

FAREHAM

BOROUGH COUNCIL

AGENDA PLANNING COMMITTEE

Date: Wednesday, 11 October 2023

Time: 2.30 pm

Venue: Collingwood Room - Civic Offices

Members:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

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

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



1. Apologies for Absence

2. Minutes of Previous Meeting (Pages 1 - 22)

To confirm as a correct record the minutes of the Planning Committee meeting held on 13 September 2023.

3. Chairman's Announcements

4. Declarations of Interest

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

5. Deputations

To receive any deputations of which notice has been lodged.

6. Planning applications and Miscellaneous Matters including an update on Planning Appeals (Page 23)

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

ZONE 1 - WESTERN WARDS

(1) **P/21/2020/FP - LAND ADJACENT TO 77 BURRIDGE ROAD SO31 1BY**
(Pages 25 - 45)

(2) **P/23/0915/RM - EYERSDOWN FARM QUARANTINE KENNELS 285
BOTLEY ROAD** (Pages 46 - 68)

ZONE 2 - FAREHAM

(3) **P/23/1008/FP - LAND BETWEEN AND TO THE REAR OF 100 & 102 KILN
ROAD** (Pages 70 - 87)

ZONE 3 - EASTERN WARDS

(4) **P/22/0841/RM - LAND EAST OF NEWGATE LANE** (Pages 89 - 108)

(5) **P/22/1864/RM - LAND SOUTH OF ROMSEY AVENUE FAREHAM** (Pages
109 - 128)

(6) **Planning Appeals** (Pages 129 - 134)

7. Tree Preservation Order 780 - 9-11 Berry Lane (Pages 135 - 145)

To consider a report by the Director of Planning and Regeneration on Tree Preservation Order No. 780 at 9-11 Berry Lane Hill Head.



A WANNELL
Chief Executive Officer
Civic Offices
www.fareham.gov.uk
03 October 2023

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

FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Wednesday, 13 September 2023

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

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

**Also
Present:**



1. APOLOGIES FOR ABSENCE

An apology of absence was received from Councillor Mrs C L A Hockley.

2. MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee meeting held on 16 August 2023 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

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

4. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

5. DEPUTATIONS

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

Name	Spokesperson representing the persons listed	Subject	Supporting or Opposing the Application	Item No/ Application No/Page No	Dep Type
ZONE 1 – 2.30pm					
Chris Forsey		WARSASH MARITIME ACADEMY, NEWTOWN ROAD – DEMOLITION AND RESIDENTIAL REDEVELOPMENT COMPRISING 117 DWELLINGS (INCLUDING CHANGE OF USE AND ALTERATIONS TO RETAINED LISTED BUILDINGS) TOGETHER WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING	Opposing	6(3) P/21/2041/FP Pg 31	Written
Mr Alistair Harris		-DITTO-	Supporting	6(3) P/21/2041/FP Pg 31	In Person 6 mins

				& 6(4) P/21/2042/LB Pg 73	
Mervyn McFarland	Southampton Solent University	-DITTO-	-Ditto-	6(3) P/21/2041/FP Pg 31	In Person 3 mins
ZONE 2 – 2.30pm					
ZONE 3 – 2.30pm					

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

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

(1) P/22/1838/FP - 6 VICTORY COTTAGES SWANWICK SHORE ROAD FAREHAM PO14 4HN

Upon being proposed and seconded the officer recommendation to: -

(i) GRANT planning permission, subject to:

i) The conditions in the report.

And then

(ii) DELEGATE authority to the Head of Development Management to make any necessary modification, deletion or addition to the proposed conditions.

Was voted on and CARRIED.

(Voting: 7 in favour; 2 against)

RESOLVED that: -

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

i) The conditions in the report.

And then

(ii) AUTHORITY BE DELEGATED to the Head of Development Management to make any necessary modification, deletion or addition to the proposed conditions.

**(2) P/23/0030/LB - 6 VICTORY COTTAGES SWANWICK SHORE ROAD
FAREHAM SO31 7HP**

Upon being proposed and seconded the officer recommendation to: -

- (i) GRANT LISTED BUILDING CONSENT, subject to: -
 - i) The conditions in report.

And then

- (ii) DELEGATE authority to the Head of Development Management to make any necessary modification, deletion or addition to the proposed conditions.

Was voted on and CARRIED.

(Voting: 7 in favour; 2 against)

RESOLVED that: -

- (i) LISTED BUILDING CONSENT be granted, subject to:-
 - i) The conditions in the report.

And then

- (ii) AUTHORITY BE DELEGATED to the Head of Development Management to make any necessary modification, deletion or addition to the proposed conditions.

**(3) P/21/2041/FP - WARSASH MARITIME ACADEMY, RECEPTION
BUILDING, NEWTOWN ROAD WARSASH SO31 9ZL**

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

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

With regard to paragraph 9.1(ii) of the Officer report to the Planning Committee, comments have been received from the Council's Environmental Health Officer raising no objection to the proposals.

With regards to paragraph 9.1(iii) of the report, the applicant has provided the following details:

"All demolition works will be carried out to BS6187 and all work will comply with any applicable legislation, Guidance Notes, Acts, British Standards and Approved Codes of Practice. All scrap metal and general waste materials will be disposed of and or recycled at an exempt or licenced facility as non-hazardous waste under the Duty of Care Regulations and in all cases the Client will have full traceability from cradle to grave. Materials such a brick, concrete and blockwork will be crushed on site, typically to a 6F2 grade crushed material. Some materials will be retained for re-use on site with the

balance sold onto the local supply chain where there is always a strong demand for sources of clean 6F2 recycled materials.”

With regards to paragraph 9.3, a full schedule of recommended conditions is set out below:

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

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

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

General

- a) *Location Plan – S 00 P3*
- b) *Demolition Plan – S 02 – P2*

Site plans

- c) *Proposed Site Layout – MP01 P6*
- d) *Housing Mix Strategy – MP03 P4*
- e) *Refuse Strategy – MP04 P4*
- f) *Parking Strategy – MP05 P4*
- g) *Tenure Strategy – MP06 P4*

Plot 1

- h) *HT5A Detached – Plans, Elevations & Section – Plot 1 – 01618 HT5A 00 P3*

Plots 2 – 4

- i) *HT3H 3 Unit Terrace – Plans – Plots 2-4 – 01618 HT3H 01 P3*
- j) *HT3H 3 Unit Terrace - Elevations & Sections – Plots 2-4 - 01618 HT3H 00 P3*

Plots 5 – 11

- k) *HT3G 7 Unit Terrace – Ground & First Floor Plans – Plots 5-11 – 01618 HT3G 01 P2*
- l) *HT3G 7 Unit Terrace - Second Floor & Roof Plan – Plots 5-11 – 01618 HT3G 02 P1*
- m) *HT3G 7 Unit Terrace – Elevations & sections – Plots 5-11 – 01618 HT3G 00 P2*

Plots 12 – 14

- n) *HT3L-HT4C Grouping – Plans – Plots 12-14 – 01618 HT3L 02 P2*
- o) *HT3L-HT4C Grouping – Elevations – Plots 12-14 – 01618 HT3L 00P2*
- p) *HT3L-HT4C Grouping – Elevation & Sections – Plots 12-14 – 01618 HT3L 01 P2*

Plot 15

- q) HT4C Detached – Plans, Elevations & Section – Plot 15 – 01618
HT4C 00 P2

Plots 16 – 18

- r) HT3H 3 Unit Terrace – Plans – Plots 16-18 – 01618 HT3H 03 P2
s) HT3H 3 Unit Terrace – Elevations & Sections – Plots 16-18 – 01618
HT3H 02 P2

Flat Block

- t) Flat Block – Elevations – BA 00 P3
u) Flat Block – Elevations & Sections – BA 01 P3
v) Flat Block – Lower Ground & Ground Floor Plans – BA 02 P3
w) Flat Block – First & Second Floor Plan – BA 03 P3
x) Flat Block – Third Floor & Roof Plan – BA 04 P3

Moyana

- y) Moyana – Proposed Lower Ground Floor Plan – BM 06 P1
z) Moyana – Proposed Upper Ground Floor Plan – BM 07 P2
aa) Moyana – Proposed Roof Plan – BM 08 P1
bb) Moyana – Proposed East & South Elevations – BM 09 P2
cc) Moyana – Proposed West & North Elevations – BM 10 P1
dd) Moyana – Proposed Sections – BM 12 P1
ee) Moyana – Demolition Plans – Lower Ground Floor Plan – BM 13 P1
ff) Moyana – Demolition Plans – Upper Ground Floor Plan – BM 14 P3

Shackleton

- gg) Shackleton – Proposed Ground & First Floor Plan BS 06 P4
hh) Shackleton – Proposed Second & third Floor Plan – BS 07 P4
ii) Shackleton – Proposed Fourth Floor & Roof Plans – BS 08 P4
jj) Shackleton – Proposed East & West elevations – BS 09 P1
kk) Shackleton – Proposed South & North Elevations & sections – BS
10 P1
ll) Shackleton – Demolition Plans – Ground & First Floor Plans – BS 11
P1
mm) Shackleton – Demolition Plans – Second & Third Floor Plans –
BS 12 P1
nn) Shackleton – Demolition Plans – Fourth Floor Plan – BS 13 P1

MS Building

- oo) MS Building – Elevations P10
pp) MS Building – Contextual Elevation & section P08
qq) MS Building – Roof Plan P05
rr) MS Building – Penthouse Floor Plan P09
ss) MS Building – Second Floor Plan P10
tt) MS Building – First Floor Plan P10
uu) MS Building – Ground Floor Plan P15
vv) MS Building – Undercroft Floor Plan P14
ww) MS Building – Site Plan – Undercroft level shown P16

Car Barns

- xx) Car Barns Sheet 1 – Plans, Elevations & Sections – CB 00 P1
yy) Car Barns Sheet 2 – Plans, Elevations & Sections – CB 01 P1

Site Sections

- zz) Site Sections 1 – SS 00 P4
- aaa) Site Sections 2 – SS 01 P4

Landscaping

- bbb) Landscaping Strategy Plan – 2259-TFC-00-ZZ-DR-L-1001-P10

Ecology

- ccc) Biodiversity Metric 3.0 Calculation
- ddd) Summary Bat Report for Bat Emergence Surveys License
- eee) Great Crested Newt Report
- fff) Ecology Cover Note
- ggg) Biodiversity Net Gain Assessment – December 2021 (updated v5 August 2023)
- hhh) Site Walkover Survey
- iii) Reptile Report Rev 3
- kkk) Ecological Appraisal
- lll) Letter of Confirmation and Accompanying Evidence – Nitrate Mitigation at Heaton Farms dated 2nd September 2023

Transport and highways

- mmm) Transport Assessment – Vol 1
- nnn) Transport Assessment – Vol 2
- ooo) Additional Transport Information – ITB16104-007A

Flood risk and drainage

- ppp) Flood Risk Assessment and Drainage Strategy – Issue 2 dated 03/05/2023
- qqq) Flood Risk Assessment and Drainage Strategy – App B2

Other

- rrr) Open Space Areas – SK 005 P10
- sss) Arboricultural Assessment & Method Statement
- ttt) Tree Protection Plan – 20104-10
- uuu) Ground Conditions – Part 1
- vvv) Ground Conditions – Part 2
- www) Ground Conditions – Part 3
- xxx) Ground Conditions Appendix

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

3. *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 and 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.

4. *No demolition work shall commence on site until a Construction Environment Management Plan (CEMP) relating to the demolition phase of the development has been submitted to and approved in writing by the local planning authority. All demolition works shall be carried out in accordance with the approved CEMP (unless otherwise agreed in writing by the local planning authority) which shall include (but shall not necessarily be limited to):*
- a) *Details of how provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or works vehicles;*
 - b) *The measures the develop will implement to ensure that operatives'/contractors/sub-contractors' vehicles and/or works vehicles are parked within the planning application site;*
 - c) *Arrangements for the routing of lorries and details as to how works traffic will access the site;*
 - d) *The arrangements for deliveries associated with all demolition works, loading/unloading of plant & materials and restoration of any damage to the highway;*
 - e) *The measures for cleaning the wheels and underside of all vehicles leaving the site;*
 - f) *A scheme for the suppression of any dust arising during demolition or clearance works;*
 - g) *The measures for cleaning Newtown Road to ensure that it is kept clear of any mud or other debris falling from works vehicles, and*
 - h) *A programme and phasing of the demolition work;*
 - i) *Location of temporary site buildings, compounds, materials, and plant storage areas used during demolition;*
 - j) *Measures to control vibration in accordance with BS5228:2009 which prevent vibration above 0.3mms⁻¹ at the boundary of the SPA;*
 - k) *Measures to ensure percussive piling of works with heavy machinery (i.e. plant resulting in noise level in excess of 69dbAmax – measured at the sensitive receptor) are avoided during the bird overwintering period (i.e. October to March inclusive).*
 - l) *Provision for storage, collection, and disposal of rubbish from the development during the demolition phase;*
 - m) *The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;*

- n) *Temporary lighting;*
- o) *Protection of pedestrian routes during demolition;*
- p) *No burning on-site;*
- q) *Details of methods for pollution control to ensure that no pollution (such as debris from dust or surface run off) is able to enter the water, including a demolition-phase drainage system which ensure all surface water passes through three stages of filtration to prevent pollutants from leaving the site;*
- r) *Safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site.*
- s) *Details of Biosecurity to ensure that all equipment brought onto site does not bring any contaminants such as invasive species onto the site and into the waters.*

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

5. *No development shall take place until a programme of archaeological evaluation set out within a Written Scheme of Investigation has been submitted to and approved by the Planning Authority and until that programme has been fully implemented in accordance with the approved details. Following completion of the archaeological fieldwork, a report setting out and securing appropriate pros-excavation assessment specialist analysis and reports, publication and public engagement shall be submitted to and approved in writing by the Local Planning Authority before any of the dwellings hereby permitted are occupied.*

REASON: To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets. To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations. To contribute to our knowledge and understanding of our past by ensuring that opportunities are taken to capture evidence from the historic environment and to make this publicly available.

6. *No demolition work shall take place until a programme of archaeological building recording set out within a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The programme of building recording shall be carried out up*

to Level 3 as defined in the Historic England document “Understanding Historic Buildings – A Guide to Good Recording Practice”. Prior to the occupation of the first dwelling hereby approved, the findings of the approved programme of archaeological building recording shall be set out in a written report and submitted to the Local Planning Authority.

REASON: To ensure a full archaeological and historical record is made of the buildings in advance of their conversion or demolition.

7. *No development shall take place until an intrusive site investigation and risk assessments, including the risks posed to human health, the building fabric and the wider environment such as water resources, and a detailed scheme for remedial works to address these risks and ensure the site is suitable for the proposed use has been submitted to and approved by the Local Planning Authority in writing.*

The presence of any unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority. This shall be investigated to assess the risks to human health and the wider environment and a remediation scheme implemented following written approval by the Local Planning Authority.

The approved details for remediation works shall be fully implemented before the permitted development is first occupied or brought into use.

On completion of the remediation works and prior to the occupation of any of the dwellings hereby permitted, a report validating the implementation of the approved remedial measures (including photographic evidence and 'as built' drawings) shall be submitted to and approved by the Local Planning Authority. The validation report shall be written by an independent competent person details of whom shall be submitted to and approved in writing by the Local Planning Authority before the report is submitted for approval.

REASON: To ensure that any contamination of the site is properly taken into account before development takes place. The details secured by this condition are considered essential to be agreed prior to the commencement of the development on the site to ensure adequate mitigation against land contamination on human health.

8. *No development shall commence on until details of how areas on the site shown on the approved Landscape Strategy Plan for tree planting and landscaping will be protected during demolition and construction and, where necessary, reinstated have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.*

REASON: To ensure that areas of proposed tree planting and landscaping are protected during construction and, where necessary, reinstated so as to provide sufficient uncompacted soil volumes for street trees and others in hard surfaced areas in the development. The details secured by this condition are considered essential to be agreed

prior to the commencement of the development on the site to ensure adequate protection and reinstatement of those areas of the site.

9. *No development (except for demolition works) shall commence on site until a Construction Environment Management Plan (CEMP) relating to all phases of the development (except for demolition works) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved CEMP (unless otherwise agreed by the local planning authority) which shall include (but shall not be limited to):*
 - a) *Details of how provision is to be made on site for the parking and turning of operatives/contractors/sub-contractors' vehicles and/or construction vehicles;*
 - b) *The measures the developer will implement to ensure that operatives'/contractors/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;*
 - c) *Arrangements for the routing of lorries and details as to how construction traffic will access the site;*
 - d) *The arrangements for deliveries associated with all construction works, loading/unloading of plant & materials and restoration of any damage to the highway;*
 - e) *The measures for cleaning the wheels and underside of all vehicles leaving the site;*
 - f) *A scheme for the suppression of any dust arising during construction works;*
 - g) *The measures for cleaning Newtown Road to ensure that it is kept clear of any mud or other debris falling from construction vehicles, and*
 - h) *A programme and phasing of the development;*
 - i) *Location of temporary site buildings, compounds, materials, and plant storage areas used during construction;*
 - j) *Measures to control vibration in accordance with BS5228:2009 which prevent vibration above 0.3mms⁻¹ at the boundary of the SPA;*
 - k) *Measures to ensure percussive piling of works with heavy machinery (i.e. plant resulting in a noise level in excess of 9dbAmax – measured at the sensitive receptor) are avoided during the bird overwintering period (i.e. October to March inclusive).*
 - l) *Provision for storage, collection, and disposal of rubbish from the development during construction;*

- m) *The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;*
- n) *Temporary lighting;*
- o) *Protection of pedestrian routes during construction;*
- p) *No burning on-site;*
- q) *Details of methods for pollution control to ensure that no pollution (such as debris from dust or surface run off) is able to enter the water, including a construction-phase drainage system which ensure all surface water passes through three stages of filtration to prevent pollutants from leaving the site;*
- r) *Safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site;*
- s) *Details of Biosecurity to ensure that all equipment brought onto site does not bring any contaminants such as invasive species onto the site and into the waters.*

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

10. No development hereby permitted shall commence until a surface water drainage scheme for the development, based on the principles within the approved Flood Risk Assessment and Drainage Strategy Issue 2, has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include (but shall not be limited to) the following elements;

- a) *A technical summary highlighting any changes to the design from that within the approved FRA;*
- b) *Confirmation of suitability of downstream defender to manage water quality given expected flow rates and confirmation of simple index approach indices;*
- c) *Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria;*
- d) *Maintenance requirements for the Downstream Defender;*

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

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

11. *No development shall take place until details of future access to existing underground water and wastewater infrastructure for maintenance and upsizing purposes have been submitted to and approved in writing by the Local Planning Authority.*

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

12. *No development shall commence until details of the width, alignment, gradient and type of construction proposed for any roads, footways and accesses including all relevant horizontal and longitudinal cross sections showing the existing and proposed grounds 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 by the Local Planning Authority in writing. The development shall be subsequently carried out in accordance with the approved details.*

REASON: To ensure that the roads are constructed to a satisfactory standard. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

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

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

14. *No development shall take place until a Landscape and Ecological Enhancement and Management Plan, in line with the measures included in Biodiversity Net Gain Assessment – December 2021 (updated v5 August 2023), has been submitted to and approved in writing by the Local Planning Authority. The plan shall be supported by drawings, detailed management prescriptions to achieve the assigned conditions in the Metric calculations, and proposals for a monitoring and*

review process. The development shall be carried out in accordance with the approved details and shall thereafter be managed and maintained in accordance with the approved details.

REASON: To secure a minimum of 10% net gain in biodiversity.

15. *The development hereby permitted shall not commence unless the Council has received the Notice of Purchase in accordance with the legal agreement between Fareham Borough Council, Isle of Wight Council and Heaton Farms Limited dated 25 June 2021 in respect of the Credits Linked Land identified in the approved Letter of Confirmation and Accompanying Evidence – Nitrate Mitigation at Heaton Farms dated 2nd September 2023.*

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

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

REASON: To secure the satisfactory appearance of the development.

17. *No development hereby permitted shall proceed beyond damp proof course level until details of the proposed bin storage areas, including bin collection points if necessary, have been submitted to and approved by the Local Planning Authority and the approved areas fully implemented. The details shall include the siting, design and the materials to be used in construction. The areas shall be subsequently retained for bin storage or collection at all times.*

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

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

REASON: To encourage cycling as alternative mode of transport.

19. *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. The landscaping*

scheme shall be based on the principles set out in the approved Landscape Strategy Plan.

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

20. *The landscaping scheme, submitted under Condition 19, 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.

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

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

22. *No development hereby permitted shall proceed beyond damp proof course level until a plan of the position, design, materials and type of boundary treatment to be erected to all boundaries has been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatment has been fully implemented. It shall thereafter be retained at all times unless otherwise agreed in writing with the Local Planning Authority.*

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

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

23. None of the development hereby approved shall be occupied until all means of access shown on drawing ITB16104-GA-004 Rev G in the approved Additional Transport Information – ITB16104-007A have been fully completed. The access(es) shall be subsequently retained.

REASON: In the interests of highway safety.

24. None of the development hereby approved shall be occupied until details of how and where Electric Vehicle (EV) charging points will be provided throughout the site have been submitted to and approved by the Local Planning Authority.

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

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

25. None of the residential units hereby permitted shall be occupied until details of the 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.

26. Notwithstanding the provisions of Classes B and E 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 enlargement of any of the dwellings hereby permitted involving an additional roof and no outbuildings within the curtilage of any of the dwellings hereby permitted 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 outlook and privacy of the adjacent residents; The proposed development would be likely to increase the number of bedrooms at the property resulting in inadequate on site car parking; To protect the character and appearance of the locality; To ensure the retention of adequate garden area; To ensure that there is an opportunity to properly resolve land contamination issues.

27. None of the residential units hereby permitted shall be occupied until the visibility splays shown on drawings ITB16104-GA-09 & ITB16104-GA-010 in the approved Additional Transport Information – ITB16104-

007A have been provided in accordance with the approved details. The visibility splays shall thereafter be kept clear of obstruction (nothing over 0.6m in height) at all times.

REASON: In the interests of highway safety.

- 28. No dwelling hereby approved shall be first occupied until the approved parking areas allocated to that property (including garages and car ports) have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking 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 and to ensure adequate parking throughout the development.

- 29. No dwelling hereby approved, except those dwellings with allocated parking spaces, shall be first occupied until the unallocated parking and turning areas shown on the approved drawings have been constructed in accordance with the approved details and made available for use. Those areas 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 and to ensure adequate parking throughout the development.

- 30. The dwelling hereby approved at Plot 2 shall not be occupied until details of a privacy screen to be installed along the eastern side of the first floor roof terrace, and no less than 1.8 meters in height above the level of the roof terrace, have been submitted to and approved in writing by the Local Planning Authority. The privacy screen shall be installed in accordance with the approved details prior to the dwelling first being occupied. The privacy screen shall be subsequently retained at all times.*

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

- 31. The dwelling hereby approved at Plot 16 shall not be occupied until details of a privacy screen to be installed along the western side of the first floor roof terrace, and no less than 1.8 metres in height above the level of the roof terrace, have been submitted to and approved in writing by the Local Planning Authority. The privacy screen shall be installed in accordance with the approved details prior to the dwelling first being occupied. The privacy screen shall be subsequently retained at all times.*

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

Upon being proposed and seconded the officer recommendation: -

- (i) Subject to:
 - i) The consideration of any comments received from Natural England in response to consultation on the Council's Appropriate Assessment;
- (ii) 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 financial contributions towards sustainable modes of transport;
 - b) To secure a viability review mechanism and potential for affordable housing contribution;
 - c) To secure financial contribution towards New Forest Recreation Disturbance Solution and Solent Recreation Mitigation Strategy;
 - d) To secure provision of public open space;
 - e) To secure public access to on-site routes;
 - f) To secure financial contribution towards improving or providing local equipped area of play off-site;
 - g) To secure completion of residential units in the conversion of the Shackleton and Moyana buildings alongside new build units.

Then:

- (iii) GRANT planning permission subject to the conditions set out in the Update Report; and

Then:

- (iv) 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.

Was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that: -

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

- (ii) 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 financial contributions towards sustainable modes of transport;
 - b) To secure a viability review mechanism and potential for affordable housing contribution;
 - c) To secure financial contribution towards New Forest Recreation Disturbance Solution and Solent Recreation Mitigation Strategy;
 - d) To secure provision of public open space;
 - e) To secure public access to on-site routes;
 - f) To secure financial contribution towards improving or providing local equipped area of play off-site;
 - g) To secure completion of residential units in the conversion of the Shackleton and Moyana buildings alongside new build units.

Then:

- (iii) PLANNING PERMISSION be granted subject to the conditions set out in the Update Report; and

Then:

- (iv) AUTHORITY BE DELEGATED to the Head of Development Management to:
 - (a) make any necessary modification, deletion or addition to the proposed conditions or heads of terms for the section 106 legal agreement; and
 - (b) make 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.

(4) P/21/2042/LB - WARSASH MARITIME ACADEMY, RECEPTION BUILDING, NEWTOWN ROAD WARSASH SO31 9ZL

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

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

With regards paragraph 9.1 of the Officer report to the Planning Committee, a full schedule of recommended conditions is set out below:

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

REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to

enable the Council to review the position if a fresh application is made after that time.

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

Moyana

- yyy) Moyana – Proposed Lower Ground Floor Plan – BM 06 P1*
- zzz) Moyana – Proposed Upper Ground Floor Plan – BM 07 P2*
- aaaa) Moyana – Proposed Roof Plan – BM 08 P1*
- bbbb) Moyana – Proposed East & South Elevations – BM 09 P2*
- cccc) Moyana – Proposed West & North Elevations – BM 10 P1*
- dddd) Moyana – Proposed Sections – BM 12 P1*
- eeee) Moyana – Demolition Plans – Lower Ground Floor Plan – BM 13 P1*
- fff) Moyana – Demolition Plans – Upper Ground Floor Plan – BM 14 P3*

Shackleton

- gggg) Shackleton – Proposed Ground & First Floor Plan BS 06 P4*
- hhhh) Shackleton – Proposed Second & Third Floor Plan – BS 07 P4*
- iiii) Shackleton – Proposed Fourth Floor & Roof Plans – BS 08 P4*
- jjjj) Shackleton – Proposed East & West Elevations – BS 09 P1*
- kkkk) Shackleton – Proposed South & North Elevations & Sections – BS 10 P1*
- llll) Shackleton – Demolition Plans – Ground & First Floor Plans – BS 11 P1*
- mmmm) Shackleton – Demolition Plans – Second & Third Floor Plans – BS 12 P1*
- nnnn) Shackleton – Demolition Plans – Fourth Floor Plan – BS 13 P1*

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

3. *No development shall commence until details (including samples where requested by the Local Planning Authority) of all proposed external facing materials and external fenestration 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 avoid any doubt over what has been permitted.

4. *No development shall commence until details (including samples where requested by the Local Planning Authority) of all proposed external facing materials and external fenestration 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 preserve and enhance the special architectural and historic interests of the Grade II Listed Buildings.

5. *No development shall commence until details of new internal partition walls, doors and other works involved in the subdivision of the Moyana and Shackleton buildings 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 preserve and enhance the special architectural and historic interests of the Grade II Listed Buildings.

Upon being proposed and seconded the officer recommendation to: -

- (i) GRANT Listed Building Consent, subject to the conditions in the Update Report;

Then

- (ii) DELEGATE authority to the Head of Development Management to make any necessary modification, deletion or addition to the proposed conditions.

Was voted on and CARRIED.

(Voting; 9 in favour; 0 against)

RESOLVED that: -

- (i) LISTED BUILDING CONSENT be granted, subject to the conditions in the Update Report;

Then

- (ii) AUTHORITY BE DELEGATED to the Head of Development Management to make any necessary modification, deletion or addition to the proposed conditions.

(5) Planning Appeals

The Committee noted the information in the report.

(6) UPDATE REPORT

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

7. TREE PRESERVATION ORDERS

The Committee considered the confirmation of the following provisional Fareham Tree Preservation Order(s), which have been made under delegated powers and to which no formal objection has been received.

Fareham Tree Preservation Order 782: 26 & 28 Penhale Gardens, Titchfield Common.

A provisional order was served on 30 June 2023 in respect of 2 individual trees (1 x oak and 1 x field maple) to which no formal objection has been received.

RESOLVED that Fareham TPO 782 be confirmed as made and served.

8. PLANNING PERFORMANCE MONITORING

The Committee considered a report by the Director of Planning and Regeneration which provided an update to members in respect of planning performance at Fareham.

Members were informed that the report would be brought to the Committee on a regular basis, so that they are able to monitor this Authority's planning performance.

RESOLVED that Members note the content of the report.

(The meeting started at 2.30 pm
and ended at 4.00 pm).

..... Chairman

..... Date



**Report to
Planning Committee**

Date:

Report of: Director of Planning and Regeneration

Subject: PLANNING APPLICATIONS AND MISCELLANEOUS MATTERS

SUMMARY

This report recommends action on various planning applications.

RECOMMENDATION

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

AGENDA

The meeting will take place in the Collingwood Room, Civic Offices, Civic Way, Fareham, PO16 7AZ. Items for Zone 1 (Sarisbury, Warsash, Park Gate, Titchfield, Titchfield Common and Locks Heath wards) will start at 2.30pm. Items for Zone 3 (Stubbington, Hill Head, Portchester East and Portchester West wards) will start no earlier than 3.30pm.

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/21/2020/FP SARISBURY	LAND ADJACENT 77 BURRIDGE ROAD BURRIDGE SOUTHAMPTON SO31 1BY CONSTRUCTION OF A DWELLING HOUSE WITH DETACHED GARAGE, NEW ACCESS AND ASSOCIATED DEVELOPMENT	1 REFUSE
P/23/0915/RM SARISBURY	EYERSDOWN FARM QUARANTINE KENNELS 285 BOTLEY ROAD BURRIDGE SO31 1ZJ RESERVED MATTERS APPLICATION PROVIDING DETAILS OF THE LAYOUT, SCALE, APPEARANCE, LANDSCAPING AND MEANS OF ACCESS FOR THIRTY-EIGHT DWELLINGS (FURTHER TO OUTLINE PLANNING PERMISSION GRANTED ON APPEAL UNDER APPLICATION REFERENCE P/20/0506/OA AND APPEAL REFERENCE APP/A1720/W/21/3273119)	2 APPROVE

OFFICER REPORT FOR COMMITTEE

DATE: 11th October 2023

P/21/2020/FP

APPLICANT: MRS BARNEY

SARISBURY WARD

AGENT: STUART CLARK

CONSTRUCTION OF A DWELLING HOUSE WITH DETACHED GARAGE, NEW ACCESS AND ASSOCIATED DEVELOPMENT

LAND ADJACENT 77 BURRIDGE ROAD, BURRIDGE, SO31, 1BY

Report By

Katherine Alger – direct dial 01329 824666

1.0 Introduction

1.1 This application is reported to the Planning Committee for determination because of the number of representations which have been received.

2.0 Site Description

- 2.1 This application relates to a field located on the south-western side of Burridge Road. It is located in between 77 Burridge Road (a mobile home) and 91 Burridge Road. The application site will be referred to as the western field within this report. The application site is designated as a Site of Importance for Nature Conservation (SINC).
- 2.2 To the east of the application site, to the rear of 77 Burridge Road, is a Gypsy, Traveller and Travelling Showpeople pitch (HA45) which has been allocated within the Fareham Local Plan 2037. This piece of land will be referred to as the eastern field within this report.
- 2.3 Burridge Road is a long, straight cul-de-sac with ribbon development of mainly detached dwellings along both sides facing the road and mostly long, rectangular shaped rear gardens. The road slopes down from Botley Road and there are views to the open countryside beyond these dwellings. The western end of Burridge Road (of which the application site forms part) has a much more loose knit and spacious arrangement of development.
- 2.4 The application is located within the defined countryside and is not located close to or adjacent to the existing defined urban settlement.

3.0 Description of Proposal

- 3.1 The proposal is to construct a large detached dwellinghouse with a detached triple garage including a new access. The proposed dwelling would not replace the existing mobile home/ gypsy pitch to the east of the site.
- 3.2 The proposed dwelling would have a height of approximately 9.3 metres, a width of 24.7m and a total depth of 31m. This would include the depth of the two-storey element of the dwelling which would be approximately 15 metres and the rear single storey projections which would be approximately 16 metres in depth. The dwelling would have a hipped roof which would include a single storey side extension on the southern side of the dwelling. The dwelling would be finished in render with brickwork detailing.
- 3.3 The proposed dwelling would comprise of a living room, dining room, ironing room, study, family/kitchen room, pool room, entrance hall and WC and cloakroom on the ground floor.
- 3.4 The first-floor accommodation would comprise of 5 bedrooms including en-suites and dressing rooms and a large landing. The master bedroom would also include a balcony.
- 3.5 There would be a large garage to the rear of the site which would be used as a garage at ground floor and a gym at first floor.
- 3.6 The site would have a large driveway and rear garden with the remaining SINC site located to the rear of the site.

4.0 Policies

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

National Planning Policy Framework (NPPF) 2023

Fareham Local Plan 2037

DS1:	Development in the Countryside
DS3:	Landscape
H1:	Housing Provision
HP1:	New Residential Development
HP2:	New Small-Scale Development Outside the Urban Areas
HP11:	Gypsies, Travellers and Travelling Showpeople
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

4.2 **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 There is no relevant planning history for this site.

5.2 In February 2018 planning permission was refused for the construction of a 4 bedroom detached dwelling to the rear of 77 Burrige Road (Ref P/17/1514/FP). This piece of land is now allocated as a Gypsy and Traveller site (HA45) in the adopted Fareham Local Plan 2037. At the time of the appeal, the site was not allocated as a Gypsy and Traveller site.

5.3 The reasons for refusal were as follows:

The development would be contrary to Policies CS2, CS4, CS6, and CS14 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP1, DSP6, DSP13, DSP15 and DSP40 of the Adopted Local Plan Part 2: Development Sites and Policies Plan and, the National Planning Policy Framework 2012 (particularly paragraphs 6, 14, and 55) and is unacceptable in that:

- a) the provision of a dwelling in this location would be contrary to adopted Local Plan policies which seek to prevent additional residential development in the countryside which does not require a countryside location;
- b) the introduction of a dwelling in this location would fail to respond positively to and be respectful of the key characteristics of the area, particularly its predominantly undeveloped nature, which would be out of character with the prevailing pattern of development in the area;

- c) the site lies within a Site of Importance for Nature Conservation, for which insufficient evidence has been provided to adequately highlight the level of harm to the biodiversity and protected species on the site. Inappropriate mitigation measures would not address the current designation requirements;
 - d) in the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas.
- 5.4 The application was appealed (Ref APP/A1720/W/18/3209865) and dismissed by the Planning Inspectorate on the 18th November 2019. The main reasons for dismissal of the appeal were: the backland nature of the development proposal and its impact on the character and appearance of the area and the impact on protected Habitat Sites and the SINC.
- 5.5 Officers believe that careful consideration should be given to the Planning Appeal Inspector's comments regarding development on the SINC site in the determination of this application. These are summarised below.
- 5.6 When the previous application was determined the SINC site related to the current planning application site (western field) and the land behind the appeal site as well as the land to the rear of No 77 Burr ridge Road which is now allocated as HA45. However, the field to the west (the current application site) was not in the applicant's ownership.
- 5.7 Within the appeal decision, the Planning Inspector commented on the findings of two reports by both parties which were submitted as part of the appeal regarding the SINC designation. Whilst the findings of the reports were slightly different, both parties were in general acceptance that the diversity of species and structure of the western field (the application site) was significantly greater than the appeal site.
- 5.8 The appellant suggested providing a Biodiversity Management and Enhancement Strategy (BMES) as part of a condition under the planning permission. This would have included the management of the small piece of land to the rear of the appeal site. However, the Inspector concluded that the management strategy detailed within the BMES would neither compensate for the loss of the semi-improved grassland nor provide a net gain in biodiversity.

5.9 The Inspector concludes by stating *“Notwithstanding the arguments in relation to the Council’s ability to control how the land is managed, and the offer of mitigation in the form of a BMES, there would be irreversible loss of semi-mature grassland and therefore harm to the SINC designation”*.

6.0 Representations

6.1 Five letters of support from residents within Burrige Road have been received on the following grounds:

- a) Remove the need for HA45 pitch
- b) Infill development
- c) Would not result in any overlooking or loss of privacy
- d) In-keeping with the character of the area
- e) Remove mobile home from adjacent pitch

One letter of objection from the Burrige and Swanwick Resident’s Association has been received raising concerns on the following grounds:

- a) Will affect the number of Gypsy pitches needed in the Borough
- b) Impact on SINC habitat
- c) Size and height of the garage is excessive

7.0 Consultations

EXTERNAL

Hampshire County Council – Highways

7.1 No Objection

Hampshire County Council – Ecology

7.2 Objection- The fundamental concern in this application is the failure to differentiate between the requirement to mitigate and compensate for the partial loss of the locally designated site (i.e. Meadow South of Burrige Road Site of Importance for Nature Conservation).

8.0 Planning Considerations

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

- a) Implication of Fareham's housing land supply and delivery position (5YHLS)
- b) Residential development in the countryside

- c) Impact on residential amenity
- d) Highways
- e) Ecology
- f) Impact on protected Habitat Sites
- g) The planning balance
- h) Other matters

a) Implications of Fareham’s Housing Land Supply and Delivery Position (5YHLS)

8.2 A report on the Council’s five-year housing land supply position was reported to the Planning Committee on the 25th January 2023. The report set out this Council’s local housing need along with the Council’s current housing land supply position and concluded that the Council has 5.49 years of housing supply against its five-year housing land supply (5YHLS) requirement.

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

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

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

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

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

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

- a. *For decision-taking this means:*

- b. *Approving development proposals that accord with an up-to-date development plan without delay; or*
- c. *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (see footnote 7 below), granting planning permission unless:*
 - i. *The application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed (see footnote 7 below); or*
 - ii. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

8.8 Footnote 7 to Paragraph 11 reads:

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

8.9 Footnote 8 to paragraph 11 reads:

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

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

considered out-of-date meaning that the presumption in favour of sustainable development in paragraph 11(d) is engaged.

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

b) Residential Development in the Countryside

- 8.13 Policy HP1 (New Residential Development) states that residential development in locations outside of the Urban Area Boundary will be permitted where one of the following applies:
- a) *It involves a conversion of an existing non-residential building where:*
 - 1) *The building is structurally sound and capable of conversion without the need for significant extension, alteration or rebuilding;*
and
 - 2) *Evidence has been provided to demonstrate that no other suitable alternative uses can be found and conversion would lead to an enhancement to the building's immediate setting.*
 - b) *It is for a replacement dwelling which is of an appropriate character to the location.*
 - c) *It has been demonstrated that there is an essential need for a rural worker to live permanently at or near their place of work*
 - d) *It accords with Policies HP2, HP3, HP4 and HP6*
- 8.14 The proposal does not involve the conversion of an existing non-residential building, is not for a replacement dwelling nor is it for a rural worker to live in and therefore the application does not meet the criteria of HP1 (a) (b) or (c). The proposed development is assessed against the criteria of HP1(d) below.

- 8.15 Policies HP3, HP4 and HP6 are not relevant in the determination of this application therefore only Policy HP2 will be considered in this instance.
- 8.16 Policy HP2 (New- Small-scale Development Outside the Urban Areas) states that new small-scale housing development outside of the Urban Areas boundary, as shown on the Policies map, will be permitted where:
- 1) *The site is within or adjacent to the existing areas of housing; or*
 - 2) *The site is well related to the settlement boundary; and*
 - 3) *The site is within reasonable walking distance to a good bus service route or train station as well as safe walking and cycling routes that connect to a local, district 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 to countryside and beyond*
 - 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*
- 8.17 The application site is located within Burridge Road which is characterised by frontage properties. Burridge Road is not within a defined settlement however, it does comprise of a number of dwellings, and forms a ribbon of residential properties fronting the street. Therefore, it is considered that the development is adjacent to existing housing and therefore complies with part (1). As the development complies with HP2(1), there is not a requirement to assess the proposal against HP2(2).
- 8.18 Burridge contains very limited services and facilities meaning that most residents will be required to access local services and facilities such as doctors, shops, schools and employment by private motor vehicles. The closest railway station (Swanwick) is located 2.25 kilometres away and an estimated 30 minute walk along a busy heavily trafficked road. Furthermore, there is no local convenience store within a 10 minute walk from the application site.
- 8.19 In the earlier planning appeal decision in respect of adjacent land the Inspector considered the proximity of the site to the new urban extension which was under

construction on the northern edge of Whiteley. The Inspector considered that whilst some public transport links are less frequent, it will be possible in the near future to access primary schools and local centres once the urban extension is completed. The Inspector stated *“I do not share the Council’s view that the proposal would create an isolated home in the countryside. The site is directly adjacent to the built-up area of Burr ridge and accessibility to services and facilities would not be significantly different to that of existing suburban estate housing within Whiteley itself. Future occupiers of the development would not have to rely upon the private car, but any car journeys undertaken would be short”*.

- 8.20 However, a number of Planning Inspectors in more recent appeal decisions within close proximity to the application site have concluded that those sites are not well related to the settlement boundary. This includes the appeal at 21 Burr ridge Road (approximately 420 metres east of this application site) which was dismissed on the 26th November 2021 (Ref APP/A1720/W/20/3264952). The Inspector stated that *“Whiteley is the nearest urban area, but its defined settlement boundary is about 300m away and it is visually, physically and functionally separate from Burr ridge ... Burr ridge has limited services and facilities and there is no evidence of any significant employment. These uses existing elsewhere, including the nearest at Whiteley. However, they are at least 2km away, as is the train station at Swanwick which is beyond the distance (and time) people are generally prepared to walk and accessible by walking via Botley Road for only the most able-bodied future occupiers of the proposed houses”*.
- 8.21 The Inspector acknowledged that there had been previous appeal decisions for a site elsewhere in Burr ridge Road where the previous Inspector had taken the development at North Whiteley into consideration. However, the Inspector in the appeal at 21 Burr ridge Road commented that *“ I have no specific evidence before me to show that the anticipated services and facilities of employment uses would be significantly closer to the appeal site than they are at present, or that there would be a satisfactory means of access to these for future occupiers of the proposed houses using Whiteley Lane by means other than the private car. Moreover, it has not been suggested that this future development would bring the defined urban settlement boundary of Whiteley closer to the appeal site”*.
- 8.22 The Inspector concluded by stating *“Taking all these factors into account, I find that the proposal would not be sustainably located adjacent to or, therefore, be well-related specially or visually to the neighbouring settlement boundary. Nor has it been demonstrated that it would be well-integrated with services, facilities or employment uses in a neighbouring settlement.*

- 8.23 Additionally, the Inspector in appeal decision in June 2022 at Eversdown Farm Quarantine Kennels, 285 Botley Road (Ref APP/A1720/W/21/3273119) located approximately 470m to the northeast of the application site stated that *“Development around Botley Road has a linear form, with limited connections into the built-up area that lies within the settlement boundary. Thus, the practical relationship of the immediately surrounding development to this wider, more extensive community is poor. The consequence is that walking distances to most existing services and facilities is lengthy...Even if places were available to residents of the appeal site, the current walking route to North Whiteley and the new Primary school is somewhat convoluted, requiring use of a range of footpaths with a rural character and urban estate roads that run somewhat awkwardly relative to the desire line. The walk from the site is possible, but I found it relatively unattractive for these reasons. Consequently, it is unlikely to be used on a regular basis by most people.....It appears that the North Whiteley development will secure bus services between the new facilities and the appeal site. This would significantly improve the accessibility to services and facilities. However, delivery is outside the control of the appellant and this local planning authority, and the timing is uncertain”*. The Inspector concluded that *“the site is poorly located in respect of accessibility to services and facilities. It does not adjoin an urban settlement boundary, nor is it well related to it”*.
- 8.24 Having regard to the views of the recent appeal decisions, Officers on balance have concluded that the site would not be located within reasonable walking distance to a good bus service route or train station or safe walking and cycling routes that connect to a local, district or town centre and the proposal therefore fails to comply with part (3).
- 8.25 With regards to part (4) the building line of the proposed dwelling would align with the neighbouring residential dwellings. Furthermore, the site benefits from a reasonable plot size similar to the neighbouring dwellings and the proposed dwelling would be adequately proportioned within the plot. There would be modest space between the proposed dwelling and neighbouring dwellings. Whilst the dwelling would be large in scale, the dwelling is located along the frontage and is not considered to result in an unacceptable impact upon the landscape and views to the countryside and beyond. Therefore, the proposal would comply with part (4).
- 8.26 Officers therefore consider that the development fails to comply with HP2(3) and is therefore contrary to both Policies HP1 and HP2.

c) Impact on Residential Amenity

- 8.27 Policy D2 of the Fareham Local Plan 2037 relates to the impact of development on living and environmental conditions. The policy 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.

- 8.28 Having regard to the relationships between the application site and the neighbouring dwellings at 77 and 91 Burrigge Road, it is considered that the proposed dwelling would not result in an unacceptable adverse impact in terms of loss of sunlight, daylight or outlook to the neighbouring properties.
- 8.29 The first-floor side windows facing onto No 91 would serve bathrooms therefore these will be obscure glazed. Should permission be granted, a suitably worded condition could be imposed to ensure that these windows are obscure glazed and non-opening to a height of 1.7m above internal finished floor level.
- 8.30 There would be a separation distance of approximately 80 metres between the proposed dwelling and the property to the rear at Woodpeckers End, 93 Burrigge Road. Therefore, it is considered that the proposal would not result in an unacceptable adverse impact upon the living conditions of the property to the rear.
- 8.31 Due to the large scale of the proposed dwelling, it will exceed the requirements specified within the Nationally Described Space Standards and would exceed the minimum garden depth specified within the Fareham Borough Council Design Guidance SPD.
- 8.32 It is therefore considered that the proposal would not result in an unacceptable adverse impact upon the living or environmental conditions on the site or neighbouring development, by way of loss of sunlight, daylight, outlook and/or privacy. Officers therefore consider that the proposal complies with Policy D2 of the Fareham Local Plan 2037.

d) Highways Impact

- 8.33 Hampshire County Council Highways has reviewed the application and are satisfied with the proposed access. They are also satisfied that the potential traffic generation produced by a single dwelling would have no severe detrimental impact on the operation and safety of the local highway network.
- 8.34 In terms of parking, there is ample space provided for car parking within the driveway and proposed garage.

e) Ecology/Biodiversity Net Gain

- 8.35 Strategic Policy NE1: Protection of Nature Conservation, Biodiversity and the Local Ecological Network states that the development will be permitted where:

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

8.36 Policy NE2: Biodiversity Net Gain of the Fareham Local Plan 2037 states that:

“The development of one or more dwellings or a new commercial/leisure building should provide at least 10% net gain for biodiversity for biodiversity from the existing baseline value of the site and should be maintained for a minimum of 30 years.”

8.37 The application site lies within Meadows South of Burrige Road Site of Importance for Nature Conservation. This initially comprised of two fields (a western and eastern field) located on the south western side of Burrige Road. The western field is the current planning application site and the eastern field is allocated in the Fareham Local Plan 2037 for three Gypsy and Traveller Pitches.

8.38 Following a survey in 2020 by the Hampshire Biodiversity Information Centre (HBIC), part of the SINC boundary was amended to remove the eastern field (HA45). The application site (western field) remained designated as a SINC. The reasoning for this was the western field is botanically more diverse and meets the SINC criteria whereas the eastern field was not as diverse. The remaining field is designated for semi-improved marsh that qualified as Purple-Moor Grass and Rush-Pasture Priority Habitat, which is of principal importance for conservation.

8.39 The applicant has submitted a number of Ecological Reports with this application. They have proposed to mitigate the loss of part of the SINC site by providing a financial contribution to an off-site mitigation scheme which would also include Biodiversity Net Gain (BNG). They also propose to plant additional hedging habitat within the application site.

8.40 The requirements of Policy NE2 stipulates that 10% BNG must be achieved onsite in the first instance. This can include new habitat or restoring/enhancing habitats and they could form part of a broader package of measures designed to improve or mitigate the wider impacts of development or help to deliver environmental gains. The mitigation hierarchy sets out that impacts on biodiversity must first be avoided, then mitigation and only as a last resort compensated. BNG does not replace existing protections for designated sites.

Mitigation can be provided offsite where it is demonstrated that it cannot be adequately accommodated onsite.

- 8.41 The applicant has produced a Small Sites Metric Calculation which concludes that there would be an overall net loss of 0.29 habitat units and therefore an off setting of 73% BNG would be required to address the requirements of Policy NE2.
- 8.42 The Council's Ecologist has reviewed the submitted Ecological reports. They have stated that the fundamental problem with this application is the applicant's failure to differentiate between the requirement to mitigate and compensate for the partial loss of a locally designated site (i.e. Meadow South of Burrige Road Site of Importance for Nature Conservation) and the need to demonstrate a net gain in biodiversity as a result of the proposals.
- 8.43 In order to assess the proposed mitigation to create habitats within the site, the Council's Ecologist has reviewed the biodiversity metric calculation. This calculation shows the losses and gains by assessing a habitat's distinctiveness, condition and extent. These factors are translated into a score which is presented in biodiversity units. Special multipliers are also used to account for risks in delivering habitat creation or enhancement. To achieve biodiversity net gain, a development must have a sufficiently higher biodiversity unit score after the development than before the development.
- 8.44 As the application site is SINC habitat it already had a high biodiversity value. The applicant has proposed to use plant hedging around the application site to compensate for the loss of the SINC site. The Council's Ecologist has explained that planting of hedging is not an appropriate form of mitigation as this does not compensate for the large net loss of habitat units. Given the importance of the onsite SINC habitat, hedge creation is inappropriate and will result in the further reduction of the SINC habitat and therefore this linear habitat creation (hedging) is not supported.
- 8.45 The Council's Ecologist has also reviewed the applicant's proposal of using an off-site mitigation scheme. At present, no assessment of these locations and confirmation of their suitability has been provided. The Council's Ecologist has suggested that a comprehensive mitigation and management strategy, fully detailing how the partial loss of the SINC will be addressed would need to be provided. The applicant has failed to provide sufficient justification for the loss of the SINC and have not provided appropriate onsite mitigation measures for enhancing the existing habitat.
- 8.46 Significant weight should also be given to the conclusions of the Inspector in the previous appeal decision (Ref: APP/A1720/W/18/3209865) who stated that

'despite the proposed Biodiversity Management and Enhancement Plan, the development would still result in irreversible loss of semi-mature grassland and therefore harm to the SINC designation'.

- 8.47 It should also be highlighted that since the previous appeal decision the SINC site has been reduced to only include the current application site following the survey in 2020. The construction of a dwelling within this site would half the size of the remaining SINC site and result in a further loss of the Purple Moor Grass and Rush Pasture Priority Habitat.
- 8.48 Therefore, the proposed development would result in the partial loss of the SINC site, failing to protect and enhance the local site for nature conservation. Furthermore, no information has been submitted to justify why onsite mitigation for biodiversity net gain cannot be provided in accordance with the mitigation hierarchy.
- 8.49 Officers therefore consider that the development is contrary to Policies NE1 and NE2 of the Fareham Local Plan 2037.

f) Impact on Habitat Sites

- 8.50 Policies NE1, NE3 and NE4 of the Fareham Local Plan 2037 relate to 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.
- 8.51 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 percent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within The Solent which are of both national and international importance. In light of their importance, areas within the Solent have been specially designated under UK/ European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are referred to as protected Habitat Sites (HS).
- 8.52 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' if it can be shown that the proposed development will either not have a likely significant effect on designated Habitat Sites or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated Habitat Sites. This is done following a process known as an Appropriate Assessment (AA). The Competent Authority is responsible for carrying out this process. Although they must consult with Natural England

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

- 8.53 The first likely significant effect on HS relates to deterioration in the water environment through increased nutrients (particularly nitrates) entering The Solent. Natural England has highlighted that there is existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted that increased levels of nitrates entering The Solent (because of increased amounts of wastewater from new dwellings) will have a likely significant effect upon the Habitat Sites.
- 8.54 Achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites. Natural England has provided a methodology for calculating nutrient budgets and options for mitigation should this be necessary. The nutrient neutrality calculation includes key inputs and assumptions that are based on the best available scientific evidence and research, however for each input there is a degree of uncertainty. Natural England advise Local Planning Authorities to take a precautionary approach when addressing uncertainty and calculating nutrient budgets.
- 8.55 A nitrogen budget has been calculated with Natural England's 'Nutrient Neutrality Generic Methodology' (February 2022) and The Solent Nutrient Budget Calculator (March 2022) which confirms the development will generate 3.33kg TN/year. In the absence of sufficient evidence to support a bespoke occupancy rate, the Council accepted the use of an average occupancy of the proposed dwellings of 2.4 persons in line with the NE Advice. The existing use of the land for purposes of the nitrogen budget is considered to be a meadow as there is an existing building on the site. Due to the uncertainty of the effect of nitrates from the development on the HS, adopting a precautionary approach, and having regard to the NE advice, the Council will need to be certain that the output will effectively be mitigated to ensure at least nitrogen neutrality before it can grant planning permission.
- 8.56 The applicant has entered into a contract to reserve 3.33kgTN/year of nitrate mitigation 'credits' from a nitrate mitigation scheme at Warnford Park. This has been secured through the operation of a legal agreement between the landowners at Warnford Park, the South Downs National Park Authority and Fareham Borough Council dated 1st April 2021. The purchase of the credits will result in a corresponding reduction in nitrogen entering The Solent marine environment.
- 8.57 The purchase of the nitrate mitigation credits has the effect of ensuring a piece of land at Warnford Park is retained and managed in a way which ensures a

reduction in nitrates entering the land of 3.33kg TN/year for the lifetime of the development for which planning permission is being sought. This will ensure that the scheme can demonstrate nutrient neutrality.

- 8.58 Had permission been recommended for approval, a condition would have been imposed to ensure that the development had not commenced on site until confirmation of the purchased of credits from Warnford Park has been received by the Council. A further planning condition would have been imposed to secure details of the water efficiency measures to be installed within the dwellings to ensure that water consumption would not exceed 110L per person/per day to reflect the assumptions of the nitrate budget.
- 8.59 In addition to water quality impacts, air quality impacts are also a factor that needs consideration. The Council's Air Quality Habitats Regulations Assessment for the adopted Fareham Local Plan 2037 identifies that from the development proposed to be brought forward in the Local Plan there would not be a significant impact as a result of air pollution on the Habitat Sites for the life of the plan, up to 2037.
- 8.60 The other likely significant effect on the HS, relates to disturbance on The Solent coastline and New Forest SPA, SAC and Ramsar sites through increased recreational use by visitors to these sites.
- 8.61 The development is within 5.6km of The Solent SPAs and is therefore considered to contribute towards an impact on the integrity of The Solent SPAs as a result of increased recreational disturbance in combination with other development in The Solent area.
- 8.62 In addition, the development lies within 13.8km of the New Forest Special Protection Area (SPA), New Forest Special Area of Conservation (SAC) and the New Forest Ramsar site. Research undertaken by Footprint Ecology has identified that planned increases in housing around the New Forest's designated sites will result in a marked increase in use of the sites and exacerbate recreational impacts. It was found that the majority of visitors to the New Forest designated sites on short visits/day trips from home originated from within a 13.8km radius of the sites referred to as the 'Zone of Influence' (ZOI).
- 8.63 Had the proposal been found acceptable in all other regards the applicant would have been invited to make a financial contribution through the SRMP and the New Forest SPA. However, the absence of such a contribution or the means to secure one, or the submission of evidence to demonstrate that the 'in combination' effects of the development can be avoided or mitigated in another way, the proposal continues to be contrary to Policy NE3.

8.64 In this particular case, no Appropriate Assessment has been carried out by the Local Planning Authority under the 'habitat regulations'. Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' (in this case the Local Planning Authority) if it can be shown that the proposed development will either not have a likely significant effect on designated Habitat Sites or, if it is likely to have a significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated Habitat Sites. However, since the application is being recommended for refusal, there is no requirement to carry out an Appropriate Assessment.

8.65 It is therefore concluded that the development will have an adverse impact on the integrity of these protected Habitat Sites due to the adverse effects arising through recreational disturbance on the Habitat Sites and would therefore be contrary to Policies NE3 of the Fareham Local Plan 2037.

g) The Planning Balance

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

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

8.67 As set out above, the effect of paragraph 177 of the NPPF is that:

"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitat site (either along 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 habitat site".

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

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

8.70 However, due to the significant concerns relating to the loss of the SINC site, with no details supplied to enhance or mitigate the remaining SINC habitat, it is considered that the development would be contrary to Policies NE1 and NE2. Additionally, the site would not be within reasonable walking distance to a good bus service route or train station or provide safe walking and cycling routes that connect to a local, district or town centre therefore failing to meet criteria (3) of HP2. Furthermore, with the absence of a contribution towards to The Solent and New Forest SPAs the development would have an adverse effect on the protected Habitat Sites. Therefore, the harm identified would significantly and demonstrably outweigh the benefits for granting planning permission.

h) Conclusion

8.71 To conclude, it is considered the location of a dwelling within this location would result in the partial loss of the Meadows South of Burrige Road Site of Importance for Nature Conservation. Without sufficient enhancement or mitigation measures to off-set the loss of the SINC site and provision of 10% Biodiversity Net Gain, it is considered that the development would fail to protect or enhance the local site of nature conservation and fail to reflect the status in the hierarchy of nature conservation designations. Finally, without securing financial payments or other mitigation in respect of the impacts of disturbance upon the New Forest and Solent SPAs, it is concluded that the proposal would have an adverse impact on the protected habitat sites.

9.0 Recommendation

REFUSE PLANNING PERMISSION

The development would be contrary to Policies, HP1, HP2, NE1, NE2 and NE3 of the Fareham Local Plan 2037 and is unacceptable in that:

- i) The provision of a dwelling within this location would not be within reasonable walking distance to a good bus service route or train station or provide safe walking and cycling routes that connect to a local, district or town centre.
- ii) The proposed development would result in the partial loss of a Site of Importance of Nature Conservation and the development would therefore fail to protect or enhance the local site of nature conservation and fail to reflect the status in the hierarchy of nature conservation designations.
- iii) Insufficient information has been provided to demonstrate that the proposal could provide onsite provision of 10% net gain in biodiversity.

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

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

FAREHAM

BOROUGH COUNCIL



Land adjacent 77 Burrige Road

Scale 1:1,250

Agenda Item 6(2)

OFFICER REPORT FOR COMMITTEE

DATE: 11/10/2023

P/23/0915/RM
CALA HOMES

SARISBURY

RESERVED MATTERS APPLICATION PROVIDING DETAILS OF THE LAYOUT, SCALE, APPEARANCE, LANDSCAPING AND MEANS OF ACCESS FOR THIRTY-EIGHT DWELLINGS (FURTHER TO OUTLINE PLANNING PERMISSION GRANTED ON APPEAL UNDER APPLICATION REFERENCE P/20/0506/OA)

EYERSDOWN FARM QUARANTINE KENNELS, 285 BOTLEY ROAD, BURRIDGE

Report By

Richard Wright – direct dial 01329 824758

1.0 Introduction

- 1.1 In October 2020, Members of the Planning Committee resolved to refuse outline planning permission for a development of up to 38 dwellings on this site (application reference P/20/0506/OA). An appeal was subsequently lodged by the applicant and outline planning permission was granted on appeal in June 2022.
- 1.2 Condition 1 of the outline permission granted on appeal requires the details of the access, appearance, landscaping, layout and scale of the development (the 'reserved matters') to be submitted for approval. Other conditions imposed on the outline permission require details to be provided on a range of other matters such as a scheme for the protection of biodiversity interests (condition 5), a Construction Environmental Management Plan (condition 6), surface water drainage (condition 7) and electric vehicle charging (condition 9). The details submitted in relation to these conditions are subject to a separate process for determination and, whilst related to the reserved matters application before Members, are not the subject of this report.
- 1.3 The appellant provided a unilateral undertaking under Section 106 of the Town & Country Planning Act as part of their appeal. This undertaking secured, amongst other things, the amount, type and tenure of affordable housing to be provided on the site. This application seeks approval of the 'reserved matters' pursuant to the outline permission granted on appeal. It is being brought before the Planning Committee because, as part of the reserved matters proposals, the developer wishes to amend the type and tenure of the affordable housing being provided. This report sets out an Officer recommendation with regards the determination of this application and with regards to a Deed of Variation to the Section 106.

2.0 Site Description

- 2.1 The planning application site comprises 2.65 hectares (approximately 6.5 acres) of pasture fields and a number of buildings used for agricultural purposes, commercial cattery and kennels. Some of the agricultural buildings are no longer in active use.
- 2.2 The land is located on the western side of Botley Road and occupies two sections of road frontage and a significant area behind the ribbon development along the road. The cattery, kennels and agricultural buildings are grouped together close to the eastern edge of the site with Botley Road alongside the existing farmhouse (which is not part of the red edged application site and is to be retained). A further cluster of low level, dilapidated poultry sheds are located in the southern part of the site. The land slopes downhill away from Botley Road.
- 2.3 The site is located outside of the defined Urban Settlement Boundary, the urban area being approximately 200 metres away at its closest point to the east (as the crow flies). To the immediate north of the application site, separated by a mature boundary hedgerow, is Burr ridge Recreation Ground and Burr ridge Village Hall.
- 2.4 The northern part of the site lies within an Area of Special Landscape Quality (ASLQ) as defined within the adopted local plan.
- 2.5 An existing private track into the southern part of the site from Burr ridge Road is not included within the red edge of the application site.

3.0 Description of Proposal

- 3.1 The outline planning permission granted on appeal was with all matters reserved. This current application therefore seeks approval of those reserved matters which comprise the scale, appearance and layout of the development, the means of access and how the development would be landscaped.
- 3.2 The application, made by Cala Homes, proposes 38 new homes in a range of 1 & 2 bedroom flats and 2, 3, 4 & 5 bedroom houses. The four flats are to be provided as social rented units as would one of the 3 bedroom houses and two of the 4 bedroom houses. A total of eight houses would be provided for shared ownership leaving twenty-three 3, 4 & 5 bed houses for sale on the private market.
- 3.3 The existing access to the farm is proposed to be retained to provide access to a communal parking court serving units 1 – 8 as well as providing three parking spaces for the retained farmhouse itself. The flats at units 1 – 4

would take the form of a new two storey building which has been designed to reflect the existing barn which currently stands in that part of the farmyard. A footpath would link the parking court with the main part of the development.

- 3.4 A new vehicular and pedestrian access would be formed within the eastern boundary of the site just north of the existing farmhouse. The road would be 5.5 metres wide to begin with 2.0 metre wide footways on either side before narrowing to a shared surface for all highway users varying in width between 3.8 – 5.5 metres.
- 3.5 In the northern part of the site areas of public open space would be created. 'The Green' would provide an area of greenspace along the boundary with the adjacent Burrige Road recreation ground. A new gated link through the boundary to the existing play area would be provided. An area labelled 'The Meadow' would lie to the south of a paddock which lies outside of the red-edged application site between it and the recreation ground to the north. A further area of greenspace to the west would be located around the attenuation pond.
- 3.6 The housing is arranged along the main spine road with two short roads leading off its western side before the road culminates in a cul-de-sac at the southern end of the site. The dwellings are all proposed to be two storey in scale and the majority are detached homes with four pairs of semi-detached houses proposed and a short terrace of three houses along the southern boundary.
- 3.7 The proposals show the majority of trees around the perimeter of the site would be retained. A planted buffer would be provided along the site's western boundary.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Local Plan 2037

- DS3 – Landscape
- NE6 – Trees, Woodland and Hedgerows
- NE10 – Protection & Provision of Open Space
- TIN1 – Sustainable Transport
- TIN2 – Highway Safety and Road Network
- D1 - High Quality Design and Placemaking
- D2 - Ensuring Good Environmental Conditions
- D5 – Internal Space Standards

Other Documents:

National Planning Policy Framework (NPPF) 2021

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

Residential Car & Cycle Parking Standards Supplementary Planning Document (SPD) 2009

5.0 *Relevant Planning History*

5.1 The following planning history is relevant:

P/20/0506/OA	Demolition Of Agricultural Buildings And Erection Of Up To 38 Dwellings With Associated Landscaping And Access
REFUSE	16 th October 2020
APPEAL	6 th June 2022
ALLOWED	

6.0 *Representations*

6.1 Three letters of objection have been received raising the following concerns relevant to the determination of this application for reserved matters:

- Number of dwellings is too high
- Terraced houses not in keeping with area
- Alleyway to the rear of plot 24 provides potential hiding place for intruders
- Boundary treatment specification too vague
- Location of drainage ditches and retaining walls
- Badgers are believed to be on the site

6.2 In addition to the above, a letter has been received from the Burridge & Swanwick Residents Association with the following points:

- Small plot sizes due to site constraints – number of dwellings should be reduced
- Some houses too large for their plots
- Alleyways provide opportunities for intruders
- Buffer zone creates a security vulnerability for some plots
- House at plot 20 is very close to boundary
- Boundary fencing must be durable
- Drainage specifications
- No details on street lighting or a construction management plan

7.0 Consultations

EXTERNAL

Hampshire County Council – Highways (final comments awaited)

- 7.1 *Access arrangements* - The access proposals were agreed to in principle at the outline planning application stage as stated above and can be viewed via planning application P/20/0506/OA. Site access plan no. ITB18493-GA Rev D has been submitted and visibility splays at the proposed junction are drawn at 2.4 metres by 74 (0.3 metre offset) north of the proposed access and 2.4 metres by 52 metres (0.3 metre offset) south. These splays have been based on 85th percentile speeds recorded on Wednesday the 19th of April 2023 and are considered acceptable.
- 7.2 Visibility at the existing access has been provided as requested by the Highway Authority at the pre-application stage and is shown on access drawing no. ITB18493-GA Rev A. For vehicle crossovers in accordance with Hampshire County Council's technical guidance document, the x and y-distances can be based on the design speed of the adjacent road. For a vehicle crossover adjacent to a 30mph road the x and y distances are expected to be 2.0 metres by 43 metres and drawn to the wheel track edge. As shown on the above plan, visibility at the access falls short of those standards being drawn 2.0 metres by 38 metres to the centreline of the carriageway. It has however been agreed to at the pre-application stage that the existing access, of which will only serve the four flats and parking for four further dwellings, is considered suitable to serve this small element of development. The number of trips expected to be generated with this section of development is estimated to be lower than existing situation. Coupled with there being no existing safety issue within the vicinity of the site access (as confirmed by the submitted Personal Injury Accident Data), the existing situation that is to serve this part of the new development is considered acceptable in this instance.
- 7.3 *Internal layout* - The internal spine road is shown to be measured at 5.5 metres along the initial 45 metres of the road and is flanked by two 2.0 metre footways either side of the carriageway. North of the carriageway, a footway appears to extend north linking the development with the nearby recreation ground and west, across the track to the field gate towards the attenuation pond.
- 7.4 For the remaining length along the majority of the main spine road through the site (beyond plot 7) a shared surface arrangement is proposed. A shared surface approach is not agreed in this instance given the length and geometry of the main spine road which offers little deflection to reduce speeds, although

it is noted there is narrowing at places. Residents living on plots directly adjacent to the main spine road have access from their properties directly onto the carriageway, there is little separation here which is a concern. The narrowing of the carriageway is a cause of concern, pedestrians would have to navigate around the narrowing and by doing so will potentially put themselves into conflict with vehicles that have to move over following the kerb line. It is unclear as to how pedestrians will move through the narrowing and whether vehicles will naturally give way to pedestrians. It is requested the applicant provide a 2.0 metre footway along the main spine road to provide that separation in order to reduce the conflict within the site between pedestrians and vehicles.

- 7.5 It is requested the applicant confirm the reasoning behind the narrowing as a 3.8 metre width may not be narrow enough to deter two cars from attempting to pass one another if in the event they were to meet which would be a cause of conflict and end up with one overrunning the kerb line edge. With regards to the introduction of a 2.0 metre footway, the applicant must detail formal uncontrolled pedestrian crossings at desire lines throughout the development and provide satisfactory visibility from these crossings.

Hampshire County Council – Lead Local Flood Authority

- 7.6 A holding objection initially raised related to the land drainage systems connecting into the surface water drainage system. This has now been rectified, with much of the property level land drainage being removed and the cutoff drain on the site boundary now discharging to a separate location to the surface water system. The discharge for the land drainage system is not directly into a ditch, rather it discharges over land at the point of the red line boundary, set back from the ditch. This is not advisable, mainly because it is not clear whether this is discharging over third-party land and whether this is acceptable to the possible landowner. It may cause damage or flooding to the land and may easily be lost to a lack of maintenance.

Hampshire Constabulary – Designing Out Crime Officer

- 7.7 From the plans it appears possible to access the side elevations of plot numbers 26, 30, 31 and 38 from the public realm. This increases the opportunities for crime and disorder, especially if ground floor windows are present within the elevation. To reduce the opportunities for crime and disorder an area of defensible space (garden) must be provided along this elevation. The garden should be enclosed by a robust boundary treatment at least 1m high. Hampshire and Isle of Wight Constabulary cannot support this application if the dwellings do not have this basic level of protection.
- 7.8 Some acquisitive crimes such as burglary and theft are often facilitated by easy access to the rear of the dwelling. For plot numbers 5 to 8 external rear

garden access is via a communal rear access footpath and from a rear parking area. This increases the opportunities for crime and disorder. To reduce the opportunities for crime and disorder external rear garden access should be in curtilage. However, if the Local Planning Authority are minded to consent to a scheme with such rear garden access arrangements; we would ask that each rear garden access gate is fitted with a key operated lock that can be operated from both sides of the gate. The lock must be designed for exterior use.

INTERNAL

Trees

- 7.9 No objections. The development proposals will have no significant adverse impact on the contribution of the trees to the public amenity or the character of the wider setting.

Housing

- 7.10 The applicant has engaged in pre-application discussions with Fareham Housing prior to the submission of this application.
- 7.11 *Quantum* - The Unilateral Undertaking (UU) submitted by the landowner at the appeal and which accompanies the outline planning permission requires 40% affordable housing, which equates to 15.2 units. The applicant is offering 15 units for on-site affordable housing. The remainder (0.2 of a unit) is required as a financial contribution. The calculation for this is detailed in the UU. The UU also details the mix of sizes and tenures required on site, with 65% of the affordable units as affordable/ social rent and 35% an intermediate tenure. The applicant has submitted an Affordable Housing Covering Letter to request a change to this mix of sizes and tenures. The applicants offer is for 45% of the affordable housing units to be for rent and 55% to be for shared ownership. This change in tenure % will allow the applicant to offer all of the rented units as social rent, the most affordable rented product. The applicant is also offering an increase in 4 bed houses for social rent compared to the UU.
- 7.12 Paragraph 5.41 of the Fareham Local Plan 2037 states that individual sites should closely reflect the housing need. The local housing need in this area has been considered to provide the following comments. The inclusion of social rent by the applicant is welcomed. It is understood that to provide social rent, the balance of rent/shared ownership requires some adjustment, and this is accepted in order for the site to best meet local affordable housing need. It is welcomed that all of the 2 bed accommodation is for 4 persons. The 2 bed 4 person maisonettes will have their own front door and access to their own private garden, enabling these units to be suitable for families with children.

The applicant has also offered the majority of the 3 bedroom homes as 6 persons, which again is welcomed, especially in the rented unit to allow flexibility of accommodation. The offer could be improved with the inclusion of a larger 4 bed unit (7/8 persons) for social rent, to meet the housing need for the larger families on the Council's housing register.

- 7.13 *Distribution* - Paragraph 1.7 of the UU requires homes to be seamlessly integrated and distributed throughout the site and outwardly indistinguishable from open market units. The National Planning Policy Framework promotes inclusive communities which enable informal social interaction between members of the community who may not usually come into contact with each other. Mixed tenure developments, with a range of property types and sizes, and a thoughtfully designed street layout, can allow for this. The National Design Guide promotes socially inclusive spaces, and maximising social interaction through layout, form, and appearance (paragraph 119). This is reflected in Paragraph 11.24 of the Fareham Local Plan 2037; well designed places have an integrated mix of tenures. The placement of affordable plots 16-19 and 23-25 enable social interaction across tenures through their placement in an accessible location to all tenures, opposite and adjacent to market homes with similar parking arrangements.
- 7.14 The location of affordable plots 1-8 have been subject to significant pre-application discussion. Segregated affordable housing clusters with their own access, limit the likelihood of informal resident interaction across tenures. It is understood that this part of the site utilises an existing separate access and the design of the building for plots 1-4 accommodates the size of homes which meet an affordable housing need. It is also noted that a widened path has been provided to link plots 1-4 and the parking court for plots 1-8 to the main site. The addition of market houses as plots 5-8 would have increased the tenure mix in this part of the site and due to the car parking arrangements would have enabled social interactions across tenures here. Plots 6-8 are shared ownership homes which provide some mix of affordable tenures in this area (plots 1-5 social rent). Plots 5-7, whilst being at the front of the site and opposite the green, are not opposite or adjacent to market homes. There are significant areas of the site without any affordable homes.
- 7.15 The affordable homes appear to have a noticeably different external appearance to the market homes. Further demonstration as to how the affordable homes will be outwardly indistinguishable from the open market units is requested.
- 7.16 *Conclusion* - The requested amendment to the mix and tenure of affordable homes is acceptable to allow for social rent on this site and to provide a range of accommodation types and sizes. The applicant has sought to make many

of the changes discussed prior to the submission of this application, to help meet the affordable housing need identified. The placement and appearance of the affordable housing could be improved in order to be seamlessly integrated and distributed throughout the site and outwardly indistinguishable from open market units.

Ecologist

- 7.17 The submitted DORMOUSE SURVEY REPORT by Hankinson Duckett Associates (October 2023) confirms that dormouse nest tube checks were carried out between May and October and no evidence of dormice was found on any of the survey visits. Therefore, I am satisfied that the proposals will not have any adverse impact on this species.
- 7.18 The BADGER SURVEY REPORT by Hankinson Duckett Associates (May 2023) states that a badger walkover survey was carried out in February 2023 and a disused outlier sett was recorded in close vicinity to the site. Further information was submitted on 7th September 2023 in justification for the 'disused' status of the sett. It was confirmed that during two visits in May 2023, no evidence of badger activity was noted; however in August 2023, the sett was in active use by badgers and subsequently the sett was re-classified as an active outlying sett. A number of avoidance and mitigation measures has therefore been recommended which is acceptable.
- 7.19 Previously, it was stated that full results of the bat survey work was outstanding. In response, a BAT SURVEY REPORT by Hankinson Duckett Associates dated September 2023 has been issued. This confirms that an individual common pipistrelle was found roosting within one of the buildings on site (a non-breeding day roost of an individual common pipistrelle). The proposed mitigation in the form of temporary replacement roost in the form of a bat box, permanent replacement roost in the form of integrated bat boxes, timing of the works, presence of a supervising ecologist, etc. are acceptable and therefore I have no concerns in relation to roosting bats.
- 7.20 The submitted REPTILE SURVEY REPORT AND MITIGATION STRATEGY (Hankinson Duckett Associates, July 2023) confirms the presence of a 'good' population of slow worms on site. The proposed mitigation in the form of habitat manipulation is acceptable.
- 7.21 The submitted Biodiversity Enhancement and Protection Plan is also satisfactory, along with the Landscape Strategy Plan.
- 7.22 Therefore, if you were minded to grant permission, I recommend that the measures detailed in the following ecology reports are secured via a planning

condition, to ensure the implementation of the approved avoidance, mitigation, compensation and enhancement measures.

8.0 *Planning Considerations*

8.1 Outline planning permission was granted on appeal in June 2022. The outline planning permission establishes the principle of constructing up to 38 dwellings on this site. Members are now being formally requested to consider the manner in which the houses are accessed, laid out on the site, landscaped and designed.

a) Access

8.2 During the course of the application being considered, the applicant has provided further information and a response to comments made by the Highway Authority Hampshire County Council to resolve various minor matters and provide points of clarification. The comments provided at paragraphs 7.1 – 7.5 above by the Highway Authority set out the County Council's position in relation to two other matters concerning access arrangements into the site and the internal layout of the development.

8.3 With regards the access arrangements, the Highway Authority have advised that re-using the existing vehicular crossover to the farmyard to provide access to the parking court for units 1 – 8 is considered acceptable in highway safety terms. It is acknowledged that the visibility splays available for vehicles exiting the site at this point are slightly below the standard normally sought. However, the number of vehicle movements associated with the proposed use of this access is anticipated to be less than the existing use generates currently and there is no existing safety issue according to the accident data provided. As a result the Highway Authority have raised no objection.

8.4 The new access north of the retained farmhouse is proposed as a bell mouth junction which would provide visibility splays of 52 metres southwards and 74 metres northwards. These splays are considered acceptable. Pedestrian access into the site would be predominantly via this new junction however there is a footpath connecting the parking court for units 1 – 8 with the rest of the development which may also be used. One further connection for pedestrians is proposed at the site's northern boundary through to the adjacent recreation ground and play area. This connection is considered appropriate given that it would avoid the need for residents to walk back onto Botley Road and use the narrow footpath northwards.

b) Layout and landscaping

- 8.5 The layout of the development has been produced following pre-application planning discussions and further dialogue during the consideration of the application between the applicant and Officers, including the Council's urban designer. The final proposed layout features a shared surface which avoids the need for a standard suburban arrangement with separate footpaths and carriageways. This approach will give the development a feel more like a rural lane and more befitting of the site's edge of settlement location on the fringes of Burridge village. Ample sized front gardens and frontage boundaries consisting of native hedgerows are proposed along with street trees incorporated into grass verges to further soften the appearance of the development and minimise the urbanising effect of the housing.
- 8.6 The Highway Authority have raised concerns over the use of a shared surface in this way. They are of the view that the length and alignment of the road would offer little to reduce speeds. They do note that there is narrowing at certain points but consider this likely to result in pedestrians having to navigate these 'pinch points' putting themselves into conflict with vehicles.
- 8.7 In response the applicant's own highway consultants have highlighted that the government's guidance in Manual for Streets (MfS) states that shared surfaces are likely to work well in areas such as this when a number of factors are taken into account. Firstly, they say, where the volume of traffic is below 100 vehicles per hour (in this instance the peak hour traffic estimates along the estate road are predicted, at the most, for 18 traffic movements). Secondly, where the shared surfaces are in short lengths or where they form a cul-de-sac (the applicant says their street design includes natural deflection and uses horizontal narrowings which, at 3.8m, are wide enough to support a vehicle and pedestrian passing one another). Lastly, where parking is controlled or takes place in dedicated spaces (in this instance all dwellings have allocated off-street parking spaces in accordance with the Council's adopted Residential Car & Cycle Parking Standards SPD and a further eight visitor spaces are provided in dedicated spaces).
- 8.8 Officers have carefully considered the advice from the Highway Authority and the applicant's proposals, which follow the edge of settlement design approach advocated by Officers during pre-application discussions. The applicant has further pointed out that an independent Road Safety Audit has been carried out and considers the proposals, including the shared surface arrangement, and raises no concerns with the principles of the street design. Whilst the concerns of the Highway Authority are noted, Officers consider the shared surface proposals to be acceptable.

- 8.9 The proposal provides ample amenity space for each of the new homes. The prevailing pattern of the development would result in plot sizes typically smaller than the surrounding area. The Planning Inspector noted that the development would not reflect the surrounding pattern of development in the area but granted outline planning permission after considering that the benefits of the scheme, including the number of houses being provided, were not outweighed by the harm caused. The layout has been proposed accordingly and Officers are satisfied that, whilst not in keeping with the character of Burrige village, the development would not appear unduly cramped and dwellings would be set in reasonable sized plots with appropriately landscaped frontages and streetscene so as to retain an 'edge of settlement' character. Acceptable separation distances are allowed for within the layout to ensure good levels of privacy and amenity for residents. There are no materially harmful impacts on the living conditions of existing neighbouring properties likely to arise from the proposed development.
- 8.10 The provision of areas of open space along the northern edge of the development is a welcome inclusion especially as there is no policy requirement for such open space given the modest size of the development. The layout of this open space complements the layout of the houses in facing out towards the retained paddock and provides connectivity with the adjacent recreation ground. The provision of open space in this part of the site also ensures that the majority of the housing proposed is on parts of the site which either lie outside of the Area of Special Landscape Quality designation or where existing farm building are currently sited thereby minimising the urbanising effects on the landscape.
- 8.11 The proposed buffer along the western edge of the development provides space for appropriate planting and habitat creation. Officers note the comments made by the police Designing Out Crime Officer with regards this area however the buffer is not intended to be an area of public open space and access will be for maintenance purposes only. The buffer is to be planted with a combination of native coppice planting and underplanting to protect the woodland edge and increase biodiversity. The adjacent gardens will have high level boundary fencing to provide security to those properties but in a few places where the buffer abuts the public realm a lower-level post and rail fence is proposed to provide a more satisfactory appearance to the development and to allow access to the buffer for maintenance purposes. Officers do not consider this likely to be a significant security issue for those adjacent homeowners in the future.
- 8.12 Concern has also been raised by the police Designing Out Crime Officer regarding the relative ease of access to the rear of plots 5 – 8 from the parking courtyard to the rear of those properties. Given that parking spaces

for these properties are located in the parking courtyard then it is important to retain easy access. However, the comments made by the police are noted and as a result Officers have ensured that the area of concern is appropriately overlooked from the ground floor flat at unit 1 which has its main elevation (including three habitable room windows) facing on to the rear garden boundaries for plots 5 – 8. A planning condition securing, amongst other things, details of the make up of the parking courtyard and external lighting in that area is also recommended. Furthermore, the developer and/or future owner/occupiers are able to fit key operated locks to the garden gates if they wish to add the additional security measures recommended by the police.

c) Scale and appearance

- 8.13 The two storey scale of the development is in keeping with that of the surrounding area and considered appropriate for the site. Officers recommend that a planning condition be used to remove permitted development rights for additions to the roofs of dwellings, which for example would prevent dormer windows being added, to ensure that this remains the case in future.
- 8.14 The dwellings themselves have been designed to a high architectural standard in a diverse, traditional style. A range of materials are proposed to be used providing visual interest and a greater degree of individualism to the properties. The exact details of the materials to be used is recommended to be the subject of a planning condition.
- 8.15 The application is accompanied by a series of drawings showing how levels on the site would be altered as part of the development. There are some areas of significant level differences between plots and adjacent land meaning the inclusion of engineering features such as retaining walls and terraced gardens in some areas of the site. Officers have worked with the developer to minimise the impact of those features so as not to harm the appearance of the development and to ensure acceptable living conditions for residents.

d) Affordable housing

- 8.16 As set out in the introduction to this report, the Section 106 unilateral undertaking submitted with the appeal, sets out the required level of affordable housing to be provided on site including the type, size and tenure of each unit. The differences between the affordable housing secured in the Section 106 and what is now being proposed is set out above in the comments from the Council's Housing Officer at paragraphs 7.11 – 7.16 of this report. Officers consider the changes to the affordable housing provision to be acceptable having regard to the advice from the Council's Housing

Officer on this including the locally identified need for affordable housing. If Members agree to the changes to the affordable housing provision, a deed of variation to the Unilateral Undertaking will be needed to ensure consistency with this reserved matters.

8.17 As proposed, plots 1 – 8 form a cluster of social rented/shared ownership units with their own vehicular and pedestrian access to the site. Whilst Officers would have preferred such an area to have featured a mixture of private and affordable tenures, it is recognised that there are a number of reasons why this is not practical in this particular instance. These include the design response to replacing the existing farmyard barn with a similar style building which lends itself more to providing the social rent flats.

8.18 Officers further note that, when compared to the private market housing on the site, the affordable housing proposed is identifiable as such by virtue of the fact that all of the detached houses proposed are for private purchase whilst all of the semi-detached houses, terraces and apartments are affordable products. Notwithstanding this, Officers acknowledge that the submitted building materials plan indicates that the same palette of materials is to be used across the development. Should Members be minded to grant approval, a planning condition securing details of materials to be used is recommended. This, in combination with the landscaping scheme which does not differentiate between private and affordable units in terms of the planting proposed, should ensure that the degree to which affordable housing on the site can be distinguished will be satisfactorily minimised.

e) Other matters

8.19 The outline planning permission granted on appeal contains a number of planning conditions to be satisfied. Condition 5 requires a scheme for the protection of biodiversity interests on the site to be submitted which is a separate matter aside from this application for reserved matters. Notwithstanding, the applicant has provided information to support the proposed layout in the form of ecology reports relating to badgers, dormice and bats and the Council's ecologist has raised no concerns that would likely lead to changes needing to be made to the reserved matters proposals.

8.20 Another condition imposed on the outline permission is condition 7 which requires a detailed surface water drainage scheme including a timetable for its delivery and a scheme for future maintenance. Details of this surface water drainage scheme may be submitted separately from this reserved matters application, however as with ecology matters the applicant has submitted a Flood Risk Assessment and Drainage Strategy with this application. The local lead flood authority Hampshire County Council have raised a concern

regarding the location of the discharge for the land drainage system. This issue will need rectifying before approval of the surface water drainage scheme can be given however there is nothing to suggest that this would involve any material changes to the details submitted in relation to this reserved matters application in relation to access, layout, scale, appearance and landscaping or that it would prevent Members from approving those details if so minded.

f) Conclusion

- 8.21 The proposal provides a well-designed scheme of 38 dwellings which Officers consider responds well to the application site's edge of settlement context. The means of access, layout, scale, appearance and landscaping of the development are considered acceptable subject to consideration of any further comments from consultees. A number of planning conditions are recommended to be included on the approval which would complement the conditions imposed by the Planning Inspector when outline planning permission was granted. Lastly, Members are recommended to approve a deed of variation to the Unilateral Undertaking submitted with outline planning permission allowed on appeal, to ensure that the affordable housing provision is consistent with this reserved matters.

9.0 Recommendation

9.1 Subject to:

- i) The consideration of any further comments received from the Highway Authority Hampshire County Council;

THEN

9.2 APPROVE reserved matters subject to the following conditions:

1. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:
 - a) Site Location Plan – 7333 PL01 P1
 - b) Detailed Site Layout - Sheet 1 - 7333 PL04 P7
 - c) Detailed Site Layout - Sheet 2 - 7333 PL05 P8
 - d) Proposed Tenure Layout - 7333 PL08 P8
 - e) Building Types Plan - 7333 PL10 P7
 - f) Boundary Treatment Plan 1 of 3 - DD608L06 C
 - g) Boundary Treatment Plan 2 of 3 - DD608L07 C
 - h) Boundary Treatment Plan 3 of 3 - DD608L08 B
 - i) External Levels Sheet 1 - 00408-FRH-XX-XX-DR-C-2100 P08
 - j) External Levels Sheet 2 - 00408-FRH-XX-XX-DR-C-2101 P08

- k) External Levels Sheet 3 - 00408-FRH-XX-XX-DR-C-2102 P08
- l) Building Materials Plan - 7333 PL06 P10
- m) Landscape Strategy - DD608L01 E
- n) Planting Strategy Sheet 1 of 3 - DD608L02 C
- o) Planting Strategy Sheet 2 of 3- DD608L03 D
- p) Planting Strategy Sheet 3 of 3- DD608L04 C
- q) Planting Lists & Planting Bed Matrix - DD608L05 B
- r) Self Binding Gravel Footpath - DD608D02
- s) Proposed Access Arrangements – ITB18493-GA-001 rev D within the Transport Statement
- t) Internal site layout visibility analysis and street geometry – ITB18493-GA-006 rev G within the Transport Statement Addendum
- u) Priority Signage and Narrowings Plan – ITB18493-GA-019 within the Transport Statement Addendum
- v) Arboricultural Impact Assessment
- w) Arboricultural Review - Levels Strategy
- x) Section through Ecological Buffer - DD608I01
- y) Proposed Plans and Elevations - Type G1 - 7333 PL25 P4
- z) Proposed Plans and Elevations - Type F1, I1 - 7333 PL26 P3
- aa) Proposed Plans and Elevations - Type E2,F2,H1 - 7333 PL24 P3
- bb) Proposed Plans and Elevations - Type E1 - 7333 PL23 P3
- cc) Proposed Plans and Elevations - Type D1,D2 - 7333 PL22 P4
- dd) Proposed Plans and Elevations - Type B1,B2,C1 - 7333 PL21 P3
- ee) Proposed Plans and Elevations - Type A1,A2,A3 - 7333 PL20 P5
- ff) Proposed Plans and Elevations - Garages - 7333 PL29 P4
- gg) Proposed Plans and Elevations - Double Garage, Cart Port, Garage, Hybrid - 7333 PL028 P3
- hh) Proposed Plans and Elevations - Apartments - 7333 PL27 P5
- ii) REPTILE SURVEY REPORT AND MITIGATION STRATEGY (Hankinson Duckett Associates, July 2023)
- jj) BAT SURVEY REPORT (Hankinson Duckett Associates, September 2023)
- kk) REPTILE SURVEY REPORT AND MITIGATION STRATEGY (Hankinson Duckett Associates, July 2023)
- ll) Technical note (Hankinson Duckett Associates, 7th September 2023), in relation to badgers

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

2. No development hereby permitted shall commence until a desk top study of the former uses of the site land and their potential for contamination has been submitted to and approved in writing by the Local Planning Authority (LPA).

Should the submitted study reveal a potential for contamination, intrusive site investigation and risk assessments shall be carried out, including the risks posed to human health, the building fabric and the wider environment such as water resources, and where the site investigation and risk assessment reveal a risk to receptors, a detailed scheme for remedial works to address these risks and ensure the site is suitable for the proposed use shall be submitted to and approved by the LPA in writing.

The presence of any unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the LPA. This shall be investigated to assess the risks to human health and the wider environment and a remediation scheme implemented following written approval by the LPA. The approved scheme for remediation works shall be fully implemented before the permitted development is first occupied or brought into use.

On completion of the remediation works and prior to the occupation of any properties on the development, the developers and/or their approved agent shall confirm in writing that the works have been completed in full and in accordance with the approved scheme.

REASON: To ensure that any contamination of the site is properly taken into account before development takes place. The details secured by this condition are considered essential to be agreed prior to the commencement of the development on the site to ensure adequate mitigation against land contamination on human health.

3. No development, with the exception of clearance and demolition works, shall take place until details of the width, alignment, gradient and type of construction proposed for all roads, footways and accesses (and including, for the avoidance of doubt, the parking courtyard serving plots 1 – 8), including all relevant horizontal and longitudinal cross sections showing the existing and proposed ground levels, together with details of street lighting, 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 by the Local Planning Authority in writing. The development shall be subsequently carried out in accordance with the approved details.

REASON: To ensure that the roads are constructed to a satisfactory standard and in the interests of deterring crime and anti-social behaviour. 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.

4. No development shall commence until the measures of tree and hedgerow protection shown in the approved “Arboricultural Impact Assessment” and “Arboricultural Review - Levels Strategy” have been implemented and these measures shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site.

REASON: To ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

5. No development hereby permitted shall proceed beyond damp proof course level until details, including product specification and finish (and samples where requested by the Local Planning Authority) of all proposed external facing materials have been submitted to and approved by the Local Planning Authority in writing. The submitted details shall be in accordance with the general specification shown in approved drawing “Building Materials Plan - 7333 PL06 P10”. The development shall be carried out in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development.

6. No development hereby permitted shall proceed beyond damp proof course level until details, including product specification and finish (and samples where requested by the Local Planning Authority) of the hardsurfacing materials to be used in the construction of the block paved roads and driveways, visitor and communal parking areas and private front garden footpaths have been submitted to and approved by the Local Planning Authority in writing. The submitted details shall be in accordance with the general specification shown in approved drawing “Landscape Strategy - DD608L01 E”. The development shall be carried out in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development.

7. No development hereby permitted shall proceed beyond damp proof course level until details of the scale and external appearance of the substation shown on the approved “Detailed Site Layout - Sheet 2 - 7333

PL05 P8” 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.

8. No development hereby permitted shall proceed beyond damp proof course level until details of the scale and external appearance of the cycle stores shown on the approved drawings “Detailed Site Layout - Sheet 1 - 7333 PL04 P7” and “Detailed Site Layout - Sheet 2 - 7333 PL05 P8” 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; To ensure satisfactory provision of storage for cycles.

9. No development hereby permitted shall proceed beyond damp proof course level until details of the scale and external appearance of the bin/bike store shown on the approved “Detailed Site Layout - Sheet 2 - 7333 PL05 P8” (at the entrance to the site from Botley Road labelled “Existing access to flats maintained”) 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; To ensure satisfactory provision of storage for bins and cycles.

10. The development hereby approved shall be carried out in full accordance with the measures set out at Section 5 of the approved “Reptile Survey and Mitigation Strategy” and Section 5 of the approved “Bat Survey Report”.

None of the development hereby approved shall be first occupied until any enhancements set out within those documents have been fully implemented. These enhancement measures shall be subsequently retained.

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

11. The landscaping scheme shown on the approved drawings “Planting Strategy Sheet 1 of 3 - DD608L02 C”, “Planting Strategy Sheet 2 of 3- DD608L03 D”, “Planting Strategy Sheet 3 of 3- DD608L04 C” and

“Planting Lists & Planting Bed Matrix - DD608L05 B” 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.

12. No dwelling hereby approved shall be occupied until the boundary treatment related to that dwelling shown on the approved drawings “Boundary Treatment Plan 1 of 3 - DD608L06 C”, “Boundary Treatment Plan 2 of 3 - DD608L07 C” and “Boundary Treatment Plan 3 of 3 - DD608L08 B” has been fully implemented. The boundary treatment 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.

13. None of the development hereby approved shall be occupied until all means of access shown on the approved drawing “Proposed Access Arrangements – ITB18493-GA-001 Rev D”, all priority signage and narrowing measures shown on the approved drawing “Priority Signage and Narrowings Plan – ITB18493-GA-019 within the Transport Statement Addendum” and all visibility and forward visibility splays shown on the approved drawing “Internal site layout visibility analysis and street geometry – ITB18493-GA-006 rev G within the Transport Statement Addendum” have been fully provided in accordance with the approved details. The accesses, priority signage and narrowing measures shall be subsequently retained. The visibility and forward visibility splays shall be subsequently retained and kept clear of obstructions (nothing over 0.6m in height) at all times.

REASON: In the interests of highway safety.

14. None of the development hereby approved shall be occupied until details of the management and maintenance of the public open space being provided as part of the development hereby permitted have been

submitted to and approved by the Local Planning Authority in writing. The public open space shall thereafter be managed and maintained in accordance with the approved details.

REASON: To ensure the satisfactory appearance of the development and appropriate management and maintenance of areas of public open space.

15. Notwithstanding the provisions of Classes B, E and F 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), none of the following works shall be carried out unless first agreed in writing with the Local Planning Authority following the submission of a planning application:

- a) The enlargement of any dwellinghouse hereby permitted consisting of an addition to its roof;
- b) The provision of a hard surfaced area forward of the principal elevation of any dwellinghouse hereby permitted (with the exception of the private driveways and footpaths hereby approved as shown on the approved drawing "Landscape Strategy - DD608L01 E");
- c) The provision of a building within the rear garden of any of the dwellinghouses on plots 10 - 25 hereby permitted.

REASON: To protect the outlook and privacy of the adjacent residents; The proposed development would be likely to increase the number of bedrooms at the property resulting in inadequate on site car parking; To protect the character and appearance of the locality; To ensure the impacts on nearby trees are taken into account.

16. The first floor windows proposed to be inserted into the northern elevation of the dwelling on plot 26 and the eastern elevation of the dwelling on plot 37 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.

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

REASON: To ensure adequate car parking provision.

18. No dwelling hereby approved shall be first occupied until the three car parking spaces marked "ex." on the approved drawing "Detailed Site Layout - Sheet 2 - 7333 PL05 P8" have been constructed in accordance with the approved details and provided for exclusive use by occupants of the adjacent property 285 Botley Road. These parking spaces shall thereafter be kept available for the parking of vehicles by occupants of 285 Botley Road unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure adequate parking provision for 285 Botley Road.

THEN

9.3 DELEGATE authority to the Head of Development Management to make any necessary modification, deletion or addition to the proposed conditions.

THEN

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

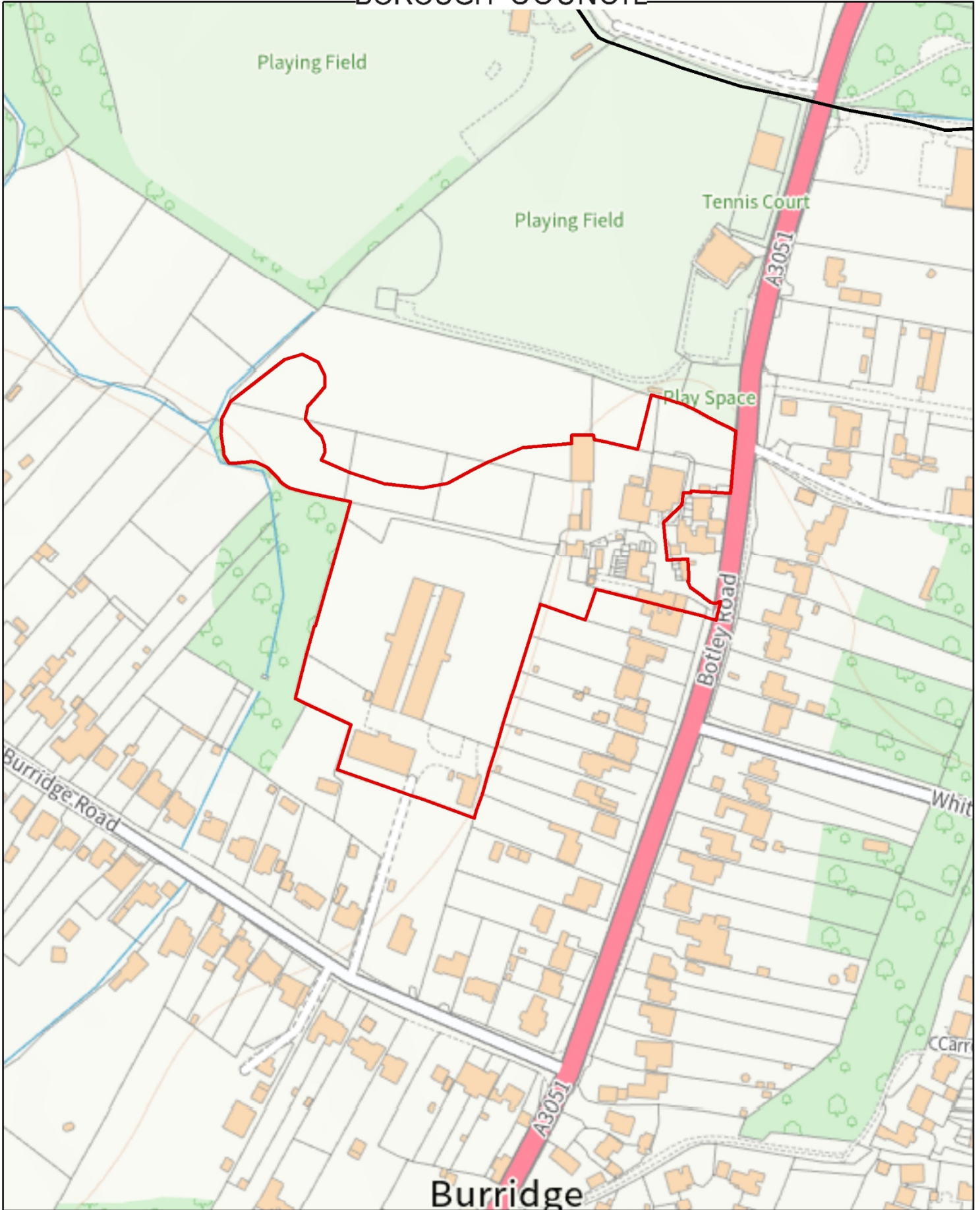
a) To vary the obligation relating to affordable housing provision so as to be consistent with this Reserved Matters approval.

10.0 Background Papers

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

FAREHAM

BOROUGH COUNCIL



EYERSDOWN FARM QUARANTINE KENNELS
285 BOTLEY ROAD, BURRIDGE

Scale 1:2,500



<p style="text-align: center;">ZONE 2 – FAREHAM Fareham North-West Fareham West Fareham North Fareham East Fareham South</p>
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REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/23/1008/FP FAREHAM NORTH	LAND BETWEEN AND TO THE REAR OF 100 & 102 KILN ROAD FAREHAM DEMOLITION OF EXISTING EQUESTRIAN STABLES AND ERECTION OF 1NO. SELF BUILD DWELLING TOGETHER WITH DETACHED GARAGE AND ASSOCIATED INFRASTRUCTURE AND LANDSCAPING.	3 REFUSE

Agenda Item 6(3)

OFFICER REPORT FOR COMMITTEE

DATE: 11/10/2023

P/23/1008/FP
MR HENRY GILES

FAREHAM NORTH
AGENT: BELL CORNWALL LLP

DEMOLITION OF EXISTING EQUESTRIAN STABLES AND ERECTION OF 1NO. SELF BUILD DWELLING TOGETHER WITH DETACHED GARAGE AND ASSOCIATED INFRASTRUCTURE AND LANDSCAPING.

LAND BETWEEN AND TO THE REAR OF 100 & 102 KILN ROAD, FAREHAM

Report By

Lucy Knight – direct dial 01329 824579

1.0 Introduction

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

2.0 Site Description

2.1 The application site is a broadly square shaped parcel of land to the rear of the frontage properties along Kiln Road. The site is accessed along a single track drive between 100 and 102 Kiln Road. The site is used for equestrian purposes currently with a stable building to the south western side of the main site. The land falls from the south to the north towards the M27.

2.3 The site is surrounded to the north and east by land also within the ownership of the applicant. This wider area of land is surrounded by mature trees.

3.0 Description of Proposal

3.1 This application seeks full planning permission for the construction of a two storey, five bedroom, detached, self-build dwelling. The house would be situated centrally within the plot and a detached double garage to the west of the site in the broad location of the existing stable building.

4.0 Policies

4.1 The following policies apply to this application:

Fareham Local Plan Part 3: The Welborne Plan

WEL1 – Sustainable Development

WEL3 – Allocation of Land

WEL4 – Comprehensive Approach

WEL5 – Maintaining Settlement Separation

WEL6 – General Design Principles

WEL7 – Strategic Design Codes
WEL21 – Custom Build Homes
WEL30 – Avoiding and Mitigating the Impact on Internationally Protected Sites and Off-Site Green Infrastructure
WEL32 – Strategic Green Infrastructure Corridors and Connections
WEL37 – Water Efficiency, Supply and Disposal
WEL42 – Safeguarded Land

Adopted Fareham Local Plan 2037

TIN1 – Sustainable Transport
TIN2 – Highway Safety and Road Network
HP1 – New Residential Development
D1 – High Quality Design and Placemaking
D2 – Ensuring Good Environmental Conditions
D3 – Coordination of Development and Piecemeal Proposals

Other Documents:

National Planning Policy Framework (NPPF) 2021
Welborne Design Guidance: Supplementary Planning Document
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/17/0266/OA A new community of up to 6000 dwellings (C3 and C2, including a care home of use class C2) together with a district centre (comprising up to 2,800m² food store retail (A1), up to 2,419m² of non-food retail (A1) and up to 2,571m² of other non-convenience/comparison retail use (A1 - A5)); a village centre (comprising up to 400m² food store retail (A1), up to 1,081m² of non-food retail (A1), a public house (up to 390m² A4 use) and up to 339m² of other non-convenience/comparison retail use (A1 - A5)); up to 30,000m² of commercial and employment space (B1); up to 35,000m² of general industrial use (B2); up to 40,000m² of warehousing space (B8); a hotel (up to 1,030m² C1 use); up to 2,480m² of community uses (D1 and D2); up to 2,200m² ancillary nursery (D1), health centre (D1) and veterinary services (D1); retention of Dean Farmhouse; a secondary school, 3

primary schools; pre-schools; green infrastructure including formal and informal open and amenity space; retention of some existing hedgerows, grassland, woodland areas, allotments, wildlife corridors; all supporting infrastructure; household waste recycling centre; requisite sub-stations; sustainable drainage systems including ponds and water courses; a remodelled M27 J10 including noise barrier(s); works to the A32 including the creation of three highway junctions and new crossing(s); distributor roads (accommodating a Bus Rapid Transit network) and connections to the surrounding cycleway and pedestrian network; car parking to support enhanced use of Dashwood; ground remodelling; any necessary demolition; with all matters reserved for future determination with the exception of the works to M27 J10 and the three highway junctions and related works to the A32.

Approve

30-09-2021

6.0 Representations

6.1 One letter of support has been received from a resident in Funtley.

6.2 Twelve letters of objection from ten different households have been received. Nine are from properties within Kiln Road and one in Titchfield Common who raise the following main issues:

- Destruction of wildlife
- Compromising to electrical substation
- Dangerous narrow access track
- Site is within the Welborne SANG
- Is designated open space
- Would set a precedent for further development
- Overburdened sewage system
- Concerns over view out of window due to reduction of hedges adjacent to access track
- Loss of privacy
- Disruption during construction
- No information provided on drainage of sewage
- Difficult for emergency services to access the site

7.0 Consultations

EXTERNAL

Highways

- 7.1 No objection

Ecology

- 7.2 Awaiting comments.

INTERNAL

Environmental Health

- 7.3 Provided the measures in relation to noise reduction from the nearby motorway are implemented, that is to say the recommended glazing, sound attenuation insulation and ventilation system are implemented to the recommended standard or greater as set out in the noise impact assessment provided by Impact Acoustics, no objections are raised to the application.

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 upon the character and appearance of the area;
- c) Impact upon neighbouring properties;
- d) Highway safety
- e) Ecology;
- f) Impact on Protected Sites
- g) Other matters

a) Principle of Development

- 8.2 The application site lies partly within the boundary of the Local Plan Part 3: The Welborne Plan and partly within the urban area of the Fareham Local Plan 2037.
- 8.3 Only the access between 100 and 102 Kiln Road falls to be considered against the policies of the Fareham Local Plan 2037. For the purposes of this Plan the access is within the urban area.
- 8.4 The proposed dwelling and surrounding gardens, garage and driveway are within the area allocated for the delivery of Welborne. To that end, the Fareham Local Plan Part 3, The Welborne Plan, is relevant. The application site extending within the Welborne allocation area is noted as being within an area identified for potential Suitable Alternative Natural Greenspace (SANG) at Fareham Common in appendix B2 of the Welborne Plan, the Strategic

Framework Diagram and as part of the Settlement Buffer on the Welborne Policy Map.

- 8.5 Taking the site access first, this part of the proposal, as set out above, is within the defined urban area for the purposes of planning policy. The access is to serve a new dwelling. Policy HP1 of the Fareham Local Plan 2037 is accepting of new residential development within the defined Urban Area boundary. The presumption is in favour of development in such cases subject to the assessment of other relevant planning considerations such as amenity and the safety of the access. These matters are considered later in this report, however the principle of an access in this location is considered to be acceptable.
- 8.6 The remainder of the site, to the rear of the properties along Kiln Road, falls within the Welborne Plan allocation. Policy WEL1 of The Welborne Plan states that there will be a presumption in favour of sustainable development and that planning applications that accord with the policies in the Local Plan will be approved without delay unless material considerations indicate otherwise.
- 8.7 Policy WEL3 allocates the land within the Welborne Plan for the delivery of the new community of up to 6,000 homes. Within the Welborne Allocation, the policy map and policy WEL3 (criterion i), identify land between Welborne and the existing settlements of Fareham, Funtley, Knowle and Wickham as settlement buffers for use as open green infrastructure in accordance with Policies WEL5 and WEL29.
- 8.8 Policy WEL4 seeks to ensure that Welborne is delivered comprehensively and states that all planning applications for parts of the Welborne site shall be consistent with the principles of the Strategic Framework Diagram at Appendix B2 of the Welborne Plan. The Strategic Framework Diagram and the Welborne Policy Map (Appendices B2 and B3 of the Welborne Plan) both identify the site as a part of the identified Settlement Buffer at Fareham Common and part of the Site of Alternative Natural Greenspace (SANG) provision.
- 8.9 The supporting text to policy WEL4 considers the matter of third party landholdings within the Welborne Plan boundary; it notes that there are parcels of land within the Welborne allocation that are not under the control of the main site promoters. The application site is one of these such landholdings.
- 8.10 This Council has granted outline planning permission for Welborne (P/17/0266/OA) for Buckland Development Limited (BDL) to deliver Welborne.

The present application site was included within the application site for the Buckland application (P/17/0266/OA), however, the outline planning permission is not dependant on the inclusion of this land in order to deliver Welborne in accordance with the outline permission. Within the outline planning permission the plans refer to the use of the application site as “potential SANGS”.

8.11 Paragraph 3.50 of the Welborne Plan acknowledges that:

“...should these landholdings become available for development, the appropriate use is established by the Strategic Framework (case officer emphasis added). However, individual proposals will be judged on their own merits through the planning application process. Such proposals will be expected to accord with the policy approach within the Strategic Framework and other relevant parts of the Fareham Development Plan and should be consistent with the agreed comprehensive masterplan(s) for Welborne.”

8.12 It is clear, therefore that the Welborne Plan is broadly permissive of the development of this land on the basis that this is within the parameters of the Strategic Framework for Welborne however, each proposal is to be judged on its merits.

8.13 Policy WEL5 states that development proposals at Welborne shall respect and maintain the physical and visual separation of Welborne and its adjoining settlements (Fareham, Funtley, Knowle and Wickham) to protect the individual character and identity of each of these settlements. The application site falls within the North Fareham and Welborne settlement buffer, also known as Fareham Common. The policy directs that development on land included within the settlement buffer allocations will generally be resisted and will only be permitted where:

- i. It does not harm the integrity of the buffer or diminish the physical or visual separation between Welborne and the adjoining settlement, and is either;*
- ii. Consistent with and contributes to the green infrastructure role of that area as set out in Chapter 8 of the Welborne Plan or;*
- iii. Necessary to deliver improvements to the strategic road network.*

Land comprising Fareham Common, between the M27 Motorway and the rear of existing properties on Kiln Road and Potters Avenue, is allocated as a settlement buffer between Welborne and Fareham.

- 8.14 There is a clear conflict with criterion (iii) of policy WEL5 in that the proposal is not needed to deliver strategic road improvements. Consideration of the other criteria is set out below:
- 8.15 The extent of the Welborne Settlement buffers are defined in the policy map within the Welborne Plan. The applicant's agent makes the case that policy WEL5 is not wholly restrictive of development and that some development is permissible given that the policy uses language such as "*...development on land included within the settlement buffer allocations will generally (Case officer emphasis added) be resisted...*"
- 8.16 WEL5 is, however, clear that these exceptions are related to development that does not harm the integrity of the buffer or diminish the separation between Welborne and the adjoining settlement. In this case the linear form of the existing Kiln Road properties forms a very strong defined settlement edge to Fareham. The Kiln Road properties, facing south, with long gardens means that the development of a new two storey building on the application site would be very apparent on the southern edge of the Fareham Common Settlement buffer to Welborne. It is noted that some Kiln Road dwellings have garden outbuildings, however an ancillary outbuilding is very different in scale, siting and level of activity to a new dwelling. This prominence would be furthermore emphasised by the level fall across the site from the south to the north and onwards down towards the M27 (approximately 3m across the site and the land continues to fall to the north beyond the site).
- 8.17 A dwelling in this location would appear at odds with the defined pattern of development along the northern edge of Fareham and would appear, by virtue of its siting, size and position, incongruous in the defined settlement buffer for Welborne.
- 8.18 Furthermore, it would introduce the domestication of an area of paddock land which would bring with it the associated domestic paraphernalia. This would further emphasise the presence of the dwelling within the settlement buffer to the effect that, despite being on the outer edge of the buffer, it would fail to retain the semi-natural open nature of the site. Instead, the domestication of the site would harm its integrity both physically and visually to the detriment of its function in separating the edge of Fareham with Welborne. The proposal conflicts with criterion (i) of policy WEL5.
- 8.19 In support of the Welborne Plan is the Welborne Design Guide SPD. The SPD states that WEL5 sets out the importance of maintaining the separate identities of Welborne and the surrounding communities through the use of settlement buffers. The Design Guidance states that settlement buffers should be of a semi-natural character without any formal structures and that

buffers should demonstrate how the development character in Welborne which would be adjacent to existing settlements will respect the character of those settlements, for example by the use of appropriate urban form, density and layout.

- 8.20 The proposal would introduce formal structures and would not be of a semi-natural character and is therefore, considered to be contrary to the Welborne Design Guidance SPD.
- 8.21 In addition to the two storey form of the house and the clear change in level, the site is identified in the Welborne Plan for the delivery of ecological mitigation in the form of a Site of Alternative Natural Green Space (SANG).
- 8.22 Whilst the application site is not needed as SANG to deliver the outline planning permission granted to Buckland Development Limited, it remains allocated for SANG within the Welborne Plan and is marked as such on the Strategic Framework Diagram and Policy Map in the Welborne Plan. Natural England has guidance on SANG design and this advises that SANGs are required to be perceived as semi-natural spaces. One of the key characteristics is that they should be free from artificial structures.
- 8.23 The outline planning permission for Welborne does not include all of the land within the Welborne allocation. To that end it may be the case that areas of land omitted by the outline planning permission do come forward for development in the future. Such development would need to be in accordance with WEL4 as set out above and accord with the Strategic Framework for the delivery of the new community comprehensively, including strategic areas of green infrastructure. To plan for such circumstances, it is considered sensible that the application site should be safeguarded, in planning policy terms, for future ecological mitigation to ensure the comprehensive development of the new community. To allow the construction of a dwelling in this location would undermine the Strategic Framework of the Welborne Plan as well as detracting from the site against the Natural England SANG design guidance through the introduction of built form in an area that should be semi-natural.
- 8.24 Policy WEL42 of the Welborne Plan allows for such situations. The policy sets out that:

“Where, due to viability or other reasons, any development, facility or infrastructure required by this Plan, on a particular site or area, is delayed and cannot be commenced within the anticipated main phase, or at the time agreed with the Council, the relevant site shall be safeguarded for the intended use”.

8.25 The safeguarded nature of the land extends until the start of work in the fifth main phase of development through this policy. WEL42 continues:

“Planning applications for alternative uses on sites to be released from safeguarding will be permitted where they are appropriately incorporated into the wider development and where the alternative uses proposed are included within an accompanying review of the comprehensive masterplanning for that part of Welborne”.

8.26 The proposed dwelling would not accord with the provisions of WEL42 currently and a dwelling is not part of the delivery of Strategic Green Infrastructure such that the proposal conflicts with criterion (ii) of policy WEL5 also.

8.27 The introduction of a dwelling would not respect the physical and visual separation of Welborne and Fareham and is considered to harm the integrity of the buffer between Welborne and Fareham. It would not contribute to the green infrastructure and is not necessary to deliver improvements to the strategic road network. The principle of the development is therefore unacceptable.

b) Impact upon the character and appearance of the area

8.28 WEL6 states that development at Welborne shall demonstrate how it responds to the landscape setting and character area within which it sits and that the issues of noise, light pollution and air quality have been considered in developing proposals and shall set out the measures necessary to mitigate any likely impacts.

8.29 As described above, there is a defined character of frontage, linear development to Kiln Road. There is no established character of backland development along this part of Kiln Road. As such the siting of a full two storey dwelling finished in white render would appear alien in this context and would fail to respond to the landscape setting of the northern edge of the town.

8.30 Located within the Meadow landscape character area of the Welborne Plan, the Plan also acknowledges that there will be “sub-areas” within the character areas. Para 4.12 of the supporting text to policy WEL6 specifically refers to Fareham Common as:

“... an opportunity to create a green space which is attractive to both Welborne and the adjoining community in North Fareham, complementing its existing ecological interest”.

- 8.31 In addition to the above assessment on the implications of the development on the settlement buffer, the proposal would also result in a form of built development inappropriate in the Fareham Common sub-character area in that it fails to create or contribute towards an attractive green space.
- 8.32 A noise impact assessment has been submitted with the application which details measures to deal with the impact of noise from the M27 motorway to the north of the site. The noise impact assessment details the type of glazing and ventilation that should be used and recommends that a 3 metre high acoustic fence should be used around the site on its northern and eastern elevations. Whilst providing for an acceptable level of amenity for future residents, such a fence would further urbanise this site and appear stark and alien in the semi-rural landscape and further erode the aspirations for this landscape character to be attractive and green. It would appear as an urban creep into the landscape to its detriment.
- 8.33 Whilst the submitted Noise Impact Assessment does not appear to take account of the approved works to J10 of the M27, the noise results are comparable to those submitted in the noise impact assessment for the J10 work.
- 8.34 The development is considered to be at odds with the landscape setting of the site as set out and considered above. The development of a dwelling in this location would result in demonstrable harm to the landscape character of Fareham Common as well as the settlement buffer and stops the site being utilised for potential future SANG for Welborne. The proposal is therefore considered to be contrary to WEL6.
- c) Impact upon neighbouring properties
- 8.35 The proposed dwelling would be in excess of 20 metres away from the boundary shared with the properties to the south with the actual building to building separation even greater. This separation is considered to be acceptable in terms of the impact upon neighbouring properties and the occupants of the proposed dwelling in terms of a loss of light, outlook and/ or privacy had the development been considered acceptable in all other aspects.
- 8.36 The access to the site would be via the existing access to the stables between numbers 100 and 102 Kiln Road. The impact of vehicular traffic resulting from the development of one dwelling is considered to be tantamount to the existing use of the site and therefore would not result in an unacceptable adverse impact upon the neighbouring properties.

8.37 The proposed access is therefore considered to comply with Policy D2 of the Fareham Local Plan 2037.

d) Highway safety

8.38 The access to the proposed dwelling is via an existing access serving the stables at the site. The access is within the Fareham Local Plan 2037 boundary and therefore Policies TIN1 and TIN2 apply.

8.39 Policy TIN1 requires development to connect to the existing public transport networks and provide acceptable parking provision.

8.40 Policy TIN2 states that development will be permitted where there is no unacceptable impact upon highway safety.

8.41 The proposed dwelling and its access would be well connected to the existing road network and public transport routes.

8.42 Hampshire County Council were consulted as the Highway Authority and have stated that the proposed dwelling would be unlikely to generate a significant number of trips over and above the existing use of the site and is unlikely to be of detriment to the operation and safety of the local highway network. The Highway Authority raise no objections.

8.43 The proposals would, therefore, be considered to comply with Policies TIN1 and TIN2.

e) Ecology

8.44 A preliminary Ecological Survey was carried out and the results submitted with the application. The survey concluded that any removal of trees should be carried out under the supervision of an Ecologist and outside of the bird breeding season. The pond within the blue edge of the site was found to have good suitability for newts and another outside of the site boundary approximately 10 metres west of the stables to have average suitability for newts. It was therefore, recommended that an Environmental DNA (eDNA) for Great Crested Newts be carried out.

8.45 Further recommendations are given in terms of improving the ecological value of the site.

8.46 The eDNA report was undertaken as recommended and confirms the absence of Great Crested Newts at the site and so no mitigation is required in this respect.

f) Impact on Protected Sites

- 8.47 Policies WEL30 and WEL37 confirm 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 and that proposals are designed to achieve good practice for water efficiency.
- 8.48 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.
- 8.49 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).
- 8.50 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.
- 8.51 The first likely significant effect on the HS from the proposed development relates to disturbance on The Solent coastline and New Forest SPA, SAC and Ramsar sites through increased recreational use by visitors to these sites.
- 8.52 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. Mitigation can be provided through a financial contribution from the developer towards the Solent Recreation Management Plan (SRMP). This mitigation has not been secured in this case.
- 8.53 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 Council's Interim Mitigation Solution to address this likely significant effect was approved by the Council's Executive on 7th December 2021. 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 applicants have not made the appropriate financial contribution.

- 8.54 Had the proposal been found acceptable in all other regards the applicant would have been invited to make a financial contribution through the Solent Recreation Mitigation Project and towards the Council's interim strategy towards the impact of development upon the New Forest SPA. However, the absence of such a contribution or the means to secure one, or the submission of evidence to demonstrate that the 'in combination' effects of the development can be avoided or mitigated in another way, the proposal is contrary to Policy WEL30.
- 8.55 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.
- 8.56 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). 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 split between 0.188ha of lowland grazing and 0.022ha of open urban land. 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.
- 8.57 The application proposes to change the use of land adjacent to the residential development site to provide 'onsite' nutrient mitigation. An area of 0.1ha of existing lowland grazing has been referred to in the application documents as part of the development for a proposed change of use to permanent greenspace. It is proposed that this land has the impact of reducing the overall

level of nitrogen such that the development with the additional onsite mitigation land can be demonstrated to be nutrient neutral. However, no clear and detailed plan showing the extent of the mitigation land in question is identified in the application documents. Furthermore, in the absence of any agreement to secure the long-term management and maintenance of the land to ensure the nitrate neutrality of the proposal it is not possible to conclude that there are no likely significant effects on HS from the development.

- 8.58 In this instance Officers have identified likely significant effects upon Habitat Sites as a result of an unmitigated surplus of nitrate pollution generated by the development entering the water environment of The Solent and increased and unmitigated recreational pressure on the HS along the coast and the New Forest.
- 8.59 In this particular case, no Appropriate Assessment has been carried out by the Local Planning Authority under the 'habitat regulations'. Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' (in this case the Local Planning Authority) if it can be shown that the proposed development will either not have a likely significant effect on designated Habitat Sites or, if it is likely to have a significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated Habitat Sites. However, since the application is being recommended for refusal, there is no requirement to carry out an Appropriate Assessment.
- 8.60 It is therefore concluded that the development will have an adverse impact on the integrity of these protected Habitat Sites due to the adverse effects arising through recreational disturbance on the Habitat Sites and would therefore be contrary to Policies WEL30 and WEL37 of the Local Plan Part 3: The Welborne Plan.

g) Other matters

- 8.61 The objections raised by neighbouring residents expressed concerns over sewerage drainage. The application states that it is unknown how foul water from the development would be dealt with. However, the nitrates budget calculator states that the proposed dwelling would discharge to Peel Common Waste Water Treatment Works and so indicates that the development would connect to the mains. Comments were also made regarding the existing sewage system already being overburdened and existing issues relating to this. Sewer capacity would be a matter for the owner of the property and the utilities company with appropriate network reinforcement being secured by the utility provider if it is needed to service this development.

- 8.62 Concerns were also raised in relation to access to the existing electricity sub station directly to the south of the site. This would be a civil matter that would need to be agreed between the landowner and the electricity board, however, the access to the substation is unlikely to alter as a result of the proposals.
- 8.63 The representations also raised concern over disruption during the construction phase. Had the application been recommended for approval then submission of and compliance with a Construction Management Plan would be secured by condition.
- 8.64 It is noted on the site plan and from being on site that the land significantly falls from the south to the north towards the M27 motorway. However, the elevation plans that have been submitted do not show the extent of this fall in the land with the garage being shown as being on a flat site. The plans are therefore, considered to be inaccurate and had planning permission been recommended for approval, the plans would need to be amended to correctly reflect the existing and proposed ground levels, along with the slab levels of the proposed buildings.
- 8.65 The application is promoted as a self-build unit and that this should be afforded weight in the decision making process. Policy WEL21 provides for those wishing to build their own homes at Welborne. The policy sets out that not less than 1% of all homes at Welborne should be delivered as custom build plots. These custom build plots are to be identified in the comprehensive masterplan as part of the initial applications at Welborne and are required to comply with the relevant policies of the development plan.
- 8.66 In this case the delivery of a single self build dwelling would only make a very small contribution to the borough wide, and Welborne specific, supply of custom build housing. The siting of the house would conflict with the Strategic Framework for the delivery of Welborne. For the reasons set out above in the report, the identified demonstrable harm arising from the development on the settlement buffers for Welborne and the harmful impact of the development on Habitat Sites significantly outweighs any modest contribution a single self-build dwelling would bring to the Borough.

Summary

- 8.67 The principle of residential development on the site is considered to be unacceptable and contrary to policies within The Welborne Plan which designate the site as potential SANG and is part of the Fareham Common settlement buffer. The siting and position of the dwelling would physically and visually diminish the buffer between Fareham and Welborne to its detriment.

8.68 Furthermore, in the absence of any secured mitigation the proposal fails to protect the natural environment.

9.0 Recommendation

9.1 REFUSE PLANNING PERMISSION, for the following reasons:

1. The development would be contrary to Policies WEL1, WEL3, WEL5, WEL6, WEL30, WEL37 and WEL42 of the adopted Local Plan Part 3: The Welborne Plan and the Welborne Design Guidance Supplementary Planning Document and is unacceptable in that:
 - i. The principle of a dwelling in this location would be contrary to policies WEL5 and WEL6 of the Welborne Plan which seeks to retain the area as a settlement buffer between the new community of Welborne and the northern edge of Fareham. The proposal would physically and visually harm the integrity of the settlement buffer.
 - ii. The development of the application site would result in the loss of land safeguarded by policy WEL42 for future Welborne green infrastructure and ecological mitigation. To redevelop the land with the proposal would prejudice the future comprehensive development of Welborne in accordance with the Strategic Framework within The Welborne Plan.
 - iii. In the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation to address the likely adverse effects on the integrity of Habitat Sites in combination with other developments due to the additional generation of nutrients entering the water environment and the lack of appropriate and appropriately secured mitigation.
 - iv. In the absence of a legal agreement to secure such, the proposal fails to appropriately secure mitigation of the likely adverse effects on the integrity of protected habitat sites along The Solent and within the New Forest which, in combination with other developments, would arise due to the impacts of recreational disturbance.
 - v. The plans are inaccurate in showing the extent of the fall in the land, the changes in ground levels which are required along with proposed floor levels of proposed buildings, and therefore do not accurately show the impact of the proposed development.
2. This decision has been made in accordance with the following documents:
 - i. Drawing No: P01 Rev B – Location Plan
 - ii. Drawing No: P05 Rev A – Proposed Site

- iii. Drawing No: P10 Rev C - Plans
- iv. Drawing No: P11 Rev B – Elevations
- v. Drawing No: P20 Rev A – Detached Garage Plans & Elevations

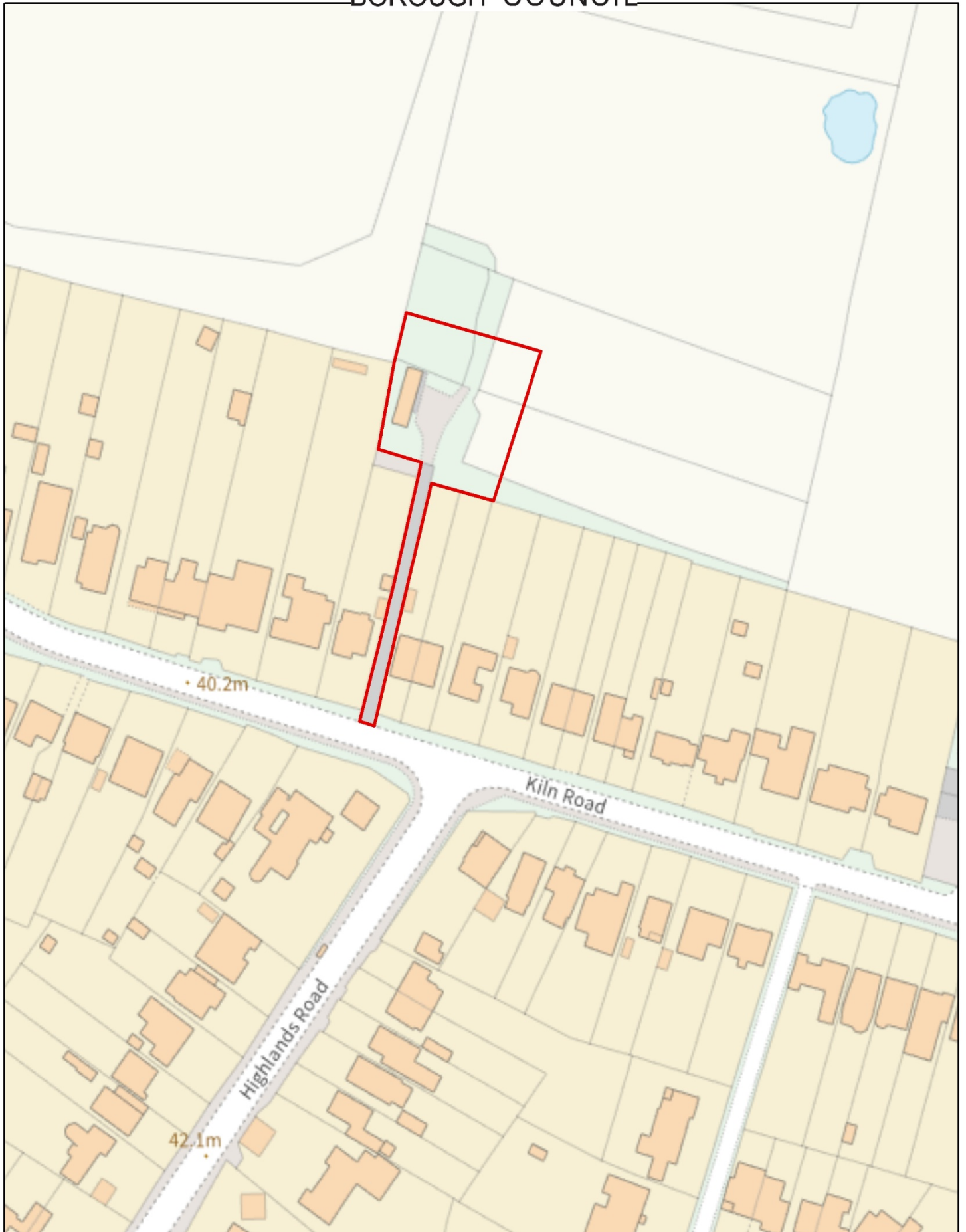
REASON: To avoid any doubt over what has been refused.

10.0 Background Papers

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

FAREHAM

BOROUGH COUNCIL



Land between and to the rear of
100 & 102 Kiln Road, Fareham

Scale 1:1,250



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Agenda Annex

ZONE 3 – EASTERN WARDS

Portchester West

Hill Head

Stubbington

Portchester East

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/22/0841/RM STUBBINGTON	LAND EAST OF NEWGATE LANE EAST FAREHAM RESERVED MATTERS APPROVAL (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) FOR THE DEVELOPMENT OF 90 UNITS TOGETHER WITH PUBLIC OPEN SPACE AND ASSOCIATED INFRASTRUCTURE (FOLLOWING OUTLINE PERMISSION REFERENCE P/19/1260/OA)	4 APPROVE
P/22/1864/RM PORTCHESTER WEST	LAND SOUTH OF ROMSEY AVENUE FAREHAM RESERVED MATTERS APPLICATION DETAILING THE APPEARANCE, LANDSCAPING, LAYOUT AND SCALE OF 225 NEW HOMES, INTERNAL ROADS, WITH ASSOCIATED INFRASTRUCTURE, OPEN SPACE AND BIRD CONSERVATION AREA FOLLOWING OUTLINE PLANNING PERMISSION GRANTED ON APPEAL (REF P/18/1073/FP)	5 APPROVE

OFFICER REPORT FOR COMMITTEE

DATE: 11 October 2023

**P/22/0841/RM
BARGATE HOMES AND VIVID
HOMES**

**STUBBINGTON WARD
AGENT: PEGASUS GROUP**

RESERVED MATTERS APPROVAL (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) FOR THE DEVELOPMENT OF 90 DWELLINGS TOGETHER WITH PUBLIC OPEN SPACE AND ASSOCIATED INFRASTRUCTURE (PURSUANT TO OUTLINE PLANNING PERMISSION REFERENCE P/19/1260/OA)

LAND TO THE EAST OF NEWGATE LANE EAST, FAREHAM

Report By

Peter Kneen – direct dial 01329 824363

1.0 Introduction

1.1 This planning application is being presented to the planning committee for consideration due to the number of third party representations received.

2.0 Site Description

2.1 The site is located within the Gosport – Fareham – Stubbington Gap, to the east of Newgate Lane East. To the north of the site lies undeveloped arable farmland, and to the east is the western side of Bridgemary, within Gosport Borough. To the south of the site lies Brookers Field Recreation Ground and to the west beyond Newgate Lane East lies the ribbon development of Peel Common (along the old Newgate Lane) and beyond this the wider settlement of Stubbington and Hill Head.

2.2 The site itself is almost entire flat and currently an arable field. There are a number of mature trees to the northern and eastern boundary, and an existing hedgerow that runs east – west through the narrowest part of the site towards its southern end. Field access is currently obtained from Newgate Lane East, although vehicular access for the development would be via Brookers Lane, which runs through Bridgemary, ceasing at the urban area boundary, and turning into a public footpath that runs east – west along the southern boundary of the site.

3.0 Description of Proposal

3.1 The development proposal, which was allowed on appeal is for the reserved matters, comprising layout, landscaping, appearance and scale of 90 dwellings, together with open spaces, playground and associated infrastructure.

- 3.2 The development comprises a mixture of 10 x 1-bedroom dwellings, 29 x 2-bedroom dwellings, 44 x 3-bedroom dwellings and 7 x 4-bedroom dwellings set within a landscaped setting. All the properties are set over two floors.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Local Plan 2037

- DS1 Development in the Countryside
- DS2 Development in Strategic Gaps
- H1 Housing Provision
- HP1 New Residential Development
- HP4 Five-Year Housing Land Supply
- HP5 Provision of Affordable Housing
- CC2 Managing Flood Risk and Sustainable Drainage Systems
- NE1 Protection of Nature Conservation, Biodiversity and the Local Ecological Network
- NE3 Recreational Disturbance on the Solent Special Protection Areas (SPAs)
- NE4 Water Quality Effects on the Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar Sites of The Solent
- NE5 Solent Waders and Brent Goose Sites
- NE6 Trees, Woodlands and Hedgerows
- NE8 Air Quality
- NE10 Protection and Provision of Open Space
- TIN2 Highway Safety and Road Network
- D1 High Quality Design and Place Making
- D2 Ensuring Good Environmental Conditions
- D5 Internal Space Standards

Other Documents:

- National Planning Policy Framework (NPPF) 2023
- 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/19/1260/OA | Cross boundary outline application, with all matters reserved except for access, for the construction of up to 99 residential dwellings, landscaping, open space |
|---------------------|--|

and associated works, with access from Brookers Lane (Gosport Borough Council to only determine part of the application relating to part of access in Gosport Borough)

**NON-
DETERMINED
APPEAL
ALLOWED**

28 July 2021

6.0 Representations

6.1 Thirty letters of objection have been received from twenty-three households regarding this planning application. In addition, letters from The Fareham Society, Lee Residents Association and the local Member of Parliament Dame Caroline Dinenage MP have also been received. The following matters of concern have been raised:

- Traffic and highway safety concerns
- Impact on the Strategic Gap
- Brownfield land before greenfield land
- Lack of additional provision for local infrastructures (schools, doctors etc)
- Impact on existing Gosport residents
- Poor quality design
- Loss of arable farmland
- Impact of air quality
- Impact on wildlife, and
- Impact on future residents due to proximity to Peel Common Wastewater Treatment works.

7.0 Consultations

EXTERNAL

Highway Authority (Hampshire County Council)

7.1 Comments awaited

Lead Local Flood Authority (Hampshire County Council)

7.2 No objection

Gosport Borough Council

7.3 No comments to make to this application.

Southern Water

7.4 No objection.

Natural England

- 7.5 No objection to the Council's Appropriate Assessment

Ecology (Hampshire County Council)

- 7.6 No objection

INTERNAL

Housing Development Officer

- 7.7 No overriding objection to the number, type and tenure of S106 affordable units, but some concern regarding clustering of the S106 units remains to be addressed.

Principal Tree Officer

- 7.8 No objection

Urban Designer

- 7.9 A number of minor matters were raised, but they have been addressed in the updated version of the Site Plan.

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 the development
- b) Design and Layout
- c) Living conditions of neighbours and future occupiers
- d) Highways and parking
- e) Protected species
- f) Impact of Habitat Sites
- g) Landscaping/Trees
- h) Other matters

a) Principle of the development

- 8.2 Outline planning permission was granted for this site on appeal in July 2021, and therefore the principle of development of up to 99 dwellings and the means of access to it via Brookers Lane (in Gosport Borough) was established through the grant of that permission. Due to design amendments, the scheme now only proposes to construct 90 dwellings.

b) Design and Layout

- 8.3 Policy D1: High Quality Design and Place Making of the adopted Fareham Local Plan 2037 seeks to ensure that development proposals and spaces will be of a high quality, based on the principles of urban design and sustainability to ensure the creation of well designed, beautiful and safe quality places.
- 8.4 The Policy continues to highlight 10 key characteristics of high quality design, comprising context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and lifespan. Developments should appropriately respond to the positive elements of local character, ecology, history, culture and heritage.
- 8.5 The layout of the proposed development has been carefully considered and been the subject of significant modifications during the course of the application to ensure it retains the character considered by the Appeal Inspector, in terms of level of open spaces, block formation and street scene context. This subsequently resulted in the reduction in number of units from the appeal proposals of up to 99 dwellings, down to 96 dwellings when the reserved matters application was originally submitted, down to the 90 dwellings currently being considered.
- 8.6 The development is accessed from a single vehicular access road to the southeast corner of the site along Brookers Lane, which provides direct access to the Woodcot and Bridgemary areas of Gosport. A primary access road runs north – south through the central spine of the development with secondary roads branching off this main road. The main road will be open to the public open spaces along much of its length, with a tree lined boulevard section towards its northern end.
- 8.7 The built form is essentially clustered into four blocks of development. All the built form will be two storeys with a good level of open spaces and public paths wrapping around the perimeter of the site. This perimeter area of public open space (with the exception of the SUDS pond) is proposed to be transferred to Fareham Borough Council. All the road within the development would remain private and managed by a management company. Pedestrian and cycle links through the site to the Newgate Lane East crossing to the southwest of the site would be retained.
- 8.8 The development includes a mixture of property styles and types, including three blocks of flats, and a mix of terraced, semi-detached and detached dwellings. All the properties are proposed to be affordable dwellings, offered as affordable rental or shared ownership under the management of Vivid Homes.

- 8.9 The properties have been carefully designed and laid out to ensure maximum natural surveillance of open spaces, and pedestrian priority has been designed in order to provide a safe means of access to the Locally Equipped Area of Play (LEAP) which would be provided on the western side of the site. The properties and street layout have been designed to reflect the mixed character of the local area, with grassed verges and traversing footpaths throughout the development.
- 8.10 All the properties benefit from gardens of 11 metres in length or greater, with all the flatted properties having both private gardens or balconies and private communal gardens, together with access to the wider open spaces around the site. The proposal fully complies with the advice in the Fareham Borough Design Guidance (excluding Welborne): Supplementary Planning Document, December 2015.
- 8.11 Whilst the site would project beyond the established building line of the western side of Gosport, the scheme has been carefully considered to ensure full compliance with the illustrative masterplan considered by the Appeal Inspector in 2021, and suitable landscaped buffers will be created to the northern and western boundaries to assist in softening the appearance of the development.
- 8.12 It is therefore considered that the design of the properties and the layout of the scheme is acceptable. The development accords with the principles of urban design in accordance with Policy D1 of the Fareham Local Plan 2037.

c) Living Conditions of neighbours and future occupiers

- 8.13 Policy D2: Ensuring Good Environmental Conditions of the adopted Fareham Local Plan 2037 states that development must ensure good environmental conditions for all new and existing users of buildings and external spaces. The Policy continues to state that:

'Development proposals...will be permitted where they...do not have an unacceptable adverse impact on the environmental conditions of future occupiers and users or on adjacent/nearby occupants and users through ensuring appropriate outlook and ventilation and providing adequate daylight, sunlight and privacy; and, do not individually, or cumulatively, have an unacceptable adverse environmental impact, either on neighbouring occupiers, adjoining land, or the wider environment...'

- 8.14 In respect of ensuring the development accords with the provisions of Policy D2, it is important to have regard to the advice in the Fareham Borough Design Guidance (excluding Welborne): Supplementary Planning Document, December 2015 (Design SPD).

- 8.15 The development proposal has been assessed against the guidance in the Design SPD, and it is considered that the development proposal is fully in compliance with it in terms of levels of separation for privacy and overlooking, and garden lengths for provision of suitable external spaces and outlook.
- 8.16 With regard to the existing residents within Woodcot/Bridgemary to the east of the site, a perimeter internal road, open space and footpath runs along the eastern part of the development site. The closest properties within the development (Plots 29/30, 39/40, and 37/38 are all located at least 30 metres away from the front or rear elevations of those existing properties within Gosport Borough (along Fulmar Walk (rear elevation) and Curlew Walk (front elevation))). This far exceeds the minimum 22 metres required by the Design SPD.
- 8.17 Officers consider that the proposal fully complies with the advice within the Design SPD and would not therefore result in an unacceptable adverse impact on the environmental conditions of existing or future occupiers. The proposal is also considered to fully accord with the provisions of Policy D2 of the adopted Fareham Local Plan 2037.
- 8.18 In addition, Policy D5 requires new dwellings to adhere to the minimum standards set out within the Nationally Described Space Standards. All the proposed dwellings accord with these standards and would therefore comply with the provisions of Policy D5 of the Fareham Local Plan 2037.

d) Highways and parking

- 8.19 Access arrangements and the consideration regarding the suitability of Brookers Lane to accommodate the development proposal were approved on appeal by the Planning Inspector. The access is therefore not being considered under this Reserved Matters application. However, the internal road layout and suitability for users and refuse/emergency vehicles is for determination. Appropriate vehicle tracking diagrams have been submitted with the application demonstrating that the Council's refuse vehicles are able to enter and exit the site in a forward gear without an unacceptable impact to other road users.
- 8.20 In respect of car parking, this has been provided in accordance with the Council's Residential Car Parking Standards SPD and comprises a mix of side-by-side, tandem and car port parking, with all properties, including the flats having allocated car parking spaces. All properties will be provided with electric car charging facilities to at least one of their allocated car parking spaces, including the flatted properties.

8.21 In addition to the on-site provision of car parking space for the proposed dwellings, five car parking spaces are to be provided to compensate for the loss of spaces at the site entrance to Brookers Lane, which is required by the Section 106 legal agreement. In addition, six visitors' car parking spaces have been provided throughout the site. Officers consider that the development accords with Policy TIN2 of the Fareham Local Plan 2037.

e) Protected Species

8.22 Matters regarding protected species were considered at the outline planning application stage, and at the subsequent appeal. No objection was raised by the Council's Ecologist, and as the site is currently being excavated for archaeological remains, no updated ecological surveys are capable of being undertaken. Officers consider the proposal complies with Policy NE1 of the Fareham Local Plan 2037.

8.23 The development of the site would result in the loss of a designated Low Use Site for Solent Waders and Brent Geese (site classification F15 from the Solent Waders and Brent Goose Strategy). Appropriate compensation habitat at Old Street, Stubbington was secured at the outline planning application stage and was subject to a Section 106 legal agreement. Works to this mitigation site have been undertaken and therefore the loss of the F15 designation from this location is considered acceptable. The proposal would comply with Policy NE5 of the Fareham Local Plan 2037.

f) Habitat Sites

8.24 Policy NE1 of the Fareham Local Plan 2037 sets out the strategic approach to Nature Conservation and Biodiversity and confirms that development will be permitted where designated sites are protected and enhanced. Policy NE3 requires that development that result in a net increase in residential units will be permitted subject to compliance with the Solent Recreation Mitigation Strategy. Policy NE4 confirms the requirement to ensure the integrity of the designated sites is maintained having regard to the effect of nutrients.

8.25 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.

8.26 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).

- 8.27 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.
- 8.28 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.
- 8.29 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 confirmed that the appropriate financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMP) will be paid prior to the determination of this Reserved Matters application. The contribution has been secured by Section 106 unilateral undertaking pursuant to the planning appeal which requires payment to be made prior to determination of the Reserved Matters application.
- 8.30 Additionally, research undertaken by Footprint Ecology has identified that planned increased in housing around the New Forest designated sites will result in a marked increase in use of the sites and exacerbated 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 Council's Interim Mitigation Solution to address this likely significant effect was approved by the Council's Executive on 7th December. 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 confirmed that the appropriate financial contribution will be made prior to the determination of the Reserved Matters application and will be secured by the completion of a Section 111 agreement pursuant to the Local Government Act 1972.

- 8.31 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.
- 8.32 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 23.6kg 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 persons in line with the NE Advice. The existing use of the land for the purposes of the nitrogen budget is considered to be arable farmland. Due to the uncertainty of the effect of the nitrogen from the development on the HS, adopting a precautionary approach, and having regard to NE advice, the Council will need to be certain that the output will be effectively mitigated to ensure at least nitrogen neutrality before it can grant planning permission.
- 8.33 The applicant has purchased 23.6kg TN/year of nitrate mitigation 'credits' from the scheme at Whitewool, within the South Downs National Park, which will see the farmland taken out of intensive agricultural use and would be managed and maintained over the lifetime of the development. Through the operation of a legal agreement between the landowners at Whitewool (H.N. Butler Farms Limited), Fareham Borough Council and the South Downs National Park Authority in 2021, the purchase of the credits will result in a corresponding reduction in nitrogen entering The Solent marine environment.
- 8.34 The purchase of the nitrate mitigation credits has the effect of ensuring a piece of land at Whitewool Farm is retained and managed in a way which ensures a reduction in nitrates entering that land of 23.6kg TN/year for the lifetime of the development for which planning permission is being sought. This will ensure that the scheme can demonstrate nitrate neutrality.
- 8.35 A condition will be imposed to ensure that details of the water efficiency measures to be installed within the dwellings to ensure that water consumption would not exceed 110 litres / per person / per day to reflect the assumptions of the nitrate budget calculation.
- 8.36 The third aspect is impact on air quality, where the designated sites can be adversely affected through airborne pollution from development sites generated either during construction or operation / occupation. The Council's

Air Quality Habitats Regulations Assessment for the adopted Fareham Local Plan 2037 identifies that from the development proposed to be brought forward in the Local Plan there would not be a significant impact as a result of air pollution on the Habitat Sites for the life of the plan, up to 2037.

- 8.37 The Council's Appropriate Assessment concludes that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the HS either alone or in combination with other plans or projects. The difference between the credits and the output will result in a small annual net reduction of nitrogen entering The Solent. Natural England has been consulted on the Council's Appropriate Assessment and raised no objection. It is considered that the development accords with the Habitat Regulations and complies with Policies NE1, NE3 and NE4 of the adopted Fareham Local Plan 2037.

g) Landscaping and trees

- 8.38 Whilst there are no trees within the site itself, there are a number of mature species along the eastern boundary (oak, field maple, ash, and hawthorn), and three large oak trees on the northern boundary. In addition, there is an established hedgerow along the northern boundary and one that runs east – west centrally through the site (goat willow and hawthorn). These features are all to be retained as part of this development proposal, and details of root protection have been provided for consideration. Only a short section of the east-west hedgerow is required to be removed to provide vehicular access.
- 8.39 In addition, detailed landscaping plans have been prepared and submitted with the application. The landscaping details, which also includes a large area to the western part of the site for a Locally Equipped Area of Play (LEAP), also make provision for a significant number of trees to be planted around the periphery of the site and within the site, including along the main spine road through the site. The perimeter open spaces will be laid with species-rich meadow grass, with the SUDS pond sown with species rich grasses.
- 8.40 The tree protection details and detailed landscaping proposals have been considered by the Council's Principal Tree Officer and Ecologist, and no concerns regarding them have been raised. One matter that remains outstanding however is the provision of a partial hoggin path and partial mown grass path to the perimeter open space. This will need to be amended to comprise a path wholly laid as a hoggin path to ensure suitable accessibility to the path for all users throughout the year. Details of this would be secured by Condition. Officers consider that the proposals comply with Policy NE6 of the Fareham Local Plan 2037. The main perimeter areas of open space (excluding the SUDS attenuation pond) and the LEAP are proposed to be transferred to the Borough Council.

h) Other Matters

- 8.41 **Biodiversity Net Gain:** There is no requirements for Reserved Matters application to achieve the 10% increase in Biodiversity Net Gain on the site, and therefore the development is not subject to the provisions of Policy NE2: Biodiversity Net Gain. Notwithstanding this, the Outline Planning Application was supported by a Biodiversity Net Gain Assessment, and based on the assessment which was undertaken in 2020, the proposed landscaping and habitat creation would result in a 10.47% increase in biodiversity on the site.
- 8.42 **Affordable Housing:** The whole of the development site is proposed to be constructed to provide affordable housing, which would be operated and managed by Vivid Homes. However, it is important to ensure that the 40% secured through the outline planning permission are policy compliant with regard to Policy HP5 of the Fareham Local Plan 2037 and meet with the housing demands sought by the Council's Housing Development Officer. The Council's Housing Development Officer has considered the proposed provision and type of affordable housing and has raised no overriding objections to the proposal, although some concern regarding clustering of the S106 affordable units remains.
- 8.43 A Community Lettings Plan, which is required to be approved under a separate Discharge of Condition Application is currently still being considered, which will address the types and tenures of the other 60% of properties within the development proposal. The types of housing have been agreed, and as such the proposal Reserved Matters application is capable of being determined. However, final negotiations regarding the tenures of these properties remains to be concluded, but this is currently subject to a separate Discharge of Condition application.
- 8.44 **Foul and Surface Water Drainage:** The application has been supported by detailed foul and surface water drainage strategies, which have been considered by Hampshire County Council as Lead Local Flood Authority.

Summary

- 8.45 The reserved matters proposal, which has been subject to significant modifications since its submission in June 2022 is now broadly reflective of the layout set out at outline planning application stage, which was allowed on appeal. The development proposals accord with the relevant policies of the adopted Fareham Local Plan 2037 and other relevant supplementary planning documents.
- 8.46 Notwithstanding the representations received, Officers consider that the proposals are acceptable, and that approval should be granted for these reserved matters.

9.0 Recommendation

9.1 Subject to the receipt and consideration of the comments of the Highway Authority relating to highway matters, and any additional conditions, or modifications to the proposed conditions, they may recommend:

9.2 **APPROVE** the reserved matters subject to the following Conditions:

1. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:
 - a) Site Layout (Drawing: SL.01 Rev S)
 - b) Parking Strategy Layout (Drawing: PSL.01 Rev H)
 - c) Boundary Materials Layout (Drawing: BML.01 Rev H)
 - d) Dwelling Materials Layout (Drawing: DML.01 Rev H)
 - e) 1 Bedroom FOG Elevations – Option C (Drawing: 1BFOG.e Rev C)
 - f) 1 Bedroom FOG Floor Plans (Drawing: 1BFOG.p Rev C)
 - g) House Type 1BM-A – Maisonettes Elevations (Drawing: HT.2x1BM-A.e Rev D)
 - h) House Type 1BM-A – Maisonettes Floor Plans (Drawing: HT.2x1BM-A.p Rev E)
 - i) House Type M – Maisonettes Elevations – Option B (Drawing: HT.2xM.e Rev C)
 - j) House Type M – Maisonettes Floor Plans (Drawing: HT.2xM.p Rev F)
 - k) House Type 3.1 (Block of 2) Elevations – Option A (Drawing: HT.3.1(2blk).e Rev C)
 - l) House Type 3.1 (Block of 2) Floor Plans (Drawing: HT.3.1(2blk).p Rev C)
 - m) House Type 3.2 (2 Block) Elevations – Option C (Drawing: HT.3.2(2blk).e2 Rev E)
 - n) House Type 3.2 (2 Block) Floor Plans (Drawing: HT.3.2(2blk).p Rev E)
 - o) House Type 4.2 Elevations – Option A (Drawing: HT.4.2.e Rev B)
 - p) House Type 4.2 Floor Plans (Drawing: HT.4.2.p Rev B)
 - q) House Type B (2 Block) Elevations – Option A (Drawing: HT.B(2blk).e Rev B)
 - r) House Type B (2 Block) Floor Plans (Drawing: HT.B(2blk).p Rev B)
 - s) House Type D (2 Block) Elevations – Option B (Drawing: HT.D(2blk).e1 Rev B)
 - t) House Type D (2 Block) Floor Plans (Drawing: HT.D(2blk).p Rev B)
 - u) House Type D (2 Block) Elevations – Option C (Drawing: HT.D(2blk).e2 Rev B)
 - v) House Type E Elevations – Option D (Drawing: HT.E.e1 Rev B)
 - w) House Type E Elevations – Option D-2 (Drawing: HT.E.e2 Rev B)

- x) House Type E Floor Plans (Drawing: HT.E.p Rev B)
- y) House Type F Elevations – Option A (Drawing: HT.F.e Rev C)
- z) House Type F Floor Plans (Drawing: HT.F.p Rev C)
- aa) House Type G Elevations – Option A-2 (Drawing: HT.G.e1 Rev C)
- bb) House Type G Elevations – Option A (Drawing: HT.G.e2 Rev C)
- cc) House Type G Floor Plans (Drawing: HT.G.p Rev B)
- dd) Plots 2-3 (House Types 3.2 & 4.1) Elevations (Drawing: P.2-3.e Rev E)
- ee) Plots 2-3 (House Types 3.2 & 4.1) Floor Plans (Drawing: P.2-3.p Rev E)
- ff) Plots 4-5 (House Types 4.1 & 3.2) Elevations (Drawing: P.4-5.e Rev E)
- gg) Plots 4-5 (House Types 4.1 & 3.2) Floor Plans (Drawing: P.4-5.p Rev E)
- hh) Plots 6-7 (House Types E & C) Elevations (Drawing: P.6-7.e Rev F)
- ii) Plots 6-7 (House Types E & C) Floor Plans (Drawing: P.6-7.p Rev F)
- jj) Plots 8-9 (House Types C & E) Elevations (Drawing: P.8-9.e Rev D)
- kk) Plots 8-9 (House Types C & E) Floor Plans (Drawing: P.8-9.p Rev C)
- ll) Plots 10-12 and 25-27 (House Type 2.1) Elevations (Drawing: P.10-12_25-27.e Rev C)
- mm) Plots 10-12 and 25-27 (House Type 2.1) Floor Plans (Drawing: P.10-12_25-27.p Rev C)
- nn) Plots 16-17 (House Types C & G) Elevations (Drawing: P.16-17.e Rev C)
- oo) Plots 16-17 (House Types C & G) Floor Plans (Drawing: P.16-17.p Rev C)
- pp) Plots 18-20 (House Type C) Elevations (Drawing: P.18-20.e Rev C)
- qq) Plots 18-20 (House Type C) Floor Plans (Drawing: P.18-20.p Rev C)
- rr) Plots 23-24 (House Types E & C) Elevations (Drawing: P.23-24.e Rev D)
- ss) Plots 23-24 (House Types E & C) Floor Plans (Drawing: P.23-24.p Rev E)
- tt) Plots 28-30 (House Type M & 3.1) Elevations (Drawing: P.28-30.e Rev D)
- uu) Plots 28-30 (House Type M & 3.1) Floor Plans (Drawing: P.28-30.p Rev E)
- vv) Plots 39-41 (House Type C & M) Elevations (Drawing: P.39-41.e Rev D)
- ww) Plots 39-41 (House Type C & M) Floor Plans (Drawing: P.39-41.p Rev E)
- xx) Plots 47-48 (House Type D) Elevations (Drawing: P.47-48.e Rev D)
- yy) Plots 47-48 (House Type D) Floor Plans (Drawing: P.47-48.p Rev D)
- zz) Plots 51-52 (House Types C & E) Elevations (Drawing: P.51-52.e Rev C)

- aaa) Plots 51-52 (House Types C & E) Floor Plans (Drawing: P.51-52.p Rev C)
- bbb) Plots 56-57 (House Type F) Elevations (Drawing: P.56-57.e Rev E)
- ccc) Plots 56-57 (House Type F) Floor Plans (Drawing: P.56-57.p Rev D)
- ddd) Plots 49-50 (House Type D) Elevations (Drawing P.49-50.e Rev E)
- eee) Plots 49-50 (House Type D) Floor Plans (Drawing: P.49-50.p Rev E)
- fff) Plots 64-65 (House Types E & C) Elevations (Drawing: P.64-65.e Rev D)
- ggg) Plots 64-65 (House Types E & C) Floor Plans (Drawing: P.64-65.p Rev D)
- hhh) Plots 67-69 (House Type 1BM & 3.1) Elevations (Drawing: P.67-69.e Rev E)
- iii) Plots 67-69 (House Type 1BM & 3.1) Floor Plans (Drawing: P.67-69.p Rev E)
- jjj) Plots 81-83 (House Types 3.2 and 2.1) Elevations (Drawing: P.81-83.e Rev C)
- kkk) Plots 81-83 (House Types 3.2 and 2.1) Floor Plans (Drawing: P.81-83.p Rev C)
- lll) Plots 84-85 (House type 3.3) Elevations – Sheet 1 of 2 (Drawing: P.84-85.e1 Rev D)
- mmm) Plots 84-85 (House type 3.3) Elevations – Sheet 2 of 2 (Drawing: P.84-85.e2 Rev B)
- nnn) Plots 84-85 (House type 3.3) Floor Plans (Drawing: P.84-85.p Rev C)
- ooo) Plots 88-90 (House Types E and D) Elevations (Drawing: P.88-90.e Rev D)
- ppp) Plots 88-90 (House Types E and D) Floor Plans (Drawing: P.88-90.p Rev C)
- qqq) Block A – Plots 70-75 (6x2B3P Flats) Elevations (Drawing: Blk_A_70-75.e Rev D)
- rrr) Block A – Plots 70-75 (6x2B3P Flats) Floor Plans (Drawing: Blk_A_70-75.p Rev E)
- sss) Plots 76-80 (Block B – 4 x 2B3P Flats and 1B FOG) Elevations (Drawing: Blk_B-FOG_76-80.e Rev E)
- ttt) Plots 76-80 (Block B – 4 x 2B3P Flats and 1B FOG) Floor Plans Sheet 1 of 2) Drawing: Blk_B-FOG_76-80.p1 Rev D)
- uuu) Plots 76-80 (Block B – 4 x 2B3P Flats and 1B FOG) Floor Plans Sheet 2 of 2) Drawing: Blk_B-FOG_76-80.p2 Rev D)
- vvv) Plots 42-46 (Block C – 4 x 2B3P Flats and 2B FOG) Elevations (Drawing: Blk_C-FOG_42-46.e Rev E)

www) Plots 42-46 (Block C – 4 x 2B3P Flats and 2B FOG) Floor Plans Sheet 1 of 2 (Drawing: Blk_C-FOG_42-46.p1 Rev E)

xxx) Plots 42-46 (Block C – 4 x 2B3P Flats and 2B FOG) Floor Plans Sheet 2 of 2 (Drawing: Blk_C-FOG_42-46.p2 Rev D)

yyy) Car Barn Plan and Elevations (Drawing: CB.01.pe Rev B)

zzz) Bicycle Storage Plan and Elevations (Drawing: CS.01.pe Rev A)

aaaa) Garden Shed Plan and Elevations (Drawing: SH.01.pe Rev A)

bbbb) Street Elevations 1 (Drawing: SE.01 Rev G)

cccc) Street Elevations 2 (Drawing: SE.02 Rev G)

dddd) Visibility Splays and Road Markings (Drawing: 1115 Rev A)

eeee) Swept Path Analysis Large Car Passing Large Cars and Refuse Vehicles (Drawing: 1111)

ffff) Swept Path Analysis 4000 Gallon Tanker (Drawing: 1110 Rev A)

gggg) Swept Path Analysis Fire Vehicle (Drawing: 1103 Rev E)

hhhh) Swept Path Analysis Refuse Vehicle (Drawing: 1102 Rev E)

iiii) Construction Details Sheet 1 of 3 (Drawing: 1501 Rev D)

jjjj) Construction Details Sheet 2 of 3 (Drawing: 1502)

kkkk) Construction Details Sheet 3 of 3 Drawing: 1503 Rev B)

llll) General Arrangement – Overview (Drawing: 2373-TFC-XX-00-DR-L-1001 Rev P07)

mmmm) General Arrangement 1 of 5 (Drawing: 2373-TFC-XX-00-DR-L-1002 Rev P03)

nnnn) General Arrangement – 2 of 5 (Drawing: 2373-TFC-XX-00-DR-L-1003 Rev P03)

oooo) General Arrangement – 3 of 3 (Drawing: 2373-TFC-XX-00-DR-L-1004 Rev P03)

pppp) General Arrangement – 4 of 5 (Drawing: 2373-TFC-XX-00-DR-L-1005 Rev P03)

qqqq) General Arrangement – 2 of 5 Drawing: 2373-TFC-XX-00-DR-L-1006 Rev P03)

rrrr) Proposed Levels Layout Plan Whole Site (Drawing: 1300 Rev D)

ssss) Proposed Levels Layout Plan Sheet 1 of 4 (Drawing: 1301 Rev D)

tttt) Proposed Levels Layout Plan Sheet 2 of 4 (Drawing: 1302 Rev D)

uuuu) Proposed Levels Layout Plan Sheet 3 of 4 (Drawing: 1303 Rev D)

vvvv) Proposed Levels Layout Plan Sheet 4 of 4 (Drawing: 1304 Rev D)

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

2. Notwithstanding the details set out on Drawing: DML.01 Rev H, no development hereby permitted shall proceed beyond damp proof course level until details (including samples where requested by the Local Planning Authority) of all proposed external facing (and hardsurfacing) materials have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting or amending that Order) there shall be no alterations or amendments to the permitted car barns, including the provision of garage doors to the front elevations, without the grant of a separate planning permission from the Local Planning Authority.

REASON: To ensure adequate off-street car parking is retained on site.

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

REASON: To secure the satisfactory appearance of the development

5. The submitted landscaping details set out on Drawings:

- a) 2373-TFC-XX-00-DR-L-1001 Rev P07
- b) 2373-TFC-XX-00-DR-L-1002 Rev P03
- c) 2373-TFC-XX-00-DR-L-1003 Rev P03
- d) 2373-TFC-XX-00-DR-L-1004 Rev P03
- e) 2373-TFC-XX-00-DR-L-1005 Rev P03
- f) 2373-TFC-XX-00-DR-L-1006 Rev P03

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. There shall be no deviation from these approved details unless other agreed in writing with the Local Planning Authority.

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

6. Notwithstanding the approved landscaping details as set out in Condition 5 above, the perimeter path around the site shall be laid to a suitable permeable surface, such as hoggin, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the

occupation of any of the properties hereby approved. The path shall be provided before the occupation of the first 50 dwellings, or as otherwise agreed in writing with the Local Planning Authority, and shall thereafter be retained in that condition for the lifetime of the development.

REASON: To ensure a suitable and accessible area of open space is provided.

7. None of the development hereby approved shall be occupied until the proposed bin storage areas [including bin collection points if necessary] and cycle stores have been fully implemented in accordance with the approved details. These areas shall be subsequently retained for bin storage or collection and cycle storage at all times.

REASON: To ensure that the character and appearance of the development and the locality are not harmed and to encourage cycling as an alternative mode of transport.

8. No development shall commence until the measures of tree and hedgerow protection submitted and approved as part of the planning permission have been implemented and these shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site.

REASON: To ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

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

REASON: In the interests of preserving water quality and resources

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

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

THEN

9.3 DELEGATE authority to the Head of Development Management to make any necessary modification, deletion or addition to the proposed conditions.

10.0 Notes for Information

P/22/0841/RM

P/19/1260/OA

APP/A1720/W/21/3269030

11.0 Background Papers

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

FAREHAM

BOROUGH COUNCIL



Land East Of Newgate Lane

Scale 1:2,250

OFFICER REPORT FOR COMMITTEE

DATE: 11/10/2023

**P/22/1864/RM
FOREMAN HOMES LIMITED**

**PORTCHESTER WEST
AGENT: TERENCE O'ROURKE**

RESERVED MATTERS APPLICATION DETAILING THE APPEARANCE, LANDSCAPING, LAYOUT AND SCALE OF 225 NEW HOMES, INTERNAL ROADS, WITH ASSOCIATED INFRASTRUCTURE, OPEN SPACE AND BIRD CONSERVATION AREA FOLLOWING OUTLINE PLANNING PERMISSION GRANTED ON APPEAL (REF P/18/1073/FP)

LAND SOUTH OF ROMSEY AVENUE, PORTCHESTER

Report By

Richard Wright – direct dial 01329 824758

1.0 Introduction

- 1.1 In September 2020, Members of the Planning Committee resolved to refuse outline planning permission for a development of up to 225 dwellings on this site (application reference P/18/1073/FP). An appeal was subsequently lodged by the applicant and outline planning permission was granted on appeal in January 2022.
- 1.2 Condition 1 of the outline permission requires the details of the appearance, landscaping, layout and scale of the development (the 'reserved matters') to be submitted for approval. This application relates to those reserved matters and is being brought before the Planning Committee for determination due to the number of third party representations received.
- 1.3 Other conditions imposed on the outline permission require details to be provided on a range of other matters such as surface water drainage (condition 5), land contamination (condition 6), levels (condition 8), noise from AFC Portchester (condition 9), a Construction Environmental Management Plan (condition 10), ecology (conditions 12, 13 & 19), bird conservation area (conditions 14 & 15) and electric vehicle charging (condition 16). The details submitted in relation to these conditions are subject to a separate process for determination and, whilst related to the reserved matters application before Members, are not the subject of this report.
- 1.4 A Section 106 unilateral undertaking was submitted at the appeal stage to secure, amongst other things, the provision of public open space and affordable housing as part of the development.

2.0 Site Description

- 2.1 The planning application site comprises 12.55 hectares (ha) (approximately 31 acres) of agricultural land currently used for growing crops. The site is located outside of the defined urban settlement boundaries to the south of existing houses in the urban area on Romsey Avenue. The site is part of a Primary Support Area (F21) as identified in the Solent Waders and Brent Goose Strategy (SWBGS).
- 2.2 To the immediate east of the application lies land now in use as public open space in connection with the development of 120 houses on the north side of Cranleigh Road (planning application reference P/15/0260/OA) allowed on appeal in 2016.
- 2.3 To the south-west of the application site lies Wicor Recreation Ground and the ground of AFC Portchester football club around which there is a band of mature trees.

3.0 Description of Proposal

- 3.1 The outline planning permission granted on appeal included approval of the means of access to the site which is via the northern boundary from Romsey Avenue. This current application seeks approval of the remaining reserved matters which comprise the scale, appearance and layout of the development, and how the development would be landscaped.
- 3.2 The proposed layout of the development follows the Site Areas Plan approved at the outline stage. This plan shows the site broadly divided into three areas comprising an area for residential development (measuring approximately 6.7ha), an area of public open space along the western boundary (measuring 1.4ha) and an area of bird mitigation land to the south (measuring 4.5ha).
- 3.3 The housing on the site is proposed as a mixture of 1-bed & 2-bed flats and 2-bed, 3-bed & 4-bed houses. Fifty-eight of the dwellings would be provided for affordable rent and a further thirty-two as shared ownership properties. In total the affordable housing proposed represents 40% of the total number of units. The remaining 135 dwellings would be available for sale on the private market. The dwellings are a mixture of two-storey detached, semi-detached and terraced houses and flats in two-storey and three-storey buildings.
- 3.4 The layout of the site has been arranged in a grid-type formation with long roads running west to east parallel with Romsey Avenue. The landscaping proposals include a number of street trees set within grass highway verges throughout the site as well as further tree, scrub and wildflower planting in the proposed public open space. The open space is proposed as a linear park running north/south along the site's western edge. A network of paths provide

pedestrian and cycle connectivity including southwards into Wicor Recreation Ground. A Neighbourhood Equipped Area of Play (NEAP) is proposed centrally within the park.

- 3.6 The bird conservation area is proposed along the southern edge of the site. The details of the bird conservation area are provided with this application but, as set out above, consideration of the formation, laying out and provision of this area is subject to condition 14 of the outline permission and is therefore to be considered separately.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Local Plan 2037

- DS3 – Landscape
- NE6 – Trees, Woodland and Hedgerows
- NE10 – Protection & Provision of Open Space
- TIN1 – Sustainable Transport
- TIN2 – Highway Safety and Road Network
- D1 - High Quality Design and Placemaking
- D2 - Ensuring Good Environmental Conditions
- D5 – Internal Space Standards

Other Documents:

National Planning Policy Framework (NPPF)

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

Residential Car & Cycle Parking Standards Supplementary Planning Document (SPD) 2009

5.0 Relevant Planning History

- 5.1 The following planning history is relevant:

P/18/1073/FP	Outline Planning Application for Residential Development Of 225 Dwellings, Bird Conservation Area And Area Of Public Open Space With All Matters Reserved Except For Access
REFUSE	21 st September 2020
APPEAL ALLOWED	28 th January 2022

6.0 Representations

6.1 Local residents were notified of this application on 12th January 2023 and invited to comment. Thirty-eight objections from thirty-five households were received raising the following concerns relevant to the determination of this application for reserved matters:

Ecology/wildlife

- Loss of wildlife habitat and lack of wildlife space for the geese and deer;
- The bird reserve should not be positioned between the houses and the football club and should be built first;
- Wildlife surveys are out of date;
- Fencing is required to secure the safety of the badger sett;
- Any protected hedgerows should be subject of a condition;
- Continued risk to the Special Protection Area (SPA).

Highway issues

- The whole development is proposed to be served off a single access via Romsey Avenue, therefore the house designs should reflect Romsey Avenue character;
- The scheme lacks an emergency escape route;
- Staff parking, welfare and storage are sited on the ecologically sensitive area.

Residential amenity

- The buffer behind properties in Romsey Avenue back gardens has disappeared;
- Loss of privacy and light to gardens;
- A large fence should be erected around areas of the development which back onto existing properties to give some protection from noise, dust and pollution;
- Impact on air quality and increase in pollution. Will mediation be put in place for residents?
- The 5 year development timeline should be reduced to reduce inconvenience to residents.

Design

- Large blocks in the centre of the site are not in keeping with the area and will have adverse impact on views towards and from Portsdown Hill;
- Space, openness and views are valued by residents; a sympathetic layout could have minimised their loss;
- There is no consideration for the carbon footprint or energy efficiency.

- 6.2 A comment from AFC Portchester was received at this time raising the following points:
- What form of fencing is proposed for the part of the development which borders the football club? The Club is happy to discuss the matter of fencing with the developer.
 - The inclusion of public open space and a play area is welcomed;
 - Welcome the path which connects the development with Wicor Recreation Ground.
- 6.3 In addition, a comment from The Fareham Society was received at this time raising the following points:
- The 3 and 2.5 storey properties may look obtrusive when seen from the footpath around the creek;
 - There is more than just one view into the site from the north; a gap in the existing hedgerow to the south-west also allows for views into the site;
 - The central node to the site is potentially an attractive feature; it should be achieved by development more in keeping with the majority of the site;
 - The houses on the northern boundary back closely onto the rear gardens of houses in Romsey Avenue which provides little prospect of screening.
- 6.4 Amendments were made to the application and local residents were notified once again on 12th June 2023. Fifteen objections were received from twelve households raising the following additional points:

Wildlife

- It's a shame the Council did not know the ecological value of the area properly and that it has reflected on this and will not make the same mistake again;
- No consideration for wildlife.

Highway issues

- Transport/traffic issues have not been addressed;
- Lack of visitor parking spaces.

Design

- Some of the houses backing onto Romsey Avenue are affordable and we were told none would be affordable;
- No footpath to the rear of houses in Romsey Avenue;
- The configuration of the houses and the design of the flats facing the coastal path looks better;
- Houses are close to the rear of properties in Romsey Avenue;
- The layout and central flats are a total blot on the landscape and will have a visual impact on Portsdown Hill

- The plans are nothing like the original and include flats;
- No access to the recreation field;
- Can they build bungalows for the elderly?
- Would expect the new houses to have solar panels;
- The flats are still too high – perhaps they could have a roof terrace?
- The whole development is proposed to be served off a single access via Romsey Avenue, therefore the house designs should reflect Romsey Avenue character.

Residential amenity

- Formal objection to the car park close to 40-44 Romsey Avenue; this will result in noise from cars, pollution from fumes, light pollution and a security risk. Who will maintain the car park?
- Without houses directly behind 40-44 Romsey Avenue there will be a wind channel from the coast, carrying pollution and noise

Other matters

- Conditions must include the uninterrupted pedestrian passage from Romsey Avenue through the site open space and onto the coastal path;
- Previous concerns have been ignored;
- How are the communal areas going to be managed?
- The proposal will not meet the needs of present or future generations; it is not well-designed and a safe place with infrastructure to meet the needs of the occupiers

- 6.5 The Fareham Society commented on the amended application as follows:
- The reduction in the height of properties in the south-west corner of the site is welcomed;
 - Other concerns have not been addressed – little change to the design of properties and the distance of the proposed houses to the northern boundary appears to be the same.

7.0 Consultations

EXTERNAL

Hampshire County Council - Highways

- 7.1 No objection.

Southern Water

- 7.2 No objection.

Hampshire Constabulary – Designing Out Crime Officer

- 7.3 Access to the elevations of the dwellings from the public realm must be prevented. All dwellings must sit within an area of private space. The private space to the rear of the dwelling must be enclosed by a robust boundary treatment at least 1.8m high. The semi-private space to the front and side front of the dwelling must be enclosed within a robust boundary treatment 1m high. Hampshire and Isle of Wight Constabulary cannot support this application if the dwellings do not have this basic level of protection.

Access to the elevations of the apartment blocks from the public realm must be prevented. Apartment blocks must sit within an area of semi-private space, this space must be enclosed within a robust boundary treatment at least 1.2m high. Ground floor apartments with doors that can be accessed from the surrounding semi-private space must be protected by a private garden which is the sole preserve of the resident of the apartment with the doors that can be accessed from the space. The private garden must be at least 1.5m wide and enclosed within a robust boundary treatment at least 1.2m high. Windows on the ground floor must be defended by planting.

Several of the apartment blocks do not appear to be within an area of semi-private space, this increases the opportunities for crime and disorder. To reduce the opportunities for crime and disorder all of the apartment blocks should be enclosed by a robust boundary treatment.

The pedestrian access route to plot number 32 (or 33 it is not clear) is via an area of Public Open Space (POS), this increases the opportunities for crime and disorder. To reduce the opportunities for crime and disorder this small footpath should be within the curtilage of the dwelling.

INTERNAL

Trees

- 7.4 No objection.

Housing

- 7.5 No objection. Fareham Housing are satisfied that positive amendments have been made to this scheme to provide a range of affordable housing units and to distribute these throughout the site.

Ecologist

- 7.6 No objection.

8.0 *Planning Considerations*

8.1 Outline planning permission was granted on appeal in January 2022. The outline planning permission establishes the principle of constructing up to 225 dwellings on this site. Members are now being formally requested to consider the manner in which the houses are laid out on the site, landscaped and designed.

a) Layout and landscaping

8.2 The layout of the site follows the Site Areas Plan approved when outline permission was granted on appeal. The layout of the residential development on the site responds positively to the prevailing character of the existing urban area which this site would effectively be an extension to. The primary road running through the site is proposed to be 6.0 metres wide with 2.0 metre footways either side behind grass verges. A significant proportion of the dwellings proposed are two-storey semi-detached dwellings with private driveways along the side of houses. Whilst the front gardens to these houses are not as large in size, the layout and form of the development, and the traditional architectural style, positively reflects the character of housing along Romsey Avenue itself.

8.3 As well as the semi-detached housing type which is typical of the surrounding area, there are also a significant number of larger detached houses proposed, for example around the perimeter of the development. In the interior of the site are areas of terraced houses arranged in short runs of three or four dwellings. In the very centre of the development is a public square arranged around which are four buildings containing 1-bed flats over three levels. Two further apartment buildings are proposed, one adjacent to the public open space on the western side of the site and one on the eastern edge.

8.4 Long, uninterrupted stretches of 2.0 metre wide footways run through much of the site separated from the road by a highway verge with street trees. On some of the secondary streets, a shared surface is proposed. This approach is supported by the highway authority Hampshire County Council. Overall, the streetscene proposed to be created is well landscaped with extensive use of native hedgerow boundaries to frontages. The central north/south road follows the route of a sewer easement and as a result provides generous highway verges, street trees and more hedgerows within the highway itself. The pleasant, verdant appearance to the streetscene of the primary routes throughout the site is a welcome and positive element to the proposed development.

Affordable housing

- 8.5 The number, type, size and mix of affordable housing units proposed accords with the Section 106 submitted with the appeal when outline permission was granted, with the exception of the replacement of one rented unit for one shared ownership unit. The Council's housing officer has however advised that this would enable a mix which would better meet the needs of households currently on the housing register, allowing accommodation to be flexible and accommodating a range of family sizes. In terms of placement, the affordable housing units are a mixture of 1, 2, 3 & 4 bed properties suitably spread across the whole of the development and comprising some of the semi-detached, terraced and flatted units described above. There are no large clusters of affordable homes which are integrated throughout the site alongside the proposed private marketing housing.

Parking

- 8.6 In terms of car parking, the scheme proposes a mixture of on-plot parking and some parking courts to the front of some terraced units and apartment blocks. The proposed parking provision accords with the Council's adopted Residential Car & Cycle Parking Standards SPD.
- 8.7 The on-plot parking is predominantly designed around tandem parking arrangements along the sides of dwellings. The Council's adopted Design Guidance SPD notes that "*frontage parking can often result in a street which is dominated by hard surfacing and parked cars... making it unsightly*". It continues to say that "*In general on-plot parking in front of a property should be avoided. Parking to the side of the house and behind the building line of the street will be visually more appropriate.*" Officers acknowledge the significant work that has been carried out by the applicant and their architect to produce a proposal that follows this guidance and provides an attractive and well laid out streetscene. The vast majority of, if not all, dwellings have significant native hedgerows proposed along the front boundaries of the properties on the back edge of the footpath. This is only possible because of the relative absence of frontage parking in favour of parking alongside and in between dwellings. Officers recognise that tandem parking can in some instances cause excessive manoeuvring within the highway and vehicles being displaced to the detriment of other road users and pedestrians. However, the road network within the development has been designed to take account of this with primary routes and shared surfaces on secondary routes 6.0 metres wide to facilitate on-street parking and the provision of a significant number of visitor parking laybys in the street.

Amenity

- 8.8 The application adequately demonstrates that all of the dwellings proposed will provide sufficient internal space to meet the Nationally Described Space Standards (NDSS) and Policy D5 of the adopted local plan.
- 8.9 The proposal also provides ample external amenity space for each of the new homes. Family sized dwellings are provided with 11 metre long gardens or equivalent space. Many of the smaller flatted units within two storey buildings have their own private garden areas which are suitably arranged and sized to meet the needs of future residents. The flats located in the centre of the site (units 74 – 85, 129 – 135), those on the eastern edge (units 177 – 185) and those adjacent to the public open space on the western side of the site (units 187 – 194) do not have private garden areas. Instead, a communal courtyard to the rear of each building is proposed to provide outdoor amenity space for residents to use.
- 8.10 Acceptable separation distances are allowed for within the layout to ensure good levels of privacy and amenity for residents. There are no materially harmful impacts on the living conditions of existing neighbouring properties likely to arise from the proposed development. The properties on plots 1 – 33 and 95 – 98 all have rear gardens which abut existing gardens of properties located on the southern side of Romsey Avenue. These gardens are all at least 11 metres in length providing a separation distance from first floor windows to the boundary which accords, and in most cases exceeds, the minimum sought in the Council's adopted Design Guidance SPD. The distances between the rear elevations of the new houses in plots 1 – 33 and 95 – 98 and the corresponding south facing rear elevations of existing houses in Romsey Avenue would typically be between 32 – 39 metres, again far in excess of the 22 metres minimum sought.

Public open space

- 8.11 The parkland on the western edge of the development site provides around 1.4 ha of amenity grassland, wildflower meadow and scrub planting, connecting footpaths and cycle paths and a large play area (NEAP). The layout and design of the public open space has been arrived at following detailed discussions with Officers, including from the Council's streetscene and leisure teams. The network of paths in the open space leads all the way southwards to the adjacent Council owned Wicor Recreation Ground and football ground for AFC Portchester. A main feature of the park is a 220 metre long tree-lined path running north to south along the western edge of the housing which provides connectivity throughout the scheme. All of the housing along the western edge of the site faces onto the public open space and this tree-lined path. Officers note the comments from the police Designing Out Crime Officer with regards the access to units 32 & 33 and the

proposals have been amended accordingly so as to better define the pathways to the fronts of these properties by using boundary hedgerows to separate them from the public open space.

- 8.12 Officers consider the proposals represent a high-quality of public open space which provide a balance of amenity and play space, well connected footpaths and cycle connectivity and biodiversity enhancements to meet the needs of future residents.

b) Scale and appearance

- 8.13 The scale of the development is proposed to be predominantly two-storey. This would be entirely in keeping with the mostly two storey scale of housing in the immediate vicinity of the site. The blocks of flats in the centre of the site are shown to be three storeys high with a modest pitched roof behind a parapet wall. The flats on the western and eastern edges of the site are also three storeys with the top storey primarily within the roof space of the building. Officers have carefully considered the proposals and do not consider the scale of the flats to be excessive or harmful to the character and appearance of the development as a whole.

- 8.14 The dwellings themselves have been designed to a high architectural standard. There is a range of traditional designs with particular reference being made to the style of architecture in the surrounding streets, particular the 1930's styles seen in Romsey Avenue, in the incorporation of features such as double-bays with feature gables over them on the fronts of semi-detached houses, fully hipped roofs and recessed porches under brick detailed arches. A range of materials are proposed to be used providing visual interest and a greater degree of individualism to the properties. The exact details of the materials to be used is recommended to be the subject of a planning condition.

- 8.15 Officers have worked closely with the applicant who has delivered a scheme which is considered to be of sufficiently high design quality for reserved matters approval. The proposals meet the Council's high design standards for new residential development following the principles set out in the adopted local plan and Design Guidance SPD.

c) Appropriate Assessment

- 8.16 The Planning Inspector, when granting outline planning permission, carried out an Appropriate Assessment under The Conservation of Habitats and Species Regulations 2017 finding that the potential effects on Habitat Sites were recreational pressure, air quality impacts, construction noise and

supporting habitat loss. In the Inspector's opinion as the competent authority under the Habitat Regulations, the various proposed mitigation measures allowed her to conclude that the development would not have an adverse effect on the integrity of the Habitat Sites.

- 8.17 With regards nutrient pollution, the Inspector considered that the potential for harm to water quality from increased nitrate pollution could be screened out as a result of the submitted nitrogen budget which showed a decrease in output as a result of the development. Since the Inspector's decision in January 2022 updated advice has been issued by Natural England regarding nutrient pollution. The applicant has provided an updated nutrient assessment following the latest guidance and methodology from Natural England which demonstrates that the development would still result in a decrease in output as a result of the development thereby avoiding likely significant effects on the Habitat Sites from increased nitrate pollution. The Council can therefore adopt the same approach and screen out the development, meaning that an appropriate assessment is not required.

d) Conclusion

- 8.18 This application proposes a well-connected permeable layout for the 225 dwellings which suitably prioritises pedestrian movement through the site whilst also allowing for safe and convenient access for vehicles. The housing proposed is of a good quality of design, makes appropriate provision of internal and external space to meet the needs of future residents and provides appropriate levels of car parking for residents and visitors. Affordable housing is consistent with the identified local needs and the level of provision secured at the outline planning permission stage. Affordable units are suitably well distributed throughout the site with no large clusters of particular tenure types. The public open space is of particularly high quality and, along with the proposed landscaping and planting proposals, provides an attractive public realm.

9.0 Recommendation

- 9.1 APPROVE reserved matters subject to the following conditions:

1. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:
 - a) Location Plan - 16.140.100
 - b) Site Plan - 16.140.101P
 - c) Draft Management Plan - 16.140.198C
 - d) Affordable Housing Key Plan - 16.140.146L

- e) Parking Strategy Plan - 16.140.144D
- f) House Type Key Plan and Boundary Treatment Plan - 16.140.145F
- g) House Type R - Plans and Elevations - As 94, Handed 115 - 16.140.164A
- h) House Type Q - Plans and Elevations - As 225 - 16.140.163A
- i) House Type P - Plans and Elevations - As 213 - 16.140.162A
- j) House Type O - Plans and Elevations - As 219, Handed 215,220 - 16.140.161A
- k) House Type N - Plans and Elevations - As 171,216,223, Handed 170 - 16.140.160A
- l) House Type M - Plans and Elevations - As 51,55,56,169, Handed 172,224 - 16.140.159A
- m) House Type L - Plans and Elevations - As 95,96,97,98,100, Handed 101,186,214 - 16.140.158A
- n) House Type K - Plans and Elevations - As 61-62, Handed 111,147,148 - 16.140.157A
- o) House Type J - Plans and Elevations - As 49-50, 166-167, Handed 174, 212,217-218 - 16.140.139B
- p) House Type I - Plans and Elevations - As 42, Handed 43-44 & 63 - 16.140.110B
- q) House Type H - Plans and Elevations - As 149, Handed 60 - 16.140.109B
- r) House Type F - Plans and Elevations - As 45 - 16.140.107B
- s) House Type E - Plans and Elevations - As 102 & 168, Handed 99 & 173 - 16.140.106B
- t) House Type D - Plans and Elevations - As 58-59 - 16.140.105B
- u) House Type C - Plans and Elevations - As 52-54, Handed 150-151 - 16.140.104B
- v) House Type B - Plans and Elevations - As 152 & 221, Handed 57 & 222 - 16.140.103B
- w) House Type A - Plans and Elevations - As 110 - 16.140.102B
- x) Wide Single Garage - Plans and Elevations - 16.140.142C
- y) Small Double Garage - Plans and Elevations - 16.140.140B
- z) Single Garage - Plans and Elevations - 16.140.141B
- aa)Block Y - Plans - As 88-91 - 16.140.155A
- bb)Block Y - Elevations - As 88-91 - 16.140.156A
- cc)Block X - Plans and Elevations - As 32-35 - 16.140.154B
- dd)Block W - Floor Plans - As 64-67, 118-121, 142-145 - 16.140.137B
- ee)Block W - Elevations - As 64-67, 118-121, 142-145 - 16.140.138B
- ff) Block V - Plans and Elevations - As 153-154 - 16.140.136B
- gg)Block U - Plans - As 187-194 - 16.140.135C
- hh)Block U - Elevations - As 187-194 - 16.140.134C
- ii) Block T - Plans - As 177-185 - 16.140.132D
- jj) Block T - Elevations - As 177-185 - 16.140.133C

- kk) Block S - Plans - As 124-129, Handed 130-135 - 16.140.130B
- ll) Block S - Elevations - As 124-129, Handed 130-135 - 16.140.131B
- mm) Block R - Plans and Elevations - As 206-208 - 16.140.129B
- nn) Block Q - Plans and Elevations - As 200-203 - 16.140.128B
- oo) Block P - Plans and Elevations - As 204-205 - 16.140.127B
- pp) Block O - Plans and Elevations - As 159-161, 209-211, Handed 195-197 - 16.140.126B
- qq) Block N - Plans - As 74-79, Handed 80-85 - 16.140.124C
- rr) Block N - Elevations - As 74-79, Handed 80-85 - 16.140.125C
- ss) Block M - Plans and Elevations - As 1-2, Handed 175-176 - 16.140.123B
- tt) Block L - Plans and Elevations - As 162-165 - 16.140.122B
- uu) Block K - Plans and Elevations - As 7-9 - 16.140.121B
- vv) Block J - Plans and Elevations - As 86-87, 122-123 - 16.140.120B
- ww) Block I - Plans and Elevations - As 107-109 - 16.140.119B
- xx) Block H - Plans and Elevations - As 112-114 - 16.140.118B
- yy) Block G - Plans and Elevations - As 103-106 - 16.140.117B
- zz) Block E - Plans and Elevations - As 155-158, 196-199 - 16.140.115B
- aaa) Block D - Plans and Elevations - As 12-13, Handed 10-11 - 16.140.114B
- bbb) Block C - Plans and Elevations - As 5-6,14-15,20-25,30-31 - 16.140.113B
- ccc) Block B - Plans and Elevations - As 3-4,16-17,18-19,26-29,36-41,68-73,92-93,116-117,136-141 - 16.140.112B
- ddd) Block A - Plans and Elevations - As 46-48 - 16.140.111B
- eee) Street Furniture - 10108-FPCR-XX-XX-DR-L-0022 P03
- fff) Public Open Space Detailed Planting Plans - 10108-FPCR-XX-XX-DR-L-0001-0008-P05
- ggg) On-Plot General Assembly Planting Plan Sheet 1 to 8 - 10108-FPCR-XX-XX-DR-L-0009-0016-P05
- hhh) Indicative Courtyard Details Plots 177-185 - 10108-FPCR-XX-XX-DR-L-0018 P01
- iii) Indicative Courtyard Detail Plots 187-194 - 10108-FPCR-XX-XX-DR-L-0019 P01
- jjj) Indicative Courtyard Detail Plots 74-79 (80-85, 124-129 & 130-135) - 10108-FPCR-XX-XX-DR-L-0017 P01
- kkk) Footpaths and Cycle Paths - 10108-FPCR-XX-XX-DR-L-0021 P02
- lll) Arboricultural Method Statement
- mmm) Arboricultural Impact Assessment & Tree Protection Plan

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

2. No development shall commence until the measures of tree and hedgerow protection shown in the approved “Arboricultural Method Statement” and “Arboricultural Impact Assessment & Tree Protection Plan” have been implemented and these measures shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site.

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

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

REASON: To secure the satisfactory appearance of the development.

4. No development hereby permitted shall proceed beyond damp proof course level until details, including product specification and finish (and samples where requested by the Local Planning Authority) of the hardsurfacing materials to be used in the development 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. No development hereby permitted shall proceed beyond damp proof course level until details of the scale and external appearance of the substation shown on the approved drawings close to the eastern boundary of the site have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development.

6. No development hereby permitted shall proceed beyond damp proof course level until details of the scale and external appearance of the cycle storage shown on the approved drawing “Parking Strategy Plan - 16.140.144D” 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; To ensure satisfactory provision of storage for cycles.

7. The development hereby approved shall be carried out in accordance with the details shown on the approved drawing "Street Furniture - 10108-FPCR-XX-XX-DR-L-0022 P03" unless otherwise amended in the Scheme of Works secured in Schedule Two of the Section 106 unilateral undertaking dated 2nd September 2021 pursuant to the outline planning permission granted on appeal.

REASON: To provide good quality public open space.

8. The development hereby approved shall be carried out in accordance with the details shown on the approved drawings "Indicative Courtyard Details Plots 177-185 - 10108-FPCR-XX-XX-DR-L-0018 P01", "Indicative Courtyard Detail Plots 187-194 - 10108-FPCR-XX-XX-DR-L-0019 P01" and "Indicative Courtyard Detail Plots 74-79 (80-85, 124-129 & 130-135) - 10108-FPCR-XX-XX-DR-L-0017 P01" unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure a good quality provision of communal amenity space for residents living in those dwellings.

9. The landscaping scheme shown on the approved drawings "Public Open Space Detailed Planting Plans - 10108-FPCR-XX-XX-DR-L-0001-0008-P05" and "On-Plot General Assembly Planting Plan Sheet 1 to 8 - 10108-FPCR-XX-XX-DR-L-0009-0016-P05" shall be implemented and completed in accordance with a timetable to be first agreed in writing with the Local Planning Authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

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

10. No dwelling hereby approved shall be occupied until the boundary treatment related to that dwelling shown on the approved drawing "House Type Key Plan and Boundary Treatment Plan - 16.140.145F" has been fully implemented. The boundary treatment 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.

11. None of the development hereby approved shall be occupied until details of the management and maintenance of the land shaded pink ("Private Management Land") on the approved drawing "Draft Management Plan - 16.140.198C" have been submitted to and approved by the Local Planning Authority in writing. That land shall thereafter be managed and maintained in accordance with the approved details.

REASON: To ensure the satisfactory appearance of the development and appropriate management and maintenance of the public realm.

12. Notwithstanding the provisions of Classes B and F 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), none of the following works shall be carried out unless first agreed in writing with the Local Planning Authority following the submission of a planning application:

- a) The enlargement of any dwellinghouse hereby permitted consisting of an addition to its roof;
- b) With the exception of the private driveways and footpaths hereby approved as shown on the approved drawings, the provision of a hard surfaced area on plots 1, 32, 33, 94, 95, 99, 102, 103, 110, 115, 173, 204, 213, 214, 221 & 225 forward of the principal elevation or any elevation facing a vehicular highway or footpath of any dwellinghouse hereby permitted.

REASON: To protect the outlook and privacy of the adjacent residents; The proposed development would be likely to increase the number of bedrooms at the property resulting in inadequate on site car parking; To protect the character and appearance of the locality; To ensure the impacts on nearby trees are taken into account.

13. The first floor windows proposed to be inserted into the:

- i) northern elevations of the dwellings on plots 174 & 186
- ii) eastern elevations of plots 67, 91, 118 & 142
- iii) southern elevation of plot 174

- iv) western elevations of plots 56, 61, 64, 88, 121, 145, 148, 153, 218 & 222

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.

14. The second floor windows proposed to be inserted into the:

- i) kitchen/living room windows to Flat E in the northern elevation of the building shown on drawing "Block N - Elevations - As 74-79, Handed 80-85 - 16.140.125C";
- ii) kitchen/living room windows to Flat E in the southern elevation of the building shown on drawing "Block S - Plans - As 124-129, Handed 130-135 - 16.140.130B";

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.

THEN

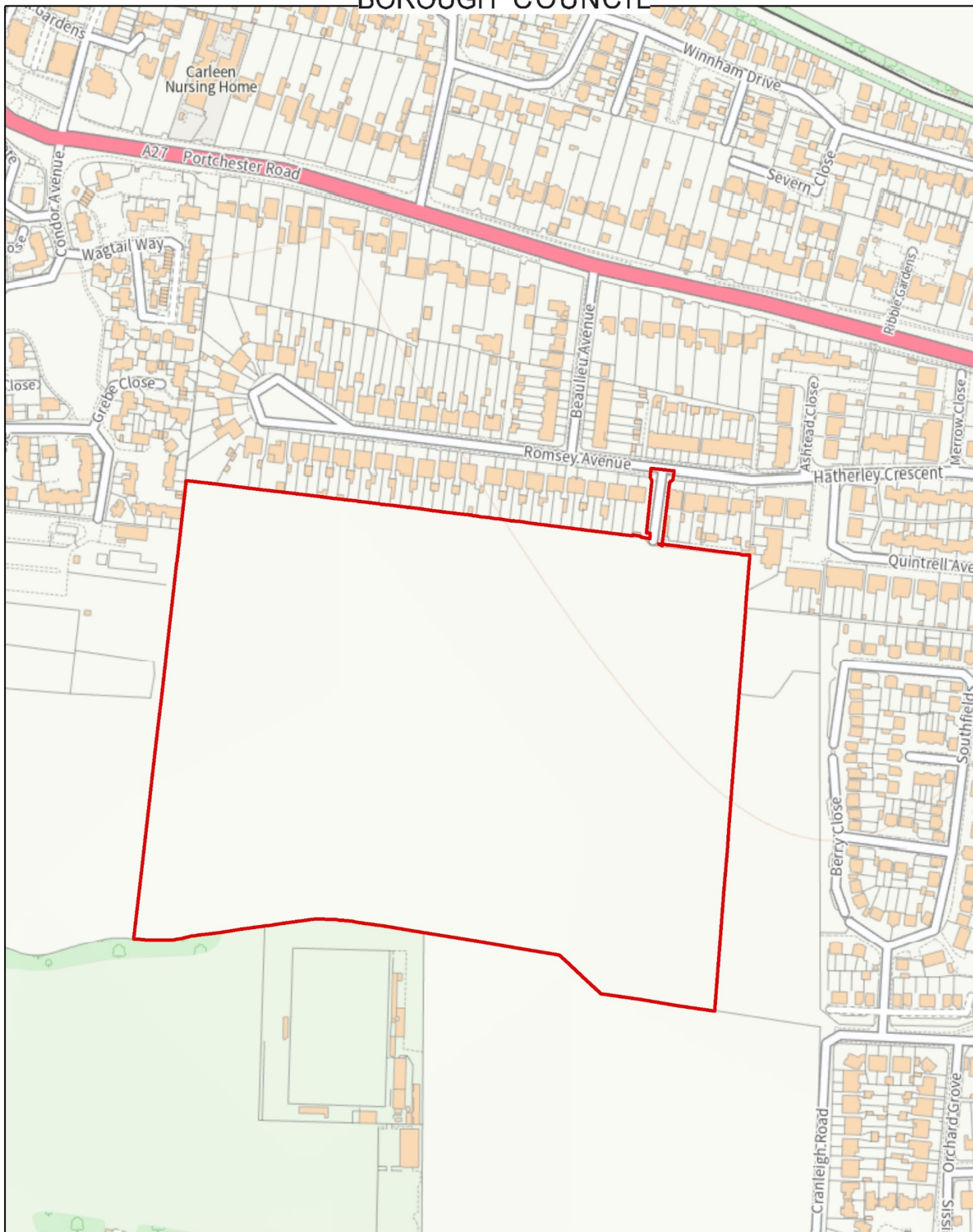
DELEGATE authority to the Head of Development Management to make any necessary modification, deletion or addition to the proposed conditions.

10.0 Background Papers

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

FAREHAM

BOROUGH COUNCIL



Land South of Romsey Avenue
Fareham

Scale 1:3,500



**Report to
Planning Committee**

Date 27/09/2023
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/21/1317/FP](#)

Appeal site address: Andark 256 Bridge Road Swanwick Southampton SO31 7FL
Ward: Sarisbury
The appellant: Mr & Mrs Andrew Goddard
Description of proposal: Change of Use of Land adjacent to Diving Lake to a Motorhome and Camping site for up to 7 Motorhomes and 6 Tents (Excluding Caravans) & Construction of Toilet/Shower Facilities
Council decision: REFUSE
Decision maker: Committee
Date appeal lodged: 19/09/2023
Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/22/0295/OA](#)

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

Fareham Borough Council Reference: [P/22/0338/FP](#)

Appeal site address: Turret House Hospital Lane Portchester Fareham PO16 9LT
Ward: Portchester East
The appellant: Mr Anthony Lawrence
Description of proposal: New detached dwelling (self build)
Council decision: REFUSE
Decision maker: Committee
Date appeal lodged: 27/02/2023
Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/22/1046/FP](#)

Appeal site address: 106 Funtley Road Fareham PO17 5EF
Ward: Fareham North
The appellant: Mr Paul MacDonald
Description of proposal: Timber garage for use as ancillary storage for the existing dwelling
Council decision: REFUSE
Decision maker: Committee
Date appeal lodged: 06/12/2022
Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/22/1771/DA](#)

Appeal site address: 106 Funtley Road Funtley Fareham PO17 5EF
Ward: Fareham North
The appellant: Mr P Macdonald
Description of proposal: Erection of Detached Timber Garage
Date appeal lodged: 06/12/2022
Reason for Appeal: Against serving of planning enforcement notice

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

Appeal site address: Land adjacent to 83 Swanwick Lane Swanwick Fareham
Ward: Sarisbury
The appellant: Mr N Assar
Description of proposal: Without planning permission, the erection of a wooden building on the Land
Date appeal lodged: 02/08/2022
Reason for Appeal: Against serving of planning enforcement notice

Fareham Borough Council Reference: [P/23/0519/FP](#)

Appeal site address: 8 Nursery Lane Fareham PO14 2NZ
Ward: Hill Head
The appellant: Mr & Mrs Staniland
Description of proposal: Extend existing front dormer
Council decision: REFUSE
Decision maker: Officer Delegated Powers
Date appeal lodged: 21/08/2023
Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/23/0591/FP](#)

Appeal site address: 93a Longmynd Drive Fareham PO14 1TA
Ward: Fareham West
The appellant: Mr Peter Terry
Description of proposal: Raise the ridge 1.5 metres to allow the conversion of the loft and installation of solar PV panels on south facing roof
Council decision: REFUSE
Decision maker: Officer Delegated Powers
Date appeal lodged: 20/09/2023
Reason for Appeal: Appeal against refusal of planning permission

PUBLIC LOCAL INQUIRY

Fareham Borough Council Reference: [P/23/0954/DA](#)

Appeal site address: Meon View Farm 57 Old Street Fareham PO14 3HQ
Ward: Hill Head
The appellant: Mr Nicholas Chappell
Description of proposal: Change of Use of land & laying hard surface
Date appeal lodged: 10/07/2023
Reason for Appeal: Against serving of planning enforcement notice

DECIDED PLANNING APPEALS

Fareham Borough Council Reference: [P/22/0550/FP](#)

Appeal site address: Land adjacent to No 8 Northway Titchfield Fareham PO15 5EE

Ward: Titchfield

The appellant: Amey Defence Service

Description of proposal: Retrospective Retention of six piece Locally Equipped area of Play

Council decision: REFUSE

Decision maker: Committee

Reason for Appeal: Appeal against refusal of planning permission

Appeal decision: DISMISSED

Appeal decision date: 25/09/2023

Further information about Planning Appeals

Introduction

Under the English planning system, only the applicant has a right of appeal. There is currently no right of appeal for third parties. Planning decisions can only be challenged by third parties through the Courts. The Courts can examine whether the decision was lawfully made- the Courts' role is not to consider whether they agree with the decision itself.

When are planning appeals lodged?

A very small proportion of all planning decisions made by this Council end up being considered through the planning appeal system. When planning applications are refused, Government advice is that applicants should firstly contact the Council to see if their proposal can be modified to address the Council's concerns.

The most common type of planning appeal is against the refusal of a planning application. Planning appeals can also be made against specific conditions that have been imposed on a planning permission or where a Council has not made a decision within prescribed time periods.

Who decides planning appeals?

Planning appeals are handled and decided by the Planning Inspectorate. The Planning Inspectorate is an executive agency of the Ministry of Housing, Communities and Local Government.

Nearly all appeals are decided by Planning Inspectors from the Planning Inspectorate and in each case the Inspectors are solely responsible for their decisions. A very small percentage are decided by the Secretary of State - these tend to be the very largest or most contentious schemes.

The different types of appeal procedures

There are different types of procedures for different types of planning appeals, often depending on the complexity of the issues. The Planning Inspectorate decide which type of procedure will be used for any given appeal.

There is an 'expedited procedure' for Householder appeals, with most other appeals being determined through the written representations' procedure. Larger scale and/ or more controversial planning appeals may be dealt with by way of an Informal Hearing or by a Public Local Inquiry.

With all planning appeals, the Planning Inspector will visit the site and will notify the outcome of the planning appeal by way of a written decision. A summary of the three main procedures are set out below:

Appeal by Written Representations

Under this procedure, the Planning Inspector will decide the appeal on the basis of the written material provided by all interested parties and following a visit to the appeal site.

The key aspect of this procedure is that submissions made by the Council, the applicant or interested parties, can only be made in writing for the Planning Inspector to consider.

Appeal by Informal Hearing

The hearing is an inquisitorial process led by the Planning Inspector who identifies the issues for discussion based on the evidence received and any representations made. The hearing may include a discussion at the site.

Interested parties including residents, amenity groups and councillors can normally attend and take part in the discussion. Most hearings last a day, but more complex cases may continue over several days.

Appeal by Public Local Inquiry

Public Local inquiries are the most formal procedure and are used for complex cases where legal issues may need to be considered, or evidence needs to be taken under oath.

An Inquiry is open to the public and provides for the investigation into, and formal testing of, evidence, usually through the questioning ("cross examination") of expert witnesses and other witnesses. Parties may be formally represented by advocates.

Interested parties including residents, amenity groups and councillors can normally attend and speak if they would like to do so.

The length of an inquiry depends on the complexity of the case and can range between a day and several weeks.

Further reading

You can find out more details about the planning appeal process on the [Planning Portal](#)

A [detailed procedural guide on planning appeals](#) can be viewed on the Government website.

You can look at planning appeal decisions made by the Planning Inspectorate across England [via their website](#)

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date 11 October 2023

Report of: Director of Planning and Regeneration

Subject: TREE PRESERVATION ORDER 780: 9 - 11 BERRY LANE, HILL HEAD

SUMMARY

The report details an objection to the making of a provisional order in May 2023 and provides officer comment on the points raised.

RECOMMENDATION

That Tree Preservation Order 780 be confirmed.

BACKGROUND

1. Section 198 of the Town and Country Planning Act 1990 gives local planning authorities the power to make tree preservation orders [TPOs]:

(1) If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.

2. Fareham Borough Council Tree Strategy.

Policy TP7 - Protect significant trees not under Council ownership through the making of Tree Preservation Orders.

Policy TP8 - Where necessary protect private trees of high amenity value with Tree Preservation Orders.

3. A tree preservation order was made to protect two pedunculate oak trees adjacent to 9 & 11 Berry Lane.

INTRODUCTION

4. In early May the Council received communication from Hampshire County Council (Highways) Arboriculture Team as to whether two oak trees in Berry Lane were protected. The two trees are situated on the highway margin, adjacent to residential properties and Hampshire highways had received a request to lop the trees. As there was a potential threat to the trees, Officers considered whether they were worthy of a tree preservation order.
5. On 18 May 2023, a provisional order was made in respect of two pedunculate oak trees, one in front of 9 Berry Lane and one in front of 11 Berry Lane. The trees are mature specimens, which are prominent in the street scene and make a significant contribution to the visual amenity of the area.

OBJECTIONS

6. One objection has been received from the owner of no 11 Berry Lane. The main grounds of objection are as follows:
 - The roots are encroaching across the front boundary towards the main sewer in Berry Lane.
 - The trees are pushing over the trees in the front garden.
 - The trees require maintenance and the neighbour has to pay to prune back any encroaching branches to exercise their common law right.
 - Why should the neighbour have to pay for work on Hampshire County Council's trees.

PUBLIC AMENITY

7. The oak trees are situated on the margin of the public highway, adjacent to the property frontages and are clearly visible from Berry Lane. The trees are large prominent specimens, which make a significant contribution to the wider public amenity of the area (Photographs at Appendix B).

8. The trees are approximately 13 metres and 17 metres to the southwest of the dwellings at 9 & 11 Berry Lane respectively (Site map at Appendix A).

RISK OF DAMAGE TO PROPERTY

9. The Council has not received any evidence to suggest the subject oaks are the cause of any damage to property due to tree root activity. In circumstances where a protected tree has been identified as a material cause of structural damage to property, the Council will not unreasonably withhold consent for the offending tree to be removed if such a course of action is justified by the facts.
10. Root ingress into older drains can occur and generally involves roots exploiting a defect in the drain itself, which allows water to escape into the surrounding soil, where any tree roots will proliferate in response to the moisture source and potentially enter the drain. Generally, such damage and any root ingress is easy to repair and tree removal is not necessary.
11. The growth of larger more dominant trees will influence any neighbouring trees that are younger and smaller. The two subject oak trees predate both properties and will, by virtue of their age and size, dominate any subsequent planting.
12. Officers acknowledge that for some residents, trees can be a source of frustration. However, these very same trees contribute to the pleasant appearance of Fareham and provide multiple benefits to the area.

TREE WORK APPLICATIONS

13. In dealing with applications to carry out works to protected trees the Council will consider whether the reasons given in support of an application outweigh the amenity reasons for protecting them. The Council is unlikely to support unnecessary or unsympathetic pruning that would harm a protected tree by adversely affecting its condition and appearance. Permission to prune and maintain protected trees in the context of their surroundings, species, and previous management history will not be unreasonably withheld by the Council.
14. The existence of a TPO does not preclude pruning works to, or indeed the felling of, any tree if such a course of action is warranted by the facts. There is currently no charge for making an application to carry out works to protected trees, and applications are normally determined quickly.

RISK ASSESSMENT

15. The Council will not be exposed to any significant risk associated with the confirmation of TPO 780 as made and served. Only where an application is made for consent to carry out work on trees subject to a TPO and subsequently refused does the question of compensation payable by the Council arise.

CONCLUSION

16. When making tree preservation orders the Council endeavours to consider the rights of those affected and use their powers responsibly. However, the rights of the individual must be balanced against public expectation that the planning system will protect trees when their amenity value justifies such protection.

17. Tree preservation orders seek to protect trees in the interest of public amenity; therefore, it follows that the exclusion of a tree from an order should only be sanctioned where its public amenity value is outweighed by other considerations. In this instance Officers consider the reasons put forward for objecting to the protection of the pedunculate oak are not sufficient to outweigh its public amenity value.

18. Officers therefore recommend that Tree Preservation Order 780 is confirmed as originally made and served.

Background Papers: TPO 780.

Reference Papers: Forestry Commission: The Case for Trees – 2010. Planning Practice Guidance - Tree Preservation Orders (2014) and The Law of Trees, Forests and Hedges – *Charles Mynors*.


Enquiries: For further information on this report please contact Paul Johnston. (Ext 4451).

APPENDIX A – TPO SITE MAP

FAREHAM

BOROUGH COUNCIL




<p>TOWN & COUNTRY PLANNING ACT 1990 FAREHAM BOROUGH COUNCIL TREE PRESERVATION ORDER NUMBER 780 9 - 11 Berry Lane, Hill Head</p>	<p>Title: FTPO 780 Date: 11 October 2023</p>	<p>Ref: 1 Scale: 1:1,000</p>	<p>Reproduced from Ordnance Survey material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes copyright and may lead to prosecution or civil proceedings. Licence Number 100019110. 2023</p> 
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FAREHAM

BOROUGH COUNCIL



<p>TOWN & COUNTRY PLANNING ACT 1990 FAREHAM BOROUGH COUNCIL TREE PRESERVATION ORDER NUMBER 780 9 - 11 Berry Lane, Hill Head</p>	<p>Title: FTPO 780 Date: 11 October 2023</p>	<p>Ref: 1 Scale: 1:750</p>	<p>Reproduced from Ordnance Survey material with the permission of the Controller of Her Majesty's Stationery Office. © Crown Copyright. Unauthorised reproduction infringes copyright and may lead to prosecution or civil proceedings. Licence Number 100019110, 2023</p> 
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APPENDIX B – T1 VIEWED FROM BERRY LANE (WEST)



T1 VIEWED FROM BERRY LANE (WEST)



T1 VIEWED FROM BERRY LANE (EAST)



T2 VIEWED FROM BERRY LANE (WEST)



T2 VIEWED FROM BERRY LANE (EAST)

