not included in the movement definition.
- 8.96 Comments received from National Grid regarding the interplay between the IFA2 cables and the proposed lighting infrastructure are not considered to be an objection in principle but rather the comments highlight the need to ensure that the installation of the AGL is done without damage to any IFA2 infrastructure. This is a matter separate to the planning process that will need to be resolved contractually between the parties.
- 8.97 Representations have also raised questions as to whether Members of the Planning Committee may be 'pre-determined' based on recent publications which make reference to AGL. Members of the Planning Committee will be well aware of the issues of predisposition and predetermination and their responsibilities under the Members' Code of Conduct. Any member who considers that he or she has pre-determined the application must not participate in the decision-making process.

Conclusions

- 8.98 The starting point for making a decision 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".

- 8.99 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).
- 8.100 The provision of the AGL system will not result in any greater increase in the permitted aircraft movements at Solent Airport over and above that already permitted by the outline planning permission.
- 8.101 The provision of the approach light columns outside of the airport will not demonstrably harm the landscape, which is considered 'urban' for the purposes of the Fareham Landscape Assessment (2017). There are already artificial light sources in the vicinity such as street lighting and building lights elsewhere around Solent Airport. Furthermore it would be unfeasible to site any of the approach masts in a location within the Urban Area given the aviation related regulations on AGL infrastructure and the orientation of the runway. This part of the development is considered to be compliant with policy CS14 and policy DS1.
- 8.102 The land occupied by lighting masts in the QEIPJP is de minimis in the wider context of the park as a whole and results in a small loss of an area of grassland that is not laid out for informal recreational purposes. This part of the development is considered to be acceptable and compliant with policy CS21 and policy NE10.
- 8.103 Policy E7 of the Fareham Local Plan 2037 seeks to retain the airport and to support aviation activities. The provision of AGL is supported by this policy. Furthermore the NPPF is supportive of maintaining a national network of general aviation airfields, and their need to adapt and change over time.
- 8.104 On the basis that there is no ecological harm from the proposal subject to mitigation and conditions and there is no adverse impact to the amenity of neighbours from the proposal, it is considered that the proposal is acceptable without any unacceptable adverse impact to the amenity of neighbouring properties. The application is recommended for permission.

9.0 Recommendation

- (a) Subject to the receipt from the Applicant of a completed unilateral undertaking pursuant to Section 106 of the Town and Country Planning Act 1990, on terms acceptable to The Solicitor of the Council, to secure a financial contribution payable prior to the commencement of the development to mitigate for the loss of Brent Geese and Wading Bird secondary support area habitat;

and

- (b) In consultation with the Solicitor to the Council, consider any comments received from Natural England relating to the consultation on the

Appropriate Assessment and to make any minor modifications to the proposed conditions, addition of conditions, or any other subsequent minor changes arising;

Then,

GRANT PLANNING PERMISSION subject to the following Conditions:

1. The development shall begin before three years from the date of this decision.
REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.

2. The development shall be carried out in accordance with the following approved documents:
 - a) Site Location Plan
 - b) Drawing RUK2022N00441-RAM-DR-07000 Revision P05 AGL Proposed Layout Overview
 - c) Drawing RUK202200441-RAM-DR-08000 Revision P01 AGL Civil Proposed Infrastructure Layout Overview
 - d) Drawing RUK2022N00441-RAMM-DR-07010 Revision P03 AGL Fitting Catalogue
 - e) Drawing RUK2022N00441-RAM-DR-07600 Revision P01 Proposed Approach Mast Details
 - f) Drawing RUK202200441-RA-DR-07501 Revision P03 Proposed 23 Approach Longitudinal Section
 - g) Drawing RUK202200441-RA-DR-07500 Revision P02 Proposed 23 Approach Cross Bar
 - h) Drawing RUK202200441-RA-DR-07510 Revision P02 Proposed 05 Approach Cross Bar
 - i) Drawing RUK202200441-RA-DR-07500 Revision P03 Proposed 05 Approach Longitudinal Section

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

3. In respect of the installation of the works within the airport boundary, no development shall take place until the methods to assess the risk from unexploded ordnance (UXO), as outlined in paragraph 5.15 of the Planning Statement have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

REASON: To ensure that any unexploded ordnance at the site is properly addressed

4. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by

the Local Planning Authority. The CEMP shall set out the strategy and detailed method statements in respect of the following:

- a) Construction Traffic Management (to include the details of haul roads, co-ordination of deliveries and plant and materials and the disposing of waste resulting from demolition and/or construction so as to avoid undue interference with the operation of the public highway, particularly during the Monday-Friday AM Peak (0800-0900) and PM Peak (1630-1800) periods);
- b) Site Office location;
- c) Contractor parking areas for use during construction;
- d) Areas for loading and unloading;
- e) Construction lighting details;
- f) The storage of materials and construction waste, including waste recycling where possible;
- g) The storage and dispensing of fuels, chemicals, oils and any hazardous materials (including any hazardous soils);
- h) The proposed measures to minimise adverse impacts to neighbouring properties caused by noise, vibration, odours;
- i) The proposed maintenance and aftercare of the site;
- j) The provision of road and wheel cleaning facilities, including any required drainage;
- k) Dust and dirt control measures;
- l) measures to avoid impacts on the designated sites, retained habitats and trees.

The development shall subsequently proceed in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interest of managing the construction process so as to avoid impact on the highway network and gas main and to ecological and arboricultural receptors and in the interest of the amenities of the area.

5. Works in association with the installation of the Aeronautical Ground Lighting shall be undertaken within the following times:

- 0800 to 1800 hours Monday to Friday;
- 0800 to 1300 hours on Saturday

No works shall take place outside these times unless a Construction Method Statement has first been submitted to and approved in writing by the Local Planning Authority. The Construction Method Statement will detail:

- The hours to be worked each day;
- The period of time for which the hours will be worked;
- The types of work to be undertaken at different times of the day with likely plant, machinery and/or tools to be used;
- Construction lighting details;
- Details of the mitigation to be undertaken to minimise the potential impact from construction works (including noise and light) upon nearby residential properties.

The development shall be undertaken in accordance with the approved details.

REASON: In the interest of neighbouring amenity and minimising impacts from construction whilst attempting to enable Solent Airport to remain open during the construction period.

6. The development shall be undertaken in accordance with the measures included within Section 5. 'Recommendations for Survey, Mitigation and Enhancement' of the Ecological Appraisal (Hampshire County Council Ecology Team, December 2022).

REASON: In the interest of managing the construction process so as to avoid impact on ecological receptors.

7. In respect of the installation of the works within the Queen Elizabeth II Platinum Jubilee Park, there shall be no construction work until a Scheme of Works has been first submitted to and approved in writing by the Local Planning Authority. The Scheme of Works will include:

- measures to ensure that the footpath network through the park remains open and accessible to the public throughout the works;
- Any remedial works necessary to make good any disruption of the path network or surface water drainage infrastructure from the provision of any lighting ducting and/or approach light masts plus an implementation plan for said remedial works;
- a landscaping scheme to replace the planting removed to construct the development including the species, planting sizes, planting distances, density, numbers, provisions for implementation and future maintenance of all new planting, including all areas to be grass seeded and turfed.

The development shall be carried out in accordance with the approved Scheme of Works.

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

8. If during development contamination or unexploded ordinance not previously identified is found to be present at the site then all work in the affected area shall stop. No further work at the affected area shall be carried out (unless first agreed in writing with the local planning authority) until a remediation strategy detailing how this affected area will be dealt with has been submitted to and approved by the local planning authority in writing. The development shall recommence only in accordance with the remediation strategy as approved in writing by the local planning authority.

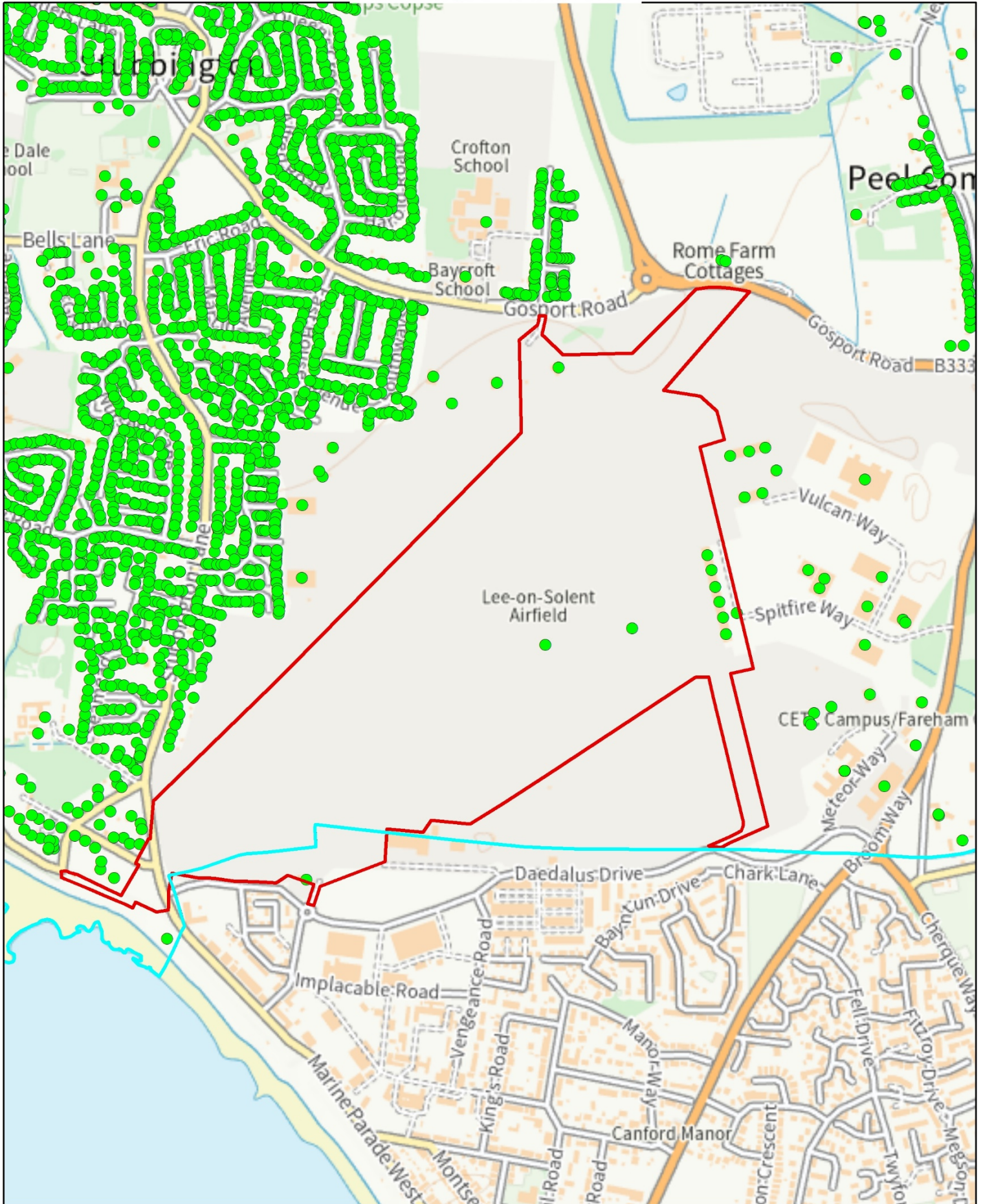
REASON: To ensure that any contamination at the site is properly addressed

11.0 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



Solent Airport, Daedalus Drive
Lee-on-the-Solent
Scale 1:10,000



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OFFICER REPORT FOR COMMITTEE

DATE: 12/04/2023

P/23/0243/FP

HILL HEAD

MS SUZANNE FOSTER

DEMOLISH THE EXISTING HOUSE AND REBUILD A TWO STOREY HOUSE ON THE EXISTING FOOTPRINT, WITH ASSOCIATED LANDSCAPING AND NEW ACCESS GATE (ALTERNATIVE TO P/22/1116/FP)

85 HILL HEAD ROAD, FAREHAM, PO14 3JP

Report By

Lucy Knight – direct dial 01329 824579

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 Members will be aware that the emerging Fareham Local Plan 2037 is now at a very advanced stage. Upon adoption, the Fareham Local Plan 2037 will replace the Local Plan Part 1 (Core Strategy) and Local Plan Part 2 (Development Sites and Policies).
- 1.3 The Executive is considering a report on the adoption of the Fareham Local Plan 2037 at its meeting on the 3 April. One of the recommendations within the report is that a recommendation is made to Council to adopt the Fareham Local Plan 2037. If the Executive agrees this recommendation, Council will be convened on 5 April to consider the Executive's recommendation that the Fareham Local Plan 2037 be adopted.
- 1.4 Officers will provide an update at the Planning Committee meeting confirming the status of the Fareham Local Plan 2037 and Local Plan Parts 1 and 2.

2.0 Site Description

- 2.1 The application site lies within the defined urban settlement boundary and consists of a detached chalet bungalow which is situated on the southern side of Hill Head Road. The property sits considerably lower than Hill Head Road with a steep bank leading down to the bungalow and pedestrian access being provided by steps.
- 2.2 Vehicular access is provided to the site via Giblet Ore which is located to west of the application site, with the driveway wrapping round from the western

boundary to the south of the chalet bungalow. Access is also provided this way to a row of terraced properties located to the east of the application site.

- 2.3 The southern boundary of the application site and the terraced properties adjoin the Hill Head beach. Whilst a portion of the lower part of the application site is located within Flood Zone 2 & 3, the existing dwelling itself and the footprint of the proposed development is within Flood Zone 1.

3.0 Description of Proposal

- 3.1 The application is an alternative to that approved by the planning committee under P/22/1116/FP (Remodel of internal layout to ground floor including new facing materials, first floor extension to the north and balcony to the south. Existing first floor roof to be raised with new feature window to the east. New external windows and doors throughout. Associated landscaping including new access gate, boundary wall, ancillary single storey store to the west and sauna pod to the north).

- 3.2 The submitted plans are identical to those approved under P/22/1116/FP. After trial pits were dug to assess the foundations of the existing property, it was concluded that in order for the works to take place the existing property will need to be demolished and a replacement dwelling erected- this has resulted in the submission of this planning application.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS17 – High Quality Design

Adopted Development Sites and Policies

DSP2 – Environmental Impact

DSP3 – Impact on Living Conditions

Emerging Fareham Local Plan 2037

The following draft policies of the emerging plan are of relevance.

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

NE2 - Biodiversity Net Gain

D1 - High Quality Design and Place Making

D2 - Ensuring Good Environmental Conditions

Other Documents:

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/18/0876/OA OUTLINE APPLICATION FOR FIVE TERRACED 2.5 STOREY DWELLINGS WITH ACCESS FROM GIBLET ORE, FOLLOWING THE DEMOLITION OF THE EXISTING DWELLING

WITHDRAWN 20/08/18

P/22/0422/FP REPLACEMENT BUILDING FOR USE AS AN ANNEX ANCILLARY TO MAIN HOUSE

CURRENTLY UNDER CONSIDERATION

P/22/1116/FP REMODEL OF INTERNAL LAYOUT TO GROUND FLOOR INCLUDING NEW FACING MATERIALS, FIRST FLOOR EXTENSION TO THE NORTH AND BALCONY TO THE SOUTH. EXISTING FIRST FLOOR ROOF TO BE RAISED WITH NEW FEATURE WINDOW TO THE EAST. NEW EXTERNAL WINDOWS AND DOORS THROUGHOUT. ASSOCIATED LANDSCAPING INCLUDING NEW ACCESS GATE, BOUNDARY WALL, ANCILLARY SINGLE STOREY STORE TO THE WEST AND SAUNA POD TO THE NORTH

PERMISSION 19/01/2023

6.0 Representations

6.1 Nine third party letters were received during the 21-day notification period from five different households, all within close proximity of the site who raised the following concerns:

- Building is too high and will dwarf neighbouring cottages
- Impact on the view to the west from the east
- Should not be allowed construction works on weekends due to neighbouring impacts
- Cottages to the east were not notified of previously approved application

- Not in keeping with the traditional Victorian cottages.
- Overdevelopment of the plot
- Increased roof height will dominate front elevation.
- Out of keeping with the locality
- No architectural interest
- Electronic gate inappropriate for shared access.
- Highway safety concern over access for construction vehicles
- Concerns over timings of the bat surveys
- Noise and disturbance including parking during construction phase
- Loss of privacy from bedroom window
- Concerns over eastern boundary wall height

7.0 Consultations

EXTERNAL

Ecology

7.1 No objections subject to conditions

Natural England

7.2 Awaiting comments

8.0 Planning Considerations

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

- a) Principle of development;
- b) Impact upon the character and appearance of the area;
- c) Impact upon neighbouring properties;
- d) Parking;
- e) Ecology;
- f) Other matters

a) Principle of development

8.2 The site is within the defined urban settlement boundary where development of a replacement dwelling would normally be considered acceptable in principle, subject to all other material considerations being met.

8.3 The plans submitted with this application are identical to the plans previously approved by this Council under P/22/1116/FP in January this year.

b) Impact upon the character and appearance of the area

8.4 Policy CS17 of the Local Plan Part 1: Core Strategy and Policy D1 of the emerging Fareham Local Plan 2037 state that proposals should respect the

key characteristics of the area and be of high-quality design.

- 8.5 The properties in Hill Head Road consist of predominantly large-detached properties with generous sized gardens and those on the south side of the road overlook Hill Head beach. There is a row of eight terraced cottages to the east of the application site which separate the site from The Osborne View Public House. A number of properties in the area, including those immediately in the location of the application site, have been subject to improvement and development over recent years. This has resulted in an area with a diverse character to it.
- 8.6 Third party comments have raised concern regarding the increase in the height of the property. The site slopes significantly from North to South with the property being set down considerably from Hill Head Road. There is a 1.8 metre high close boarded fence running along the northern boundary with Hill Head Road. The majority of the existing property is hidden from view when viewed from the north even more so in the summer months when the trees along the northern boundary are in leaf.
- 8.7 The existing property has a ridge height of approximately 7.66 metres. The proposed ridge height is 8.34 metres and 9.11 metres; both of which were previously considered to be acceptable. Even with this additional height, the property will still be considerably lower when viewed at road level than the property directly to the west which is on the corner of Hill Head Road and the entrance to the site at Giblet Ore.
- 8.8 Whilst the new roof pitches would stand higher than the original ridge line, the chimneys on the existing roof would be removed which are similar in overall height to the new roof. Having regard to the limited increase in overall height of the new roof and the fact that the house is set on a much lower level than the roadside, Officers continue to be of the view that the proposed development would not have a harmful effect on the character or appearance of Hill Head Road.
- 8.9 Whilst the proposed property is larger with more bulk than the existing chalet bungalow, due to the varied character of the area with properties of different sizes, the proposed property is considered to respect the key characteristics of the area.
- 8.10 When viewed from the south the proposed re-development of 85 Hill Head Road will be larger and more imposing than the existing property. The views of the property will be from the public beach with the dwelling set back from the beach by a considerable distance in the row of established properties. There have been a number of other properties in the immediate area which have

been subject to redevelopment including that of 89 Hill Head Road and properties to the east of The Osborne View Public House.

- 8.11 The property to the east of the application site, 83 Hill Head Road which is the end terrace property, sits at the same land level as the application site. Both the northern and southern elevations of the proposal will have a broadly similar building line to the neighbouring properties to the east. The property to the west of the application site, 87 Hill Head Road, occupies a much higher position as it adjoins Hill Head Road at street level. This property faces due south with only one first floor window on the eastern elevation which is located very close to Hill Head Road, therefore most views of the proposed changes to the application site will be obscured due to the positioning of the windows.
- 8.12 In support of this planning application the applicant has provided a materials schedule which comprises of the external walls being coated with white render, stone slip cladding and charred timber cladding, whilst the roof will have grey metal panels. The window frames would be powder coated a bronze colour to match the balcony frame.
- 8.13 The proposal includes changes to the western boundary and proposes a brick wall stepping down in height as it extends southwards and an electric sliding entrance gate. Whilst the proposed boundary is higher in sections than the existing railings, it is not out of keeping with other boundary treatments within close proximity and still maintains a low boundary height at its southern point where it meets with the beach.
- 8.14 The development, whilst now proposed as a replacement dwelling rather than extensions, continues to respond positively to and is respectful of the key characteristics of the area including landscape, scale, form, spaciousness and use of external materials. Officers do not consider the development would be harmful to the character and appearance of the area. It is considered that the proposals comply with Policy CS17 and Policy D1.

c) Impact on neighbouring properties

- 8.15 Policy DSP3 of the Local Plan Part 2: Development of Sites and Policies and Policy D2 of the emerging Fareham Local Plan 2037 state development proposals should not have an unacceptable adverse impact upon the living conditions on the site or neighbouring development by virtue of loss of sunlight, daylight, outlook and/or privacy.
- 8.16 The adjoining property to the west, of the application site, 87 Hill Head Road occupies a higher land level with only one high level window on the eastern elevation which adjoins Hill Head Road. The property to the east, 83 Hill Head

Road is built up to the boundary between the properties, but there are no windows, other than two rooflights in a 'lean to' extension, on the western elevation of the site facing the application site. The application site and both neighbouring properties all face southwards, the new pitched roofs all slope away from the neighbouring properties as they did in the permitted application and therefore this, along with the properties lack of opposing windows, reduces any impact on loss of outlook, privacy or sunlight.

- 8.17 As part of the assessment of the previous planning application, the Planning Case Officer visited both 83 and 87 Hill Head Road to consider the windows on the eastern and western elevations of the proposed development. The property to the east, 83 Hill Head Road, has two rooflight windows on the elevation facing the application site. The windows are set at a high level which would obscure and minimise any views from the new first floor windows on the eastern elevation. The property to the west of the site, 87 Hill Head Road, has one upstairs window serving a bathroom, a high-level downstairs cloakroom window for ventilation, which does not give any notable views, and glazed side door. The first-floor window is set significantly forward of the application site being located almost immediately upon Hill Head Road, the window is obscured and opens southwards and therefore only provides views over Hill Head Road. The clear glazed ground floor facing the application site is set behind a steep external brick staircase which has metal railings which greatly restricts views to and from the door.
- 8.18 Whilst bedroom 2 will have a clear glazed window facing eastwards (towards 83 Hill Head Road) this window will face onto the neighbouring roof slope and not directly into the neighbouring gardens. Furthermore, due to the beach front location, very low boundary walls and balcony at number 83, the site and neighbouring properties are largely open to public views and so the bedroom window is not considered to result in an unacceptable adverse loss of privacy. A planning condition will be imposed to ensure that the windows stipulated in the plans as being obscure and non-opening will be retained in that condition in the future.

d) Parking

- 8.19 The applicant has demonstrated on the proposed site plan that there will be three external car parking spaces on site. The proposed re-development of the site will increase the size of the property to a four-bedroom house, as was the case when the development was approved as extensions to the house. The Fareham Borough Council Residential Car & Cycle Parking Standards Supplementary Planning Document 2009 outlines that a four-bedroom property should provide three car parking spaces and therefore, the proposal

meets the expected standard.

e) Ecology

- 8.20 A Preliminary Ecological Appraisal (PEA) was submitted with the application. The PEA stated that the dwelling was a known roost for roosting bats. Therefore, an adverse impact at site level could be possible in the absence of Phase II surveys being carried out to determine if there are roosting bats present.
- 8.21 Phase II surveys were carried out in which two dusk emergence and one dawn re-entry survey were carried out.
- 8.22 One of the third party comments received has raised concerns over the timings of these surveys. However, as stated within the Bat Mitigation Report by EcoSupport the bat surveys took place within the optimal survey window and during suitable weather conditions for bats.
- 8.23 No emergence or re-entry of bats was recorded during the surveys and the report concludes that the dwelling is not considered to be used by roosting bats.
- 8.24 Furthermore, should a bat roost be identified on site during works all works must stop immediately and a European Protected Species License (EPSL) must be obtained from Natural England before works recommence.
- 8.25 The Council's Ecologist was consulted during the course of the application and has raised no objection subject to a condition requiring compliance with the 'recommended actions to mitigate and enhance' of the PEA and 'mitigation and compensation' of the Bat Mitigation Strategy.
- 8.26 Whilst the submitted documents do not indicate that a 10% biodiversity net gain will be achieved as per the test in Policy NE2 of the emerging Fareham Local Plan 2037, the development has already been approved as extensions under the previous application where this policy would not have been applicable.
- 8.27 Furthermore, a condition requiring incorporation of a single integrated bat feature and a single bird feature to provide for biodiversity enhancement at the site is included in the recommendation.
- 8.28 Therefore, given the enhancement of biodiversity at the site, the proposal is considered acceptable in this respect.

- 8.29 The site is immediately adjacent to the Solent and Southampton Water Special Protection Area (SPA) and Ramsar and Lee-on-the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI). To ensure no adverse impacts on the integrity of the designated sites and Construction Environmental Management Plan will be secured by condition to ensure no disturbance of overwintering birds.
- 8.30 An Appropriate Assessment has been carried out and Natural England have been consulted with no response received to date. The Planning Committee will be advised of any consultation response on the Assessment within the written update to Members.
- f) Other matters
- 8.31 Concern has been expressed by neighbouring residents with regard to construction traffic associated with the proposed development. Whilst it is acknowledged that access to the site is difficult due to the steep incline of the narrow access road of Giblet Ore, there is significant parking space on site to provide for parking of construction vehicles off of the road.
- 8.32 Details of construction parking will be required to be provided in a Construction Environmental Management Plan prior to any works taking place.
- 8.33 A number of residents raised concerns relating to construction hours being permitted over weekends. It would not be considered reasonable to restrict construction hours to weekdays only for a development of this size.
- 8.34 Some of the neighbours raised concerns over not receiving a neighbour notification letter. The publicity was carried out in line with the Council's Community Notification Scheme and in any event, whilst raising the point that letters were not received these neighbours are aware of the application and had the opportunity to make representations.
- 8.35 The owners of the cottages raised concerns over the proposed electronic gate. Access to the cottages is provided via this gate. This is considered to be a civil matter, however, the applicant has confirmed that the gate will be accessible to the cottages.
- 8.36 One neighbour raised concerns regarding potential changes to the eastern boundary of the site. The plan referred to has since been removed from the application as it is not required. The applicant has however, confirmed that the measurements stated on this plan referred to the Above Ordnance Datum

levels and that there are no changes proposed to the eastern boundary.

8.37 In summary, the proposal is not considered to have an unacceptable adverse impact upon the neighbouring properties or the character and appearance of the area and is the same as that permitted by this Council earlier this year.

8.38 Notwithstanding the representations received, Officers consider the proposals to be acceptable.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development shall begin before the expiration of a period of three years from the date of this decision.

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

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

- a) Drawing No: 01 - Site Location Plan & Block Plans
- b) Drawing No: 02 – Existing Site Plan, Floor Plans and Elevations
- c) Drawing No: 03 Rev H - Proposed Site Plan, Floor Plans and Elevations
- d) Drawing No: 04 Rev B - 3D Visual 1
- e) Drawing No: 05 Rev B - 3D Visual 2
- f) Drawing No: 06 Rev B - 3D Visual 3
- g) Drawing No: 07 Rev B - 3D Visual 4
- h) Drawing No: 08 - Proposed Gate and Boundary Wall
- i) Drawing No: 09 - Scale Comparison Elevations
- j) 05-RS-FBC-Planning Materials -2122072
- k) Preliminary Ecological Appraisal by Ecosupport dated 25th July 2022
- l) Bat Mitigation Strategy by Ecosupport dated 25th July 2022
- m) Flood Risk Assessment by FPS Environmental dated February 2023

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

3. The balcony hereby approved shall not be brought into use until the 1800mm high obscured glass balustrade screening shown on drawing number “03 Rev H – Proposed Site Plan, Floor Plans and Elevations” has been erected as shown on the approved plans. The screening shall subsequently be retained in that manner at all times thereafter.

REASON: To protect the amenities of the occupiers of the neighbouring property and to prevent overlooking.

4. The first-floor windows proposed to be inserted into the east and west elevations of the approved development and stipulated on the drawing number "03 Rev H – Proposed Site Plan, Floor Plans and Elevations" as having "obscured glazing - fixed up to 1.7m above FFL" shall be:
 - a) Obscure-Glazed; and
 - b) Of a non-opening design and construction to a height of 1.7 metres above internal finished floor level;and shall thereafter be retained in that condition at all times.

REASON: To prevent overlooking and to protect the privacy of the occupiers of the adjacent property.
5. The development hereby approved shall be carried out in full accordance with the recommendations and enhancements set out in the Flood Risk Assessment (FRA) submitted as part of the application.

None of the development hereby approved shall be first occupied/used until the measures recommended by the approved FRA have been fully implemented. These measures shall be subsequently retained.

REASON: To ensure that the protection of the development against flooding.
6. The development hereby approved shall be carried out in full accordance with the recommendations and enhancements set out in the approved Preliminary Ecological Appraisal and Bat Mitigation Strategy by Ecosupport dated 25th July submitted as part of the application.

None of the development hereby approved shall be first occupied/used until the approved ecological enhancements have been fully implemented. These enhancement measures shall be subsequently retained.

REASON: To ensure that protected species are not harmed and that habitat is enhanced as a result of the proposed development.
7. No development shall take place on site until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority.

The development shall be carried out in accordance with the approved CEMP (unless otherwise agreed in writing by the local planning authority) which shall include (but shall not necessarily be limited to):

 - a) Details of how provision is to be made for the parking of operatives/contractors'/subcontractors' vehicles and/or construction vehicles;
 - b) Location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction;
 - c) Measures to control vibration in accordance with BS5228:2009 which prevent vibration above 0.3mms⁻¹ at the boundary of the SPA;

- d) Measures to minimise noise levels to below 70dB(A) for continuous noise and 50dB(A) for sudden based noise or the restriction of noise generating work to within the months of April to September only
- e) Provision for storage, collection, and disposal of rubbish from the development during construction period;
- f) No burning on-site;
- g) Scheme of work detailing the extent and type of any piling proposed;
- h) A construction-phase drainage system to prevent pollutants from leaving the site;
- i) Safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site.

REASON: In the interests of highway safety and in the interests of protecting nearby sites of ecological importance from potentially adverse impacts of development. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

- 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.

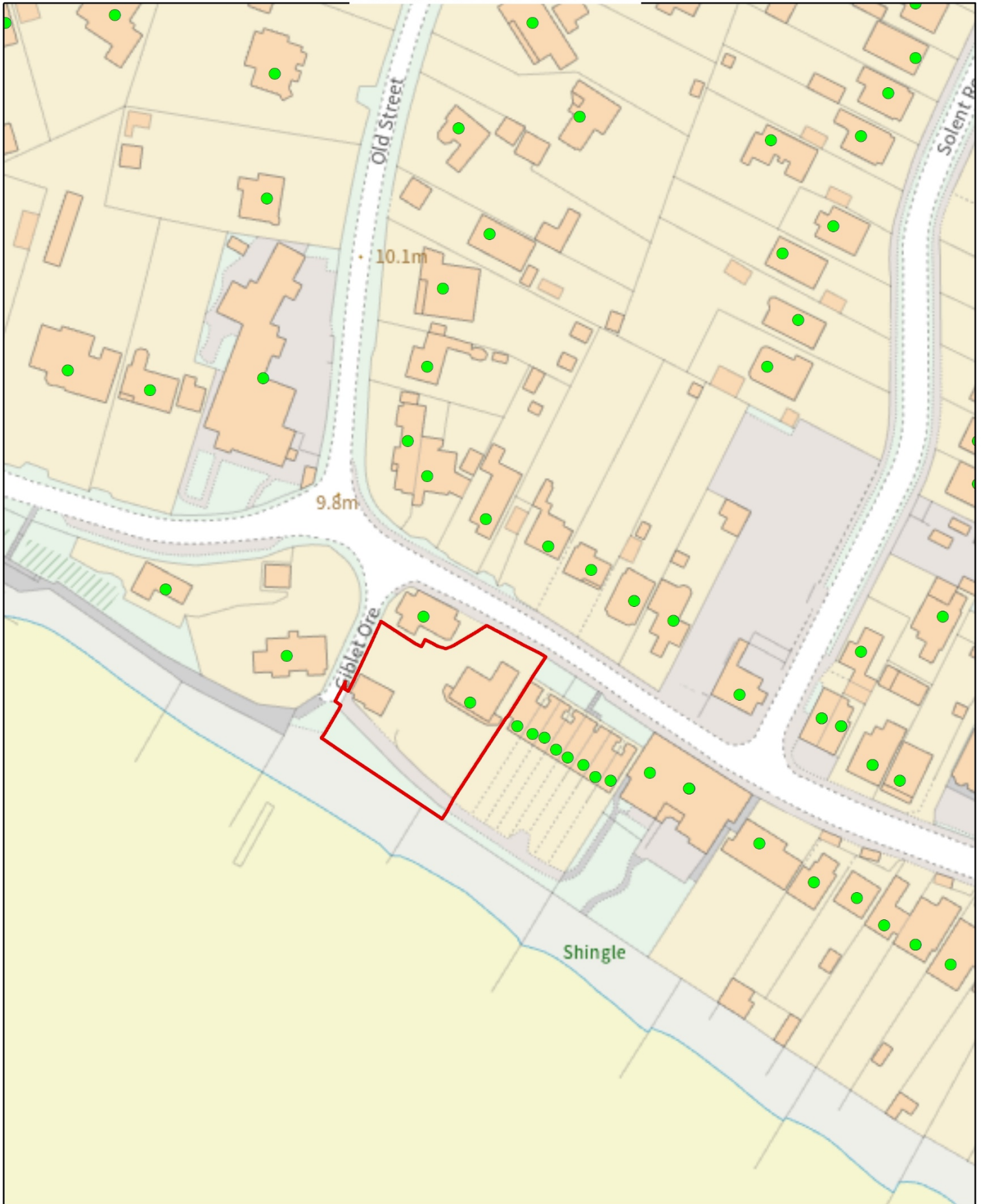
REASON: To protect the occupiers of nearby residential properties against noise and disturbance during the construction period.

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



85 Hill Head Road
Hill Head
Scale 1:1,250



FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date 24/03/2023

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/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/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/22/0295/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/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

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/22/0706/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/22/1046/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/22/1071/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/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

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

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

Reason for Appeal: Appeal against refusal of planning permission

Appeal decision: ALLOWED

Appeal decision date: 08/03/2023

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](#)