

FAREHAM

BOROUGH COUNCIL

AGENDA PLANNING COMMITTEE

Date: Wednesday, 9 November 2022

Time: 3.30 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 - 8)

To confirm as a correct record the minutes of the Planning Committee meeting held on 5 October 2022.

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 9)

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

ZONE 1 - WESTERN WARDS

(1) **P/18/0590/OA - LAND WEST OF LOCKSWOOD ROAD SO31 1BX** (Pages 12 - 39)

(2) **P/19/0402/DP/B - LAND ADJACENT TO 125 GREENAWAY LANE WARSASH SO31 9HT** (Pages 40 - 47)

(3) **P/22/0608/FP - SWEETHILL FARM 260 BOTLEY ROAD SO31 1BL** (Pages 48 - 81)

(4) **P/22/0913/FP - 377 HUNTS POND ROAD FAREHAM PO14 4PB** (Pages 82 - 96)

(5) **P/22/1277/FP - 31 ROSSAN AVENUE WARSASH SO31 9JQ** (Pages 97 - 104)

ZONE 2 - FAREHAM

ZONE 3 - EASTERN WARDS

(6) **P/22/0337/OA - LAND SOUTH OF 16/17 GLENTHORNE CLOSE PO14 2NP** (Pages 107 - 155)

(7) **Planning Appeals** (Pages 156 - 162)



P GRIMWOOD
Chief Executive Officer
Civic Offices
www.fareham.gov.uk
01 November 2022

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FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Wednesday, 5 October 2022

Venue: Council Chamber - Civic Offices

PRESENT:

Councillor N J Walker (Chairman)

Councillor (Vice-Chairman)

Councillors: Miss J Bull, D G Foot, Mrs C L A Hockley, S Ingram, P Nother,
Mrs S M Walker and S Dugan (deputising for I Bastable)

Also Present: Councillor Mrs K K Trott (Items 6(4) and 6(5))



1. APOLOGIES FOR ABSENCE

Apologies of absence were received from Councillors M J Ford, JP and I Bastable.

2. MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee meeting held on 21 September 2022 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

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

4. DECLARATIONS OF INTEREST

In accordance with Standing Orders and the Council's Code of Conduct, Councillors N J Walker, Miss J Bull, Mrs C L A Hockley and Mrs S M Walker declared a Personal Interest in Item 6(2) – Egmont Nurseries, Brook Avenue, as the applicant is known to them as a former Chairman of the Conservative Association.

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 Mark Burgess		76 – 80 BOTLEY ROAD PARK GATE – REDVELOPMENT OF 78 AND 80 BOTLEY ROAD COMPRISING TWO RETAIL UNITS AND SIXTEEN APARTMENTS, TOGETHER WITH ELEVATIONAL CHANGES TO 76 BOTLEY ROAD	Supporting	6(1) P/20/0593/FP Pg 13	Written
Mr Patrick Barry (Agent)		-DITTO-	-Ditto-	-Ditto-	In person 3 mins

Mr Paul Airey (Agent)		EGMONT NURSERIES BROOK AVENUE – EIGHT DETACHED HOUSES AT FORMER EGMONT NURSERIES, BROOK AVENUE, WARSASH SO31 9HN (ALTERNATIVE SCHEME TO APPROVED DEVELOPMENT UNDER P/18/0592/OA EXCLUDING THE WETLANDS TO THE WEST OF THE SITE AND PROVIDING NITRATE MITIGATION BY WAY OF OFF-SITE CREDITS)	Supporting	6(2) P/21/1301/FP Pg 28	In Person 3 mins
ZONE 2 – 3.30pm					
Mr Alfred Horn		PINKS INDUSTRIAL PARK, WICKHAM ROAD – PROVISION OF AND RETENTION OF CONTAINERS FOR SELF STORAGE USE	Opposing	6(4) P/22/0320/FP Pg 66	In Person 3 mins
Mr Richard Stone (Agent)		-DITTO-	Supporting	-Ditto-	In Person 3 mins
Ms Caroline Jezeph	Mr & Mrs Braines	20A RIVERSIDE AVENUE FAREHAM – CONVERSION AND EXTENSION OF EXISTING OUTBUILDING TO FORM 3-BED DWELLING	Opposing	6(5) P22/0424/FP Pg 80	In Person 3 mins
Mr Robert Tutton (on behalf of Kalotec Ltd)		-Ditto-	Supporting	-Ditto-	Written

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/20/0593/FP - 76-80 BOTLEY ROAD PARK GATE SO31 1BA

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

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

Comments from Council's Recycling Co-ordinator have now been received raising no objection to the proposals. The drag distance for the bins to Botley Road are acceptable.

Additional Condition regarding purchase of Nitrate Credits:

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

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

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

- (i) The conditions in the report;
- (ii) The additional Condition 19 in the Update Report; and
- (iii) An additional condition requiring the salvaging of bricks from the Peterkins shop building where possible,

Was voted on and CARRIED.

(Voting: 8 in favour; 0 against)

RESOLVED that, subject to: -

- (i) The conditions in the report;
- (ii) The additional Condition 19 in the Update Report; and
- (iii) An additional condition requiring the salvaging of bricks from the Peterkins shop building where possible.

PLANNING PERMISSION be granted.

**(2) P/21/1301/FP - FORMER EGMONT NURSERY BROOK AVENUE
WARSASH SO31 9HN**

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

The Planning Officer addressed the Committee on this item to provide a verbal update, which stated that Natural England had provided a response to the Council's consultation on its Appropriate Assessment and had raised no objection subject to appropriate mitigation being secured.

Councillors N J Walker, Miss J Bull, Mrs C L A Hockley and Mrs S M Walker declared a Personal Interest in this item as the applicant is known to them as he is the former Chairman of the Conservative Association.

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

- (i) Delegation being given to the Head of Development Management in consultation with the Solicitor to the Council to 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, minor amendments to the Section 106 agreement or any other subsequent minor changes arising as a result of Natural England's comments regarding the Appropriate Assessment; and
- (ii) Subject to the prior completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure:
 - a) A financial contribution to secure satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance on The Solent Coastal Special Protection Areas;
 - b) A financial contribution towards the off-site provision of affordable housing in accordance with Core Strategy Policy CS18;
- (iii) Delegation to the Head of Development Management to make any necessary modification or addition to the proposed heads of terms and/ or conditions; and
- (iv) The conditions in the report.

Was voted on and CARRIED.

(Voting: 8 in favour; 0 against)

RESOLVED that, subject to: -

- (i) Delegation being given to the Head of Development Management in consultation with the Solicitor to the Council to 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, minor amendments to the Section 106 agreement or any other subsequent minor changes arising as a result of Natural England's comments regarding the Appropriate Assessment; and

- (ii) Subject to the prior completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure:
 - a) A financial contribution to secure satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance on The Solent Coastal Special Protection Areas;
 - b) A financial contribution towards the off-site provision of affordable housing in accordance with Core Strategy Policy CS18;
- (iii) Delegation be given to the Head of Development Management to make any necessary modifications or addition to the proposed heads of terms and/or conditions; and
- (iv) The conditions in the report.

PLANNING PERMISSION be granted.

(3) P/22/1101/FP - 20 HOLLAM DRIVE FAREHAM PO14 3DY

Upon being proposed and seconded the officer recommendation to grant planning permission was voted on and CARRIED.

(Voting: 7 in favour; 1 against)

RESOLVED that PLANNING PERMISSION be granted.

(4) P/22/0320/FP - PINKS INDUSTRIAL PARK WICKHAM ROAD PO17 5BT

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

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

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

- (i) the receipt of an amended landscape drawing, showing planting proposals between the residential properties and the shipping containers including fast growing native species of an appropriate size to ensure a robust landscaping scheme can develop quickly;
- (ii) The Head of Development Management approving the landscaping drawing submitted under (i) above, following consultation with the Chairman of the Planning Committee;

- (iii) The amendment of condition 2 to update the 'Drawing 001 Rev B Soft Landscaping Designs' reference once amended proposals are received by officers and agreed with the Chairman of the Planning Committee;
- (iv) The amendment of condition 3 to include the correct reference to the landscaping drawing in condition 2;
- (v) The approval of details pursuant to Condition 6 to be issued only after consultation with the Chairman of Planning Committee; and
- (vi) All other conditions in the report.

Was voted on and CARRIED.

(Voting: 8 in favour; 0 against)

RESOLVED that, subject to: -

- (i) the receipt of an amended landscape drawing, showing planting proposals between the residential properties and the shipping containers including fast growing native species of an appropriate size to ensure a robust landscaping scheme can develop quickly;
- (ii) The Head of Development Management approving the landscaping drawing submitted under (i) above, following consultation with the Chairman of the Planning Committee;
- (iii) The amendment of condition 2 to update the 'Drawing 001 Rev B Soft Landscaping Designs' reference once amended proposals are received by officers and agreed with the Chairman of the Planning Committee;
- (iv) The amendment of condition 3 to include the correct reference to the landscaping drawing in condition 2;
- (v) The approval of details pursuant to Condition 6 to be issued only after consultation with the Chairman of Planning Committee; and
- (vii) All other conditions in the report.

PLANNING PERMISSION be granted.

(5) P/22/0424/FP - 20A RIVERSIDE AVENUE FAREHAM PO16 8TF

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

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

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

(Voting: 8 in favour; 0 against)

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

(6) Planning Appeals

The Committee noted the information in the report.

(7) 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 4.47 pm).



**Report to
Planning Committee**

Date:

Report of: Director of Planning and Regulation

Subject: PLANNING APPLICATIONS AND MISCELLANEOUS MATTERS

SUMMARY

This report recommends action on various planning applications.

RECOMMENDATION

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

AGENDA

The meeting will take place on Wednesday 9th November 2022 in the Collingwood Room, Civic Offices, Civic Way, Fareham, PO16 7AZ. Items for Zone 1 (Sarisbury, Warsash, Park Gate, Titchfield, Titchfield Common and Locks Heath wards) will start at 3.30pm. Items for Zone 3 (Stubbington, Hill Head, Portchester East and Portchester West wards) will start no earlier than 5pm.

Agenda Annex

<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/18/0590/OA WARSASH	LAND WEST OF LOCKSWOOD ROAD WARSASH SOUTHAMPTON SO31 1BX OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS), FOR RESIDENTIAL DEVELOPMENT OF UP TO 62 DWELLINGS, ASSOCIATED LANDSCAPING, AMENITY AREAS & ACCESS FROM LOCKSWOOD ROAD.	1 OUTLINE PERMISSION
P/19/0402/DP/B WARSASH	LAND ADJACENT TO 125 GREENAWAY LANE WARSASH SOUTHAMPTON SO31 9HT SUBMISSION OF DETAILS IN RELATION TO CONDITION 5 (CTMP) OF P/19/0402/OA (OUTLINE APPLICATION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS) FOR THE CONSTRUCTION OF UP TO 100 RESIDENTIAL DWELLINGS, ACCESS FROM GREENAWAY LANE, LANDSCAPING, OPEN SPACE AND ASSOCIATED WORKS.	2 APPROVE

P/22/0608/FP SARISBURY	SWEETHILL FARM 260 BOTLEY ROAD BURRIDGE SO31 1BL DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF FOUR 4-BED DWELLINGS	3 PERMISSION
P/22/0913/FP TITCHFIELD COMMON	377 HUNTS POND ROAD FAREHAM PO14 4PB CONSTRUCTION OF TWO DETACHED DWELLINGS ON LAND TO THE REAR OF 377 HUNTS POND ROAD, WITH ASSOCIATED PARKING, ACCESS AND LANDSCAPING	4 PERMISSION
P/22/1277/FP WARSASH	31 ROSSAN AVENUE WARSASH SOUTHAMPTON SO31 9JQ RETROSPECTIVE APPLICATION FOR CHANGE IN GARDEN LEVELS	5 PERMISSION

Agenda Item 6(1)

OFFICER REPORT FOR COMMITTEE

DATE: 09/11/2022

P/18/0590/OA
FOREMAN HOMES

WARSASH

OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS), FOR RESIDENTIAL DEVELOPMENT OF UP TO 62 DWELLINGS, ASSOCIATED LANDSCAPING, AMENITY AREAS & ACCESS FROM LOCKSWOOD ROAD.

LAND WEST OF LOCKSWOOD ROAD, WARSASH

Report By

Rachael Hebden – direct dial 01329 824424

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 site falls within an area allocated for residential development in the emerging Fareham Local Plan 2037 under Policy HA1. The allocated area is known as 'The Warsash Cluster'. Members will also be aware that the Planning Committee has resolved to grant planning permission for several applications in close proximity to this site including those listed in section 5 of this report.

2.0 Site Description

- 2.1 The application site is located to the south of Cabot Close, west of Lockswood Road, north of Greenaway Lane and to the east of land subject to planning application reference P/17/0845/OA. The site falls outside of the defined urban settlement boundary and is 3.19 hectares in size. The land within the site is level and comprises a mixture of woodland and rough grassland/scrub planting.
- 2.2 Existing access to the site is from the site to the west via Brook Lane.

3.0 Description of Proposal

- 3.1 Outline planning permission is sought for the construction of up to 62 dwellings with all matters reserved apart from the means of vehicular access to the site which would be from Lockswood Road to the east. The layout, appearance, scale and landscaping of the site are therefore reserved for a future application and not for consideration at this time.

- 3.2 An illustrative masterplan has been submitted which identifies the vehicular access point to the site together with areas of open space and areas of woodland to be retained. Pedestrian and cycle links are also indicated.

4.0 Policies

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

National Planning Policy Framework (NPPF)

Adopted Fareham Borough Core Strategy

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

Adopted Development Sites and Policies

- DSP1: Sustainable Development
- DSP2: Environmental Impact
- DSP3: Impact on Living Conditions
- DSP6: New Residential Development Outside of the Defined Urban Settlement Boundaries
- DSP13: Nature Conservation
- DSP15: Recreational Disturbance on the Solent Special Protection Areas
- DSP40: Housing Allocations

Emerging Fareham Local Plan 2037

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

- DS1: Development in the Countryside

- DS3: Landscape
- H1: Housing Provision
- HA1: North and South of Greenaway Lane
- HP1: New Residential Development
- HP4: Five-Year Housing Land Supply
- HP5: Provision of Affordable Housing
- 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: Coordination of Development and Piecemeal Proposals
- D4: Water Quality and Resources
- D5: Internal Space Standards

Other Documents:

- Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015
- Residential Car and Cycle Parking Standards Supplementary Planning Document 2009
- National Planning Policy Framework (July 2021)

5.0 *Relevant Planning History*

The following planning applications relate to nearby sites, not the site of the current planning application. A plan will be displayed at the Planning Committee meeting showing how these sites relate to that currently proposed.

- | | |
|---------------------|--|
| P/19/0313/RM | Reserved matters application pertaining to layout, scale, appearance and landscaping for the construction of 85 dwellings and associated infrastructure, open space, landscape and other associated development works, pursuant to outline planning permission P/16/1049/OA Land to the east of Brook Lane and South of Brookside Drive, Warsash |
| APPROVE | 23 February 2022 |

- P/17/0845/OA** Outline application for up to 180 dwellings
Land to the East of Brook Lane, Warsash
RESOLVED TO GRANT 10 October 2018
- P/17/0752/OA** Outline application for up to 140 dwellings
Land east of Brook Lane, North of Warsash Road
APPROVE 17 February 2021
- P/21/1780/RM** Reserved matters application pertaining to layout, scale,
appearance and landscaping for the construction of 80
dwellings together with associated parking, open space,
landscaping and other infrastructure and development
works, pursuant to Outline Planning Permission
P/19/0402/OA
Land to the East of Brook Lane
UNDER CONSIDERATION
- P/18/0107/OA** Outline application for up to 30 dwellings,
East and West of 79 Greenaway Lane, Warsash
APPROVE 20 January 2021
- P/21/0133/RM** Reserved matter application for the layout, appearance,
scale and landscaping for phase 1-7 of P/18/0107/OA
(Outline application for the erection of up to 30 residential
units and associated detached garages. Revised scheme
incorporating access to the south)
East and West of 79 Greenaway Lane, Warsash
APPROVE 21 April 2021
- P/21/0300/RM** Reserved Matters Major application pertaining to layout,
scale, appearance and landscaping for the construction of
phase 1, 76 dwellings together with associated parking,
open space, landscaping and other infrastructure and
development works, pursuant to Outline Planning
Permission P/17/0752/OA
Land East of Brook Lane
APPROVE 18 February 2022
- P/21/2019/RM** Reserved matters application pertaining to layout, scale,
appearance and landscaping for the construction of 42
dwellings (Phase 2) together with associated parking,
open space, landscaping and other infrastructure and

development works, pursuant to Outline Planning
Permission P/17/0752/OA
Land East of Brook Lane
APPROVE 13 October 2022

P/18/0756/OA Outline application for up to 28 dwellings together with
associated landscaping, amenity space, parking and a
means of access from Greenaway Lane
Land between 56 – 66 Greenaway Lane, Warsash
REFUSED 18 March 2021
ALLOWED ON 2 December 2021
APPEAL

6.0 Representations

6.1 Thirty five representations have been received which raise the following main points:

- Overdevelopment of the area as a whole
- Impact on neighbouring amenities
- Highways safety
- Increased traffic
- Increased noise pollution
- Impact on wildlife
- Impact on water quality
- Impact on health services
- Impact on schools
- Loss of trees
- Impact on the character of Warsash
- Increased flood risk
- Loss of archaeological heritage
- Dust during the construction process
- Inaccuracies in submission documentation

7.0 Consultations

EXTERNAL

Natural England

7.1 Comments on the Appropriate Assessment are awaited.

Hampshire County Council – Flood and Water Management team

7.2 No objection subject to conditions.

Hampshire County Council - Highways

7.3 No objection subject to conditions and financial contributions

Hampshire County Council –Children’s Services

7.4 No objection subject to financial contributions

Hampshire county Council – Archaeology

7.5 No objection subject to conditions

Southern Water

7.6 No objection

Crime Prevention Officer

7.7 Traffic calming measures recommended.

INTERNAL

Trees

7.8 No objection subject to conditions.

Street Scene (Public and Open Spaces)

7.9 No objection

Fareham Housing

7.10 No objection

Street Scene (Refuse and Recycling)

7.11 No objection

Ecology

7.12 No objection

8.0 Planning Considerations

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

- a) Implication of Fareham's current 5-year housing supply position (5YHLS)
- b) Residential development in the countryside
- c) Fareham Local Plan 2037 policy position
- d) Policy DSP40
- e) Other matters including affordable housing and local infrastructure
- f) The planning balance

a) Implications of Fareham's Current 5 Year Housing Land Supply Position (5YHLS)

- 8.2 An update report on the Council's five year housing land supply position was presented to the Planning Committee on 6th July 2022. 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 had 5.01 years of housing supply against its five year housing land supply (5YHLS) requirement.
- 8.3 Following the publication of that position the Council's housing supply was considered during several recent appeals held during August and October into proposed residential development at Land east of Cartwright Drive, Land east of North Wallington and Land east of Newgate Lane. At those appeals it was put to the Council that the evidence available suggested that several housing sites identified in the Council's supply as having outline planning permission would deliver fewer dwellings now reserved matters submissions had been made. For example, the reserved matters application for Land adjacent to 125 Greenaway Lane (ref. P/21/1780/RM) proposed 80 dwellings rather than the 100 dwellings for which outline planning permission was given (a nett reduction of 20 homes from the Council's housing supply). In evidence it was also identified that, for a small number of other sites, the number of dwellings being delivered would be less than previously stated. At the appeals the Council accepted that the evidence on this matter was clear and that the resultant reduction in the five year housing land supply meant that the position stood at 4.88 years. At the time of writing this report, officers are of the view that 4.88 years is correct and that the council does not have a five year supply of housing.
- 8.4 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".*
- 8.5 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).
- 8.6 Paragraph 60 of the NPPF seeks to significantly boost the supply of housing.
- 8.7 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.

8.8 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.”*

8.9 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.”

8.10 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.”

- 8.11 This planning application proposes new housing outside the defined urban settlement boundaries and the Council cannot demonstrate a five year housing land supply. Footnote 8 to NPPF paragraph 11 is clear that in such circumstances those policies which are most important for determining the application are to be considered out-of-date meaning that the presumption in favour of sustainable development in paragraph 11(d) is engaged. Even if it was the case that the Council could demonstrate a five year housing land supply, the Housing Delivery Test results published on 14th January 2022 confirmed that 62% of the Council's housing requirement had been delivered. This means the delivery of housing in the last three years (2018 to 2021) was substantially below (less than 75% of) the housing requirement over the previous three years. Again, 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.
- 8.12 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.
- 8.13 The following sections of the report assesses the application proposals against this Council's adopted local planning policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

b) Residential Development in the Countryside

- 8.14 Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. 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.
- 8.15 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.'

8.16 Policy DSP6 of the Local Plan Part 2: Development Sites and Policies states – there will be a presumption against new residential development outside of the defined urban settlement boundary (as identified on the Policies Map).

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

c) Fareham Local Plan 2037 policy position

8.18 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). Members will be aware that the Revised Publication version of the Fareham Local Plan which addresses the Borough's development requirements up until 2037 has been examined by the Planning Inspector and the modifications are currently undergoing public consultation.

8.19 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 and the Inspector has agreed that the Plan can go back out for consultation. Officers therefore consider that significant weight can be given to this policy in the assessment and determination of this application.

d) Policy DSP40

8.20 Local Policy DSP40 states that:

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

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

8.21 Each of these five bullet points are considered further below.

Policy DSP40 (i)

8.22 Members will note from the 5 Year Housing Land Supply Position explained in section A of this report that the Council currently has a shortfall, therefore part i) of Policy DSP40 is satisfied.

Policy DSP40 (ii)

8.23 The site is immediately adjacent to the urban settlement boundary, with the northern boundary of the site positioned to the south of dwellings in Cabot Close. The proposed development will therefore be sustainably located adjacent to the existing urban settlement boundary. The proximity of the site to the urban settlement boundary is such that the detailed development (that would be considered at the reserved matters stage) will also be able to be designed to be well related to and integrated with the neighbouring settlement. An indicative site plan has been provided which provides an example of one way in which the site may be appropriately designed to ensure the development is well related to and well-integrated with the neighbouring settlement. The location for the proposed development is therefore in accordance with part ii of Policy DSP40.

Policy DSP40 (iii)

8.24 The site is within an area of countryside but is not designated as a strategic gap. The area is identified within the Fareham Landscape Assessment 2017 as relatively visually contained from views within the surrounding areas. This area is classed as being of a lower sensitivity mainly because the character and quality of the landscape has been adversely affected by urban influences. This

area is therefore more tolerant of change and there is scope for development to bring about positive opportunities.

- 8.25 If the development were to go ahead, the main stakeholders who would be potentially affected by visual changes would be residents close to the site and users of Lockswood Road. It is therefore acknowledged that the development of this site would introduce a change in character and outlook. This change however would primarily have a localised visual impact and the visual impact from longer distance views would be limited.
- 8.26 The indicative site plan shows how the overall layout and form of the development might be laid out. Whilst acknowledging that this plan is for illustrative purposes only as the layout and design of the site would be the subject of a reserved matters application, Officers consider that this aspect will need to be the subject of careful consideration at the reserved matters stage to ensure that the proposal complies with adopted policy. The layout would need to retain areas of woodland and accommodate pedestrian and cycle links to adjacent areas. This is to ensure ecological connectivity with wider green infrastructure within the area and to ensure that people can easily walk and cycle within the area in accordance with Policy DSP40.
- 8.27 Officers consider that subject to more detailed considerations at the reserved matters stage, the development of up to 62 dwellings would be acceptable on this site in accordance with point iii) of Policy DSP40.

Policy DSP40 (iv)

- 8.28 In terms of delivery, the agent has advised that the site is capable of delivering 20 dwellings by March 2025, 32 dwellings by March 2026 with the final 10 being delivered by March 2027. The proposal would therefore be in accordance with part iv of policy DSP40.

Policy DSP40 (v)

- 8.29 The final test of Policy DSP40: *"The proposal would not have any unacceptable environmental, amenity or traffic implications"* is discussed below:

Environmental Implications

- 8.30 Ecological surveys in respect of reptiles, bats and badgers have been submitted together with a biodiversity net gain report that proposes the retention of large areas of woodland together with ecological buffers. The provision of an off-site reptile translocation site is also proposed to ensure appropriate habitat is provided for reptiles. It is recommended that the off-site reptile translocation site is secured within the legal agreement. The Ecology Officer and Natural

England have reviewed the application and are satisfied with the proposal in terms of impact on protected species subject to the imposition of planning conditions and appropriate mitigation.

Appropriate Assessment

- 8.31 The development is likely to have a significant effect on the following designated sites in respect of recreational disturbance, air quality and water quality: Solent and Southampton Waters Special Protection Area and Ramsar Site, Portsmouth Harbour Special Protection Area and Ramsar Site, Solent and Dorset Coast Special Protection Area, Chichester and Langstone Harbours Special Protection Area and Ramsar Site, Solent and Isle of Wight Lagoons Special Area of Conservation and the Solent Maritime Special Area of Conservation – collectively known as the Habitat Sites (HS). Policy CS4 sets out the strategic approach to biodiversity in respect of sensitive sites and mitigation impacts on air quality. Policy DSP13 and policy NE1 of the emerging Local Plan 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.
- 8.32 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 percent of the global population of Brent Geese. These birds come 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.
- 8.33 In light of their importance, areas within The Solent have been specially designated under UK law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC).
- 8.34 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. 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.

- 8.35 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the HS. The key considerations for the assessment of the likely significant effects are set out below.
- 8.36 Firstly, in respect of Recreational Disturbance, the development is within 5.6km of the Solent SPAs and is therefore considered to contribute towards an impact on the integrity of the Solent SPAs as a result of increased recreational disturbance in combination with other development in the Solent area. The appropriate payment towards the Solent Recreational Mitigation Partnership Strategy (SRMP) can be secured via legal agreement therefore, the Appropriate Assessment concludes that the proposals would not have an adverse effect on the integrity of the HS as a result of recreational disturbance in combination with other plans or projects.
- 8.37 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 the applicant has provided the appropriate financial contribution towards the Council's interim Mitigation Solution on New Forest Recreational Disturbance. The Appropriate Assessment therefore concludes that the proposals would not have an adverse effect on the integrity of the HS as a result of recreational disturbance either alone or in combination with other plans or projects.
- 8.38 Secondly, in respect of Air Quality, Natural England has advised that the effects of emissions from increased traffic along roads within 200 metres of HS has the potential to cause a likely significant effect. Fareham Borough Council commissioned Ricardo Energy and Environment to undertake an assessment which avoids the need for relying on the assumption of a 200 metre zone of influence by including dispersion modelling of emissions from all roads with modelled traffic flows within the Fareham study area, whether or not they are located within 200m of a designated site. Therefore, all potentially relevant designated sites located within 10km of Fareham Borough were included in the assessment. This study concluded no likely significant effect, in combination with other plans or projects, on the integrity of the HS.
- 8.39 The Council is therefore content that the development would be acceptable in this respect. Finally, in respect of the impact of the development on water quality as a result of surface water and foul water drainage, Natural England has highlighted that there is existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted that increased levels of nitrates entering the Solent (because of increased amounts of wastewater from new dwellings) will have a likely significant effect upon the HS.

- 8.40 A nitrogen budget has been calculated in accordance with Natural England's 'Advice on Achieving Nutrient Neutrality for New Development in the Solent Region' (June 2020) which confirms that the development will generate 72.89/TN/year. In the absence of sufficient evidence to support a bespoke occupancy rate, Officers have accepted the use of an average occupancy of the proposed dwellings of 2.4 people in line with the NE advice. Due to the uncertainty of the effect of the nitrogen from the development on the HS, adopting a precautionary approach, and having regard to NE advice, the Council will need to be certain that the output will be effectively mitigated to ensure at least nitrogen neutrality before it can grant planning permission.
- 8.41 The applicant has entered into a contract (conditional on the grant of planning permission) to purchase 73.64kg 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.
- 8.42 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.
- 8.43 The Council has carried out an appropriate assessment and concluded that the proposed mitigation and condition 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.
- 8.44 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 in this regard.
- 8.45 It is therefore considered that the development accords with the Habitat Regulations and complies with Policies CS4 and DSP13 and DSP15 of the adopted Local Plan.

Agricultural Land

- 8.46 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. The site is classified as a mixture of Grades 2 and 3b agricultural land. Grade 2 is within the category of the 'best and most versatile' agricultural land category and grade 3b is outside the category.

Notwithstanding the categorisation of the land, the site is small for an agricultural unit and given modern farming practices would not be practical for use on its own. There are resolutions to grant permission for the land adjacent to the site which further diminishes the contribution this site would make to the rural economy as required in the NPPF. Notwithstanding this, the loss of an area of best and most versatile agricultural land would result in some conflict with policy CS16.

Amenity Implications

- 8.47 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 Policies CS17, DSP3, D1 and the adopted design guidance SPD to ensure appropriate amenity standards. Officers are satisfied that there is sufficient flexibility and control in the description of up to 62 units that this can be satisfactorily addressed to ensure that the proposal would be policy compliant.

Highways Implications

- 8.48 The application proposes access to and from the development from Lockwood Road via a T-junction. A number of representations have raised concern over the impact of the development on local roads due to increased volumes of traffic and disturbance during the construction process. The Highway Authority has assessed the proposal which includes details relating to the access and concluded that from a highway safety perspective, the proposal would be acceptable and a safe means of access can be provided subject to the imposition of planning conditions and financial contributions towards a Travel Plan (to encourage residents to move towards more sustainable methods of transport), improved crossing points across Lockwood Road; a new footway/cycleway on the western side of Lockwood Road to connect to Greenaway Lane and improvements to several local junctions. The Highway Authority is a statutory consultee and their consultation response is a significant material planning consideration.
- 8.49 Overall, through the imposition of planning conditions and the completion of a planning obligation pursuant to Section 106 of the Town and Country Act 1990, Officers consider that the proposal would not have any unacceptable environmental, amenity or traffic implications in compliance with criteria (v) of DSP40.

e) Other Matters

Affordable Housing

- 8.50 The proposal includes the provision of 40% affordable housing of which 65% would be social/affordable rented units and 35% would be intermediate provision such as shared ownership units. It is recommended that the size, mix and tenure of affordable housing is secured by legal agreement in line with identified local need. Officers have liaised with Fareham Housing and consider the proposed level of affordable housing to be acceptable and in accordance with Policy CS18.

Open Space

- 8.51 On site open space is primarily proposed in the form of areas of retained woodland and is shown illustratively on the submitted plans. As part of the a Section 106 legal agreement, it is considered appropriate to secure a plan as part of the agreement to ensure that appropriate areas of woodland are retained and managed. This is also to secure green infrastructure to support biodiversity. Pedestrian connectivity to the north, south and west of the site will also be secured to enable movement between this site and adjacent sites (P/17/0845/OA to the west and P/18/0756/OA to the south).
- 8.52 In respect of play provision and in accordance with the Council's adopted Planning Obligation SPD, the proposed number of units would require the provision of a Locally Equipped Area of Play (LEAP). It is noted that resolutions to grant planning permission have already sought to secure play provision on other land to the north of Greenaway Lane.
- 8.53 Due to the development proposals in the Cluster coming forward at different times and by different developers and to enable the provision of one well-equipped area to the north of Greenaway Lane rather than a series of smaller, less well equipped play areas, it is appropriate to secure a contribution towards play provision within one of the sites to the north of Greenaway Lane. It is anticipated that the play provision will be provided within open space in phase 1 (to the west of this application) and it is therefore recommended that, a financial contribution towards the provision and maintenance of play equipment is secured within the legal agreement.

Effect on Local Infrastructure

- 8.54 Concerns have also been raised over the effect of the number of dwellings on schools in the area. Hampshire County Council have identified a need to increase the number of primary and secondary school places within the area to meet needs generated by the development. It is recommended that a financial contribution towards education provision is secured through the Section 106 legal agreement.

- 8.55 Concerns have also been raised by local residents regarding the impact of the development on health services in the area. This is an issue that is raised regularly in respect of new housing proposals however it is ultimately for the health providers to decide how they deliver health services. Therefore, a refusal on these grounds would not be sustainable.
- 8.56 With regard to concerns over drainage and flood risk, the Lead Local Flood Authority are content with the proposed drainage strategy which includes lined permeable paving structures which will flow into an attenuation basin within the south of the site. The detailed drainage design will be addressed further at the reserved matters stage.

f) The Planning Balance

- 8.57 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".

- 8.58 The site is outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of Local Plan Part 2: Development Sites and Policies Plan.
- 8.59 Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations which is engaged as this Council cannot demonstrate a 5YHLS. Officers have concluded that the proposal is: relative in scale to the demonstrated 5YHLS shortfall (DSP40(i)); would be sustainably located adjacent to and well related to the existing urban settlement boundaries and well-integrated with the neighbouring settlement (DSP40(ii)); can be sensitively designed to reflect the character of the neighbouring settlement and would minimise any adverse impact on the countryside and strategic gap (DSP 40(iii)); and can be delivered in the short-term (DSP40(iv)).
- 8.60 The proposed development would not have any unacceptable traffic or amenity implications and therefore accords with two of the three components of DSP40 part (v) and HP4 part (3). Part (v) of DSP40 also requires development to not have any unacceptable environmental implications. Officers have undertaken an appropriate assessment which concludes that the proposed development would not have an adverse impact on the integrity of the Protected Sites. The

proposed development would result in the loss of some best and most versatile agricultural land (which is also contrary to Policy CS16), however the amount is small therefore the environmental implications are limited. The site is also within a larger area allocated for development within policy HA1 of the emerging Local Plan and as explained in section 8(c) of this report, significant weight can be given to this policy.

- 8.61 In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage in housing supply, Officers acknowledge that the proposal could deliver up to 62 dwellings in the short term.
- 8.62 The contribution the proposed scheme would make towards boosting the Borough's housing supply is a material consideration in the light of this Council's current 5YHLS.
- 8.63 There is a clear conflict with development plan policy CS14 as this is development in the countryside. Ordinarily, Officers would have found this to be the principal policy such that a scheme in the countryside should be refused. However, in light of the council's lack of a 5YHLS, development plan policy DSP40 is engaged and Officers have considered the scheme against the criteria therein. Policy HP4 of the emerging Local Plan is also of relevance and can be given significant weight given the advanced progress of the emerging Local Plan. The scheme is considered to satisfy four of the five criteria of policies DSP40 and HP4 and in the circumstances, Officers consider that more weight should be given to these policies than CS14 such that, on balance, when considered against the development plan as a whole, the scheme should be approved.
- 8.64 As an appropriate assessment has been undertaken Paragraph 182 of the NPPF states that the presumption in favour of sustainable development imposed by paragraph 11 of the same Framework is applied.
- 8.65 Officers have therefore assessed the proposals against the 'tilted balance' test set out at paragraph 11 of the NPPF.
- 8.66 In undertaking a detailed assessment of the proposals throughout this report and now applying the 'tilted balance' to those assessments, Officers consider that:
- i. there are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed;

and

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

8.67 Officers therefore conclude that having applied the 'tilted balance', that planning permission should be granted for the proposals. Having carefully considered all material planning matters, Officers recommend that planning permission should be granted subject to the imposition of appropriate planning conditions and the prior completion of planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990.

9.0 Recommendation

9.1 Subject to:

the receipt of comments from Natural England in response to consultation on the Council's Appropriate Assessment;

Delegate to the Head of Development Management to make any minor modifications to the proposed conditions or any subsequent minor changes arising after having had regard to those comments;

then

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 the timely delivery of the areas of open space and the option for these spaces to be adopted by Fareham Borough Council,
- b) To secure the provision of an Open Space Management and Enhancement Plan
- c) To secure the necessary open space commuted maintenance sums prior to adoption by the Council; or
- d) In the event that the Council does not adopt the delivered open space, then the creation of a management company to maintain the open space in perpetuity including detail of how that management company would be funded to ensure the management and maintenance of the open space in perpetuity
- e) To secure a financial contribution towards a locally equipped area of play;

- f) To secure a financial contribution towards the Solent Recreation Mitigation Partnership (SRMP);
- g) To secure 40% of the proposed units as on-site affordable housing; the type, size, mix and tenure to be agreed to the satisfaction of Officers;
- h) To secure pedestrian and cycle connectivity access to adjoining land for members of the public through the site in perpetuity and a financial contribution towards the maintenance and associated lighting of the pedestrian and cycle link;
- i) To secure a financial contribution towards primary and secondary education provision;
- j) To secure a financial contribution towards highway improvements
- k) To secure a Travel Plan and related monitoring cost and bond;
- l) To secure a sustainable travel contribution to be used towards offsite improvements;
- m) To secure the provision of ecological buffers along the north, east and south boundaries;
- n) To secure a financial contribution for the maintenance of trees;
- o) To secure the preparation and provision of the off-site reptile translocation area.

Then

GRANT OUTLINE PLANNING PERMISSION:

Subject to the following conditions:

1. Details of the appearance, scale, layout and landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
REASON: To comply with the procedures set out Section 91 of the Town and Country Planning Act 1990.
2. Applications for approval of all reserved matters shall be made to the local planning authority not later than 12 months beginning with the date of this permission.
REASON: To comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.
3. The development hereby permitted shall be begun before the expiration of 12 months from the date of the approval of the last of the reserved matters.
REASON: To comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:
- a. Location plan Drawing no. 18.07.01 Rev B
 - b. Proposed land use plan 18.057.06F_
 - c. Site access to Lockwood Road Drawing no. ITB1370-GA-00 Rev B
 - d. Additional Transport Information Technical Note iTransport SJ/SH/ITB13-007 TN
 - e. Framework Travel Plan iTransport SJ/AI/ITB13705-006C R
 - f. ROAD ALIGNMENT (1 OF 3) 056.5031_020
 - g. ROAD ALIGNMENT (2 OF 3) 056.5031_021
 - h. ROAD ALIGNMENT (3 OF 3) 056.5031_022
 - i. Affordable Housing Statement May 2018
 - j. Reptile Survey & Proposed Mitigation Ecosupport dated June 2018
 - k. Bat Surveys Ecosupport dated July 2018
 - l. Initial Ecological Appraisal Ecosupport dated October 2019
 - m. Ecology Addendum Ecosupport dated November 2020
 - n. Badgers and Bats in Trees Report dated 13th July 2021
 - o. Biodiversity Net Gain Report fpcr dated 19th January 2022
 - p. Tree Survey Report CBA Trees CBA1028PS v1 dated October 2017
 - q. Arboricultural Statement CBA10528 v2 November 2016
 - r. Arboricultural Impact Assessment & Tree Survey Sapling Arboriculture Ltd J1116.04
 - s. Phase 1 Desk Study Ref 1694/DS May 2018
 - t. Outline Landscape Strategy Plan Deacon Design Drawing no. DD126L02
 - u. Outline Landscape Strategy Plan Deacon Design Drawing no. DD126L02 Rev B
 - v. FRA & Drainage Strategy Paul Basham Associates Oct 2019
 - w. Drainage layout 1 Drawing no. 056.5031_005
 - x. Drainage layout 2 056.5031_005
 - y. Drainage layout 3 056.5031_007
 - z. Drainage layout 4 056.5031_008
 - aa. Drainage layout 5 056.5031_009
 - bb. Proposed Surface Water Network (Oct 2019) 056.5031B
 - cc. Proposed SW 100yr+40% (Oct 2019) 056.5031A
 - dd. Proposed SW 1yr30yr100yr (Oct 2019) 056.5031A

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

5. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include construction traffic routes and their management and control, parking and turning provision to be made on site, measures to prevent mud being deposited on the highway and a programme for construction including the areas to be used for the storage of building materials, plant, excavated

materials and huts associated with the implementation of the development. The approved measures shall be fully implemented upon the commencement of development and shall be retained for the duration of construction of the development unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of highway safety and the amenity of the area.

6. No development shall take place until the Council has received the Notice of Purchase in accordance with the allocation agreement dated 31st August 2022 between William Northcroft Butler and James Nicholas Butler, (2) H N Butler Farms Ltd and (3) Foreman Homes Ltd

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

7. No development shall take place until a detailed biodiversity enhancement strategy has been submitted to and approved in writing by the Local Planning Authority. Development shall subsequently be carried out in accordance with the approved details.

REASON: To ensure that habitat is enhanced as a result of the proposed development.

8. 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.

9. (i) No development shall take place until the applicant has secured the implementation of a programme of archaeological evaluation and, where necessary, subsequent archaeological mitigation. The assessment shall take the form of trial trenches. The Written Scheme of Investigation shall be submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be undertaken in accordance with the approved details.

(ii) Following the completion of all fieldwork the post investigation assessment will be submitted to and approved in writing by the Local Planning Authority and the applicant shall make provision for analysis, publication and dissemination of results as well as the deposition of the archive with the relevant receiving body.

REASON: To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these

heritage assets and mitigate and record the effect of the associated works upon any heritage assets.

10. If, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered, all development in the affected area must stop unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence in the affected area before an investigation and risk assessment of the identified material/ground conditions has been undertaken and details of the findings along with a detailed remedial scheme, if required, has been submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall be fully implemented and shall be validated in writing by an independent competent person as agreed with the Local Planning Authority prior to the occupation of the dwellings where mitigation measures have been installed.

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

11. 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.

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

a) Updated surface run-off calculations for rate and volume for pre and post development using the appropriate methodology;

b) The detailed design of Sustainable Drainage Systems (SuDS) to be used on the site in accordance with best practice and the CIRIA SuDS Manual (C753) as well as details on the delivery, maintenance and adoption of those SuDS features;

The development shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

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

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

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

14. No development shall take place on site until a scheme of lighting (in line with the recommendations contained within section 5.0 of the Bat Survey's Report dated July 2018) designed to minimise impacts on wildlife and habitats during and after the construction phase has been submitted to and approved in writing by the local planning authority. The approved lighting scheme shall be implemented in accordance with the approved details and those elements shall be permanently retained at all times thereafter unless otherwise agreed in writing by the local planning authority.

REASON: In order to minimise impacts of lighting on the ecological interests of the site. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

15. No part of the development shall be occupied/brought into use until the access junctions and visibility splays have been constructed in accordance with the approved details ITB1370-GA-00 Rev B. The visibility splays shall thereafter be kept free of obstruction at all times.

REASON: In the interests of highway safety.

16. 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.

17. None of the dwellings hereby approved shall be first 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

18. No work relating to the construction of any of the development hereby permitted (Including works of demolition or preparation prior to operations) shall take place before the hours of 0800 or after 1800 Monday to Friday, before the hours of 0800 or after 1300 Saturdays or at all on Sundays or recognised bank and public holidays.

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

19. Full details of all necessary ecological mitigation and compensation measures (to be informed as necessary by up-to-date survey and assessment) shall be submitted for approval to the Local Planning Authority in the form of a Biodiversity Mitigation Strategy with each reserved matters application. Such details shall be in accordance with the outline ecological mitigation and compensation measures detailed within the approved: Reptile Survey & Proposed Mitigation Ecosupport dated June 2018; Bat Surveys Ecosupport dated July 2018; Initial Ecological Appraisal Ecosupport dated October 2019; Ecology Addendum Ecosupport dated November 2020; Badgers and Bats in Trees Report dated 13th July 2021; Biodiversity Net Gain Report fpcr dated 19th January 2022

Any such approved measures shall thereafter be implemented in strict accordance with the agreed details and with all measures maintained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To provide ecological protection and compensation in accordance with Wildlife & Countryside Act 1981.

20. Tree protection measures shall be installed on site prior to any site operations (including site clearance and preparation) and in accordance with the recommendations contained within the submitted Tree Survey Report CBA Trees CBA1028PS v1 dated October 2017, the Arboricultural Statement CBA10528 v2 November 2016 and the Arboricultural Impact Assessment & Tree Survey Sapling Arboriculture Ltd J1116.04. 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. There shall be no work undertaken or the storage of plant or materials within the tree protection areas.

REASON: To ensure protection of important trees and hedgerows.

21. No materials obtained from site clearance or from construction works shall be burnt on the site.

REASON: In the interests of the living conditions of the occupiers of neighbouring properties.

INFORMATIVES:

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

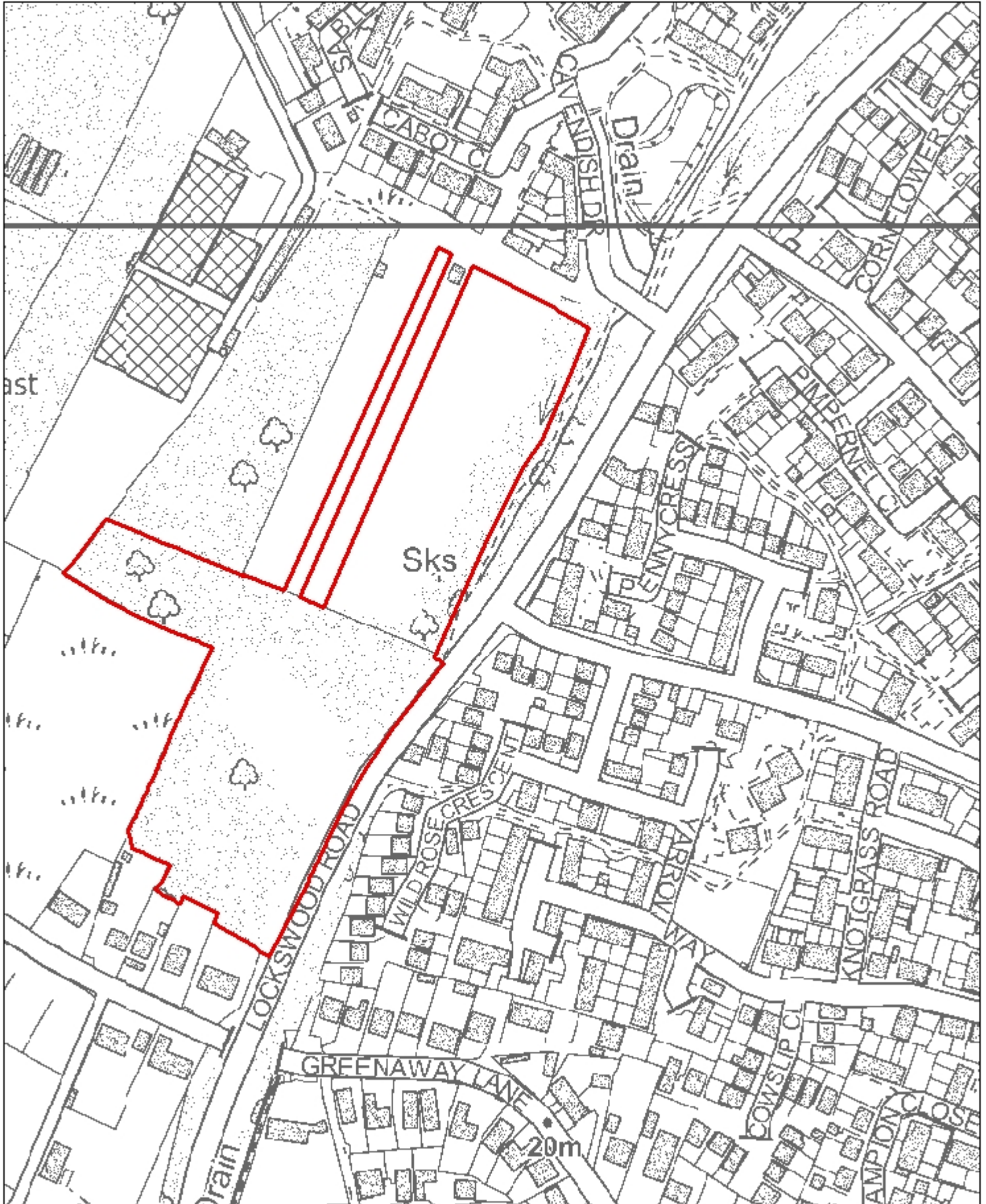
b) Applicants should be aware that, prior to the commencement of development, contact must be made with Hampshire County Council, the Highway Authority. Approval of this planning application does not give approval for the construction of a vehicular access, which can only be given by the Highway Authority.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

10.0 Background Papers

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

FAREHAM

BOROUGH COUNCIL



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



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Agenda Item 6(2)

OFFICER REPORT FOR COMMITTEE

DATE: 9th November 2022

P/19/0402/DP/B

WARD: WARSASH

APPLICANT: BARGATE HOMES LTD

SUBMISSION OF DETAILS IN RELATION TO CONDITION 5 (CONSTRUCTION TRANSPORT MANAGEMENT PLAN) OF P/19/0402/OA (OUTLINE APPLICATION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS) FOR THE CONSTRUCTION OF UP TO 100 RESIDENTIAL DWELLINGS, ACCESS FROM GREENAWAY LANE, LANDSCAPING, OPEN SPACE AND ASSOCIATED WORKS.

Land adjacent to 125 Greenaway Lane, Warsash

Report By

Rachael Hebden – direct dial 01329 824424

1.0 Introduction

1.1 The application is being reported to Planning Committee for a decision in light of the number of representations received and the recent planning history for the land.

2.0 Site Description

2.1 The site is located on the south side of Greenaway Lane to the east of number 125. The site is rectangular in shape and ‘wraps around’ the rear of numbers 93-101 Greenaway Lane.

2.2 The ground is level and of an open character with some vegetation around the boundaries. Much of the ground has recently been cleared under the guidance of an ecologist in preparation for the development approved under applications P/19/0402/OA and P/21/1780/RM (see section 5 for further detail regarding these applications).

3.0 Description of Proposal

3.1 Condition 5 of the outline application (ref P/19/0402/OA) requires the submission of and approval of a Construction Traffic Management Plan (CTMP). The condition is as follows:

No development shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include construction traffic routes

and their management and control, parking and turning provision to be made on site, measures to prevent mud being deposited on the highway and a programme for construction including the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the development. The approved measures shall be fully implemented upon the commencement of development and shall be retained for the duration of construction of the development unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of highway safety and the amenity of the area.

- 3.2 This application is the submission of details by the applicant to satisfy the requirements of this condition.
- 3.2 The CTMP includes details of the delivery route to the site, ways in which traffic will be managed, ways in which mud will be controlled and the way in which the site will be laid out prior to and during the construction process.
- 3.3 The CTMP also confirms that the access approved under the outline permission will be temporarily widened as part of the works to make it suitable for use by construction traffic.
- 3.4 Part 4, Class A of The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) facilitates 'works' required temporarily in connection with and for the duration of operations being carried out on the land or adjoining land. The widening of the access in this way can be carried out under the provisions of this Class and does not require an express Planning Permission from the Local Planning Authority.
- 3.5 The CTMP confirms the way in which the site will be laid out and provides details of the location of the site compound and cabins, sales area, on site contractor car park, temporary roads, fencing and construction routes. The CTMP also contains a number of traffic management measures

Policies

- 4.1 The following policies and guidance apply to this application:
National Planning Policy Framework (NPPF).

Adopted Fareham Borough Core Strategy

CS4 Green Infrastructure, Biodiversity and Geological Conservation

CS5 Transport Strategy and Infrastructure

CS17 High Quality Design

Adopted Development Sites and Policies

DSP1 Sustainable Development
DSP3 Impact on Living Conditions
DSP13 Nature Conservation

Emerging Fareham Local Plan 2037

HA1 North and South of Greenaway Lane

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

NE6 Trees Woodland and Hedgerows

NE9 Green Infrastructure

TIN2 Highway Safety and Road Network

D1 High Quality Design and Placemaking

4.0 Relevant Planning History

- 5.1 P/19/0402/OA Outline application with all matters reserved (except for access) for the construction of up to 100 residential dwellings, access from Greenaway Lane, landscaping, open space and associated works. Approved 22.4.21
- 5.2 P/21/1780/RM Reserved matters application pertaining to layout, scale, appearance and landscaping for the construction of 80 dwellings together with associated parking, open space, landscaping and other infrastructure and development works, pursuant to Outline Planning Permission P/19/0402/OA and approval of details required by conditions 7 and 18 (Biodiversity & Enhancement Mitigation Strategy) and 9(i) Archaeology of P/19/0402/OA. Resolution to grant permission on 21st September 2022
- 5.3 A temporary construction access (further east along Greenaway Lane) was previously approved under application P/21/0770/FP. Several concerns were raised by residents about the creation of a separate access with requests by residents for the access approved at the outline stage to be modified to enable its use by construction traffic. The applicant has responded to residents' concerns and now proposes to widen the access approved at the outline stage to enable it to be used by construction traffic.

5.0 Representations

- 6.1 Objections have been received from nine households within the Ward raising the following concerns:
- There are alternative routes and access points to the site that are more suitable for construction traffic
 - No traffic volumes have been provided

- The description of development should be more detailed
- Impact on highway safety particularly for visually impaired users
- Inaccuracies in application documentation
- No date is provided in relation to when the construction will be finished
- Impact on ecology
- Unacceptable repositioning of existing lamp post
- Banksmen must be used
- Wear and tear to Greenaway Lane caused by construction traffic must be repaired
- Use of this access by construction traffic must be restricted to construction traffic related to this site only

6.0 Consultations

EXTERNAL

7.1 Hampshire County Council – Highways

No objection

INTERNAL

7.2 Ecology

No objection

8.0 Planning Considerations

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

- a) Highways
- b) Ecology
- c) Other Issues

a) Highways

8.2 The CTMP confirms that construction traffic will be directed from Junction 9 of the M27, along the A27, down Brook Lane, onto Greenaway Lane and into the site via an access that is in the same location as that approved as part of the outline application.

8.3 Representations received have suggested that there are alternative routes and access points to the site that would be more suitable for construction traffic; some representations prefer the temporary construction access already

approved under planning application reference P/21/0770/FP, whilst others would prefer construction access from Brook Lane via other land to the south. The Local Planning Authority is obliged to consider the details submitted and has no justification to seek alternative details unless Officers conclude that the details currently proposed are unacceptable. Hampshire County Council as the Highways Authority have been consulted regarding the impact of the proposed details on highways safety and have raised no objection to the proposal. There is therefore no highway safety reason for Officers to request alternative details to those proposed as part of this application.

- 8.4 Access to the site will be via the same location as the access approved at the outline stage, however it is proposed that the access is temporarily widened during the construction process to allow construction vehicles to safely enter and exit. The CTMP confirms that the final surfacing and kerb replacements will be made to the access within 40 days after the construction process has been completed. Representations have asked for details of any remedial works to be provided however these details would be agreed with Hampshire County Council as part of a separate process pursuant to the Highways Act and are not required as part of the planning application process.
- 8.5 The CTMP confirms the way in which the site will be laid out and provides details of the location of the site compound and cabins, sales area, on site contractor car park, temporary roads, fencing and construction routes. The CTMP also contains a number of traffic management measures including the restriction of the speed of delivery vehicles within the site to 5 miles per hour; the use of speed restriction signage within the site; the use of signage to direct vehicles to the materials compound within the site; the cleaning of vehicles before they exit the site to prevent the deposition of soil beyond the site, the use of road sweepers to keep Greenaway Lane clear of debris and the use of banksmen to direct traffic entering and exiting the site.
- 8.6 Representations have been received which criticise the proposed construction traffic route, however Hampshire County Council have confirmed that the proposed route is appropriate. Representations have also been received requesting traffic volume data however this is not required because the detail of the access was considered at the outline application stage.
- 8.7 Representations received request additional details before the application is determined, however the details requested are required as part of the Highway Authority approval process rather than as part of the planning application therefore Officers have not requested the information.
- 8.8 Officers have considered the proposed CTMP together with the consultee response from Hampshire County Council as the Highway Authority. It is

concluded that the proposals would not have an adverse impact on the safety of the highway and therefore the submitted document is acceptable for approval.

b) Ecology

8.9 As previously described, the site plan confirms the proposed location of the compound and cabins, sales area, on site car park, temporary roads, fencing and construction routes. The location of each item has been designed to ensure the safety of new and neighbouring residents and to minimise the impact on ecologically sensitive areas within the site. The car parking area is positioned on the location of an existing track and in the location of old greenhouses where there is no existing notable habitat and the area is already compacted. This area is intended to be part of the public open space for the proposed housing layout. The storage area and site compound will be located on an area that will eventually incorporate the final phase of housing and the haul road has been located to ensure that construction traffic is separated from other traffic within the site.

8.10 The Council's ecologist initially raised concerns about the location of the car park and the compound as a result of their siting in a part of the site that contains boundary trees that are of habitat value and the concern that the use of the site as proposed would damage the existing habitat there and require further remedial works post construction to bring it up to an acceptable standard. The applicant subsequently provided a rationale to explain the location of the various temporary elements plus a narrative as to the condition of site in the location of the existing track and that previously there were structures in this area which have impacted the ecological value of the area. The ecologist has reviewed this further information and confirmed no objection.

c) Other Issues

8.11 Representations have raised concerns regarding the description of development for the application as it does not specifically refer to the proposed temporary widening of the access to enable its use by construction traffic and that the description of development provides a summary of what is proposed rather than containing all of the details. Officers did not consider it to be necessary to refer to the proposed temporary widening of the road as the widening of the access does not in itself require express Planning Permission as described above.

8.12 Representations received have suggested that the use of this access by construction traffic must be restricted to construction traffic related to this site

only. The site plan contained within the CTMP confirms that no access is proposed to adjacent sites therefore Officers do not consider this request to be necessary.

- 8.13 Concerns have been raised on the grounds that there is no end date provided for the completion of the construction process. The CTMP advises that the construction process is estimated to be 107 weeks with a 40 day period to decamp and carry out remedial works to the access and adjacent highway. The Local Planning Authority has no means by which to control the length of time it takes to construct development therefore Officers have no justification to request an exact completion date. To impose a planning condition on this basis would be contrary to the advice on the use of planning conditions and would fail the necessary tests for conditions also being unnecessary and unreasonable.
- 8.14 A representation has queried the proposed relocation of an existing lamp post however this is something that is dealt with by Hampshire County Council as the Highway Authority and is not a matter for consideration as part of this application.
- 8.15 Notwithstanding the representations received, the details submitted pursuant to condition 5 are considered acceptable and the application is recommended for approval.

9.0 Recommendation

APPROVAL of details in relation to condition 5.

For the avoidance of doubt these details consist of the following:

- Section 278 Agreement General Arrangement Drawing no. 22 Rev H
- Construction Access Works General Arrangement Setting Out Drawing no. 75 Rev E
- Site plan
- Construction Traffic Management Plan Rev 7

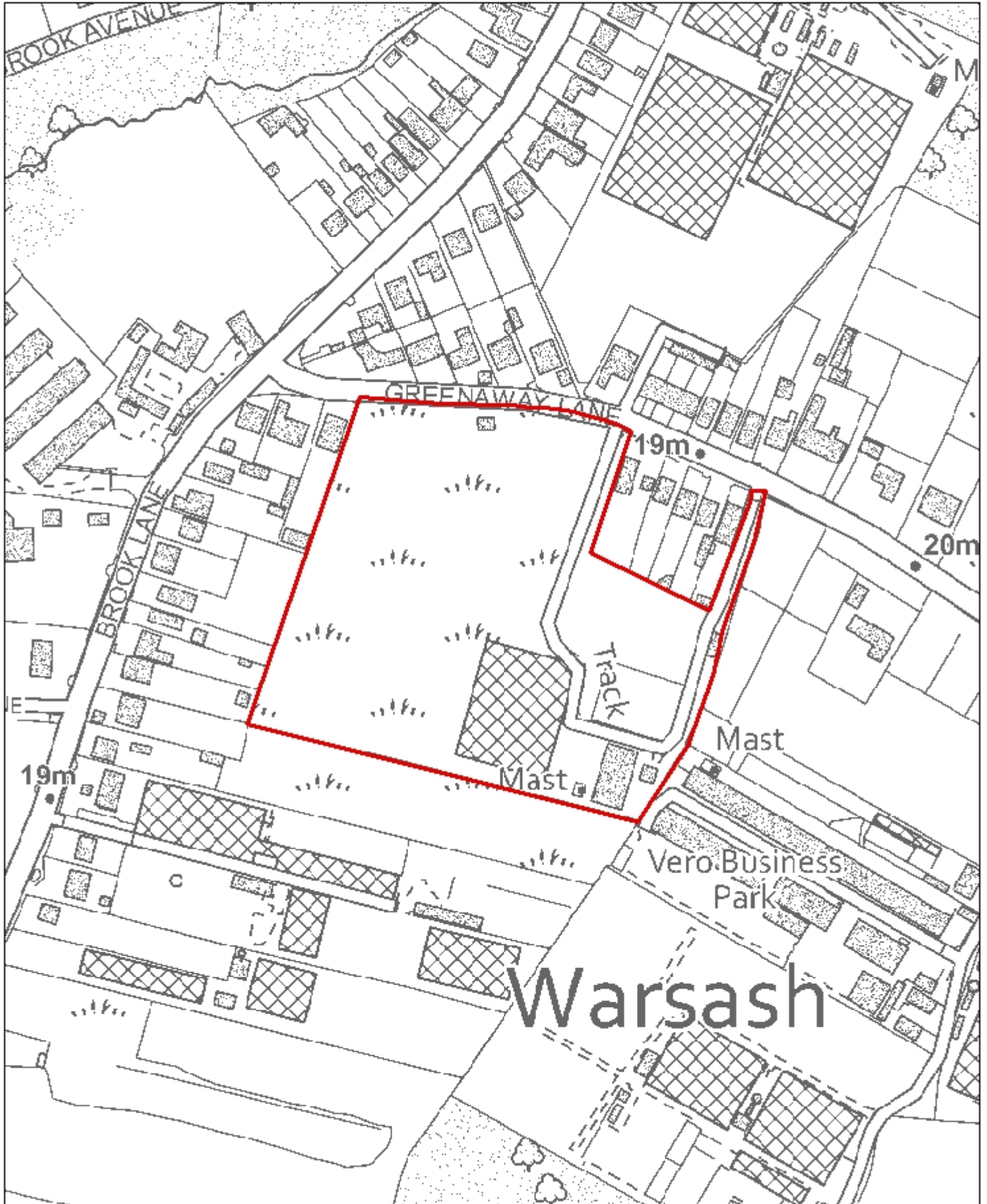
10.0 Notes for Information

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



Land adjacent to 125 Greenaway Lane, Warsash
Scale 1:2,500



Agenda Item 6(3)

OFFICER REPORT FOR COMMITTEE

DATE: 09/11/2022

P/22/0608/FP
LANDWISE LTD

SARISBURY
AGENT: WESSEX PLANNING LTD

DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF FOUR
DETACHED 4-BED DWELLINGS

SWEETHILL FARM, 260 BOTLEY ROAD, BURRIDGE, SOUTHAMPTON, SO31
1BL

Report By

Susannah Emery – direct dial 01329 824526

1.0 Introduction

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

2.0 Site Description

2.1 The application site lies to the east side of Botley Road just to the north of the junction with Caigers Green. The site is surrounded on all sides by residential development.

2.2 The site is currently occupied by a large 6-bed detached bungalow with a 2-bed annexe and a detached garage.

2.3 The existing vehicular access to the site is positioned to the south of the plot and extends along the southern boundary.

2.4 The eastern site boundary abuts the residential cul-de-sac of Caigers Green. There is a narrow strip of grass that lies between the boundary fence on the eastern boundary and the highway serving Caigers Green.

3.0 Description of Proposal

3.1 Planning permission is sought for the demolition of the existing dwelling and the erection of four detached two storey 4-bed dwellings.

3.2 The dwellings would be arranged with two fronting Botley Road and two positioned to the rear of the plot. The dwellings would share a single vehicular access from Botley Road centrally positioned on the site frontage.

- 3.3 The dwellings would be traditionally designed with brick and timber clad elevations.
- 3.4 Each of the dwellings would have a detached double car port (Plots 1 & 2) or a single car port/garage (Plot 3 & 4) and a minimum of three car parking spaces.
- 3.5 A bin collection point is shown adjacent to Botley Road. Secure cycle parking would be provided on plot.
- 3.6 The houses would comply with the Nationally Described Minimum Space Standards.

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

Adopted Development Sites and Policies

- DSP1: Sustainable Development
- DSP2: Environmental Impact
- DSP3: Impact on living Conditions
- DSP6: New residential development outside of the defined urban settlement boundaries
- DSP13: Nature Conservation
- DSP15: Recreational Disturbance on the Solent Special Protection Areas
- DSP40: Housing Allocations

Fareham Local Plan 2037 (Emerging)

The Fareham Borough Local Plan 2037 was submitted to the Planning Inspectorate on 30th September 2021 and an examination conducted in March and April 2022. Following the conclusion of the examination hearings the Inspector has requested a number of modifications to the Plan. The proposed modifications will be the subject of public consultation from 31st October until 12th December. The Council's Local Development Scheme schedules that the new plan will be adopted in Winter 2022. On adoption the

Local Plan will have full weight and in its current advanced stage is a material consideration for the determination of planning applications. The following draft policies of the emerging plan are of relevance.

DS1:	Development in the Countryside
H1:	Housing Provision
HP1:	New Residential Development
HP2:	New Small Scale Residential Development Outside the Urban Areas
HP4:	Five-Year Housing Land Supply
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
NE9:	Green Infrastructure
TIN1:	Sustainable Transport
TIN2:	Highway Safety & Road Network
TIN4:	Infrastructure Delivery
CC1:	Climate Change
D1:	High Quality Design & Placemaking
D2:	Ensuring Good Environmental Conditions
D4:	Water Quality & Resources
D5:	Internal Space Standards

Other Documents:

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

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/06/0967/FP	Demolition of Existing Dwelling & Outbuildings and Erection of Five Dwellings, Access & Landscaping Refused 15 September 2006
Q/1867/21	Pre-application enquiry - Proposed erection of four two-bedroom flats, one four-bedroom detached house with detached carport garage and one five-bedroom detached dwelling

6.0 Representations

6.1 Seven representations have been received (from different addresses) raising the following concerns:

Principle of Development

- Previous reasons for refusal not adequately addressed
- Is there a limit on how much in-fill development will be permitted in the local area?

Character/appearance

- Two dwellings would be in keeping with the character of the area
- Out of character with development at Caigers Green which is characterised by large houses in spacious gardens with good separation between neighbours
- Overdevelopment
- The submitted grain plan shows the plots are significantly smaller than in the surrounding area
- The appearance of the dwellings differs to those on Caigers Green
- Plots sizes have not been altered since pre-app despite a view being given that the plot sizes were too small and the proposal represented overdevelopment of the site

Highways

- Detrimental to highway/pedestrian safety by virtue of increased number of movements on drive, visibility and proximity to Caigers Green junction
- Insufficient car parking
- Potential reversing on to Botley Road
- Traffic calming measures required on Botley Road
- Access from Caigers Green should be considered

Impact to Neighbours

- Noise and pollution from vehicles at rear of the site
- Overlooking of rear garden
- Overshadowing and overbearing impact on adjacent garden which is at a lower level

Other Matters

- Further information required in terms of sustainability of development

- Bin collection point is not of sufficient size to accommodate all the bins
- Potential ground contamination
- Further investigation required of well and ground water conditions
- Well should be retained as a feature of the development
- Surface drainage proposals including a soakaway will not be adequate and will result in surface water flooding
- Likely loss of trees
- Impact on services along Botley Road
- Further details of nitrate/phosphate mitigation required
- Repairs required to boundary fence
- Development just for profit

One letter of support has also been received

7.0 Consultations

EXTERNAL

Highways (Hampshire County Council)

- 7.1 The proposed site plan shows the access to be suitably wide enough (5.0 metres) to accommodate the passing of two vehicles if they were to meet at the access or on the access road. Visibility splays are shown to be commensurate with the design speed of the adjacent Botley Road and can be seen to be within either land controlled by the applicant or land with highway rights over.
- 7.2 Confirmation on the location of the bin storage areas and collection points has been confirmed. Residents of plots 3 and 4 would be required to carry waste more than 30 metres to the collection point which is not in keeping with the standards set within Manual for Streets (MfS).
- 7.3 The Highway Authority would raise no objection to the proposed development.

Natural England

- 7.4 Comments awaited.

INTERNAL

Ecology

- 7.5 A mitigation license is required from Natural England where works will have impacts on European protected species (EPS) that would otherwise be illegal, permission can be granted unless:

- the development is likely to result in a breach of the EU Directive underpinning the Habitats Regulations, and
- is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.

- 7.6 The proposed development would affect bats and their roosts. If avoidance measures are not taken, then the proposed demolition work has the potential to kill / injure individual bats. The application is supported by a Bat Mitigation Strategy by Ecosupport (October 2021). The survey work identified that the existing building has high potential for bats and the subsequent dusk and dawn surveys in August and September 2021 identified six day roosts belonging to common pipistrelle bats. The Bat Mitigation strategy includes an assessment of the impacts to bats and the measures to ensure that any impacts to bats are avoided or compensated for.
- 7.7 An EPS licence can only be granted if the development proposal is able to meet three tests:
1. the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment';(Regulation 53(2)(e))
 2. there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and
 3. the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).
- 7.8 It is for you as the case officer to assess the proposals against the first two tests. In order to assess the development against the third test, sufficient details must be available to show how killing / injury of bats will be avoided and how the loss of the roosts will be compensated. In this case, a strategy is provided that includes methods to be followed during the development to ensure bats are not killed or injured, together with new roosting opportunities to be provided on the new houses in the form of bat bricks. I would support all these measures and, on the basis of the information currently available, and if you are satisfied that the first two tests can be met, I am confident that the development is not unlikely to be licensed.
- 7.9 The proposals will result in the loss of some trees and a large area of amenity grassland. Whilst these habitats are of low ecological value, there will be an overall net loss in biodiversity and therefore the proposals will be contrary to the NPPF. It should be noted that provision of bird boxes will not be sufficient to compensate for loss of habitat on site, let alone result in a net gain in biodiversity. Therefore, I request further information is submitted to demonstrate how the loss of biodiversity on site will be compensated as the

submitted Proposed Site Layout has made no provisions for habitat creation on site.

Tree Officer

- 7.10 Provided the recommendations of tree report (Arbelite Tree Care, April 2022) are implemented and the construction methods, as detailed within the arboricultural method statement, are followed when working near retained trees, then the impact is considered to be minimal and acceptable.

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) Site History
- b) Implication of Fareham's current 5-year housing supply position (5YHLS)
- c) Residential development in the countryside
- d) Policy DSP 40
- e) Impact on Habitat Sites
- f) The Planning Balance

a) Site History

- 8.2 Planning permission was refused in 2006 for the demolition of the existing dwelling and outbuilding and the erection of five dwellings (reference P/06/0967/FP). The site layout featured two dwellings on the site frontage (Plots 1 & 2) with independent driveways directly on to Botley Road. Plot 3 would have been positioned to the rear of Plots 1 & 2 at a 90 degree angle with a rear garden extending to the north and Plots 4 & 5 would have been at the rear of the site. Plot 3-5 would have utilised the existing access extending along the southern boundary. Planning permission was refused for the following reasons;

“The proposed development would be contrary to policies DG3(B), DG5(B, C and D) and T6 of the Fareham Borough Local Plan Review and is unacceptable in that:

i) The layout, including size of gardens and space about the proposed five dwellings, would be in marked contrast to the more spacious character of adjoining development such that the character of the surroundings would be unacceptably harmed, and,

ii) The dwelling proposed on Plot 3 would overlook and cause an unacceptable loss of privacy to the grounds of the adjoining development to the north of the application site, and,

iii) The form of layout would create an unacceptable number of new vehicular accesses onto the heavily trafficated B3051 Botley Road in close proximity to each other, which in the absence of adequate turning facilities within the site is likely to create highway danger arising from vehicles reversing into or off the highway. Furthermore at the south western corner of the site there would be inadequate pedestrian/vehicular intervisibility”.

- 8.3 A pre-application enquiry was submitted by the applicant in December 2021. The pre-application enquiry was for the erection of four two-bedroom flats contained within an apartment block on the Botley Road frontage and two detached dwellings at the rear of the site.

The response from Officers raised concerns that the proposal had not been sensitively designed to reflect the character of the neighbouring settlement due to the height, scale and massing of the apartment block and the limited plot sizes provided for both the apartments and the dwellings. It was therefore advised that in Officer’s opinion the proposal would fail to satisfy DSP40(iii) of the adopted Local Plan.

The applicant was advised that a single dwelling on the frontage and one at the rear, ideally with access from Caigers Green, would be viewed more favourably. No view was given as to whether a proposal for four dwellings in the arrangement now proposed would likely be supported or not.

Members will appreciate that advice offered at the pre-application stage is not a formal determination and any views offered at that time do not prejudice the determination of any planning application subsequently received. The application presented is substantially different to the scheme submitted for pre-application advice.

b) Implication of Fareham's current 5-year housing supply position (5YHLS)

- 8.4 An update report on the Council’s five year housing land supply position was presented to the Planning Committee on 6th July 2022. 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 had 5.01 years of housing supply against its five year housing land supply (5YHLS) requirement.
- 8.5 Following the publication of that position the Council’s housing supply was

considered during several recent appeals held during August and October into proposed residential development at Land east of Cartwright Drive, Land east of North Wallington and Land east of Newgate Lane. At those appeals it was put to the Council that the evidence available suggested that several housing sites identified in the Council's supply as having outline planning permission would deliver fewer dwellings now reserved matters submission had been made. For example, the reserved matters application for Land adjacent to 125 Greenaway Lane (ref. P/21/1780/RM) proposed 80 dwellings rather than the 100 dwellings for which outline planning permission was given (a nett reduction of 20 homes from the Council's housing supply). In evidence it was also identified that, for a small number of other sites, the number of dwellings being delivered would be less than previously stated. At the appeals the Council accepted that the evidence on this matter was clear and that the resultant reduction in the five year housing land supply meant that the position stood at 4.88 years. At the time of writing this report, officers remain of the view that 4.88 years is correct and that the council does not have a five year supply of housing.

- 8.6 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".

- 8.7 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).
- 8.8 Paragraph 60 of the NPPF seeks to significantly boost the supply of housing.
- 8.9 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.

8.10 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."**

8.11 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."

8.12 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."

8.13 This planning application proposes new housing outside the defined urban settlement boundaries and the Council cannot demonstrate a five year housing land supply. Footnote 8 to NPPF paragraph 11 is clear that in such

circumstances those policies which are most important for determining the application are to be considered out-of-date meaning that the presumption in favour of sustainable development in paragraph 11(d) is engaged. Even if it was the case that the Council could demonstrate a five year housing land supply, the Housing Delivery Test results published on 14th January 2022 confirmed that 62% of the Council's housing requirement had been delivered. This means the delivery of housing in the last three years (2018 to 2021) was substantially below (less than 75% of) the housing requirement over the previous three years. Again, 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.

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

c) Residential development in the countryside

- 8.16 Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. Policies CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries. The application site lies within an area which is outside of the defined urban settlement boundary.
- 8.17 Policy CS14 of the Core Strategy states that:

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

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

- 8.18 Policy DSP6 of the Local Plan Part 2: Development Sites and Policies states - there will be a presumption against new residential development outside of the defined urban settlement boundary (as identified on the Policies Map). However, new residential development will be permitted in instances where either it has been demonstrated that there is an essential need for a rural worker to live there permanently, it involves a conversion of an existing non-residential building or it comprises one or two new dwellings which infill a continuous built-up residential frontage.
- 8.19 Policy DSP6 is permissive of frontage in-fill within the countryside where;
- a) The new dwellings and plots are consistent in terms of size and character to the adjoining properties and would not harm the character of the area; and*
 - b) It does not result in the extension of an existing frontage or the consolidation of an isolated group of dwellings; and*
 - c) It does not involve the siting of dwellings at the rear of the new or existing dwellings.*
- 8.20 Officers are of the view that in isolation the two proposed dwellings on the Botley Road frontage would be considered to constitute frontage in-fill in accordance with Policy DSP6. The two dwellings proposed at the rear of the plot on Plots 3 & 4 would occupy a backland position and are therefore not strictly compliant with Policy DSP6(c) however they would sit comfortably with the building line extending along the western side of Caigers Green and would not be positioned within an isolated location to the rear of a built-up frontage. Arguably, if access was provided from Caigers Green the dwellings may be considered frontage in-fill within Caigers Green itself.
- 8.21 The progress of the emerging Local Plan is considered to be sufficiently advanced for it to carry some weight in the consideration of planning applications.
- 8.22 Policy HP2 of the Emerging Fareham Local Plan 2037 relates to new 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 sustainably located housing settlements within the Borough. Policy HP2 states;

“New small-scale housing development outside the Urban Area boundary, as shown on the Policies map, will be permitted where:

- 1) The site is within or adjacent to 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 a train station as well as safe walking and cycling routes that connect to a local, district or 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 through to countryside beyond; and**
- 5) It comprises development:
 - a. Of not 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.”**

8.23 The application site is not only located adjacent to an existing area of housing but it would be surrounded and enclosed by existing residential development. The site lies approximately 80 metres north of a site being developed for seven dwellings at 246 Botley Road and there are clearly locational similarities between the two sites. In an appeal relating to housing development on that site determined in 2019 the Planning Inspector noted that:

“...The site would be well related to the adjoining settlement boundary of Whiteley and would be well integrated to this and surrounding built

areas by footways in such a way that future occupiers of the development would not be wholly dependent on the private vehicle to access services and facilities.” (reference P/18/0347/OA; APP/A1720/W/19/3221884, paragraph 26).

- 8.24 It is not considered that the proposal would adversely affect the predominant development form of the area taking into account the proposed layout, the scale of the dwellings and the plot sizes. Whilst the design of the four dwellings is a mirror image of one another at the front and the rear it is not considered that this would be in an inappropriate approach to design in the context of the surrounding area. Caigers Green comprises a number of common house types and there are other small scale developments within Burridge where dwellings are not all individually designed. The proposal would not extend the settlement frontage and the proposed dwellings on Plots 1 & 2 would sit within a continuously built-up frontage.
- 8.25 The site is clearly outside of the defined urban settlement boundary and the proposal is therefore contrary to adopted Policies CS2, CS6, and CS14 of the adopted Core Strategy. Although it is considered that the two frontage properties could be considered to constitute frontage in-fill, the inclusion of backland development within the proposal would not strictly comply with Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan. It is however considered that the proposal would be largely compliant with Policy HP2 of the emerging Fareham Borough Local Plan 2037, with the exception of the dwellings not being individually designed, and that some weight should be attributed to this policy.

d) Policy DSP 40 (Housing Allocations)

- 8.26 In the absence of a five year supply of deliverable housing sites, Officers consider that policy DSP40 is the principal development plan policy that guides whether schemes for residential development within the countryside will be considered acceptable.
- 8.27 Local Policy DSP40 states that:

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

- i. The proposal is relative in scale to the demonstrated 5 year housing land supply shortfall;*

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

Each of these five bullet points are considered further below.

POLICY DSP40 (i)

- 8.28 The proposal is for demolition of the existing dwelling and the erection of four dwellings resulting in a net gain of three dwellings. The proposal is considered to be relative in scale to the demonstrated 5-year housing land supply shortfall and would therefore accord with part (i) of Policy DSP40.

POLICY DSP40 (ii)

- 8.29 It is acknowledged that the site is located beyond the settlement boundary and the proposal is therefore contrary to policies which aim to prioritise new housing within the urban area. The nearest settlement boundary of Whiteley lies approx. 100m to the east. The application site is surrounded by existing residential development within BurrIDGE which has a distinctly sub-urban character and it is considered the proposed development would integrate well with this existing development.
- 8.30 As already set out above, the Planning Inspector determining the appeal at 246 Botley Road, a short distance to the south, considered the proposal to be sustainably located in that future occupiers would not be wholly dependent on the use of a car to access services and facilities. Given the proximity of that site Officers consider the same conclusions should be reached with regards the current application.
- 8.31 It is considered that the application site is sustainably located and that the proposed development can be well integrated with existing development. Nonetheless as the site is not immediately adjacent to the urban settlement boundary there is some conflict with Policy DSP40(ii).

POLICY DSP40 (iii)

- 8.32 Policy CS17 of the adopted Fareham Borough Core Strategy sets out a similar, but separate policy test that, amongst other things, *“development will be designed to: respond positively to and be respectful of the key*

characteristics of the area, including heritage assets, landscape, scale, form, spaciousness and use of external materials”.

- 8.33 The site is within an area of countryside but is not designated as Strategic Gap. The Fareham Landscape Assessment 2017 (which is part of the evidence base for the published draft Fareham Local Plan 2037) identifies that the site lies within the BurrIDGE/Swanwick/Whiteley character area (LCA13) and is characterised as ‘Urban: Low Density Fringe/Ribbon Development’. As a whole this area is considered to be of relatively low sensitivity to development as it is essentially an ‘urban settlement’ rather than an area of countryside although it is considered important to prevent the coalescence of Swanwick and BurrIDGE with Whiteley. The Assessment concludes there to be no landscape designations affecting this area and it is therefore considered of low value as a landscape resource. It is further noted that built development is the dominant characteristic of this area and further infill development would not be out of place in this suburban environment but that any new development would need to respond to the existing settlement pattern and retain mature trees/woodland and areas of public open space.
- 8.34 The adjacent development of Caigers Green was built in circa 2005 and consisted of twenty-five traditionally designed executive style homes set on well-proportioned plots. The dwellings vary in design with numerous standard house types visible and a single palette of materials including red brick, plain clay tiles, tile hanging, and flint stone detailing. Whilst the development of Caigers Green extends to the rear of the application site two pairs of dwellings were also built on the Botley Road frontage to the south of the access road and to the north of the application site. The dwellings on the opposite side of Botley road are older and more varied in design and occupy narrower plots.
- 8.35 The proposed dwellings are large detached traditionally designed two storey properties which in Officers opinion would be fitting with the overall character of the area. Whilst the footprints of the proposed dwellings would be smaller than those on Caigers Green and the density of development proposed would be higher than on Caigers Green, the development is considered to be sympathetically laid out within the context of the wider area. The frontages of the dwellings fronting Botley Road would be spacious with ample space for landscaping as is typical along Botley Road. The dwellings would not appear cramped on the plots and there would be an appropriate level of separation between the buildings. The proposal would increase the density of development on the application site but it would not represent development of a greenfield site and would not extend development into an un-built up area. The proposal would make more efficient use of the residential curtilage of an existing dwelling which would be surrounded by existing development. Overall

it is considered that the development proposal is sensitively designed to minimise any wider adverse impacts on the countryside in this location. The proposed development therefore accords with Part (iii) of Policy DSP40.

POLICY DSP40 (iv)

- 8.36 In terms of delivery, the development is relatively small in scale and therefore deliverable within a short period of time. A reduced implementation period for the commencement of development of 18 months would be imposed by planning condition. The proposal would therefore be in accordance with part iv of policy DSP40.

POLICY DSP40 (v)

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

On-site Ecology

- 8.38 The application is supported by a phase 1 ecological survey to assess the habitats present on site and the likely presence of protected species. It was identified that the site currently provides suitable habitat for commuting and foraging bats, nesting birds, hedgehogs and badgers. Due to intensive management, it was not considered the improved grassland has potential to support reptiles. The report includes recommendations and avoidance measures to be implemented during the development of the site. The buildings on site were classified as having potential to support roosting bats and therefore further Phase II surveys have also been carried out.
- 8.39 Due to the presence of bat roosts any works to the existing building that will result in damage or disturbance to the roosts (i.e. the demolition of the building) would constitute an offence under the Conservation of Habitats & Species Regulations (2019). A mitigation licence is required from Natural England where works will have impacts on European protected species (EPS) that would otherwise be illegal, permission can be granted unless:
- the development is likely to result in a breach of the EU Directive underpinning the Habitats Regulations, and
 - is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.
- 8.40 The submitted Bat Mitigation strategy includes an assessment of the impacts to bats and the measures to ensure that any impacts to bats are avoided or compensated for. If the development is undertaken in accordance with the

recommendations set out within this report then it is not considered that the development would result in a breach of the EU directive.

- 8.41 An EPS licence can only be granted by NE if the development proposal is able to meet three tests:
1. the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment';(Regulation 53(2)(e))
 2. there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and
 3. the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).
- 8.42 The County ecologist has concluded that, on the basis of the information currently available, provided the first two derogation tests can be met, the development is not unlikely to be licensed by Natural England. Officers consider that the socio-economic benefit of improving and increasing the Borough's housing stock meets the first of these tests. The current homeowner advises that the existing building is in a poor state of repair and requires significant works to the roof to prevent leakage and has a widespread issue with rising damp. It would require significant financial input to restore it which is not considered to be financially viable given its age and outdated appearance. Furthermore the works required to repair the roof would be likely to disturb the existing roosts in any event so this would not be a satisfactory alternative. The existing dwelling has a large plot and this represents an inefficient use of the site. It is considered there would be 'no satisfactory alternative' but to demolish the existing dwelling as part of the proposal to redevelop the site thereby meeting the second of the derogation tests. Taking into account the mitigation measures set out in the Bat Mitigation Strategy, the proposed development would not be detrimental to the maintenance of the population of the species thereby satisfying the third of the above tests.
- 8.43 The Councils ecologist initially raised concerns that the proposal would result in the loss of some trees and a large area of amenity grassland resulting in a net loss of biodiversity. Para 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and minimising impacts on and providing net gains for biodiversity. Policy DSP13 (Nature Conservation) of the local plan states that development may be permitted where it can be demonstrated that protected and priority species populations and their associated habitats, breeding areas, foraging areas are protected and, where appropriate, enhanced.

- 8.44 A Biodiversity Enhancement and Mitigation Plan (BEMP) has subsequently been submitted which includes for the installation of four bat boxes and a bat brick and swift brick within each dwelling. In order to compensate for the loss of garden habitat on site a new native hedgerow would be planted measuring approx. 150m in length and extending around the boundaries of the site. The areas of grassland at the entrance to the site between Botley road and the car ports and alongside the proposed access would be sown with wildflower mix to create a wildflower area. Further enhancements include hedgehog houses and highways and a log pile for insects. It has been confirmed that the BEMP addresses the concerns of the Council's ecologist and the implementation of the proposed enhancement measures would be secured by planning condition.

Trees

- 8.45 The trees on site are not protected by a tree preservation order (TPO) and are not deemed to be of a quality that warrants that level of protection. Nonetheless it is proposed to retain the Oak tree on the site frontage which has value within the street scene and is a constraint on development. The proposed hardsurfacing within the RPA of this tree would be undertaken in a sensitive manner adopting a no-dig approach to the construction of the drive and the car port to Plot 1 would be constructed using pile and beam foundations.
- 8.46 The proposal would result in the removal of a number of smaller trees along the northern boundary which are not considered to make a significant contribution to visual amenity.
- 8.47 The Council's Tree Officer has raised no objections to the proposed development subject to a planning condition requiring the works to be undertaken in accordance with the submitted arboricultural method statement.

Amenity

- 8.48 Officers have assessed the impact the proposal would have on the living conditions of neighbouring properties. The dwelling on Plot 1 would face the Botley Road frontage close to the northern boundary. It would sit in excess of 9m from the flank wall of the adjacent neighbouring property to the north (No.262 Botley Road). There are a number of secondary or non-habitable room windows within this elevation. It is not considered that the proposal would have any unacceptable adverse impact on the living conditions of the occupants of this property in terms of loss of light, outlook or privacy.

- 8.49 The dwelling proposed on Plot 2 would sit to the south of the plot on the Botley Road frontage. There would be no close neighbouring properties aside from Plot 1 to the north.
- 8.50 The proposed dwelling on Plot 3, to the rear of the site, would be positioned to the rear of No.7 Caigers Green and would be set approximately 3.5m off the party boundary. There would be a separation distance in excess of 15m from the rear conservatory of No.7 Caigers Green to the flank wall of the proposed dwelling and approx. 19m from the nearest rear facing first floor window. The Councils adopted Design SPD sets out that a distance of at least 12.5m should be retained between the windows in the rear of neighbouring houses and the wall of a proposed extension (or similarly a dwelling) to minimise the loss of light and outlook. The proposed dwelling on Plot 3 would not span the whole width of the plot of No.7 Caigers Green and would not actually extend significantly behind the dwelling. In light of the position of the proposed dwelling and the level of separation Officers do not consider that the proposed dwelling would have an unacceptable adverse impact in terms of loss of light to the neighbouring property or adjacent garden area. Any views from the first floor rear facing windows of Plot 3 in the direction of No.7 Caigers Green would be oblique and therefore this is a relationship considered acceptable in built up residential areas such as this. The first floor window proposed within the north elevation of Plot 3 would be subject to a planning condition requiring it to be obscure glazed and fixed shut to 1.7m above internal finished floor level to prevent overlooking.
- 8.51 Plot 4 would sit alongside Plot 3 and would share a boundary with the neighbouring property to the south (No.1 Caigers Green). The dwelling on Plot 4 would be orientated with rear windows facing east so again any views over the rear garden of the neighbouring property to the south would be oblique and it is not considered that the proposal would have an unacceptable adverse impact on the living conditions of the occupants of this property in terms of loss of privacy. There is only one secondary bedroom window at first floor level within the north side elevation of the neighbouring property and given the level of separation (approx. 10m) it is not considered that the proposal would have an unacceptable adverse impact in terms of loss of light or outlook.
- 8.52 The proposed dwellings exceed the minimum space standards set out in the Government's Nationally Described Space Standards. Each dwelling would have an ample sized private garden to meet the needs of future occupiers.

Highway & Traffic Implications

- 8.53 During the course of the application the proposal was amended to alter the proposed access arrangements. Originally it was intended that Plot 1 would be served by its own independent access from Botley Road with the other plots utilising the existing point of access. The proposed shared access has subsequently been repositioned centrally on the plot to ensure that adequate visibility can be achieved. The access would be 5m in width adjacent to Botley Road to enable two vehicles to pass within the site entrance and prevent vehicles from waiting on Botley Road. The Highway Authority has raised no objection to the proposal on highway safety grounds.
- 8.54 The proposal makes adequate provision for on-site car parking in accordance with the Council's adopted non-residential car parking standards. Each property would be provided with a minimum of three car parking spaces.
- 8.55 Secure cycle parking would be provided either within garages or within detached outbuildings within the rear gardens and secured by planning condition.
- 8.56 A bin collection point would be provided adjacent to Botley Road with bin storage provided on plot. It is recognised that the residents of Plots 3 & 4 would be required to move the bins a distance greater than 30m to the collection point which exceeds the maximum recommended distance set out within Manual for Streets. This is technical guidance, and it is not considered that the distance for future residents would be excessive or that bins would be likely left at the roadside.

Surface Water Run-off & Drainage

- 8.57 Concerns have been raised that the proposal would exacerbate surface water run-off from the site. A planning condition would be imposed to secure details of the drainage to be installed to all hard surfaced areas to ensure that this matter is fully addressed. The use of permeable surfacing and the retention of boundary vegetation would assist in reducing any run-off.
- 8.58 The current home owner advised that there was a redundant well within the rear garden of the existing dwelling when they moved into the property. This was a remnant from the historic use of the surrounding land as farmland. Whilst it was dry at the time, they retained the well below ground and installed a small ornamental feature above ground level. The well is currently used to collect rainwater from the roof of the dwelling which is then used for watering the garden. The well would be removed as part of the re-development of the site.
- 8.59 The proposal will be required to comply with the Building Regulations in terms of the disposal of rain run-off from the roofs of the dwellings.

8.60 In summary it is not considered that the proposal would have any unacceptable environmental, amenity or traffic implications and the proposal fully accords with the requirements of criteria (v) of Policy DSP40.

e) Impact on Habitat Sites

8.61 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.

8.62 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.

8.63 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).

8.64 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.

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

Recreational Disturbance

- 8.66 Firstly, in respect of Recreational Disturbance, the development is within 5.6km of the Solent SPAs and is therefore considered to contribute towards an impact on the integrity of the Solent SPAs as a result of increased recreational disturbance in combination with other development in the Solent area. The applicants have made the appropriate financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMP).
- 8.67 Research undertaken by Footprint Ecology has identified that planned increases in housing around the New Forest's designated sites, will result in increased visitors to the sites, exacerbating recreational impacts upon them. It was found that the majority of visitors to the New Forest's designated sites, on short visits/day trips from home, originated from within a 13.8km radius of the sites referred to as the 'Zone of Influence' (ZOI). The western side of the Borough of Fareham falls within this 13.km radius, measured on the basis of 'how the crow flies'.
- 8.68 This Council's Interim Mitigation Solution to address this likely significant effect, was approved by the Council's Executive on 7th December 2021. The Interim Mitigation Solution has been prepared in consultation with Natural England. The mitigation comprises a financial contribution from the developer to mitigate against any impacts through improvements to open spaces within Fareham Borough and a small financial contribution to the New Forest National Park Authority. The applicant has made this financial contribution which has been secured by an agreement under Section 111 of the Local Government Act 1972.

Water Quality (nitrates)

- 8.69 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.
- 8.70 A nitrogen budget has been calculated in accordance with Natural England's '*National Generic Nutrient Neutrality Methodology*' (Feb 2022) ('the NE Advice') and the updated calculator (20 April 2022) which confirms that the development will generate 2.39 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 residential urban land as it forms part of the residential curtilage of the existing dwelling. Due to the uncertainty of the effect of the nitrogen from the development on the HS, adopting a

precautionary approach, and having regard to NE advice, the Council will need to be certain that the output will be effectively mitigated to ensure at least nitrogen neutrality before it can grant planning permission.

- 8.71 The applicant has secured 2.39 kg TN/yr of nitrate mitigation 'credits' from a wetland scheme at Whitewool Farm and provided the Council with the completed allocation agreement to confirm. Through the operation of a legal agreement between the landowners (William and James Butler), the tenant (Butler Farms) and Fareham Borough Council dated 3rd November 2021, the purchase of the credits will result in a corresponding reduction in nitrogen entering the Solent marine environment.
- 8.72 The Council's appropriate assessment concludes that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the HS either alone or in combination with other plans or projects. It is considered that the development accords with the Habitat Regulations and complies with Policies CS4 and DSP13 and DSP15 of the adopted Local Plan. Natural England has been consulted on the Council's Appropriate Assessment and an update will be provided for Members with their consultation response in advance of the committee meeting.

f) The Planning Balance

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

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

- 8.74 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.

- 8.75 The approach detailed within the second bullet of 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.
- 8.76 The site is outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy. and Policy DSP6 of Local Plan Part 2: Development Sites and Policies Plan.
- 8.77 Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations which is engaged as this Council cannot demonstrate a 5YHLS. In weighing up the material considerations and conflict between policies; the development of land within the countryside weighted against Policy DSP40, Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall, the proposal is considered to be in a sustainable location and would integrate well with existing development, the proposed development is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside, it can be delivered in the short term and would not have any unacceptable environmental, traffic or amenity implications. Officers have however found there to be some conflict with the second test at Policy DSP40(ii) since the site is acknowledged to be in a sustainable location but is not adjacent to the existing urban area.
- 8.78 In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage in housing supply, Officers acknowledge that the proposal could deliver a nett gain of three dwellings, in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply is a material consideration, in the light of this Council's current 5YHLS.
- 8.79 Whilst some exceptions for residential development in the countryside are set out within Policy DSP6 the proposal has not been found compliant with this policy as it incorporates backland development. It is considered that the proposal would largely comply with Policy HP2 of the emerging Fareham Local Plan, with the exception of the dwellings not being individually designed, and that some weight should be attributed to this policy.
- 8.80 Furthermore in light of the Council's lack of a five-year housing land supply, development plan policy DSP40 is engaged and officers have considered the scheme against the criterion therein. The scheme is considered to satisfy four of the five criteria. Officers consider that the level of harm arising would not be significant and in light of the contribution to housing supply have formed

the view that more weight should be given to this policy such that, on balance, when considered against the development plan as a whole, the scheme should be approved.

8.81 As an Appropriate Assessment has been undertaken and concluded that the development would not have an adverse effect on the integrity of the sites, Paragraph 182 of the NPPF states that the presumption in favour of sustainable development imposed by paragraph 11 of the same Framework is applied. Officers have therefore assessed the proposals against the 'tilted balance' test set out at paragraph 11 of the NPPF.

8.82 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.

8.83 Having carefully considered all material planning matters, and after applying the 'tilted balance', Officers recommend that planning permission should be granted subject to the imposition of appropriate conditions.

9.0 Recommendation

9.1 DELEGATE to the Head of Development Management in consultation with the Solicitor to the Council to 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 as a result of Natural England's comments regarding the Appropriate Assessment; And then;

9.2 **GRANT PLANNING PERMISSION**, subject to the following Conditions:

1. The development shall begin within 18 months from the date of this decision notice.

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

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

- i) Location Plan – drwg No. LW.21.41.LP
- ii) Proposed Site Plan – drwg No. LW.21.41.01D
- iii) Plots 1 & 2 Proposed Elevations – drwg No. LW.21.41.03E
- iv) Plots 1 & 2 Proposed Elevations – drwg No. LW.21.41.03A
- v) Plots 3 & 4 Proposed Elevations – drwg No. LW.21.41.04C
- vi) Plots 3 & 4 Proposed Elevations – drwg No. LW.21.41.06A
- vii) Proposed Floor Plans Plots 1 & 2 – drwg No. LW.21.41.02B
- viii) Proposed Floor Plans Plots 3 & 4 – drwg No. LW.21.41.05A
- ix) Car Port/Garage Elevations & Plans – drwg No. LW.21.41.CD Rev A
- x) Bat Mitigation Strategy, Ecosupport (5 October 2021)
- xi) Preliminary Ecological Assessment (5 October 2021)
- xii) Biodiversity Enhancement & Mitigation Plan (10 June 2022)
- xiii) Arboricultural Impact Assessment & Tree Survey Schedule (Arb Elite Tree Care, 16 April 2022)

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

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

4. No development hereby permitted shall proceed beyond damp proof course level until details of the finished treatment and drainage of all areas to be hard surfaced have been submitted to and approved by the Local Planning Authority in writing. The development shall thereafter be carried out in accordance with the approved details and the hard surfaced areas subsequently retained as constructed.

REASON: To secure the satisfactory appearance of the development; To ensure that the access is constructed to a satisfactory standard and to prevent excessive water runoff on to the highway and adjacent land.

5. The first floor windows proposed to be inserted into the north & south (side) elevations of the dwellings hereby approved shall be obscure-glazed and of a non-opening design and construction to a height of 1.7 metres above internal finished floor level.

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

6. The dwellings hereby approved shall not 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.

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

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

8. The dwellings hereby permitted shall not be occupied until the access, including the footway and/or verge crossing have been constructed and lines of sight of 2.4 metres by 43 metres provided in accordance with the approved plans. The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 600mm in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

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

9. No dwelling, hereby approved, shall be first occupied until the approved parking and turning areas for that property have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking and turning of vehicles

at all times unless otherwise agreed in writing by the Local Planning Authority following the submission of a planning application for that purpose.

REASON: In the interests of highway safety.

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

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

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

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

12. None of the development hereby approved shall be occupied until the bin collection point adjacent to Botley Road as shown on the approved plan (drwg No.01 rev D) has been made available. This area shall be subsequently retained for bin collection at all times.

REASON: To ensure that dwellings can be adequately serviced.

13. No development shall proceed beyond damp proof course (dpc) level until details of how electric vehicle charging points will be provided for each dwelling. The development shall be carried out in accordance with the approved details.

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

14. Development shall proceed in accordance with the measures set out in the Bat Mitigation Strategy by Ecosupport (October 2021) unless varied by a European Protected Species (EPS) license issued by Natural England. Thereafter, the replacement bat roost features shall be permanently maintained and retained in accordance with the approved details.

REASON: to ensure the favourable conservation status of bats.

15. Development shall proceed in accordance with the measures detailed in Section 7.0 'Recommendations' of the Preliminary Ecological Appraisal report (Ecosupport, 5 October 2021) and Section 4.0 'Mitigation & Enhancements' of the Biodiversity Enhancement & Mitigation Plan (Ecosupport, 10 June 2022).

REASON: To ensure that protected species are not harmed and that habitat is enhanced as a result of the proposed development.

16. No development shall proceed beyond damp proof course level until a scheme of external lighting designed to minimise impacts on wildlife and habitats has been submitted to and approved in writing by the local planning authority. Prior to the first occupation of the development hereby permitted the approved lighting scheme shall be implemented in accordance with the approved details and those elements shall be permanently retained at all times thereafter unless otherwise agreed in writing by the local planning authority.

REASON: In order to minimise impacts of lighting on the ecological interests of the site.

17. The development shall be carried out in accordance with the Arboricultural Impact Assessment (Arb Elite Tree Care, 16 April 2022) unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period; in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

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

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

19. The landscaping scheme, submitted under Condition 18, shall be implemented and completed within the first planting season following the commencement of the development or as otherwise agreed in writing with the Local Planning Authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

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

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

These water efficiency measures should be designed to ensure potable water consumption does not exceed a maximum of 110 litres per person per day. The development shall be carried out in accordance with the approved details. REASON: In the interests of preserving water quality and resources.

21. No 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 14 October 2022 between (1) William Northcroft Butler and James Nicholas Butler, (2) H N Butler Farms Ltd and (3) Landwise Ltd.

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

22. 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 measures for cleaning the wheels and underside of all vehicles leaving the site;

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

f) The measures for cleaning Botley Road to ensure it is kept clear of any mud or other debris falling from construction vehicles, and

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

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

i) details of any temporary lighting required for the construction phase;

j) No burning on-site;

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

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

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

24. Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered. Works shall not recommence before an investigation and risk assessment of the identified ground conditions have been undertaken and details of the findings, along with a detailed remedial scheme, if required, have been submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of the dwelling hereby permitted the remediation scheme shall be fully implemented and shall be validated in writing to the Local Planning Authority by an independent competent person.

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

Note to applicant

A highway license is required to be obtained from HCC in order to construct the proposed access. More information can be found at the following link:

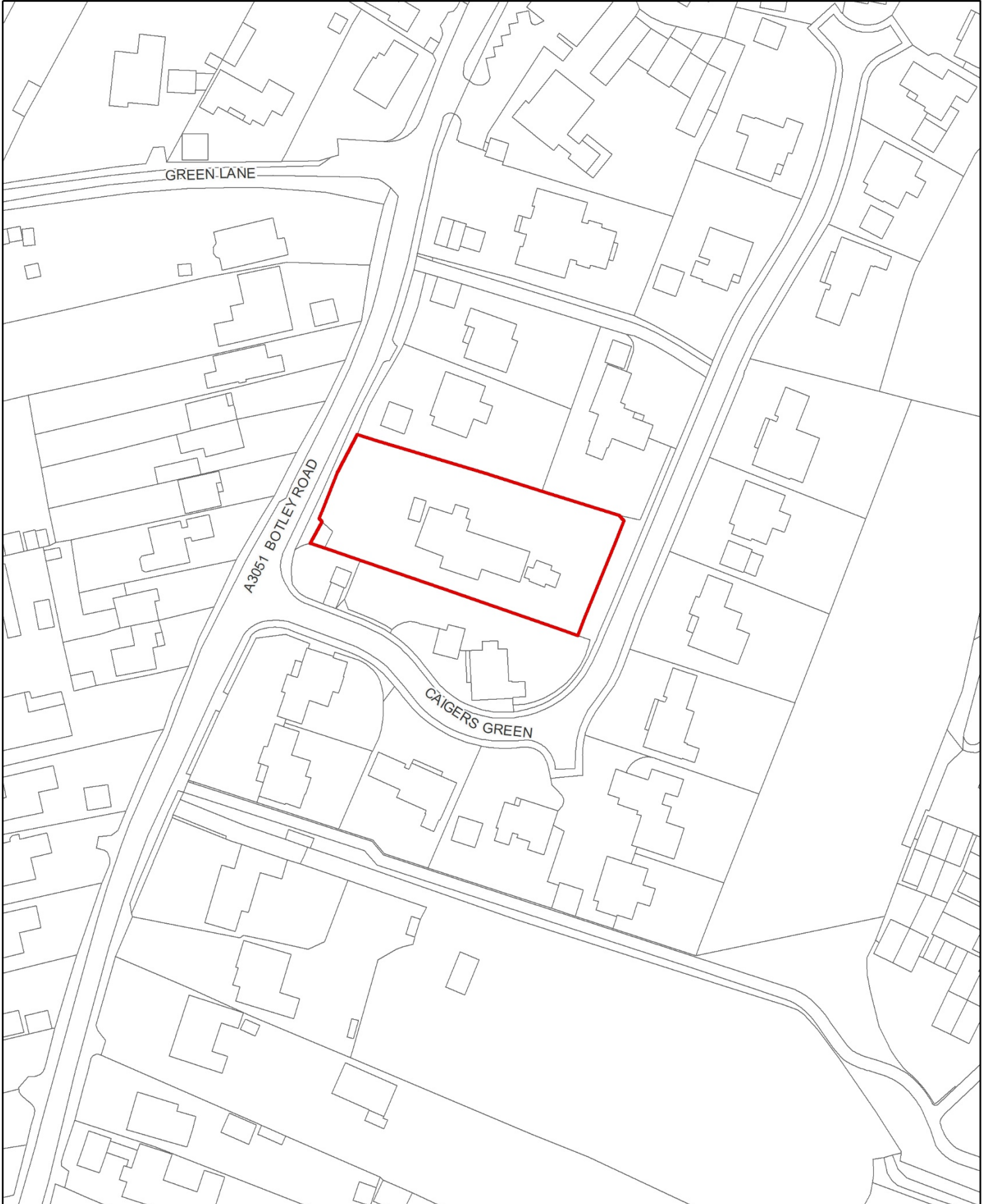
<https://www.hants.gov.uk/transport/parking/droppedkerbs>

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



Sweethill Farm
260 Botley Road, Burrige
Scale 1:1,250



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Agenda Item 6(4)

OFFICER REPORT FOR COMMITTEE

DATE: 09/11/22

P/22/0913/FP
FOREST VIEW TITCHFIELD LTD

TITCHFIELD COMMON
AGENT: SPRUCE TOWN
PLANNING LTD

CONSTRUCTION OF TWO DETACHED DWELLINGS ON LAND TO THE REAR OF 377 HUNTS POND ROAD, WITH ASSOCIATED PARKING, ACCESS AND LANDSCAPING

377 HUNTS POND ROAD, FAREHAM, PO14 4PB

Report By

Hannah Goldsmith – direct dial 01329 824665

1.0 Introduction

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

2.0 Site Description

2.1 The application site lies within the urban area to the east of Hunts Pond Road. The site forms part of the residential curtilage of No.377 Hunts Pond Road which is a two-storey detached dwelling.

2.2 The site abuts two residential properties on Hunts Pond Road, 375 Hunts Pond Road to the north and 379 Hunts Pond Road to the south. To the rear (east) and south-east of the site are four residential properties, 9 and 21- 25 Lynn Crescent. The properties on Hunts Pond Road consist of two-storey, detached dwellings which vary in style and appearance. The properties located to the rear along Lynn Crescent consist of a combination of two-storey dwellings and flats and are more contemporary in their design. To the west of the site, located on the opposite side of Hunts Pond Road is Locks Heath Recreation Ground.

2.3 Ground levels on the majority of the site are relatively flat, however, ground levels on the western part of the site gradually increase up to Hunts Pond Road. While the rear garden of the existing dwelling has recently been cleared, a number of small trees and shrubs around the boundary have been retained. Boundary treatment consists of a combination of mature vegetation and 1.8m high close boarded fencing.

3.0 Description of Proposal

- 3.1 Planning permission is sought for the construction of two, two-storey detached dwellings. The dwellings would be located within the rear garden area of 377 Hunts Pond Road which would be retained as part of the proposal. The dwellings would sit adjacent to one another with the front elevations facing towards Hunts Pond Road and the rear elevations and rear gardens facing the eastern boundary.
- 3.2 The dwellings would be served by an existing single vehicular access leading from Hunts Pond Road. The access would extend past no.377 Hunts Pond Road and would open up into a car parking area on the frontages of the two dwellings providing a double car port and two additional parking spaces which would serve both properties.
- 3.3 The dwellings are proposed to be finished in red facing brick work with a brick plinth and soldier course detailing above the windows and a tiled roof.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

- CS2: Housing Provision
- CS4: Green Infrastructure, Biodiversity and Geological Conservation
- CS5: Transport Strategy and Infrastructure
- CS6: The Development Strategy
- CS9: Development in the Western Wards & Whiteley
- CS15: Sustainable Development & Climate Change
- CS17: High Quality Design
- CS20: Infrastructure & Development Contributions

Adopted Development Sites and Policies

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

Fareham Local Plan 2037 (Emerging)

The Fareham Borough Local Plan 2037 was submitted to the Planning Inspectorate on 30th September 2021 and an examination conducted in March and April 2022. Following the conclusion of the examination hearings the Inspector has requested a number of modifications to the Plan. The proposed modifications will be the subject of public consultation from 31st

October until 12th December. The Council's Local Development Scheme schedules that the new plan will be adopted in Winter 2022. On adoption the Local Plan will have full weight and in its current advanced stage is a material consideration for the determination of planning applications. The following draft policies of the emerging plan are of relevance.

H1:	Housing Provision
HP1:	New Residential Housing Development
NE3:	Recreational Disturbance on the Solent Special Protection Areas (SPAs).
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 Special Protection Areas (SPAs) Special Areas of Conservation (SACs) and Ramsar Sites of the Solent
NE6:	Trees, Woodland & Hedgerows
NE9:	Green Infrastructure
TIN1:	Sustainable Transport
TIN2:	Highway Safety & Road Network
TIN4:	Infrastructure Delivery
CC1:	Climate Change
D1:	High Quality Design and Placemaking
D2:	Ensuring Good Environmental Conditions
D4:	Water Quality & Resources
D5:	Internal Space Standards

Other Documents:

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

5.0 Relevant Planning History

5.1 No planning history.

6.0 Representations

6.1 Seven letters of representation have been received raising the following concerns:

- Overlooking/loss of privacy
- Loss of light

- Additional traffic on Hunts Pond Road/ increased pressure on parking
- Overdevelopment in the area/ oppose any further development
- Increased pressure on local services
- Loss of mature trees and vegetation and impact on habitats
- Replacement planting should be provided to help prevent noise disturbance
- Materials used for driveway and access should be chosen to minimise noise and dust
- Request trees and hedging are planted as proposed

7.0 Consultations

EXTERNAL

Highways (Hampshire County Council)

7.1 No objection subject to condition

Ecology

7.2 No objection

Natural England

7.3 Comments received regarding the Council's Appropriate Assessment raising no objection to the proposal.

INTERNAL

Environmental Health (Contaminated Land)

7.4 No objection subject to condition and informative

Trees

7.5 No objection

Refuse and Recycling

7.6 Bin collection points should be shown on proposed plans

8.0 Planning Considerations

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

- a) Principle of Development;
- b) Design and Impact on Character & Appearance of Area;
- c) Impact on Amenity of Neighbouring Properties;
- d) Highways;

- e) Ecology & Trees
- f) Impact on European Protected Sites
- g) Other Matters

a) Principle of Development

- 8.2 Policies CS2 (Housing Provision), CS6 (The Development Strategy) of the adopted Fareham Borough Core Strategy and Policies H1 and DS1 of the emerging Fareham Local Plan 2037 place priority on reusing previously developed land within the defined urban settlement boundaries to provide housing. The National Planning Policy Framework (NPPF) excludes private residential gardens from the definition of previously developed land but sets out there should be a strong presumption in favour of sustainable development. It is recognised that garden sites can assist in meeting housing needs provided that the proposed development is acceptable in all other respects.
- 8.3 The site is located within the defined settlement boundary such that the principle of re-development of the land is acceptable subject to all other material considerations.

b) Design and Impact on Character and Appearance of Area

- 8.4 Policy CS17 of the Core Strategy states that development will be designed to respond positively to and be respectful of the key characteristics of the area, including heritage assets, landscape, scale, form and spaciousness and use of external materials. Draft Policy D1 of the emerging Fareham Local Plan 2037 similarly requires development proposals and spaces to be of high-quality design based on the principles of urban design and sustainability.
- 8.5 The Fareham Borough Design Guidance SPD states that proposals for new dwellings in rear gardens should ensure both the new plot and the remaining plot are similar in size to nearby properties. In addition, the new dwelling should be in proportion to the plot, so it does not appear cramped or out of character.
- 8.6 The existing dwelling benefits from a generous plot with the rear garden currently measuring 60 metres in length. The plot is noticeably larger than properties further to the south along Hunts Pond Road which have been reduced to accommodate the residential development to the rear and significantly larger than plot sizes for neighbouring properties along Lynn Crescent. The proposed dwellings would be set back 17m from the boundary shared with the existing dwelling and would be set in from the north and south boundaries to maintain a sense of spaciousness. It is therefore not considered the proposal would result in overdevelopment of the plot.

- 8.7 Officers consider the design of the dwellings to be acceptable and in keeping with the key characteristics of the area, however, a condition is recommended requiring full details of external materials to be submitted to and approved by the Local Planning Authority. The proposal would comply with the Nationally Described Minimum Space Standards and both dwellings would have a rear garden measuring a minimum of 13m, in accordance with the Council's design SPD.
- 8.8 In terms of impact on the street scene and character of the area, the proposed dwellings would be set back approximately 48m from the highway and the submitted street scene drawing demonstrates the height of the dwellings would be comparable to the existing dwelling and neighbouring properties on Hunts Pond Road. It is not considered the proposed development would form a dominant feature within the street scene.
- 8.9 The dwellings would be partially visible from Hunts Pond Road and Lynn Crescent; however, the dwellings are not considered to be visually intrusive or out of context with the suburban setting. The application site is surrounded by development, including an example of back land development directly to the south of the site, 9 Lynn Crescent. Furthermore, there is extant planning permission (P/17/0080/FP) for the construction of two dwellings to the rear of 371 Hunts Pond Road. The approved site layout is very similar to the layout proposed as part of this application.
- 8.10 Having regard to the above, it is not considered that the proposal would introduce a form of development which would be out of keeping with the character of the area. In Officers opinion the proposal would not have any unacceptable adverse impact on the character and appearance of the area.

c) Impact on Residential Amenity

- 8.11 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 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.
- 8.12 The closest property to the proposed development would be the neighbouring property to the south, 9 Lynn Crescent, a first floor flat situated above garages in the style of a coach house. While the proposed dwellings would largely be situated in line with 9 Lynn Crescent, the two-storey rear element would extend beyond the principal elevation of no.9 adjacent to a communal parking area located forward of 9 Lynn Crescent. While the proposed development would be visible from 9 Lynn Crescent and would change the outlook from this

property, having regard to the siting of the application site to the north and the separation distance between 9 Lynn Crescent and the nearest of the proposed dwellings, it is not considered there would be an unacceptable adverse impact and the impact would not be materially harmful so as to warrant a reason for refusal.

- 8.13 Concerns have been raised regarding loss of light and privacy for the neighbouring occupiers along Lynn Crescent to the rear of the application site. The closest properties to the proposed development would be 21 and 23 Lynn Crescent, located at their closest point 8m from the shared boundary and 25m from the closest first floor rear window. This exceeds the minimum separation distance of 22 metres sought for back-to-back distances as set out the Council's Design Guidance SPD.
- 8.14 While it is acknowledged the proposal would result in a change in outlook for the occupiers of the properties to the east in Lynn Crescent, having regard to the separation distance between these properties and the proposed development and the existing boundary treatment which consists of mature vegetation, it is not considered the proposal would have an unacceptable adverse impact on the amenity of these properties in terms of loss of light, privacy or outlook.
- 8.15 With regards to neighbouring property to the north, 375 Hunts Pond Road would be situated approximately 20 metres from the proposed development. Given the angle of the separation, it is considered to be an acceptable relationship and would not have an unacceptable adverse impact on their living conditions.
- 8.16 Number 379 Hunts Pond Road would be situated approximately 32 metres from the proposed dwellings. This is considered to be a sufficient distance so as not to have an unacceptable impact on the amenity of this property.
- 8.17 It is not considered that the additional noise generated by the future occupants of the proposed dwellings would have an unacceptable adverse impact on the living conditions within adjacent properties.

d) Highways/ Parking

- 8.18 In terms of parking, the Residential Car Parking Standards requires at least 2 car parking spaces for a 3-bedroom dwelling. The proposed dwellings would provide 4 car parking spaces forward of the dwellings including a two-space car port and therefore would comply with the Residential Car Parking Standards SPD. It is considered there is sufficient space for vehicles to turn on site enabling vehicles to exit the site in forward gear.

- 8.19 The Highways Authority have been consulted on the application and have raised no objection subject to a condition requiring onsite parking to be provided prior to first occupation of the dwellings.

e) Ecology, Landscaping and Trees

- 8.20 The application has been supported by a Preliminary Ecological Appraisal which confirmed the site has low potential for bats, potential for foraging and commuter badgers and confirmed presence of nesting birds. The County Ecologist has been consulted on the application and notes the appraisal is of limited value due to the clearance of the site having already taken place. Consequently, the Ecologist recommended planning permission is not granted until a Biodiversity Enhancement Strategy is submitted. Section 6.7 of the ecological report sets out a number of biodiversity enhancement measures including bird boxes, a hedgehog home, and bat and bird bricks, however, a further landscaping scheme was submitted during the course of the application. The landscaping scheme includes replacement planting, trees and a green roof for the carport. The ecologist has been consulted on the landscaping scheme and raised no objection; it is recommended a condition is imposed to secure the implementation of the landscaping scheme and the biodiversity enhancement measures.
- 8.21 Concerns have been raised in the representations regarding the clearing of the site prior to the application being submitted, including the removal of a number of mature trees. While the removal of these trees is unfortunate, the site is not subject to a Tree Preservation Order and therefore the removal of these trees would not have required the prior consent of the Local Planning Authority. The landscaping scheme includes a number of replacement trees, including two species of apple tree and a rowan tree. The Council's Tree Officer has been consulted on the application and has raised no objection to the proposed landscaping scheme.

f) Impact on Habitat Sites

- 8.22 Core Strategy Policy CS4 sets out the strategic approach to Biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policy DSP13: Nature Conservation of the Local Plan Part 2 and draft Policies 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.
- 8.23 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 per cent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats

and other animals within the Solent which are of both national and international importance.

- 8.24 In light of their importance, areas within The Solent have been specially designated under UK/ European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'Habitat Sites' (HS). Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' if it can be shown that the proposed development will either not have a likely significant effect on designated sites or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated sites. This is done following a process known as an Appropriate Assessment. The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority.
- 8.25 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the HS. The key considerations for the assessment of the likely significant effects are set out below.
- 8.26 Firstly, in respect of Recreational Disturbance, the development is within 5.6km of The Solent SPAs and is therefore considered to contribute towards an impact on the integrity of The Solent SPAs as a result of increased recreational disturbance in combination with other development in The Solent area. The applicant has made the appropriate financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMP).
- 8.27 In addition research undertaken by Footprint Ecology has identified that planned increases in housing around the New Forest designated sites will result in a increase in use of the sites and exacerbate recreational impacts. It was found that the majority of visitors to the New Forest designated sites on short visits/day trips from home originated from within a 13.8km radius of the sites referred to as the 'Zone of Influence' (ZOI). The Councils Interim Mitigation Solution to address this likely significant effect was approved by the Council's Executive Committee on 7th December 2021 and was prepared in consultation with Natural England. The mitigation comprises a financial contribution from the developer to mitigate against this impact through improvements to open spaces within Fareham Borough and a small contribution to the New Forest National Park Authority. The applicant has made the appropriate financial contribution.
- 8.28 Secondly in respect of the impact of the development on water quality as a

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

- 8.29 A nitrogen budget has been calculated in accordance with Natural England's 'National Generic Nutrient Neutrality Methodology' (Feb 2022) ('the NE Advice') and revised calculator (20 April, 2022) which confirms that the development will generate 1.59 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.
- 8.30 The existing use of the land for the purposes of the nitrogen budget is considered to be residential urban land as it forms part of the residential curtilage of the existing dwelling. Due to the uncertainty of the effect of the nitrogen from the development on the HS, adopting a precautionary approach, and having regard to NE advice, the Council will need to be certain that the output will be effectively mitigated to ensure at least nitrogen neutrality before it can grant planning permission.
- 8.31 The applicant has purchased 1.59kg of nitrate mitigation 'credits' from Whitewool Farm. This has been secured through the operation of a legal agreement between Whitewool Farm, South Downs National Park Authority and Fareham Borough Council dated 3rd November 2021. The purchase of credits will result in the creation of a managed wetland at Whitewool Farm which removes nitrates from the River Meon and therefore provides a corresponding reduction in nitrogen entering The Solent marine environment.
- 8.32 The purchase of credits has the effect of allocating a proportion of this reduction in nitrates to this development, meaning the scheme can demonstrate nutrient neutrality. A condition will be imposed to ensure the Building Regulations Optional Requirement of 110 litres of water per person per day is complied with, in order to accord with the nitrates loading calculation and the Appropriate Assessment.
- 8.33 The Council has carried out an appropriate assessment and concluded that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the HS either alone or in combination with other plans or projects. Natural England has been consulted on the Council's Appropriate Assessment and agrees with its findings. It is therefore considered that the development accords with the Habitat Regulations and complies with Policies

CS4 and DSP13 and DSP15 of the adopted Local Plan and policies NE3 and NE4 of the emerging Fareham Local Plan 2037.

g) Other Matters

- 8.34 Concerns have been raised by neighbouring residents regarding the pressure the additional occupants would put on local services. It is not considered the proposal which would result in two, three-bedroom dwellings would have a significant impact on local services.

Summary

- 8.35 In summary it is considered that the proposals would respect and respond positively to the character and appearance of the surrounding area and would not have an unacceptable adverse impact on the living conditions of neighbours, highway safety and ecology. It is considered that the proposals would not have an adverse effect on the integrity of the Habitat Sites around The Solent or in the New Forest as appropriate mitigation has been secured.
- 8.36 The proposal accords with the relevant adopted and emerging local plan policies and other material considerations and is recommended for approval.

9.0 Recommendation

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

1. The development hereby permitted shall begin within 3 years of the date of this decision notice.
REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.
2. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:
 - i) Location and Block Plan 6133-WLA-ZZ-XX-DR-A-0012 Rev B
 - ii) Proposed Site Plan 6133-WLA-ZZ-XX-DR-A-0013 Rev B
 - iii) Proposed House Type Elevations 6133-WLA-ZZ-XX-DR-A-0111 Rev C
 - iv) House Type Plans 6133-WLA-XX-ZZ-DR-A-0110 Rev D
 - v) Street Scene 6133-WLA-A-0016 Rev A
 - vi) Site Section 6133-WLA-XX-ZZ-DR-A-0018
 - vii) Proposed Car Port 6133-WLA-ZZ-XX-DR-A-0031 Rev A
 - viii) Preliminary Ecological Appraisal (dated June 2022)
 - ix) Landscape Plan LANDP001 Rev 002REASON: To avoid any doubt over what has been permitted.
3. No development hereby permitted shall proceed beyond damp proof course level until details including samples where requested by the Local Planning

Authority of all proposed external facing (and hardsurfacing) materials have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.
REASON: To secure the satisfactory appearance of the development.

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

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

5. The first-floor windows, which would serve a bathroom and a stairwell, proposed to be inserted into the north and south elevations of plots 1 and 2 shall be:

- a) Obscure-glazed; and
 - b) Of a non-opening design and construction to a height of 1.7 metres above internal finished floor level;
- and shall thereafter be retained in that condition at all times.

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

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

REASON: In the interests of highway safety.

7. No development shall take place beyond damp proof course (dpc) level until details of how and where Electric Vehicle (EV) charging points for at least one Electric Vehicle (EV) charging point per dwelling with allocated parking provision will be provided.

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

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

8. None of the development hereby approved shall be occupied until the proposed bin storage areas including bin collection points have been provided on site in accordance with the approved plans. The areas shall be subsequently retained for bin storage or collection at all times.

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

9. The landscaping scheme shall be implemented in accordance with the approved Landscape Plan ref.LANDP001 Rev 002 and completed within the first planting season following the commencement of the development or as otherwise agreed in writing with the Local Planning Authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

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

10. Development shall proceed in accordance with the measures detailed in Section 6.7 'Enhancements' of the submitted Ecological Assessment report by EcoSupport (June 2022).

REASON: To ensure the protection of retained habitats and protected species.

11. 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.

12. 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 30 August 2022 between (1) William Northcroft Butler and James Nicholas Butler, (2) H N Butler Farms Ltd and (3) Forest View Titchfield Ltd.

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

13. Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered. Works shall not recommence before an investigation and risk assessment of the identified ground conditions have been undertaken and details of the findings, along with a detailed remedial scheme, if required, have been submitted to and approved in writing by the Local Planning Authority.

Prior to the occupation of the dwelling hereby permitted the remediation scheme shall be fully implemented and shall be validated in writing to the Local Planning Authority by an independent competent person.

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

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

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

10.0 Notes for information

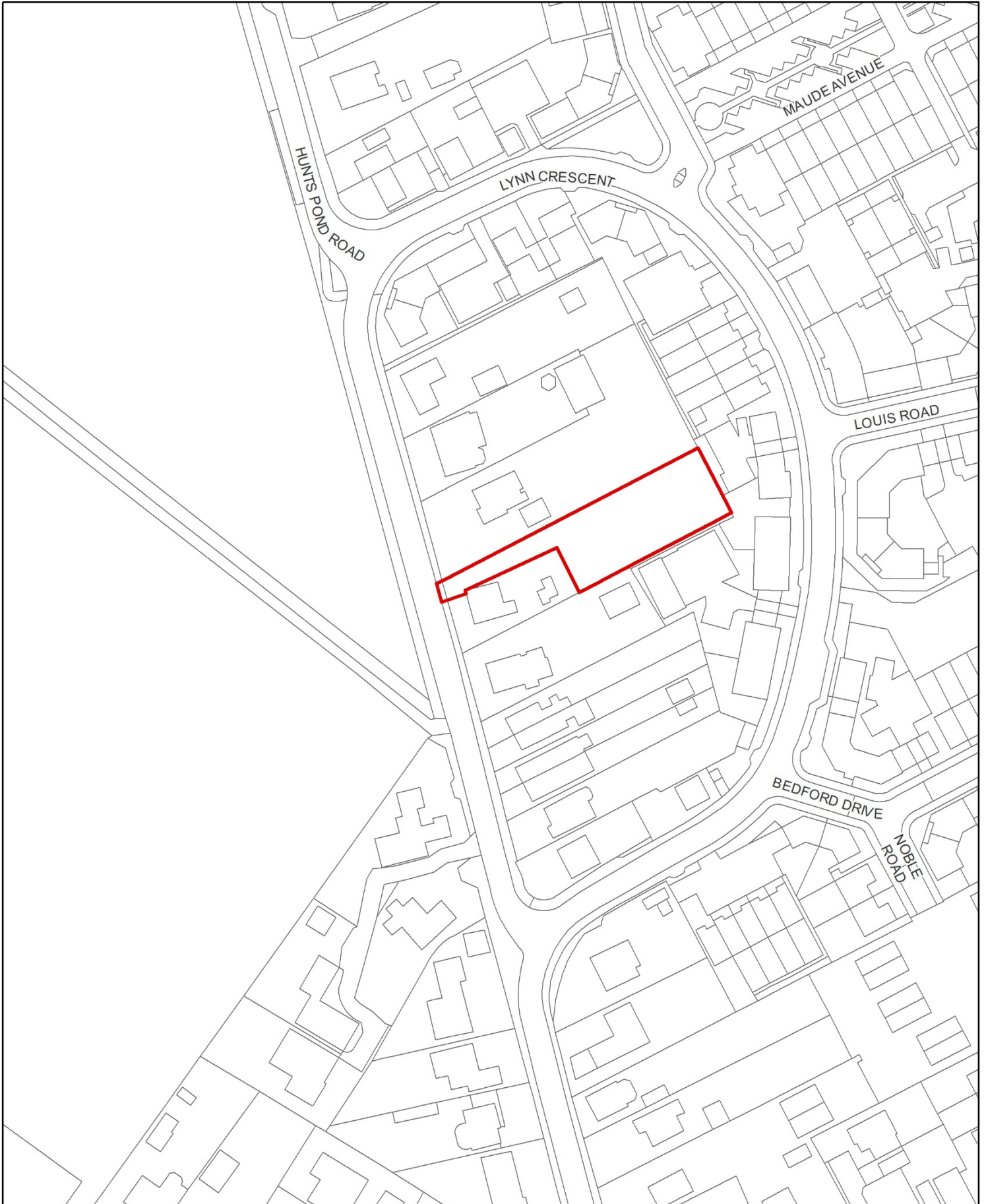
10.1 With regard to Condition 13, potentially contaminated ground conditions include: imported topsoil, made ground or backfill, buried rubbish, car parts, drums, containers or tanks, soil with extraneous items such as cement asbestos, builders rubble, metal fragments, ashy material, oily / fuel / solvent type smells from the soil, highly coloured material or black staining and liquid fuels or oils in the ground. If in any doubt please contact the Contaminated Land Officer on 01329 236100.

11.0 Background papers

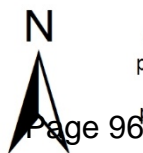
Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

FAREHAM

BOROUGH COUNCIL



377 Hunts Pond Road
Fareham
Scale 1:1,250



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OFFICER REPORT FOR COMMITTEE

DATE: 09/11/2022

P/22/1277/FP
MR & MRS HITCHCOCK

WARSASH
AGENT: MRS CHERYL WELLSTEAD-
CLARKE

RETROSPECTIVE APPLICATION FOR CHANGE IN GARDEN LEVELS

31 ROSSAN AVENUE, WARSASH, SOUTHAMPTON, SO31 9JQ

Report By

Jenna Flanagan – direct dial 01329 824 815

1.0 Introduction

- 1.1 The development was previously considered by the Planning Committee in July 2021 as the subject of a planning enforcement report.
- 1.2 A Planning Enforcement Notice is in place which requires the levels in the rear garden of this property to be re-instated to those which existed before the engineering works were carried out.
- 1.3 This application has been called on to the agenda by Councillor Ford. Given that the Planning Committee previously decided that enforcement action should be taken and the subsequent appeal has been dismissed, Councillor Ford considers the committee need to clearly understand the officer recommendation and determine the current application.

2.0 Site Description

- 2.1 The appeal site lies on the north-west side of Rossan Avenue, within a row of 9 terraced dwellinghouses. The site consists of a mid-terrace dwellinghouse with a small east-facing rear garden. Access to the rear garden can be gained via patio doors from the rear of the dwellinghouse, or via a gated entrance on the east boundary of the rear garden. Along the east boundary is a pathway which runs between the end of the gardens of the row of terraced houses and a block of garages to the east.
- 2.2 The rear garden of the application site is sloped so the highest point of the garden is the north east corner. The garden decreases in height down towards the rear elevation of the house, where a small patio area has been created at the lowest level.

3.0 Description of Proposal

- 3.1 The applicant seeks to retain garden levels which have been changed to create flat levels (effectively ‘terraces’) in a previously sloped garden. The work is an engineering project which requires planning permission. No planning permission has been obtained and the development is therefore unauthorised.
- 3.2 The application proposes the introduction of additional trellis screening along the top of some of the existing boundary fencing.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS17: High Quality Design

Adopted Development Sites and Policies

DSP3: Impact on Living Conditions

Fareham Local Plan 2037 (Emerging)

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

D1: High Quality Design and Placemaking

D2: Ensuring Good Environmental Conditions

Other Documents:

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

5.0 Relevant Planning History

- 5.1 Planning Enforcement Notice served on 1st September 2021
Engineering operations to change the land levels in rear garden
- 5.2 No other planning history is recorded since development of dwellinghouse which was permitted on 9th April 1975.

6.0 Representations

6.1 Two representations were received during the notification period, one of support and one objecting to the development. The following points were raised:

Support:

- Garden levels are low
- Space used by family, for children to enjoy
- Due to garden size in a row of terraces, there are limited options to create a nice outdoor family space

Objection:

- If the garden levels are retained, the shed will remain
- Due to the garden levels, the shed overlooks neighbouring property
- Invades privacy

7.0 Consultations

No external or internal consultation.

8.0 Planning Considerations

Recent planning enforcement action

8.1 The development was the subject of a report considered by the Planning Committee on 14th July 2021. The report considered whether it was expedient to take enforcement action in relation to the unauthorised change in garden levels at the property. Following consideration of all the issues Members concluded that the development was unacceptable in planning terms and that a planning enforcement notice should be served.

8.2 The minutes of that meeting record that Members of the Planning Committee:

“RESOLVED that a planning enforcement notice should be served on the owner of 31 Rossan Avenue in connection with the unauthorised development comprising engineering works resulting in a change in the garden level. The harm that has been caused is an unacceptable adverse impact upon the neighbouring properties as a result of a loss of privacy and over-looking, contrary to Policy DSP3 of the Local Plan Part 2: Development Sites and Policies. In order to remedy the breach, the landowner is required to reinstate the levels in the rear garden back to those which existed before the engineering works were carried out.

The period for complying with the planning enforcement notice is three months.”

- 8.3 A Planning Enforcement Notice was subsequently issued on 1st September 2021. The homeowner lodged an appeal with the Secretary of State against the Planning Enforcement Notice.
- 8.4 As Members will be aware, enforcement appeals can be lodged on a number of grounds. In this instance the appeal was lodged on the following grounds:
- That the development did not breach the law (known as ground (c))
 - That the Council were too late in taking enforcement action and the development was now immune from such action under the law (known as ground (d))
 - That the steps required by the notice went beyond what was necessary to resolve the harm caused (known as ground (f))
- 8.5 It is important to note that a further ground of appeal available to the homeowner was that the work carried out was acceptable in planning terms and that planning permission should be granted for it (known as ground (a)). The homeowner did not pursue an appeal on this ground. This means that when a decision on the appeal was made at no point was the Planning Inspector asked to consider whether planning permission should be granted. The appeal decision therefore does not give any views at all on whether planning permission should be granted. With this in mind, and notwithstanding that the development has already been the subject of an enforcement report and appeal, the homeowner is entitled to submit a retrospective planning application to be considered by the Council so that a formal decision can be made as to whether planning permission should be granted.
- 8.6 The Planning Inspectorate considered the appeal on the above grounds only and concluded that the Planning Enforcement Notice should be upheld. The appeal was dismissed in a decision issued on 28th July 2022.

Outbuildings in the garden

- 8.7 As set out earlier in this report, engineering works have been undertaken to develop flat garden terraces in a previously sloped garden. Before the engineering project began, the garden benefitted from a small hard standing along the eastern boundary and a lawn area, which sloped down towards a

modest patio area at the rear of the dwelling. The original hardstanding area at the far end of the garden has been increased and extended towards the house by importing materials which have been compacted and held in place by a retaining wall which measures approximately 0.95 metres high.

- 8.8 An outbuilding has been erected on the highest level against the east boundary with a window in the west elevation facing towards the rear of the dwellinghouse. The outbuilding is used as a hobby room for the homeowner. It measures under 2.5 metre high from the highest point of the original ground level on which it is erected. The outbuilding itself is permitted development and does not require planning permission from the Council. The removal of this building was not a requirement of the Planning Enforcement Notice.
- 8.9 The outbuilding occupies most of the upper level of the garden. The applicant has erected a small bicycle store on the remaining area of the upper level and so the upper level is covered in its entirety by the shed and bicycle store. The bicycle store is also permitted development and does not require planning permission.
- 8.10 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) Impact on neighbouring properties;
 - b) Impact on character and appearance of the area;
- a) Impact on neighbouring properties
- 8.11 The sloping nature of the garden is a particular feature of the properties in Rossan Avenue and especially in relation to the row of terraced houses. Some of the neighbouring properties have not made any changes to the rear garden levels which results in the garden sloping upwards from the rear of the property to the eastern boundary. Other properties have undertaken similar engineering projects to level the garden by creating tiers. The site subject of this report is flanked by an example of both.
- 8.12 The lowest part of the garden is the patio adjacent to the house. There are no issues with overlooking from this patio.
- 8.13 The middle garden level has also been created by building up the western end of the level to create a useable flat lawn area. The level is supported by a 0.82 metre high retaining wall.

- 8.14 The highest part of the garden remains the same height and is now occupied almost entirely by the outbuilding which benefits from permitted development rights. Garden steps run along the southern boundary of the application property.
- 8.15 The nature of the sloping gardens in the area does result in oblique views into the neighbouring rear gardens and towards the neighbouring rear elevations of the adjoining houses. However, when considering the impact on the privacy and living conditions of the residents of the adjoining properties, it is the assessment of Officers that there were similar views across the adjoining gardens with the sloping nature of the original garden. These views are slightly closer towards the rear elevation of the neighbouring dwellings by the nature of the developed garden levels. However, the views afforded from the lawn on the middle tier into neighbouring properties are materially different to before due to the now elevated height of the garden at this point. As a result of this Officers have discussed with the applicant introducing appropriate additional boundary screening to minimise the effects of increased overlooking.
- 8.16 Amended plans have been submitted and interested parties have been notified on the amended plans which include an additional 0.3 metre privacy trellis on top of the four western fence panels along the northern and southern boundaries. This increase in height will raise the fence panel adjacent to the rear elevation of the house to 2.2 metres along the southern boundary and 2.3 metres along the northern boundary. The rest of the southern boundary treatment will be less than 2 metres in height with one panel midway along the northern boundary measuring 2.1 metres in height. The design of the trellis reduces the overlooking from the application property garden, whilst allowing light to and outlook from the neighbouring properties.
- 8.17 Officers have considered the development of the garden levels in relation to the outlook, light, privacy and living conditions of the occupants of the neighbouring properties. With the addition of the proposed trellis screening, it is not considered that the changed garden levels would have an unacceptable adverse impact upon the privacy, light or outlook enjoyed by the residents in neighbouring properties.

b) Impact on character and appearance of the area

- 8.18 The application property can be seen from a small area along the vehicular highway of Rossan Avenue and within the junction of Howerts Close. The application property can also be seen from the access path running adjacent to the eastern boundary of the rear garden.

- 8.19 The terraced levels created within the rear garden are not visible from the wider area and the development is not considered to have a detrimental impact on the character and appearance of the area.
- 8.20 Notwithstanding the objection received, the retention of the alterations to the rear garden levels is considered acceptable subject to the provision of the boundary screening.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development hereby permitted shall be retained only in accordance with the following approved plans:
Location, Block & Site Plan, Existing & Proposed Plans & Sections –
Project No. 552 – Drawing No. 100

REASON: To avoid any doubt over what is permitted

2. Within two months of the date of this decision notice the additional 300mm trellis screening shown on approved drawing; Location, Block & Site Plan, Existing & Proposed Plans & Sections – Project No. 552 – Drawing No. 100 shall be installed in accordance with that drawing and shall thereafter be retained at all times.

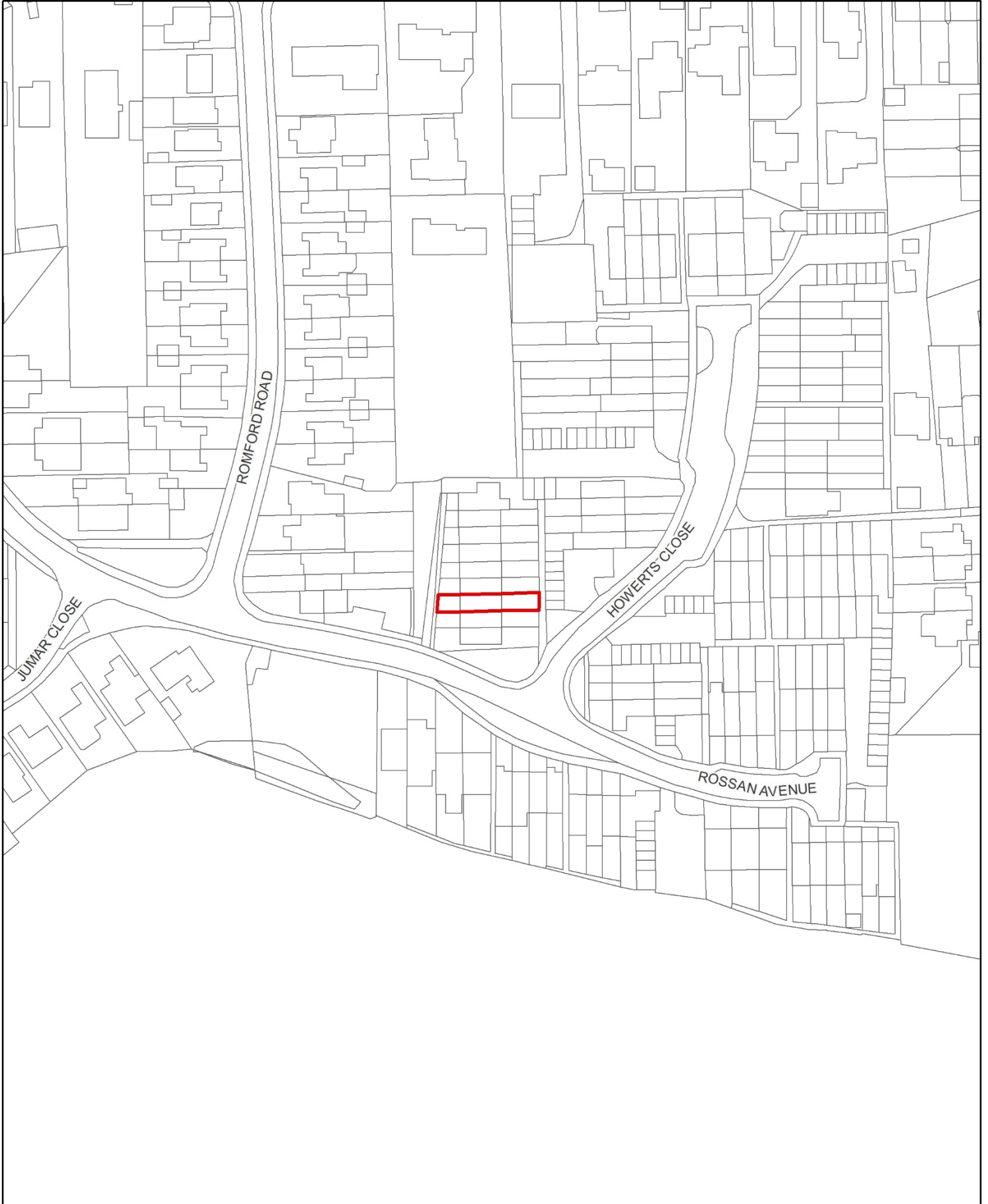
REASON: To protect the privacy of residents of neighbouring properties.

10.0 Background Papers

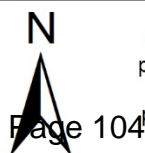
Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

FAREHAM

BOROUGH COUNCIL



31 Rossan Avenue
Warsash
Scale 1:1,250



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ZONE 2 – FAREHAM

Fareham North-West

Fareham West

Fareham North

Fareham East

Fareham South

REFERENCE SITE ADDRESS & PROPOSAL
NUMBER &
WARD

ITEM NUMBER &
RECOMMENDATION

No items in this Zone

Agenda Annex

ZONE 3 – EASTERN WARDS

Portchester West

Hill Head

Stubbington

Portchester East

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
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P/22/0337/OA STUBBINGTON	LAND TO SOUTH OF 16/17 GLENTHORNE CLOSE FAREHAM PO14 2NP OUTLINE PLANNING APPLICATION FOR PROPOSED ERECTION OF NINE LIVE/WORK (RESEARCH/DEVELOPMENT/INDUSTRIAL/RESIDENTIAL - CLASS E AND C3) HANGAR BUILDINGS FOR AVIATION SECTOR AND PUBLIC OPEN SPACE, WITH MATTERS RELATING TO ACCESS, LAYOUT AND SCALE SOUGHT (APPEARANCE AND LANDSCAPING RESERVED).	6 REFUSE
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OFFICER REPORT FOR COMMITTEE

DATE: 09/11/2022

P/22/0337/OA
ENTERPRISE HANGARS LIMITED

STUBBINGTON
AGENT: ROBERT TUTTON TOWN
PLANNING CONSULTANTS LTD

OUTLINE PLANNING APPLICATION FOR ERECTION OF NINE LIVE/WORK (RESEARCH/DEVELOPMENT/INDUSTRIAL/RESIDENTIAL - CLASS E(g), F.1(a) AND C3) HANGAR BUILDINGS FOR AVIATION SECTOR, OPEN SPACE, WITH MATTERS RELATING TO ACCESS, LAYOUT AND SCALE SOUGHT (APPEARANCE AND LANDSCAPING RESERVED).

LAND SOUTH OF 16 & 17 GLENTHORNE CLOSE, FAREHAM

Report By

Mark Wyatt – direct dial 01329 824704

1.0 Introduction

1.1 This application is reported to the Planning Committee for a decision in light of the number of representations, both for and against the proposal, which have been received.

2.0 Site Description

2.1 The application site is a broadly triangular parcel of land extending to 1.37 hectares on the west side of Solent Airport at Daedalus. The land is flat and laid to grass. The western site boundary is a concrete post and chain-link fence with the rear gardens of properties along Stubbington Lane and Ashton Way. The northern boundary is treated the same and backs onto the gardens in Glenthorne Close, with the red edge extending into Glenthorne Close between numbers 16 and 17. The Southeastern boundary is currently open to the airfield.

3.0 Description of Proposal

3.1 The application is made in outline for the erection of nine live/work (research/development/industrial uses that are capable of being carried out in a residential area without harm to amenity (Use Class E(g))/educational (Use Class F.1(a)) and residential (Use Class C3))hangar buildings and open space. The buildings are intended for use by the aviation sector.

3.2 The matters for consideration relate to ‘access’, ‘layout’ and ‘scale’ with ‘appearance’ and ‘landscaping’ reserved for future approval.

3.3 Access is to be provided from the turning head at the end of Glenthorne Close, between the driveways of numbers 16 and 17. The access road will the broadly run from the north east to the south west, parallel to the western airport taxiway.

- 3.4 To the south eastern side of this access road there are proposed to be nine new two storey buildings incorporating a mix of uses and their associated parking. The buildings are identical in footprint and scale with a ground floor hangar, office and workshop/store proposed with a three bedroom apartment and further office for the owner at first floor. The hangars would have direct access airside to the operational airfield via a reinforced grass strip from the hangar apron out to the western airport taxiway. This taxiway access is outside of the application site and the applicant has been advised that a separate planning permission is required for this work.
- 3.5 Whilst “appearance” is reserved for future approval, the illustrative elevations show a simple form of building with a barrelled roof form. The architectural language is consistent throughout each building.
- 3.6 The remaining land on the north western side of the access road will be retained as amenity space for the application site users/residents. The application also indicates that the Glenthorne Close residents would have the opportunity to use this amenity space.

4.0 Policies

4.1 The following policies and guidance apply to this application:

4.2 National Planning Policy Framework (NPPF)
 Planning Practice Guidance (PPG)
 Circular 06/2005 Biodiversity and Geological Conservation

4.3 Adopted Fareham Borough Core Strategy

- CS2 – Housing Provision
- CS4 – Green Infrastructure, Biodiversity and Geological Conservation
- CS5 – Transport Strategy and Infrastructure
- CS6 – The Development Strategy
- CS11 – Development in Portchester, Stubbington & Hill Head and Titchfield
- CS12 – Daedalus Airfield Strategic Development Allocation
- CS14 – Development Outside Settlements
- CS15 – Sustainable Development and Climate Change
- CS17- High Quality Design
- CS20 – Infrastructure and Development Contributions
- CS22 – Strategic Gaps

4.4 Adopted Development Sites and Policies

- DSP1 – Sustainable Development
- DSP2 – Environmental Impact
- DSP3 – Impact on Living Conditions
- DSP6 – New residential development outside of the Defined Urban Settlement Boundaries
- DSP13 – Nature Conservation
- DSP14 – Supporting Sites for Brent Geese and Waders
- DSP15 – Recreational Disturbance on the Solent Special Protection Areas

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

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

- DS1 – Development in the Countryside
- 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
- NE5 – Solent Wader and Brent Goose Sites
- NE6 – Trees Woodland and Hedgerows
- NE9 – Green Infrastructure
- TIN1 – Sustainable Transport
- 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
- D5 – Internal Space Standards
- E3 – Swordfish Business Park

4.6 **Other Documents:**

- Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015
- Residential Car Parking Standards 2009
- Non-Residential Parking Standards 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 ACCESS, ALLOTMENTS, OPEN SPACE AND LANDSCAPING.	PERMISSION 20/12/2013
P/17/0680/RM	APPLICATION FOR APPROVAL OF RESERVED MATTER (ACCESS) TO OUTLINE APPROVAL P/11/0436/OA TO PROVIDE INTERNAL ACCESS ROAD FROM DAEDALUS WEST (SWORDFISH BUSINESS PARK) TO GOSPORT ROAD & CONSTRUCTION OF AIRCRAFT TAXIWAY	APPROVAL 25/08/2017

In addition to the above on-site planning history, there is a relevant decision at Solent Airport but within the Borough of Gosport on land to the west of the airport control tower.

19/00239/OUT	HYBRID APPLICATION COMPRISING: (I) FULL APPLICATION FOR ERECTION OF SIX MIXED USE HANGARS (COMPRISING CLASS C3 DWELLING AND CLASS B1(A) OFFICE) WITH ASSOCIATED ACCESS, PARKING AND CYCLE & REFUSE STORAGE FACILITIES, AND (II) OUTLINE APPLICATION FOR ERECTION OF MIXED USE BUILDING (COMPRISING HERITAGE CENTRE (CLASS D1) AND FLYING CLUB PREMISES (SUI GENERIS)) WITH ALL MATTERS RESERVED EXCEPT FOR LAYOUT	REFUSED 17/10/2019; and APPEAL DISMISSED 29/01/2021
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6.0 Representations

6.1 The first round of publicity was held following the submission of the application.

6.2 Twenty eight Letters of Support (77b Kiln Road, 13-14 Vulcan Way, plus Addresses in Reading, Skelmersdale, County Down, Belfast, Kenilworth, Crawley, Aughton, Liskeard, Winchester, Andover, East Tytherley, Bury St Edmonds, Cropwell Bishop, Guildford, Hythe, Cirencester, Selby, Oxford, Ferndown, Amersham, the Aircraft Owners and Pilots Association [AOPA], The General Aviation Awareness Council [GAAC] and Hampshire Chamber of Commerce) raising the following main issues:

Material Planning Considerations:

- Long overdue and will bring much needed investment to the area
- It will show how a Council can support such an innovative scheme

- In support of anything that helps safeguard airfields like Solent and make it more sustainable for General Aviation
- The applicant is trying to do something different from a bog standard factory on an industrial estate
- These mixed use hangars meet the policy requirements and will enhance the general aviation operations at the airfield
- Buildings and landscaping will be in keeping and sensitively designed
- This would be the first of a kind in the UK
- The proposal is the most compatible development given the residential area adjacent than the potential Swordfish Business Park.
- Economic benefits from the spend of visiting pilots and aircraft – food, accommodation, fuel and property investment
- This is a missed opportunity for development at the airport
- This parcel of land will be developed...Residents have a choice, this scheme or a noisier, heavy commercial operation on Swordfish Business Park
- The UK desperately needs development like this, which are common in the USA and France
- This will generate income for the airfield
- Negativity by the Council and a lack of forward thinking and planning for the airport
- The UK's Planning system is guided by the NPPF, Para 2 requires application of the NPPF to planning decisions. The relevant para is now 106(f) of the NPPF, which increased positive support through planning for the government's General Aviation Strategy
- The Chamber of Commerce support the proposal which should add to the continuing enhancement of the airport and provide the first type of such a pioneering thing in Hampshire.

Non-Material Planning Considerations:

- I intend to base my business in one of these units – I would not make any noise
- Given that this is 'employment-led' and has a number of potential buyers, I cannot understand why FBC doesn't want it to succeed.
- The parent company of RCA, who operates the airfield for the Council, has recently purchased Coventry Airport and then sought planning permission for redevelopment. If FBC sell the same could happen at Solent.
- The leadership of the Council is determined to reject this application.

6.3 Twenty six Letters of objection (from addresses including 2 (x4), 5, 12, 14, 15, 16, 18, 19 (x2), 21, 22, 23, 24, 25, 27 (x4) Glenthorne Close; 2 (x2), 63, 65 Kingsmead Avenue; 17 (x2) Jersey Close; 10 Conqueror Way; 149 (x2) Stubbington Lane, 8 Ashton Way; 9 School Road plus the comments of the Fareham Society:

Material Planning Considerations:

- Another attempt to build houses on the airfield. FBC has stated many times that no residential properties will be built on an active airfield.

- It seems there is no mention of how airfield security would be managed to stop general access to the runway.
- The access road is restricted and lorries accessing the site would struggle. The road is unsuitable for articulated vehicles.
- This will bring an unacceptable level of traffic and noise.
- Fitness equipment on the amenity space will add to noise and traffic.
- There is a strong chance that someone can get airside from this site without much trouble
- Hangars could be built at the Gosport Road end of the site where there is road access.
- This is unwanted and unfair on Glenthorne Close residents
- Judging by the feeling at the applicant's public meeting in October 2021 there is no support for this proposal.
- We do not want or need the recreational area
- I hope this is shut down by FBC and will soon become unviable for the applicant as is the case with the plan in Perrenporth, Cornwall and also refusals at other sites in the UK.
- The Transport Statement data is just an assessment it rarely transpires into reality
- Loss of privacy to neighbours and impacts on residential security by additional people coming down the cul-de-sac.
- Likely increase in off site parking problems in Glenthorne Close
- Disruption during construction as well as operationally
- The access roads have parked cars on a lot of the time and two ninety degree bends
- Even greater demand on services and utilities
- Slowworms are resident on the airport
- What if no one wants to be the chairman of the residents association? What are the implications for airport security
- The application makes assumptions about what residents want as the applicant has never spoken to me
- The proposals do not seem to have been approved by the CAA Inspector and Airport Manager contrary to the submission
- Local planning policy limits housing here.
- Gosport has already refused these. Why would Fareham change its policy to approve them?
- Access should be from Gosport Road
- Being mixed use these units (with noise and traffic and deliveries) could run seven days a week.
- The Transport Statement with only 113 extra ins and outs per day is all hypothetical.
- The viewing area is not needed. There is a viewing area at the control tower. A viewing area here may attract even more people.
- Access could be sought from Stubbington Lane through the Hammond Industrial Park.
- Not in accordance with policy E3
- Development should integrate with the rest of Swordfish Business Park.
- The access off the turning head will remove areas of onstreet parking.

- The access plan shows cars waiting to access the site where cars currently park.
- This will all add to surface water run off. What is the drainage strategy?
- Has the site been cleared of pipe bombs from WWII?
- These hangars won't contribute to the housing shortage, they are for an exclusive type of occupier.
- The majority of those supporting this proposal are not even local so the ramifications of the scheme for these people will not affect them at all.
- Noise pollution from aircraft closer to existing homes.
- Once the parking is full cars will spill over to surrounding streets.
- There is a badger sett behind one of the houses in Glenthorne Close and badgers use the airport looking for food. There is also a family of foxes.
- How could the occupancy of these units be enforced?
- Some of the potential occupants are either already operating on the airport or there are doubts that they could comply with the occupational limits
- Any alternative access through the Hammond Industrial Estate should be made public and will have an impact on the delivery of the care home permitted at that site.

Non-Material Planning Considerations:

- This proposal being submitted again is a waste of time. The persistent application by Hangar Homes Ltd is a waste of public time and funds as its not wanted by the landowner or the local authorities or the appeal authorities.
- Utilities will need enhancing and digging up in the Close.
- Adverse impact on property values and resale price

6.4 The applicant has submitted a rebuttal / response to the third party representations and consultations:

- The hangars are 60% commercial and 40% residential and must be occupied by aviation businesses
- The residential uses will blend in with adjoining houses unlike the alternative of Swordfish Business Park which will blight them
- The safety and security report has been approved by both the CAA Inspector and the airport manager
- This is a different location to the control tower appeal scheme. That was rejected but the main factor was the lack of hard standing which is not an issue with this site
- As for the landowner not wanting the scheme, the question should be "why not?" because it provided employment but does not blight adjoining houses. Neither is this a waste of public funds as the applicant is funding it.
- These hangars are not like conventional homes. They only require a concrete slab and the metal frame is bolted to that, so not as intrusive as other buildings. Ground surveys would detail the ground conditions
- There would be no disturbance to the known badger sett as its outside the application site which is not the case with the Swordfish Business Park

- For the Aeropark to work it needs both airside and roadside access. I have looked at other sites on the airfield and this is the only one to meet the requirements
- Access from Gosport Road is a 'non-starter' as no access road exists and when it is built it will be for Swordfish Business Park and too late for Solent Aeropark.
- I have reached out to Frontier Estates to see if a construction access through the Hammond Industrial Park can be used when they develop their care home.
- The Transport Statement uses data to estimate the trips and in my view it over estimates the volume of traffic which will be far lower. The demographic of the owners would not do the "school run", owners and their families would not need to commute, it's a no through road so you would only come here to work or live, staff would come in and out daily so only two trips.
- There was nothing underhand about my acquisition of the access land from Glenthorne Close
- We would be good neighbours and share the amenity space and viewing area.
- Whilst neighbours don't want this, many do
- The loss of a view over the airport as a result of the proposal is not a planning consideration, but views would be lost anyway when Swordfish Business Park is built.
- Solent Aeropark would not devalue house prices which would be the case with Swordfish Business Park.
- If utilities could come through the Hammond Industrial Estate rather than Glenthorne Close then I will try and secure this
- I am amenable to having a gate to the Aeropark to stop other visitors coming to use the amenity area and viewing area.
- No offsite parking is required as the proposal provides 49 car parking spaces.
- There is no loss of light from the units
- The element of employment is actually 60% of the floor space. The employment density is 50% higher than the other businesses with an airside access at Daedalus
- Fuel in a plane in a hangar is no different to fuel in a car within a garage.
- Helicopters are not suitable in these buildings and are not for use on this side of the airfield.
- Operational safety issues can be addressed between the airport operator and the spokesman for the owners
- Access to Stubbington Lane will soon be improved by the opening of the Stubbington bypass.
- There is nothing in the revised local plan about housing on the airport but the plan does allow live/work so why not on the airport?
- Affordable housing would not work on Solent Aeropark.
- I am happy for the whole unit must be occupied by the same business to stop subdivision and sub letting of space.
- The site is not in a flood zone and the concrete hardstanding can incorporate soakaways
- The landowner may not want to sell the site but that is not a planning issue.

- The Council is not qualified to make the judgement as to what would “adversely affect the airport operations”
- There are independent bodies that are qualified to make such judgements, namely the CAA AAT, the GAAC and the AOPA – none of which have concerns
- There are 700 residential airparks worldwide which is overwhelming evidence that having a residential use does not compromise operations, safety or security.
- The Airport Manager’s comments are in stark contrast to the report he reviewed in 2021. These comments are not independent but reflect the landowner’s views

6.5 A second round of publicity was held in July 2022 following the submission of an amended Transport Statement and site plans:

6.6 Four Letters of Support from addresses in Salisbury; Normandy; Cirencester and Greatham raising the same issues as the first round of consultation plus:

- This concept will be similar to Spruce Creek in Florida;
- I see no reason why this proposal would significantly change the traffic accident rate
- Would residents of the cul-de-sac rather have articulated lorries and large vans passing their homes as the alternative or new residents of this scheme?
- The cul-de-sac will lose its quiet nature with what ever goes on the site.
- All airports are required to have a security plan irrelevant of whether its houses or hangars on the site to protect airside operations. The airport is fenced for this reason and would remain so.

6.7 Eighteen Letters of objection from 10 (x2) Conqueror Way; 2 (x2), 5, 14, 16, 17, 18, 24, 25, 27 (x2) Glenthorne Close; 2 (x3), 63 Kingsmead Avenue; 17 Jersey Close; 149 Stubbington Lane plus the comments from the Fareham Society raising the same issues as the first round of consultation plus:

Material Planning Considerations:

- If the applicant wants a dwelling then fine, but within a live airport is not an appropriate position. On the other hand an airport is the right location for a hangar.
- Not a good idea for residents or the airport.
- The airport access is a more appropriate route to the site to give separation to residential areas
- Are the access roads able to stand up to the weight of construction lorries?
- With the new gate to the site it’s not clear how pedestrians will access the site?
- The amended Transport Statement shows the transport levels to have doubled the original expected traffic
- Very little seems to have changed with the amendments
- Comparisons to sites in the US is a false comparison as these sites are not accessed through narrow residential streets

- The streets would be unsafe
- The security gate is unmonitored making it unsafe
- How do emergency vehicles gain access through the security gate?
- It is disingenuous to suggest that there will be no large vehicles accessing this site; it will accommodate nine businesses
- The Transport Statement It is very mechanistic in its evaluation and does not address the residential/tight cul-de-sac context of the area.
- 236 trips presents a critical and persistent danger to residents. The Assessment does not address how this impact will be mitigated.
- A detailed groundwater study should be undertaken prior to approving any plan.
- The proposal is out of line with the Daedalus Vision

Non-Material Planning Considerations:

- Not sure why Swordfish business park keeps getting brought up by the applicant? How is he qualified to advise on house price impacts?
- People that are “pro” this development don’t live here
- The land is not for sale. There is no point continuing with this application
- The applicant should correct the implication that they have an agreement with Frontier Estates to provide access during the construction phase. Frontier Estates have categorically stated that there is no such agreement and nor do they envisage there being one.

6.8 The applicant has submitted a further rebuttal / responses to the third party representations and consultations:

- The revised plan and statement make minor changes to the parking layout
- The electric gate was introduced to restrict public access, and in turn therefore, traffic on Glenthorne Close
- Pedestrian Access to the open space would be by key fob
- The height of the units are a little over 8m which is lower than the local houses and the other hangars on the airport.
- Using the Gosport Road access would extend Swordfish Business Park to the site making a soulless, ugly business park. Does anyone want that at the back of their garden?
- Swordfish is brought up because it’s the alternative for the site
- Some of the positive comments are from prospective buyers of the units
- This is not trying to emulate the US examples and is therefore not a problem accessing the site through a residential area
- Accessing the site from Glenthorne Close is the only option that provides the shared amenity space and viewing area.
- Accessing the site from the north has nothing to do with cost or profit, but stopping Swordfish Business Park from encroaching on that site which will blight the local houses
- The revised Transport Statement does not double the level of traffic as the previous statement referred to 'return trips', whereas this one refers to each trip. It is the same level of traffic, which is stated on the report as minimal.
- This development will not add any commercial vehicles using Kingsmead Avenue and Glenthorne Close, just private cars for owners and their visitors

- Glenthorne Close would still remain a no-through road
- The electric gate will have a Fire Brigade Key Switch fitted as standard.
- Land ownership is not a material factor in a planning application
- No services would be accessed from Glenthorne Close. All these would come through from the new development on Hammond Industrial Estate, along with all the construction traffic

7.0 Consultations

INTERNAL:

7.1 Economic Development: Comments:

- Whilst the proposal does appear to have the potential to provide some level of employment, this would be small scale relative to the wider Swordfish Business Park allocation which has very recently been through the Examination in Public for the new Local Plan.
- The proposal, if permitted, would take valuable land allocated for employment generating uses which otherwise could make better use of the site's proximity to the airfield to provide more significant levels of specialist employment in accordance with the Council's Vision for Daedalus and the development plan policies.
- The risks to the delivery of a strategically identified employment site remain of overarching concern.

7.2 Estates / Property: Objection

- The Council as both landowner and airport operator does not support this application.
- The Council's position as landowner and developer of the Daedalus site is that this application does not support the published 2015 Vision for the site, updated in 2018. The Vision is for Daedalus to become a premier location for aviation, aerospace engineering and advanced manufacturing businesses, creating many skilled employment opportunities for local people and under-pinned by a vibrant and sustainable airfield. As such, the Council is promoting around 58 hectares of land at Daedalus for employment use.
- While this application clearly offers aviation-related employment, we assert as landowner/ developer that residential use is neither appropriate nor welcome on this site. We have informed the applicant that the site is not for sale for this proposed use.
- The Council's position as airport operator is that this proposal would adversely affect the airport's operation, which would be compromised by the safety and security risks presented by people living within the airport boundary: specifically the risk of residents, visitors wanted and unwanted, children, animals etc entering the active airfield and the potential for FOD (Foreign Object Debris).
- The Council does not believe that anything can mitigate these risks sufficiently and does not support this application.

7.3 Ecology: Objection

- Access to the site was not available for the applicant's survey and all assessment has been carried out behind the fence line.
- It is not clear how evidence of badger use, in the form of latrines, well worn paths, holes etc... could have been identified. A site visit is required.
- The proposal will result in the loss of part of the Secondary Support Site Area F13. 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 Local Planning Authority cannot confirm that there will not be a likely significant effect on the Special Protection Areas (SPAs) due to the loss of SPA supportive habitat

7.4 Environmental Health (Contamination): No objection

- Subject to conditions

7.5 Environmental Health (Pollution): Comments awaited

7.6 Solent Airport Manager: Objection

- Regional and City Airports Ltd (RCA) operates Solent Airport under contract to and on behalf of the airport owner, Fareham Borough Council and holds the Civil Aviation Authority Licence
- RCA is required to maintain compliance with the terms of the CAA licence.
- It is my view as Airport Manager that the risks presented by this proposal – i.e. residential properties located within the Airport boundary - cannot be fully managed. A number of issues, including unauthorised airfield intrusions from visitors (children, guests, domestic animals), the reliance upon an airfield operator to be exercised as an additional security method, potential breaches of airport policy's i.e. no smoking, live flames etc (especially out of normal operating hours), direct access 24/7 on to an active airport and potential foreign object debris (FOD) have implications that are a potential risk to life.
- There is no satisfactory evidence to demonstrate that these risks can be mitigated to an acceptable level and therefore as the Accountable Manager for the CAA licence, I cannot be satisfied that they are acceptable risks.

7.7 Streetscene (Parks and Open Spaces): Comments.

- No comments until detailed landscape proposals are provided
- If the intention is to transfer the open space to the Council then a commuted maintenance sum would be required

7.8 Streetscene (Refuse and Recycling): Comments

- Suitable waste collection arrangements will be needed for the residential element
- A sweep plan is required to show access for collection vehicles and suitable bin collection points

7.9 Fareham Housing: Comments

- The size of the site triggers an affordable housing contribution.
- It is unclear whether these live/work units would be suitable for affordable housing.
- In such circumstances a financial contribution in lieu of on-site provision can be acceptable.
- The applicant has stated that no affordable housing contribution is viable.
- Fareham Housing can provide further comments once the Council has reviewed the applicant's viability report

EXTERNAL:

7.10 Hampshire County Council (Highways): No Objection:

- Concern with regards to the access proposal given the proximity to the existing dropped kerbs either side of the access route through Glenthorne Close. Vehicles joining from the neighbouring driveways will be both parallel and immediately adjacent to through traffic caused by development. It is considered that this traffic during peak periods will be light in nature. Therefore the potential for conflict between the development traffic and neighbouring properties will be minimal. Also, with the location of the gate feature to the south of the access road, it is unlikely neighbouring properties will be prevented from egressing onto the highway in the event development traffic is waiting to enter the site. The footway into the site is now acceptable at 2m wide
- The access results in the re-positioning of street furniture.
- Swept path analysis shows manoeuvres of a refuse vehicle and a fire tender.
- The Personal Injury Data has been updated.
- The trip generation has used the TRICS data and three categories – office & Light Industrial, Education, and residential are now appropriate for the development.
- The transport statement has expressed the total trip generation figure of new vehicles through Glenthorne Close is 236 movements per day. The development has been estimated to generate 23 two-way movements in the AM peak and 19 two-way movements in the PM peak period.
- Trip types have been split as part of the trip analysis. The development will generate 7 large goods vehicle movements in the AM peak and 2 trips in the PM peak.
- The development would generate a total of 10 daily ordinary goods vehicle trips with 1 trip occurring in the AM peak period.
- The proposal not considered to be of detriment to the operation and safety of the local highway network.

7.11 Hampshire County Council (Lead Local Flood Authority - LLFA): Comments

- Other than an indication on the application form that soakaways will be used for the assessment of flooding, the applicant has not provided any additional information on the surface water management proposal/local flood risk.
- Therefore, it is unclear which drainage strategy the applicant is seeking for approval.
- Bearing in mind that this is outline planning application which is seeking to fix the layout, at this stage we request that the applicant provides additional information on the proposed surface water management within the application site

7.12 Natural England: Objection

- Further information is required to determine the impact of the proposal on designated sites.
- As submitted the application could have a likely significant effect on a number of protected Habitat Sites. The following information is required to be able to undertake a Habitats Regulations Assessment:
- Details of mitigation measures to address any nutrient impacts;
- Consideration of the partial loss of a secondary support area and details of mitigation measures.
- Identification of and mitigation of recreational pressures on the designated sites in The Solent and the New Forest.

7.13 Civil Aviation Authority (CAA) – Airfield Advisory Team (AAT): Comments

- Mixed use hangars are known to be popular abroad. The US and New Zealand are good examples of where such developments have enhanced the aerodromes on which they have been built.
- Such a scheme hasn't taken off in the UK and could be an exciting and important part of the future for some of our GA aerodromes. It could work at Solent Airport
- Sites that adopt such a scheme will need to ensure that the development is optimised for their operation specifically, taking in to account proximity to current and potential future infrastructure, not limited to apron space, taxiways, runways, navigational aids, signage, AGL (airfield ground lighting).
- Additionally, thought will need to be given to airside access from the hangars themselves, as well as boundaries with the landside environment, access throughout the day, security and much more besides.
- The area in which this scheme is proposed has been allocated for employment use and in particular, partial aerospace employment. What this proposed development achieves is a unique interpretation of this. In particular, the development must demonstrate that the current aviation use is not adversely affected.

7.14 Hampshire Constabulary (Designing Out Crime): Comments

- There is some natural surveillance of the amenity space from the proposed dwellings.
- To further reduce the opportunities for anti-social behaviour the space should be enclosed by a robust boundary treatment at least 1m high. At least two access / egress points should be provided within the boundary treatment. Planting within the open space should be such that it does not obscure natural surveillance of the space, nor create a place within which a person might lie-in-wait unseen.
- Each unit is provided with an area of private amenity space to the side of the unit. A robust boundary treatment at least 900mm high should be fitted to the front of the space
- Each unit appears to be provided with three parking spaces. Given that these units are dwellings and business units, is enough parking provided?
- To provide for the safety and security of residents and visitors lighting along the proposed access road must conform to the relevant BS Standard
- Each of the units has three bedrooms, which implies that a family may reside within the unit. It is difficult to legislate for the actions of family members; whose actions may compromise the safety of the air side operations.
- The Safety and Security document makes reference to the Home Owners Association (HOA). The chair of the HOA will be responsible for agreeing security procedures with the airport operator and ensuring that each unit complies with these procedures. Assuming a chair can be elected, such an arrangement places some aspects for the security of the airfield in the hands of a homeowner with no legal authority to enforce any procedures.

7.15 Gosport Borough Council: Comments

- GBC's preference would be for the land to be used for high quality, employment led uses in aviation or other target sectors. It is accepted that this will provide some employment in the aviation sector however the density of jobs is likely to be lower than a purely employment led scheme such as Swordfish Business Park.
- Residential uses may provide operational restrictions on the ground floor uses
- Residential development may also prejudice other employment users in the locality
- Hangar Homes is a new model and it's difficult to assess its need
- The Designing Out Crime Officer has previously identified concerns for this type of proposal – primarily around the position of the proposed security fence and lack of natural surveillance of the spaces between units. Suggest that a consultation is done for this proposal
- Whilst the scheme should strive to achieve a 10% biodiversity net gain, ecological measures should not attract birds and bats which could be hazards to aviation.

7.16 Southern Water: Comments

- The proposal will require the diversion of a public foul rising main

- There are restrictions on tree planting adjacent to Southern Water sewers, rising mains and water mains. We have a guide on landscaping near infrastructure.
- A formal application to connect to the public sewer will be required.

8.0 Planning Considerations

- 8.1 The main planning considerations in the determination of this application are:
- Development at Daedalus & the principle of this development
 - Employment led development and live work units
 - Employment;
 - Live/work Units;
 - Implication of Fareham's current 5-year housing land supply position (5YHLS)
 - Residential development in the countryside
 - Impact on Habitat Sites
 - Nitrogen Neutrality
 - Recreational Disturbance
 - Loss of support site
 - Conclusions on Habitat Sites
 - Impact on protected species
 - DSP 40:
 - DSP 40 (i) Relative in scale to the 5 year HLS shortfall
 - DSP 40 (ii) Sustainably located and well related to the urban settlement
 - DSP 40 (iii) Strategic gap, Design and Character
 - DSP 40 (iv) Deliverable in the short term
 - DSP 40 (v) Environmental, Amenity and Highway Impacts
 - Airport Operations
 - Flood risk and drainage
 - Affordable Housing
 - Other matters
 - Planning Balance

Development at Daedalus and the principle of this development:

- 8.2 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:

'Our vision is for Daedalus 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'.

8.3 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. Points of note within the vision are that the site should be:

- *“an attractive location for businesses”;*
- *A “premier location”;*

and specifically for the Daedalus West area this would comprise:

- *“Two clusters of activity:*
 - *An aviation cluster, comprising mainly medium-large sized hangarage for commercial aviation businesses to locate*
 - *A commercial business development park; attracting target-sector based businesses”.*

8.4 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 (g)).

8.5 The site falls within the Daedalus Employment allocation under policy CS12. The site is within the “Hangars West” area identified for development within policy CS12.

8.6 Policy CS12 seeks to permit development where:

- *it is demonstrated that it does not adversely affect the existing or future potential general aviation operation of the airfield;*
- *it does not unacceptably diminish the integrity and function of the strategic gap between Stubbington/ Lee-on-the-Solent and Fareham/ Gosport;*
- *it does not adversely affect the integrity of the landscape character of the countryside;*
- *it can demonstrate that there will be no adverse impacts on European designated sites;*
- *primary access is from Broom Way (Hangars East) and Gosport Road (Hangars West);*
- *it does not have an adverse impact on air quality;*
- *prior consideration is given to the potential extraction of mineral deposits;*
- *it incorporates the site's heritage where feasible;*
- *both archaeological and contamination assessments and evaluations are carried out prior to the commencement of development;*
- *it delivers, or facilitates the delivery of high quality development including:*
 - a) *employment development that retains and strengthens the marine and aviation employment clusters, particularly those that require direct access to an operational airfield;*

- b) *between 10,000 sq.m and 33,000 sq.m of net additional general, or light industrial or warehousing (associated with aerospace or marine) employment floorspace with only ancillary office accommodation, to contribute towards the overall provision set out in Policy CS1;*
- c) *the creation of local employment opportunities that take advantage of and develop local skills, including during construction;*
- d) *open space accessible to residents particularly those of Stubbington and Hill Head;*
- e) *landscaping and green infrastructure including allotments together with linkages to the existing footpath network and the Alver Valley;*
- f) *environmental and biodiversity protection and enhancement;*
- g) *minimising increases in traffic levels and congestion, through sustainable transport arrangements;*
- h) *a reorganisation and consolidation of existing and new floorspace, including the phased removal of some existing built structures to create an efficient arrangement of buildings and associated activities sympathetic to the landscape and strategic gap, whilst having regard to the specific space and operational requirements of aviation related employment uses;*
- i) *appropriate utility service provision (water, waste water, energy and communications).*

Replacement and new buildings will be energy efficient and be designed to reflect existing building heights and mass and take advantage of site topographical and built features that help to reduce adverse impacts upon residential amenity, landscape character and the integrity of the strategic gap.

Development must take account of the odour contour on the north of the site from the Peel Common waste treatment works.

- 8.7 Within the policy CS12 allocation the Core Strategy Proposals Map identifies two parcels of land within the Daedalus site for employment use: Hangars West and Hangars East. The site falls within the Hangars West area.
- 8.8 Policy E3 of the new Local Plan applies to Swordfish Business Park (the name now given to Hangars West in the Core Strategy). This policy “extends” the allocation for employment led development beyond the “Hangars West” allocation within the Core Strategy (policy CS12) such that the site falls within the newly, extended, employment allocation also.
- 8.9 Policy E3 sets out that Swordfish Business Park will
 - a) *Contribute towards the delivery of 12,800sqm of employment floor space and ancillary uses, in line with the Daedalus Vision, including R&D, convenience, childcare and education and training of pilots (in addition to the 22,000sqm already permitted); and*

- b) *Primary vehicular access shall be obtained from Gosport Road; and*
- c) *Proposals shall have no adverse impacts on the existing or future viability of Solent Airport; and;*
- d) *New buildings and extensions shall be of high-quality design and where appropriate, in keeping with the style and appearance of existing development; and*
- e) *New buildings and extensions on the western boundary of the site will have regard to the scale of surrounding residential land uses, and*
- f) *Proposals shall meet the requirements of Policy NE5, and*
- g) *The scale, form, massing and layout of development to be specifically designed to respond to nearby sensitive features such as adjacent supporting sites for Brent Geese and Waders; and*
- h) *A Construction Environmental Management Plan to avoid adverse impacts of construction on the Solent designated sites shall be provided; and*
- i) *Ensures adequate surface water drainage is provided on site and addressed through a Drainage Strategy; and*
- j) *Traffic increases are minimised through the provision of new and improved walking and cycling connectivity, and*
- k) *Contamination assessments (in accordance with Policy D2) shall be carried out prior to the commencement of development of each individual parcel; and*
- l) *Consultation with Historic England on an assessment of the historic significance of any buildings to be lost, and*
- m) *The site is within a Minerals Consultation Area. Minerals extraction may be appropriate, where environmentally suitable, subject to confirmation of the scale and quality of the resource; and,*
- n) *Appropriate utilities and services shall be provided for; and*
- o) *Infrastructure provision or contributions shall be provided in line with Policy TIN4*

- 8.10 Within Policy E3 the proposed Swordfish Business Park is shown as three joined triangular parcels of employment land to the west of the Daedalus runway with no direct access from the residential areas on the east side of Stubbington Lane. Policy C12 and E3 (b) requires that primary vehicular access shall be obtained from Gosport Road.
- 8.11 The policy for Swordfish Business Park clearly seeks to contain both the business activity and the traffic it generates within the business park and not utilise routes through residential neighbourhoods.
- 8.12 The application makes the case that Swordfish Business Park has not yet happened and may not happen. However, the application submission is silent on the fact that there is already an extant outline planning permission for employment floor space on Hangars West and a reserved matter approval for the necessary servicing infrastructure including the Gosport Road access.
- 8.13 The application brings the access through the adjacent residential area to the west of the airport. It is the applicant's case that operationally the site would not bring significant volumes of traffic through Glenthorne Close and the applicant

is in negotiations with the owner of the Hammond Industrial Park in an effort to utilise that site for construction traffic routing. This proposal does not accord with policies CS12 and E3(b) given that the access is not taken from Gosport Road. The transport impact of the development on the locality is considered further later in this report.

- 8.14 The impact of the development against the other policy tests are also set out through this report under the relative headings.
- 8.15 The emerging Local Plan sets out that by providing a range of types of site in different geographical locations suiting different needs, the Plan will ensure that both short and long term employment need can be provided for, as well as offering choice and flexibility in terms of suitable sites for different uses. The Plan also seeks to identify suitable sites for the delivery of housing, none of which are at Solent Airport.
- 8.16 It is noted that the proposal seeks to provide some small level of employment (considered further in the next part of this report) but it is not a development that wholly accords with the policies of the Development Plan relative to provision of employment floor space or the Daedalus Vision and therefore it must be concluded that the principle for development is unacceptable and the proposal conflicts with the requirements of policy CS12 and policy E3(a).

Employment led development and live work units

Employment:

- 8.17 The use of the buildings would be a mixture of operations within Use Classes E(g), F.1(a) and C3.
- 8.18 The C3 use is the residential component part. Class F.1(a) relates to the provision of education seeing as at least two of the potential occupiers are engaged in flight training and one has the use of a flight simulator. Class E(g) relates to uses that can be carried out in a residential area without causing detriment to the amenity of the area (offices, research and development and light industrial uses); this use class is reflective of the 'old B1' use class.
- 8.19 The application has been amended to omit operations such as "fibre glassing" within the buildings as this would have been considered as a B2 (General Industrial) use; an activity that is not compatible with a residential use whether in the same building or close to neighbouring dwellings. Uses in classes E(g) and F.1(a) are considered in land use terms, in principle, to be acceptable.
- 8.20 The applicant's case is that this is an employment led development and this weighs heavily in its favour. Documents supporting the application set out that the employment density for the proposed units is greater than that already seen elsewhere at Daedalus, specifically on the Faraday Business Park (Hangars East) where hangars have an airside access.

- 8.21 The submission seeks to compare the proposed nine mixed use buildings with a projected level of occupation, based on the applicant's research on occupiers proposed, against the four actually occupied commercial hangars on the east side of the Airport. It is the applicant's case that when scaled up (seeing as the hangars on the east side of the airport are larger than the proposal) that the employee density on the application site would be three times higher than those at Faraday Business Park and 50% higher in terms of employees per unit.
- 8.22 It is also the applicant's case that with each unit having a greater commercial floor area (60% / 203.068sqm) to residential floor area (40% / 136.098sqm) ratio that this would contribute to the proposal being employment led.
- 8.23 Taking this last issue first; this percentage split of the floor areas does not alone make the proposal employment led. Indeed, for the Gosport Appeal (see planning history section above) which had a larger residential floor area versus commercial floor area per unit (60% residential to 40% commercial), the Inspector found that

"...a substantial element of the employment floorspace is taken up by the aircraft hangar, which, in my view, limits the overall employment opportunity of the scheme".

The Inspector then concluded that

"...whilst the proposal could potentially generate around 18 full time employees, given the level of employment space that would actually be delivered, I do not consider that the proposal amounts to an employment led development as required by Policy LP16" (para 8).

- 8.24 Whilst the ratio of employment to residential floor area has changed since the Gosport appeal with the balance now in favour of the commercial floor area (60% up from 40%), the fact remains that a large area of the ground floor is still taken up by the hangar, which may have an element of a workshop about it, but it is also an area to park an aircraft.
- 8.25 Of the 203sqm of the employment floor area identified on the proposed plans, 108sqm, or 53% of the employment floor space, is attributed to the hangar. This figure is even higher if the "Owners Office" at first floor is excluded from the calculation and only the ground floor employment area is assessed (the hangar then takes up 59%).
- 8.26 With over half of the employment floor area being taken up as hangar space, Officers would concur with the findings of the Inspector i.e. *"...a substantial element of the employment floorspace is taken up by the aircraft hangar...which limits the overall employment opportunity of the scheme"*. The Inspector's conclusions would apply to this scheme in exactly the same way as they did in the appeal proposal in so far as the extent of the hangar floorspace limits the overall employment offer.

- 8.27 Regarding employment densities, Officers do not agree with several aspects of the case advanced by the applicant.
- 8.28 Firstly, the submission doesn't take account of the overall floorspace that has been permitted by the outline planning permission at Daedalus within the Enterprise Zone nor the Council's aspirations for the airport through its Vision. The permitted levels of floor space provide an opportunity for high levels of employment and job generation for aviation related business that require an airside access. Given that the outline permission is extant this must have a bearing on the likely delivery of employment floorspace at Daedalus.
- 8.29 The application opts not to take account of the constructed but vacant units which could well be occupied with a far higher density than the currently occupied units. It must be the case that if these buildings are built that they could well be occupied to their maximum potential.
- 8.30 Instead, the proposal, in critiquing the units on Faraday Business Park, only considers the occupied units with an airside access and not the other employers on the business park of which many have aviation related elements but do not require airside access.
- 8.31 The applicant's projected job creation is based on a number of parties showing an interest in this proposal and estimating a range of jobs for each unit. The submission predicts that the scheme would create thirty jobs from the nine units proposed. However this job quota is a result of using the top of each range when in fact the quantum of jobs provided and the overall employment density may well actually be lower if the middle or the bottom of the range is utilised; it appears to be the most optimistic forecast of job creation from the proposal. Of those interested parties in the development units, one is already an airport occupant (Bournemouth Avionics) so these jobs would potentially be moving across the airport rather than be new jobs and another prospective occupier is currently operating from the Innovation Centre (Aero Safety Ltd).
- 8.32 Lastly, the Council has no way of requiring that the ground floor of the hangar homes will definitely be used for employment purposes. With residential accommodation, it will be within the control of individual residents, what work if any takes place within the ground floor of the building.
- 8.33 It is considered that the priority for this part of the airfield, within the Swordfish Business Park, should be focused on more significant levels of specialist employment generating uses in line with the Daedalus Vision and as set out within policy CS12 of the Core Strategy and Policy E3 of the new Fareham Local Plan 2037.
- 8.34 It is noted that the application makes the case that this proposal would make a positive contribution to the area by the delivery of aviation related business and jobs to the area. Whilst the development may provide some limited employment opportunities, these would be small scale in relation to the wider employment allocation. There are other aviation related businesses already at Daedalus (both with and without direct airside access) which would appear to suggest

that the presence of other employers at the airfield is adequate enough already to attract new, large scale aviation and marine related businesses to the Borough.

- 8.35 Whilst the proposal does appear to have the potential to provide some level of employment, this would be small scale relative to the wider Swordfish Business Park allocation which has very recently been through the Examination in Public for the emerging Local Plan. Delivery of the site, and the wider Business Park, is best achieved through this policy.
- 8.36 Whilst development of the Swordfish Business Park has not yet commenced, there is a reserved matter approval in place for the necessary infrastructure including access road and the necessary taxiway adjustments rather than an access through a residential cul-de-sac to the west of the airport.
- 8.37 The proposal, if permitted, would take valuable land allocated for employment generating uses which otherwise could make better use of the site's proximity to the airfield to provide more significant levels of specialist employment in accordance with the Council's Vision for Daedalus and the development plan policies. As such it is concluded that the proposal would conflict with the policies CS12 and E3 of the Development Plan.

Live/work Units:

- 8.38 In line with the paragraph 81 of the NPPF, the Fareham Local Plan 2037 aims to support and facilitate sustainable economic growth and productivity across the Borough through:
- a. Setting criteria and identifying strategic sites, for local inward investment to match the strategy and to meet anticipated needs over the plan period;*
 - b. Seeking to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and,*
 - c. Being flexible to accommodate needs not anticipated in the plan, allowing for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.*
- 8.39 The applicant describes the proposal as "live/work" units and makes specific reference to criterion c), above, of para 6.4 of the new local plan and makes the case therefore that the development plan provides positively for this type of proposal. It is important to note, however, that para 6.4 of the new Local Plan is supporting text and that there is no planning policy at Daedalus that provides for live/work units.
- 8.40 The applicant also places great emphasis on the fact that there is a bias in the overall floor area of each unit in favour of the ground floor (commercial area) over the residential areas at first floor.

- 8.41 In determining the proposal for six similar units to the west of the control tower (within the Borough of Gosport) in 2021 that the Inspector noted that the Gosport development plan identified that when considering live/work units that “...these should be considered primarily as residential development” (para 5). There is no such distinction in the Fareham Development Plan or the NPPF.
- 8.42 The applicant has, for this application, adjusted the floor plans of the proposal from the Gosport appeal scheme such that the bias is in favour of the ground floor commercial area with the first floor residential part of the building being of a smaller area, plus the inclusion of the ‘Owners Office’ at first floor.
- 8.43 Whilst this difference in floor plan arrangement from the appeal proposal is noted, it is considered that the concept of ‘Live/Work’ is such that the two uses are not really detachable from one another, but are inextricably linked and each part is dependent on the other. As such it is not unreasonable to consider that the actual ‘use’ of the building, rather than the physical split of floor area, would at the very least be more of a 50-50 split such that the residential element is not ancillary to the commercial activities but rather sits along side it. In addition, the residential floor area provides for a three bedroom unit easily capable of accommodating a family, many of whom would not benefit from the live/work arrangements. Furthermore, the live/work concept is weakened when it is considered that other employees and most of the created jobs promoted as a positive by the applicant would need to travel to the site.
- 8.44 It is considered that the proposal essentially provides a parking space for the aircraft of the dwelling occupant’s along side an area for some home working or the running of a small business. It is noted that the “Owners Office” is actually located on the first floor of the building with access directly from the living area. It is clear that the two uses – residential and commercial – are inextricably linked in a ‘live/work’ unit and are not easily divisible in practical terms.
- 8.45 Whilst it could be concluded that this type of building is a unit that would facilitate a “live/work” arrangement for the occupant of each unit, the fact that the two uses are not divisible means that the proposal seeks, to secure new residential development on an allocated employment site and in the countryside. This conflicts directly with the provisions of CS12 of the Core Strategy related to employment development at Daedalus and policy CS14 which seeks to limit new development in the countryside.
- 8.46 Whilst Para 6.4 of the Local Plan 2037 provides for the plan to be responsive to new ways of working, especially as the country recovers from the Covid-19 pandemic, it is considered that criterion a) of that paragraph that best applies to the development at Solent Airport in so far as the site (and the wider Swordfish Business Park) is an identified strategic site to help meet the identified employment needs over the plan period.
- 8.47 Whilst the Council is seeking to be adaptive and flexible through criterion c) of paragraph 6.4 of the new Local Plan; as set out above the provision of a specific policy for live/work units is not included in the Plan. Paragraph 6.4 of the emerging Local Plan was drafted with the intention of supporting people to

operate a business from their own home. This could incorporate a range of business types, such as small workshops for small-scale enterprises. The reference to flexible working practices and live-work accommodation is therefore more than just working from home. The policies for employment in the emerging Plan do, however, have a clear direction and vision for the land at Solent Airport (policy E3 refers).

- 8.48 The flexibility for the potential of live/work units would be better applied to a residential led scheme whereby the housing can be adaptive to allow for additional home working or for the operation of a genuine small business. The driver behind this paragraph in the emerging Plan is to encourage economic growth across the Borough that falls outside the traditional practices and locations, such as business parks or industrial estates. This proposal however seeks the provision of residential units on a strategically identified employment site whereby the job creation outcomes are unclear and the proposal potentially risks the delivery of a strategically identified employment site.
- 8.49 For the above reasons, and for the reasons set out elsewhere in this report the proposal is not considered to be a fully employment led development and would fail to satisfy the requirements of the development plan Core Strategy Policy CS12 and Policy E3 of the new Fareham Local Plan 2037.
- 8.50 On the basis that the proposal is not accepted as an employment led development or a scheme that would allow for the partial delivery of Swordfish Business Park, it follows therefore that the application seeks to gain a permission for new residential development on a site allocated for employment and one that is within the countryside. The proposal is against the housing policies for the Borough and in the NPPF.

Implication of Fareham's current 5-year housing land supply position (5YHLS)

- 8.51 An update report on the Council's five year housing land supply position was presented to the Planning Committee on 6th July 2022. 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 had 5.01 years of housing supply against its five year housing land supply (5YHLS) requirement.
- 8.52 Following the publication of that position the Council's housing supply was considered during several recent appeals held during August and October into proposed residential development at Land east of Cartwright Drive, Land east of North Wallington and Land east of Newgate Lane. At those appeals it was put to the Council that the evidence available suggested that several housing sites identified in the Council's supply as having outline planning permission would deliver fewer dwellings now reserved matters submission had been made. For example, the reserved matters application for Land adjacent to 125 Greenaway Lane (ref. P/21/1780/RM) proposed 80 dwellings rather than the 100 dwellings for which outline planning permission was given (a nett reduction of 20 homes from the Council's housing supply). In evidence it was also identified that, for a small number of other sites, the number of dwellings being

delivered would be less than previously stated. At the appeals the Council accepted that the evidence on this matter was clear and that the resultant reduction in the five year housing land supply meant that the position stood at 4.88 years. At the time of writing this report, officers remain of the view that 4.88 years is correct and that the Council does not have a five year supply of housing.

- 8.53 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".

- 8.54 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).

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

- 8.56 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.

- 8.57 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 8 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."

8.58 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."

8.59 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."

8.60 This planning application proposes new housing outside the defined urban settlement boundaries and the Council cannot demonstrate a five year housing land supply. Footnote 8 to NPPF paragraph 11 is clear that in such circumstances those policies which are most important for determining the application are to be considered out-of-date meaning that the presumption in favour of sustainable development in paragraph 11(d) is engaged.

8.61 Even if it was the case that the Council could demonstrate a five year housing land supply, the Housing Delivery Test results published on 14th January 2022 confirmed that 62% of the Council's housing requirement had been delivered. This means the delivery of housing in the last three years (2018 to 2021) was substantially below (less than 75% of) the housing requirement over the previous three years. Again, 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.

8.62 Taking the first limb of NPPF paragraph 11(d), as this report sets out, in this instance there are specific policies in the NPPF which protect areas of assets of particular importance namely habitat sites which are specifically mentioned in footnote 7. Therefore, a judgement will need to be reached as to whether policies in the Framework would have provided a clear reason for refusing the development. Where this is found to be the case, the development should be refused.

8.63 The second limb of NPPF paragraph 11(d), namely whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole (the so called 'tilted balance') will only apply if it is judged that there

are no clear reasons for refusing the development having applied the test at Limb 1.

8.64 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."

8.65 The wording of this paragraph clarifies the presumption in favour of sustainable development set out in Paragraph 11 of the Framework does not apply if the proposal is likely to have an adverse effect on the integrity of a habitats site(s). In such circumstances, like this application, then the application can be determined in accordance with paragraph 38(6) under the 'straight' balance rather than the 'tilted balance' in Paragraph 11 of the Framework.

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

Residential development in the countryside:

8.67 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. As set out above the application site lies within an area which is outside of the defined urban settlement boundary.

8.68 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.'

8.69 Policy DSP6 of the Local Plan Part 2: Development Sites and Policies states - there will be a presumption against new residential development outside of the defined urban settlement boundary (as identified on the Policies Map).

8.70 National planning policy allows Councils 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).

8.71 The Publication version of the Fareham Local Plan which addresses the Borough's development requirements up until 2037 has recently been

examined by the Planning Inspectorate; the Plan is therefore at an advanced stage. Policy HP2 allows for new small-scale (of not more than four units) residential development outside the urban area in situations where the site is within or adjacent to existing areas of housing or the site is well related to the settlement boundary and the site is within reasonable walking distance to a good bus service route or a train station. The development must also be of an appropriate design that does not adversely affect the predominant development form of the area. The proposal is of a quantum of development greater than 4 units and so must conflict with this policy. The remaining tests in policy HP2 are considered below.

- 8.72 The site is clearly outside of the defined urban settlement boundary and no justifications have been put forward to satisfy policy CS14. The proposal is therefore contrary to Policies CS2, CS6, and CS14 of the adopted Core Strategy, policy DSP6 of the Development Sites and Policies Plan and policy HP2 of the emerging Fareham Local Plan 2037.

Impact on Protected Sites:

- 8.73 Core Strategy Policy CS4 sets out the strategic approach to Biodiversity in respect of sensitive habitat 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.
- 8.74 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.
- 8.75 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) (previously 'European Protected Site').
- 8.76 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 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. The competent authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The competent authority is either the local planning authority or the Planning Inspectorate, depending on who is determining the application. In this case, it is the Planning Authority.

- 8.77 When considering the proposed development there are likely significant effects on Habitat Sites, relating to increased nutrients entering The Solent and recreational disturbance. In addition, the site is identified in the Solent Waders and Brent Goose Strategy as a Secondary Support Area. The likely significant effects are considered in turn below.

Nutrient neutrality

- 8.78 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.
- 8.79 Achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites. Natural England have provided a methodology for calculating nutrient budgets and options for mitigation should this be necessary. The nutrient neutrality calculation includes key inputs and assumptions that are based on the best-available scientific evidence and research, however for each input there is a degree of uncertainty. Natural England advise local planning authorities to take a precautionary approach when addressing uncertainty and calculating nutrient budgets.
- 8.80 The application is supported by a Nitrogen Budget which shows that the development would have a surplus nitrogen budget. Following the publication of new guidance by Natural England in March 2022, the applicant has provided a nitrate budget. The latest methodology and calculator indicates that the nutrient loading of the development would be 12.32kg TN/year which would require mitigation. The nitrate statement explains however, that a mitigation strategy has not yet been secured.
- 8.81 The application fails to address the likely significant effects arising from increased wastewater from the development entering The Solent leading to adverse effects on the integrity of the HS of The Solent. The failure to provide appropriate and appropriately secured mitigation means the application is contrary to Policies CS4 & DSP13 of the adopted local plan and Policy NE4.

Recreational disturbance

- 8.82 The second of these likely significant effects on HS concerns disturbance on The Solent coastline and New Forest SPA, SAC and Ramsar sites through increased recreational use by visitors to these sites.
- 8.83 With regards The Solent SPAs, Policy DSP15 of the adopted Fareham Borough Local Plan Part 2: Development Sites and Policies explains that planning permission for proposals resulting in a net increase in residential units may be

permitted where the 'in combination' effects of recreation on the Special Protection Areas are satisfactorily mitigated through the provision of a financial contribution to The Solent Recreation Mitigation Strategy (SRMS).

- 8.84 The applicant has indicated that he is willing to make a financial contribution through the SRMS, however no such contribution has been forthcoming nor secured. In the absence of a legal agreement to secure such a contribution, or the submission of evidence to demonstrate that the 'in combination' effects of the development can be avoided or mitigated in another way, the proposal is held to be contrary to Policy DSP15.
- 8.85 With regards the New Forest HS, research undertaken by Footprint Ecology has identified that planned increases in housing around the New Forest's designated sites, will result in increased visitors to the sites, exacerbating recreational impacts upon them. It was found that the majority of visitors to the New Forest's designated sites, on short visits/day trips from home, originated from within a 13.8km radius of the sites referred to as the 'Zone of Influence' (ZOI). The western side of the Borough of Fareham falls within this 13.8km radius, measured on the basis of 'how the crow flies'.
- 8.86 This Council's Interim Mitigation Solution to address this likely significant effect, was approved by the Council's Executive on 7th December 2021. The Interim Mitigation Solution has been prepared in consultation with Natural England. The mitigation comprises a financial contribution from the developer to mitigate against any impacts through improvements to open spaces within Fareham Borough and a small financial contribution to the New Forest National Park Authority.
- 8.87 The applicant has indicated, as with the SRMS above, that he is willing to make a financial contribution to the Council's interim solution. In the absence however of a legal agreement to secure such a contribution, or the submission of evidence to demonstrate that the 'in combination' effects of the development can be avoided or mitigated in another way, the proposal is considered to be contrary to Policies CS4, DSP13, DSP15 and NE3.

Loss of support site

- 8.88 The entirety of the site is also covered by a Solent Waders and Brent Goose site designation (F13) as a secondary support site. 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.
- 8.89 The Secondary Support Areas offer a supporting function to the Core and Primary Support ecological network and 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.

- 8.90 Loss of or damage to Secondary Support 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 Secondary Support 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 in accordance with policy NE5.
- 8.91 The application proposes the loss of part of a secondary support site for Solent Wader and Brent Geese without mitigation proposed or secured and thus is in direct conflict with the adopted and emerging development plan.
- 8.92 The submitted Preliminary Ecological Appraisal (PEA) describes how the Civil Aviation Authority (CAA) are also in the process of trying to get Natural England to remove the designation from the airfield and that the airfield operates a bird deterrent scheme to ensure no bird strikes to aircraft. Notwithstanding the applicant's comments, the airfield is designated at this time.
- 8.93 Officers conclude that without appropriate mitigation for the impact of the development on the Solent Waders and Brent Goose network, the development would have a harmful impact on this functionally linked habitat. The proposal conflicts with policy CS4 of the Core Strategy, policy DSP13 of the Local Plan Part 2 and policy NE5 of the Fareham Local Plan 2037.

Conclusions on Habitat Sites:

- 8.94 The Local Planning Authority as "Competent Authority" is unable to conclude that the proposed development would not have a likely significant effect on the integrity of the Habitat Sites (HS).
- 8.95 As set out in paragraph 8.64 above, the effect of Paragraph 182 of the NPPF is that:
- "The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site".*
- 8.96 The effect of NPPF paragraph 182 means that if the proposal is likely to have an adverse effect on the integrity of a habitats sites, then the application can be determined in accordance with paragraph 38(6) under the 'straight' balance and in the absence of an Appropriate Assessment.
- 8.97 In this instance Officers have identified likely significant effects upon Habitat Sites as a result of an unmitigated surplus of nitrate pollution generated by the development entering the water environment of The Solent, increased and

unmitigated recreational pressure on the HS and the loss of important secondary supporting habitat.

- 8.98 If it were not for the in-principle objection to the development, the applicant would have been invited to address these ecological issues by producing mitigation proposals and making the necessary contributions to the relevant strategies.
- 8.99 In the absence of such mitigation or agreements, the proposal fails to appropriately mitigate its impacts and would be contrary to Policies CS4, DSP13, DSP15, NE1, NE3, NE4 and NE5. The Officer recommendation is to refuse planning permission and since the application is not being favourably recommended it has not been necessary for the authority to carry out an Appropriate Assessment.

Impact on protected species:

- 8.100 The application is supported by a preliminary ecological appraisal (PEA) that confirms that the site is of low ecological value. The Council's Ecologist has expressed concern at the content of the PEA regarding the impact of development upon a known badger sett within the airfield boundary. The PEA has been undertaken from the site boundaries only. It is considered that in order to fully assess the ecological impact upon the badger sett that further on-site survey work is required. The landowner however, has not granted any access in order for this further survey work to be undertaken. The applicant has requested to survey the site by low flying drone in the absence of access on foot being granted. Such drone flying has been resisted by the Airport Manager on the grounds of airport safety.
- 8.101 The applicant is challenging the refusal of the Council, as landowner, to enable access to the land for the undertaking of a badger survey. Any legal challenge relates to matters of property law and does not stop the Council in its capacity as Local Planning Authority from deciding the planning application.
- 8.102 The applicant has requested that the survey for badgers be reserved by planning condition. Officers do not consider it appropriate to deal with a survey of this type as a condition of a planning permission. Circular 06/2005 identifies that information on protected species must be available before a decision is made, and this is supported by Natural England's standing advice on protected species. Planning authorities are required to assess the impact of the works on the ecology of the site and without the right level of information (survey, impact assessment and appropriate, proportional avoidance, mitigation and compensation measures), this assessment is not possible. The Circular does provide for a survey to be secured by condition but in "exceptional circumstances" only. Currently the application site does not pose a risk to public safety or the safety of the protected species and as such the applicants request for a planning condition is not considered an "exceptional circumstance".
- 8.103 Policy DSP13 of the Local Plan Part 2 seeks to ensure that protected species are protected and, where appropriate, enhanced as a result of development

(criterion ii). Criterion b) of Policy NE1 of the Fareham Local Plan 2037 also seeks to permit development where protected species are protected and enhanced. In the absence of the necessary survey work it is not possible to conclude that the development would not have an impact upon badgers contrary to policy and the advice in Circular 06/05 and this is reflected in the recommended reasons for refusal.

DSP 40

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

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

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

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

DSP 40 (i) Relative in scale to the 5 year housing land supply (5YHLS) shortfall

8.105 The Council is presently unable to demonstrate a 5YHLS. The proposal for nine dwellings is relative in scale to the 5YHLS shortfall and therefore bullet point i) of Policy DSP40 is satisfied.

DSP 40 (ii) Sustainably located and well related to the urban settlement

8.106 The application sets out all the local amenities nearby to the site within Stubbington and the other nearby settlements. The site is within reasonable walking distance to a good bus service route along Stubbington Lane and the amenities at Stubbington village centre.

8.107 The documents in support of the proposal suggest that by allowing people to live above their work would bring sustainability benefits through a reduction in commuting. Furthermore, the application submits that the demographic of the potential occupants is such that the occupiers would likely not be part of the 'school run'. Whilst this may be the case in so far as the interested occupiers list, the residential elements of the buildings provides for three bedrooms which would easily accommodate a family. Furthermore, each occupier has set out

their forecast job creation levels (as critiqued above) such that there is still an element of in-commuting by this proposal for those employees.

8.108 Whilst the site is outside of the defined urban settlement boundary it is immediately adjacent to Stubbington and this is a sustainable location.

8.109 However, this criterion of policy DSP40 has two parts to it. The issue of being sustainably located is one part of the test, with the second part being whether the proposal is well integrated with the neighbouring settlement. In this case, the proposal is not considered to be well integrated into the adjoining settlement contrary to the second part of this policy test. This matter is assessed further under DSP40 (iii) below when the implications for the character of the area are considered.

DSP 40 (iii) Strategic gap, Design and Character

Strategic Gap:

8.110 The site is, for planning policy purposes, within the Strategic Gap within the adopted development plan; policy CS22 refers.

8.111 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.”

8.112 The gap between Fareham, Stubbington and Lee-on-the-Solent is currently effective in maintaining the separate identity between the settlements. The airfield does not, however, form a tract of undeveloped countryside in the same way that other parts of the Strategic Gap do. It already contains sporadic built development around the edges of the airfield and has a distinct character of its own.

8.113 This site is allocated within both the adopted development plan and the emerging Plan for commercial/employment related development. Development here would physically result in the reduction of the gap by virtue of new buildings within it however, given the site’s context in the Core Strategy and its relationship with the eastern edge of Stubbington, the visual separation of settlements would likely remain and the proposal would not harm the gap whereby coalescence of settlements occurred and therefore the proposal would accord with policy CS22.

8.114 It is noted that for the purposes of the emerging Plan, the Strategic Gap designation does not apply to the Swordfish Business Park allocation such that the site is outside of the Strategic Gap in the emerging Fareham Local Plan 2037.

Design and Character:

- 8.115 Policy CS17 of the Core Strategy seeks to ensure that developments respond to and are respectful of the key characteristics of the area. Policy D1 of the Fareham Local Plan 2037 is the relevant policy in the emerging Plan.
- 8.116 Glenthorne Close and its surrounding roads are all of domestic scale and proportion with a 1960/70's age of architecture. The local street pattern consists of a gently curving road network with Glenthorne Close stretching along in a "S" shape with generously spaced pairs of semi-detached dwellings. The estate feel is very much of a verdant character; the design is open plan with wide, tree planted verges and soft or open frontages which allows for a spacious street scene and views afforded between the pairs of dwellings as a consequence of the shared driveways between.
- 8.117 The architecture consists of shallow pitched roofs with a strong gable theme. The wide horizontal windows and tile hanging all contribute to this very domestically proportioned street scene and surroundings to the application site.
- 8.118 The proposal provides for a road with a very slight bend but is otherwise long and continuous rather than winding like Glenthorne Close. The arrangement of dwellings are aligned in a repetitive and uniform way with no variation. The layout lacks any substantial open frontages and wide tree lined verges. The architecture of the buildings, whilst only shown indicatively, appears to be of a form that is more akin to the airport than the settlement from which the site is served such that the proposal fails to integrate with the settlement from which it is served as required by policy DSP40 (ii).
- 8.119 The frontages of the buildings are illustratively shown to have a modern architectural treatment which is alien to the neighbouring settlement by virtue of the roof form (a curved barrelled roof), fenestration and car parking arrangements. The frontage of the units is dominated by car parking, as is the northern side of the access road, only broken up by the occasional tree whereas Glenthorne Close is typified by wide, tree lined verges, front gardens and driveway parking. Consequentially the street scene of Glenthorne Close is markedly different to the proposal. The architecture, whilst illustrated to be contemporary, is not complementary to Glenthorne Close but rather, as a result of the layout of the proposal, it is an alien extension to the close.
- 8.120 Notwithstanding this alien appearance to its surroundings and the lack of integration into Glenthorne Close, when taken in isolation it is accepted that the proposal could be, in a contemporary form to its roadside elevation, of residential appearance. This further adds to the argument against the proposal being a mixed use employment led scheme. The street scene looks wholly residential, contemporary (and not complementary in this case), but residential.
- 8.121 Furthermore, the access road seems very ornamental and lined on one side with all the proposed parking broken only by equally spaced trees which differs from the more spacious feel of Glenthorne Close. The ordered and rhythmic design of the street scene would, it is considered, jar with the settlement from

which the site is served. The proposal would not respond to the local character and nor is it respectful of it. Thus the proposal is considered to conflict with the requirements of policy CS17, criterion (iii) of DSP40 and the specific test in criterion (ii) of DSP40 regarding the development being well integrated with the settlement. The proposal also conflicts with policies D1 and H2 of the Fareham Local Plan 2037

DSP 40 (iv) Deliverable in the short term

- 8.122 The application indicates that there are a number of interested occupants for the scheme and that the development could be delivered and occupied quickly if the applicant is able to acquire the land.
- 8.123 The site is on land owned by Fareham Borough Council and partially within a defined employment allocation. The Council in its capacity as the landowner has advised that it is not interested in selling the land for the purpose applied for.
- 8.124 As the landowner is not interested in selling the land for the purposes proposed in the application, the site is not deliverable in the short term. The proposal therefore conflicts with part (iv) of policy DSP40.

DSP 40 (v) Environmental, Amenity and Highway Impacts

Environmental Impacts:

- 8.125 The key environmental impacts are set out above relative to the impacts upon Habitat Sites, specifically with regards to nitrates, recreational pressures to the Protected Sites and the loss of the secondary support site for Brent Geese and wading birds. The conclusions on these matters alone are considered sufficient for the proposal to fail against part (v) of policy DSP40.

Highway Impacts:

- 8.126 As set out in the earlier part of this report, and specifically in the representation section, an amended Transport Statement was submitted by the applicant in July 2022 and the public given an opportunity to comment on the amended document.
- 8.127 A further revision to the Transport Statement was submitted by the applicant in September 2022 with minor amendments made in an attempt to overcome the outstanding concerns of the Highway Authority. The Highway Authority have been consulted on the latest Transport Statement and now raise no objection to the proposal.
- 8.128 Policy CS5 of the Core Strategy seeks to ensure that development proposals do not adversely affect the safety and operation of the strategic and local road network. The policy also requires development to be designed and implemented to prioritise and encourage safe and reliable journeys by walking,

cycling and public transport. Policy TIN2 of the Fareham Local Plan 2037 is the relevant policy in the emerging Local Plan.

- 8.129 In this case the access to the site is to be taken from the turning head at the end of Glenthorne Close between numbers 16 and 17.
- 8.130 This arrangement will result in the vehicles of these two neighbouring dwellings and their driveways being parallel to and immediately adjacent to the through traffic to the development. This access arrangement initially raised safety concerns with the Highway Authority. However, further analysis of the likely trip generation, plus amendments to the layout providing a gate into the site set back over 16m from the highway is such that the likely traffic flows through the site adjacent to these neighbouring driveways is not considered to raise a safety issue for users of the highway. As such that the proposal satisfies policies CS5 and TIN2.
- 8.131 The September 2022 Transport Statement adjusts the width of the footways proposed into the site to 2m (from 1.5m) to accommodate the movement of all types of foot traffic. This part of the proposal now complies with the Highway Authority standards. As such This element of the proposal would also comply with policies CS5 and TIN2.
- 8.132 The application Transport Statement is accompanied by vehicle tracking plans that show how a fire tender and a refuse vehicle would access the site, turn and leave. The September version includes, at the Highway Authority's request, a longer refuse vehicle and family car be tracked through the site to show how the different vehicle sizes can pass on the access road and the approach to the site. The Highway Authority raise no concerns at these tracking plans
- 8.133 On review of the applicant's Transport Statement the estimated trip generation to and from the site the applicant has utilised TRICS (Trip Rate Information Computer System) which is an industry standard tool to assess proposed trip generation levels for all types of developments.
- 8.134 The Transport Statement has expressed the total trip generation figures for the development at 236 daily movements. The Highway Authority had previously requested that clarity be provided in the trip types and number of larger vehicles expected to be produced by the development that would be required to manoeuvre through Glenthorne Close.
- 8.135 The development has been estimated to generate 23 two-way movements in the AM peak and 19 two-way movements in the PM peak period. Trip types have been split as part of the trip analysis and it has been calculated that the development will generate 7 large goods vehicle (up to 30 tonnes) movements in the AM peak and 2 trips in the PM peak. The development would generate a total of 10 daily ordinary goods vehicle (All commercial vehicles with 2 axles and twin rear wheels, vehicles with 3 axles and all goods vehicles with 4 or more axles) trips with 1 trip occurring in the AM peak period.

- 8.136 It is the Highway Authority's conclusion that such levels of traffic generation would not adversely affect the safe operation of the local road network and thus the scheme would satisfy the requirements of policies CS5 and TIN2.
- 8.137 The Highway Authority has deferred the assessment of the parking provision to the Planning Authority. The Transport Statement as amended sets out that 72 parking spaces are to be provided as part of the application. This breaks down the component parts of each building to its constituent use class and attributes a parking requirement for each part of the mixed use building in accordance with the Council's parking standards.

Amenity:

- 8.138 Whilst the Highway Authority has concluded that the proposed development would not give rise to any adverse impact on the safe operation of the local road network, the impact upon the amenity of the Close also requires consideration.
- 8.139 Glenthorne Close, as described above, is a residential cul-de-sac. The road meanders through the Close up to the turning head and site access with a mixture of parking being on driveways and on street. The Close, by virtue of its design and layout, essentially results in only traffic for the close coming through the close. To that end, the Close is dominated by resident and domestic type traffic. Not being a through road, the amenity of the Close is therefore one of low traffic levels and of a quiet residential area.
- 8.140 Whilst not giving rise to any issues of highway safety, the proposal would generate some 236 extra daily vehicle movements through the Close with forty two of these in the morning (23 two way trips) and evening (19 two way trips) peak periods and with a variety of vehicle types trying to negotiate the bends in the close and the on-street parked cars.
- 8.141 It is considered that the potential for 236 daily additional vehicle movements through a quiet, residential cul-de-sac would give rise to an unacceptable adverse impact upon the amenity of the close by virtue of increased activity on the road to the detriment of the quiet, residential cul-de-sac character of the road. Such levels of traffic activity and the type of visiting commercial vehicles would have a demonstrably harmful impact upon the perception of the road as a residential close affecting the amenity and environment for the Glenthorne Close Residents. As such the proposal is considered to conflict with the requirements of policy DSP40 (v) and the emerging policy D2 of the Fareham Local Plan 2037.
- 8.142 Within the submission it suggests that the occupiers of the units would accept that aircraft noise is a consequence of living on an airport and that the proposed buildings would be fitted with appropriate acoustic mitigation. Whilst the airport is adjacent to the residential areas in Stubbington, this proposal brings the residential use into the airport and much closer to the moving aircraft and associated noise.

- 8.143 The comments of the Environmental Health Officer are awaited as to the acceptability of the balconies overlooking the airfield and the provision of acoustic glazing to mitigate the impacts of noise upon the amenity of residents.
- 8.144 It is not clear that the proposal will create an acceptable living environment for the residents of the proposed buildings. Furthermore, the proposed garden area for each unit is located between each unit with large balconies overlooking the airfield.
- 8.145 The side garden for each unit is approximately 7m wide and extends the length of the building. The architecture of the buildings is such that they are shown with a high eaves level and barrelled roof. This appearance and the need for high security fencing to the airport side of these side gardens means that whilst they are of a reasonable size, these traits make for a space that could well have a sense of enclosure and dominance from the buildings. The layout and scale of the development therefore is likely to affect the usability of these spaces as domestic gardens.
- 8.146 The application proposes that these side gardens are in addition to the external balcony spaces provided at first floor for each unit. In this case the first floor is a three bedroom unit and it would not be unreasonable to expect a family to reside in the units such that the complementary garden area is considered to be a necessary addition to the unit. However, for the reasons set out above, the layout and juxta-positioning of the units to the side gardens would be to the detriment of these spaces and affect their usability as gardens.
- 8.147 Despite the poor relationship of the side gardens to adjacent buildings, the planning application also proposes an area of open space in the north western part of the site. As a communal space this would provide an alternative outside space for residents to use and which would on balance outweigh the constrained individual garden areas being provided.
- 8.148 Regarding the impacts upon neighbouring properties, the proposed layout is such that the proposed plot 9 is the closest to offsite neighbours; namely number 6 Ashton Way. The separation distance building to building is shown as being 22m which is within the parameters of the Council's design guide. Whilst the orientation of plot 9 is facing out towards the rear of 6 Ashton Way, the first floor of the proposed buildings are arranged so that bedrooms are facing these neighbours at first floor level. Such an arrangement is not dissimilar to a more traditional 'back-to-back' relationship between bedroom windows.
- 8.149 With reference to the proposed mixed use for each building, as discussed above, each of the buildings would be a mixed use comprising of Uses in classes E(g) and F.1(a) along with the C3 residential use. Class E(g) relates to uses that can be carried out in a residential area without causing detriment to the amenity of the area (offices, research and development and light industrial uses) and as such the proposed mix of uses is not considered to result in harm to the potential future occupiers or the amenity of the nearby neighbouring dwellings.

8.150 The proposal is considered to conflict part (v) of policy DSP40 and policy D2 of the emerging Fareham Local Plan 2037.

Airport Operations:

8.151 Both policies CS12 and E3 seek to ensure that the development at Solent Airport does not adversely affect the existing or future potential general aviation operation of the airfield. There are two component parts to the airport impacts; these are airport operations and airport safety.

8.152 The application is supported with a document titled "Safety and Security on Solent Aeropark". Within this submission the applicant's case is set out that access to the airfield will only be after passing through four access points when one or two are the norm for other businesses on the airfield. These would be 1) the access gate to the site, 2) access to the front of the buildings, 3) access to the hangar area within the building and 4) from the hangar to airside.

8.153 The applicant proposes that there would be a Home Owners Association, the chairman of which would agree all the safety and security procedures with the airport operator and ensure compliance with them from other occupiers.

8.154 The existing security fence around the perimeter of the site would remain, with a new security fence constructed between each unit.

8.155 The Civil Aviation Authority (CAA) mandates a 21.5m 'unobstructed strip' between the hard-standing and the taxiway for this airport, which is determined by the length and width of the runway and taxiways. The proposal meets this CAA requirement.

8.156 The applicant makes the case that the units are in view of the control tower during the operational time of the day but relies on the MCA for other non-operational periods.

8.157 The procedures in the applicants "Safety and Security" paper were, in 2021, shared with the CAA Aerodrome Inspector according to the submission. The CAA advice at that time is then quoted in the submission that the operation of the site would comply with the regulatory requirements and should not have any operational impacts to the airport.

8.158 What is unclear from the submission is the detailed questions put to the CAA Aerodrome Inspector. Furthermore, this response seems to look at the regulatory requirements of the airport licence rather than the more site specific safety implications. Whilst the CAA advised the applicant in 2021 that this would meet the regulatory requirements, the same CAA Advice is silent, or at least it is not referred to within the submission, on the safety implications for such a development adjacent to and with access to an active airfield.

8.159 It is the Airport Manager's view that the risks presented by this proposal cannot be fully managed. A number of issues arise, including unauthorised airfield intrusions from visitors (e.g. children, guests, domestic animals), the reliance

upon the Airport Manager as an additional security method, (for example to identify potential breaches of airport policy's i.e. no smoking, live flames etc (especially out of normal operating hours), direct access 24/7 on to an active airport and potential foreign object debris (FOD) have implications that are a potential risk to life. There is no satisfactory evidence to demonstrate that these risks can be mitigated to an acceptable level and therefore as the Accountable Manager for the CAA licence, the Airport Manager cannot be satisfied that they are acceptable risks and as such they raise an objection to the scheme.

- 8.160 The CAA Comments in response to this application come from the Airfield Advisory Team (AAT) at the CAA and not the aerodrome inspector. The consultation response acknowledges that the site is an allocated employment site. The consultation also accepts that this type of proposal is not new to airfields outside of the UK. The advice continues that the scheme could work in the UK.
- 8.161 However, the CAA AAT view is that it would require all parties to work together in order for concept designs and potential layouts to evolve in order to identify any required mitigation measures to any hazards observed.
- 8.162 The CAA would engage with any risk assessment and take part in any conversations on concept design, if this was a scheme the landowner wanted to explore. The points raised on safety by the Airport Manager would need to be considered as part of this process and assessment of the concept design considerations by the CAA. As such the CAA has not currently lent its support for nor objected to the proposals yet but rather, it seems to reserve its position for the owners of the site and aerodrome authority to look at the scheme and consider whether it is an attractive proposition first. Then a potential next stage could be to assess whether such a proposal can physically work at Solent Airport with the CAA's involvement. The Landowner, however, is very clear that it has no interest in this type of proposal and the land is not for sale for this type of development.
- 8.163 Notwithstanding the view of the Landowner and the Airport Operator the applicant has sought to generate support for the proposal from General Aviation Awareness Council (GAAC) and the Aircraft Owner and Pilots Association (AOPA) which the applicant purports are independent and neither of which voice concerns at the safety of the scheme. The Applicant also refers to the CAA ATT comments as a positive for the scheme in so far as the CAA acknowledges that this type of proposal could work in the UK and here at Solent Airport.
- 8.164 Whilst the comments received from the GAAC and AOPA are noted, they are not statutory consultees and these comments have been generated following contact from the applicant., the comments relate to the principle of the use rather than providing a detailed assessment of the likely risks and how they might be mitigated. It is considered that the views of the Airport Operator must be afforded the most weight. The Airport Manager has expressed concern at the implications for the safe operation of the airport as a result of the proposal

and therefore the proposal is considered to conflict with policies CS12 of the Core Strategy and E3c) of the Local Plan 2037.

Flood risk and drainage:

- 8.165 Policy CS15 of the Local Plan Part 1 promotes and secures sustainable development by avoiding unacceptable levels of flood risk and proactively managing surface water through the promotion of sustainable drainage techniques. Policy CC2 is the relevant policy in the emerging Fareham Local Plan 2037. The site is within flood zone 1, which is the lowest risk area.
- 8.166 The Lead Local Flood Authority (LLFA) and third party representations have queried the application's lack of information on the surface water management proposals to ensure that local flood risk is managed.
- 8.167 The submitted 'Planning, Affordable, landscape, Design & Access Statement' in support of the proposal refers only to a connection by the development into the main sewer in Glenthorne Close and the need for an existing water main through the site to be diverted. The only reference to the management of surface water is within the application form itself which simply indicates that the surface water will be addressed by means of a soakaway.
- 8.168 Drainage is a material planning consideration and as such, whilst this is an application made in outline, given that the application seeks approval of "layout" it is not unreasonable to expect additional details at this stage on the proposed surface water management of the site. This, it is suggested by the LLFA, should include the details of the entire proposed drainage solution, calculations and sufficient information to enable an understanding of the existing conditions and how the proposal will affect this. In the absence of this information, it is unclear how the surface water from the proposed development would not potentially give rise to a risk of flooding to the local area and as such the proposal must fail when considered against policy CS15 of the Core Strategy and policy CC2 of the Fareham Local Plan 2037.

Affordable Housing:

- 8.169 The application is supported by a "Viability Report" which concludes that the proposal is unable to deliver any affordable housing on site nor to provide an off site contribution towards affordable housing in accordance with policy CS18.
- 8.170 Policy CS18 states that on sites providing 5-9 dwellings 30% affordable housing or a financial contribution equivalent to 30% provision should be provided. 30% affordable housing in line with the adopted policy which would equate to a requirement for 2.7 dwellings.
- 8.171 It is noted that policy HP5 of the emerging Fareham Local Plan 2037 states that 40% affordable housing is required from sites providing 10 or more dwellings or development on a site with an area of 0.5ha or more. So the emerging policy would also require any affordable housing provision, a greater provision in fact by 10%. The applicants Viability Report omits to consider the site area as a

qualifying criteria under the new policy and concludes, incorrectly, that no affordable housing would be required under the emerging Local Plan.

- 8.172 Notwithstanding this point, based on CS18, the application submits that it is not viable to provide any affordable housing either on site or by means of off site contribution. It follows, therefore that the applicant's case for a greater contribution as per policy HP5 would also be unviable.
- 8.173 Officers have sought an independent review of the applicant's Viability Report. This review will consider the methodology, the assumptions and the conclusions made by the applicant. The review of this report is awaited and Officers will provide an update at the Planning Committee Meeting.

Other Matters:

- 8.174 The application is supported with a "Valuation Report" which concludes that the provision of commercial units on Swordfish Business Park as per the development plan policies would have a harmful impact on residential property values of the adjacent dwellings whereas the proposed mixed use business units will not have this impact but would in fact enhance the values of the properties in Glenthorne Close.
- 8.175 In rebutting third party comments the applicant has put a lot of weight to this part of the submission. This report has not been scrutinised or verified one way or the other by the Local Planning Authority as the impact of a development on property values is not a material planning consideration. To that end this part of the application is not afforded any meaningful weight.

Planning Balance:

- 8.176 Members will be mindful from the report above that the Council cannot currently demonstrate a 5YHLS yet the position is that it is not far off being able to do so. In the event the Council had achieved a 5YHLS Policy DSP40 would no longer be engaged. Notwithstanding this, as set out in paragraph 8.61 above, the presumption in favour of sustainable development under paragraph 11 of the NPPF would normally still apply because of the Council's failure to satisfy the Housing Delivery Test.
- 8.177 However the effect of NPPF paragraph 182 means as a result of this proposal having an adverse effect on the integrity of a habitats sites and no Appropriate Assessment has been undertaken, the 'titled balance' is not engaged and the application can be determined in accordance with paragraph 38(6) of the Act which essentially means the assessment is made against the policies of the development plan.
- 8.178 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".

- 8.179 The site is part of an allocated employment site. The proposal is not considered to accord with the requirements of the allocation in terms of its access nor being an employment led scheme; the quantum of floor space and job creation would fall considerably below that envisaged in the development plan.
- 8.180 The proposed live/work units will provide new residential development outside of the defined urban settlement boundary. The proposal does not relate to agriculture, forestry, horticulture and required infrastructure which are acceptable types of development in the countryside.
- 8.181 Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations which is engaged as this Council cannot demonstrate a 5YHLS. Whilst the proposal would be sustainably located adjacent to the urban settlement boundary, it would not be sensitively designed to integrate with or reflect the character of the neighbouring settlement or to minimise any adverse impact on the Countryside. It is not deliverable in the short term and it would have unacceptable environmental, implications due to the failure to provide any mitigation. Additionally, the proposal would give rise to amenity issues through the levels of traffic generated through Glenthorne Close.
- 8.182 Paragraphs 7 and 8 of the NPPF set out that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three dimensions of sustainable development; namely the performing economic, social and environmental objectives. There would be some economic benefits as a result of both the construction of and occupation of the new mixed use buildings.
- 8.183 A high standard of design is also a key aspect of sustainable development. The harm identified to the character and appearance of the area would be significant. As a result, the social objective of sustainable development of fostering well-designed and beautiful places, would not be achieved. Whilst the Framework encourages the effective use of land in meeting the need for homes it does not suggest that housing is accepted on allocated employment sites.
- 8.184 Furthermore the proposal fails to protect the natural environment and nor will it ensure that the safe operation of the airport can continue. Finally, the application fails to demonstrate that the development would not have an adverse impact on the amenity of the close as a consequence of the additional traffic generation.
- 8.185 The development conflicts with development plan policies CS12, CS4, CS5, CS14, CS17 of the Core Strategy, DSP3, DSP13, DSP15 of the Development Sites and Policies Plan and D2, DS1, HP2, TIN1, TIN2, CC1, CC2, NE1 ,NE3, NE4, NE5 and E3 of the emerging Fareham Local Plan 2037. There are no other material considerations that outweigh the conflicts identified with these

policies. The proposal is recommended for refusal for the detailed reasons set out below.

9.0 Recommendation

Subject to:

- i. the receipt and consideration of the comments of Environmental Health; and
- ii. the Consultant's report on the applicant's viability report for affordable housing provision; then
- iii. Delegate to the Head of Development Management to add any further reasons for refusal as considered to be appropriate following the consideration of these two matters,

REFUSE for the following reasons:

- 1. The proposal is not considered employment-led and would provide for inadequate levels of employment and would prejudice the future delivery of the wider Swordfish Business Park (of which the site is a part) which is allocated for large scale employment use. The proposed development is therefore contrary to policy CS12 of the Fareham Borough Local Plan Part 1 (Core Strategy) and policy E3 of the emerging Fareham Local Plan 2037.**
- 2. The proposed access is not taken from Gosport Road and the development of the application site in an isolated fashion would prejudice the future delivery of the wider Swordfish Business Park (of which the site is a part) which is allocated for large scale employment use. The proposed development is therefore contrary to policy CS12 of the Fareham Borough Local Plan Part 1 (Core Strategy) and policy E3 of the emerging Fareham Local Plan 2037.**
- 3. The proposed development represents new residential development outside the defined settlement boundary for which there is no overriding need or justification. The proposal is therefore considered to be contrary to policy CS14 of the Fareham Borough Local Plan Part 1 (Core Strategy) and policy DS1 of the emerging Fareham Local Plan 2037.**
- 4. The proposal would, by virtue of the access, scale and layout, fail to respond positively to or be respectful of the local character and nor would it integrate well with the surrounding settlement. Furthermore, the proposal is not considered to be deliverable in the short term. The proposal is contrary to policy CS17 of the Core Strategy, parts (ii), (iii) and (iv) of policy DSP40 of the Development Sites and Policies Plan and policies D1 and H2 of the emerging Fareham Local Plan 2037.**
- 5. The proposal would adversely affect the existing and future potential general aviation operation of the airfield. The proposed development is therefore considered to be contrary to policy CS12 of the Fareham**

Borough Local Plan Part 1 (Core Strategy) and policy E3 of the emerging Fareham Local Plan 2037.

- 6. It is considered that the level of additional traffic activity and the type of commercial vehicles visiting the application site would have a harmful impact upon the character of Glenthorne Close as a residential close affecting the amenity and environment of the Glenthorne Close Residents. As such the proposal is considered to conflict with the requirements of policy DSP40 (v) of the Development Sites and policies Plan and policy D2 of the emerging Fareham Borough Local Plan 2037.**
- 7. Inadequate information has been submitted in order for the Local Planning Authority to conclude that the development would not have an unacceptable level of flood risk through appropriate management of surface water. The proposed development is therefore considered contrary to policy CS15 of the Fareham Borough Local Plan Part 1 (Core Strategy) and policy CC2 of the emerging Fareham Local Plan 2037**
- 8. The proposal would have likely adverse effects on the integrity of 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. The proposal is therefore considered contrary to policy CS4 of the Fareham Borough Local Plan Part 1 (Core Strategy), policy DSP13 and criterion (v) of policy DSP40 of the Fareham Borough Local Plan Part 2 (Development Sites and Policies) and policy NE4 of the emerging Fareham Local Plan 2037.**
- 9. The proposal would have likely adverse effects on the integrity of habitat sites in combination with other developments due to the loss of part of a secondary support site habitat and the lack of appropriate and appropriately secured mitigation. The proposal is therefore considered contrary to policy CS4 of the Fareham Borough Local Plan Part 1 (Core Strategy), policies DSP13, DSP14 and criterion (v) of policy DSP40 of the Fareham Borough Local Plan Part 2 (Development Sites and Policies) and policy NE5 of the emerging Fareham Local Plan 2037.**
- 10. Inadequate survey information has been submitted in order for the Local Planning Authority to conclude that the development would not have an adverse impact upon protected species. The proposed development is therefore considered contrary to policy CS4 of the Fareham Borough Local Plan Part 1 (Core Strategy), policy DSP13 of the Fareham Borough Local Plan Part 2 (Development Sites and Policies) and policy NE1 of the emerging Fareham Local Plan 2037.**
- 11. 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 protected habitat sites which, in combination with other developments, would arise due to the impacts of recreational disturbance. The proposal is therefore considered contrary to policy CS4 of the Fareham Borough Local Plan Part 1 (Core Strategy), policy DSP13**

and criterion (v) of policy DSP40 of the Fareham Borough Local Plan Part 2 (Development Sites and Policies) and policy NE3 of the emerging Fareham Local Plan 2037.

10.0 *Notes for Information*

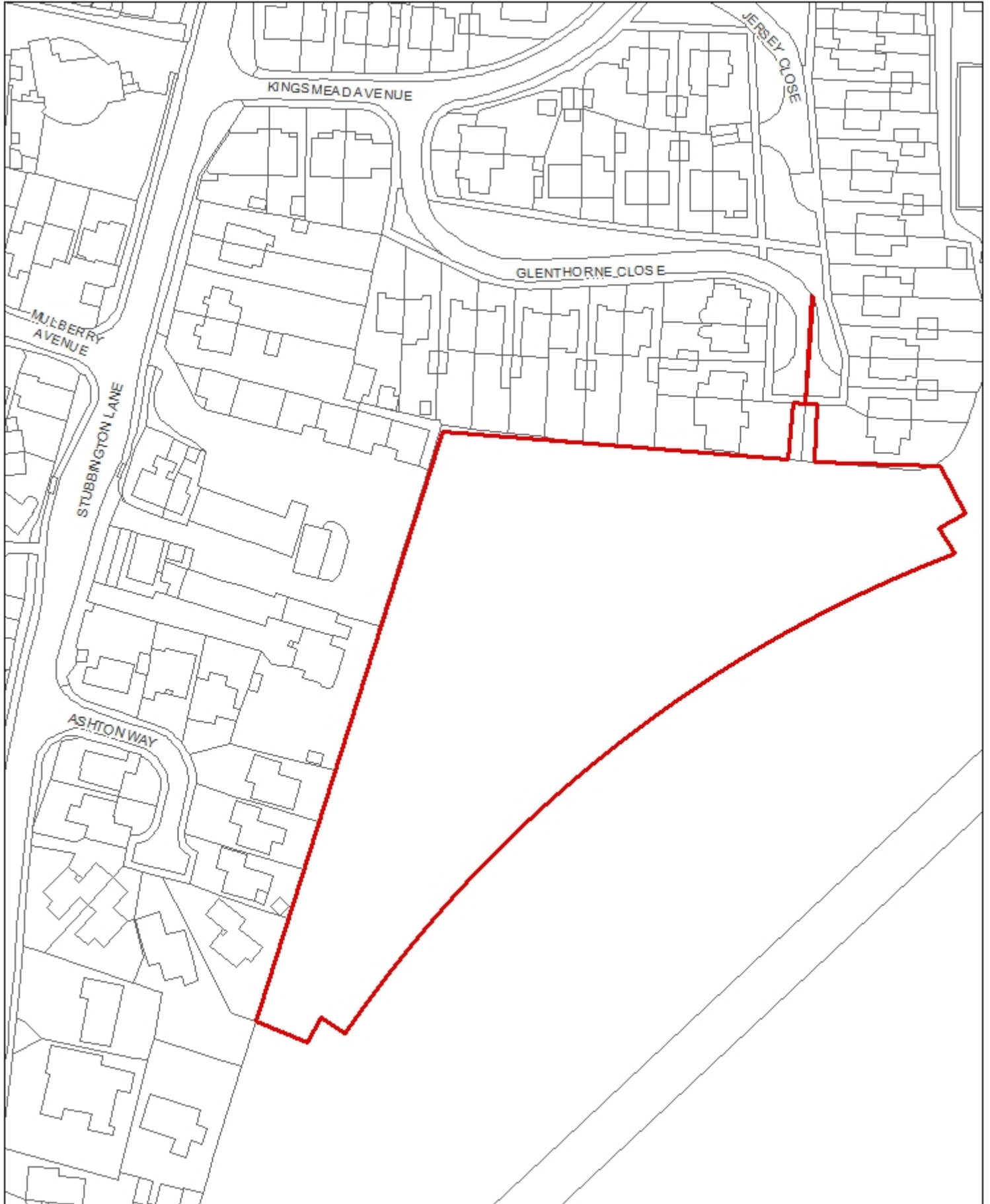
- 10.1 Had it not been for the overriding reasons for refusal to the proposal, the Local Planning Authority would have sought to address point 11) above by inviting the applicant to enter into a legal agreement with Fareham Borough Council under Section 106 of the Town & Country Planning Act 1990

11.0 *Background Papers*

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 South of 16/17 Glenthorne
Close, Fareham
Scale 1:1,250



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FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date 27/10/2022

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/21/1534/FP](#)

Appeal site address: 18a Church Road Locks Heath Fareham SO31 6LU

Ward: Locks Heath

The appellant: Mr Steven Hook

Description of proposal: Raise the roof to create rooms in roof space, installation of rooflight, internal alterations & erection of porch

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Date appeal lodged: 24/06/2022

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/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

Date appeal lodged: 07/07/2022

Reason for Appeal: Appeal against conditions imposed on approval

Fareham Borough Council Reference: [P/22/0768/FP](#)

Appeal site address: 14 Mariners Way Warsash Southampton SO31 9FN

Ward: Warsash

The appellant: Mr Ben Jones

Description of proposal: External alterations to include front extension, rear balcony, first floor side extension and second floor extension. Render, cladding and fenestration install.

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Date appeal lodged: 05/09/2022

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/22/1071/DA](#)

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

Ward: Sarisbury

The appellant: Mr N Assar

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

Date appeal lodged: 02/08/2022

Reason for Appeal: Against serving of planning enforcement notice

INFORMAL HEARING

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

Appeal site address: Newlands Farm Stroud Green Lane Fareham PO14 2HT

Ward: Stubbington

The appellant: Mr Ashley Barlow

Description of proposal: Enforcement Appeal

Against the issue of an enforcement notice.

Council decision: NONE

Decision maker: Officer Delegated Powers

Date appeal lodged: 29/09/2021

Reason for Appeal: Against serving of planning enforcement notice

PUBLIC LOCAL INQUIRY

Fareham Borough Council Reference: [P/22/0165/OA](#)

Appeal site address: Land East of Newgate Lane East Fareham

Ward: Stubbington

The appellant: Miller Homes Ltd & Bargate Homes Ltd

Description of proposal: Outline application with all matters reserved (except access) for residential development of up to 375 dwellings, access from Newgate Lane East, landscaping and other associated infrastructure works

Council decision: NONE

Decision maker: Committee

Date appeal lodged: 15/06/2022

Reason for Appeal: No formal decision within determination period

Date scheduled for Public Local Inquiry to start and duration: 11/10/2022 for 8 days

DECIDED PLANNING APPEALS

Fareham Borough Council Reference: [P/19/0894/OA](#)

Appeal site address: Land East of North Wallington Fareham

Ward: Fareham East

The appellant: Foreman Homes Ltd

Description of proposal: Outline planning application with all matters reserved (except for access) for residential development of up to 29 dwellings, associated landscaping and access off North Wallington Road

Council decision: NONE

Decision maker: Committee

Reason for Appeal: No formal decision within determination period

Appeal decision: DISMISSED

Appeal decision date: 21/09/2022

Fareham Borough Council Reference: [P/21/1707/OA](#)

Appeal site address: Land to the East of Cartwright Drive Fareham

Ward: Titchfield

The appellant: Foreman Homes Ltd

Description of proposal: Outline application for the erection of 49 dwellings and associated landscaping and parking. Access from Cartwright Drive and associated works.

Council decision: NONE

Decision maker: Committee

Reason for Appeal: No formal decision within determination period

Appeal decision: DISMISSED

Appeal decision date: 23/09/2022

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](#)