

FAREHAM

BOROUGH COUNCIL

AGENDA PLANNING COMMITTEE

Date: Wednesday, 21 September 2022

Time: 2.30 pm

Venue: Collingwood Room - Civic Offices

Members:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

Councillors Miss J Bull
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 - 7)

To confirm as a correct record the minutes of the Planning Committee meeting held on 10 August 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 8)

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

ZONE 1 - WESTERN WARDS

(1) **P/19/1322/OA - 139 SOUTHAMPTON ROAD TITCHFIELD PO14 4PR** (Pages 11 - 48)

(2) **P/21/1780/RM - LAND ADJACENT TO 125 GREENAWAY LANE SO31 9HT** (Pages 49 - 70)

ZONE 2 - FAREHAM

(3) **P/22/0891/FP - 71 HIGHLANDS ROAD PO15 6BY** (Pages 72 - 77)

(4) **P/22/1046/FP - 106 FUNTLEY ROAD PO17 5EF** (Pages 78 - 85)

ZONE 3 - EASTERN WARDS

(5) **Planning Appeals** (Pages 87 - 93)



P GRIMWOOD
Chief Executive Officer
Civic Offices

www.fareham.gov.uk

12 September 2022

**For further information please contact:
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FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Wednesday, 10 August 2022

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

Councillors: Miss J Bull, D G Foot, Mrs C L A Hockley, S Ingram, P Nother,
Mrs S M Walker and F Birkett (deputising for M J Ford, JP)

Also Present: Councillor Ms F Burgess (Item 6 (1))



1. APOLOGIES FOR ABSENCE

An apology of absence was received from Councillor M J Ford.

2. MINUTES OF PREVIOUS MEETING

RESOLVED that the Minutes of the Planning Committee meetings held on the 06 July 2022 and 13 July 2022 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

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

4. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

5. DEPUTATIONS

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

Name	Spokesperson representing the persons listed	Subject	Supporting or Opposing the Application	Minute No/ Application No/Page No	Dep Type
ZONE 1 - 2.30pm					
John Rowley		107 NEWTOWN ROAD, WARSASH, SO31 9GY - DEMOLITION OF EXISTING DWELLING AND ERECTION OF THREE DETACHED DWELLINGS	Opposing	6(1) P/21/0992/FP Pg 25	In Person
Carl Patrick		-DITTO-	-DITTO-	-DITTO-	In Person
Shaun Dunning		-DITTO-	Supporting	-DITTO-	In Person
Benjamin Andrews		-DITTO-	-DITTO-	-DITTO-	In Person
Bob Marshall		KINGFISHERS, FISHERS HILL, FAREHAM, PO15 5QT - CONSTRUCTION OF THREE DETACHED	Opposing	6(2) P/21/1458/FP Pg 48	Written

		HOMES WITH ASSOCIATED GARAGE AND CAR PORTS, ACCESS AND LANDSCAPING FOLLOWING THE DEMOLITION OF THE EXISTING SWIMMING POOL STRUCTURE			
Matt Holmes		-DITTO-	Supporting	-DITTO-	In Person
ZONE 2 -					
ZONE 3 -					
Tim Wall		LAND EAST OF DOWN END ROAD, PORTCHESTER - DEED OF VARIATION OF SECTION 106 UNILATERAL UNDERTAKING REGARDING TRIGGER FOR HIGHWAY WORKS AT A27/DOWNEND ROAD/SHEARWATER AVENUE JUNCTION	Supporting	6(4) Q/0915/22 Pg 78	In Person

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 appeal decisions.

(1) P/21/0992/FP - 107 NEWTOWN ROAD WARSASH SO31 9GY

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

At the invitation of the Chairman, Councillor Mrs F Burgess addressed the Committee on this item.

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

- (i) The conditions in the report; and
- (ii) An additional condition stating “No development hereby permitted shall commence until a surface water drainage scheme detailing the means of disposal of both surface water and rainwater from the roofs of the dwellings has been submitted to and approved by the Local Planning Authority in writing. The submitted scheme shall

demonstrate that the proposed development will not increase the risk of surface water flooding to adjacent land. 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.”

Was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that, subject to: -

- (i) The conditions in the report; and
- (iii) An additional condition stating “No development hereby permitted shall commence until a surface water drainage scheme detailing the means of disposal of both surface water and rainwater from the roofs of the dwellings has been submitted to and approved by the Local Planning Authority in writing. The submitted scheme shall demonstrate that the proposed development will not increase the risk of surface water flooding to adjacent land. 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.”

PLANNING PERMISSION be granted.

(2) P/21/1458/FP - KINGFISHERS FISHERS HILL FAREHAM PO15 5QT

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: -

After further consideration of the Committee report, Paragraph 8.45 has been superseded with the following:

The applicant has purchased 2.39 kgTN/yr 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 creation of a managed wetland at Whitewool Farm is removing nitrates from the River Meon and therefore providing a corresponding reduction in nitrogen entering the Solen marine environment. The purchase of credits has the effect of allocating a proportion of this reduction in nitrates to this development, meaning that the scheme can demonstrate nutrient neutrality.

An additional condition has also been included which is as follows:

- 17) *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 16th June 2022 between (1) William Northcroft Butler and Jams Nicholas Butler (2) HN Butler Farms Limited and (3) Principal Estates (Southern) Limited.*

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

Following receipt of an amended plan removing the side window on Plot One, condition 2 is reworded as follows:

- 2) *The development shall be carried out in accordance with the following approved documents:*
- a) Location and Block Plan 6036-WLA-SM-XX-DR-A-0002*
 - b) Site Plan 6036-WLA-SM-XX-DR-A-0003 Rev G*
 - c) Plot 1 Elevations 6036-WLA-H1-XX-DR-A-2212 Rev C*
 - d) Plot 2 Elevations 6036-WLA-H2-XX-DR-A-2112 Rev B*
 - e) Plot 3 Elevations Sheet 1 of 2 6036-WLA-H3-XX-DR-A-2312*
 - f) Plot 3 Elevations Sheet 2 of 2 6036-WLA-H3-XX-DR-A-2313*
 - g) Plot 1 Floorplans 6036-WLA-H1-XX-DR-A-2211 Rev C*
 - h) Plot 2 Floorplans 6036-WLA-H2-XX-DR-A-2111 Rev B*
 - i) Plot 3 Floorplans 6036-WLA-H3-XX-DR-A-2311 Rev A*
 - j) Garage Plans and Elevations 6036-WLA-ZZ-XX-DR-A-0111 Rev A*
 - k) Carport Proposals 6036-WLA-CP-XX-DR-A-0115 Rev A*
 - l) Design Statement – July 2021*
 - m) Planning Statement – July 2021*
 - n) Historic Environment Desk-Based Assessment 18 Aug 21*
 - o) Preliminary Ecological Assessment 4th November 2021*
 - p) Biodiversity Metric 3.0*
 - q) BS5837 Survey Kingfisher*
 - r) Kingfisher BS 5837 20152 Arboricultural Report V2*
- REASON: To avoid any doubt over what has been permitted.*

As the plans have been revised to remove the side window, Condition 12 is no longer considered necessary.

A motion was proposed and seconded to refuse planning permission and was voted on and CARRIED.

(Voting: 7 in favour; 2 against)

RESOLVED that PLANNING PERMISSION be REFUSED.

Reasons for Refusal

The development is contrary to Policies CS17 and CS22 of the Adopted Fareham Borough Core Strategy 2011 and Policy DSP5 of the Adopted Local Plan Part 2: Development Site and Policies Plan and is unacceptable in that:

- a) The application site is located outside the defined urban settlement boundary within an area of countryside which forms part of the Meon Valley landscape and contributes to the setting of the Catisfield settlement and the Titchfield Abbey and Catisfield Conservation Areas. The introduction of substantial built form within this location would result in a significant visual impact, harmful to the appearance of this countryside location, which would further fail to preserve the character and appearance of the Titchfield Abbey Conservation Area and the setting of the Catisfield Conservation Area.
- b) The proposal would extend residential development into the Meon Strategic Gap significantly affecting the integrity of the Gap.
- c) The design of the house on Plot 2 which results in a two storey gable end facing Fishers Hill, would be out of character with the prevailing key characteristics of housing design in the immediate area, harmful to the appearance of the area.

The Council considers that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.

(3) P/22/0815/FP - 82 SOUTHAMPTON ROAD FAREHAM PO16 7EA

Upon being proposed and seconded the officer recommendation to grant planning permission was voted on and CARRIED.
(Voting: 9 in favour; 0 against)

RESOLVED that PLANNING PERMISSION be granted.

(4) Q/0915/22 - LAND EAST OF DOWNEND ROAD PORTCHESTER

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

A motion was proposed and as follows: -

That Members authorise the completion of a Deed of Variation to the Section 106:

- a) To vary the obligation relating to the completion of the Down End Road/A27 capacity improvements to require the developer to use reasonable endeavours to complete those works as soon as possible following the completion of the Transforming Cities Fund Improvements by Hampshire County Council and in any event prior to the occupation of the 75th residential unit.

And was voted on and carried.

(Voting: 9 in favour; 0 against)

RESOLVED that, Members AUTHORISE the completion of a Deed of Variation to the Section 106 agreement: -

- a) To vary the obligation relating to the completion of the Down End Road/A27 capacity improvements to require the developer to use reasonable endeavours to complete those works as soon as possible following the completion of the Transforming Cities Fund Improvements by Hampshire County Council and in any event prior to the occupation of the 75th residential unit.

(5) Planning Appeals

The Committee noted the information in the report.

(6) 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 4.55 pm).

Agenda Item 6



Report to Planning Committee

Date: 14 September 2022

Report of: Director of Planning and Regeneration

Subject: PLANNING APPLICATIONS AND MISCELLANEOUS MATTERS

SUMMARY

This report recommends action on various planning applications.

RECOMMENDATION

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

AGENDA

The meeting will take place on Wednesday 14th September 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 2.30pm

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

<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>P/19/1322/OA TITCHFIELD COMMON</p>	<p>139 SOUTHAMPTON ROAD TITCHFIELD FAREHAM PO14 4PR</p> <p>OUTLINE APPLICATION FOR THE PROPOSED ERECTION OF UP TO 39 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE, LANDSCAPING OPEN SPACE AND ACCESS, INCLUDING DEMOLITION OF EXISTING BUILDINGS (ALL MATTERS RESERVED EXCEPT FOR ACCESS)</p>	<p>1</p> <p>OUTLINE PERMISSION</p>
<p>P/21/1780/RM WARSASH</p>	<p>LAND ADJACENT TO 125 GREENAWAY LANE WARSASH FAREHAM SO31 9HT</p> <p>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 &</p>	<p>2</p> <p>APPROVE</p>

ENHANCEMENT MITIGATION STRATEGY)
AND 9(I) ARCHAEOLOGY OF P/19/0402/OA.

OFFICER REPORT FOR COMMITTEE

DATE: 14/09/2022

P/19/1322/OA
MR JAMES & MR COOPER

TITCHFIELD COMMON
AGENT: GERALD EVE

OUTLINE APPLICATION FOR THE PROPOSED ERECTION OF UP TO 39 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE, LANDSCAPING, OPEN SPACE & ACCESS, INCLUDING DEMOLITION OF EXISTING BUILDINGS (ALL MATTERS RESERVED EXCEPT FOR ACCESS)

139 SOUTHAMPTON ROAD, TITCHFIELD, FAREHAM, PO14 4PR

Report By

Susannah Emery – direct dial 01329 824526

1.0 Introduction

- 1.1 This application was first reported to the Planning Committee on 14 July 2021. At that meeting Members resolved to grant outline planning permission for the development subject to conditions and the prior completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990.
- 1.2 Since Members resolved to grant outline planning permission, there have been some material changes in circumstances which require further consideration by Members. These changes in circumstances are set out below.
- 1.3 Whilst drafting has been progressing on the Section 106 legal agreement, there have been changes to the advice provided by Natural England in respect of the likely significant effects of residential development on Habitat Sites. As a result, and as set out within the relevant section of the report below, additional nitrate mitigation is required to mitigate the impact of the development on water quality and Habitat Sites within The Solent. It is also necessary to secure an additional financial contribution to mitigate the likely significant effect of the development on the New Forest Habitat Sites by virtue of recreational disturbance.
- 1.4 During the Section 106 drafting process it has also been established that the Highways Authority, Hampshire County Council (HCC), require the legal agreement to secure the closure of the proposed access onto the A27 in the event that the site is able to access the A27 through land to the north in the future. The reason for this is to limit the number of access points to the wider Southampton Road housing allocation site from the A27. The proposed heads

of terms for the Section 106 have been updated below to include this obligation. The drafting of the S106 is now at an advanced stage.

- 1.5 There have been no other changes to the nature of the proposed development since its consideration by the Planning Committee in July 2021.

2.0 Site Description

- 2.1 The application site is located within the countryside to the east of Southampton Road (A27) on the opposite side of the road to the Southampton Road Retail Park. The site is part of a larger housing allocation site (HA3) identified within the Draft Local Plan 2037 which extends north from the southern boundary of the application site up to the Segensworth Roundabout.
- 2.2 The site abuts Hambrooks Garden Centre to the north. The Sylvan Glade SINC abuts the site along the northern section of the eastern boundary. Two detached residential properties set within substantial plots lie to the south and south-east of the application site (Nos 163 & 171 Southampton Road).
- 2.3 The site is currently occupied by a large detached chalet bungalow which stands towards the north of the site. Planning permission was granted in 1981 for use of the land immediately to the north and east of the dwelling as a residential caravan park. Multiple static homes were previously on site although this use has ceased temporarily until the outcome of the planning application is known. The area of grassland within the north-east corner of the site was used as open space in association with the caravan park and the remainder of the site to the south has been left as pasture.
- 2.4 There are currently two points of vehicular access to the site from Southampton Road; one towards the north of the site closest to the existing dwelling and one towards the south.
- 2.5 The trees (Oak & Ash) which extend in a linear arrangement along the western boundary adjacent to Southampton Road are covered by a group tree preservation order (TPO) and there are also five individual Oak trees set in slightly from this boundary which are protected by TPO's.
- 2.6 The site falls within Flood Risk Zone 1 which has the lowest risk of flooding.
- 2.7 The site levels fall gently from north to south.

3.0 Description of Proposal

- 3.1 Outline planning permission is sought for the construction of up to 39 dwellings with all matters reserved apart from the means of access to the site. The layout, appearance and scale of dwellings and landscaping of the site are therefore reserved for a future reserved matters application and not for consideration at this time.

- 3.2 The application was originally submitted for up to 49 dwellings however a reduction to the maximum yield has been sought by Officers to address concerns over the potential density and layout of the site based on the indicative layout. This has resulted in the introduction of an area of public open space and an improved relationship between dwellings and landscaped areas in order to improve the quality of the scheme and the subsequent living environment for future residents. Whilst Officers have accepted the application for up to 39 dwellings any reserved matters application seeking approval for the layout of the development would need to further demonstrate how this could be achieved in a satisfactory arrangement.
- 3.3 A single access vehicular point with only left in and left out turning (and acceleration and deacceleration tapers) is proposed from Southampton Road. Pedestrian and cycle links are included along the edge of Southampton Road to link up with the existing network to the north and the uncontrolled pedestrian crossing over Southampton Road. A 2m wide footpath is proposed running south to link with the controlled crossing at the junction of Southampton Road and Titchfield Park Road.
- 3.4 The indicative layout includes a mixture of flatted and individual properties of varying size. Building heights are indicated as being generally 2-2 ½ storey for dwellings and 2-3 storeys for flatted blocks. The scheme has been designed with an outward facing edge to Southampton Road which would be visible beyond the retained boundary trees, albeit with a 15m acoustic buffer. The primary vehicular route through the site would be from south to north with a future link included to provide access to land to the north.
- 3.5 A parameters plan has been submitted to demonstrate the developable area of the site and this allows for the retention of a large area of public open space within the north-west corner of the site (1126sqm) , which based on 39 dwellings would accord with the requirements of the Council's adopted Planning Obligation SPD. It is also proposed to provide a 15m buffer with the adjacent SINC within the north-east corner of the site which would extend at a reduced width along the entire eastern boundary enabling circulation around the development.
- 3.6 The application would include the provision of 40% affordable housing with both rented and shared ownership properties.

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

- CS14 - Development Outside Settlements
- CS15 - Sustainable Development and Climate Change
- CS16 - Natural Resources and Renewable Energy
- CS17 - High Quality Design
- CS18 – Provision of Affordable Housing
- CS20 - Infrastructure and Development Contributions
- CS21 - Protection and Provision of Open Space

Adopted Development Sites and Policies

- DSP1 – Sustainable Development
- DSP2 - Environmental Impact
- DSP3 - Impact on living conditions
- DSP4 – Prejudice to Adjacent Land
- DSP6 - New residential development outside of the defined urban settlement boundaries
- DSP13 - Nature Conservation
- DSP15 - Recreational Disturbance on the Solent Special Protection Areas
- DSP40 - Housing Allocations

Other Documents:

- Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015
- Residential Car Parking Standards 2009
- Planning Obligations Supplementary Planning Document (April 2016)

5.0 *Relevant Planning History*

5.1 The following planning history is relevant:

- | | |
|------------|---|
| FBC 6740/1 | Application for Established Use Certificate (Siting of Residential Caravans)
Certificate granted 25 May 1979 |
| FBC 6740/2 | Use of Land as a Residential Caravan Site
Permission 22 January 1981 |

6.0 *Representations*

6.1 Twenty-six representations have been received raising the following concerns;

In relation to highway matters;

- Concerns over safety of access to the site
- Traffic increase
- Traffic controls should be applied to Titchfield Park Road to prevent it from being used as a rat run

- The southern end of Titchfield Park Road should be for residents' access only
- Vehicles turning off the A27 into Titchfield Park Road will slow the speed of traffic
- Vehicles will speed along Titchfield Park Road
- The road surface on Titchfield Park Road is in a bad state of repair
- Appropriate infrastructure including roads/pathways and cycleways must be provided
- Construction traffic should not be allowed to use Titchfield Park Road
- Traffic queues at the Segensworth roundabout on Segensworth Road will be increased
- Increased vehicle emissions

In relation to ecology

- Loss of habitat
- Loss of trees
- Impact on Sylvan Glade (SINC)
- Impact on wildlife
- The land provides a wildlife corridor
- Potential for surface water run-off contamination

In relation to other matters:

- There is already much housing planned within the local area
- Noise and disruption
- Additional strain on doctors' surgeries and schools

7.0 Consultations

EXTERNAL

Highways (Hampshire County Council)

- 7.1 *Highway Impact* - The traffic emerging from the site will be distributed 100% onto the A27 heading south-bound. For traffic heading north, the two principle routes will be to u-turn at St Margaret's Roundabout and continue along the A27, or to divert via Titchfield Park Road and up to Segensworth Road. To robustly assess the two routes, it would be prudent to assume 100% of drivers wish to drive north and all will follow the same route. In both the AM and PM peaks, 25 vehicles in total are anticipated to arrive and depart from the site. In the worst case scenario, it is considered that the site will not have a significant impact on the operation of the A27 link. The modelling of the St Margaret's Roundabout also shows the junction would operate within acceptable capacity levels. As such no concerns are raised in this regard.

- 7.2 The second scenario assumes all traffic leaving the site will wish to head north and will utilise Titchfield Park Road. The traffic levels for this scenario would be 18 vehicles in the AM peak and 8 in the PM peak. This would be a more significant impact along this residential road and there would be a cumulative impact when considering the approved application to the north (P/20/1584/RM). The actual increase in vehicles per hour in the worst case (combined) scenario would be 68 vehicles in the AM Peak and 8 vehicles in the PM Peak.
- 7.3 The TA has considered the impact of the development on the operation of the junction of Titchfield Park Road and the A27, and this operates within capacity. In addition the recent duelling of the A27 allows overtaking moments of slower vehicles entering Titchfield Park Road. In isolation the development site considered under this application is not considered to generate sufficient traffic to warrant mitigation of Titchfield Park Road.
- 7.4 Titchfield Park Road is not considered suitable for the increased use of HGV or construction traffic. As such a Construction Management Plan to include the routing of construction traffic away from Titchfield Park Road should be requested.
- 7.5 *Sustainable Transport*- It is noted that many of the local amenities do fall within acceptable walking distances, albeit at the higher end.
- 7.6 The nearest bus stop is 600m away which is considered an acceptable distance in this location, however this stop does not service the nearby train station of Swanwick. It is therefore likely that if residents are to travel sustainability to Swanwick station this will be via foot or cycling.
- 7.7 The A27 benefits from a Toucan crossing circa 250m to the south of the site, albeit there is no existing link for usage. The proposals therefore include a 2.5m shared use foot/cycle path to link the site access to the existing crossing. This would allow pedestrians and cyclists to safely connect to the wider network and local amenities.
- 7.8 *Site Access* - The draft Local Plan indicated that access onto the A27 should only be provided if direct access on to Segensworth Road is not possible, as in this instance. As such the applicant has provided an internal link to the northern boundary of the site to allow a future connection to Segensworth Road should further developments come forward. Should future development allow such a link to be made, it should be conditioned that the A27 access will be closed with immediate effect to prevent a through link between Segensworth Road and the A27. The access should then be permanently stopped up within an agreed upon timeframe.
- 7.9 *Internal Layout* – Parking should fully meet the standards in the SPD. If the parking standards are not fully met, this would result in residents parking on the internal road network and potentially prevent access for service and emergency vehicles.

7.10 Having regard to the above, the Highway Authority would recommend no objections to the application, subject to planning conditions.

Natural England

7.11 We consider that without appropriate mitigation the application would have an adverse effect on designated sites within the Solent including the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site and in addition the New Forest SPA, Special Area of Conservation (SAC) and Ramsar site.

7.12 In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- Land at Warnford Park is secured to neutralise the additional nutrient burden arising from the proposed development, including long term management and maintenance to ensure effective mitigation for the lifetime of the development.
- Appropriate mitigation via the Solent Recreation Mitigation Strategy
- Appropriate mitigation via Fareham Borough Council's Interim strategy to address recreational disturbance to the New Forest designated sites.

7.13 We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Hampshire County Council (Flood Water Management Team)

7.14 The information submitted by the applicant in support of this planning application indicates that surface water runoff from the application site will be managed through permeable paving and discharged into the existing ditch at the south of the application site at a rate of 5.8l/s. This is acceptable in principle. The existing ditch requires further investigation concerning condition, capacity, flow direction and gravity connections.

7.15 The existing watercourses could indicate that the application site has high groundwater levels, which would have implications in the proposed drainage system including the permeable paving. Therefore, the applicant should submit information on how impacts of high groundwater will be managed in the design of the drainage system to ensure that storage capacity is not lost, and structural integrity is maintained.

- 7.16 Nevertheless, bearing in mind that this is an outline planning application we are content that these matters can be addressed through a suitably worded planning condition.

Archaeology (Hampshire County Council)

- 7.17 There are no archaeological sites recorded at this location nor in the immediate vicinity. Any archaeological potential the site might have has been compromised by the existing development on site as such there are archaeological issues.

Hampshire Constabulary Crime Prevention Officer

- 7.18 To the northeast of the development there is an area of open space to which there is easy access. From this area of space it is possible to easily access the rear garden fences of plot numbers 16, 37 and 38, it is also possible to access the flank walls of plot numbers 16 and 37. These attributes increase the opportunities for crime and anti-social behaviour. To reduce the opportunities for crime and anti-social behaviour the flank walls should be protected by an area of defensible space (a garden), the garden should be at least 1.5m wide and enclosed within a robust boundary treatment. The boundary treatments that are accessible from the open space should be of robust construction and topped with 300mm of trellis, to give an overall height of 2.1m.
- 7.19 There is very little natural surveillance of the open space which increases the opportunities for crime and anti-social behaviour. To reduce the opportunities for crime and anti-social behaviour there needs to be greater natural surveillance of this space from the nearby dwellings.

Southern Water

- 7.20 Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

HCC Children's Services

- 7.21 The development lies in the catchment area of Park Gate Primary and Brookfield Secondary Schools. At primary level there is no requirement for a contribution towards the provision of additional school places. However, Brookfield secondary school is full and there is significant pressure for places from within the schools catchment area. As such, this development will increase this pressure and a contribution towards the expansion of the school is required.

INTERNAL

Fareham Housing

- 7.22 The Housing Officer has set out the current affordable need in the Borough and advised that the mix of units should be agreed as part of the outline planning application and form part of the Section 106 legal agreement. The proposed quantum/mix of dwellings indicated is considered to be appropriate and reflective of local need.

Streetscene

- 7.23 The open space layout is principally linear and confined to the boundaries of the site and therefore should include a circular route to encourage site surveillance through walking/jogging activities. The principles of retaining and respecting the existing landscape whilst integrating new planting to maximise wildlife value and offset Carbon is welcomed. Future management and maintenance of the public spaces may be better served by an integrated management company set up between the developer and future residents as the enclosed community feel of this proposal lends itself to hands on management by the stakeholders. If this is not possible then a suitable sum would need to be agreed and commuted to the Council before the Council could consider any formal adoption of the open space.
- 7.24 A Sweep Plan must be provided to show access into, the route through, and exit from the development for a refuse collection vehicle. Bin collection points must be provided and shown on the plans for all properties where access is not directly onto the public highway. Bin stores for communal bins in flats must be large enough to accommodate the required number of bins, must be easily accessible from the road, with a level surface and drop kerb.

Ecology

- 7.25 *Non-statutory Designated Sites* - Sylvan Glade Site of Importance for Nature Conservation (SINC) and some parts of the Ancient Woodland are located adjacent to the eastern boundary. A 15m buffer for the Ancient Woodland and SINC has been indicated.

7.26 *Protected Species*

Dormice - Surveys were carried out between June and November 2019 and no evidence of dormice was recorded. Therefore no concerns are raised.

Reptiles - The further information submitted by the applicant's ecologist (Briefing Note: Ecology Consultation Response, Ecology Solutions, July 2020), has been reviewed and is acceptable. This note confirms that some suitable habitat for reptiles will be retained on site and fencing will be installed during the construction phase to protect these areas. A logpile will also be created in the retained area.

Roosting & Foraging/commuting bats - The report states that building "B1 was recorded to support some low potential roosting features in the form of gaps

under the roofing felt and soffits, while a small number of access points were recorded around the garage door and external vent.” It is understood that all these features were thoroughly investigated and no evidence of roosting bats was found. Further information has been provided in relation to the bat activity and nocturnal emergence/re-entry surveys. The additional automated and re-entry survey in May 2020, along with the photographs of the buildings on site are also very useful and on the basis of the information provided the level of survey effort is satisfactory.

- 7.27 Provided that the scheme achieves nitrogen neutrality there would be no objection subject to conditions.

Principal Tree Officer

- 7.28 Provided the method statement and tree protection measures are adhered to then it is considered that the access road could be constructed without any significant adverse impact on the retained trees along the Southampton Road frontage.

Urban Design

- 7.29 The amended indicative layout improves the original submission with particular reference to the organisation of buildings and space and has largely responded well to the issues previously raised. It is much more aligned to the thinking set out in the Draft Plan policy framework. The parking ‘courts’ are well overlooked and there appears to be plenty of landscaping to break up the space and enhance the public realm. Though plots 1-9 and 20-24 could do with some landscape space to provide relief and pedestrian space to the rear, rather than just manoeuvring for cars.
- 7.30 If the quality of the architecture used in the supporting imagery is carried through, then the scheme should be of high quality. Although flat roof examples are shown, the context of the site opposite the retail sheds etc would not preclude this typology. Subject to some minor adjustments and highlighting a few issues for Reserved Matters stage, a scheme of up to 39 can work using the mix of units in the illustrative layout.

Environmental Health (Contaminated Land)

- 7.31 No objection subject to condition

Environmental Health (Noise/Pollution)

- 7.32 When the site layout is finalised the applicant should provide a noise assessment that specifies the exact noise mitigation measures. This should include the specification of the ventilation and glazing to achieve acceptable internal noise levels and external measures to achieve acceptable external noise levels. For external noise levels, a site map should be provided that details noise contours.

- 7.33 The applicant should submit a construction and environment management plan (CEMP) that details how noise, odour, dust etc will be controlled during the construction phase.
- 7.34 The Air Quality Assessment Report (reference: 2004710-01) has been reviewed and no objection is raised to it subject to the mitigation measures identified in section 6.0 of the report being implemented within the construction phase and section 6.5 during the operational phase.

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) Implications of Fareham's Current 5-Year Housing Land Supply Position
- b) Residential Development in the Countryside
- c) Fareham Borough Draft Local Plan 2037
- d) Policy DSP40 (Housing Allocations)
- e) Impact upon Habitat Sites
- f) Other Matters
- g) The Planning Balance

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

- 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 sets 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. It should be noted that this supply figure included the contribution made by this application for 39 dwellings on this site.
- 8.3 Following the publication of that position the Council's housing supply was considered during two recent appeal hearings held during August into proposed residential development at Land east of Cartwright Drive and Land east of North Wallington. 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), which is presented for Members' consideration elsewhere on this committee agenda, proposes 80 dwellings rather than the 100 dwellings for which outline permission was given (a net reduction of 20 homes from the Council's housing supply). Similarly, sites at Land east of Brook Lane and Land

east of Newgate Lane East have reserved matters submissions proposing fewer dwellings than approved at the outline stage on the same land. At the appeal hearings 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 4.92 years.

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

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

- 8.4 In determining planning applications there is a presumption in favour of policies of the extant Development Plan unless material considerations indicated otherwise. Material considerations include the planning policies set out in the National Planning Policy Framework 2021 (NPPF).

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

- 8.6 Paragraph 74 of the NPPF states that the Local Planning Authorities should identify a supply of specific deliverable sites sufficient to provide a minimum of five year’s worth of housing against their housing requirement including a buffer. Where a Local Planning Authority cannot do so, and when faced with applications involving the provision of housing, the policies of the local plan which are most important for determining the application are considered out-of-date.

- 8.7 Paragraph 11 of the NPPF then clarifies what is meant to be 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 or assets of particular importance provides a clear reason for refusing the development proposed (see footnote 7 below); or*
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole’*

- 8.8 Footnote 7 of paragraph 11 reads:

'The policies referred to are those in this Framework (rather than those in development plans) relating to: habitat sites (and those sites listed in paragraph 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 of risk of flooding or coastal change.

8.9 Footnote 8 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); of where the Housing Delivery Test indicated that the delivery of housing was substantially below (less than 75% of) the housing requirements over the previous three years'.

8.10 This planning application proposes new housing outside the defined urban settlement boundaries and the Council is currently unable to demonstrate a five year supply of deliverable housing sites. Footnote 8 of the NPPF paragraph 11 is clear that in such circumstances those policies which are most important for determining the application are considered to be out-of-date, meaning that the presumption in favour of sustainable development in paragraph 11(d) is engaged.

8.11 Taking the first limb of the NPPF 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. Therefore, a judgement will need to be reached as to whether policies in the Framework provide a clear reason for refusing the development. Where this is found to be the case, the development should be refused.

8.12 The second limb of NPPF paragraph 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.

8.13 Paragraph 182 of the NPPF states that: *"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site."*

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

8.15 In the absence of a five-year supply of deliverable housing sites, Officers consider that policy DSP40 is the principal development plan policy that guides whether schemes will be considered acceptable. The following sections of the report assesses the application proposal against this Council's adopted local planning policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

b) Residential Development 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. Policy CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries.

8.17 Policy CS14 (Development Outside Settlements) of the Core Strategy states that:

'Built development on land outside the defined settlements will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function. Acceptable forms of development will include that essential for agriculture, forestry, horticulture and required infrastructure'

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

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

c) Fareham Borough Draft Local Plan 2037

8.20 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 Publication version of the Fareham Local Plan which addresses the

Borough's development requirements up until 2037 is currently being examined by the Planning Inspector.

- 8.21 The site falls within part of a larger Development Allocation (HA3) within the Draft Local Plan with an overall indicative capacity of 400 dwellings. Planning permission has been granted for a 75 bed care home within the allocation adjacent to the Segensworth Roundabout which has now been constructed. A reserved matters application from Vivid Homes for 95 dwellings sited towards the northern end of HA3 was permitted in September 2021 and development has commenced on site.
- 8.22 As the wider housing allocation site is in mixed ownership the Council has prepared a development framework which sets out the rationale and approach for achieving a comprehensive and co-ordinated development which allows for connectivity throughout the site and to the surrounding area, whilst allowing development to come forwards on a phased basis. Officers are satisfied that the proposal would not prejudice the delivery of the remainder of the housing allocation to the north and that connectivity can be achieved between the various parcels of land.
- 8.23 As the allocation site has been subject to a number of high level assessments that support its allocation and the allocation policy has not received objections, it can be considered that some weight can be applied to the allocation policy in accordance with para 48 of the NPPF.

d) Policy DSP40 (Housing Allocations)

- 8.24 Local Plan Policy DSP40 states that:

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

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

As the Council does not currently have a 5YHLS Policy DSP40 is engaged. Each of these five points are considered further below.

Policy DSP40(i)

- 8.25 Firstly, in relation to the first of these criteria at Policy DSP40(i), the proposal is for thirty-nine dwellings which is relative in scale to the current shortfall.

Policy DSP40(ii)

- 8.26 The site is considered to be sustainably located in reasonable proximity to leisure and community facilities, schools (St John's and St Anthony's Primary Schools) and retail services. A bus service along Segensworth Road provides access to Swanwick and Fareham Train stations and Fareham Town Centre and a further bus service linking Southampton, Warsash, Fareham and Gosport is accessed from Primate Way approx. 600m to the south of the application site.
- 8.27 The site is located on the immediate opposite side of the A27 to retail warehousing in the urban area and therefore lies adjacent to the existing settlement area. Furthermore, it is considered that the site relates well to the urban settlement boundary, which extends northwards along the western edge of the A27 from the southern end of the application site up to the Segensworth Roundabout. Further to the north of the application site, also on the eastern side of the road within the draft housing allocation area, is a parcel of land where planning permission has already been granted and implemented for 95 dwellings (reference P/20/1584/RM). To the east lies the settlement of Titchfield Park which consists of both housing and significant industrial/commercial floorspace, albeit separated from the application site by the adjacent SINC. The Fareham Landscape Assessment (2017) describes the immediate environment of the application site as an 'island' of landscape bounded by busy roads to the west and east (A27 Southampton Road, Segensworth Roundabout and Segensworth Road) and by the rear boundaries of housing along Titchfield Park Road to the south. The application site clearly sits within the middle of a heavily urbanised area. The indicative site layout suggests that the development would provide an outward facing edge to Southampton Road rather than being inwardly facing in order to ensure visual connection. Officers are of the view that due to the urban characteristics of the area and the proximity to surrounding development, including both large scale retail/commercial units and low density housing the proposed development is both well related to, and can be designed to integrate with, the neighbouring settlement in accordance with point ii).

Policy DSP40(iii)

- 8.28 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”*. Core Strategy Policy CS14 meanwhile seeks to protect the landscape character, appearance and function of the countryside.
- 8.29 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 Titchfield Corridor Character Area (area 5.1a). The wooded central valley (Sylvan Glade SINC) which runs through the Character Area, is identified as a valuable landscape and ecological feature. The proposal ensures that the Sylvan Glade SINC can be appropriately buffered to ensure that there is both physical separation between development on the application site and Titchfield Park and that the SINC is appropriately protected. The western side of the valley, where the application site lies, is described within the Landscape Assessment as lacking a well-treed character and is considered to be generally of lower landscape quality with a scruffier, fringe appearance. The character is identified as being affected by the adjacent busy A27 and its highly urbanised surroundings, although the strong boundary vegetation along the roadside is identified as reducing some of these influences. The Fareham Landscape Assessment confirms that there is scope for development within this character area which is of lower landscape sensitivity.
- 8.30 It is acknowledged that the proposal would result in a change in the character of the site when viewed from the immediate vicinity. The site is however visually contained by the SINC to the east, the garden centre to the north and the A27 and adjacent tree screening along the eastern and southern boundaries. The incorporation of public open space and landscaped buffers around the boundaries of the site is intended to contribute to a sense of place but also to be sympathetic to the countryside location providing a green fringe. Existing boundary tree screening would be retained and reinforced to soften the appearance of the development which would be set back but visible from the A27. Officers consider that the change in character would primarily have a localised visual impact which would not have an adverse impact on the wider countryside setting.
- 8.31 With regards to reflecting the character of the neighbouring settlement, it would clearly not be desirable to replicate the scale and form of the nearest development at the retail park on the opposite side of the A27. The neighbouring residential properties to the south and east would be well separated from and screened from the development site and therefore would not heavily influence the design approach. The proposed development is

intended to be 2-3 stories in height to reduce visual intrusion with a traditional approach to design incorporating more contemporary elements and local materials.

- 8.32 Officers consider that subject to the detailed reserved matters consideration of layout, scale and landscaping, the proposed number of units could be accommodated on this site to respect the character of the surrounding area whilst minimising adverse impact on the countryside. It is considered that the proposal would satisfy point (iii) of Policy DSP40 and comply with Policy CS17.

Policy DSP40 (iv)

- 8.33 In terms of delivery, the agent has confirmed that the scheme would be deliverable in the short term. There are no land ownership or other practical constraints and there has been interest in the site from a number of developers although the sale of the site is yet to be agreed. It has been agreed that the timeframe for submission of the reserved matters application can be reduced from three years to two years with development to commence within 12 months of the last reserved matters approval. It is therefore considered that point (iv) of Policy DSP40 is satisfied.

Policy DSP40(v)

- 8.34 The final test of Policy DSP40 requires that proposals would not have any unacceptable environmental, amenity or traffic implications.

Ecology

- 8.35 The application site largely comprises managed (regularly mown) grassland, grazed semi-improved grassland and hardstanding/buildings, with smaller areas of scrub and ruderal vegetation also present. A Phase 1 Ecological survey has been carried out in support of the application.
- 8.36 All buildings and trees within the application site were subject to an inspection to assess their potential to support roosting bats and it is considered the application site as a whole is of low suitability for foraging / commuting bats. Moreover, there are only extremely limited potential impacts on bats arising from the development proposals.
- 8.37 The existing buildings were subject to a roost suitability assessment which included an internal and external survey. The existing garage on site (to be demolished) contains a void, which was searched for evidence of current or past use by bats using high-powered torches. Exterior checks of both buildings were also undertaken to search for signs of any use by bats and to identify any potential access points. Emergence and re-entry surveys and

evening activity surveys were undertaken to ascertain whether the application site supports any features of potential importance for foraging and commuting bats. On the basis of the external and internal inspections, and the results of the emergence and re-entry surveys, it is considered neither building to be demolished supports roosting bats. Whilst the evening activity surveys revealed that bats are present within the local area it is considered the habitats present within the application site are of limited value. It was noted that the treelines, predominantly those on the north and eastern boundaries provide navigational and foraging opportunities.

- 8.38 A detailed survey was undertaken to search for evidence of Badgers in August 2019 and no evidence of Badgers was recorded within the application site. The habitats present in the application site are suitable for Hazel Dormice and therefore surveys to ascertain the presence or absence of Hazel Dormice were undertaken from June to November 2019 with nesting tubes and boxes deployed at high density across the site. No evidence of Dormice was recorded. It is considered the application site does not support any other protected or notable mammal species.
- 8.39 With regards to Great Crested Newt it was highlighted that the application site does not support any waterbodies. There is a single dry ditch running along part of the eastern boundary of the application site and no other potential breeding ponds with habitat connectivity to the application site are known. The habitats largely comprise regularly managed or grazed grassland and hardstanding, which would be unsuitable for the species. As such, it is considered the application site does not support Great Crested Newts.
- 8.40 The application site is largely considered to provide unsuitable habitat for reptiles. There are some small areas of tussocky grass on the eastern boundary of the application site which are potentially suitable. The vast majority of the vegetation along the eastern boundary of the application site is indicated as being retained. It is suggested that losses would be limited to approximately 100m² of scrub / tussocky grass. This small loss of habitat is not considered to be significant to any reptile population that may be present within the wider area. However as the development has the potential to directly impact upon any individual reptiles that may be present during site clearance and construction operations it is recommended that a supervised habitat manipulation exercise be undertaken (at an appropriate time of year, when reptiles are active) to safeguard against any reptiles being killed or injured during development work at the site. It is not considered that it would be necessary to relocate any reptiles but it would be appropriate to safeguard the retained vegetation on the eastern boundary through the construction period through the installation of fencing.

- 8.41 Based on the indicative layout the majority of the trees and hedgerows are to be retained and enhanced thereby ensuring that the proposals will deliver long term benefits for species such as birds, invertebrates, reptiles and bats. A planted buffer is proposed along the eastern boundary of the site, buffering the development from the adjacent Sylvan Glade SINC and providing species rich meadow habitat which will link with other meadow provision which together will provide enhanced habitat suitable for the retained slow-worm population.
- 8.42 Overall, it is suggested that the proposals for the site would see a net gain for biodiversity through the introduction of additional native trees and shrubs (including new and enhanced hedgerow habitat) species rich meadow grassland, wetland areas and enhanced hedgerow ground flora. A detailed Planting Plan would accompany a future Reserved Matters Planning Application.

Trees

- 8.43 It is proposed to fell two individual Oak trees covered by TPO which lie close to the proposed access to the site. In addition, a total of three trees would be felled from the protected group that extends along the western boundary. Selective felling of poorer quality trees would be undertaken along the northern and eastern boundaries. These trees have been assessed as being in poor condition and as such their removal is warranted for reasons of health and safety. Replacement tree planting would be sought as part of the landscaping proposals at reserved matters stage.

Surface Water Drainage

- 8.44 The outline drainage strategy for the site includes sustainable drainage features. Surface water would be collected by areas of permeable paving and a hydrobrake would be utilised to restrict the flow of surface water collected by this permeable paving into an existing drainage ditch which runs along the eastern boundary. Submission of the final design of the surface water drainage scheme would be secured by planning condition and a planning condition seeking submission of details of the finished ground levels and floor levels of the dwellings is also suggested as it is stated within the drainage strategy that it may be necessary to raise ground levels towards the south of the site.

Amenity

- 8.45 The proposal is in outline form with matters of scale, appearance and layout reserved for later consideration. At the reserved matters stage, the detailed layout and scale would need to be policy compliant to ensure that there would not be an adverse unacceptable impact on the amenity of neighbouring

residents and that a good standard of living accommodation was being provided for future residents.

- 8.46 A noise survey has been undertaken to determine the prevailing noise climate at the site and a summary of the results has been provided, with reference to relevant British Standard guidelines. Recommendations of appropriate noise mitigation measures have been made in order to achieve appropriate acoustic criteria in line with relevant British Standard guidelines.

Highways

- 8.47 The access to the site would be in the form of a left-in / left-out junction from Southampton Road (A27) which would be located towards the southern end of the proposed development where the A27 has a kerbed central reservation. The existing access located at the northern end of the site (where there is a break in the central reservation) would then be closed. It is proposed to provide a deceleration lane to assist vehicles to exit off of the A27 Southampton Road but no acceleration lane. In accordance with the County Council's pre-application comments, a speed survey has been undertaken to inform the level of visibility required. Visibility of 2.4m x 120m can be achieved from the access in accordance with the speed limit.
- 8.48 The Highway Authority has requested the closure of the proposed access from Southampton Road in the event that the development becomes accessible via land to the north.
- 8.49 An assessment of the traffic impact of the development has been presented within the supporting transport statement. The development is anticipated to generate 25 two-way movements in the morning and evening peak hours. This equates to approximately one additional vehicle every two minutes. In relation to the impact of increased traffic two scenarios have been considered, one scenario which assumes traffic from the development wishing to travel north uses Titchfield Park Road and a second which assumes that northbound traffic uses the St Margaret's Roundabout to u-turn. Operational assessments of the A27 Southampton Road / Titchfield Park Road (priority) junction and St Margaret's Roundabout (signalised) have been undertaken. It is not considered that the development will have any noticeable impact on the St Margaret's Roundabout with no increases in queueing anticipated regardless of scenario and this is attributed to the low number of traffic movements generated by the development.
- 8.50 The results also show that the Titchfield Park Road/Southampton Road junction would operate within capacity in the future without any material queueing or delay in either scenario. Whilst there are no safety concerns in relation to the operation of the junction, Officers acknowledge the concerns raised by local residents in relation to the increase in vehicle movements on

Titchfield Park Road and the impact this could have on residential amenity. The potential closure of Titchfield Park Road to traffic leaving the A27 was previously considered in relation to the Reside/Vivid scheme on land at the northern end of the HA3 housing allocation. At that time based on the low flows of traffic on Titchfield Park Road and the review of accident data, the highway authority were satisfied that the proposed development would not have an adverse impact on the safe operation of the junction. The Highway Authority acknowledged that if further development were to be proposed locally then there may be a need to consider measures to mitigate any impact on Titchfield Park Road including potential closure of the A27/Titchfield Park Road junction and a highway contribution was secured accordingly. The Highway Authority have confirmed that sufficient funds are available in the event that the closure of Titchfield Park Road is deemed necessary in the future as a result of cumulative development.

- 8.51 To ensure pedestrian and cycle connectivity, a footway would be provided from the application site to the north to tie in with the existing footway provision and the uncontrolled crossing of Southampton Road. The proposed development at the northern end of the housing allocation is expected to deliver a Toucan crossing over Southampton Road to provide pedestrian and cycle access to the services and facilities on the western side of the road. The crossing is located circa 250m to the north of the proposed development. There is an existing Toucan crossing to the south of the application close to the Titchfield Park Road junction and it is proposed to provide a shared use footway/cycleway linking the development to this crossing.
- 8.52 The application is in outline form however the proposal would be expected to deliver on-site car parking in accordance with the Council's adopted Residential Car & Cycle Parking SPD. A swept path analysis has been submitted to demonstrate that both a refuse vehicle and fire tender can manoeuvre around the site and turn as required but this would need to be updated to reflect the final layout.
- 8.53 Officers are satisfied that based on the quantum of development proposed and the spatial relationship of the site to adjoining development that Core Strategy policy CS17 and Local Plan Part 2 policy DSP40(v) could be satisfied.

e) Impact upon Habitat Sites (HS)

- 8.54 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.

- 8.55 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.
- 8.56 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).
- 8.57 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 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 HS. This is done following a process known as an Appropriate Assessment (AA). The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority.
- 8.58 To fulfil the requirements under the Habitat Regulations, Officers have carried out an AA in relation to the likely significant effects on the HS which concludes that there would be no adverse effects on the integrity of protected sites subject to mitigation measures. To inform the assessment the applicant has provided a nutrient budget of the development site and a parameters plan (secured by condition) to ensure that the assumptions made in the budget are accurate. The key considerations for the assessment of the likely significant effects are set out below.

Recreational Disturbance

- 8.59 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. Policy DSP15 (Recreational Disturbance on The Solent Protection Areas) 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

Project (SRMP). The applicant has agreed to enter into a legal agreement to secure this contribution.

- 8.60 In addition 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'.
- 8.61 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 agreed to the required financial contribution which would be secured by the Section 106 agreement. The Council's Appropriate Assessment concludes that the proposals would not have an adverse effect on the integrity of HS as a result of recreational disturbance in combination with other plans or projects.

Water Quality (Nitrates) -

- 8.62 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.
- 8.63 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 37.08 kgTN/year (previously 33KgTN/yr). Due to the uncertainty of the effect of the nitrogen from the development on the Protected Sites, adopting a precautionary approach, and having regard to NE advice, the Council will need to be certain that the output will be effectively mitigated to ensure at least nitrogen neutrality before it can grant planning permission.
- 8.64 The nitrogen budget assumes an occupancy rate for the new development of 2.4 people per dwelling. Natural England recommends that, as a starting

point, local planning authorities should consider using the average national occupancy rate of 2.4 persons per dwelling as calculated by the Office for National Statistics (ONS), as this can be consistently applied across all affected areas. However competent authorities may choose to adopt bespoke calculations where they are satisfied that there is sufficient evidence to support this approach. In this case, there is no evidence to justify adopting a bespoke occupancy rate and therefore a rate of 2.4 persons is considered appropriate.

- 8.65 The existing use of the land for the purposes of the nitrogen budget is considered to be a split between residential urban land (0.22ha), greenspace (0.4ha), lowland grazing (0.4ha) and woodland (0.05ha). A large proportion of the site is currently undeveloped and the areas occupied by built development or hard surfacing have been taken to be residential urban land. The budget calculation takes into account the loss of the existing dwelling but makes no provision for the water usage which would have been associated with the mobile homes which is considered to be a precautionary approach.
- 8.66 The applicant has entered into a contract (conditional on the grant of planning permission) to purchase 37.08 kgTN/yr of nitrate mitigation 'credits' from Andrew Sellick at Warnford Park, Warnford. Through the operation of a legal agreement between Andrew Sellick, South Downs National Park Authority and Fareham Borough Council dated 1 April 2021, the purchase of the credits will result in a corresponding parcel of agricultural land at Warnford Park being removed from agricultural use and the implementation of a woodland planting scheme, therefore providing a corresponding reduction in nitrogen entering The Solent marine environment
- 8.67 A planning condition would be imposed to ensure the submission of a Notice of Purchase for the nitrates mitigation prior to the commencement of development. Further details of water efficiency measures to be installed in each of the dwellings to ensure that water consumption does not exceed 110 L/per person/per day would also be secured by planning condition. The submission of a Construction Environmental Management Plan (CEMP) would be secured by planning condition to manage the risk of polluting the adjacent ditch during construction which has a hydrological link with The Solent & Southampton Water SPA and Ramsar.
- 8.68 The Council's Appropriate Assessment concludes that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the HS either alone or in combination with other plans or projects. Natural England has been consulted on the Council's AA and agrees with its findings. It is therefore considered that the development accords with the Habitat Regulations and complies with Policies CS4 and DSP13 and DSP15 of the adopted Local Plan.

f) Other Matters

Affordable Housing

- 8.69 The proposal includes the provision of 40% affordable housing which subject to appropriate size, mix, tenure being agreed to meet identified local need would meet the policy requirement within Policy CS18 of the adopted Core Strategy. The provision of those units would be secured via a Section 106 legal agreement.

Surface Water Drainage

- 8.70 The outline drainage strategy for the site includes sustainable drainage features. Surface water would be collected by areas of permeable paving and a hydrobrake would be utilised to restrict the flow of surface water collected by this permeable paving into an existing drainage ditch which runs along the eastern boundary. Submission of the final design of the surface water drainage scheme would be secured by planning condition and a planning condition seeking submission of details of the finished ground levels and floor levels of the dwellings is also suggested as it is stated within the drainage strategy that it may be necessary to raise ground levels towards the south of the site.

Effect upon Local Infrastructure

- 8.71 A number of residents have raised concerns over the effect that the additional development would have upon schools, doctors and other services in the area. Officers acknowledge the strength of local concern on these issues.
- 8.72 With regard to schools, Hampshire County Council have identified a need to increase the number of secondary school places available within the area in order to meet the needs generated by the development. A financial contribution can be secured through the Section 106 agreement.
- 8.73 In respect of the impact upon doctors/ medical services, the difficulty in obtaining appointments is an issue that is raised regularly in respect of new housing proposals. It is ultimately for the health providers to decide how they deliver health services. Officers do not believe a refusal on these grounds would be sustainable.

g) The Planning Balance

- 8.74 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determining 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'.

- 8.75 As set out earlier in the report, paragraph 11(d) 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:
- i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*
- 8.76 An Appropriate Assessment has been undertaken and concluded that the proposal would not adversely affect the integrity of protected Habitat Sites. There is therefore no clear reason to refuse the application on the grounds set out within para 11(d)(i). As the Council is currently unable to demonstrate a 5YHLS the application should be determined in accordance with paragraph 11(d)(ii), applying the presumption in favour of sustainable development.
- 8.77 This approach detailed within the preceding paragraph has become known as the ‘titled balance’ in that it tilts the planning balance in favour of sustainable development and against the Development Plan.
- 8.78 The site is located outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture or required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of the Local Plan Part 2: Development Sites and Policies.
- 8.79 In weighing up the material considerations and conflict between policies Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall and if granted, the development could be delivered in the short term. The site is located adjacent to the existing urban area and is considered to be in a sustainable location with good access to local services and public transport. The proposal would have an urbanising impact locally however it would be well related to the existing urban settlement boundaries such that it can be integrated with those settlements whilst at the same time being sensitively designed to reflect the area’s existing character and minimising any adverse impact on the Countryside. Officers consider that the change in the character of the site would not result in unacceptable effects in visual or landscape terms.
- 8.80 Affordable housing at 40% of the units would be secured along with an education contribution. There would not be any unacceptable impact on highway safety. Officers are satisfied that there are no outstanding amenity and environmental issues which cannot otherwise be addressed through planning conditions.

- 8.81 There is 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. The scheme is considered to satisfy the five criteria and in the circumstances, officers consider that more weight should be given to this policy than CS14 such that, on balance, when considered against the development plan as a whole, the scheme should be approved.
- 8.82 It is also considered some weight can also be given to the emerging Fareham Borough Local Plan which allocates the site for residential development and Officers consider that the proposed development would be in accordance with the accompanying masterplan for the wider housing allocation site (HA3).
- 8.83 In undertaking a detailed assessment of the proposals throughout this report and applying the *'tilted balance'* to those assessments, Officers consider that:
- (i) There are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposal; and,
 - (ii) Any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the National Planning Policy Framework taken as a whole.
- 8.84 Having carefully considered all material planning matters and assessing the proposal against the development plan and the tilted balance, 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 GRANT OUTLINE PLANNING PERMISSION, subject to;

i) completion of a legal agreement 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 provision and transfer of the areas of open space and buffer zones to Fareham Borough Council, including associated financial contributions for future maintenance;

- b) To secure a proportionate financial contribution (50% of total costs) towards the delivery of a play area or play equipment and associated maintenance within the HA3 housing allocation;
- c) To secure a financial contribution towards the Solent Recreation Mitigation Partnership (SRMP);
- d) To secure a financial contribution in accordance with the Council's New Forest Recreational Disturbance Interim Mitigation Solution
- e) To secure 40% of the proposed units as on-site affordable housing; the type, size, mix and tenure to be agreed to the satisfaction of officers;
- f) To secure a financial contribution towards education provision towards education infrastructure, for provision of school travel plans and monitoring fees and to provide additional childcare places;
- g) To secure the closure and reinstatement of the highway access on to the A27 in the event that the site becomes accessible from an alternative access on to the A27 via land to the north;
- h) To secure vehicular and pedestrian access and cycle connectivity to adjoining land to the north right up to the party boundary in perpetuity;
- i) To secure provision of footpath/cyclepath to link site to footway to the north and the existing Toucan crossing on A27 to the south.

ii) the following planning 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 24 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 (1:1250) – drwg No. LOC
 - b) Parameters Plan – drwg No. 002 Rev C

- c) Proposed Site Access with Highway Boundary Overlap – drwg No. ITB15059-GA-004 Rev G
 - d) Swept Path Analysis – drwg No. ITB15059-GA-005 Rev D
 - e) Planning Statement (Gerald Eve, Dec 2019)
 - f) Design & Access Statement (ECE Architecture, Nov 2019)
 - g) Information Specific to a HRA (Ecology Solutions, Nov 2019)
 - h) Ecological Assessment (Ecology Solutions, Nov 2019)
 - i) Briefing Note: Ecology Consultation Response (Ecology Solutions)
 - j) Arboricultural Impact Assessment & Method Statement (Helen Brown Treescapes, 26 Feb 2021)
 - k) Noise Assessment (Hepworth Acoustics, April 2019)
 - l) Air Quality Assessment (Ardent, August 2020)
 - m) Flood Risk Assessment & Drainage Strategy (Motion, Dec 2019)
 - n) Transport Statement (i-Transport, 9 Dec 2019)
 - o) Statement of Community Involvement (Gerald Eve, 2019)
- REASON: To avoid any doubt over what has been permitted.

5. 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.

6. 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) A programme and phasing of the demolition and construction work, including roads, footpaths, landscaping and open space;
- a) Location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction;
- b) 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;
- c) 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;

- d) Arrangements for the routing of lorries and details for construction traffic access to the site;
- e) The arrangements for deliveries associated with all construction works, loading/ unloading of plant & materials and restoration of any damage to the highway;
- f) The arrangements for the protection of pedestrian routes during construction;
- g) The measures for cleaning the wheels and underside of all vehicles leaving the site;
- h) A scheme for the suppression of any dust arising during construction or clearance works;
- i) The measures for cleaning Southampton Road to ensure that it is kept clear of any mud or other debris falling from construction vehicles;
- j) Provision for storage, collection, and disposal of rubbish from the development during construction period;
- k) No burning on-site; and
- l) Safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site.

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

7. No development shall start on site until the access, including the footway and/or verge crossing have been constructed in accordance with the approved plans (drwg No. ITB15059-GA-004 Rev G).

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

8. No development (other than initial site preparation) shall commence 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. 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.

9. 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 erection 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.

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

REASON: In the interests of highway safety.

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

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

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

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

12. No development shall proceed beyond damp-proof course level until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are first occupied or in accordance with a timetable agreed in writing with the local planning authority and shall thereafter be retained at all times.

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.

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

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

14. No development shall commence until the following details have been submitted to and approved by the Local Planning Authority in writing.

- a) details of the finished external ground levels, and;
- b) 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 and the adjacent land.

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.

15. No development shall commence until an acoustic assessment (in accordance with BS8233:2014) that details the proposed glazing and ventilation strategy for all permitted dwellings in order to achieve acceptable internal noise levels and also the external measures to achieve acceptable external noise levels (including a site map providing noise contours) has 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 ensure the provision of a satisfactory standard of living accommodation for future residents.

16. The development shall be undertaken in accordance with the mitigation measures identified in Section 6.0 of the Air Quality Assessment (Ardent, August 2020).
REASON: In the interest of residential amenity; To reduce impacts on air quality arising from the development of the site and in the interests of addressing climate change.

17. 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.

18. 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) Detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole cover and invert levels and pipe diameters, lengths and gradients.
 - b) Detailed hydraulic calculations for all rainfall events, including the 1 in 1 year, 1 in 30 years and 1 in 100 years (plus an allowance for climate change) annual probability of occurrence. The hydraulic calculations should take into account the connectivity of the entire drainage system including the connection with the ditch.
 - c) Confirmation on how impacts of high groundwater will be managed in the design of the proposed drainage system to ensure that storage capacity is not lost, and structural integrity is maintained.

- d) Evidence that runoff exceeding design criteria has been considered. Calculations and exceedance flow diagram/plans must show where above ground flooding might occur and where this would pool and flow.
- e) Evidence that Urban Creep has been considered in the application and that a 10% increase in impermeable area has been used in calculations to account for this.
- f) Information evidencing that the correct level of water treatment exists in the system in accordance with the Ciria SuDS Manual C753.
- g) Maintenance regimes of entire surface water drainage system including individual SuDS features, including a plan illustrating the organisation responsible for each element (including the drainage under the highway). Evidence that those responsible/adopting bodies are in discussion with the developer.
- h) The condition of the existing ditch, which will take surface water from the development site, should be investigated before any connection is made. If necessary improvement to its condition as reparation, remediation, restitution and replacement should be undertaken. Evidence of this including photographs should be submitted.
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.

19. Development shall proceed in accordance with the measures set out in the submitted Briefing Note: Ecology Consultation Response by Ecology Solutions (July 2020) and Section 5. 'Ecological Evaluation' of the Ecological Assessment report by Ecology Solutions (November 2019).
REASON: to ensure the safeguard of protected species and non-statutory designated sites.

20. Prior to commencement, a detailed scheme of biodiversity enhancements to be incorporated into the development shall be submitted for written approval to the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details.
REASON: to enhance biodiversity in accordance with NPPF and the Natural Environment and Rural Communities Act 2006. 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.

21. The development shall be undertaken in accordance with the recommendations contained within the submitted Arboricultural Impact Assessment and Arboricultural Method Statement (Helen Brown Treescapes, Feb 2021). The tree/hedgerow protection shall be retained through the

development period until such time as all equipment, machinery and surplus materials have been removed from the site.

REASON: To ensure protection of important trees and hedgerows.

22. 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.

23. No development shall commence unless the council has received the Notice of Purchase in accordance with the legal agreement between FBC, SDNP and Warnford Park Estate dated 1 April 2021 in respect of the Credits Linked Land identified in the Nitrates Mitigation Proposals Pack.

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

24. 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 public holidays, unless otherwise first agreed in writing with the local planning authority.

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

25. 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. 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 occupation of the dwellings.

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

10.0 Notes for Information

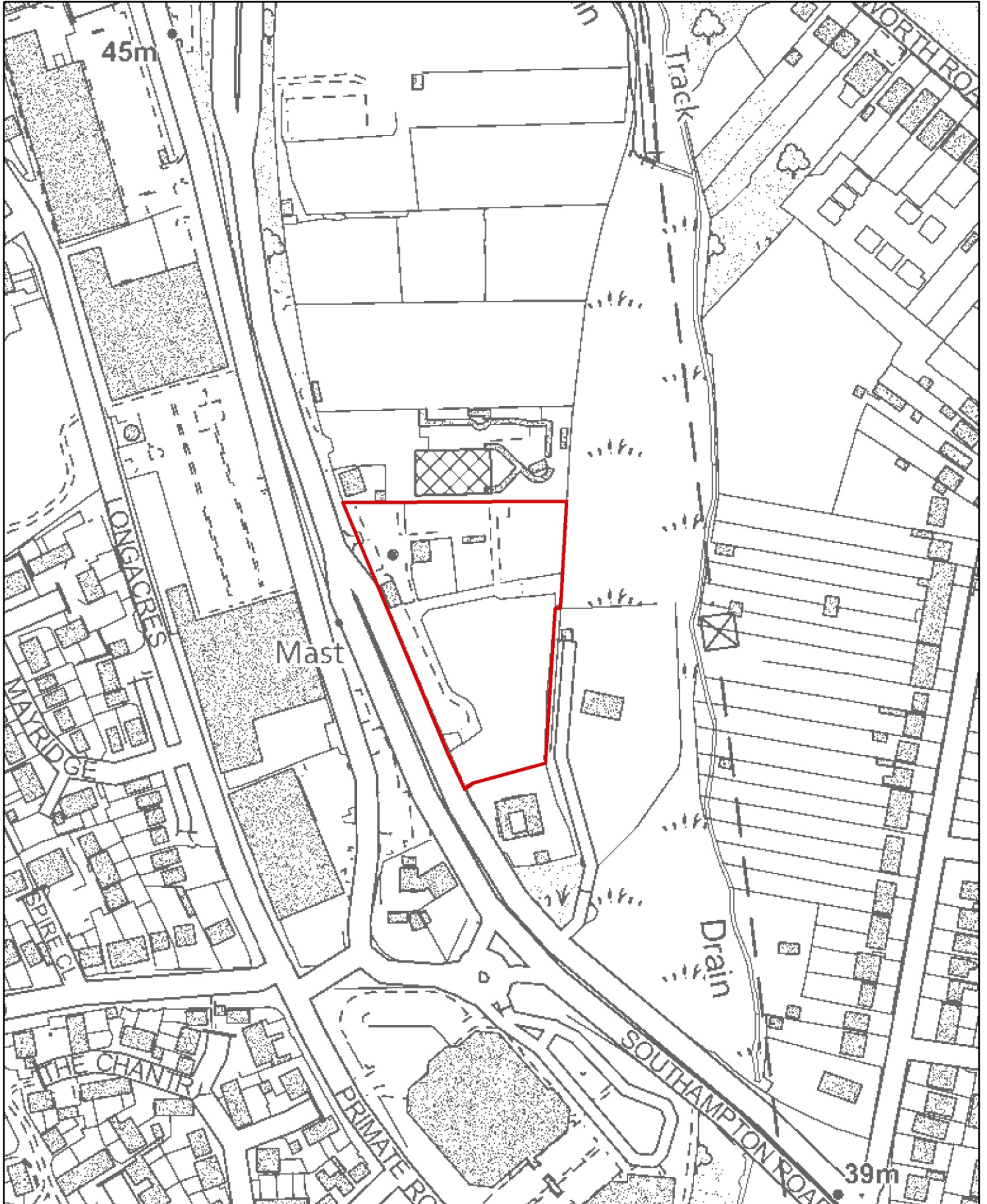
A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

11.0 Background Papers

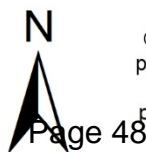
Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

FAREHAM

BOROUGH COUNCIL



139 Southampton Road
Titchfield, Fareham
Scale 1:2,500



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OFFICER REPORT FOR COMMITTEE

DATE: 14th September 2022

P/21/1780/RM

Bargate Homes & Vivid

WARSASH

AGENT: Pegasus Group

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.

LAND ADJACENT TO 125 GREENAWAY LANE, WARSASH, SOUTHAMPTON

Report By

Rachael Hebden – direct dial 01329 824424

1.0 Introduction

1.1 The application is being considered by the Planning Committee because of the number of representations received.

2.0 Site Description

2.1 The application site is located to the south of Greenaway Lane and comprises 3.4 hectares of land. There are glasshouses and buildings on the site which reflect the sites' former horticultural use. The site is generally flat with the northern half of the site mostly consisting of open grassland. Trees and scrub in the south-western corner of the site extend along the western and southern boundaries. The eastern boundary is lined with trees which are located within the adjoining site and are covered by a tree preservation order. There is a telecommunication mast within the south-eastern corner of the site. The site is classified as predominantly Grade 3b agricultural land.

2.2 Residential properties are located on the northern side of Greenaway Lane, to the western boundary of the site and north-eastern corner of the site. Beyond the southern boundary is a nursery with fields and glass houses. Commercial businesses are located beyond the eastern boundary together with agricultural land.

2.3 Existing access to the main part of the site is from Greenaway Lane with an additional access track located further to the east which leads to the telecommunication mast. Greenaway Lane connects to Brook Lane located a short distance to the west.

3.0 Description of Proposal

- 3.1 The application is for those reserved matters relating to the appearance, landscaping, layout and scale of the approved outline planning application for up to 100 dwellings. Access to the dwellings (the only matter approved as part of the outline planning permission) would be via Greenaway Lane.
- 3.2 Forty percent of the dwellings are affordable housing with the remainder being open market housing. The dwellings are a mixture of detached, semi-detached and terraced buildings with two blocks of flats in the south of the site. There is an area of open space in the centre of the site which runs from the north to the south of the site in line with the masterplan contained within policy HA1 of the Revised Publication Local Plan. There are ecology buffers proposed around the south, east and west of the site.

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 - Provision of Affordable Housing
- CS20 - Infrastructure and Development Contributions

Adopted Development Sites and Policies

- DSP1 - Sustainable Development
- DSP2 - Environmental Impact
- DSP3 - Impact on living Conditions
- DSP4 - Prejudice to adjacent land
- DSP6 - New residential development outside of the defined urban settlement boundaries
- DSP13 - Nature Conservation
- DSP15 - Recreational Disturbance on the Solent Special Protection Areas
- DSP40 - Housing Allocations

Revised Publication Fareham Local Plan 2037

- DS1 Development in the Countryside

DS3 Landscape
H1 Housing Provision
HA1 North and South of Greenaway Lane
HP1 New Residential Development
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 Tress 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
Planning Obligation Supplementary Planning Document for the Borough of Fareham (excluding Welborne) (April 2016)
Residential Car Parking Standards 2009

5.0 *Relevant Planning History*

5.1 The following planning history is relevant:

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. Permission 22nd April 2021

P/21/0770/FP: TEMPORARY CONSTRUCTION ACCESS ONTO GREENAWAY LANE TO SERVE DEVELOPMENT PROPOSED UNDER P/19/0402/OA. Permission 14th October 2021

P/19/0402/DP/B 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. Not yet determined.

6.0 *Representations*

- 6.1 Representations have been received from 15 households which raise the following issues:

This location is not acceptable in principle

No weight should be attributed to policies within the Revised Publication Local Plan

A construction traffic management plan is required

Request that an additional 55 swift boxes are provided

Concerns regarding impact on ecology and proposed mitigation

Loss of privacy to 125

Incursion onto land owned by 125

Inappropriate design

Impact of development on the character of Greenaway Lane

Lack of information

Plans aren't to scale

Environmental impact

The proposed layout differs from that in the outline application

Disruption caused by the construction process

Lack of sports pitch provision

Unattractive sub-station included

Lack of car parking

Connectivity between sites within the Warsash cluster should be for pedestrians and cyclists only

An appropriate assessment is required

Inadequate sewage infrastructure

Concerns regarding water efficiency

Proximity to neighbouring dwellings

7.0 Consultations

EXTERNAL

7.1 Natural England

No objection subject to securing the required mitigation.

7.2 Hampshire County Council – Highways

No objection subject to car parking being secured prior to occupation

7.3 Hampshire County Council – Lead Local Flood Authority

No objection

7.4 Hampshire County Council – Archaeology

No objection

7.5 Southern Water

No objection

7.6 Designing Out Crime Officer

Gates to rear gardens and the ecology buffers should be fitted with locks
Areas of open space should be enclosed with boundaries of at least 1m.
Car ports should be redesigned as garages to provide greater security.
Boundary hedges should be supplemented with metal railings.
Lighting should conform to BS 5489-1:2020

INTERNAL

7.7 Ecology

No objection

7.8 Fareham Housing

No objection

7.9 Trees

No objection.

7.10 Public Open Space

No objection, subject to open space being managed and maintained by a private management company due to the presence of sustainable urban drainage features.

7.11 Environmental Health

No objection

7.12 Environmental Health - Contamination

No objection

8.0 Planning Considerations

8.1 The principle of the development of up to one hundred houses with access from Greenaway Lane has already been established under the outline planning permission granted under reference P/19/0402/OA.

8.2 The following matters represent the key planning considerations which need to be assessed to determine the suitability of the development proposal:

- a) Layout;
- b) Appearance;
- c) Scale;

- d) Landscaping;
- e) Ecology including Habitats Regulation Assessment;
- f) Other Issues

a) Layout

- 8.3 Access to the site is from the north-west corner of the site from Greenaway Lane; the location of which was secured by the outline planning permission. The main route into the site runs from the north to the south and is overlooked by properties fronting onto it on both sides. There are two roads running off the main route which run into the east of the site. These two roads split the central section of the site into three blocks: the northern block comprises plots 1-5 facing northwards with plots 6-12 backing onto them; the central block comprises plots 42-46 facing northwards with plots 47 to 53 backing onto them; the southernmost block comprises plots 54-69. The northern and central block comprise detached and semi-detached dwellings fronting onto the road with car parking provided to the front or side of the dwellings. The southernmost block comprises detached and semi-detached properties which also incorporate car parking to the front and side together with a block of flats (plots 54-60) that incorporate a small car parking court tucked into the centre of the block.
- 8.4 In the centre of the site there is a large, linear area of public open space that runs from the north to the south and will connect with public open space to be secured on land further south within the 'Warsash Cluster'. Properties adjacent to the open space incorporate windows that face onto the public open space to ensure natural surveillance.
- 8.5 There is a pedestrian and cycle route that runs the length of the open space which will connect to the land to the south together with connecting routes to the areas of housing to the east and west of the open space. There is also a drainage ditch that runs through the centre of the site, within the identified open space, and connects to the sustainable urban drainage feature in the south of the site. There is a road running east to west that crosses the open space and provides vehicular access to the eastern part of the site.
- 8.6 The eastern part of the site comprises plots 13 and 31-35 which front onto the central area of open space. The remainder of the dwellings in this section are positioned to front onto the road, with the exception of plots 25-30 and 36-37 which front onto the secondary area of open space in the south-east of the site. Plots 25-33 and 37-38 incorporate car parking courts tucked back from the main road with the remainder of the dwellings in the eastern section of the site incorporating car parking to the front or side.

- 8.7 There are ecology buffers of at least 5 metres in depth that run along all of the south and west boundaries of the site together with a section of the east boundary. These areas will be designed to allow the movement of wildlife for example by incorporating spaces for animals to move at the bases of fences however they will not be accessible to members of the public.
- 8.8 The position of dwellings within the site has been designed to ensure there are regular gaps to retain the existing sense of spaciousness that characterises the area and to provide glimpses of the open space in the centre of the site.
- 8.9 In addition to the central area of open space that runs from north to south through the site, there is a soft landscaped area fronting onto Greenaway Lane which respects the semi-rural character of the lane. There are also a number of much smaller soft landscaped areas provided throughout the site to facilitate the provision of street trees. All of the houses have access to private gardens which satisfy the requirements of the Fareham Residential Design Guidance (Excluding Welborne) SPD. The two blocks of flats benefit from being adjacent to the main area of linear open space, and they also each have access to their own communal gardens.
- 8.10 Concerns have been raised regarding the proposed level of car parking; Officers can confirm that the level of car parking is in accordance with the Residential Car Parking Supplementary Planning Document. Residents have requested that the garages are replaced with car ports to encourage their use for parking rather than for storage. The garages are provided in addition to the required car parking spaces therefore it is not considered necessary to require them to be replaced with car ports.
- 8.11 The layout includes pedestrian links to the north, east and south to ensure connectivity with adjacent sites. Concerns have been raised regarding the provision of vehicular connectivity with adjacent sites, however there is no vehicular connectivity provided therefore this concern is unfounded.
- 8.12 Concerns have been raised regarding the proximity of the development to neighbouring properties. Officers can confirm that the proposed development has been designed to accord with (and in many cases exceed) the minimum separation distances recommended in the Fareham Residential Design Guidance Supplementary Design Document and is therefore considered to be appropriate.
- 8.13 The proposed layout has been carefully designed to respond to the local character and is in accordance with the requirements of policy CS17.

b) Appearance

- 8.14 The proposed detached, semi-detached and terraced dwellings are of a traditional design and all incorporate pitched roofs. The use of different materials including three different brick types and hanging tiles will help articulate elevations and provide variety within the site. The incorporation of chimneys will help to provide variety within the roofscape. The design of the dwellings is 'tenure blind', that is there will be no differentiation between the design of the affordable and open market dwellings.
- 8.15 Concerns have been raised regarding the incorporation of a sub-station in the north of the site. The proposed sub-station is modestly proportioned and has been positioned within an area of soft landscaping to enable it to be satisfactorily screened. The incorporation of the sub-station at an early stage in the design process is positive and Officers are satisfied that the proposed sub-station would not have an adverse impact on the overall character of the area.
- 8.16 The plans confirm the way in which different materials will be dispersed throughout the site and used in the design of individual dwellings, however it is recommended that the specific details of the materials are secured by planning condition. Bin storage has been discreetly located so as to avoid adversely impacting the character of the public realm.
- 8.17 The Designing Out Crime Officer has made recommendations regarding the detailed design including the provision of locked gates, boundaries to areas of open space and the provision of lighting. Amended plans have been submitted which include boundary treatments to differentiate between public and private open space and access to ecology buffers will be prevented by the incorporation of locked gates. The Designing Out Crime Officer's comments will also be taken into consideration when the detailed design issues including lighting are submitted to discharge the various recommended planning conditions.
- 8.18 Concerns have been raised regarding the proposed design and the impact of the development on the character of Greenaway Lane. The proposed design has been refined and the amended plans address concerns originally expressed by Officers. Overall, the appearance is now considered to be of a high quality that responds to the local character and is in accordance with policy CS17 and HA1.

c) Scale

- 8.19 All of the proposed dwellings, including the flatted accommodation are 2 storeys tall. The proposed dwellings exceed the National Minimum Space Standards and are considered to be of an appropriate scale that relates well to existing dwellings in the immediate locality in accordance with policy CS17 of the adopted Local Plan and Housing Allocation Policy HA1 of the submitted Fareham Local Plan 2037.

d) Landscaping

- 8.20 The main area of public open space runs from north to south through the centre of the site in accordance with Housing Allocation Policy HA1 of the submitted Fareham Local Plan 2037. In addition to the generous linear central area of open space there is an area of soft landscaping along the northern boundary fronting Greenaway Lane to respect the semi-rural character of the Lane together with ecology buffers of at least 5m in depth along the south, west and part of the eastern boundaries in accordance with the outline planning application. There are also a number of much smaller soft landscaped areas dispersed throughout the site to allow for the planting of trees within the public realm.
- 8.21 The proposed soft landscaping within the areas of public open space is of a natural character with areas of ornamental planting within the car parking courtyards and within front gardens. The landscape plans submitted confirm the areas of planting with the specific details of size, species of tree and shrub to be secured by planning condition.
- 8.22 The proposed area of public open space was originally intended to be transferred to Fareham Borough Council, however due to the presence of sustainable urban drainage features within the open space which require additional resources to manage and maintain in the long term the area of open space is to instead be managed and maintained by a private management company and funded by a residents' service fee. To prevent cars from parking on the edge of the central open space it is recommended that a condition is included to require the submission of details of bollards around the perimeter of the area.
- 8.23 The proposed hard landscaping includes areas of tarmac for the roads, with small areas of block paving defining the 'shared' surface areas in the car parking courtyards and at the ends of the two roads which culminate in cul-de-sacs. Details of the street furniture to be provided within the areas of public open space are secured within the legal agreement signed at the outline stage.
- 8.24 The proposed landscaping which will contribute towards the overall quality and character of the site is considered to be of a high quality as required by policy CS17 of the adopted Local Plan and HA1 of the submitted Fareham Local Plan 2037.

e) Ecology including Habitats Regulation Assessment

- 8.25 Policy CS4 requires green infrastructure networks which buffer and link established sites to be maintained and enhanced and Policy DSP13 states that

development may be permitted where it can be demonstrated that protected species and their habitat are protected and the proposal would not prejudice or result in the fragmentation of the biodiversity network.

- 8.26 The application proposes a 5m deep wildlife buffer around all of the western boundary, all of the southern boundary (with the exception of a gap for a pedestrian and cycle route connecting the site to the south) and an additional section of buffer along the eastern boundary. The application is accompanied by an ecological appraisal that contains several measures designed to protect wildlife within the site and ensure that provision is made for suitable habitat to be retained and provided. Representations have raised concerns regarding the ecological impact of the proposed development and mitigation, in particular it has been requested that additional swift boxes are provided so that there is provision for each dwelling. The ecologist has confirmed that the proposed measures contained in the ecological appraisal (which includes the provision of 25 swift boxes) are appropriate and in accordance with Policies CS4 and DSP13 and that there is no justification for requesting the provision of additional swift boxes. The measures contained within the ecological survey can be secured by condition.
- 8.27 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. 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). These are often referred to as 'Habitats Sites' (HS).
- 8.28 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 Habitats Sites or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated European sites. This is done following a process known as an Appropriate Assessment. The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority.
- 8.29 Given the changes in circumstances since the outline planning permission 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.

- 8.30 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 financial contribution towards The Solent Recreational Mitigation Partnership Strategy (SRMP) was secured within the legal agreement completed alongside the outline planning application.
- 8.31 Natural England have also advised that the development's location within a 13.8km radius of the New Forest protected sites also requires mitigation. In order to mitigate the impact of increased recreational disturbance in combination with other development on the New Forest protected sites the applicant has paid the appropriate financial contribution towards the Council's interim Mitigation Solution on New Forest Recreational Disturbance prior to the application being determined. The Appropriate Assessment therefore concludes that, subject to the payments being received/secured, 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.
- 8.32 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 HS.
- 8.33 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 96.03 kg/TN/year. In the absence of sufficient evidence to support a bespoke occupancy rate, Officers have accepted the use of an average occupancy of the proposed dwellings of 2.4 people in line with the NE advice. The existing use of the land for the purposes of the nitrogen budget is considered to be open space. 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.
- 8.34 The applicant has agreed to enter into a contract (conditional on the resolution to grant planning permission) to purchase 96.25 of nitrate mitigation 'credits' from The Hampshire and Isle of Wight Wildlife Trust (HIWWT). Through the operation of a legal agreement between the HIWWT and Fareham Borough Council dated

30th September 2020, the purchase of the credits will result in a corresponding reduction in nitrogen entering the Solent marine environment.

8.35 The Council has concluded within an Appropriate Assessment that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the HS either alone or in combination with other plans or projects. Natural England has been consulted on the Council's Appropriate Assessment and have confirmed 'no objection' subject to the appropriate mitigation being secured. It is therefore considered that the development accords with the Habitat Regulations and complies with Policies CS4 and DSP13 and DSP15 of the adopted Local Plan.

f) Other Issues

8.36 The application also provides details relating to archaeological issues in accordance with condition 9 of the outline application. The Archaeological Officer has assessed the information submitted and confirmed that it is appropriate.

8.37 The application proposes 40% affordable housing in accordance with policy CS18 and the outline permission. The affordable housing will be tenure blind and is dispersed throughout the site. Fareham Housing support the proposed amount, tenure and distribution of affordable housing within the proposed development.

8.38 A number of concerns have been raised relating to issues that are not of relevance to this application including the principle of development in this location, concerns regarding traffic generation, water efficiency, disruption caused by the construction process, the potential incursion onto adjoining sites, the use of the access during the construction process and the capacity of the sewage infrastructure. The principle of development and traffic generation was previously considered and judged acceptable at the outline application stage and therefore are not able to be revisited as part of this application. The water efficiency of dwellings is secured by a planning condition included in the outline permission. The potential incursion onto adjoining land is a private matter that is covered by Civil Law and is not within the scope of this planning application.

8.39 In terms of the capacity of the sewage infrastructure Southern Water have been consulted and have raised no objection to the proposal. Southern Water submitted comments in response to the Examination of the Revised Publication Local Plan and these were considered by the Planning Inspector. Comments submitted to the Local Plan are of a strategic nature and are not for consideration as part of individual planning applications.

8.40 An application for a temporary access for use by construction traffic has already been approved by Members (P/21/0770/FP). The use of the main access to the site during the construction process is subject to a separate application which

considers the Construction Traffic Management Plan submitted in accordance with the outline application which has not yet been determined and is not for consideration as part of this application.

- 8.41 Concerns have also been raised regarding the lack of the provision of any sports provision. Policy HA1 in the Revised Publication Local Plan requires the provision of sports pitches within the Warsash Cluster. The provision of sports pitches has been contested and is being considered by the Planning Inspector. If the provision of sports pitches is considered to be necessary by the Planning Inspector there is capacity for pitches to be provided within other sites in the Warsash Cluster (that have not yet been determined).
- 8.42 Representations have also stated that no weight should be applied to the policies contained within the Revised Publication Local Plan. 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). The Revised Publication Local Plan 2037 was submitted for examination on 30th September 2021. Given the advanced stage of the Plan it is considered that weight can be attributed to policies it contains.

Conclusion

- 8.43 The development is considered to be of an appropriate appearance, layout and scale that would not have a significant adverse impact on the amenities of neighbouring properties with landscaping that would be in keeping with the character of the surrounding area. It is not considered that the proposal would have an adverse effect on the integrity of the Habitat Sites as appropriate mitigation has been secured. Overall, the proposal is considered to accord with the relevant planning policies and is recommended for approval.

9.0 Recommendation

- A) DELEGATE to the Head of Development Management in consultation with the Solicitor to the Council to complete a legal agreement to ensure:
- i) the creation of a management company (funded by a residents' service charge) to maintain and manage the open space, sustainable urban drainage features and ecology buffers in perpetuity;
 - ii) a mechanism for securing appropriate funding of the management company for the lifetime of the development;

- iii) a mechanism for ensuring collection and enforcement of the funding stream provided in ii) above to fund the monitoring and management of the communal areas of the development for the lifetime of the development

then

B) GRANT APPROVAL OF THE RESERVED MATTERS APPLICATION AND APPROVAL OF DETAILS PURSUANT TO CONDITIONS 7, 9(I) AND 18 OF P/19/0402/OA, subject to the following Conditions:

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

Arboricultural Assessment and Method Statement (including Tree Protection Plan & Manual for Managing Trees) Barrell Tree Consultancy 17387-AA6-PB 17387-7 14.10.2021

Engineering Technical Note – Discharge of Cons 8,10&11 CEP 22977 v7.1

Archaeological Written Scheme of Investigation RPS 27301 June 2021

Biodiversity Enhancement and Mitigation Strategy Ecosupport Oct 2021

Nitrate Mitigation Statement (& appendices) Pegasus Group P20-2402 Oct 2021

Ground Conditions Assessment Ground Condition Consultants J17-017-R02 Feb 2019

Location Plan	Thrive	LP.01	A
Site Layout	Thrive	SL.01	M
Dwelling Materials Layout	Thrive	DML.01	J
Boundary Materials Layout	Thrive	BML.01	K
Parking Strategy Layout	Thrive	PSL.01	J
House Type 2B Maisonette Elevations	Thrive	HT.2BM.e	A
House Type 2B Maisonette Floor Plans	Thrive	HT.2BM.p	A
House Type 3B (2 Blk) Elevations	Thrive	HT.3B(2Blk).e	D
House Type 3B (2 Blk) Floor Plans	Thrive	HT.3B(2Blk).p	D
House Type A (2 Blk) Elevations	Thrive	HT.A.e	A
House Type A (2 Blk) Floor Plans	Thrive	HT.A.p	A
House Type C.A. Elevations	Thrive	HT.C.A.e	B
House Type C.A. Floor Plans	Thrive	HT.C.A.p	B
House Type C Elevations	Thrive	HT.C.e	B
House Type C Floor Plans	Thrive	HT.C.p	B

House Type D (2Blk) Elevations	Thrive	HT.D(2blk).e	C
House Type D (2Blk) Floor Plans	Thrive	HT.D(2Blk).p	C
House Type D Elevations	Thrive	HT.D.e	C
House Type D Floor Plans	Thrive	HT.D.p	C
House Type E Elevations	Thrive	HT.E.e	B
House Type E Floor Plans	Thrive	HT.E.p	B
House Type F Elevations	Thrive	HT.F.e	C
House Type F Floor Plans	Thrive	HT.F.p	C
House Type F (Plot 1) Elevations	Thrive	HT.F-1.e	A
House Type G Elevations	Thrive	HT.G.e	B
House Type G Floor Plans	Thrive	HT.G.p	B
House Type H.A. Elevations	Thrive	HT.H.A.e	A
House Type H.A. Floor Plans	Thrive	HT.H.A.p	A
House Type H Elevations	Thrive	HT.H.e	B
House Type H Floor Plans	Thrive	HT.H.p	B
House Type J Elevations	Thrive	HT.J.e	C
House Type J Floor Plans	Thrive	HT.J.p	C
Plots 25-30 Elevations	Thrive	P.25-30.e	C
Plots 25-30 Floor Plans	Thrive	P.25-30.p	C
Plots 54-60 Elevations	Thrive	P.54-60.e	C
Plots 54-60 Floor Plans	Thrive	P.54-60.p	C
Plots 11-12 Elevations	Thrive	P.11-12.e	B
Plots 11-12 Floor Plans	Thrive	P.11-12.p	B
Plots 20-21 Elevations	Thrive	P.20-21.e	A
Plots 20-21 Floor Plans	Thrive	P.20-21.p	A
Plots 22-24 Elevations	Thrive	P.22-24.e	A
Plots 22-24 Floor Plans	Thrive	P.22-24.p	A
Plots 31-33 Elevations	Thrive	P.31-33.e	B
Plots 31-33 Floor Plans	Thrive	P31-33.p	B
Plot 38 Floor Plans and Elevations	Thrive	P.38.pe	B
Plots 48-50 Elevations	Thrive	P.48-50.e	A
Plots 48-50 Floor Plans	Thrive	P.48-50.p	A
Plots 61-63 Elevations	Thrive	P.61-63.e	B
Plots 61-63 Floor Plans	Thrive	P.61-63.p	B

Plots 69-70 Elevations	Thrive	P.69-70.e	B
Plots 69-70 Floor Plans	Thrive	P.69-70.p	B
Plots 71-73 Elevations	Thrive	P.71-73.e	A
Plots 71-73 Floor Plans	Thrive	P.71-73.p	A
Single Garage 1 Plan and Elevations	Thrive	GAR.01.pe	C
Double Garage 1 Plan and Elevations	Thrive	GAR.03.pe	B
Twin Garage 1 Plan and Elevations	Thrive	GAR.04.pe	C
Electric Sub-station	Thrive	ESS.01.pe	A
Proposed Drainage Sheet 1 of 4	CEP	201	F
Proposed Drainage Sheet 2 of 4	CEP	202	F
Proposed Drainage Sheet 3 of 4	CEP	203	G
Proposed Drainage Sheet 4 of 4	CEP	204	G
Proposed Drainage Whole Site	CEP	205	G
Proposed Drainage Manhole Schedule	CEP	210	C
Proposed Drainage Maintenance Plan	CEP	220	H
Construction Details Sheet 1 of 3	CEP	501	B
Construction Details Sheet 2 of 3	CEP	502	B
Construction Details Sheet 3 of 3	CEP	503	A
Soakage Testing Results and Locations	CEP	50	G
Impermeable Areas Plan	CEP	53	G
Road Horizontal Alignment Sheet 1 of 4	CEP	601	G
Road Horizontal Alignment Sheet 2 of 4	CEP	602	F
Road Horizontal Alignment Sheet 3 of 4	CEP	603	G
Road Horizontal Alignment Sheet 4 of 4	CEP	604	G
Road Vertical Alignment	CEP	651	G
Fire Tender Tracking	CEP	41	H
Refuse Vehicle Tracking	CEP	42	H
Site Layout Amendment Plan	i-Transport	ITB13162-GA-039	C
Proposed Levels Sheet 1 of 4	CEP	401	F
Proposed Levels Sheet 2 of 4	CEP	402	F
Proposed Levels Sheet 3 of 4	CEP	403	G
Proposed Levels Sheet 4 of 4	CEP	404	G
Tree Protection Plan Barrell Tree Consultancy 17387-7			
Landscape Proposals (North West) Terra Firma 2305-TFC-00-00-DR-L-1001 P06			

Landscape Proposals (North East) Terra Firma 2305-TFC-00-00-DR-L-1002 P06

Landscape Proposals (South West) Terra Firma 2305-TFC-00-00-DR-L-1003 P07

Landscape Proposals (South East) Terra Firma 2305-TFC-00-00-DR-L-1004 P06

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

2. No development shall take place on site (including works related to site set up, demolition and/or clearance) until details of the means of enclosure of the ecology buffers have been submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be installed prior to the commencement of development and shall thereafter be retained at all times unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure the ecology buffers provide an appropriate environment for wildlife.

3. No development shall take place until details of all lighting required during the construction of the development) that has been designed to minimise impacts on wildlife and habitats, has been submitted to and approved in writing by the Local Planning Authority. The lighting shall be implemented in accordance with the approved details and retained thereafter.

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

4. No development shall take place beyond damp proof course (dpc) level until details including location, type and technical specification of Electric Vehicle (EV) charging points will be provided at the following level:
 - a) At least one Electric Vehicle (EV) charging point per dwelling with allocated parking provision;
 - b) At least one Electric Vehicle (EV) 'fast charge' point in shared/unallocated parking areas per 10 dwellings with no allocated parking provision.

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

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

REASON: To secure the satisfactory appearance of the development.

6. None of the dwellings hereby approved shall be first occupied until details of bin storage and collection have been submitted to and approved by the Local Planning Authority in writing. None of the dwellings hereby approved shall be first occupied until the bin 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 secure the satisfactory bin storage for the development.

7. None of the dwellings hereby approved 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.

8. None of the dwellings hereby approved shall be first occupied until the approved parking and turning areas (where appropriate) for that property have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking and turning of vehicles at all times unless otherwise agreed in writing by the Local Planning Authority following the submission of a planning application for that purpose.

REASON: In the interests of highway safety.

9. None of the dwellings hereby approved shall be first occupied until the visitor parking spaces marked on the approved plan, and sufficient to serve that part of the overall development completed at that time, have been provided on site and these spaces shall be subsequently retained at all times.

REASON: The car parking provision on site has been assessed in the light of the provision of visitor parking spaces so that the lack of these spaces may give rise to on street parking problems in the future.

10. None of the dwellings hereby approved shall be first occupied until details of the means of preventing car parking in areas of open space have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed after the central space has been landscaped and prior to the first use of the open space and shall thereafter be retained at all times unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure the open spaces remain available for recreational purposes and prevent indiscriminate car parking.

11. All of the detached, semi-detached and end of terrace properties hereby approved shall have any external electricity meter box located on a side elevation.

REASON: To secure the satisfactory appearance of the development in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

12. Development shall be undertaken in accordance with the measures contained within the Biodiversity Enhancement and Mitigation Strategy produced by Ecosupport (30/8/22 revised) and the Reptile Capture Note produced by Ecosupport (August 2022).

REASON: To ensure appropriate ecological mitigation and biodiversity enhancement measures are implemented.

13. No development shall proceed beyond damp proof course level until a detailed landscaping scheme identifying all existing trees, shrubs and hedges to be retained, together with the species, planting sizes, planting distances, density, numbers, surfacing materials and provisions for future maintenance of all new planting, including all areas to be grass seeded and turfed and hardsurfaced, has been submitted to and approved by the Local Planning Authority in writing. The landscaping scheme submitted shall be implemented and completed within the first planting season following the completion of the development and shall be maintained in accordance with the agreed schedule. Any trees or plants which within a period of 5 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.

14. No development shall take place until an intrusive site investigation and assessment of the risks to human health, the building fabric and the wider environment including water resources has been submitted to and approved in writing by the Local Planning Authority.

Where the intrusive site investigation reveals a risk to receptors, a detailed scheme for remedial works to address these risks and ensure the site is suitable for the proposed use shall be submitted to and approved by the Local Planning Authority in writing. The scheme shall also include the nomination of a competent person (to be agreed with the LPA together with any remedial works) to oversee the implementation of the approved measures.

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

REASON: To ensure that any contamination of the site is properly taken into account before the development takes place and any remedial measures are implemented prior to occupancy.

15. Confirmation by an independent competent person that the approved scheme of remedial works (required by condition 15) has been implemented shall be

submitted to and approved by the Local Planning Authority in writing prior to the occupancy of each dwelling to which the remedial works relate.

REASON: To ensure that any potential contamination of the site is properly remediated before first occupation takes place.

16. If, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered all works in the affected area shall cease immediately. Works in the affected area shall not recommence until an investigation and risk assessment of the identified ground conditions have been undertaken and details of the findings, along with a detailed remedial scheme (including a timetable for implementation), if required, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

The remediation scheme shall be fully implemented and shall be validated in writing to the Local Planning Authority by an independent competent person in accordance with the approved timescales.

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

17. The development shall be carried out in accordance with the measures contained within the Arboricultural Assessment and Method Statement (Barrell Tree Consultancy ref 17387-AA6-PB dated 14th October 2021), The Manual for Managing Trees on Development Sites (Barrell Tree Consultancy v3.0) and the Tree Protection Plan ref 17387-7.

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.

18. Notwithstanding the approved plans for house type 'A', details of fenestration in the southern elevation of plot no. 35 to be provided prior to development above dpc level of no. 35. The fenestration shall be implemented in accordance with the approved details prior to the occupation of no. 35.

REASON: To ensure maximum natural surveillance of the adjacent open space.

10.0 Notes for Information

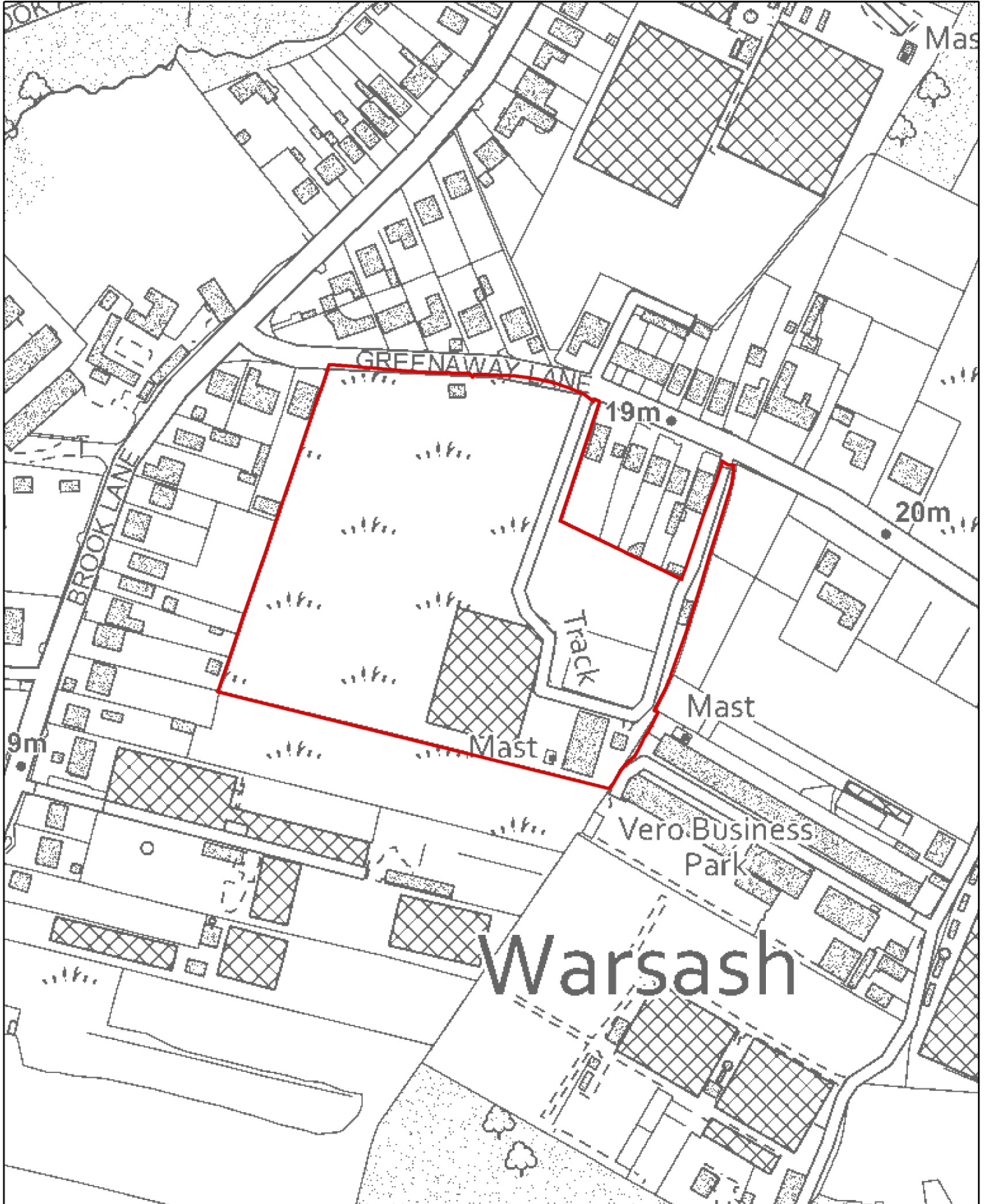
1. The development hereby permitted is subject to The Community Infrastructure Levy (CIL). The payment is due before development commences and the parties liable to pay the charge will receive a Liability Notice shortly to explain the amount due and the process thereafter. Further details about CIL can be found on the Council's website on the following link:

http://www.fareham.gov.uk/planning/local_plan/ciladopt.aspx

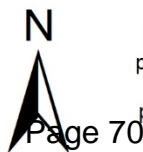
11.0 Background Papers
P/19/0402OA & P/21/0770/FP

FAREHAM

BOROUGH COUNCIL



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



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

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
<p>P/22/0891/FP</p> <p>FAREHAM NORTH-WEST</p>	<p>71 HIGHLANDS ROAD FAREHAM PO15 6BY</p> <p>LOFT CONVERSION INCORPORATING HIP TO GABLE ENDS, FRONT AND REAR DORMERS</p>	<p>3</p> <p>PERMISSION</p>
<p>P/22/1046/FP</p> <p>FAREHAM NORTH</p>	<p>106 FUNTLEY ROAD FAREHAM PO17 5EF</p> <p>TIMBER GARAGE FOR USE AS ANCILLARY STORAGE FOR THE EXISTING DWELLING</p>	<p>4</p> <p>REFUSE</p>

Agenda Item 6(3)

OFFICER REPORT FOR COMMITTEE

DATE: 14/09/2022

P/22/0891/FP
MR AND MRS RAVEN

FAREHAM NORTH-WEST
D M DESIGNS

LOFT CONVERSION INCORPORATING HIP TO GABLE ENDS, FRONT AND REAR DORMERS

71 HIGHLANDS ROAD, FAREHAM

Report By

Emma Marks – direct dial 01329 824756

1.0 Introduction

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

2.0 Site Description

2.1 The application relates to a detached dwelling on the southern side of Highlands Road. The property is accessed off a private drive between 69 and 75 Highlands Road and is a bungalow which was granted planning permission in 2015, as a backland development. The land levels fall gradually to the south from Highlands Road.

2.2 The property is within the designated urban area.

3.0 Description of Proposal

3.1 Planning permission is sought for the conversion of the loft space by building the roof up to form gable ends either side and the construction of a front and rear dormer window.

3.2 The front dormer is proposed at a modest size with a pitched roof. The rear dormer would be larger and of a flat roof design, set in within the roof slope.

4.0 Policies

4.1 The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS17 - High Quality Design

Adopted Development Sites and Policies

DSP3 – Impact on living conditions

5.0 Relevant Planning History

- 5.1 P/15/0011/FP – Proposed detached dwelling, carport and associated car parking and landing in garden to rear of 69 & 75 Highlands Road – Permission 02-03-15

6.0 Representations

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

- Understanding that the bungalow was built with the proviso that it was only to be single storey building and a second storey would not be allowed
- The front aspect of this development will severely compromise the privacy currently enjoy
- Loss of privacy
- Block out the sun from garden
- The design of the property is aesthetically unpleasant and will dominate the view from neighbour's houses
- At present there is some protection of privacy due to screening trees and bushes. This screen also provide protection to occupiers of those affected in Frosthole Close and others in Bartlett Close who could lose a valuable share of that privacy if they were to be removed
- Any extension to the roof space would be unacceptable and overpowering
- Loss of property value

7.0 Consultations

None

8.0 Planning Considerations

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

- a) Impact on neighbouring properties
- b) Impact on the character and appearance of the area
- c) Other matters

a) Impact on neighbouring properties

- 8.2 The point has been raised that when the dwelling was granted planning permission a proviso was attached that no second storey would be allowed. Officers can confirm that when permission was granted for the property a condition was attached to the permission which removed the permitted development rights to carry out roof extensions. Members will be aware that various roof extensions can normally be carried out without the need for planning permission. As a result of the condition being imposed, the roof cannot be extended without planning permission firstly being obtained. A planning application has been submitted for the works which neighbours have been invited to comment upon and which the Planning Committee are able to determine.
- 8.3 A comment has been made that the front aspect of the development will severely compromise the privacy to the rear of the neighbour's property. The front of the property will change with the hips at the sides of the property being replaced with gable ends and the construction of a front dormer window. The front dormer window will look towards the rear of the properties 69 and 75 Highlands Road. The window within the dormer is less than 11 metres to the party boundary and less than 22 metres to the neighbour's windows, these being the recommended minimum separation distances in the Council's adopted Design Guidance, to maintain privacy. In light of this, it is recommended that a planning condition be imposed on the window within the front dormer requiring it to be fitted with obscure glass and fixed shut up to a height of not less than 1.7 metres above internal floor level to safeguard the privacy of neighbouring properties.
- 8.4 Concerns have also been raised that the rear dormer will create overlooking and loss of privacy to the neighbouring properties to the rear. As the property is a development that was built with the rear garden of a property it is surrounded by many properties that have views of the dwelling.
- 8.5 The rear dormer has been assessed in line with the Council's adopted Design Guidance Supplementary Planning Document. The rear dormer window will be at least 11 metres to the rear boundary. The Council also seeks to ensure at least 22 metres between facing windows. The specific siting of the bungalow means that there would not be any true 'back to back' relationships. The windows within the rear dormer window would have oblique views of the windows in the properties in Bartlett Close to the south. The rear of the application bungalow is orientated more towards properties in Frosthole Crescent where the distance between the rear windows in these properties and the windows in the rear dormer window are well in excess of 22 metres.
- 8.6 Whilst it is acknowledged that the ground levels are slightly lower to the south of the application site, the 11 metre distance to the boundary does fall at the

bottom of the adjoining rear garden and is therefore considered to be a less sensitive area for overlooking. Officers do not believe that the rear dormer window would give rise to unacceptable adverse impact upon the privacy of neighbouring properties.

- 8.7 Concern has also been raised that the development will impact on neighbouring outlook and sunlight and create overshadowing. The closest property to the development is 13 metres away with back gardens bordering all the boundaries of the site. Officers are of the view that the additional roof volume will not have an unacceptable adverse impact on the surrounding neighbours with regards to loss of light, outlook or overshadowing.

b) Impact on the character and appearance of the area

- 8.8 Due to the location of the of the property being a backland development there are very limited views of the property. The front alterations can be partly viewed at a distance when looking down the private drive from Highlands Road. The modest size pitched roof dormer and gable ends are considered of an appropriate design and sit comfortably within the area.

- 8.9 The rear elevation of the property can only be viewed from the surrounding neighbouring properties. A large rear dormer is proposed on this elevation which is a common design found on the rear of bungalows. The dormer has been reduced slightly since it was originally submitted by setting it further within the roof slope. The area is made up of various different house types and with the limited views of the property, Officers are satisfied that the character of the area would not be unacceptably harmed.

c) Other matters

- 8.10 Concern has been raised that the development would affect the value of the neighbouring properties. The impact upon the value of neighbouring properties it is not a material planning consideration which Members can take into account when deciding the planning application.
- 8.11 In summary, Officers consider that the design of the roof alterations are acceptable, and they would not unacceptably harm the character of the area. Furthermore, the alterations would not have an unacceptable adverse impact upon the light, outlook or privacy of neighbouring properties.
- 8.12 Notwithstanding the representations received, the development is considered to comply with the Council's planning policies subject to the imposition of conditions.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to the following conditions:

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

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

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

- a) Proposed Elevations and Floor Plans - DRAWING NO: 1 OF 1
RAVEN_01A Revision B

REASON: To avoid any doubt over what has been permitted

3. The first-floor window proposed to be inserted into the north-west (front) elevation of the approved development shall be:

- a) Obscure-glazed; and

- b) Of a non-opening design and construction to a height of not less than 1.7 metres above internal finished floor level;

and shall thereafter be retained in that condition at all times.

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

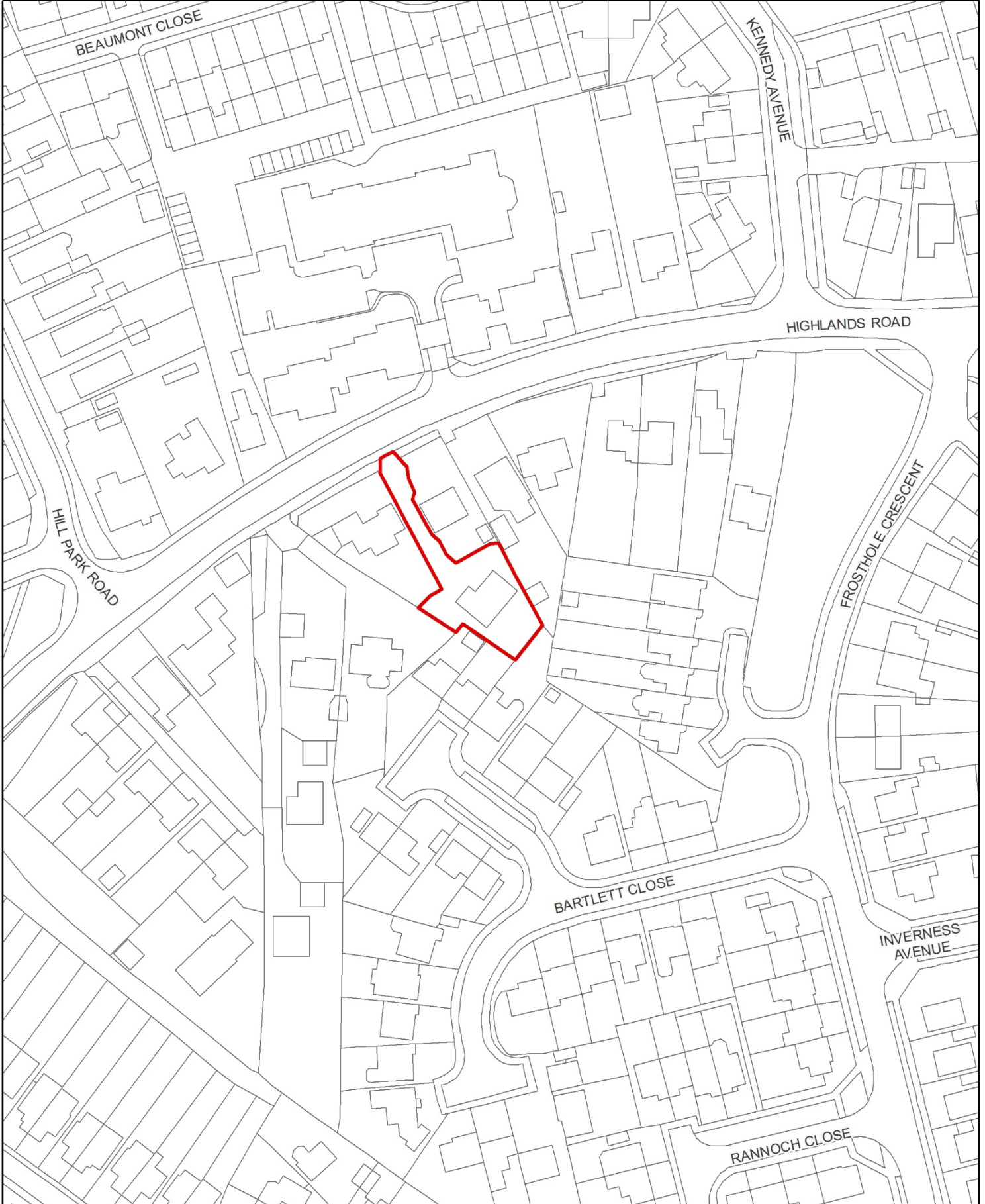
10.0 Background Papers

- 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.

P/15/0011/FP and P/22/0891/FP

FAREHAM

BOROUGH COUNCIL



71 Highlands Road
Fareham
Scale 1:1,250



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Agenda Item 6(4)

OFFICER REPORT FOR COMMITTEE

DATE: 14/09/2022

P/22/1046/FP

FAREHAM NORTH

MR P MCDONALD

AGENT: MR O RUSHWORTH

TIMBER GARAGE FOR USE AS ANCILLARY STORAGE FOR THE EXISTING DWELLING

106 FUNTLEY ROAD, FAREHAM, PO17 5EF

Report By

Katherine Alger – direct dial 01329 824666

1.0 Introduction

1.1 This application is reported to the Planning Committee due to the number of third-party letters that have been received.

2.0 Site Description

2.1 This application relates to a detached property located on the northern side of Funtley Road opposite the junction with Lakeside. The host dwelling is set back from the road with its frontage forming a driveway which is approximately 7 metres in depth and includes an area of hardstanding for parking. The frontage is enclosed by a boundary wall of approximately 1.5 metres in height and wooden gate to the road. A tall hedge is located to the west within the grounds of the adjoining property, 108 Funtley Road, and a further boundary wall is located on the eastern side which adjoins a footpath to the recreation area to the rear of the site.

3.0 Description of Proposal

3.1 The proposal seeks planning permission for a timber garage for use as ancillary storage for the existing dwelling.

3.2 A timber garage building has already been constructed upon the frontage of the property without the benefit of planning permission. This application seeks to retain the garage building in the same location and with the same sized footprint as at present but proposes alterations to its roof which in turn will reduce its height.

3.3 The current garage measures 3 metres in depth and 4.8 metres wide. It has a pitched roof with a central ridge line approximately 3.35 metres above ground level with 2.5 metre high eaves to the front and back of the building.

- 3.4 The proposal involves replacing the ridged roof with a mono-pitched design which slopes from front to rear. The front of the building would have a height of 2.3 metres which would slope down to 2 metres at the rear.

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

DSP1: Sustainable Development

DSP3: Impact on Living Conditions

Other Documents:

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

5.0 Relevant Planning History/Timeline of application

- 5.1 The following planning history is relevant:

- 5.2 On 11th March 2021 a planning application was submitted for a detached timber garage (Ref P/21/0437/FP). The Case Officer visited the site at a point where the structure had not been constructed, although the concrete hardstanding had been laid and the unconstructed structure was awaiting formal construction. At the time of the site visit, the Case Officer raised concerns with the planning agent that the application could not be supported. The Case Officer also met the applicant on site to discuss the concerns with the proposal.

- 5.3 As a solution could not be found, the application was refused on 4th May 2021, the reason for refusal was as follows:

'The proposed garage by virtue of its scale and prominent location within the front garden would fail to have regard to the spaciousness of the site and the open character of the surrounding area. The proposal is therefore contrary to Policy CS17 (High Quality Design) of the adopted Fareham Borough Core Strategy and Fareham Borough Design Guidance Supplementary Planning Document'.

- 5.4 On 1st June 2021, the Council received reports from a local resident that the garage had been constructed.

- 5.5 On 2nd June 2021, the Council's Compliance Officer visited the site and confirmed that the garage had been constructed without planning permission.

- 5.6 An appeal was lodged on 11th August 2021 against the refusal of planning permission, and the appeal was subsequently dismissed on 1st October 2021.
- 5.7 On the 19th November 2021 an application was submitted for a similar but revised proposal. The main change was that the height of the garage was reduced by 550mm (3.35metres, down to 2.8metres) and the roof design was amended to a fully hipped roof. (Ref P/21/1877/FP).
- 5.8 The Case Officer contacted the agent on the 7th December 2021 advising that after considering the recent appeal, the Council would only support a structure with a fully hipped roof with a maximum height of 1.8m lowered to 1.6m at the rear, in a mono-pitched design.
- 5.9 The applicants were unwilling to make the suggested changes and the second application was refused on the 23rd December 2021. The reason for refusal was as follows:
- 'The proposed garage by virtue of its scale and prominent location within the front garden would fail to have regard to the spaciousness of the site and the open character of the surrounding area. The proposal is therefore contrary to Policy CS17 (High Quality Design) of the adopted Fareham Borough Core Strategy and Fareham Borough Design Guidance Supplementary Planning Document'.*
- 5.10 A second appeal was lodged on the 2nd February 2022, which was subsequently dismissed on 12th April 2022.
- 5.11 On the 20th April 2022 an application was submitted to the Council. However, the Council declined to determine the application as it was substantially the same to the previously refused application.

6.0 Representations

- 6.1 Six representations have been received supporting the application on the following grounds:
- a) Does not affect other properties
 - b) Provides security
 - c) Sympathetic to house
 - d) In-keeping with character of the area
 - e) Built with high quality materials
 - f) High hedge provides screening
 - g) Does not cause disturbance

- h) Does not set precedent

7.0 Consultations

NONE.

8.0 Planning Considerations

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

- a) Design
- b) Impact on residential amenity
- c) Other matters

a) Design

8.2 Paragraphs 130 and 134 of the National Planning Policy Framework (NPPF) states that planning decisions should ensure that new development is sympathetic to local character including the surrounding built environment and that where new development is not well designed it should be refused especially where it fails to reflect local design policies and supplementary planning documents such as design guides.

8.3 Policy CS17 of the Core Strategy states that all development will be designed to respond positively to and be respectful of the key characteristics of the area, including heritage assets, landscape, scale, form and spaciousness and use of external materials.

8.4 The Fareham Borough Design Guidance Supplementary Planning Document states that the addition of garages or other buildings in front gardens will normally only be allowed in streets where others are found. Front gardens also must be large enough to accommodate them.

8.5 The proposed garage would have a ridge height of 2.3 metres with a mono-pitch roof which would slope down to 2m at the rear. This is a reduction of 500mm compared to the previously refused scheme (Ref P/21/1877/FP). The footprint of the garage would remain the same.

8.6 In the 2021 appeal (Ref APP/A1720/D/21/3276769) the Inspector highlighted that the set back of the host property and the other properties along the northern side of Funtley Road provided a sense of openness that contributed positively to the character of the area. This was also supported by the Inspector in the 2022 appeal decision (Ref APP/A1720/D/22/3291424).

- 8.7 Paragraph 6 of the 2021 appeal stated, *“Due to the modest size of the wider driveway and the insufficient space left between the development the front boundary wall and the front elevation to the house, the garage/storage building appears excessively large, dominant and cramped which is harmful to the open character of the streetscene”*.
- 8.8 Paragraph 7 of the 2022 appeal echoed the views of the previous Inspector and stated that *“the size of the front garden area is not sufficient to accommodate a garage of the size and footprint proposed”*.
- 8.9 The footprint and location of the garage remains the same and therefore the concerns raised regarding the location of the garage by both of the Planning Appeal Inspectors have not been addressed.
- 8.10 Both Inspector’s acknowledged that there are no similar developments on comparable plots within the surrounding area.
- 8.11 In considering the reduced height of the previous application which was reduced to 2.8 metres the 2022 Inspector stated that *“even with the reduction in height, the proposed garage would still be highly visible over the existing boundary wall.... I accept that the hedge on the western boundary would provide screening, its retention is not within the control of the Appellant. Even so, when approaching from Lakeside opposite the appeal site and from the east of Funtley Road, the proposal would remain visually prominent and would continue to detract from the open character of this part of the streetscene”*.
- 8.12 The latest scheme reduces the garage building to 2.3 metres in height. The garage would remain approximately 0.8m higher than the adjacent boundary wall and because of its overall area will still be highly visible and prominent above the boundary wall within a relatively small and constrained front garden. As highlighted by the Inspector, it would not be possible to impose a condition for the retention of the hedge and therefore if the hedge is removed in the future, this would exacerbate the prominence of the garage. Therefore, the garage would remain visually prominent and would still continue to detract from the open character of the streetscene.
- 8.13 Both Planning Inspectors agree that the proposed external materials being used in the construction of the garage would be acceptable and contrast well with the mixture of materials found in the area. However, they both concluded that this does not outweigh the harm to the character and appearance of the area that would result from the proposed garage.

8.14 The conclusions of the two Planning Appeal Inspectors are material in deciding this application. The footprint remains unchanged, resulting in a cramped development, and the height, whilst reduced further, would still result in a structure that is prominent in the Streetscene. It is therefore concluded that the positioning of the garage within the restricted front garden would be particularly prominent and erode the spaciousness, resulting in significant harm to the character and appearance of the area contrary to Policy CS17 and the Fareham Borough Design Guidance Supplementary Planning Document.

b) Impact on Residential Amenity

8.15 Having regard to the large separation distance between the application site and the neighbouring properties, it is not considered that the proposal would have an unacceptable impact on the amenities of the surrounding occupiers in terms of loss of light, increased sense of enclosure or overshadowing.

8.16 Due to the nature of the use being a residential garage/store, it is not considered that the structure would result in any noise and disturbance to the neighbouring residential occupiers.

8.17 The proposal would therefore comply with Policy DSP3, and not result in an unacceptable adverse impact on the living conditions of neighbouring occupiers. However, this does not outweigh the harm identified by the siting and scale of the garage within a prominent location.

c) Other Matters

8.18 **Provides Security-** This is not a material planning consideration and can therefore not be considered in the determination of this application.

8.19 **Does not cause disturbance-** It is considered that a residential garage for purposes incidental to the main dwellinghouse would not cause noise and disturbance to neighbouring residential occupiers.

8.20 **Does not set precedent-** Should an application be submitted for a similar development within Funtley Road then this will be considered on its own merits.

Summary:

8.21 It is therefore concluded that the positioning of the garage within the restricted front garden would be particularly prominent and erode the spaciousness resulting in significant harm to the character and appearance of the area contrary to Policy CS17 and the Fareham Borough Design Guidance Supplementary Planning Document.

9.0 Recommendation

9.1 REFUSE

- a) The proposed garage by virtue of its scale and prominent location within the front garden would fail to have regard to the spaciousness of the site and the open character of the surrounding area. The proposal is therefore contrary to Policy CS17 (High Quality Design) of the adopted Fareham Borough Core Strategy and Fareham Borough Design Guidance Supplementary Planning Document.

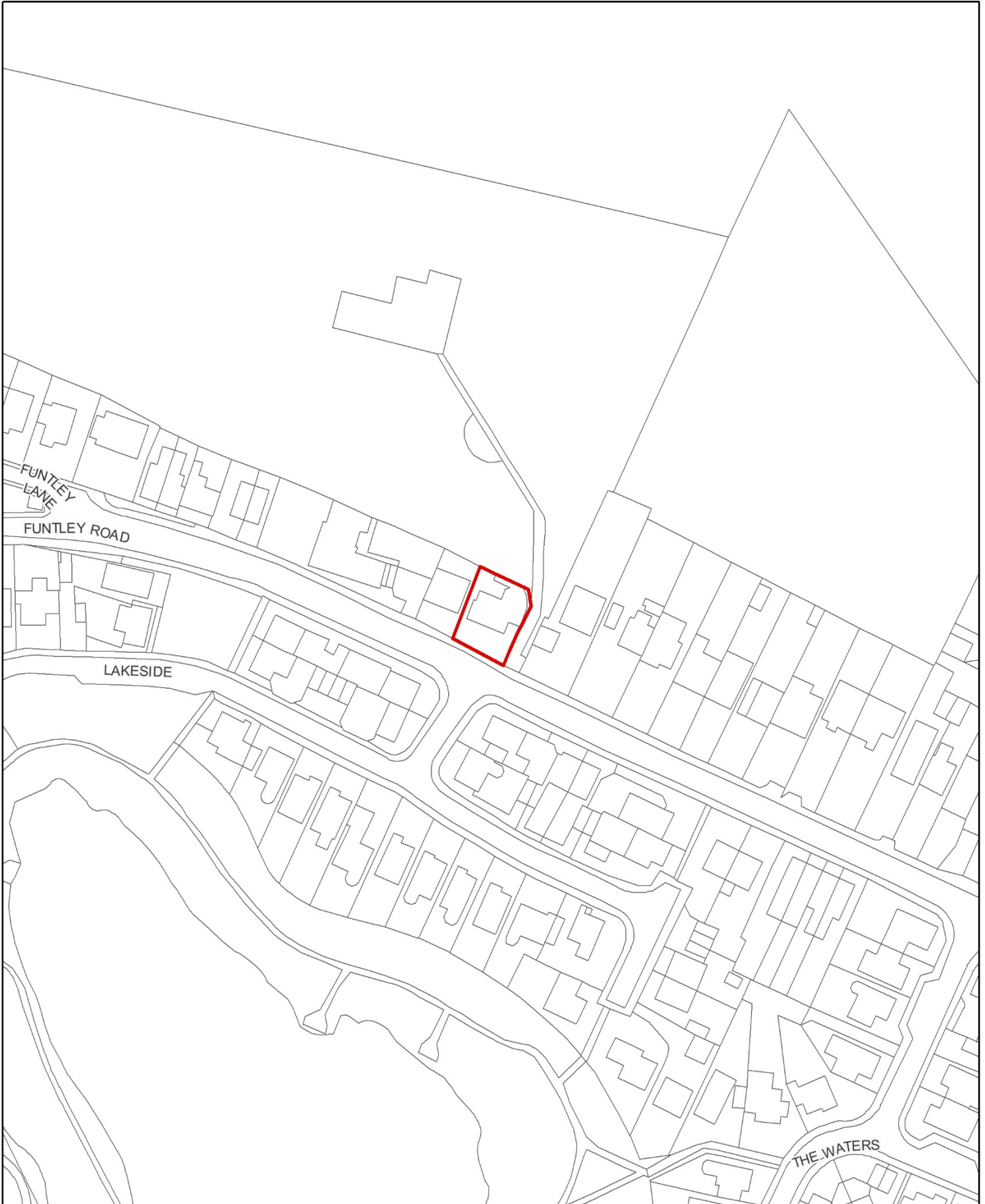
10.0 Background Papers

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

P/21/0437/FP, P/21/1877/FP and P/22/1046/FP

FAREHAM

BOROUGH COUNCIL



106 Funtley Road
Fareham
Scale 1:1,250



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Agenda Annex

ZONE 3 – EASTERN WARDS

Portchester West

Hill Head

Stubbington

Portchester East

REFERENCE SITE ADDRESS & PROPOSAL
NUMBER &
WARD

ITEM NUMBER &
RECOMMENDATION

No items in this Zone

FAREHAM
BOROUGH COUNCIL

**Report to
Planning Committee**

Date 06/09/2022

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/21/1534/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: Construction of building to provide shelter in connection with the use of the land for occasional open-air gatherings of family and friends

Date appeal lodged: 02/08/2022

Reason for Appeal: Against serving of planning enforcement notice

INFORMAL HEARING

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

Date appeal lodged: 31/05/2022

Reason for Appeal: No formal decision within determination period

Date scheduled for Informal Hearing to start and duration: 23/08/2022 for 1 day

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

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

Ward: Stubbington

The appellant: Mr Ashley Barlow

Description of proposal: Landscaping business not operating in accordance with the approved plans

Council decision: NONE

Decision maker: Officer Delegated Powers

Date appeal lodged: 29/09/2021

Reason for Appeal: Against serving of planning enforcement notice

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

Date appeal lodged: 06/05/2022

Reason for Appeal: No formal decision within determination period

Date scheduled for Informal Hearing to start and duration: 16/08/2022 for 1 day

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/20/1453/FP](#)

Appeal site address: Land to West of Anchor House Wicor Path Portchester
Fareham PO16 9QT

Ward: Portchester East

The appellant: Mr Richard Lundbech

Description of proposal: Construction of a detached three-bedroomed house
(Resubmission of planning application P/19/0705/FP).

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Reason for Appeal: Appeal against refusal of planning permission

Appeal decision: DISMISSED

Appeal decision date: 24/08/2022

Fareham Borough Council Reference: [P/21/0982/OA](#)

Appeal site address: Columbo Nursery New Road Swanwick Southampton SO31
7HE

Ward: Sarisbury

The appellant: Landwise Ltd

Description of proposal: Outline application for two detached, self-build dwellings
with all issues reserved

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Reason for Appeal: Appeal against refusal of planning permission

Appeal decision: DISMISSED

Appeal decision date: 25/08/2022

Fareham Borough Council Reference: [P/21/1369/FP](#)

Appeal site address: 47 Garstons Close Fareham PO14 4EP

Ward: Titchfield

The appellant: Mr & Mrs Sehwat

Description of proposal: Construction of 2 bedroom dwelling with associated
parking

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Reason for Appeal: Appeal against refusal of planning permission

Appeal decision: DISMISSED

Appeal decision date: 16/08/2022

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](#)