

FAREHAM

BOROUGH COUNCIL

AGENDA PLANNING COMMITTEE

Date: Wednesday, 25 January 2023

Time: 2.30 pm

Venue: Collingwood Room - Civic Offices

Members:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

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

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



1. Apologies for Absence

2. Chairman's Announcements

3. Declarations of Interest

To receive any declarations of interest from members in accordance with Standing Orders and the Council's Code of Conduct.

4. Deputations

To receive any deputations of which notice has been lodged.

5. Five Year Housing Land Supply Position (Pages 1 - 14)

To consider a report by the Director of Planning and Regeneration which provides an update to the Council's Five Year Housing Land Supply position.

6. Planning applications and Miscellaneous Matters including an update on Planning Appeals (Page 15)

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/20/0730/OA - LAND NORTH OF GREENAWAY LANE WARSASH** (Pages 17 - 40)

(2) **P/22/0630/FP - LAND TO REAR OF 248-250 BOTLEY ROAD BURRIDGE SO31 1BL** (Pages 41 - 65)

(3) **P/22/1084/FP - 33 LODGE ROAD LOCKS HEATH SO31 6QY** (Pages 66 - 81)

ZONE 2 - FAREHAM

ZONE 3 - EASTERN WARDS

(4) **P/21/0741/RM - CAMS BRIDGE - LAND TO NORTH OF THE THICKET** (Pages 84 - 92)

(5) **P/21/2048/RM - LAND TO THE EAST OF DOWNEND ROAD PORTCHESTER PO16 8TS** (Pages 93 - 109)

(6) **Planning Appeals** (Pages 110 - 115)

P. G. Greenwood

P GRIMWOOD
Chief Executive Officer
Civic Offices
www.fareham.gov.uk
17 January 2023

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

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date **25 January 2023**

Report of: **Director of Planning and Regeneration**

Subject: **FIVE YEAR HOUSING LAND SUPPLY POSITION**

SUMMARY

The following report provides the latest update on the Council's Five Year Housing Land Supply position, and supersedes the update previously provided to the Planning Committee on 25th May 2022.

RECOMMENDATION

That the Committee note: -

- (i) the content of the report and the current 5-Year Housing Land Supply position; and
- (ii) that the 5-Year Housing Land Supply Position set out in the attached report (which will be updated regularly as appropriate) is a material consideration in the determination of planning applications for residential development.

1.0 INTRODUCTION

- 1.1. The following 5YHLS position updates and supersedes those previously provided to the Planning Committee. It will continue to be regularly updated as appropriate and will represent a material consideration in the determination of planning applications. It should be noted that the Council's housing land supply position can go down as well as up depending on the circumstances relevant at any given time.
- 1.2. The requirement of the National Planning Policy Framework is for housing need to be calculated by a standard method, as set out in the Planning Practice Guidance. The standard method uses household growth projections and house-price to earnings affordability data (produced by the Office for National Statistics) to calculate the Local Housing Need figure for a Local Planning Authority. The housing need figure for Fareham, using the standard method, is 541 dwellings per annum.
- 1.3. The latest Housing Delivery Test results were published by the Department for Levelling Up, Housing and Communities (DLUHC) in January 2022. These results require this Council to apply a buffer of 20% to its annual requirement.
- 1.4. The National Planning Policy Framework requires Local Planning Authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their local housing need. What constitutes a 'deliverable site' is defined within the National Planning Policy Framework and is an area which has been tested through the Courts.
- 1.5. Calculation of the Council's 5-Year Housing Land Supply Position based on an annual dwelling requirement of 541 and a 20% buffer gives a projected position of 5.49 years.

2.0 RISK ASSESSMENT

- 2.1 There are no significant risk considerations in relation to this report.

3.0 CONCLUSION

- 3.1 That the Committee note the content of the report and the updated 5YHLS position.
- 3.2 That the 5YHLS position set out in the attached report (which will continue to be updated regularly as appropriate) is a material consideration in the determination of planning applications for residential development.

4.0 **Enquiries:**

For further information on this report please contact Lee Smith, Head of Development Management. (Ext 4427)

Fareham Borough Council
Five-Year Housing Land Supply Position
JANUARY 2023

Introduction

1. The National Planning Policy Framework (NPPF) requires Local Planning Authorities to identify and update annually a supply of specific deliverable sites to provide five years supply of housing against their housing requirements. The NPPF also requires an additional buffer of 5% (or 20% in the case of persistent under-delivery) to ensure choice and competition in the market for land.
2. This document has been prepared to provide the latest position on the 5 Year Housing Land Supply (5YHLS) in Fareham Borough. It will be updated at regular intervals to ensure the most accurate and up-to-date position is available. Updates will be provided to the Planning Committee when relevant and will also be advised on the Council's website.
3. This document is iterative/live and will only provide the most accurate position of 5YHLS at the time of publication. It is possible that sites will be omitted from the 5YHLS and then subsequently, when circumstances change, may feature again in a future iteration of the 5YHLS position (and vice versa). Likewise, delivery rates for included sites are not fixed and are subject to revision following correspondence with site promoters/ developers.

Housing Need

4. The requirement through the NPPF is for housing need to be calculated through a standard method. The standard method is based on household growth projections and house-price to earnings affordability data published by the Office for National Statistics (ONS).
5. Use of the 2014-based household growth projections along with the house-price to earnings affordability data (published by the ONS in 2020) within the standard method results in the Council having a Local Housing Need figure of 541 dwellings per annum.
6. There remains a requirement in the NPPF to include at least a 5% buffer on top of the 5-year housing requirement, "to ensure choice and competition in the market for land".
7. The level of the buffer (5% or 20%) is determined through the Housing Delivery Test, which was introduced through the NPPF. The NPPF advises that each Council's Housing Delivery Test result will be calculated and published by DLUHC each year.
8. The results for the 2021 Housing Delivery Test (HDT) were published by the DLUHC in January 2022 and represent the most up to date HDT results. The results for Fareham showed that the Council achieved 62% in terms of the number of homes delivered against its requirement. Fareham's HDT results mean that the Council must apply a 20% buffer to its five-year housing land supply position.

9. One of the major contributing factors to this Council achieving 62% in the HDT, was the Council's inability to issue many residential permissions during most of 2019 and 2020. This had been due to concerns identified in respect the impact of development-related nitrates on the protected habitats in The Solent. This issue, along with others pertinent to housing delivery, have been set out in the Council's Housing Delivery Test Action Plan (June 2021).

Housing Supply

10. The National Planning Policy Framework requires Local Planning Authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their local housing need. As such, this section sets out the different sources which make-up the Council's projected five-year housing supply.

Planning permissions

11. A comprehensive list of all sites with outstanding planning permission at the start of each monitoring year is provided annually to the Council by Hampshire County Council. However, to ensure that this 5YHLS position provides the most accurate and up-to-date position, all new planning permissions as of 31st December 2022 are also taken account of. Sites with planning permission are only included within the projected supply where they meet the definition of 'deliverable'. What constitutes 'deliverable' is set out within Annex 2 of the National Planning Policy Framework:
12. **"Deliverable:** To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:
 - a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).
 - b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years."
13. Where there is some indication that a planning permission will not be implemented then the site has been omitted from the 5YHLS on a precautionary basis. However, this may change if subsequent information comes to light to suggest the development will take place in the five-year period.

14. The monitoring of new permissions and the delivery projections of existing sites with planning permission will continue to be kept regularly up-to-date by Fareham Borough Council Officers, through regular correspondence with site developers.
15. Dwellings completed up to the end of December 2022 have been removed from the 'Details of Projected Housing Supply for the 5-Year Period (1st January 2023 – 31st December 2027)' set out at the end of this report.

Resolutions to Grant Planning Permission

16. Housing supply based on sites with a resolution to grant planning permission form a modest component of this Council's projected supply. These consist of sites which have been approved by the Council's Planning Committee, but the formal grant of planning permission remains subject to matters such as the completion of a legal agreement (i.e. Section 106).
17. As highlighted earlier in this report, the National Planning Policy Framework requires Local Planning Authorities to identify and update annually a supply of specific deliverable sites.
18. For a period of time many Planning Inspectors were regarding the definition within the National Planning Policy Framework as a 'closed list' i.e. if a site does fall within the definitions at a) or b), set out within the preceding section of this report, it should not be included within the Council's 5 Year Housing Land Supply.
19. Whether a site does or does not meet the definition is a matter of planning judgement on the evidence available. Officers have exercised that judgement, and on the basis of the evidence available consider that the planning applications with a resolution to grant planning permission should be included within the Council's 5-year housing land supply.
20. In light of the current market conditions, Officers have applied a precautionary approach to the commencement of development in respect of those sites with a resolution to grant.

Adopted Local Plan Housing Allocations and Emerging Brownfield Sites

21. Officers have undertaken a review of the residual allocations and policy compliant sites from the adopted Local Plan to inform the 5YHLS position. This has been based on correspondence with site promoters and Planning Officer judgement.
22. In other instances where Officers have gathered information on the timing and delivery rates from site landowners or developers, the Council have in some instances taken a more precautionary approach to delivery than may have been proposed by the site developer. This could be, for example, if they failed to allow sufficient time for planning permissions to be secured, or if the delivery rates were considered too optimistic. It is important that the Council has a

robust basis for its 5YHLS calculations, as adopting a set of unrealistic assumptions may result in a 5YHLS figure that may not be accepted by an Appeal Inspector.

23. Late last year this Council updated and published its Brownfield Land Register. Appropriate sites identified within that Register are included within the Council's five-year housing land supply.
24. The process of liaison with site promoters and developers will remain ongoing to ensure a robust and evidenced position on 5YHLS can be demonstrated.

Windfall allowance

25. Paragraph 71 of the revised NPPF enables an allowance to be made for housing delivery from windfall sites, providing that there is compelling evidence that they will provide a reliable source of supply having regard to historic windfall delivery rates and expected future trends. An allowance for windfall housing from small sites (1-4 units) has been included within the projected 5-year supply but avoids any small-site windfall development in years 1-3 of that projection and any large-site windfall from the entire 5-year projection.
26. The windfall rates used in the 5YHLS projection are set out in the Council's updated Housing Windfall analysis (April 2022). The contribution from windfall provision within the 5 year period is modest, being 100 dwellings.

Calculating the 5YHLS

27. In summary, the 5YHLS position in this paper is based on the following: -
 - Local Housing Need figure of 541 dwellings per annum.
 - Application of a 20% buffer on the Local Housing Need figure.
 - Outstanding planning permission data and resolution's to grant as of 31st December 2022.
 - Sites allocated within the adopted Local Plan and emerging brownfield sites which are expected to deliver housing over the 5-year period 1st January 2023 to 31st December 2027.
 - Expected windfall development from small sites (1-4 units) in years 4 and 5 (i.e. 1st April 2025 – 31st March 2027).
 - Delivery projections and rates which are derived from detailed liaison with site developers (particularly for larger development sites).

Five Year Housing Land Supply Position (as at 1st Jan 2023)

HOUSING REQUIREMENT

A	Local Housing Need: Dwellings per annum	541
B	Local Housing Need: Total requirement for 1 st Jan 2023 to 31 st Dec 2027 (A x 5)	2,705
C	20% buffer - delivery of housing over the previous 3 years, has fallen below 85% of the requirement, as set out in the 2020 Housing Delivery Test results (B x 20%)	541
D	Total housing requirement for period from 1st Jan 2023 to 31st Dec 2027 (B+C)	3,246
E	Annual requirement for period from 1 st Jan 2023 to 31 st Dec 2027 (D/5)	649

HOUSING SUPPLY

F	Net outstanding planning permissions for small sites (1-4 units) expected to be built by 31 st Dec 2027 (discounted by 10% for lapses)	92
G	Net outstanding full planning permissions for large sites (5 or more units) expected to be built by 31 st Dec 2027	1371
H	Net outstanding outline planning permissions for large sites (5 or more units) expected to be built by 31 st Dec 2027	1508
I	Dwellings with a Resolution to Grant Planning Permission that are expected to be built by 31 st Dec 2027	286
J	Dwellings allocated in Adopted Local Plan that are expected to be built by 31 st Dec 2027	44
K	Dwellings from brownfield register sites that are expected to be built by 31 st Dec 2027	165
L	Small site windfall allowance (years 4 – 5) (50 dwellings x 2 years)	100
M	Expected housing supply for the period from 1st Jan 2023 to 31st Dec 2027 (F+G+H+I+J+K+L)	3,561
N	Housing Land Supply Position over period from 1st Jan 2023 to 31st Dec 2027 (M – D)	315
O	Housing Supply in Years (M / E)	5.49

Site Address	1 st Jan – 31 st Mar 2023	2023/24	2024/25	2025/26	2026/27	1 st Apr – 31 st Dec 2027	Totals
Outstanding Planning Permissions - Small (1-4 dwellings) (10% discount)							
Total across borough	21	33	38				
Sub-total							92
Outstanding Full Planning Permissions - Large (5+ dwellings)							
Avon Park Rest Home P/19/1348/FP			5				
Swanwick Marina, Bridge Road (15/0424/VC)		25	25				
Stubington Lane, Hill Head (LP2 H12) P/19/0915/FP	11						
Corner of Station Road, Portchester (LP2 H20)	16						
Former Scout Hut Coldeast Way Sarisbury Green (P/20/0702/FP)		9					
Funtley Court, Funtley Hill (P/20/1326/PC)	24						
Beacon Bottom East, Park Gate (P/19/1061/FP)	9						
68 Titchfield Park Road (P/20/1137/FP)	6						
88a West Street, Fareham (P/20/0737/FP)	6						
12 West Street, Portchester (P/21/0899/FP)		30					
East & West of 79 Greenaway Lane, Warsash (P/21/0133/RM)				4			
HA12 Moraunt Drive, Portchester (P/18/0654/FP)		24	24				
Phase 1 69 Botley Road (P/19/0643/FP)	11						
Land at Addison Road, Sarisbury Green (P/20/0204/FP)	6						
Land South-West of Sovereign Crescent, Locks Heath (P/18/0484/FP)	19	19					
Beacon Bottom West, Park Gate (P/18/1258/FP)	19	10					
Land at Northfield Park (P/18/1437/FP)	11	11					
Eagle Point, Little Park Farm Road (P/21/1235/PC)		46					
Land East of Southampton Road (P/20/1584/RM)	40	40	14				
201 West Street (P/21/0744/FP)				9			
195-205 Segensworth Road (P/21/1257/FP)		6					

The Grange (P/21/1576/RM)	16						
Hammond Ind Est (P/20/1597/FP)		33					
Site Address	1st Jan – 31st Mar 2023	2023/24	2024/25	2025/26	2026/27	1st Apr – 31st Dec 2027	Totals
Wates House, Wallington Hill (P/20/1483/PC & P/21/0350/FP)	29						
Land to the East of Brook Lane & South of Brookside Drive, Warsash (P/19/0313/RM)	15	50	20				
Land east of Crofton Cemetery & west of Peak Lane (P20/0522/FP)		20	70	70	46		
200 Bridge Road (P/20/1313/FP)				8			
Land south of Romsey Avenue (P/18/1073/FP)			25	50	50	38	
Land east of Brook Lane, Warsash (P/21/0300/RM)	20	40	16				
Egmont Nurseries, Brook Avenue, Warsash (P/21/1301/FP)				8			
Land rear of the Red Lion Hotel, Fareham (P/20/1359/FP)		18					
Former Magistrates Court, Trinity Street (P/21/1932/RM)			37				
Burridge Lodge, 246 Botley Road (P/21/0561/RM)		7					
Land to the South of 79 Greenaway Lane, Warsash (P/21/1823/FP)					6		
Land adjacent to 125 Greenaway Lane (P/21/1780/RM)		40	40				
Former White Hart Pub, White Hart Lane, Portchester (P/22/0172/FP)			5				
76-80 Botley Road, Park Gate (P/20/0593/FP)			16				
Land East of Brook Lane and North of Warsash Road, Warsash (P/21/2019/RM)			14	14	14		
Land at Rookery Avenue (P/19/0870/FP)		18	12				
Assheton Court, Portchester (P/22/1012/FP)				27			
Sub-total							1,371
Outstanding Outline Planning Permissions - Large (5+ dwellings)							
Land South of Funtley Road, Funtley (P/18/0067/OA)			40	40	45		
Land to East of Bye Road (P/17/1317/OA)			7				
3-33 West Street, Portchester (P/19/1040/OA)				26			

Land east of Newgate Lane East (P/19/1260/OA)			43	53			
Land at 18 Titchfield Park Road (P/20/0235/OA)			5				
Downend Road East, Portchester (P/20/0912/OA)		30	50	100	100	53	
Welborne (P/17/0266/OA)			150	180	240	180	



**Report to
Planning Committee**

Date: Wednesday 25 January 2023

Report of: Director of Planning and Regeneration

Subject: PLANNING APPLICATIONS AND MISCELLANEOUS MATTERS

SUMMARY

This report recommends action on various planning applications.

RECOMMENDATION

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

AGENDA

The meeting will take place on Wednesday 25th January 2023 in the Collingwood Room, Civic Offices, Civic Way, Fareham, PO16 7AZ.

Agenda Annex

ZONE 1 – WESTERN WARDS

Park Gate

Titchfield

Sarisbury

Locks Heath

Warsash

Titchfield Common

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/20/0730/OA WARSASH	LAND NORTH OF GREENAWAY LANE WARSASH OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS) FOR RESIDENTIAL DEVELOPMENT OF UP TO 6 SELF-BUILD DWELLINGS, ASSOCIATED LANDSCAPING & ACCESS FROM GREENAWAY LANE	1 OUTLINE PERMISSION
P/22/0630/FP SARISBURY	LAND TO REAR OF 248-250 BOTLEY ROAD BURRIDGE SO31 1BL DETACHED 3-BED CHALET BUNGALOW WITH ATTACHED CARPORT	2 PERMISSION
P/22/1084/FP LOCKS HEATH	33 LODGE ROAD LOCKS HEATH SOUTHAMPTON SO31 6QY CONSTRUCTION OF TWO DETACHED TWO STOREY DWELLINGS WITH ACCESS FROM LODGE ROAD (PLOTS 3 & 4)	3 PERMISSION

OFFICER REPORT FOR COMMITTEE

DATE: 25th January 2023

P/20/0730/OA

APPLICANT: RGOM

WARSASH

AGENT: RGOM

OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS) FOR RESIDENTIAL DEVELOPMENT OF UP TO 6 SELF-BUILD DWELLINGS, ASSOCIATED LANDSCAPING & ACCESS FROM GREENAWAY LANE.

LAND NORTH OF GREENAWAY LANE, WARSASH, SOUTHAMPTON

Report By

Katherine Alger – direct dial 01329 824666

1.0 Introduction

- 1.1 This application is reported to the Planning Committee for determination because of the number of representations which have been received.
- 1.2 Members will be aware that the site is within an area allocated for residential development in the emerging Fareham Local Plan 2037 under Policy HA1. Members will also be aware that the Planning Committee has resolved to grant planning permission for several applications in close proximity to this site including those listed in section 5 of this report.

2.0 Site Description

- 2.1 The application site is located to the north of Greenaway Lane and comprises 0.49 hectares of land. The site is flat and comprises a paddock that has most recently been used for grazing horses. The northern, western and part of the eastern boundary are defined by hedging. The site is classified as Grade 2 agricultural land.
- 2.2 To the north and west of the site lies a former horticultural nursery for which there is a resolution to grant planning permission for up to 180 dwellings (application reference P/17/0845/OA). To the east of the site is an undeveloped paddock which has outline planning permission for up to 28 dwellings (application reference P/18/0745/OA). To the south of the site lie residential properties, numbers 74 and 78 Greenaway Lane.
- 2.3 Existing vehicular access to the site is from Greenaway Lane to the south. Greenaway Lane connects to Brook Lane located a relatively short distance to the west.

3.0 Description of Proposal

- 3.1 The application is an outline planning application with all matters reserved (except for access) for residential development of up to 6 self-build dwellings and access from Greenaway Lane.

4.0 Policies

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

National Planning Policy Framework (NPPF)

4.2 Adopted Fareham Borough Core Strategy

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

4.3 Adopted Development Sites and Policies

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

4.4 Emerging Fareham Local Plan 2037

The Fareham Local Plan 2037 was submitted to the Planning Inspectorate on 30th September 2021 and an examination conducted in March and April 2022. Following the conclusion of the examination hearings the Inspector has requested a number of modifications to the Plan. The proposed modifications were the subject of public consultation from 31st October until 12th December. The Council's Local Development Scheme schedules that the new plan will be adopted in Winter 2022/23. On adoption the Local Plan will have full weight and in its current advanced stage is a material consideration for the

determination of planning applications. The following draft policies of the emerging plan are of relevance.

Emerging 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
CC2:	Managing Flood Risk and Sustainable Drainage Systems
NE1:	Protection of Nature Conservation, Biodiversity and the Local Ecological Network
NE2:	Biodiversity Net Gain
NE3:	Recreational Disturbance on the Solent Special Protection Areas (SPAs)
NE4:	Water Quality Effects on the SPAs, SACs and Ramsar Sites of the Solent
NE6:	Trees, Woodland and Hedgerows
NE9:	Green Infrastructure
TIN2:	Highway Safety and Road Network
D1:	High Quality Design and Placemaking
D2:	Ensuring Good Environmental Conditions
D3:	Co-ordination of Development and Piecemeal Proposals
D4:	Water Quality and Resources

4.5 Other Documents:

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

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

Residential Car Parking Standards 2009

5.0 *Relevant Planning History*

5.1 The following planning history is relevant:

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

APPROVE 23 February 2022

P/17/0845/OA Outline application for up to 180 dwellings
Land to the East of Brook Lane, Warsash
RESOLVED TO GRANT 10 October 2018

P/18/0590/OA Outline planning permission with all matters reserved
(except for access), for residential development of up to 62
dwellings, associated landscaping, amenity areas &
access from Lockwood Road.
Land West of Lockwood Road
RESOLVED TO GRANT 9th November 2022

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

6.0 Representations

6.1 Representations have been received from 18 households which raise the following issues:

- Impact on the character of Greenaway Lane
- Impact on wildlife
- Inappropriate scale and density of development
- Additional traffic generation
- Impact on highway safety
- Impact on amenities of 78 Greenaway Lane
- Work to and use of the access may cause damage to 78 Greenaway Lane
- Increased air and noise pollution
- Impact on protected trees
- Potential damage to sewer near access
- Insufficient car parking
- Request for multiple internal nest sites for Swifts
- The site is located within the countryside and does not fall within policy HA1
- The tilted balance does not apply as the HRA does not conclude 'no likely significant effect'
- Residents undertook a traffic survey which demonstrates that the application understates traffic movements

- The nitrogen budget includes 110 litres which is contrary to Natural England's advice that water consumption should be limited to 100 litres
- No mitigation to protect designated sites
- No documents from Hampshire Highways
- Policy DSP40 does not apply as the appropriate assessment can't prove that there is no harm to designated sites
- The contribution towards self-build provision is 'cancelled out' by the provision of self-build houses further along Greenaway Lane
- Would the proposal incorporate signage or street lighting?
- Impact of proposed access on driveway serving no. 74 Greenaway Lane
- The development would not provide CIL and therefore would not benefit infrastructure within the area
- Impact on protected trees
- Impact on drainage and flooding within the area
- Access should be via one of the adjacent development sites

7.0 Consultations

EXTERNAL

Natural England

7.1 Comments on HRA outstanding.

Hampshire County Council – Highways

7.2 No objection subject to conditions.

Hampshire County Council – Lead Local Flood Authority

7.3 No objection subject to conditions.

Hampshire County Council – Archaeology

7.4 No objection

Southern Water

7.5 No objection

INTERNAL

Ecology

7.6 No objection subject to the enhancements of the land to the north being secured.

Trees

7.7 No objection subject to conditions.

Environmental Health

7.8 No objection

Environmental Health - Contamination

7.9 No objection

8.0 Planning Considerations

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

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

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

8.1 An update report on the Council's five year housing land supply position is included on the agenda for this report. The report sets out this Council's local housing need along with the Council's current housing land supply position. The report concludes that the Council has 5.49 years of housing supply against its five year housing land supply (5YHLS) requirement.

8.2 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".

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

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

8.5 Paragraph 74 of the NPPF states that local planning authorities should identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement including a buffer. Where a local planning authority cannot do so, and when faced with applications involving the provision of housing, the policies of the local plan which are most important for determining the application are considered out-of-date.

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

a. For decision-taking this means:

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

c. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (see footnote 7 below), granting planning permission unless:

i. The application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed (see footnote 7 below); or

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

8.7 Footnote 7 to Paragraph 11 reads:

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

8.8 Footnote 8 to paragraph 11 reads:

"This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph

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

- 8.9 This planning application proposes new housing outside the defined urban settlement boundary. Whilst the Council can demonstrate a five year housing land supply, the Housing Delivery Test results published on 14th January 2022 confirmed that the Council has achieved 62% of its housing target. This means the delivery of housing in the last three years (2018 to 2021) was substantially below (less than 75%) the housing requirement over the previous three years. Footnote 8 to NPPF paragraph 11 is clear that in such circumstances those policies which are most important for determining the application are to be considered out-of-date meaning that the presumption in favour of sustainable development in paragraph 11(d) is engaged.
- 8.10 Taking the first limb of NPPF paragraph 11(d), there are specific policies in the NPPF which protect areas or assets of particular importance, namely habitat sites which are specifically mentioned in footnote 7. Where such policies provide a clear reason for refusing the development proposed then this should be the case. The key judgement in regard to the second limb of NPPF paragraph 11(d), is whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole (the so called ‘tilted balance’). However, this will only apply if it is judged that there are no clear reasons for refusing the development having applied the test at Limb 1.
- 8.11 The following sections of the report assess the application proposals against this Council’s adopted local planning policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

b) Residential Development in the Countryside

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

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

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

- 8.14 Policy DSP6 of the Local Plan Part 2: Development Sites and Policies states – there will be a presumption against new residential development outside of the defined urban settlement boundary (as identified on the Policies Map). However, new residential development will be permitted in instances where either it has been demonstrated that there is an essential need for a rural worker to live there permanently, it involves a conversion of an existing non residential building or it comprises one or two new dwellings which infill a continuous built-up residential frontage. Officers confirm that none of the exceptions would apply.
- 8.15 The site is outside of the defined urban settlement boundary and the proposal is therefore contrary to Policies CS2, CS6, and CS14 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan.

c) Fareham Local Plan 2037 policy position

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

d) Design

- 8.18 The application proposes 6 dwellings which Officers consider to be an appropriate number given the size of the site. The indicative site plan shows how the overall layout and form of the development might be laid out. The site plan is for illustrative purposes only and detailed design issues such as the layout, size, position and form of the dwellings would be the subject of a future reserved matters application. Officers are of the opinion that the proposed dwellings can be designed to be of a

high quality in accordance with policies CS17 of the Core Strategy and D1 and HA1 of the emerging Fareham Local Plan 2037.

e) Visual Impact

- 8.19 The site is not located with a designated strategic gap. It is however, located within designated countryside where Policy CS14 of the adopted Fareham Borough Core Strategy confirms that built development will be strictly controlled to protect it from development which would *"adversely affects its landscape character, appearance and function"*.
- 8.20 If the development were to be approved, the parties who would be potentially affected by visual changes would be residents close to the site and users of Greenaway Lane. It is therefore acknowledged that the development of this site would introduce a change in character and outlook. This change however would primarily have a localised visual impact and the visual impact from longer distance views would be limited.
- 8.21 Policy HA1 of the Fareham Local Plan 2037 states that the primary highway access for sites in the Warsash cluster should be focused on Brook Lane and Lockwood Road with limited access to Greenaway Lane. The presence of a badger sett to the north of the site however prevents vehicular access to the north to link with vehicular accesses from either Brook Lane or Lockwood Road via adjacent development sites. The access is therefore proposed from Greenaway Lane via the existing track. Furthermore, the red edge in the allocation in HA1 actually includes the site access to Greenaway Lane. The existing track would provide a shared surface for vehicles and pedestrians. A short section of Greenaway Lane opposite the site is also proposed to be widened on the south side of the Lane to allow a refuse vehicle to enter and exit the site.
- 8.22 Concerns have been raised regarding the visual impact of the access on the character of Greenaway Lane. It is accepted that the proposed development would result in additional traffic using Greenaway Lane and the proposed localised widening of Greenaway Lane would also have a visual impact on the character of the Lane. However, as set out above, the access for this site, between 74 and 78 Greenaway Lane is included in the Local Plan allocation HA1. Given the width of this part of the site it would not conceivably be used for any other purpose in the allocation than an access point off Greenaway Lane. As such Officers do not consider that the proposed alterations at the site access onto and including Greenaway Lane or the generation of additional traffic would have a significant adverse impact upon the lane that warrants the refusal of the application.
- 8.23 Officers consider that subject to more detailed considerations at the reserved matters stage, the development of 6 self-build dwellings in this location would be

acceptable. Although policy HA1 states that access for sites in the Warsash cluster should be focused on Brook Lane and Lockswood Road it does not preclude access from Greenaway Lane and as described above, the allocation in the Fareham Local Plan 2037 includes this access point. Officers consider that in this situation the use of an existing access is justified and would be in accordance with CS17 of the Core Strategy and D1, DS3 and HA1 of the emerging Local Plan.

f) Highways Impact

- 8.24 The application proposes access and egress from Greenaway Lane via the existing track together with the widening of a short section of Greenaway Lane. Details regarding the surfacing of the track would be agreed at the reserved matters stage.
- 8.25 Representations have raised concerns regarding the impact of the development on Greenaway Lane due to disturbance and increased volumes of traffic both during the construction and after completion of the development.
- 8.26 Members will also be aware of the allowed appeal for 28 dwellings to the north side of Greenaway Lane and due east of the application site (application reference P/18/0756/OA). Each application is assessed on its own merits however the appeal is a material consideration and the Inspector's assessment of the impact of traffic on the safety and character of Greenaway Lane is particularly relevant given its proximity to this site.
- 8.27 When considering the appeal proposal due east of the site concern was raised by the Planning Committee regarding the lack of pavements and limited street lighting on Greenaway Lane. However, the Inspector, in allowing the appeal, concluded that the lane has good visibility and generous width with areas of verge that would serve as places for refuge that would allow pedestrians to step off the road surface if necessary. The Inspector also concluded that: *"...the evidence before me suggests that the resulting level of traffic would remain low and the road has the characteristics that mean that it would remain safe for cyclists and pedestrians to use the main area of carriageway. The road would continue to carry only local vehicular traffic and drivers would be naturally cautious of hazards arising from vehicles and pedestrians emerging from numerous domestic accesses."* It is considered that the proposed additional 6 dwellings would not significantly increase the number of vehicles using the Lane to such an extent that interventions would be required or that the character would be materially changed and that a different conclusion should be drawn to that of the Inspector on the adjacent site.

- 8.28 With regard to third party concern over the impact of the proposed development on the safety of the local highway network, the Highway Authority has assessed the proposal which includes details relating to the access and concluded that from a highway safety perspective, the proposal would be acceptable and a safe means of access can be provided subject to the imposition of planning conditions. The Highway Authority is a statutory consultee and their consultation response is a significant material planning consideration.
- 8.29 Concerns have also been raised regarding the impact of the proposed access on adjacent properties in terms of the impact on boundaries and properties. As with any development, any damage caused to neighbouring properties during the process of upgrading the access would be a private matter.
- 8.30 Taking account of the above, Officers are satisfied that the proposal would not have any unacceptable traffic implications and would therefore comply with Policy CS5 of the Core Strategy and policy HA1 of the emerging Local Plan.

g) Ecology

- 8.31 The application is supported by an ecological report and a biodiversity net gain report that proposes enhancement measures to the land immediately north of the site. Off-site reptile translocation is also proposed which is to be secured within the legal agreement. The Ecology Officer has reviewed the application and is satisfied with the proposal in terms of impact on protected species subject to the proposed enhancement measures being secured. Natural England have been consulted and their comments are awaited.

Appropriate Assessment

- 8.32 The development is likely to have a significant effect on the following designated sites in respect of recreational disturbance, air quality and water quality: Solent and Southampton Waters Special Protection Area and Ramsar Site, Portsmouth Harbour Special Protection Area and Ramsar Site, Solent and Dorset Coast Special Protection Area, Chichester and Langstone Harbours Special Protection Area and Ramsar Site, Solent and Isle of Wight Lagoons Special Area of Conservation and the Solent Maritime Special Area of Conservation – collectively known as the Habitat Sites (HS). Policy CS4 sets out the strategic approach to biodiversity in respect of sensitive sites and mitigation impacts on air quality. Policy DSP13 and policy NE1 of the emerging Local Plan confirms the requirement to ensure that designated sites, sites of nature conservation value, protected and priority species populations and associated habitats are protected and where appropriate enhanced.

- 8.33 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 percent of the global population of Brent Geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within The Solent which are of both national and international importance.
- 8.34 In light of their importance, areas within The Solent have been specially designated under UK law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC).
- 8.35 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' if it can be shown that the proposed development will either not have a likely significant effect on designated Habitat Sites (HS) or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated Habitat Sites. This is done following a process known as an Appropriate Assessment. The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority.
- 8.36 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.
- 8.37 Firstly, in respect of Recreational Disturbance, the development is within 5.6km of the Solent SPAs and is therefore considered to contribute towards an impact on the integrity of the Solent SPAs as a result of increased recreational disturbance in combination with other development in the Solent area. The appropriate payment towards the Solent Recreational Mitigation Partnership Strategy (SRMP) can be secured via legal agreement therefore, the Appropriate Assessment concludes that the proposals would not have an adverse effect on the integrity of the HS as a result of recreational disturbance in combination with other plans or projects.
- 8.38 Natural England have also advised that the development's location within a 13.8km radius of the New Forest designated sites requires mitigation. In order to mitigate the impact of increased recreational disturbance in combination with other development on the New Forest designated sites the applicant will be required to enter into a legal agreement to secure the appropriate financial contribution towards the Council's interim Mitigation Solution on New Forest Recreational Disturbance. The Appropriate Assessment therefore concludes that the proposals

would not have an adverse effect on the integrity of the HS as a result of recreational disturbance either alone or in combination with other plans or projects.

- 8.39 Secondly, in respect of Air Quality, Natural England has advised that the effects of emissions from increased traffic along roads within 200 metres of HS has the potential to cause a likely significant effect. Fareham Borough Council commissioned Ricardo Energy and Environment to undertake an assessment which avoids the need for relying on the assumption of a 200 metre zone of influence by including dispersion modelling of emissions from all roads with modelled traffic flows within the Fareham study area, whether or not they are located within 200m of a designated site. Therefore, all potentially relevant designated sites located within 10km of Fareham Borough were included in the assessment. This study concluded no likely significant effect, in combination with other plans or projects, on the integrity of the HS.
- 8.40 The Council is therefore content that the development would be acceptable in this respect. Finally, in respect of the impact of the development on water quality as a result of surface water and foul water drainage, Natural England has highlighted that there is existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted that increased levels of nitrates entering The Solent (because of increased amounts of wastewater from new dwellings) will have a likely significant effect upon the HS.
- 8.41 A nitrogen budget has been calculated in accordance with Natural England's '*Nutrient Neutrality Generic Methodology*' (February 2022) which confirms that the development will generate 5.19 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. Due to the uncertainty of the effect of the nitrogen from the development on the HS, adopting a precautionary approach, and having regard to NE's advice, the Council will need to be certain that the output will be effectively mitigated to ensure at least nitrogen neutrality before it can grant planning permission.
- 8.42 The applicant has entered into a contract (conditional on the grant of planning permission) to purchase 5.19kg of nitrate mitigation 'credits' from a wetland scheme at Whitewool Farm. Through the operation of a legal agreement between the landowners (William and James Butler), the tenant (Butler Farms) and Fareham Borough Council dated 3rd November 2021, the purchase of the credits will result in a corresponding reduction in nitrogen entering The Solent marine environment.

- 8.43 A condition will be imposed to ensure that the development does not commence on site until confirmation of the purchase of the credits from Whitewool Farm has been received by the Council.
- 8.44 The Council has carried out an Appropriate Assessment and concluded that the proposed mitigation and condition will be adequate for the proposed development and ensure no adverse effect on the integrity of the HS either alone or in combination with other plans or projects.
- 8.45 Natural England has been consulted on the Council's Appropriate Assessment and their formal comments are expected shortly. Members will be updated at the Committee Meeting in this regard.
- 8.46 It is therefore considered that the development accords with the Habitat Regulations and complies with Policies CS4, DSP13 and DSP15 of the adopted Local Plan and NE1, NE3 and NE4 of the emerging Local Plan.

h) Other Matters

Self-Build

- 8.47 The application proposes six houses that will be sold as plots to individuals who wish to build their own homes. Paragraph 62 of the NPPF states that the needs of groups with specific housing requirements (such as those who wish to build their own homes) need to be addressed.
- 8.48 Policy HP9 of the Revised Publication Local Plan also promotes the provision of self-build dwellings however it is not applicable in this case as it relates to the provision of self-build houses in the urban area or to the provision of sites of 40 or more dwellings. The provision of self-build houses is not required in this instance, but it is desirable as it will help meet the demands of those on the Council's Self Build Register.

Effect on Local Infrastructure

- 8.49 Concerns have been raised over the effect of the number of dwellings on infrastructure in the area. The proposed development is for self-build dwellings therefore the future owners of the dwellings can apply for an exemption from Community Infrastructure Levy (CIL).

In terms of the impact on health services in the area, it is ultimately for the health providers to decide how they deliver health services. Therefore, a refusal on these grounds would not be sustainable.

8.50 With regard to concerns over drainage and flood risk, the Lead Local Flood Authority are content with the proposed drainage strategy which includes permeable paving structures and an attenuation tank with surface water run off discharged into the ditch that runs along Greenaway Lane. The detailed drainage design will be addressed further at the reserved matters stage.

Agricultural Land

8.51 Policy CS16 seeks to prevent the loss of the best and most versatile agricultural land. The NPPF does not place a bar on the development of the best and most versatile agricultural land. The site is classified as Grade 2 agricultural land. Grade 2 is within the category of the 'best and most versatile' agricultural land category. Notwithstanding the categorisation of the land, the site is small for an agricultural unit and given modern farming practices would not be practical for use on its own. There are permissions to grant planning permission together with resolutions to grant permission for the land adjacent to the site which further diminishes the contribution this site would make to the rural economy as required in the NPPF. Notwithstanding this, the loss of an area of best and most versatile agricultural land would result in some conflict with policy CS16.

i) The Planning Balance

8.52 Although this Council currently has a 5YHLS, the delivery of housing falls below the required level therefore in accordance with paragraph 11 of the NPPF the relevant policies of the Local Plan are considered to be out of date and the Local Planning Authority must apply the 'presumption in favour of sustainable development' and grant planning permission unless:

- i. The application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; 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."*

8.53 The site is 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. The site is however within a wider area allocated for development under policy HA1 of the emerging Fareham Local Plan 2037 and is surrounded on all sides by sites that either have planning permission or have resolutions to grant planning permission for residential development.

- 8.54 In balancing the objectives of adopted policies which seek to restrict development within the countryside alongside the shortage in the delivery of housing, Officers acknowledge that the proposal would deliver a net increase of 6 self-build dwellings in the short term which would make a contribution towards boosting the Borough's housing supply. It would also contribute to a specific requirement for the Borough to provide self-build plots for those on the Self-Build Register.
- 8.55 In undertaking a detailed assessment of the proposals throughout this report and applying the *'tilted balance'* to those assessments, Officers consider that:
- 8.56 (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, particularly when taking into account that any significant effect upon Special Protection Areas can be mitigated through a financial contribution towards the Solent Recreation Mitigation Strategy and the impact of nitrogen loading on The Solent can be adequately mitigated; and,
- 8.57 (ii) Any adverse impacts of granting planning permission (including the loss of grade 2 agricultural land) would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the National Planning Policy Framework taken as a whole.
- 8.58 Having carefully considered all material planning matters and assessing the proposal against the adopted and emerging development plan, it is considered that the proposal is acceptable and Officers recommend that planning permission should be granted.

9.0 Recommendation

Subject to:

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

Then

- The applicant/owner first entering into a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council in respect of the following:
 - a) To secure the preparation and provision of the off-site ecology area;
 - b) To secure the provision of an Ecological Management and Enhancement Plan;

- c) To secure the necessary commuted maintenance sums prior to adoption of the ecology off site area by the Council; or
- d) In the event that the Council does not adopt the delivered off site ecology area, then the creation of a management company to maintain the area in perpetuity including detail of how that management company would be funded to ensure the management and maintenance of the area in perpetuity;
- e) Mechanism for securing appropriate funding of the management company for the lifetime of the development;
- f) Mechanism for ensuring collection and enforcement of the funding stream provided in d) above to fund the management of the ecological area for the lifetime of the development;
- g) A financial contribution to secure satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas;
- h) A financial contribution to secure satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance on the New Forest Special Protection Areas;
- i) Commuted sums towards management of the any trees within the off site ecological area in the event that the public spaces are adopted by the Council.

Then;

DELEGATE authority to the Head of Development Management to:

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

Then;

GRANT OUTLINE PERMISSION Subject to the following conditions:

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

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

2. Applications for approval of all reserved matters shall be made to the local planning authority not later than 12 months beginning with the date of this permission.

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

3. The development hereby permitted shall be begun before the expiration of 12 months from the date of the approval of the last of the reserved matters.

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

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

- Location plan Drawing no. 19 115 01
- Phasing plan Drawing no. 19.115.02 Rev A
- Tree Protection Plan Drawing no. 1542-02 Rev A
- Arboricultural Impact Assessment produced by SJ Stephens Associates dated 1st March 2021.
- Biodiversity Net Gain Report dated July 2022

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

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

- construction traffic routes and their management and control,
- parking and turning provision to be made on site,
- measures to prevent mud being deposited on the highway; and
- a programme for construction including:
 - the areas to be used for the storage of building materials,
 - plant,
 - excavated materials; and
 - huts associated with the implementation of the development.

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

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

6. No development shall take place until the Council has received the Notice of Purchase in accordance with the allocation agreement dated 6th December 2022

between William Northcroft Butler and James Nicholas Butler, (2) H N Butler Farms Ltd and (3) RGOM Ltd

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

7. No development shall take place until 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.

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

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

9. Not to carry out the development hereby permitted unless as a 'Custom Build' development and by:

- a) individuals;
- b) association of individuals; or,
- c) persons working with or for individuals or associations of individuals;

on the plot(s) to be occupied as homes by those individuals and thereafter the development shall not be occupied by anyone else other than by those same individuals for a continuous period of not less than three years starting from the date of first occupation.

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

10. No development shall take place on each individual plot until, a detailed Design Parameters Guide for the proposed housing on that plot has been submitted to and approved in writing by the Local Planning Authority. The Guide shall set out details such as height, scale and materials to be used within the construction of the proposed properties. The development shall be undertaken in accordance with the approved details. Thereafter there shall be no deviation from these requirements without a separate grant of permission for that purpose.

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

11. No development shall take place until a detailed surface water drainage scheme for the site, based on the principles within the Flood Risk Assessment ref: 19-251, has been submitted and approved in writing by the Local Planning Authority. The submitted details are to include:

- a. A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment;
- b. Infiltration test results undertaken in accordance with BRE365 and a groundwater assessment which includes seasonal variations, providing a representative assessment of those locations where infiltration features are proposed;
- c. Detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole covers, invert levels and pipe diameters, lengths and gradients;
- d. Detailed hydraulic calculations for all rainfall events, including the listed below. The hydraulic calculations should take into account the connectivity of the entire drainage features including the discharge location. The results should include design and simulation criteria, network design and result tables, manholes schedule tables and summary of critical result by maximum level during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. The drainage features should have the same reference that the submitted drainage layout;
- e. Water quality measures in accordance with the Ciria SuDS Manual C753;
- f. Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria;
- g. Maintenance schedules for each drainage feature type and ownership;
- h. Details of protection measures

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.

12. No development shall take place until a survey of any ditches proposed to receive surface water from the development site has been undertaken and the results submitted to and approved in writing by the Local Planning Authority. The survey must provide details and photographs of the condition of the ditch together with any works required in order to receive surface water drainage from the site. Any works to the ditch identified in the report must be implemented in accordance with the approved details prior to occupation of the first dwelling hereby approved.

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

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

REASON: In the interests of preserving water quality and resources

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

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

15. The development hereby permitted shall be undertaken in full compliance with the Tree Protection Plan Drawing no. 1542-02 Rev A and the Method Statement within the Arboricultural Impact Assessment produced by SJ Stephens Associates dated 1st March 2021. The tree/hedgerow protection shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from that site.

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

16. No development shall take place until details of the boundary treatment to be erected along the northern boundary of the site has been submitted to and approved in writing by the Local Planning Authority. No development shall take place until the boundary treatment shall be erected in accordance with the approved details. The boundary treatment shall be retained thereafter in accordance with the approved details.

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

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

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

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

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

19. The development shall be constructed in accordance with the Phasing Plan Drawing no. 19.115.02 Rev A. Phase 1 must be completed before the commencement of any subsequent phases. Notwithstanding the numbering of the subsequent phases (2-7) these phases may be commenced in any order.

REASON: To ensure that adequate access is provided to the plots.

20. The development shall be carried out in accordance with the measures contained within the Biodiversity Net Gain Report dated July 2022 and shall be subsequently retained in accordance with the details thereafter.

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

10.0 Background Papers

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

FAREHAM

BOROUGH COUNCIL



Land North of Greenaway Lane
Warsash

Scale 1:1,250



© Crown copyright and database rights 2022 OS 100019110. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

OFFICER REPORT FOR COMMITTEE

DATE: 25/01/2023

P/22/0630/FP
MR & MRS BELL

SARISBURY
AGENT: A2 ARCHITECTURE &
DEVELOPMENT

CONSTRUCTION OF DETACHED 3-BED BUNGALOW WITH ATTACHED
CARPORT

LAND TO THE REAR OF 248-250 BOTLEY ROAD, BURRIDGE, SO31 1BL

Report By

Susannah Emery – direct dial 01329 824526

1.0 Introduction

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

2.0 Site Description

2.1 The application site lies outside of the urban settlement boundary to the east side of Botley Road just to the south of the junction with Caigers Green. The application site currently forms part of the residential curtilage of No.248 Botley Road although it actually extends to the rear of No.250 Botley Road.

2.2 The site is accessible via a driveway which extends to the north of No.250 Botley Road alongside the public footpath which links Burridge with Whiteley.

2.3 The site has previously been levelled and enclosed by brick walls with fence panel inserts.

2.4 Planning permission has been granted on land to the east of the application site at No.246 Botley Road for the construction of seven detached dwellings (P/18/1413/OA & P/21/0561/RM).

3.0 Description of Proposal

3.1 Planning permission is sought for the erection of a detached 3-bed chalet bungalow.

3.2 The dwelling would have a side attached car port to the northern side and two additional car parking spaces on its western side.

3.3 A rear garden area measuring 11.5m in depth and 20m in width would extend to the east of the dwelling.

- 3.4 The proposal would comply with the Nationally Described Minimum Space Standards.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

- CS2 - Housing Provision
- CS4 - Green Infrastructure, Biodiversity and Geological Conservation
- CS5 - Transport Strategy and Infrastructure
- CS6 - The Development Strategy
- CS14 - Development Outside Settlements
- CS15 - Sustainable Development and Climate Change
- CS17 - High Quality Design
- CS20 - Infrastructure and Development Contributions

Adopted Development Sites and Policies Plan

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

Fareham Local Plan 2037 (Emerging)

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

- DS1 - Development in the Countryside
- H1 – Housing Provision
- HP1 - New Residential Development
- HP2 - New Small Scale Residential Development Outside the Urban Areas
- HP4 – Five-Year Housing Land Supply

- NE1 - Protection of Nature Conservation, Biodiversity and the Local Ecological Network
- NE2 - Biodiversity Net Gain
- NE3 - Recreational Disturbance on the Solent Special Protection Area (SPA's)
- NE4 - Water Quality Effects on the SPA/SAC and Ramsar Sites of the Solent
- NE6 – Trees, Woodland & Hedgerows
- NE9 - Green Infrastructure
- TIN1 - Sustainable Transport
- TIN2 - Highway Safety & Road Network
- TIN4 - Infrastructure Delivery
- CC1 - Climate Change
- D1 - High Quality Design & Placemaking
- D2 - Ensuring Good Environmental Conditions
- D4 - Water Quality & Resources
- D5 - Internal Space Standards

Other Documents:

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

5.0 Relevant Planning History

5.1 The following planning history is relevant:

- | | |
|--------------|--|
| P/22/0204/FP | Construction of detached garage outbuilding with room above, associated storage, landscaping, access, increase to rear site levels and construction of boundary wall
Permission 14 April 2022 |
| P/21/1596/FP | Detached garage outbuilding with room above, associated storage, landscaping and access
Refused 19 November 2021
Appeal dismissed 21 April 2022 |
| P/21/1404/FP | Change of use from paddock to residential garden land and continuation of the boundary wall approved under P/21/0875/FP
Permission 17 September 2021 |
| P/21/0875/FP | Front boundary wall/fence, vehicular and pedestrian access with lighting
Permission 22 June 2021 |
| P/98/0601/FP | Erection of Bungalow |

6.0 Representations

6.1 Six representations (including one from the Burridge and Swanwick Residents Association) have been received raising the following concerns;

- The applicants were always intending to follow up the application for a garage with one for a dwelling
- Overdevelopment
- Cramped form of development on small plot
- Not in keeping with the area including development under construction to rear
- Contrary to policy CS17 as would not respond positively or be respectful to the surrounding area
- Design Guide SPD suggests dwellings in backland locations may often need to be single storey
- The dwelling would be higher than the permitted garage
- A planning condition was imposed on the permitted garage restricting first floor windows to prevent overlooking
- The permitted garage was subject to a planning condition stating it should not be used as an independent unit of accommodation and the reason given was that the site was not capable of accommodating this
- Overlooking and loss of privacy
- Loss of light and overshadowing
- Light pollution
- Smells from bins
- Use of access would result in noise & disturbance to neighbouring property
- Insufficient access for emergency services
- Insufficient space for turning
- Inadequate visibility along Botley Road
- Increased number of vehicle movements on access
- Insufficient amenity space
- The motive to develop the land is purely commercial greed
- Right of way to electricity substation not considered and proposal would restrict access
- Land is subject to a restrictive covenant
- Impact on drainage system

7.0 Consultations

EXTERNAL

Hampshire County Council Highways

- 7.1 Having reviewed the documentation submitted in support of the planning application it is not considered that the development would have a detrimental impact on highway safety or operation.

Natural England

- 7.2 Your appropriate assessment dated 31 October 2022, concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions.

8.0 *Planning Considerations*

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

- a) Site History
- b) The Approach to Decision Making
- c) Residential Development in the Countryside
- d) Impact on Character & Appearance of the Area
- e) Highways
- f) Impact on Living Conditions of Neighbouring Properties
- g) Impact on Habitat Sites
- h) The Planning Balance

a) Site History

- 8.2 Planning permission was refused in July 1998 for the erection of a detached bungalow to the rear of No.248-250 Botley Road on land to the east of the current application site outside of the residential curtilage of the existing frontage dwellings. The reason for refusal states that the proposal was unacceptable in that there was no overriding need for the proposed additional dwelling in an area of countryside and the erection of the dwelling would result in the encroachment into an area of countryside detrimental to the character and appearance of the area. There have been significant changes to national and local plan policy since that time and also the surrounding environment with substantial residential development being carried out within close proximity of the application site at Whiteley and Caigers Green.
- 8.3 A large parcel of land extending immediately to the east of the application site to the rear of Nos 246-250 Botley Road is currently under development (P/18/1413/OA & P/21/0561/RM) for seven large detached two storey dwellings with access provided to the south of No.246 Botley Road. The approved

development will surround the current application site with residential development.

8.4 On 17 September 2021 the applicant secured planning permission (P/21/1404/FP) for a change of use of the larger part of the current application site that extends to the rear of No.250 Botley Road from paddock to form part of the residential curtilage of No.248 Botley Road. This land has subsequently been incorporated into the residential curtilage of No.248 by the construction or continuation of boundary walls.

8.5 A planning application (P/21/1596/FP) for the construction of a garage outbuilding with a room above was received on 24 September 2021. The garage was shown positioned to the rear of No.250 Botley Road within the north-east corner of the site close to the wall which extends parallel with the public footpath to the north of the application site. This planning application was refused in November 2021 for the following reasons;

“The proposed development is contrary to Policy DSP3 (Impact on Living Conditions) of the Fareham Borough Local Plan Part 2: Development Sites and Policies 2015, and Policy CS17 (High Quality Design) of the adopted Fareham Borough Core Strategy 2011 and unacceptable in that:

- i) Its scale and prominent location close to the site boundaries would fail to have regard to the spaciousness of the site, the open character of the surrounding area and adjoining neighbour amenities.*
- ii) The western roof windows will create an unacceptable perception of overlooking to the neighbour to a structure immediately on the boundary.”*

8.6 A subsequent appeal was dismissed (P/21/1596/FP) on 21 April 2022. The Planning Inspector commented that:

“The scale, height and massing of the proposed building is excessive and would have a significant impact on the spaciousness and openness of this part of the appeal site and adjacent public footpath. That impact would be accentuated by the fact that the long gabled element to the proposed building would be sited hard up against the northern boundary of the appeal site with adjacent public footpath. This element of the proposal would be highly visible and prominent to users of the public footpath as would, to a lesser extent, the hipped element, which extends south from the gabled element.”

8.7 Prior to the determination of the planning appeal the applicant submitted a second revised application (P/22/0204/FP) for the construction of a detached garage with a room above in February 2022. The proposed garage structure was relocated further away from the northern and eastern boundaries by 2 metres to reduce its prominence when viewed from the adjacent footpath. The ridge height was reduced from 6.8m and the roof design was altered to reduce bulk. The planning application was reported to the Planning Committee on 13 April 2022 and Members resolved to grant planning permission. The permitted garage would measure 6.1 metres in height to the ridge, 3.2 metres to the eaves, 13.7 metres in width and 10.6 metres in depth.

8.8 Two planning conditions were imposed on the planning permission for the garage to remove permitted development rights for the installation of further first floor windows and to ensure that the use of the garage remained incidental to the use of No.248 Botley Road. The conditions are set out below along with the reasons for imposing those planning conditions;

“Notwithstanding the provisions of the Schedule of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any subsequent Order revoking and re-enacting that Order) at no time shall any further windows, other than those expressly allowed through this planning permission, be inserted at first floor level into the east or west elevations of the development hereby permitted unless otherwise agreed in writing by the Local Planning Authority following the submission of a planning application.

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

The outbuilding hereby permitted shall be used only for purposes incidental to the enjoyment of the main dwellinghouse at 248 Botley Road and shall at no time be let out, sold or occupied as an independent unit of accommodation nor for any business or commercial purpose.

REASON: The site is incapable of accommodating a separate unit of accommodation and in the interest of the amenity of neighbouring properties.”

8.9 The above planning conditions were imposed to retain control over the permitted outbuilding and should not be taken to be a predetermination of the current application for the construction of a dwelling. The material planning considerations need to be carefully considered in the context of the proposed development.

b) The Approach to Decision Making

8.10 A report titled "Five year housing land supply position" is reported to the Planning Committee elsewhere on this agenda. That report sets out this Council's local housing need along with the Council's current housing land supply position. The report concludes that the Council has 5.49 years of housing supply against its five year housing land supply (5YHLS) requirement.

8.11 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".

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

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

8.14 Paragraph 74 of the NPPF states that local planning authorities should identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement including a buffer. Where a local planning authority cannot do so, and when faced with applications involving the provision of housing, the policies of the local plan which are most important for determining the application are considered out-of-date.

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

"For decision-taking this means:

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

d) Where there are no relevant development plan policies, or the policies which are most important for determining the application

are out-of-date (see footnote 7 below), granting planning permission unless:

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

8.16 Footnote 7 to Paragraph 11 reads:

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

8.17 Footnote 8 to paragraph 11 reads:

“This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirements over the previous three years.”

8.18 This planning application proposes new housing outside the defined urban settlement boundaries. Whilst the Council can demonstrate a five year housing land supply, the Housing Delivery Test results published on 14th January 2022 confirmed that the Council has achieved 62% of its housing target. This means the delivery of housing in the last three years (2018 to 2021) was substantially below (less than 75%) the housing requirement over the previous three years. Footnote 8 to NPPF paragraph 11 is clear that in such circumstances those policies which are most important for determining the application are to be considered out-of-date meaning that the presumption in favour of sustainable development in paragraph 11(d) is engaged.

- 8.19 Taking the first limb of NPPF paragraph 11(d), there are specific policies in the NPPF which protect areas or assets of particular importance, namely habitat sites which are specifically mentioned in footnote 7. Where such policies provide a clear reason for refusing the development proposed then this should be the case. The key judgement in regard to the second limb of NPPF paragraph 11(d), is whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole (the so called 'tilted balance'). However, this will only apply if it is judged that there are no clear reasons for refusing the development having applied the test at Limb 1.
- 8.20 The following sections of the report assess the application proposal against this Council's adopted local planning policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

c) Residential Development in the Countryside

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

- 8.22 Policy CS14 of the Core Strategy states that:

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

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

8.24 The progress of the emerging Local Plan is sufficiently advanced for it to carry weight in the consideration of planning applications.

8.25 Policy HP2 of the Emerging Fareham Local Plan 2037 relates to new small scale housing development outside of the urban area boundary. This policy is being introduced as it is recognised that small housing development sites can make a significant contribution to the supply of new dwellings within the Borough, helping the Council to meet its housing need requirement. Small sites help to support small and medium sized house builders and those seeking self build plots. Most small sites have historically been delivered within existing urban settlements, often as a result of developing large single house plots or as amalgamations of smaller plots. However small site delivery has been declining over recent years as opportunities within existing urban settlements reduce. The supporting text to the policy sets out that in order to maintain a suitable supply of small sites, the Council considers that, with careful design, there is scope to appropriately deliver small sites within or adjacent to existing sustainably located housing settlements within the Borough. Policy HP2 states;

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

- 1) The site is within or adjacent to existing areas of housing; or*
- 2) The site is well related to the settlement boundary; and*
- 3) The site is within reasonable walking distance to a good bus service route or a train station as well as safe walking and cycling routes that connect to a local, district or town centre; and*
- 4) It comprises development that does not adversely affect the predominant development form of the area, taking particular account of:
 - a. building line and scale of adjacent dwellings;*
 - b. plot size and proportion,*
 - c. site coverage/ratio,*
 - d. space between dwellings,*
 - e. landscape and views through to countryside beyond; and**
- 5) It comprises development:
 - a. Of not more than 4 units; and*
 - b. Where the design and external appearance of each dwelling is demonstrably different, unless a terrace or semi-detached form is appropriate; and*
 - c. That does not extend the settlement frontage.”**

8.26 The site is clearly outside of the defined urban settlement boundary and the proposal is therefore contrary to Policies CS2, CS6, and CS14 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan. It is however considered that the proposal would be compliant with Policy HP2 of the emerging Fareham Borough Local Plan 2037 to which considerable weight should be attributed. The following section of the report assesses the proposal against Policy HP2 in greater depth.

d) Impact on Character & Appearance of the Area

8.27 Policy HP2 of the Emerging Local Plan seeks to deliver small scale residential development within the countryside whilst protecting the characteristics of established settlements. Policy CS17 (High Quality Design) of the adopted Fareham Borough Core Strategy sets out some similar considerations for all development and states that;

“Development will be designed to: respond positively to and be respectful of the key characteristics of the area, including heritage assets, landscape, scale, form, spaciousness and use of external materials”.

8.28 In assessing the proposal against the specific criteria set out within Policy HP2 it is evident that the site is not only located adjacent to an existing area of housing, but it would be entirely surrounded and enclosed by existing and permitted residential development currently being constructed.

8.29 The Fareham Landscape Assessment 2017 (which is part of the evidence base for the published emerging Fareham Local Plan 2037) identifies that the site lies within the BurrIDGE/Swanwick/Whiteley character area (LCA13) and is characterised as ‘Urban: Low Density Fringe/Ribbon Development’. As a whole this area is considered to be of relatively low sensitivity to development as it is essentially an ‘urban settlement’ rather than an area of countryside although it is considered important to prevent the coalescence of Swanwick and BurrIDGE with Whiteley. The Assessment concludes there to be no landscape designations affecting this area and it is therefore considered of low value as a landscape resource. It is further noted that built development is the dominant characteristic of this area and further infill development would not be out of place in this suburban environment.

8.30 The application site is considered to be sustainably located. In the appeal relating to the housing development on the adjacent land to rear of No.246 Botley Road the Planning Inspector noted that:

“...The site would be well related to the adjoining settlement boundary of Whiteley and would be well integrated to this and surrounding built areas by footways in such a way that future occupiers of the development would not be wholly dependent on the private vehicle to access services and facilities.” (reference P/18/0347/OA; APP/A1720/W/19/3221884, paragraph 26).

- 8.31 Given the proximity of that site to the application site, Officers consider the same conclusions should be reached with regards the current application.
- 8.32 With regard to the impact of the proposal on the character and the appearance of the area and subsequent compliance with Policy CS17 and HP2(4), Officers initially had concerns in respect of the proposed extent of the footprint and the design of the proposed dwelling. Amendments have been sought to reduce the height and bulk of the dwelling resulting in a reduction of 25% of the overall floor space. The height of the dwelling has been reduced from 6.5m (with gable features measuring 7.7m) to 6.1 metres. The dwelling has also been redesigned to minimise first floor front and rear gabled projections with two small pitched roof dormers introduced on the rear elevation instead, the extent of first floor glazing has been reduced, the roof of the car port has been lowered and a barn hip has been incorporated into the roof design of the dwelling. The garden depth has been increased to a minimum of 11m and adequate parking and turning space has been provided to the front of the dwelling. The aim of the amendments was to ensure that the proposed dwelling was not excessive in scale for the size of the plot and to reduce the prominence of the dwelling.
- 8.33 It is not considered that the amended proposal would undermine the building line along the Botley Road frontage as a comprehensive parcel of backland development has already been accepted to the east of the site. The footprint of the proposed dwelling is considered to be reasonable in size in relation to neighbouring properties. The plot size is smaller than others within the surrounding area, particularly the frontage properties on Botley Road, nonetheless it is considered it would be adequate for the size of the dwelling and that the subdivision of the plot would not have an unacceptable impact on the character and appearance of the area. The size of the plot would not be overly apparent from the public realm and it is not considered that the dwelling would appear cramped on the plot when viewed from the upper windows of surrounding properties.
- 8.34 A large detached garage building has already been permitted to be constructed on the site which to some extent would erode the sense of spaciousness between adjacent dwellings and given the similarities in the height and proportions of the proposed dwelling is not considered that in this instance that the construction of a dwelling as opposed to a garage would significantly alter

the perceptions of space between dwellings. The permitted garage would measure 6.1 metres in height to the ridge, 3.2 metres to the eaves, 13.7 metres in width and 10.6 metres in depth. In comparison the proposed dwelling would also measure 6.1m to the ridge, have lower roof eaves at 2.4m high, be marginally wider at 14m in width (with an additional 3.5m for the car port to the north of the dwelling), and 12.1m in depth. Whilst the dwelling is slightly larger than the permitted garage it is considered that the building's increased distance from the northern boundary alongside the public footpath would compensate for this and the dwelling would be no more visually intrusive.

- 8.35 The proposal would have no visual impact on the wider landscape setting of the site as it forms part of the residential curtilage of an existing dwelling which is surrounded by other residential development. There are no views through to countryside beyond from Botley Road at present that would be lost.
- 8.36 In summary whilst it is acknowledged that the plot size for the proposed dwelling is not as large as others within the local area, Officers do not consider that the proposal for a single dwelling would adversely affect the predominant development form of the area, particularly when taking into account the so called "fall back" position which is that a large detached garage could be erected on the site having planning permission already been granted. It is considered that the proposal complies with Policy CS17 of the adopted Fareham Borough Core Strategy and Policy HP2 of the Emerging Fareham Local Plan 2037.

e) Highways

- 8.37 In respect of the land to the east of the application site currently under development, an earlier scheme (P/18/0347/OA) for 8 dwellings was refused in September 2018. The refused application included the use of the access to the north of No.250 Botley Road (which would now provide the vehicular access to the application site) for egress only from the development site. No highway objection was raised by Hampshire County Council in terms of detrimental impact to highway safety. The Planning Inspector also found the access/egress arrangements for the eight dwellings to be acceptable and raised no concerns in respect of highway safety. Nonetheless the subsequent application permitted for seven dwellings abandoned the use of the access adjacent to No.250 Botley Road for egress and provided a two-way traffic access adjacent to No.246 Botley Road.
- 8.38 The use of the access by a single dwelling is considered to be acceptable, furthermore it is not considered that the proposal would significantly increase the number of vehicle movements on the access in comparison to the permitted garage. The Highway Authority has been consulted and have raised no

objection to the proposal in terms of the use of the access and the highway safety implications.

- 8.39 The proposal makes adequate provision for on-site car parking for a minimum of two vehicles in accordance with the Council's adopted residential car parking standards. There is also sufficient space to enable a vehicle to enter Botley Road in a forward gear.

f) Impact on Living Conditions of Neighbouring Properties

- 8.40 Concerns have been raised in respect of overlooking and loss of privacy. The first floor rooflight windows proposed within the front and side (south) elevations of the dwelling would be subject to a planning condition requiring them to have a minimum sill height of 1.7m above internal finished floor level to prevent overlooking. The circular first floor bathroom window on the front elevation would be conditioned to be obscure glazed and fixed shut. The rear facing first floor windows would be a minimum of 11m from the rear boundary and therefore it is not considered that the proposal would result in an unacceptable loss of privacy to the occupants of the dwelling which will be constructed to the east.
- 8.41 The proposed dwelling would be located in excess of 25m from the rear elevation of the dwelling at No.250 Botley Road. Whilst there would be no first floor windows overlooking the rear of No.250 Botley Road this level of separation also significantly exceeds the minimum level of separation of 12.5m required to minimise loss of light and outlook. The flank wall of the dwelling (excluding car port) would also be over 20m from the rear of No.2 Caigers Green to the north and there would be no first floor windows within this elevation.
- 8.42 It is not considered that the number of vehicle movements on the access would be significantly more than could have been expected if the permitted garage were constructed. As explained above the access was previously proposed to form part of the application site for the seven dwellings being constructed to the east. It was not considered by Officers that its use as the sole egress from the site would have had a detrimental impact on the living conditions of the occupants of No.250 Botley Road. Similarly, no such concerns were raised by the Planning Inspector determining the appeal. It is therefore not considered that this would now be the case with a single dwelling.
- 8.43 A refuse collection point is indicated on the site plan, but this is not adjacent to the highway and the refuse bins would need to be brought to the roadside for collection. The homeowner may choose to store the bins in the location

shown or elsewhere on the plot, but it is not considered that this would have an unacceptable impact on the neighbouring property in terms of smells.

g) Impact on Habitat Sites

- 8.44 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.
- 8.45 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.
- 8.46 In light of their importance, areas within the Solent have been specially designated under UK/ European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'Habitat Sites' (HS).
- 8.47 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' if it can be shown that the proposed development will either not have a likely significant effect on designated sites or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated sites. This is done following a process known as an Appropriate Assessment. The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority.
- 8.48 Officers have undertaken an Appropriate Assessment to assess the likely significant effects of the development on the HS. The key considerations for the assessment of the likely significant effects are set out below.

Recreational Disturbance

- 8.49 Firstly, in respect of Recreational Disturbance, the development is within 5.6km of the Solent SPAs and is therefore considered to contribute towards an impact on the integrity of The Solent SPAs as a result of increased

recreational disturbance in combination with other development in the Solent area. The applicants have made the appropriate financial contribution towards The Solent Recreational Mitigation Partnership Strategy (SRMS).

- 8.50 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'.
- 8.51 This Council's Interim Mitigation Solution to address this likely significant effect, was approved by the Council's Executive on 7th December 2021. The Interim Mitigation Solution has been prepared in consultation with Natural England. The mitigation comprises a financial contribution from the developer to mitigate against any impacts through improvements to open spaces within Fareham Borough and a small financial contribution to the New Forest National Park Authority. The applicant has made this financial contribution which has been secured by an agreement under Section 111 of the Local Government Act 1972.

Water Quality (nitrates)

- 8.52 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.
- 8.53 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 0.8 kgTN/year. In the absence of sufficient evidence to support a bespoke occupancy rate, Officers have accepted the use of an average occupancy of the proposed dwellings of 2.4 persons in line with the NE Advice. The existing use of the land for the purposes of the nitrogen budget is considered to be residential urban land as it forms part of the residential curtilage of the existing dwelling. Due to the uncertainty of the effect of the nitrogen from the development on the HS, adopting a precautionary approach, and having regard to NE advice, the Council will need to be certain that the output will be effectively mitigated to ensure at least nitrogen neutrality before it can grant planning permission.

- 8.54 The applicant has secured 0.8 kg TN/yr of nitrate mitigation ‘credits’ from a wetland scheme at Whitewool Farm and provided the Council with the completed allocation agreement to confirm. Through the operation of a legal agreement between the landowners (William and James Butler), the tenant (Butler Farms) and Fareham Borough Council dated 3rd November 2021, the purchase of the credits will result in a corresponding reduction in nitrogen entering The Solent marine environment.
- 8.55 The Council’s appropriate assessment concludes that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the HS either alone or in combination with other plans or projects. Natural England has been consulted on the Council’s Appropriate Assessment and agrees with its findings. It is considered that the development accords with the Habitat Regulations and complies with Policies CS4 and DSP13 and DSP15 of the adopted Local Plan.

h) The Planning Balance

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

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

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

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

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

- 8.58 Paragraph 182 of the NPPF states that;

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

- 8.59 An Appropriate Assessment has been undertaken and concluded that the proposal would not adversely affect the integrity of protected Habitat Sites. There is therefore no clear reason to refuse the application on these grounds. Whilst the Council can demonstrate a 5YHLS, having regard to the results of the Housing Delivery Test, the application should be determined in accordance with paragraph 11(d) applying the presumption in favour of sustainable development.
- 8.60 The site is outside of the defined urban settlement boundary and the proposed development does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would therefore be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of Local Plan Part 2: Development Sites and Policies Plan.
- 8.61 It is however considered that the proposal would comply with Policy HP2 of the emerging Fareham Local Plan, and that considerable weight can now be attributed to this policy.
- 8.62 In terms of any potential adverse impacts, it is not considered that the development would harm the landscape character and appearance or function of the countryside. The proposed dwelling would integrate with existing surrounding residential development and would be sustainably located. It is not considered that the proposal would have any material adverse impacts on the living conditions of the occupants of neighbouring residential properties or highway safety.
- 8.63 In balancing the objectives of adopted policy which seeks to restrict development within the countryside along with the shortage of housing supply, it is acknowledged that the proposal could deliver a single dwellinghouse in the short term. Whilst this is only a modest contribution, the proposed scheme would still make a contribution towards boosting the Borough’s housing supply and this is a material consideration in favour of the proposal.
- 8.64 In undertaking a detailed assessment of the proposals throughout this report, Officers consider that:

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

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

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

9.0 Recommendation

9.1 DELEGATE authority to the Head of Development Management to make any necessary modification, deletion or addition to the proposed conditions; and

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

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

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

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

- i) Location Plan – drwg No. 101
- ii) Proposed Floor Plans & Elevations – drwg No. 104 Rev C
- iii) Proposed Site Plan – drwg No. 106 Rev B

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

3. No development hereby permitted 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.

4. The first floor roof light windows proposed to be inserted into the front and south (side) elevation of the dwelling hereby approved shall be constructed so

as to have a sill height of not less than 1.7 metres above internal finished floor level. The windows shall thereafter be retained in this condition at all times.

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

5. The first floor circular en-suite window(s) proposed to be inserted into the front elevation of the approved dwelling shall be:

a) Obscure-glazed; and

b) Of a non-opening design and construction;

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.

6. Notwithstanding the provisions of Classes A, B, and C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no extensions, no additions or alterations to the roof shall be carried out unless first agreed in writing with the Local Planning Authority following the submission of a planning application.

REASON: To protect the character and appearance of the locality; To ensure the retention of adequate garden area; To ensure adequate car parking provision; To protect the privacy of neighbouring properties.

7. The dwelling hereby approved, shall not be first occupied until the approved parking and turning areas 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.

8. The car port hereby approved shall be constructed in accordance with the approved plan. Thereafter, the car port shall be retained, without doors, at all times so that is available for its designated purpose.

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

9. The dwelling hereby permitted shall not be first occupied until the bicycle storage, as shown on the approved plan (drwg No.106 Rev B), 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.

10. No development shall proceed beyond damp proof course (dpc) level until details of how and where an electric vehicle charging points will be provided for the dwelling have been submitted to the Local Planning Authority and approved in writing. The development shall be carried out in accordance with the approved details.

REASON: To promote sustainable modes of transport, to reduce impacts on air quality arising from the use of motorcars and in the interests of addressing climate change.
11. 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.
12. No development shall proceed beyond damp proof course level until a landscaping scheme identifying all existing trees, shrubs and hedges to be retained, together with the species, planting sizes, planting distances, density, numbers, surfacing materials and provisions for future maintenance of all new planting, including all areas to be grass seeded and turfed and hardsurfaced, has been submitted to and approved by the Local Planning Authority in writing.

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

REASON: To ensure the provision, establishment and maintenance of a standard of landscaping.
14. The dwelling hereby permitted shall not be occupied until details of water efficiency measures to be installed 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.

15. 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 20 October 2022 between (1) William Northcroft Butler and James Nicholas Butler, (2) H N Butler Farms Ltd and (3) Michael & Claire Bell.

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

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

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

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

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

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

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

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

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

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

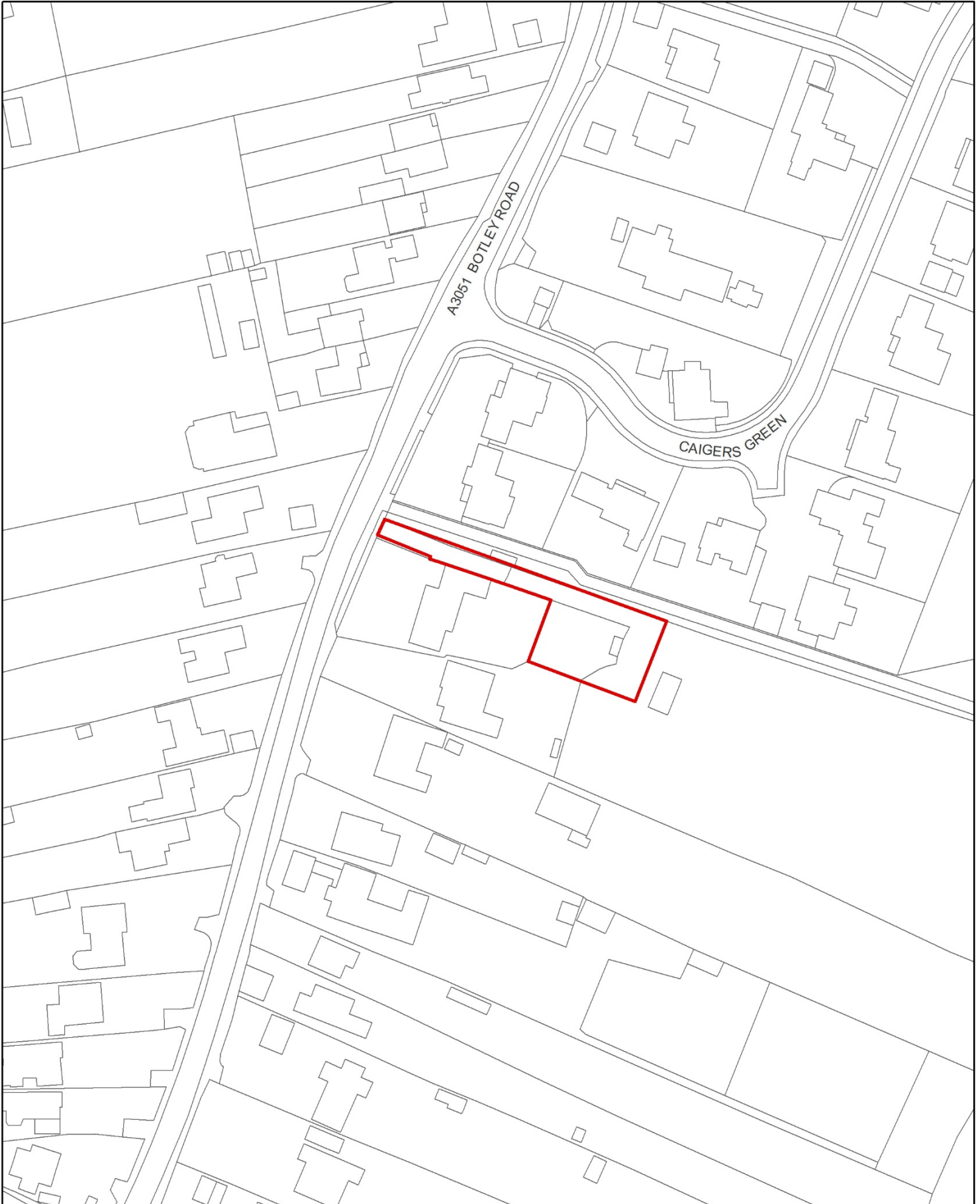
REASON: In the interests of highway safety and to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period. The details secured by this condition are considered essential to be agreed prior to the commencement of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

10.0 *Background Papers*

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

FAREHAM

BOROUGH COUNCIL



Land to Rear of
248-250 Botley Road
Scale 1:1,250



© Crown copyright and database rights 2022 OS 100019110. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Agenda Item 6(3)

OFFICER REPORT FOR COMMITTEE

DATE: 25/01/2023

P/22/1084/FP
MR BALBIR SINGH PUNIA

LOCKS HEATH
AGENT: BPS DESIGN
CONSULTANTS LTD

CONSTRUCTION OF TWO DETACHED TWO STOREY DWELLINGS WITH
ACCESS FROM LODGE ROAD (PLOTS 3 & 4)

33 LODGE ROAD, LOCKS HEATH, SO31 6QY

Report By

Susannah Emery – direct dial 01329 824526

1.0 Introduction

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

2.0 Site Description

2.1 This application relates to a site within the urban area to the west side of Lodge Road just to the north of the junction with Malcolm Close. The site abuts Hamilton Caravan Park to the north and an area of public open space to the west.

2.2 The site forms part of a larger housing allocation site (H10) as indicated within the current Fareham Borough Local Plan.

2.3 Planning permission has previously been granted for the demolition of an existing bungalow that occupied the larger housing allocation site and the erection of two dwellings fronting Lodge Road (referred to as Plots 1 & 2). These two dwellings have now been constructed and occupied.

3.0 Description of Proposal

3.1 Planning permission is sought for the erection of two detached 4-bed dwellings with access from Lodge Road.

3.2 The dwellings would sit alongside the two dwellings already constructed on the Lodge Road frontage.

3.3 Each of the properties would be provided with three on-site car parking spaces.

3.4 The proposal would comply with the Nationally Described Minimum Space Standards.

4.0 Policies

4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS2 - Housing Provision

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS9 - Development in the Western Wards & Whiteley

CS15 - Sustainable Development and Climate Change

CS16 - Natural Resources and Renewable Energy

CS17 - High Quality Design

CS20 - Infrastructure and Development Contributions

Adopted Development Sites and Policies

DSP1 - Sustainable Development

DSP2 - Environmental Impact

DSP3 - Impact on living conditions

DSP13 - Nature Conservation

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

DSP40 – Housing Allocations

Fareham Local Plan 2037 (Emerging)

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

H1: Housing Provision

HP1: New Residential Housing Development

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

NE2: Biodiversity Net Gain

NE3: Recreational Disturbance on the Solent Special Protection Area (SPA's)

NE4:	Water Quality Effects on the SPA/SAC and Ramsar Sites of the Solent
NE6:	Trees, Woodland & Hedgerows
NE9:	Green Infrastructure
TIN1:	Sustainable Transport
TIN2:	Highway Safety & Road Network
TIN4:	Infrastructure Delivery
CC1:	Climate Change
D1:	High Quality Design & Placemaking
D2:	Ensuring Good Environmental Conditions
D4:	Water Quality & Resources
D5:	Internal Space Standards

Other Documents:

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

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/22/0960/VC	Variation of Condition 2 & 10 of P/21/1685/FP (Erection of a 3 Bed Dwelling – Plot 2) to enable retention of second floor accommodation and rooflight windows to rear elevation Permission 17 November 2022
P/22/0650/FP	Construction of Two Pairs of Semi-Detached 2-Bed Dwellings with Access from Lodge Road Refused 23 June 2022
P/21/1685/FP	Erection of Detached 3-Bed Two Storey Dwelling Permission 8 February 2022 (Plot 2)
P/20/0792/FP	Demolition of Existing Dwelling and Erection of Replacement Dwelling (amended scheme of P/20/0238/FP)(Plot 1) Permission 22 September 2020
P/20/0238/FP	Demolition of Existing Dwelling and Erection of Replacement Dwelling (Plot 1) Permission 11 June 2020

P/19/0707/OA Outline Planning Application for Erection of Nine Dwellings
Refused 18 November 2019

P/00/0704/FP Erection of Six Detached Dwellings with Garages
Refused 15 November 2002

6.0 Representations

6.1 Eight representations have been received raising the following concerns;

- Design of dwellings is out of keeping with surrounding area
- Excessive height of dwellings
- Accommodation on second floor should not be permitted and roof should be hipped to prevent this
- Loss of privacy
- Increased traffic
- Insufficient space for parking
- Additional roadside parking will be hazardous
- Speed of traffic on Lodge Road
- The site has been under development for too long to the detriment of local residents
- The developer does not maintain the roadway in clean condition

Six letters of support have also been received.

7.0 Consultations

EXTERNAL

Highways (Hampshire County Council)

7.1 Access to the dwellings is proposed via Lodge Road which is an adopted unclassified road subject to a 30mph speed limit. Both dwellings will have just the one single dropped kerb access arrangement, and each would serve up to three vehicles required to park on the frontage of each dwelling. It is anticipated this meets the required standards, but it is requested the Case Officer informs HCC if this is not the case. Vehicles would be required to egress back onto the highway in a reverse gear with the proposed arrangement. However, upon review of the latest accident data, the neighbouring area and existing access arrangements. The Highway Authority consider the proposals to be acceptable.

Archaeological Officer (Hampshire County Council)

- 7.2 The site lies within an area with only limited archaeological finds and sites recorded within the historic environment record and can be considered to have low archaeological potential. Whilst the possibility that archaeological remains being present cannot be ruled out, the low archaeological potential does not justify the imposition of archaeological conditions. On this basis, I do not wish to raise any archaeological issues.

Ecology

- 7.3 It is recommended that the hedge and tree planting as shown on the proposed block plan is secured via a planning condition, in addition to a minimum of two integrated bat roosting features such as bat tube or bat brick (bat boxes will not be accepted) and two integrated bird features (e.g. Vivara Pro WoodStone House Sparrow Nest Box, Ibstock Eco-habitat for Swifts or equivalent).

Natural England

- 7.4 Comments awaited.

8.0 *Planning Considerations*

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

- a) Principle of Development
- b) Impact on Character & Appearance of the Area
- c) Impact on Living Conditions of Neighbouring Properties
- d) Highways
- e) Ecology
- f) Impact on Protected Sites

a) Principle of Development

- 8.2 Policies CS2 (Housing Provision) and CS6 (The Development Strategy) of the adopted Fareham Borough Core Strategy and Policies H1 and DS1 of the emerging Fareham Local Plan 2037 place priority on reusing previously developed land within the defined urban settlement boundaries to provide housing. The site is located within the defined settlement boundary such that the principle of re-development of the land is acceptable subject to all other material considerations.
- 8.3 The site also forms part of an allocated housing site and therefore Policy DSP 40 (Housing Allocations) of the Fareham Borough Local Plan Part 2: Development Sites and Policies applies. This policy states that the larger site is allocated for residential development (Housing Site H10) and should be

developed in line with the principles set out within the development site brief. The housing allocation site is identified within the local plan as having an indicative capacity for ten dwellings. The Housing Allocation is carried forward into the emerging Fareham Local Plan 2037.

- 8.4 A planning application for the erection of nine dwellings on the wider housing allocation site was refused in November 2019 for the following reasons;

“The development would be contrary to Policies CS4 and CS6 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP13 and DSP15 of the Adopted Local Plan Part 2: Development Site and Policies Plan and is unacceptable in that:

- i) insufficient evidence has been submitted to demonstrate that the proposed development would not have an adverse impact upon protected species;*
- ii) in the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the ‘in combination’ effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the European designated Solent Special Protection Areas;*
- iii) on the basis of the information available the Local Planning Authority is not satisfied that the proposal would not have likely significant effects upon designated European Protected Sites, in combination with other developments, due to the adverse effects of increased waste water and emissions from traffic.”*

- 8.5 It is considered that the above reasons for refusal could have been addressed however the applicant has subsequently decided to undertake development of the site in a more piecemeal manner. Whilst this approach is not considered the most conducive to delivering a comprehensive scheme, the Local Planning Authority cannot require the applicant to submit a single application for the entire site and must determine what is before it if the applicant instead chooses to submit applications for piecemeal development of the site. Officers are however mindful that any development permitted should not prejudice the development of the remainder of the housing allocation site. The current application would result in the continuous development of the Lodge Road frontage so that access to the rear of the site would need to be taken from St Joseph’s Close. It is understood that the applicant has discussed this matter with the Highway Authority and that access to the rear of the site from St Joseph’s Close would be feasible in highway terms.

8.6 The principle of developing the site is considered acceptable and is to be encouraged to assist in meeting housing provision, subject to an assessment of the impacts arising.

b) Impact on Character & Appearance of the Area

8.7 Policy CS17(High Quality Design) of the Fareham Borough Council Core Strategy states that development should respond positively to and be respectful of the key characteristics of the area including landscape, scale, form, spaciousness and use of external materials.

8.8 A recent planning application for the construction of two pairs of semi-detached 2-bed dwellings on this site was refused in June 2022. It was considered that the proposal for four dwellings would have represented overdevelopment of the site and would have introduced an intensive form of development which is not evident or characteristic with the surrounding area. The proposed height of the dwellings would have exceeded the properties built on Plots 1 & 2. The plot sizes of the proposed dwellings were also noticeably smaller than those within the surrounding area and approximately half the width of the first dwelling built on Plot 1. Due to the limited width of the plots and the need to provide each property with two car parking spaces the entire frontage of the four properties would have been given over to hardsurfacing and car parking with no space left for landscaping to soften the appearance of the dwellings or improve the quality of the scheme. The proposal was found contrary to Policy CS17 of the Core Strategy and refused for the following reason;

“By virtue of the number of dwellings proposed, their height and limited plot width and the dominance of the frontages with hard surfacing and vehicle parking, the proposal would give rise to an unsympathetic and cramped form of development which would fail to respond positively to and be respectful of the key characteristics of the area including its landscape, scale, form and spaciousness to the detriment of the character and appearance of the area”.

8.9 The two dwellings now proposed would sit alongside the two dwellings already constructed presenting a continuously built-up frontage to Lodge Road. The design of the dwellings would be consistent with the first two dwellings. The plot sizes would also be comparable to Plot 1 which is wider than Plot 2, providing ample space for parking and landscaping on the site frontage and also amenity space to the rear. The dwellings would not appear cramped on the plots and the height of the dwellings are considered appropriate within the streetscene. It is considered that the revised proposal

overcomes the previous reason for refusal and would not have an unacceptable impact on the character or appearance of the area.

c) Impact on Living Conditions of Neighbouring Properties

8.10 Policy DSP3 of the adopted Local Plan Part 2: Development Sites & Policies concerns the impact of development on living conditions. It states that development proposals should ensure that there will be no unacceptable adverse impact upon living conditions on the site or neighbouring development, by way of the loss of sunlight, daylight, outlook and/or privacy.

8.11 The previous application for the construction of four dwellings on this site was also refused for the following reason;

“By virtue of the proposed height and proximity of the proposed development to the northern boundary, the proposal would have an unacceptable and overbearing impact on the adjacent residential park homes to the north in terms of loss of light and outlook to the detriment of the living conditions of their occupants.”

8.12 By reducing the number of dwellings proposed on the site it has been possible to move two storey development right away from the boundary of the adjacent caravan park to improve the relationship with the adjacent Park Home pitches only some of which are currently occupied. The dwelling proposed on Plot 4 adjacent to the northern boundary would have a single storey element to the north side and the two storey flank wall would be set 4m from the boundary with the caravan park. The proposed dwellings would afford only oblique views from rear facing windows over the adjacent caravan park. It is considered that the previous reason for refusal has been addressed and the proposal would not have an unacceptable adverse impact on the living conditions within the park homes in terms of loss of light, outlook or privacy.

8.13 The properties on the opposite side of Lodge Road are located in excess of 25 metres from the front facing windows of the proposed dwellings and this is a relationship that is considered to be acceptable and would not result in an unacceptable loss of light, outlook or privacy.

d) Highways

8.14 The proposal makes adequate parking provision on site for three vehicles per dwelling in accordance with the Council’s adopted Residential Car & Cycle Parking SPD. The provision of secure cycle parking would be secured by planning condition. The Highway Authority have raised no objection to the proposal in terms of its impact on highway safety.

e) Ecology

- 8.15 The application is supported by a preliminary ecological appraisal. The site currently comprises bare earth and was cleared of vegetation in excess of two years ago. It therefore has negligible ecological value and does not support protected species. Mitigation and enhancement measures are set out within the ecological appraisal and would be secured by planning condition including the provision of bat and bird roosting features within the fabric of the buildings. The Council's Ecologist has raised no objection to the proposal subject to an additional condition to secure proposed hedgerow planting indicated on the site plan to enhance the biodiversity of the site.

f) Impact on Protected Sites

- 8.16 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.
- 8.17 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.
- 8.18 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).
- 8.19 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' if it can be shown that the proposed development will either not have a likely significant effect on designated sites or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated sites. This is done following a process known as an Appropriate Assessment. The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority.

- 8.20 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.
- 8.21 Firstly, in respect of Recreational Disturbance, the development is within 5.6km of The Solent SPAs and is therefore considered to contribute towards an impact on the integrity of the Solent SPAs as a result of increased recreational disturbance in combination with other development in the Solent area. The applicant has agreed to make the appropriate financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMS) prior to any planning permission being granted.
- 8.22 In addition research undertaken by Footprint Ecology has identified that planned increases in housing around the New Forest designated sites will result in a marked increase in use of the sites and exacerbate recreational impacts. It was found that the majority of visitors to the New Forest designated sites on short visits/day trips from home originated from within a 13.8km radius of the sites referred to as the 'Zone of Influence' (ZOI). The Councils Interim Mitigation Solution to address this likely significant effect was approved by the Council's Executive Committee on 7th December 2021 and was prepared in consultation with Natural England. The mitigation comprises a financial contribution from the developer to mitigate against this impact through improvements to open spaces within Fareham Borough and a small contribution to the New Forest National Park Authority. The applicant has agreed to make the appropriate financial contribution before any planning permission is granted.
- 8.23 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.
- 8.24 A nitrogen budget has been calculated in accordance with Natural England's *Nutrient Neutrality Generic Methodology* (Feb 2022) ('the NE Advice') and updated calculator (April 2022) which confirms that the development will generate 2.96 kgTN/year. In the absence of sufficient evidence to support a bespoke occupancy rate, Officers have accepted the use of an average occupancy of the proposed dwellings of 2.4 persons in line with the NE Advice. The existing use of the land for the purposes of the nitrogen budget has been taken to be shrub land as the land has been vacant and vegetation

was untended and overgrown for many years prior to clearance of the site. 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.

- 8.25 The applicant has purchased 2.96 kg of nitrate mitigation 'credits' from a wetland scheme at Whitewool Farm and provided the Council with the completed allocation agreement to confirm. Through the operation of a legal agreement between the landowners (William and James Butler), the tenant (Butler Farms) and Fareham Borough Council dated 3rd November 2021, the purchase of the credits will result in a corresponding reduction in nitrogen entering The Solent marine environment.
- 8.26 The Council's appropriate assessment concludes that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the HS either alone or in combination with other plans or projects. Natural England has been consulted on the Council's Appropriate Assessment and their comments are awaited. It is considered that the development accords with the Habitat Regulations and complies with Policies CS4 and DSP13 and DSP15 of the adopted Local Plan.

Summary

- 8.27 In summary it is not considered that the proposal would have any unacceptable detrimental impact on the character or appearance of the surrounding area, the living conditions of neighbouring residential properties, highway safety, or ecology. 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. The proposal accords with the relevant local plan policies and is recommended for approval.

9.0 Recommendation

- 9.1 DELEGATE authority to the Head of Development Management to
- a) make any necessary modification, deletion or addition to the proposed conditions; and
 - b) in consultation with the Solicitor to the Council, consider any comments received from Natural England relating to the consultation on the Appropriate Assessment and to make any minor modifications to the proposed conditions, addition of conditions, or any other subsequent minor changes arising.

9.2 **GRANT PLANNING PERMISSION**, subject to;

i) receipt of the appropriate contributions to address the likely significant effect of the development on Habitat Sites (Solent & New Forest) in terms of recreational disturbance in accordance with the SRMS and the Councils Interim Mitigation Solution

ii) the following conditions;

1. The development shall begin before within 3 years from the date of this decision notice.

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

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

a) Streetscene & Proposed Floor Plans & Elevations Plot 3 – PL 10 Rev C

b) Proposed Floor Plans & Elevations Plot 4 – drwg No PL 12 Rev B

c) Location Plan & Proposed Block Plan – drwg No. PL11 Rev A

d) Preliminary Ecological Assessment (ESL Ltd, September 2021)

e) Addendum to PEA (ESL Ltd, April 2022)

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

3. No development shall take place above damp proof course/slab level until details of all external materials and hard surfacing materials to be used in the construction of the dwelling hereby permitted, have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development.

4. None of the development hereby approved shall be occupied until the approved boundary treatment scheme (drwg No. PL/11 Rev A) has been fully implemented. It shall thereafter be retained at all times unless otherwise agreed in writing with the Local Planning Authority.

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

5. The approved landscaping scheme (drwg No. PL/11 Rev A) shall be implemented and completed within the first planting season following the commencement of the development or as otherwise agreed in writing with the Local Planning Authority and shall be maintained in accordance with the

agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

REASON: To ensure the provision, establishment and maintenance of a standard of landscaping; In the interests of biodiversity.

6. The first floor windows proposed to be inserted into the south elevation of the approved dwellings shall be:

a) Obscure-glazed; and

b) Of a non-opening design and construction to a height of 1.7 metres above internal finished floor level;

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

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

7. Development shall proceed in accordance with the mitigation measures detailed in Section 6.0 of the Ecological Assessment (ESL Ltd, September 2021).

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

8. A minimum of two integrated bat roosting features such as bat tube or bat brick (bat boxes will not be accepted) and two integrated bird features (e.g. Vivara Pro WoodStone House Sparrow Nest Box, Ibstock Eco-habitat for Swifts or equivalent) shall be incorporated into the design of the new dwellings, with photographic evidence submitted. Thereafter, these features shall be retained in perpetuity.

REASON: to ensure the enhancement of the site for Protected Species.

9. The dwellings shall not be occupied until the approved parking and turning areas 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 made for that purpose.

REASON: In the interests of highway safety; in accordance with Policies CS5 and CS17 of the Fareham Borough Core Strategy.

10. No development shall take place beyond damp proof course (dpc) level until details of how and where one Electric Vehicle (EV) charging point will be provided for each dwelling. The development shall be carried out in

accordance with the approved details with the charging point provided prior to first occupation of the dwelling.

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.

11. Notwithstanding the provisions of Classes B and C, of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no additions or alterations to the roof shall be carried out to the dwelling houses hereby approved unless first agreed in writing with the Local Planning Authority following the submission of a planning application.

REASON: To protect the character and appearance of the locality; to ensure provision of adequate car parking.

12. The residential units hereby permitted shall not be occupied until details of water efficiency measures to be installed 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.

13. 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 living conditions of the occupiers of nearby residential properties.

Further Information

The applicant should be aware that as the proposals include the formation of a new or altered access onto the highway, which will include works within the highway, these works will be required to be undertaken in accordance with standards laid down by, and under a license agreement with, the Highway Authority. Full details of how to apply can be found at:

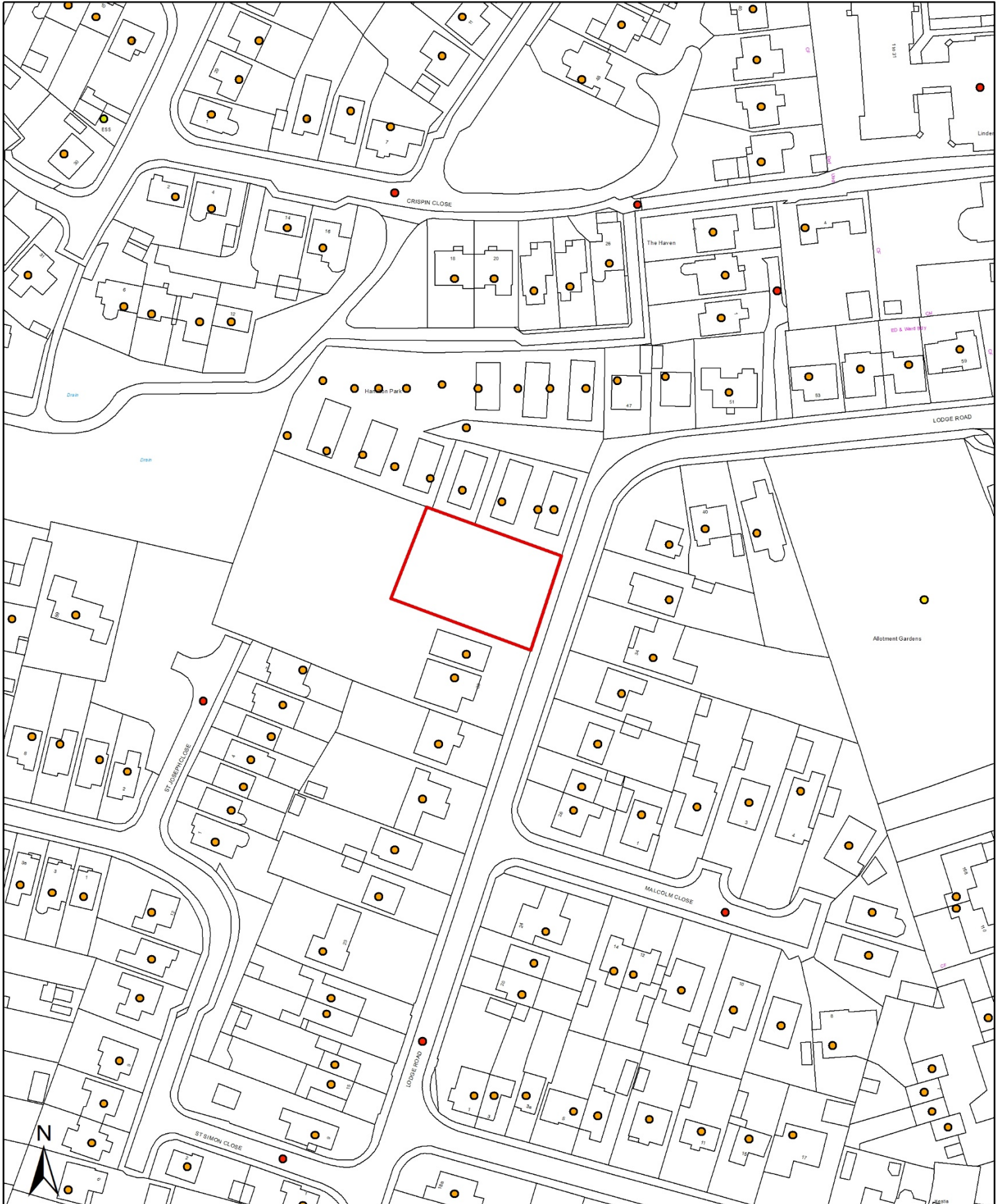
<https://www.hants.gov.uk/transport/licencesandpermits/roadopening>.

10.0 Background Papers

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

FAREHAM

BOROUGH COUNCIL



33 Lodge Road

Scale 1:1,250

© Crown copyright and database rights 2021 OS 100019110. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Agenda Annex

ZONE 2 – FAREHAM

Fareham North-West

Fareham West

Fareham North

Fareham East

Fareham South

REFERENCE SITE ADDRESS & PROPOSAL
NUMBER &
WARD

ITEM NUMBER &
RECOMMENDATION

There are no items in this ward

ZONE 3 – EASTERN WARDS

Portchester West

Hill Head

Stubbington

Portchester East

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
<p>P/21/0741/RM PORTCHESTER WEST</p>	<p>CAMS BRIDGE - LAND TO NORTH OF THE THICKET PORTCHESTER</p> <p>RESERVED MATTERS PLANNING APPLICATION FOR THE APPEARANCE, SCALE AND LAYOUT OF THE IMPROVEMENTS TO CAMS BRIDGE AND THE APPROACHES TO ENABLE USE BY PEDESTRIANS AND CYCLISTS, VEHICLE ACCESS FOR VEHICLES ASSOCIATED WITH RAILWAY MAINTENANCE, LIGHTING, RAISING THE BRIDGE PARAPETS, BOLLARDS, RE-SURFACING AND THE LANDSCAPING OF THE SITE, PURSUANT TO OUTLINE PLANNING PERMISSION P/18/0001/OA</p>	<p>4</p> <p>APPROVE</p>
<p>P/21/2048/RM PORTCHESTER WEST</p>	<p>LAND TO THE EAST OF DOWNEND ROAD PORTCHESTER PO16 8TS</p> <p>PHASE ONE: APPLICATION FOR THE APPROVAL OF ALL OUTSTANDING RESERVED MATTERS FOR THE ERECTION OF 180 RESIDENTIAL DWELLINGS WITH ASSOCIATED INTERNAL ACCESS ARRANGEMENTS, PARKING, LANDSCAPING, OPEN SPACE AND ANCILLARY INFRASTRUCTURE WORKS (PHASE ONE PURSUANT TO OUTLINE CONSENT P/20/0912/OA)</p>	<p>5</p> <p>APPROVE</p>

Agenda Item 6(4)

OFFICER REPORT FOR COMMITTEE

DATE: 25/01/2023

P/21/0741/RM
MILLER HOMES LTD

PORTCHESTER WEST
AGENT: TERENCE O'ROURKE

RESERVED MATTERS PLANNING APPLICATION FOR THE APPEARANCE, SCALE AND LAYOUT OF THE IMPROVEMENTS TO CAMS BRIDGE AND THE APPROACHES TO ENABLE USE BY PEDESTRIANS AND CYCLISTS, VEHICLE ACCESS FOR VEHICLES ASSOCIATED WITH RAILWAY MAINTENANCE, LIGHTING, RAISING THE BRIDGE PARAPETS, BOLLARDS, RE-SURFACING AND THE LANDSCAPING OF THE SITE, PURSUANT TO OUTLINE PLANNING PERMISSION P/18/0001/OA

CAMS BRIDGE – LAND TO THE NORTH OF THE THICKET, PORTCHESTER

Report By

Richard Wright – direct dial 01329 824758

1.0 Introduction

1.1 This application has been reported to the Planning Committee for determination due to the number of third party letters of objection received.

2.0 Site Description

2.1 The application site comprises a private track which leads north from The Thicket over a railway bridge (Cams Bridge) to Winnham Farm on the opposite side of the railway line. The track has a top surface of tarmac with narrow grass verges either side. The boundary treatment either side adjacent to neighbouring residential properties varies from mature hedgerows to high level close boarded fencing.

2.2 A short distance away on the northern side of the bridge is a workshop building which a vehicle repair business is run from.

3.0 Description of Proposal

3.1 Members will be aware that outline planning permission was granted on appeal for the construction of up to 350 homes on land north of the application site at Winnham Farm, east of Down End Road, Portchester (reference P/20/0912/OA). The reserved matters associated for the first phase of the development is reported elsewhere on this agenda.

3.2 A Section 106 unilateral undertaking provided by the appellant Miller Homes in connection with the planning appeal secures a requirement to carry out improvements to Cams Bridge in accordance with the outline permission

granted in May 2019 (reference P/18/0001/OA). Those improvements comprise new lighting, raising bridge parapets, signage, re-surfacing and new road markings.

- 3.3 This current application provides the details of the appearance, scale, layout and landscaping of the bridge improvements (also known as the 'reserved matters'). Those details include plans, cross-sections and other information showing the alignment of the improved surface, the position of lighting bollards and boundary fencing and planting.
- 3.4 The application proposes that the existing track would be resurfaced with asphalt to form a new shared footway/cycleway varying in width from 2.5 – 3.5 metres wide.
- 3.5 On the southern side of the bridge, either side of the track existing hedgerows and boundary fencing would be retained. On the western side of the track the existing hedgerow would be pruned only where needed to accommodate the installation of low-level lighting bollards. Further south along the western side of the track, closest to where it meets The Thicket, no hedgerow exists at present and so it is proposed to erect a new 1.8 metre high fence in front of which would be new planting and lighting bollards. On the eastern side close to where the track meets The Thicket a new native hedgerow would be planted in front of the existing boundary fencing. At the southern end of the track demountable bollards are proposed to prevent vehicular traffic except for Network Rail vehicles. It is proposed that vehicular access to the workshop north of the bridge would in the future be provided by a new road constructed from the north as part of the first phase of constructing the 350 homes.
- 3.6 On the bridge itself weld mesh fencing would be installed between the existing bridge stone and brick parapet walls and adjacent boundary treatment. On top of the existing parapet walls fencing to a suitable specification in accordance with Network Rail's standards would be installed to a minimum height of 1.8 metres above the existing grass verge level. The existing grass verge itself would remain either side of the resurfaced track which over the bridge is approximately 2.6 metres wide.
- 3.7 On the north side of the bridge the submitted drawings show a hammerhead turning area and parking spaces for Network Rail maintenance vehicles would be created. These would be enclosed by 1.2 metre high bollards and 0.6 metre high knee rail fencing set within areas of reseeded grass verges. However, Officers note that the land north of the bridge is not included within the red edge of the application site which enjoys the benefit of outline planning permission. With that in mind any works north of the bridge outside

of the red edged application site would not be approved should Members be minded to accept the Officer recommendation for approval.

- 3.8 Officers are of the view that the information submitted with this application is sufficient to consider the discharge of conditions 2 (lighting) and 3 (boundary treatment) of the outline consent (our reference P/18/0001/OA).

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS5 - Transport Strategy and Infrastructure

CS17 - High Quality Design

Adopted Development Sites and Policies Plan

DSP2 - Environmental Impact

DSP3 - Impact on living Conditions

DSP13 - Nature Conservation

Fareham Local Plan 2037 (Emerging)

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

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

TIN1 - Sustainable Transport

TIN2 - Highway Safety & Road Network

D1 - High Quality Design & Placemaking

D2 - Ensuring Good Environmental Conditions

5.0 Relevant Planning History

- 5.1 The following planning history is relevant:

P/18/0001/OA	Outline Planning Application for Improvements to Cams Bridge and the Approaches to Enable Use by Pedestrians and Cyclists and Continued Vehicle Access to the Workshop Including Lighting, Raising The Bridge Parapets, Signage, Re-Surfacing and New Road Markings
Permission	03/05/2019

6.0 Representations

6.1 Fifteen letters have been received in response to the application being publicised. Some of the comments made relate either to the associated housing development or to matters of principle considered when determining the previous outline planning application for the improvements to this route. However, the following matters were raised which are material to the consideration of this current application for approval of reserved matters:

- The existing hedgerows should be retained at the same height and depth to maintain privacy and to avoid harm to nesting birds.
- Concern over damage to hedgerows and trees during construction.
- The bollards at the north and south will not prevent motorcycles which will bring nuisance and noise to the area.
- Loss of privacy to neighbouring gardens.
- Proposals will leave neighbouring gardens insecure.
- Light nuisance from proposed lighting.
- No detail of surface water drainage.

7.0 Consultations

EXTERNAL

Ecology

7.1 No objection. The planting of a new hedge as shown is supported and the list of proposed species is acceptable. The new bollard lighting along the bridge is also acceptable. The minimal trimming of the existing hedgerow to allow for the installation of the new lighting should be carried out with regard to nesting birds.

Hampshire County Council - Highways

7.2 No objection.

Planning Considerations

8.1 The proposed improvements to Cams Bridge are secured through the Section 106 unilateral undertaking provided by Miller Homes in connection with the outline planning permission for 350 homes allowed on appeal. They are

essential to provide a safe and convenient route for pedestrians and cyclists to and from the housing site north of the railway line. The principle of improving Cams Bridge in this regard has already been considered acceptable when outline planning permission was granted for these works in 2019 (reference P/18/0001/OA). The outline permission included several planning conditions relating to lighting (condition 2), boundary treatment (condition 3) and signage (condition 4).

- 8.2 The planning considerations important for Members to take into account when determining this application relate to the details of the proposed improvements and how they may affect the character and appearance of the area and the living conditions of residents living nearby.
- 8.3 Officers have carefully considered the proposals and are satisfied that the resurfacing of the route, the proposed lighting, planting and boundary treatment would not be harmful to the visual appearance of the area. The applicant has taken steps to try and retain as much of the existing boundary planting and treatment as possible and this would be enhanced by new planting and new fencing where required. It is recommended that the precise detail of the proposed fencing to be erected on top of the existing stone and brick parapet on the bridge itself should be the subject of a planning condition. The applicant will first need to agree the proposed fencing with Network Rail having regard to their safety standards and any other practical and legislative requirements.
- 8.4 The existing boundary planting and fencing, which would mostly be unaffected by the development, broadly provides suitable screening of views from the route up to and over the bridge. It should be noted that to a large extent, much of the existing hedgerow planting and fencing falls just outside of the application site boundary on land owned and/or controlled by neighbouring properties.
- 8.5 In places additional boundary treatment would be required to ensure an adequate degree of privacy in the gardens of adjacent properties, for example at the southern end of the track, and this is proposed to be carried out by the applicant within the confines of the application site.
- 8.6 Due to the nature of the existing boundary planting and fencing there are two small 'gaps' that have either not been picked up by the applicant when preparing the proposals or have emerged since the application was originally submitted in 2021. One of these gaps lies at the southern end of the bridge on its western side where the existing hedgerow is depleted and requires reinforcement. Similarly, there is a gap in the hedgerow on the eastern side of the track a short distance south of the bridge which requires additional

planting. Officers have requested an amended Landscape Boundary Treatment Strategy from the applicant to include measures to 'plug' those gaps with additional planting or screening carried out on land within the application site boundary.

- 8.7 The proposed bollard lighting would be confined to the western side of the track in front of the existing and proposed hedgerow and fencing. There would be four 10W lighting bollards on the track leading up to the southern side of the bridge. On the bridge itself would be two 40W lighting bollards – one at each end. The bollards would have aluminium louvres to limit upward light. In these locations the lighting emitted would be largely shielded from neighbouring properties and Officers consider that any light spillage would be unlikely to result in a nuisance to those living nearby.
- 8.8 In summary, Officers consider the development would not have an unacceptable adverse impact on the living conditions of neighbours through a loss of privacy or light pollution.
- 8.9 The Highway Authority Hampshire County Council have been consulted. They have raised no objection to the proposals which would not compromise the objectives of providing the improvements to the route to facilitate safe and convenient access for pedestrians and cyclists.
- 8.10 The Council's Ecologist has raised no objection to the proposals including the proposed bollard lighting.
- 8.11 In summary Officers consider the proposals to be acceptable in that they would not be harmful to the character and appearance of the area, would not result in unacceptable adverse impacts on the living conditions of neighbours and would have no unacceptable ecological or highways implications. The application accords with Policies CS5 & CS17 of the adopted Local Plan Part 1, Policies DSP2, DSP3 & DSP13 of the adopted Local Plan Part 2 and Policies NE1, TIN1, TIN2, D1 & D2 of the emerging Fareham Local Plan 2037.
- 8.12 The details of lighting and boundary treatment are considered satisfactory in order to be able to discharge conditions 2 & 3 respectively of the outline planning permission granted under reference P/18/0001/OA.

9.0 Recommendation

- 9.1 DELEGATE authority to the Head of Development Management to

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

9.2 **APPROVE** the reserved matters and details pursuant to conditions 2 & 3 of the outline planning permission reference P/18/0001/OA, subject to:

- a) the receipt of an acceptable amended Landscape Boundary Treatment Strategy plan to show additional boundary planting/treatment;
- b) the following conditions:
 1. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:
 - a) General arrangement plan – drawing no. CB – C – 002 Rev P06
 - b) Cross sections – drawing no. CB – C – 003 Rev P5
 - c) Landscape Boundary Treatment Strategy
 - d) Hamilton 10W – v20
 - e) Hamilton 40W – v20

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

2. No development shall take place on site until details of the proposed fencing to be installed on top of the existing stone and brick parapet wall on the bridge have been submitted to and approved by the Local Planning Authority in writing. The development shall thereafter be carried out in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development.

3. The planting shown on the approved Landscape Boundary Treatment Strategy plan shall be implemented and completed within the first planting season following the commencement of the development or as otherwise agreed in writing with the Local Planning Authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

REASON: To ensure the provision, establishment and maintenance of a standard of landscaping; to protect the privacy of neighbouring residents.

4. Within one month of the commencement of development, or as otherwise agreed in writing with the Local Planning Authority, the 1.8 metre high

Jacksons Fencing 'Urban' slatted fencing shown on the approved Landscape Boundary Treatment Strategy plan shall be installed in accordance with the approved plan. The fencing shall be retained at all times thereafter unless otherwise agreed in writing with the Local Planning Authority.

REASON: To protect the privacy of neighbouring residents; to secure the satisfactory appearance of the development.

5. Within one month of the commencement of development, the bollard lighting shown on the approved drawing "General arrangement plan – drawing no. CB – C – 002 Rev P06" shall be installed in accordance with the approved plan and the approved details shown on the approved documents "Hamilton 10W – v20" and "Hamilton 40W – v20". The bollard lighting shall be retained at all times thereafter unless otherwise agreed in writing with the Local Planning Authority.

REASON: In order to provide a safe and appropriate level of ecologically sensitive lighting for users of the footway/cycleway.

10.0 Notes for Information

10.1 For the avoidance of doubt, the development hereby approved relates only to the works to be carried out within the red edge of the application site as identified on drawing no. 249501/JC001 Rev A approved by reference P/18/0001/OA.

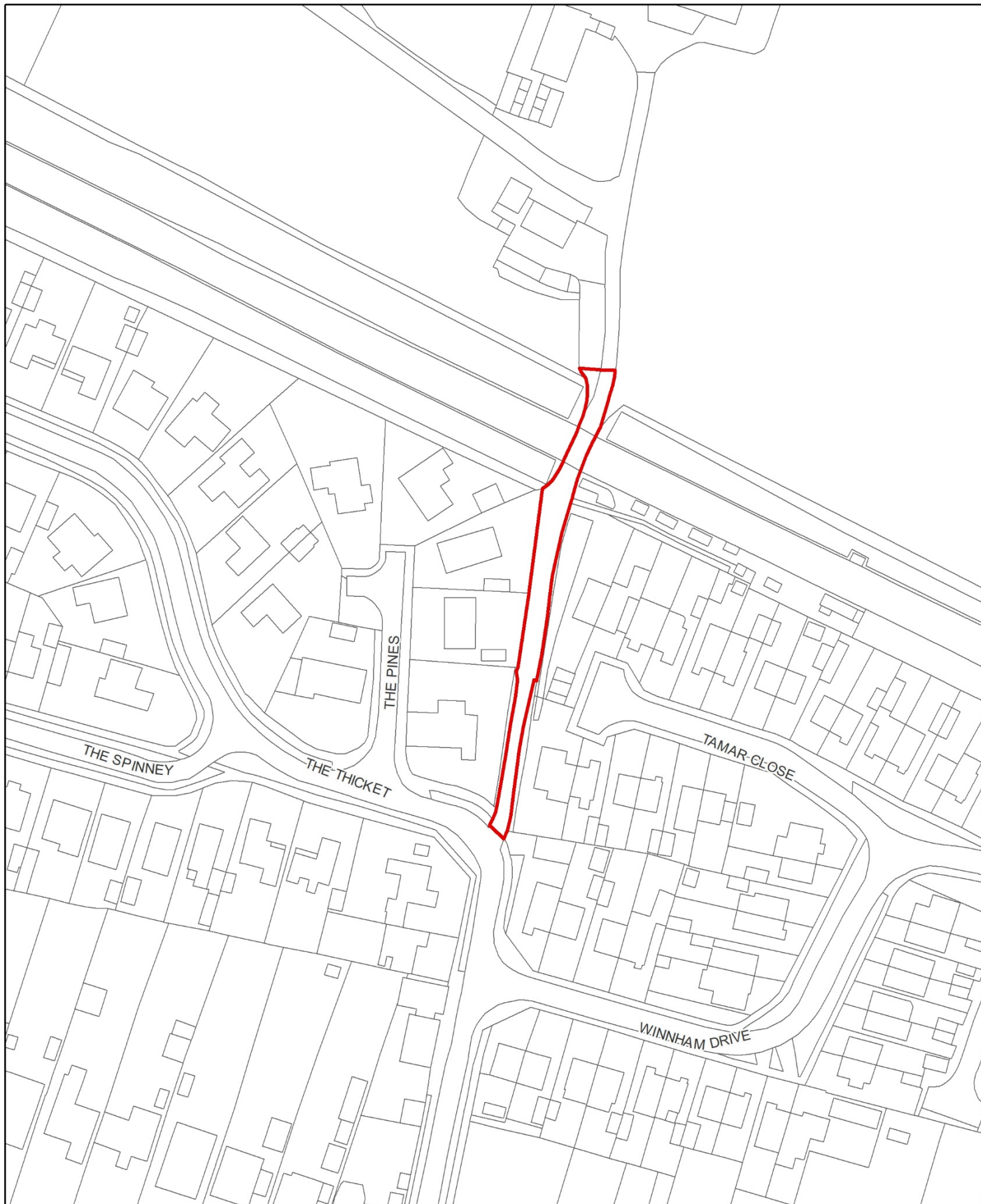
10.2 Birds nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake any vegetation clearance outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is no alternative to doing the work during this period then a thorough examination of the affected areas must be carried out before the works start. If occupied nests are present then work must stop and works can only recommence once the nest becomes unoccupied of its own accord.

11.0 Background Papers

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

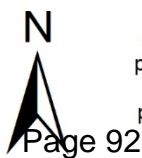
FAREHAM

BOROUGH COUNCIL



Land to North of The Thicket
Cams Bridge, Portchester

Scale 1:1,250



© Crown copyright and database rights 2022 OS 100019110. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

OFFICER REPORT FOR COMMITTEE

DATE: 25/01/2023

P/21/2048/RM
MILLER HOMES LTD

PORTCHESTER WEST
AGENT: TERENCE O'ROURKE

PHASE ONE: APPLICATION FOR THE APPROVAL OF ALL OUTSTANDING RESERVED MATTERS FOR THE ERECTION OF 180 RESIDENTIAL DWELLINGS WITH ASSOCIATED INTERNAL ACCESS ARRANGEMENTS, PARKING, LANDSCAPING, OPEN SPACE AND ANCILLARY INFRASTRUCTURE WORKS (PHASE ONE PURSUANT TO OUTLINE CONSENT P/20/0912/OA)

LAND EAST OF DOWNEND ROAD, PORTCHESTER

Report By

Richard Wright – direct dial 01329 824758

1.0 Introduction

- 1.1 This application has been reported to the Planning Committee for determination due to the number of third party letters of objection received.
- 1.2 Members will be aware that in October 2021, outline planning permission was granted on appeal for the construction of up to 350 homes on land east of Downend Road, Portchester (our reference P/20/0912/OA, appeal reference APP/A1720/W/21/3272188). That appeal determined the principle of development to be acceptable as well as the means of access.

2.0 Site Description

- 2.1 This application is for the first phase of the development granted outline planning permission on appeal and so the application site comprises the western part of the wider site.
- 2.2 The site is located on the slopes of Portsdown Hill north of the Portsmouth to Southampton railway line which forms the development's southern boundary. The site comprises agricultural land and paddocks with farm buildings at its centre. It is in the countryside and lies outside of the urban settlement boundary as defined in the adopted local plan. To the east of the site lies land which is proposed to be developed in the second phase of the scheme. To the north-west is an open-air waste facility operated by Veolia and close by on the eastern side of Down End Road is a small group of residential and commercial properties.
- 2.3 Vehicular access is currently provided in two places, on the eastern side of Down End Road and from The Thicket via a bridge across the railway line

(Cams Bridge). A building used as a motor repairs business is located close to the northern side of the bridge however the red edge of the application site is drawn so as not to include that building or its forecourt.

3.0 Description of Proposal

- 3.1 Approval is sought for the reserved matters pursuant to the outline consent for the appearance, scale and layout of the buildings and the landscaping of the site insofar as it relates to the first 180 dwellings (phase one).
- 3.2 The proposed layout of the site is arranged in an array of nine so-called 'perimeter blocks' of dwellings. The first of these blocks is on the southern side of the main estate spine road which is shown leading from the approved vehicular access junction with Downend Road eastwards into the site. The main spine road continues eastwards with six blocks of housing on its northern side and two to its south before turning to continue in a north/south orientation. Leading from the spine road are secondary routes to serve the dwellings including roads leading further eastwards to provide access to phase two (the remaining 170 homes).
- 3.3 In the eastern part of the site is an area of public open space which is designed to meet up with the remainder of the open space to serve the development, the majority of which would be located on the land to the east to be brought forward in phase two. Along the southern edge of the site are a series of infiltration basins as part of the proposed surface water drainage scheme. Also on the southern boundary is the point where the application site meets the northern end of the existing track over Cams Bridge over which pedestrian and cyclist access would be provided. A separate permission granted in 2019 allows for improvements to Cams Bridge and its approaches for this purpose and the detail of those improvements are included in a separate report on this Planning Committee agenda for Members' consideration (application reference P/21/0741/RM).
- 3.4 The new homes proposed are a mixture of two storey detached, semi-detached and terraced houses and apartments within two and three storey buildings. Seventy-two of the 180 homes (40%) are to be affordable homes comprising a mixture of units available for shared ownership and affordable rent.
- 3.5 Officers are of the view that the information submitted with this application is sufficient to consider the discharge of conditions 5 (surface water drainage) and 11 (levels) of the outline consent granted on appeal (our reference P/20/0912/OA, appeal reference APP/A1720/W/21/3272188).

4.0 Policies

4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

CS5 - Transport Strategy and Infrastructure

CS14 - Development Outside Settlements

CS15 - Sustainable Development and Climate Change

CS17 - High Quality Design

CS21 – Protected and Provision of Open Space

Adopted Development Sites and Policies Plan

DSP2 - Environmental Impact

DSP3 - Impact on living Conditions

DSP13 - Nature Conservation

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

Fareham Local Plan 2037 (Emerging)

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

HP1 - New Residential Development

HA4 - Downend Road East

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

NE3 - Recreational Disturbance on the Solent Special Protection Area (SPA's)

NE4 - Water Quality Effects on the SPA/SAC and Ramsar Sites of the Solent

NE6 - Trees, Woodland & Hedgerows

NE9 - Green Infrastructure

TIN1 - Sustainable Transport

TIN2 - Highway Safety & Road Network

D1 - High Quality Design & Placemaking

D2 - Ensuring Good Environmental Conditions

D4 - Water Quality & Resources

D5 - Internal Space Standards

Other Documents:

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

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/20/0912/OA Outline Planning Application With All Matters Reserved (Except The Means Of Access) For Residential Development, Demolition Of Existing Agricultural Buildings And The Construction Of New Buildings Providing Up To 350 Dwellings, The Creation Of New Vehicular Access With Footways And Cycleways, Provision Of Landscaped Communal Amenity Space, Including Children's Play Space, Creation Of Public Open Space, Together With Associated Highways, Landscaping, Drainage And Utilities.

ALLOWED ON APPEAL 18/10/2021

P/18/0001/OA Outline Planning Application for Improvements to Cams Bridge and the Approaches to Enable Use by Pedestrians and Cyclists and Continued Vehicle Access to the Workshop Including Lighting, Raising the Bridge Parapets, Signage, Re-Surfacing and New Road Markings

Permission 03/05/2019

6.0 Representations

6.1 Fifty-six letters of objection have been received in response to this application. Some of the comments made relate to matters of principle and the means of access to the site which were issues considered when the Planning Inspector determined the appeal and granted outline planning permission. However, the following matters were raised which are material to the consideration of this current application for approval of reserved matters:

- Noise from pumping station on residents living in Tamar Close
- Infiltration basins close to railway
- Infiltration ponds dangerous to children
- Blocks of flats are three storeys high and overbearing

- Blocks of flats will overlook properties south of railway
- Affordable units are in one cluster / lack of mixed tenures
- Proposed style of houses not in keeping with character of area
- Houses on western side of site would be close to existing trees on southern boundary with railway which should be retained
- The whole site should be shown on the plans, not just phase one
- More variation in materials required (not just red brick)
- Not enough parking spaces
- Some of the chosen plants are not appropriate for chalk soils
- The proximity of new housing to the Veolia site may result in objections to changes in working practice at the site in the future
- Anti-social behaviour in play area
- Access problems for motor repairs garage
- Noise and vibrations will affect living conditions of future residents

7.0 Consultations

EXTERNAL

Hampshire County Council - Highways

7.1 No objection.

Hampshire County Council - Ecology

7.2 No objection subject to conditions.

Hampshire County Council – Flood & Water Management Team

7.3 No objection.

Hampshire Police – Designing Out Crime Officer

7.4 Advice provided regarding protection of private gardens and private/public space delineation, hedgerows as boundary treatment, footpaths and benches within public open space, security for communal cycle stores and lighting.

Network Rail

7.5 Network Rail is the statutory undertaker for maintaining and operating railway infrastructure of England, Scotland and Wales. As statutory undertaker, NR is under license from the Department for Transport (DfT) and Transport Scotland (TS) and regulated by the Office of Rail and Road (ORR) to maintain and enhance the operational railway and its assets, ensuring the provision of a safe operational railway.

Due to the close proximity of the proposed works to Network Rail's land and the operational railway, Network Rail requests the applicant / developer

engages Network Rail's Asset Protection and Optimisation (ASPRO) prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway.

The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works.

The applicant / developer must also follow the attached Asset Protection informatives which are issued to all proposals within close proximity to the railway (compliance with the informatives does not remove the need to engage with our ASPRO team).

INTERNAL

Trees

7.6 No objection.

Housing

7.7 Final comments awaited.

Environmental Health

7.8 Further to our discussions and subsequent meeting today with the applicants and acoustician, in respect of the car garage operating in close proximity to the proposed application site, I can advise that after the further discussion of the process and time frame of the additional monitoring undertaken by the acoustician, I am satisfied that this is more representative of an appropriate assessment given the circumstances.

Given that the dominant noise source for the proposed development closest to the car garage, is that of road and rail noise, and that noise arising from the garage fall below these levels (as confirmed by applicants acoustician), I feel that the appropriate acoustic glazing specification already identified to address the dominant road/rail noise, in addition to the provision of alternative mechanical ventilation (not just trickle vents) to the two closest high rise blocks proposed, in order to provide adequate ventilation where windows cannot be opened, should where installed and maintained correctly mitigate any impacts from the neighbouring car garage.

8.0 *Planning Considerations*

8.1 This reserved matters application provides the detail of the scale, appearance, layout and landscaping proposals for the first 180 dwellings of this

development for up to 350 homes. As referred to earlier in this report, the outline planning permission granted on appeal in October 2021 considered the principle of development and the means of access to be acceptable.

- 8.2 Since that appeal decision the emerging local plan, the Fareham Local Plan 2037, has progressed through the plan-making process to the point where adoption is expected during the early part of 2023. With that in mind considerable weight can now be given to the policies within the emerging plan.
- 8.3 Policy HA4 of the Fareham Local Plan 2037 gives site-specific requirements for development of the site. Those elements of the policy relating to the principle of development (including the quantum) and access have already been considered during the appeal for outline planning permission. However, a number of more detailed requirements are relevant to the determination of this reserved matters application and these are considered below in this report.
- 8.4 The outline planning permission granted by the Planning Inspector requires the development to be carried out in accordance with the approved Landscape Parameter Plan. That plan shows which areas of the site are to be developed, areas of informal and formal open space and surface water attenuation features amongst other things. The outline planning permission granted is also subject to a number of planning conditions covering matters such as archaeological investigation (condition 4), surface water drainage (conditions 5 & 6), land contamination (conditions 7 & 8), a Construction Environmental Management Plan (condition 9), reptile and great crested newt mitigation (condition 10), finished levels (condition 11), electric vehicle charging (condition 12), permitted hours of construction work (condition 13), ecological mitigation and enhancement measures (condition 14), sound attenuation (condition 15), a Landscape and Ecological Management Plan (condition 16), biodiversity enhancement (condition 17) and water efficiency (condition 18).
- 8.5 Officers have carefully considered the extent to which this reserved matters application broadly conforms with the outline planning permission, specifically the parameters imposed through the approved Landscape Parameter Plan and planning conditions, and are satisfied in this regard. In terms of the development's layout there are one or two areas where for various reasons it has been necessary to deviate slightly from the approved parameter plan. These are considered minor in nature and are both essential and beneficial to achieving a well-designed and functioning layout.

Public realm and open space

- 8.6 Officers have worked closely with the applicant Miller Homes and their consultant team to achieve a well thought out and high-quality layout to the scheme. The proposals would deliver an attractive public realm orientated around the main estate spine road running through the site and a central north-south pedestrian and cycle route leading northwards from Cams Bridge.
- 8.7 Specific attention has been paid to this north-south route which runs from Cams Bridge northwards along a generously wide footway/cycleway past the existing motor repairs garage to a small, equipped play area (Local Area of Play or LAP). The play area would be enclosed by low level fencing and overlooked by three flatted blocks to the north of the spine road and east of the footway/cycleway at what would be a busy focal point at the heart of the first phase of the development. Officers are satisfied that the arrangement of buildings around this focal point would provide a pleasant enclosure to the public realm. The motor repairs garage meanwhile would be provided with a new separate vehicular access from the spine road to separate traffic from the pedestrian/cycle route. At the point where the north-south route meets it the spine road would be raised to form a long section of level surface providing pedestrian priority for users travelling further north. North of the spine road the path passes through one small area of open space and then another at the far northern end of the site.
- 8.8 Along the eastern edge of the site, houses are shown to face out on to the central corridor of parkland that will separate phases one and two. Again, a dedicated footway runs parallel to the spine road through what is anticipated to be a pleasant, landscaped area of public open space all the way to the northern edge of the site.
- 8.9 Around the southern and western edges of the site it is proposed to create multi-functional landscaped areas, some around infiltration basins. These areas would be used as informal open space, ecological enhancements and surface water drainage. They include a large area at the site's western extent where the vehicular and pedestrian access points from Downend Road will be provided with an attractive landscaped setting.
- 8.10 The proposals are for an attractive, well laid out and well connected series of public spaces which accord with the design-led criteria of local plan policy CS17 and emerging local plan policy D1. In addition, Officers consider the proposed layout, having been derived from the approved Landscape Parameter Plan, successfully takes account of the site's constraints and context in particular the hillside setting so as to meet criterion b) of emerging local plan policy HA4. The proposed network of green and public access

corridors throughout the site with pedestrian and cycle connectivity further complies with criteria d) & e) of that policy also.

Living conditions of future residents

- 8.11 The layout of the site within the nine perimeter blocks mentioned earlier in this report has been carefully considered to ensure a high-quality living environment is being provided for the scheme's future residents. Officers are satisfied that, subject ensuring that any windows shown to be obscure glazed and fixed shut to a specific height are retained in that manner, there would be no unacceptable overlooking through views from dwelling to dwelling. The arrangement of buildings on the site avoids any unacceptable impacts on light or outlook. Overall, there would be no unacceptable adverse impacts on the environmental conditions of future occupiers as adequate daylight, sunlight and privacy would be ensured.
- 8.12 With regards to external space, each of the houses proposed has a rear private garden which either meets or exceeds 11 metres in length to satisfy the minimum requirement in the Council's adopted Design Guidance (excluding Welborne) SPD. Officers have worked with the applicant to ensure that gardens are not unacceptably overlooked by neighbouring properties and are not excessively overshadowed by other buildings. Because of the significant gradient of the land across much of the site, the proposals have been prepared to ensure that gardens are not created with slopes which would be too severe so as to make them unusable in practice. The applicant proposes to grade the land in a way to avoid unacceptably steep differences in levels between gardens and also within the streetscene. Retaining walls are to be used throughout the development but these have been limited so that large unsightly or unneighbourly retaining structures would be largely avoided. Where significant changes in levels between properties are inevitable, such as between the flats on plots 21-29 and the neighbouring house to the north at plot 30, Officers have suggested the applicant use landscaping and appropriate boundary treatment to soften the visual impact.
- 8.13 There are six flatted buildings proposed all of which are to be provided with some external amenity space with the exception of Block 6 which has some peripheral landscaped areas but no communal garden. Block 6 is located immediately adjacent to the eastern boundary of the site and the large area of public open space to be created within phase two of the development. Given this close proximity to the proposed parkland Officers consider that the absence of any dedicated private or communal garden for residents is still acceptable. Members will be aware that the Council's Design Guidance (excluding Welborne) SPD recommends flats be provided with at least 25 square metres of private or communal garden each. Blocks 7 & 8 are further

than Block 6 from the central public open space but still relatively close. A pleasant external amenity area with small seating area surrounded by shrub planting is shown to the southern side of each building. Blocks 1, 2 & 3 meanwhile are located close to the LAP and also have similar good quality communal gardens which are slightly larger. Notwithstanding, none of the communal gardens would provide enough space to meet the guidance in the SPD however many of the proposed flats benefit from either Juliet or walkout balconies. Taking into account the positioning of flats relative to areas of open space and the provision of good quality communal garden space and balconies, Officers consider the proposals acceptable in terms of the type, amount and quality of external amenity space being provided.

- 8.14 The applicant has submitted a checklist to demonstrate that all of the proposed homes meet the minimum space standards set out in the government's Nationally Described Space Standards and Policy D5 of the emerging local plan.
- 8.15 Finally in relation to living conditions, Officers have requested the applicant assess the likely noise impacts from the continued use of the motor repairs garage which would be closest to residents living in Blocks 1, 2 & 3. The noise assessment produced by the applicant has found that, given the observed low-key nature of the garage use and the planning restrictions imposed when planning permission was granted in 2005 (planning reference P/05/0543/VC), the typical noise levels generated by the garage would not exceed the background noise levels from the nearby railway, motorway and Veolia waste transfer site. Noise attenuation measures have already previously been secured by planning condition to mitigate any adverse effects from those noise sources.
- 8.16 In summary, Officers consider the proposals to accord with the relevant criteria relating to living conditions within adopted local plan policy CS17 and emerging local plan policies D2 & D5.

Scale, appearance and design of buildings

- 8.17 The proposed housing is predominantly two storey in scale with single storey outbuildings. There are some 2.5 storey dwellings focussed mainly along the main spine road. The three flatted blocks located along the spine road and north-south pedestrian/cycle route are three storey in scale (Blocks 1, 2 & 3). Blocks 7 & 8 both contain a central three storey high core with two storey wings on either side. Block 6 meanwhile is 2.5 storeys high.
- 8.18 Criterion f) of Policy HA4 requires:

“Building heights limited to a maximum of 2.5 storeys, except for buildings which front onto the site access or perimeter, where heights will be limited to a maximum of 2 storeys...”

- 8.19 It is acknowledged that, with some flat buildings three storeys high, the proposals do not meet this criterion. Notwithstanding, having regard to the design and appearance of each of the flatted blocks in question, Officers do not consider those buildings to be excessively bulky or visually obtrusive when considered individually. As referred to earlier in this report, viewed together the buildings form an appropriate scaled enclosure of the public realm around the key focal point where the main estate spine road meets the north-south pedestrian/cycle route (Blocks 1, 2 & 3). The three storey elements of Blocks 7 & 8 are an appropriate feature on two key landmark buildings within the streetscene. The inclusion of these relatively few buildings at a scale in excess of that stated in policy HA4 is not considered to be harmful to the visual appearance of the development or to have any wider landscape implications.
- 8.20 The proposed housing across the wider phase one site is a mixture of traditional and more contemporary styles of architecture as promoted by the applicant Miller Homes. Officers are satisfied that the variety of housing proposed is an appropriate response to the varied character of the surrounding Portchester settlement area. Whilst the applicant has broadly indicated a proposed mixture of materials to be used, the exact details of those materials is recommended as the subject of a further planning conditions attached to the reserved matters approval.

Parking and highways

- 8.21 Car parking space for residents is to be provided through a mixture of driveway spaces, allocated street bay or car barn spaces and unallocated parking court spaces. This provision is considered satisfactory to accord with the relevant standards in the Council’s adopted Residential Car Parking Standards SPD. A number of dwellings are also to have garages and a total of forty visitor car parking spaces are proposed across the site, mainly in parallel parking bays in the street. Every dwelling is shown to have a 13amp wall or pedestal mounted electric vehicle charging point. Unallocated spaces within parking courts, for example those for each of the flatted blocks, are shown to have one charging point for every two spaces.
- 8.22 The Highway Authority Hampshire County Council have raised no objection to the final revised proposals following amendments made by the applicant to improve the internal road layout. It is understood that Miller Homes intend to offer the main estate spine road and the southern section of the north-south

pedestrian/cycle route for adoption by the Highway Authority however other secondary and tertiary routes would likely remain the responsibility of a private management company.

Impact on Habitat Sites

- 8.23 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.
- 8.24 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.
- 8.25 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).
- 8.26 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' if it can be shown that the proposed development will either not have a likely significant effect on designated sites or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated sites. This is done following a process known as an Appropriate Assessment. The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority.
- 8.27 Officers have undertaken an Appropriate Assessment to assess the likely significant effects of the development on the HS. The key considerations for the assessment of the likely significant effects are set out below.

Recreational Disturbance

- 8.28 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 Section 106 unilateral undertaking provided by Miller Homes for the previous outline consent appeal includes obligations on the developer to make the appropriate financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMS).

Water Quality (nitrates)

- 8.29 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.
- 8.30 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 of all 350 homes over phases one and two will generate 212.62 kgTN/year. In the absence of sufficient evidence to support a bespoke occupancy rate, Officers have accepted the use of an average occupancy of the proposed dwellings of 2.4 persons in line with the NE Advice. The applicant has provided a breakdown summary of the existing use of the land and Officers concur with the information provided. The nutrient budget provided by the applicant demonstrates that the development would be nutrient neutral and therefore no further mitigation would be required.
- 8.31 The Council's appropriate assessment concludes that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the HS either alone or in combination with other plans or projects. Natural England has been consulted on the Council's Appropriate Assessment and their comments are awaited. It is considered that the development accords with the Habitat Regulations and complies with Policies CS4 and DSP13 and DSP15 of the adopted Local Plan.

Summary

- 8.32 In summary, the reserved matters application from Miller Homes is considered acceptable having regard to the proposed scale, appearance, layout and landscaping of the first phase of this development.
- 8.33 The application proposes an attractive, well laid out and well connected series of public spaces, internal roads and green infrastructure. The new dwellings proposed would provide adequate internal and external space, sunlight,

daylight and privacy for residents and appropriate levels of car parking space in accordance with local plan policy CS17 and emerging local plan policy D2. The design and appearance of the proposed buildings is of sufficiently high quality to create a well designed, beautiful and safe quality place in accordance with emerging local plan policy D1. There would be no adverse effects on the integrity of Habitat Sites in compliance with local plan policies CS4, DSP13 & DSP15.

- 8.34 The details provided by the applicant in relation to surface water drainage are considered acceptable to discharge the requirement for such details under condition 5 of the outline planning permission. Similarly, the details of finished internal and external levels are considered acceptable with regards to condition 11 of the outline consent.

9.0 Recommendation

9.1 DELEGATE authority to the Head of Development Management to

- a) make any necessary modification, deletion or addition to the proposed conditions; and
- b) in consultation with the Solicitor to the Council, consider any comments received from Natural England relating to the consultation on the Appropriate Assessment and to make any minor modifications to the proposed conditions, addition of conditions, or any other subsequent minor changes arising.

9.2 **APPROVE** the reserved matters and details pursuant to conditions 5 & 11 of the outline planning permission reference P/20/0912/OA, subject to the following Conditions:

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

Note: full list of approved drawings/documents to be provided as an update prior to Planning Committee meeting.

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

2. No more than twenty-five dwellings shall be occupied until the new access road to the existing motor repairs garage north of Cams Bridge has been constructed in accordance with the approved details shown on drawing 091.0013.003 Rev A and made available for use. The access road shall be retained as shown on that drawing at all times thereafter.

REASON: To provide appropriate alternative access to the existing motor repairs garage; in the interests of highway safety and convenience.

3. No development hereby permitted shall proceed beyond damp proof course level until the following details have been submitted to and approved by the Local Planning Authority in writing:
 - a) details of boundary treatment for the perimeter of the motor repairs garage north of Cams Bridge and south of the proposed play area;
 - b) details of measures to prevent vehicular traffic from the motor repairs garage entering the site other than by using the new access road shown on drawing 091.0013.003 Rev A.

The development shall be carried out in accordance with the approved details. The approved boundary treatment and traffic measures shall thereafter be retained at all times.

REASON: In the interests of the visual appearance of the development and highway safety and convenience.

4. 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 materials to be used in the external facing elevations of buildings, boundary walls and fences and hardsurfaced areas 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.

5. The following windows shall be:
 - a) Obscure-glazed; and
 - b) Of a non-opening design and construction to a height of 1.7 metres above internal finished floor level;

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

- 1) *Note: full list of windows subject to this restriction to be provided as an update prior to Planning Committee meeting.*

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

6. The development hereby approved shall be carried out in accordance with the measures detailed within the Updated Ecology Report by Ecosupport (May 2022) in relation to the recommended mitigation, compensation and enhancement measures on site.

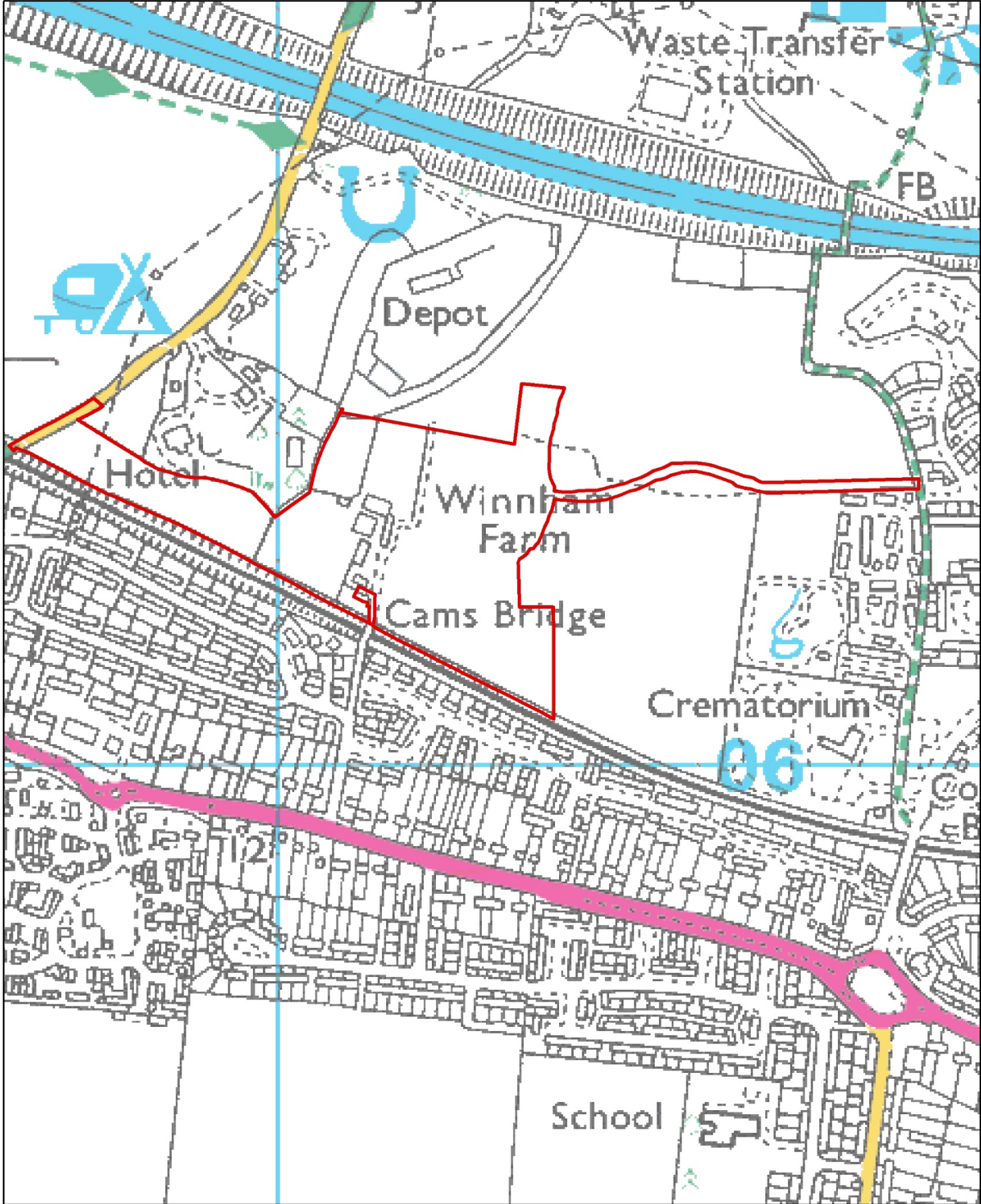
REASON: To ensure the protection of retained habitats, notable and protected species and designated sites and an overall net gain in biodiversity.

10.0 Background Papers

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

FAREHAM

BOROUGH COUNCIL



Land to the East of Downend Road
Portchester

Scale 1:6,000



© Crown copyright and database rights 2022 OS 100019110. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date 17/01/2023

Report of Director of Planning and Regeneration

Subject PLANNING APPEALS

SUMMARY

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

RECOMMENDATION

That the Committee note the content of the report.

CURRENT PLANNING APPEALS

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

WRITTEN REPRESENTATIONS & HOUSEHOLDER

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

Appeal site address: 56 West Street Portchester Fareham PO16 9UN

Ward: Portchester East

The appellant: Mr Bill Seager

Description of proposal: Demolition of existing single storey launderette and replacement with 3 storey 5 apartment block (4x1 bed and 1x2 bed) (revised submission of P/21/0319/FP)

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Date appeal lodged: 03/10/2022

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: P/21/1919/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/22/0615/FP

Appeal site address: 93 The Hillway Portchester Fareham PO16 8BP

Ward: Portchester West

The appellant: Mrs K. Bennett

Description of proposal: Use of annexe as an independent dwelling

Council decision: REFUSE

Decision maker: Committee

Date appeal lodged: 23/11/2022

Reason for Appeal: Appeal against refusal of planning permission

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

Appeal site address: Bishopsfield Road Street Works Bishopsfield Road Fareham PO14 1ND

Ward: Fareham South

The appellant: CK Hutchison Networks (UK) Ltd

Description of proposal: Proposed 5G telecoms installation: H3G street pole and additional equipment cabinets.

Council decision: PRIOR APPROVAL REFUSED

Decision maker: Officer Delegated Powers

Date appeal lodged: 23/11/2022

Reason for Appeal: Appeal against refusal of planning permission

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

Appeal site address: 106 Funtley Road Fareham PO17 5EF

Ward: Fareham North

The appellant: Mr Paul MacDonald

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

Council decision: REFUSE

Decision maker: Committee

Date appeal lodged: 06/12/2022

Reason for Appeal: Appeal against refusal of planning permission

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

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

Ward: Sarisbury

The appellant: Mr N Assar

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

Date appeal lodged: 02/08/2022

Reason for Appeal: Against serving of planning enforcement notice

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

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

Ward: Fareham North

The appellant: Mr P Macdonald

Description of proposal: Erection of Detached Timber Garage

Date appeal lodged: 06/12/2022

Reason for Appeal: Against serving of planning enforcement notice

DECIDED PLANNING APPEALS

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

Reason for Appeal: Appeal against refusal of planning permission

Appeal decision: DISMISSED

Appeal decision date: 22/12/2022

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

Reason for Appeal: No formal decision within determination period

Appeal decision: DISMISSED

Appeal decision date: 23/11/2022

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

Reason for Appeal: Appeal against refusal of planning permission

Appeal decision: DISMISSED

Appeal decision date: 22/12/2022

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](#)