

FAREHAM

BOROUGH COUNCIL

AGENDA PLANNING COMMITTEE

Date: Wednesday, 13 March 2024

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 - 5)

To confirm as a correct record the minutes of the Planning Committee meeting held on 14 February 2024.

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 Performance Monitoring Update and Action Plan (Pages 6 - 20)

7. Planning applications and Miscellaneous Matters including an update on Planning Appeals (Page 21)

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/22/1812/FP - LAND EAST OF BROOK LANE WARSASH (Pages 23 - 69)

ZONE 2 - FAREHAM

(2) P/24/0053/FP - 12 CLIFTON MEWS FAREHAM (Pages 71 - 78)

ZONE 3 - EASTERN WARDS

(3) Planning Appeals (Pages 80 - 85)



A WANNELL
Chief Executive Officer
Civic Offices
www.fareham.gov.uk
05 March 2024

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FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Wednesday, 14 February 2024

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

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

Also Present: Councillor Mrs K Mandry (Item 6 (2))



1. APOLOGIES FOR ABSENCE

An apology of absence was received from Councillor Miss J Burton.

2. MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee meeting held on 17 January 2024 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcement:

“In March 2023, the Planning Committee refused permission for up to 109 dwellings to be built on land at Pinks Hill, Wallington. An appeal was lodged against the Council’s decision and was scheduled to be heard at a public local inquiry in January this year.

On 15th December the appellant advised the Council that “in light of deficiencies in the evidence base”, the appellant was withdrawing the appeal. The appeal was treated as formally withdrawn by the Planning Inspectorate on that date.

At that stage of the appeal process, the Council had incurred considerable cost in terms of legal advice, consultant costs and Fareham Borough Council’s Officer costs. The Council therefore made a formal application to the Planning Inspectorate seeking a full award of costs against the appellant for withdrawing the planning appeal at such a late stage without good reason. The Council argued the actions of the appellant represented unreasonable behaviour and that the appellant should repay the Council’s costs in full in connection with the planning appeal.

By decision letter dated the 26th January, the Planning Inspectorate agreed with the position of this Council and ordered that the appellant pay this Council its appeal costs in full. The Council’s Officers are currently seeking to agree the final level of the cost claim with the appellant.”

4. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

5. DEPUTATIONS

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

Name	Spokesperson representing the persons listed	Subject	Supporting or Opposing the Application	Minute No/ Application No/Page No	Dep Type

ZONE 2 – 2.30pm					
Mr Bob Marshall	The Fareham Society	LAND WEST OF FAREHAM PARK ROAD – OUTLINE APPLICATION WITH ALL MATTERS RESERVED (EXCEPT ACCESS) FOR THE CONSTRUCTION OF SEVEN DWELLINGS WITH ACCESS FROM FAREHAM PARK ROAD	Opposing	6(1) P/23/1341/OA Pg 8	Written
Ms Catherine Hester		-DITTO-	Opposing	-Ditto-	Written
Mr Samuel Wright		-DITTO-	Opposing	-Ditto-	Written
Mr Peter Davies		-DITTO-	Opposing	-Ditto-	Written
Mr Adam Constantinou (Agent)		-DITTO-	Supporting	-Ditto-	In Person 3 mins
ZONE 3 – 2.30pm					
Mr Bernard Clarke-Lens		53 OLD STREET – VARIATION OF CONDITION (P/07/0742/FP) FOR VEHICULAR ACCESS TO FRONT OF PROPERTY	Opposing	6(2) P/23/1445/VC Pg 39	Written

(1) WRITTEN DEPUTATIONS

The Committee noted the content of the written deputations that had been published on the Council’s website prior to the meeting.

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/23/1341/OA - LAND WEST OF FAREHAM PARK ROAD FAREHAM

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: -

Additional Representations

One further letter of objection has been received raising the following concerns:

- *Increased risk to pedestrians using the footpath;*
- *Ancient woodland located close to the site;*
- *Site is home to various wildlife species;*
- *Should consider previous planning applications on the site;*
- *Publicity was not sufficient.*

The representation does not raise any new material planning considerations and concerns have been addressed within the officer's report.

The Planning Officer also provided a verbal update at the meeting confirming that comments had now been received from Natural England in which they did not raise any objections.

Upon being proposed and seconded the officer recommendation to: -

- (i) GRANT planning permission;
 - (a) Subject to the conditions in the report.

Then

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

Was voted on and CARRIED.

(Voting: 7 in favour; 2 against)

RESOLVED that: -

- (i) PLANNING PERMISSION be granted;
 - (a) Subject to the conditions in the report.

Then

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

(2) 53 OLD STREET HILL HEAD

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

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

A proposal was put forward by Councillor Mrs S Walker that the application be approved contrary to the Officer recommendation on the basis that Members find there would be no unacceptable impact on highway safety in accordance with Local Plan Policy TIN2. The proposal was that the application be approved to remove condition 4 of planning permission reference P/07/0742/FP subject to:

- a) all other relevant conditions imposed on the original planning permission reference P/07/0742/FP being reimposed insofar as they are still capable of taking effect; and
- b) an additional condition requiring the new planting shown on the proposed plans to be implemented.

The proposal was seconded and was voted on a CARRIED.
(Voting: 6 in favour)

RESOLVED that PLANNING PERMISSION be granted, subject to: -

- (a) all other relevant conditions imposed on the original permission reference P/07/0742/FP being reimposed insofar as they are still capable of taking effect; and
- (b) an additional condition requiring the planting shown on the proposed plans to be implemented.

(3) Planning Appeals

The Committee noted the information in the report.

(4) UPDATE REPORT

The Update report was circulated prior to the meeting and considered alongside the relevant agenda items.

(The meeting started at 2.30 pm
and ended at 4.05 pm).

..... Chairman

..... Date

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date **13 March 2024**

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

Subject: **Planning Performance Monitoring Update and Action Plan**

SUMMARY

The planning performance of this Council is monitored by the Department for Levelling Up, Housing and Communities (DLUHC). The Executive report attached at Appendix A sets out this Council's performance in respect of speed of decision making and quality of decision making.

In December 2023, the Council's planning service was designated by DLUHC due to the number of appeals allowed against the decisions of this Council on major planning applications. The majority of these allowed appeals related to planning applications decided between April 2020 and March 2021.

The Council is required to prepare and agree an Action Plan with DLUHC which addresses the reasons that led to the number of major applications being allowed at appeal. A draft Planning Designation Action Plan is attached at Appendix B.

RECOMMENDATION

It is RECOMMENDED that the Planning Committee:-

- a) note the contents of the Executive Report and the draft Planning Designation Action Plan attached at Appendices A and B; and
- b) consider and pass any recommendations to the Executive for consideration at their meeting on the 18 March 2024.

Appendices:

Appendix A: Executive report – Planning Performance Monitoring Update

Appendix B: Planning Designation Action Plan

Enquiries:

For further information on this report please contact Lee Smith (Telephone: 01329 824427)

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 18 March 2024

Portfolio:	Planning and Development
Subject:	Planning Performance Monitoring Update
Report of:	Director of Planning and Regeneration
Corporate Priorities:	Provide Housing Choices, Respond to Climate Change and Protect the Environment, Strong, Safe & Healthy Communities, Promote Economic Development, Leisure Opportunities for wellbeing and Fun Responsive, Inclusive and Innovative Council

Purpose:

To present an update on the Council's planning application performance and to seek the Executive's approval on an Action Plan which will sustain the Council's present high level of performance on Quality of planning decision making.

Executive summary:

The planning performance of all Councils in England is assessed by the Department for Levelling Up, Housing and Communities (DLUHC). The focus of the performance monitoring is on the speed of decision making and the quality of decision making (the latter being linked to the number of appeals allowed against the Council's decisions). The briefing paper attached to this report provides an update on this Council's latest performance in respect of speed and quality of decision making.

In December 2023, the Council's planning service was designated by DLUHC due to the number of appeals allowed against the decisions of this Council on major planning applications. The majority of these allowed appeals related to applications decided between April 2020 and March 2021. The number of major planning applications allowed on appeal since March 2021 has significantly reduced.

The Council is required to prepare and agree an Action Plan with DLUHC which addresses the reasons that led to the number of major applications being allowed at appeal. The Executive is invited to agree a Planning Designation Action Plan.

Recommendation:

It is recommended that the Executive:

- (a) notes the progress made in respect of the quality of decision making on planning applications;
- (b) approves the Action Plan, having regard for any comments received from Members of the Planning Committee following their consideration of the draft Action Plan on the 13 March;
- (c) requests that Officers submit the Action Plan to the Department for Levelling Up, Housing and Communities for approval;
- (d) delegates authority to the Director of Planning and Regeneration, following consultation with the Executive Member for Planning and Development and the Chairman of the Planning Committee, to make amendments to the Action Plan in response to any comments made by the Department for Levelling Up, Housing and Communities on the Action Plan.

Reason:

To set out the progress made in respect of the quality of decision making on planning applications and to approve the relevant aspects of the Action Plan which will sustain, and endeavour to further improve, the Council's current high level of performance.

Cost of proposals:

The cost of implementing the Actions set out within the draft Action Plan can be met from within existing budgets.

Appendices: A: Planning Designation Action Plan December 2022 onwards

Background papers: Improving planning performance: Criteria for designation (updated 2022)
Letter from the Department for Levelling Up, Housing and Communities dated 19 December 2023

FAREHAM

BOROUGH COUNCIL

Executive Briefing Paper

Date:	18 March 2024
Subject:	Planning Performance Monitoring Update
Briefing by:	Director of Planning and Regeneration
Portfolio:	Planning and Development

INTRODUCTION

1. All local planning authorities in England are required to submit information relating to their Development Management function to the Government on a quarterly basis. The type of information local planning authorities are required to submit includes the following:
 - Number of planning and related applications on hand at the beginning of each quarter, received, withdrawn, called in or turned away during the quarter;
 - The number of decisions and delegated decisions;
 - Number of consents Council's grant to themselves for development which either they will undertake themselves or will be implemented by others
 - Number of decisions on applications for prior approval
 - Development types
 - Whether permission/consent was granted or refused; and
 - The time taken from application submission to decision.
2. All of the information received from local planning authorities is collated into tables and published on the Government's website.

MEASURING PLANNING PERFORMANCE

3. The Government separately measures the planning performance of each local planning authority in England. The Government measures the performance in four main areas:
 - The speed of decision making for major planning applications
 - The speed of decision making for non-major planning applications

- The Quality of decision making for major planning applications
 - The Quality of decision making for non-major planning applications
4. The following section of the report looks firstly at the speed of decision making at Fareham Borough Council followed by the quality of decision making.

Speed of decision making

5. The Government specifies the period of time within which decisions should be made on planning and related applications. If the Council and an applicant agree, the period of time for deciding a planning application can be extended beyond the period specified by the Government.
6. For major applications, the time specified by the Government within which decisions should be made is 13 weeks from the date of receipt of a valid application. (Major applications include those which propose 10 or more dwellings; where a site is 0.5 hectares or more and it is not known how many houses are proposed; the provision of a building or buildings where the floor space to be created is 1,000 square metres or more; or a development carried out on a site having an area of 1 hectare or more).
7. For non-major applications, the time specified by the Government within which decisions should be made is 8 weeks from the date of receipt of a valid application.
8. The Government's assessment of speed of decision making is undertaken over a two-year period from the beginning of October to the end of September. The last assessment completed by the Government looked at 1st October 2021 to 30th September 2023.
9. The Government sets out the criteria as to how it assesses the performance of local planning authorities in terms of speed of decision making. The Government's current criteria is that:
- at least 60% of major applications must be decided either within the time period specified by the Government or within an extended period agreed between the Council and the applicant;
 - at least 70% of non-major applications must be decided either within the time period specified by the Government or within an extended period agreed between the Council and the applicant;
10. For the period of 1st October 2021 – 30th September 2023, Fareham Borough Council was assessed as follows:
- **Major applications:** 97.6% decided either within the time period specified by the Government or within an extended period agreed between the Council and the applicant.
 - **Non-major applications:** 97.3% decided either within the time period specified by the Government or within an extended period agreed between the Council and the applicant.

For both major and non-major applications, the Council's speed of decision making

substantially exceeded the Government's minimum requirements.

Quality of decision making

11. The Government measures the quality of decision making by looking at the percentage of the total number of decisions made by the authority on applications that are subsequently overturned at appeal. Major and non-major applications are assessed separately.
12. The Government's assessment of quality of decision making is undertaken over a two-year period from the beginning of April to the end of March.
13. The Government sets out the criteria as to how it assesses the performance of local planning authorities in terms of quality of decision making. The Government's current criteria is that:
 - No more than 10% of an authority's total number of decisions on major applications made during the assessment period should be overturned at appeal;
 - No more than 10% of an authority's total number of decisions on non-major applications made during the assessment period should be overturned at appeal;
14. The most recent assessment period for quality of decision making is 1st April 2021 – 31st March 2023. Following the end of the assessment period the Government allows a further 9 months for any planning appeals in the system to be decided before completing the assessment.
15. The 9 month 'lag' period runs up to 31st December 2023. The Department for Levelling Up, Housing and Communities have advised that the next set of statistics on the quality of decision making will be published by the Department in March 2024. Based upon the data available, Officers forecast that the quality of decision-making statistics will show the following:
 - **Major applications:** Two of the total number of major applications dealt with by this Council between 1 April 2021 and 31 March 2023 have been subject to appeals which were allowed. This means that 4.2% of this Council's total number of decisions on major applications made during the assessment period have been overturned at appeal, which is substantially below the Government's threshold.
 - **Non-major applications:** In the assessment period from 1st October 2020 to 30th September 2022, this Council made approximately 1,900 non-major decisions, of which 25 were appealed with 6 appeals being allowed. This resulted in 0.3% of this Council's total number of decisions on non-major applications made during the period being overturned at appeal.
 - For the current assessment period of 1st April 2021 – 31st March 2023 a very similar number of appeals have been allowed in respect of non-major applications. Whilst there has been a slight reduction nationally in the number of planning applications received over the assessment period, Officers do not anticipate any material change in the total number of decisions on non-major applications made during the assessment period being overturned at appeal. The Council's total number of decisions on non-major applications made during the period being overturned at appeal, will be substantially below the Government's threshold.

Designation in respect of major applications under Section 62A of the Town and Country Planning Act 1990

16. In December 2022, Fareham Borough Council was contacted by the Planning Advisory Service (PAS) (on behalf of the Department for Levelling Up, Housing and Communities (DLUHC)). PAS advised this Council that it was at risk of designation in light of the amount of major planning applications which had been subsequently granted planning permission on appeal (referred to as 'Quality' of decision making by the Government) between 1 April 2020 and 31 March 2022.
17. In early 2023, an independent review was undertaken of the Council's Planning Committee by the Planning Advisory Service. The Planning Advisory Service found that the Council's Planning Committee and associated procedures were sound, the Planning Committee was well run, and decisions were taken appropriately.
18. In July 2023, DLUHC formally wrote to this Council and advised that the Council was at risk of designation as 9 appeals had been allowed in respect of major applications considered by the Council between 1 April 2020 and 31 March 2022. The Council dealt with 45 major applications during the assessment period- this means that 20% of this Council's total number of decisions on major applications made during the assessment period had been overturned at appeal. The Council was invited to set out any exceptional circumstances that had affected the authority's performance which would make a designation under section 62A unreasonable.
19. The Council submitted an extensive response to DLUHC later in July which set out the exceptional circumstances which had affected the Council's performance during the assessment period. The Council highlighted that all the appeals allowed, related to housing developments on greenfield sites at a time when the Council did not have an up-to-date Local Plan, a five-year housing land supply and was endeavouring to address the issue of nitrate mitigation. Since that time the Council has adopted a Local Plan, established a five-year housing land supply and secured nitrate mitigation measures to enable housing development to take place across the Borough. The Council also highlighted that Planning Inspectors had not found the Council's decisions 'unreasonable' in 7 of the 9 appeals, with one full award of costs against the Council and one partial award of costs. The Council further drew attention to the fact that the number of major planning applications decided by this Council since April 2021 which were subsequently granted planning permission on appeal had substantially reduced.
20. On the 19 December 2023, Fareham Borough Council was advised by the Government that it was being designated in respect of applications for planning permission for major developments. There had been no contact from DLUHC between the Council submitting its exceptional circumstances to DLUHC in July and the Designation in late December 2023.
21. The effect of the designation means that applications for major development can continue to be submitted to Fareham Borough Council or submitted directly to the Planning Inspectorate. At the time of preparing this report no major applications have been submitted directly to the Planning Inspectorate.

Current performance on ‘Quality of decision making’ and the preparation of a Designation Action Plan

22. Since the period between April 2020 and March 2021, there has been a substantial and sustained reduction in the number of major planning applications which have been granted planning permission on appeal. The following tables sets out the number of major applications dealt with by year and the number of applications granted permission on appeal:

Time period	Number of major applications considered by the Council	Number of major applications decided during that period subsequently allowed on appeal
1 April 2020 - 31 March 2021	20	7
1 April 2021 - 31 March 2022	25	2
1 April 2022 - 31 March 2023	25	1
1 April 2023 - 31 March 2024*	20	0

*Position as at 4 March 2024. There are currently no major planning appeals before the Planning Inspectorate.

23. As part of the designation of the planning service made by DLUHC, this Council is required to prepare an Action Plan, ‘identifying actions that address the areas of weakness that led to the Council being designated.’
24. Following contact by the Planning Advisory Service in December 2022, the Council commenced work on an Action Plan which was further supplemented by the independent review of the Council’s Planning Committee in early 2023. A detailed Action Plan is set out at Appendix A which incorporates the actions undertaken since December 2022 and adds to these where appropriate.
25. The Planning Committee is being invited to comment on the Action Plan at their meeting on the 13 March in so far as it relates to the matters within their remit. Any comments on the Action Plan by the Planning Committee will be brought to the Executive’s attention.
26. The Executive is invited to approve the draft Action Plan in respect of those matters which fall within its remit. Following approval of the draft Action Plan, this Council will need to approve the Action Plan with DLUHC. Should DLUHC request any amendments to the Action Plan, delegated authority is sought for the Director of Planning and Regeneration to make amendments, following consultation with the Executive Member for Planning and Development and the Chairman of the Planning Committee.

RISK ASSESSMENT

27. If the Council does not achieve the Government's minimum thresholds in respect of speed of decision making or exceeds the Government's maximum thresholds for quality of decision making, the Government can consider continuing to designate the Council as 'underperforming'.
28. If the Council were to remain designated as underperforming, applicants would continue having the choice of submitting applications directly to the Planning Inspectorate rather than to the Council for the type of applications for which the Council had been designated (major or non-major).
29. When applicants submit applications directly to the Planning Inspectorate the planning application fee is also paid to the Planning Inspectorate. This will result in a reduced planning income to this Council.

CONCLUSION

30. This Council has strong measures in place to ensure that applications are determined within the Government's specified time periods or within periods agreed with applicants.
31. The Council seeks amendments to many planning applications which are not acceptable at first submission. This approach ensures that the Council deals with applications once where possible and reduces the number of planning appeals which are submitted.
32. As a result of the Council's approach to deciding planning applications, the number of planning appeals the Council receives each year as a percentage of the total number of non-major applications it decides is very small (less than 2%).
33. The total number of major planning applications the Council decides each year typically varies between 20 and 25 in number. Because the total number of major applications is modest, a relatively small number of appeals being allowed can result in the Government's 10% threshold being exceeded.
34. A number of exceptional circumstances lead to a much higher number of major planning applications received between April 2020 and March 2021 being allowed on appeal. Since those exceptional circumstances have been addressed the number of appeals allowed in subsequent years has substantially reduced. A detailed Action Plan puts measures and monitoring in place which cumulatively will significantly reduce the risk of the Council's performance on the 'Quality of decision making' failing to meet the Government's minimum requirements.
35. Based on the data available, this Council's performance on Quality of decision making for the period April 2021 – March 2023, is projected to be substantially below the Government's threshold for designation.

ENVIRONMENTAL CONSIDERATIONS/CARBON IMPACT ASSESSMENT

36. The subject matter of this report is not anticipated to have an impact on the Council's carbon footprint, nor is it expected to have a detrimental or beneficial impact to the wider environment.

Enquiries:

For further information on this report please Lee Smith, Head of Planning (Ext 4427 / email: lsmith@fareham.gov.uk)

DRAFT

Planning Designation Action Plan- December 2022 onwards

Description	Lead	Notes and Actions	Action Target Date	Status
OBJECTIVE: Identify sufficient sites and supply to demonstrate a 5-year housing land supply				
Ensure that Fareham Borough Council has an adopted up-to-date development plan	Director of Planning and Regeneration Head of Planning Executive	The Fareham Borough Local Plan 2037 was formally adopted by the Council on the 5 April 2023.	April 2023	
Ensure that the Council has a demonstrable 5-year supply of housing land	Head of Planning	At the Planning Committee in January 2023, a report was published demonstrating the Council had a 5.49 year supply of housing. As a result of the changes made to the NPPF in December 2023, the Council is not required to publish an annual 5 year housing land supply position as it has an up-to-date adopted local plan.	January 2023	
OBJECTIVE: Ensure Members have best available information for decision making				
Ensure Members are aware in advance of major planning applications being reported to the Planning Committee and encourage Members to submit questions in advance	Team Leaders (Development Management)	To provide certainty for Members that they have all relevant information available to them at the time of making their decision. Report to Planning Committee in April 2024 to agree procedure. Implementation within one month of approval by Members. Action referenced in the PAS Planning Committee Review	May 2024	

<p>Use Case Officers to present planning applications at the Planning Committee and ensure the selective attendance of specialist officers where they are better placed to respond to specific technical issues that are likely to be discussed against an item.</p>	<p>Head of Planning</p>	<p>Case Officers have greatest knowledge of the details of the application and likely to be the most familiar with the application site and its surroundings. Highway Engineers, Ecologists, Environmental Health Officers and other specialists to be invited to attend Planning Committee as appropriate.</p> <p>Implemented during second quarter of 2023.</p> <p>Action referenced in the PAS Planning Committee Review 2023.</p>	<p>June 2023</p>	
<p>OBJECTIVE: Ensure Council's Planners aware of all planning appeal decisions, decisions are reviewed, and trends acted on</p>				
<p>Ensure that all Members of the Council's Planning Service are aware of all planning appeal decisions shortly after receipt</p>	<p>Head of Planning</p>	<p>Planning appeal decisions typically circulated to Director of Planning and Regeneration, all Development Management Planners, all Planning Strategy Planners and Planning Solicitors (where legal issues or legal representation provided) within 24 hours of receipt.</p> <p>Action implemented pre-December 2022 & ongoing</p>	<p>Ongoing</p>	
<p>Ensure that planning appeal decisions are monitored on a monthly basis by Senior Officers within the Planning Service and any trends are highlighted with the Service</p>	<p>Head of Planning Team Leaders (Development Management)</p>	<p>All planning appeal decisions are discussed between the Head of Planning and the Team Leaders within Development Management and any themes within decisions identified. Themes and necessary actions to address to be highlighted with Planners and Members of the Planning Committee.</p> <p>Action implemented pre-December 2022 & ongoing</p>	<p>Ongoing</p>	
<p>Ensure that a spreadsheet is maintained which records the Council's quality of decision making on major</p>	<p>Head of Planning</p>	<p>Ensures any trends in decision making highlighted at the earliest opportunity. Implemented in Quarter 1 of 2023 and ongoing.</p>	<p>Ongoing quarterly</p>	

planning applications on a monthly/ quarterly/ and 2 yearly basis				
OBJECTIVE: Ensure Planning Committee Members aware of all planning appeal decisions, decisions are reviewed, and trends acted on				
Ensure that all Members of the Planning Committee are aware of all planning appeal decisions shortly after receipt	Head of Planning	Planning appeal decisions typically circulated to Members of the Planning Committee within 24 hours of receipt. Action implemented pre-December 2022 & ongoing	Ongoing	
Ensure that details of planning appeals and all decisions are regularly reported to the Planning Committee and any trends are highlighted to Members and actions recommended	Head of Planning	Details of all planning appeals outstanding, the decision maker, whether the appeal resulted from an overturned recommendation and all planning appeals decisions received, are reported to every meeting of the Planning Committee. Discussions on the report focus on the decisions received and the reasons why Planning Inspectors decided appeals in the way they did. Action implemented pre-December 2022 & ongoing	Ongoing monthly	
Identify instances with the Planning Committee where costs have been awarded in favour of or against the Council	Head of Planning	Implemented and ongoing. The Planning Committee advised as part of the Planning Appeal report presented each month, where costs have been awarded in favour of or against the Council and the reasons why the Planning Inspectorate found unreasonable behaviour. Action implemented pre-December 2022 & ongoing	Ongoing monthly	
Establish a regular programme for performance reporting to the Planning Committee, using the DLUHC performance statistics to monitor against national government targets	Head of Planning	Implemented and ongoing. Officers to provide regular reports (ideally quarterly) to the Planning Committee on planning performance using DLUHC performance statistics. Implementation of performance reporting to Planning Committee commenced in third quarter of 2023 Action referenced in the PAS Planning Committee Review 2023.	September 2023 Ongoing quarterly	

OBJECTIVE: Increase Member involvement earlier in the planning process/ ensure Members regularly brief on existing and emerging planning matters				
Review Council's pre-application service to increase opportunity for member involvement in major proposals.	Head of Planning	This approach will help to increase Members' awareness of major proposals in advance of formal consideration by the Planning Committee. Whilst the involvement of Members in pre-application discussions has increased in the last 12 months, proposals will be presented to the Planning Committee in April 2024, setting out options for increasing Member involvement in pre-application proposals for major proposals. Implementation within one month of approval by Members. Action referenced in the PAS Planning Committee Review 2023	May 2024	Orange
Introduce a programme of topic-based Planning Committee member training sessions to supplement the existing compulsory training.	Head of Planning	Implemented and ongoing. These sessions will take place throughout the year with a focus post-election. Action referenced in the PAS Planning Committee Review 2023	January 2023	Green
OBJECTIVE: Officer and Member Governance Arrangements for monitoring and reviewing this Action Plan				
Ensure progress against actions identified within the Action Plan is regularly reviewed	Director of Planning and Regeneration	Director of Planning and Regeneration and Head of Planning to review progress against all actions in the Action Plan on a monthly basis.	Upon approval of Action Plan with DLUHC-March 2024	Orange
	Head of Planning	Formal report setting out progress against the actions in the Action Plan, presented to the Planning Committee on a quarterly basis.		
	Planning Committee	Formal reviews to commence upon approval of the Action Plan.		

Status key: **Green** – Implemented and ongoing

Orange – Partially implemented

Red – Not yet implemented



**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. All items will be heard from 2.30pm

Agenda Annex

ZONE 1 – WESTERN WARDS

Park Gate

Titchfield

Sarisbury

Locks Heath

Warsash

Titchfield Common

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
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P/22/1812/FP	LAND EAST OF BROOK LANE WARSASH	1
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WARSASH	HYBRID PLANNING APPLICATION COMPRISING:	
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FULL PLANNING APPLICATION FOR THE CONSTRUCTION OF 113 DWELLINGS, ACCESS FROM BROOK LANE VIA DEVELOPMENT TO THE SOUTH (PERMITTED UNDER P/17/0752/OA AND P/21/0300/RM), PARKING, LANDSCAPING, OPEN SPACE AND ASSOCIATED WORKS. OUTLINE PLANNING APPLICATION FOR 13 SELF/CUSTOM BUILD DWELLINGS, WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS

OFFICER REPORT FOR COMMITTEE

DATE: 13/03/2024

P/22/1812/FP
BARGATE HOMES & VIVID HOUSING

WARSASH
AGENT: PEGASUS GROUP

HYBRID PLANNING APPLICATION COMPRISING:

FULL PLANNING APPLICATION FOR THE CONSTRUCTION OF 113 DWELLINGS, ACCESS FROM BROOK LANE VIA DEVELOPMENT TO THE SOUTH (PERMITTED UNDER P/17/0752/OA AND P/21/0300/RM), PARKING, LANDSCAPING, OPEN SPACE AND ASSOCIATED WORKS.

OUTLINE PLANNING APPLICATION FOR 13 CUSTOM BUILD DWELLINGS, WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS

LAND EAST OF BROOK LANE, WARSASH

Report By

Susannah Emery – direct dial 01329 824526

1.0 Introduction

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

2.0 Site Description

2.1 The application site measures approximately 5.11 hectares and lies to the east of Brook Lane to the north of the village of Warsash and to the south of Greenaway Lane. The site is within the urban area and the HA1 Housing Allocation.

2.2 The site abuts existing frontage development along Brook Lane at the western boundary and housing development is currently underway on sites immediately to the north and south of the application site. Those sites are also being developed by the applicant Bargate Homes.

2.3 The site can be roughly divided into two distinct character types at present to the west and eastern boundaries of the site, separated by an on-site watercourse. The western part of the site consists primarily of grassland and scrub sub-divided into smaller fields with a mixture of hedges, trees and fences. Previously several glasshouses stood upon areas of hardstanding but these have now been removed.

- 2.4 The eastern part of the site was previously entirely occupied by commercial greenhouses but a number of these have been demolished in recent years. Vero Industrial Estate lies immediately to the north of this and an unmade track used to access Vero, which runs north to south between Greenaway Lane and Warsash Road, abuts the eastern site boundary.
- 2.5 The site is relatively level, falling slightly towards the central watercourse and to the south of the site, and lies within Flood Zone 1 (least at risk).

3.0 Description of Proposal

- 3.1 Full planning permission is sought for the construction of 113 dwellings with all associated car parking, areas for landscaping and open space. Outline planning permission is sought for an additional 13 custom build plots which are carved out of the comprehensive site layout. The total number of dwellings proposed is therefore 126. Access to these plots would be provided directly from the estate roads. Aside from access all other matters in respect of the custom build plots are reserved for a later date.
- 3.2 Vehicular access to the proposed development would be taken from the adjoining development to the South, known as Rivercross, which is currently under construction by the applicant. The adjacent development consists of a total of 118 dwellings permitted and built within two phases (planning references P/17/0752/OA; P/21/0300/RM; P/21/2019/RM). The estate roads within Rivercross would link with the proposed development and vehicular traffic would utilise the existing access which has already been constructed on to Brook Lane. Only one of the dwellings within the proposed development (plot No.126) would front Brook Lane, sitting on the road frontage, with access taken directly from Brook Lane.
- 3.3 To the north of the application site the applicant is currently undertaking a further development consisting of 80 dwellings accessed from Greenaway Lane (P/19/0402/OA & P/21/1780/RM), this development is known as Herons Quarter. The application site therefore forms the central 'jigsaw piece' between these two adjacent development sites. The layout of the sites has been designed holistically to ensure connectivity and enable pedestrian/cycle movements between the three separate parcels. The application site is the last significant parcel of land within the HA1 housing allocation to the south of Greenaway Lane which does not currently benefit from planning permission.
- 3.4 Construction of the 113 dwellings subject to the full planning application would be divided into two phases; phase 1 of the development would be sited to the western side of the application site closest to Brook Lane and the dwellings within phase 2 would be sited to the eastern side of the application site. The central area between these two areas of housing would provide an area of

public open space (POS) which would have pedestrian/cycle connections with public open space on the adjoining parcels of land to the north and south, creating a central landscaped green corridor.

- 3.5 The POS on the application site would be dissected into two separate areas (north & south) by a pedestrian/cycle route linking Phase 1 & 2. It is proposed that much of the northern part of the POS would be transferred to the Council to provide the location for an equipped children's play area (LEAP) serving the wider area and to enable the delivery of two junior football pitches (1x 5aside and 1x 7aside) within the HA1 housing allocation. The smaller area of POS to the south of the pedestrian/cycle route would contain sustainable urban drainage features (attenuation basins) to collect the on-site surface water run-off and this land would be retained by a management company.
- 3.6 The development would be mixed tenure delivering 65 market homes within Phases 1 & 2 combined and 10 market custom build plots. In addition the proposal includes 40% affordable housing (51 plots) including 28 properties for affordable rent; 15 for shared ownership, 5 for social rent and 3 discounted market value custom built plots.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Local Plan 2037

DS1 - Development in the Countryside

DS3 – Landscape

H1 – Housing Provision

HP1 – New Residential Development

HP5 – Provision of Affordable Housing

HP7 – Adaptable and Accessible Dwellings

HP9 – Self and Custom Build Homes

CC1 – Climate Change

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 Special Protection Areas (SPAs)

NE6 – Trees, Woodland and Hedgerows

NE8 – Air Quality

NE9 – Green Infrastructure

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
Planning Practice Guidance (PPG)
Residential Car and Cycle Parking Standards Supplementary Planning Document (November 2009)
Design Guidance Supplementary Planning Document excluding Welborne (December 2015)

5.0 Relevant Planning History

5.1 The following planning history is relevant:

Application Site

P/17/0998/OA Outline application for up to 157 dwellings with access from Brook Lane and Lockwood Road, associated open space, sustainable drainage and landscaping.
Committee Resolution to Permit October 2018
Subsequently Withdrawn

Land to South

P/17/0752/OA Outline application with all matters reserved (except for access) for the construction of up to 140 residential dwellings, access from Brook Lane, landscaping, open space and associated works
Permission 17 February 2021

P/21/0300/RM Reserved Matters Major application pertaining to layout, scale, appearance and landscaping for the construction of phase 1, 76 dwellings together with associated parking, open space, landscaping and other infrastructure and development works, pursuant to Outline Planning Permission P/17/0752/OA (Phase 1)
Permission 18 February 2022

P/21/2019/RM Reserved matters application pertaining to layout, scale, appearance and landscaping for the construction of 42 dwellings (Phase 2) together with associated parking,

open space, landscaping and other infrastructure and development works, pursuant to Outline Planning Permission P/17/0752/OA (Phase 2)
Permission 13 October 2022

Land to North

P/19/0402/OA Outline application with all matters reserved (except for access) for the construction of up to 100 residential dwellings, access from Greenaway Lane, landscaping, open space and associated works
Permission 22 April 2021

P/21/1780/RM Reserved matters application pertaining to layout, scale, appearance and landscaping for the construction of 80 dwellings together with associated parking, open space, landscaping and other infrastructure and development works, pursuant to Outline Planning Permission P/19/0402/OA and approval of details required by conditions 7 and 18 (Biodiversity & Enhancement Mitigation Strategy) and 9(i) Archaeology of P/19/0402/OA
Permission 20 January 2023

6.0 Representations

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

- Overdevelopment of local area
- This area has taken fair share of development
- Out of keeping with the character of the area
- Density of development
- Design of dwellings lacks character
- Affordable housing is arranged in clusters when it should be more widely dispersed
- Affordable housing should not abut existing dwellings on Brook Lane
- A buffer strip should be provided to rear of Brook Lane properties
- Loss of greenspace
- Need to protect environment, protected species and biodiversity
- What ECOSA are proposing in the way of integral nest bricks for this development is inadequate and does not follow the latest guidance.
- Native planting required
- Wildlife corridors should be incorporated into development

- Need to ensure wildlife corridors do not become pedestrian cut through or dumping ground
- A wetland for wildlife should be provided
- Rain water harvesting systems and other sustainable features should be incorporated
- Junior football pitches should be provided
- A solid fence is required along eastern boundary to stop people trespassing on private land
- Impact on local services ie schools, doctors, dentists etc
- Lack of public transport
- Increased vehicular movements on congested roads
- Insufficient car parking
- Garages should be replaced with car ports
- Vehicular access from development site to adjacent land should be secured for future development
- Noise from construction site
- Increased air pollution
- Impact on foul drainage system
- Increased crime
- Increased nitrate emissions

7.0 Consultations

EXTERNAL

Hampshire County Council (HCC)- Highways

- 7.1 The previously requested details on traffic distribution, assignment and committed development traffic flows are included in a technical note (TN). Updated personal injury accident data has also been provided. The Highway Authority is satisfied that the traffic impact of the development can be mitigated against through financial contributions towards local highway network improvements.
- 7.2 The Technical Note provides agreement to make a financial contribution of £482,000 (index linked from 18 March 2018) towards improvements at: Brook Lane/A27 junction, Brook Lane/Lockswood Road junction, Barnes Lane/A27 junction, and Brook Lane/Barnes Lane junction.
- 7.3 The internal road layout has been subject to a Stage 1 Road Safety Audit. It is confirmed in the TN that the estate roads within the development are to be private. Clarification is requested on a number of points (ie. to ensure visibility splays are provided within the control of the management company, appropriate footway provision, and to ensure sufficient turning/manoeuvring space for the refuse lorry).

- 7.4 The site is surrounded by existing pedestrian infrastructure on the local highway network within the vicinity of the site. Pedestrian footways run along both the eastern and westerns flanks of Brook Lane. Lockswood Road on the eastern side of the development benefits from a 1.8-metre-wide footway on the eastern side of the carriageway. The Highway Authority is of the view that an east/west pedestrian/cycle link through the site should be delivered to enable a possible connection to the housing parcel to the east. If such a connection is realised, this would improve permeability throughout the entire housing allocation and better connectivity to the wider community.
- 7.5 The Highway Authority request evidence of consultation with the emergency services to confirm that the singular vehicular access proposal is acceptable to serve the development.
- 7.6 The roadway fronting plot no. 107 could provide access to a remaining part of the housing allocation. Clarification sought that this is achievable.
- 7.7 A number of amendments are also sought to finalise the proposed Travel Plan.

Hampshire County Council – Flood and Water Management Team

- 7.8 Comments awaited

Hampshire County Council – Children’s Services

- 7.9 The proposed development of 126 dwellings would be likely to generate approximately 26 secondary pupils. This is based on a figure of 0.21 secondary age children for every contributing dwelling of 2 beds or more. This figure was derived by conducting demographic surveys of developments that have been completed within Hampshire and calculating the average number of primary and secondary age children on those developments.
- 7.10 Brookfield Secondary School is oversubscribed from its catchment area necessitating an additional 36 offers to be made for year 7 pupils for September 2023. The forecast predictions indicate growth in the school’s population in the immediate future. As such a building viability study was undertaken to expand the school by one form of entry or 150 places, 30 per year group. This was estimated to cost between £6m and £7m. Work is underway to confirm the long-term pupil trends in the area to establish the requirement for any permanent expansion of the school. In the meantime, modular accommodation has been provided to accommodate the immediate pressure for additional school places. The costs being sort from this development will contribute to the additional costs being incurred to accommodate additional pupils.

7.11 A review of primary pupil forecasts has been undertaken for the primary catchment school (Hook-with-Warsash) and a primary education developer contribution is no longer required due to a fall in pupil numbers in the local area.

7.12 The requirement for the contribution towards the School Travel Plan works remains as, whilst we have reduced the requirement for a primary school contribution, the development will still generate additional pupils that will undertake travel to the school, so work to make this journey as active as possible is needed through the production of school travel plans and engagement with the school community, parents etc.

Hampshire County Council – Archaeology

7.13 In light of the results of archaeological survey work carried out on adjacent land, it is my opinion that the archaeological potential of this site is insufficient to reasonably merit the burden of an archaeological condition. No objection raised.

Environment Agency

7.14 No comment

Southern Water

7.15 No comment

Hampshire Constabulary – Designing Out Crime Officer

7.16 Concern raised in respect of lack of natural surveillance of the large central area of Public Open Space (POS). In addition, the lack of a vehicular route between the east and west sides of the development is raised as a concern as the only pedestrian / cycle access between the east and west sides of the development is via the POS, which is less safe than the public highway. The area of POS shown in the car park to the rear of plot number 54 is considered to have very little natural surveillance which provides a reason to loiter within the area of the car park, which may lead to anti-social behaviour. The footpath shown running between plot numbers 53 and 66 is not as safe as it should be, it is not wide enough and would have very little natural surveillance from the nearby dwellings. General advice offered on external lighting.

Natural England

7.17 Comments awaited

INTERNAL

Open Spaces Manager

- 7.18 The central open space is a welcome feature of the design and the overlooking properties will provide good surveillance and therefore, help to provide a secure and safe feeling recreational space for the residents and open space users.
- 7.19 The ecological corridors will need suitable access for maintenance, particularly where adjacent to properties, to avoid the planting encroaching into gardens and causing nuisance.
- 7.20 Should the developer wish to transfer the open space to the Council, after payment of an appropriate sum for maintenance, then any areas containing SUDs will need to be excluded from this land transfer as they will form part of the drainage scheme for the built development and will require periodic access and maintenance to ensure the integrity of the estate drainage is maintained.
- 7.21 With regards to the two junior football pitches, the playing pitch strategy indicates a shortage of Junior, 9v9 and 7v7 pitches in the Western Wards and a future shortfall of 5v5 pitches. The age range for these pitches are from under 7 through to under 10 so should not be too disruptive to the adjacent householders. The land should be provided to the Council suitably well drained with level amenity grass surface ready to mark pitches on and a specification should be submitted to the Council for approval. Pitch markings and posts would be installed by the Council after transfer of the land. A maintenance contribution will be required in accordance with the adopted Planning Obligations SPD.

Trees

- 7.22 If adequate precautions to protect the retained trees are specified and implemented in accordance with the arboricultural method statement included in the tree report produced by Barrell Tree Consultancy ref 22011-AA3-PB – December 2022, the development proposals will have no significant adverse impact on the contribution of the trees to the public amenity or the character of the wider setting.

Ecology

- 7.23 The Ecological Impact Assessment (ECOSA, January 2024) as amended is broadly acceptable. However, I note that the survey of the buildings with bat potential were carried out in 2021 which are now out of date. Therefore, pre-commencement updated survey work will be required to ensure the status of the buildings has not changed in the interim.
- 7.24 Previously, further information in relation to the reptile translocation programme was requested. The submitted Reptile Translocation Report

(ECOSA, January 2024) is considered to be appropriate and confirms that a large number of reptiles have already been translocated to Warsash Common. Whilst some parcels have been announced clear of reptiles and a destructive search has been completed, there are a number of parcels which still require a destructive search and a capture and translocation programme, followed by a destructive search, during the reptile active season in 2024. Provided that the recommendations of the Translocation report are implemented, then I'd raise no further concerns in relation to reptiles.

- 7.25 I note that the proposed site plan has been amended and the requested wildlife corridors have now been added to the south-eastern boundary. This is positive and resolves the previously raised concern in relation to lack of connectivity between the greenspaces on site.
- 7.26 The Mitigation, Enhancement and Compensation measures for protected species set out within the revised Ecological Impact Assessment (ECOSA, January 2024) should also be secured via a planning condition. Furthermore, instead of the recommended 20% of the new dwellings supporting bat and bird features, I'd recommend that a planning condition is secured to ensure the installation of a minimum of a single integrated bat feature and a minimum of a single integrated swift brick within at least 50% of the new dwellings (a total of 63 bat and 63 bird features). A sensitive lighting strategy will also be required which can be secured via a planning condition.
- 7.27 The biodiversity net gain assessment (ECOSA, January 2024) confirms that the proposals will result in an overall 52.37% loss in habitats. Therefore, the deficit of 12.71 habitat units would need to be achieved through habitat creation or enhancement off site. This is acceptable and could be secured via a pre-commencement condition. No development shall commence until a Biodiversity Gain Plan to ensure that there is a minimum 10% net gain in biodiversity within a 30 year period as a result of the development has been submitted to and agreed in writing by the Local Planning Authority.

Housing

- 7.28 The distribution of affordable housing could be improved to maximise social integration however we have worked with the developer on this point and some positive changes have been made since the first iteration.
- 7.29 The inclusion of the three discount market sale custom built (DMSCB) plots brings the proposal up to the 40% affordable housing provision required in HP5 and the required tenure split. When the applicant approached the Council proposing DMSCB units, to fulfil the requirement for both HP5 and HP9, the Council carried out research on its Self and Custom Build register and its Affordable Home Ownership register. The results indicated there may

be a future demand. The 3 units proposed have been removed from the shared ownership offering as both are affordable home ownership products.

- 7.30 It is welcomed that all of the affordable rent units are at least standard M4(2), over and above the requirement of HP7. However a 2bed M4(3) unit is requested to meet an identified demand. Ideally, this would be a 2b4ph for social rent.

Contaminated Land

- 7.31 No objections subject to condition.

Environmental Health

- 7.32 No objection

Refuse & Recycling

- 7.33 The bin collection points and sweep plans are noted and are acceptable.

8.0 *Planning Considerations*

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

- a) Implications of housing delivery in Fareham
- b) Principle of development
- c) Landscape and visual impact
- d) Design and layout
- e) Affordable housing
- f) Self and custom build housing
- g) Highway matters
- h) Trees and ecology
- i) Impact on habitat sites
- j) The planning balance

a) Implications of housing delivery in Fareham

- 8.2 In determining planning applications there is a presumption in favour of the policies of the extant Development Plan unless material considerations indicate otherwise. Material considerations include the planning policies set out in the National Planning Policy Framework (NPPF).
- 8.3 Paragraph 11 of the NPPF clarifies what is meant by the presumption in favour of sustainable development for decision taking. It states:
- 8.4 For decision-taking this means:

‘ ...

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

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; 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’.

8.5 Footnote 7 to paragraph 11 reads as follows:

‘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 187) 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 72); and areas at risk of flooding or coastal change’.

8.6 Footnote 8 to paragraph 11 reads:

‘This includes, for applications involving the provision of housing, situations where: (a) the local planning authority cannot demonstrate a five year supply (or a four year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 77) and does not benefit from the provisions of paragraph 76; or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years

8.7 The NPPF states that local planning authorities should identify a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement including a buffer. Where a local

planning authority cannot do so, and when faced with applications involving the provision of housing, the policies of the local plan which are most important for determining the application are considered out-of-date.

- 8.8 Following revisions to the NPPF in December 2023, paragraph 76 of the NPPF states Local Planning Authorities which have an adopted plan which is less than five years old, and are able to identify a five year supply of specific, deliverable sites at the time that the examination of the plan is concluded, are now no longer required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes. Fareham Borough Council has an adopted plan which is less than five years old and as the adopted plan identified at least a five-year supply of specific and deliverable sites at the time that its examination was concluded, the above exemption is applicable.
- 8.9 However, notwithstanding the lifting of the requirement to demonstrate a five year housing land supply, having regard to footnote 8 above, development plan policies are considered out-of-date where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years.
- 8.10 Whilst the Council can demonstrate a five-year housing land supply, the Housing Delivery Test results published on 19th December 2023 stated that the Council has achieved 42% of its housing target. The Council has written to the Department for Levelling Up, Housing and Communities (DLUHC) to say that it believes this figure is incorrect and should actually be 58%. Notwithstanding, regardless of which figure is correct, it means the delivery of housing in the last three years (2019 to 2022) was substantially below (less than 75%) the housing requirement. 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 is engaged.
- 8.11 Taking NPPF paragraph 11(c), if the proposed development accords with the Council's local plan it should be approved.
- 8.12 If the development does not accord with the local plan, the development must be considered against NPPF paragraph 11(d). Taking the first limb of paragraph 11(d), as this report sets out, in this case there are specific policies in the NPPF which protect areas of assets of particular importance referred to within footnote 7, namely habitat sites and heritage assets. Therefore, a judgement will need to be reached as to whether policies in the Framework

provide a clear reason for refusing the development. Where this is found to be the case, the development should be refused.

- 8.13 The second limb of paragraph 11(d), namely whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole (the so called 'tilted balance'), will only apply if it is judged that there are no clear reasons for refusing the development having applied the test at Limb 1.
- 8.14 The following sections of the report assess the application proposal against this Council's adopted local planning policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

a) Principle of development

- 8.15 In October 2018 the Planning Committee resolved to granted outline planning permission (P/17/0998/OA) for the construction of 157 dwellings on the site subject to this planning application and an additional area of land including and extending to the east of the Vero track. The part of the site to the east of the track, referred to as 'Land West of Lockswood Road' now benefits from outline planning permission (Ref; P/21/1334/OA and P/21/1335/OA) for the construction of either 27 dwellings or 11 self/custom build plots to be accessed from Lockswood Road. The larger site subject to planning application P/17/0998/OA was to be accessed solely from Brook Lane. The previous application was submitted by Land and Partners (L&P) who were promoting the site at that time. The land to the west of the track was subsequently sold to Bargate/Vivid with the remainder of the site retained by L&P, thus avoiding any potential legal impediments associated with the inclusion of the Vero track within the application site which has multiple owners with rights of way. Planning application P/17/0998/OA was withdrawn before the S106 secured by the Planning Committee was completed.
- 8.16 The application site is a housing allocation in the adopted Fareham Local Plan 2037 (HA1 – North & South of Greenaway Lane). Policy H1 (Housing Provision) of the local plan explains that this site is one of a number which together will deliver approximately 2,711 homes making a very significant contribution overall to meeting the Council's housing need over the plan period 2021 – 2037.
- 8.17 Housing Allocation Policy HA1 suggests an indicative yield of 824 dwellings overall on land to the north and south of Greenaway Lane. It states that

proposals should meet the following site-specific requirements set out below, Officers comments are provided in respect of compliance after each criterion:

a) The quantum of housing proposed shall be broadly consistent with the indicative yield;

The level of development currently permitted or proposed within the HA1 housing would not exceed the anticipated yield.

b) Primary highway access should be focused on Brook Lane and Lockwood Road with limited access via Greenaway Lane where necessary, subject to consideration of the impact on the character of Greenaway Lane; and

Primary access is proposed to be taken from Brook Lane via the development parcel to the south.

c) The provision of vehicular highway access between development parcels without prejudice to adjacent land in accordance with Policy D3; and

The proposed development would secure vehicular access to adjacent land to the north and south of the application site.

d) The provision of a continuous north - south Green Infrastructure Corridor between the northern and southern site boundaries that is of an appropriate scale to accommodate public open space, connected foot and cycle paths, natural greenspace and wildlife habitats that link the two badger setts and other species, and east-west wildlife corridors. Highway cross-over points shall be limited in number and width and include wildlife tunnels where necessary;

The north-south green corridor is an integral part of the design of the layout. East to west ecological corridors would also be secured along the north and south boundaries.

e) The provision of pedestrian and cycle connectivity between adjoining parcels, as well as providing connectivity with Warsash Road and nearby facilities and services;

A pedestrian/cycle connection would be secured up to the eastern site boundary which would provide a pedestrian/cycle link with Warsash Road. Access would also be secured to the west on to Brook Lane through the neighbouring development to the south and to Greenaway Lane through the development to the north.

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

No three storey development is proposed. Primarily two storey development with some two and a half storey development located centrally within the site.

g) Existing trees subject to a Tree Preservation Order should be retained and incorporated within the design and layout of proposals in a manner that does not impact on living conditions and in accordance with policy NE6; and

There are no protected trees on-site.

h) A Construction Environmental Management Plan to avoid adverse impacts of construction on the Solent designated sites shall be provided;

A CEMP is proposed to be secured by planning condition.

i) Provide future access to the existing underground water and wastewater infrastructure for maintenance and upsizing purposes; and

Not applicable as there is no existing underground water and wastewater infrastructure on site.

j) Infrastructure provision and contributions including health, education and transport for example shall be provided in line with Policy TIN4 and NE3. In addition, the following site-specific infrastructure will be required:

- i. Two junior football pitches on-site; and*
- ii. Off-site improvements to existing sports facilities*

An educational contribution for secondary education is proposed to be secured. In this instance health care contributions are not applicable. Land is provided for two junior football pitches and no other off-site contributions are required for off-site sports facilities.

8.18 Officers consider that the aims and objectives of policy HA1 are met and the principle of developing the site has the benefit of the support provided by this policy.

b) Landscape and visual impact

- 8.19 The Fareham Landscape Assessment 2017 (which is part of the evidence base for the Fareham Local Plan 2037) identifies that the application site lies within the 'Lower Hamble Valley Side' Landscape Character Area (LCCA2). The sub area in which the site lies (02.2a) is described as follows:

'The mixture of land uses, housing types, boundary treatments and varying condition of land, buildings, vegetation and other features lend a suburban, fringe character to much of the landscape in area 2.2a.'

- 8.20 It goes on to state..

'The type of horticultural landscape represented within area 2.2a has been progressively reduced in extent over the years with the encroachment of residential development, and a case could be put for the remaining areas to be protected from further loss as an increasingly 'rare' landscape type. However, the abandonment of many glasshouses suggests that such enterprises are in decline, and the evidence of dereliction and lack of management of buildings and land has an adverse effect upon the quality and condition of the landscape. The character and quality of the landscape has already been affected by urban influences and landscape value is relatively low and, therefore, tolerant of change. The presence of a good structure of woodland, hedgerows and trees provides opportunities for integration of new buildings within the existing field pattern, without significant adverse effects upon landscape resources.'

- 8.21 The conclusions with regard to the development criteria and enhancement opportunities of this part of the character area are as follows;

'Area 2.2a is of lower sensitivity, mainly because the character and quality of the landscape has been adversely affected by urban influences and some elements of the landscape are in poor condition. There is limited visibility from surrounding areas and the area does not currently make a significant contribution to the setting of the urban area or to the local GI infrastructure. These factors mean that the landscape is more tolerant of change and that there is scope for development to bring about positive opportunities for new investment in the landscape to return it to good condition and to create a coherent identity and sense of place for the area.'

- 8.22 The principle of developing the application site has already been accepted in its designation as a housing allocation within the local plan. The development of the application site will without doubt change the landscape character of the area, having a cumulative impact with other development within the local area, but the aim should be to do this in a sensitive manner through the implementation of an appropriate approach to design and layout.

d) Design & Layout

- 8.23 Officers, including the Council's urban designer, have worked with the applicant over the course of the application's consideration to identify and resolve any issues stemming from the proposed design and layout of the development. At the time of writing, there remain only very minor design points to be resolved with amended plans anticipated in advance of the committee meeting to address, an update will be provided in advance of the meeting to confirm the latest position.
- 8.24 With regards to the height and scale of the proposed dwellings it is proposed that the majority of the dwellings will be primarily two storeys with some two & half storey feature plots overlooking the central area of POS. A mixture of dwelling sizes are proposed including 1, 2, 3 and 4 bed dwellings. Two apartment blocks are proposed within the eastern part of the site (Phase 2). These would be two storey height containing 6 apartments (Block A) and 4 apartments (Block B) respectively. Traditional materials, proportions and building forms would be used to echo the traditional style of the surrounding developments. The predominant building material would be red stock bricks with vertical faux slate hanging and render used on feature plots.
- 8.25 The approach taken to the layout of the site has largely been led by the site specific requirements set out within the local plan to provide a continuous north-south green infrastructure corridor. The central area of open space on the application site will link with adjacent areas of POS to the north and south creating an attractive and functional swathe of greenspace providing connectivity between the three parcels of land being developed by the applicant and beyond.
- 8.26 Whilst the site layout for this planning application originally indicated a 'kick about area' being provided on the POS, Officers have sought to ensure that there is sufficient space available on the land that will be transferred to the Council for the delivery of two junior football pitches. These football pitches are also a site specific requirement of the local plan. In light of the Council's 5YHLS shortfall over the last few years, a large proportion of development within the HA1 housing allocation has been permitted to come forwards prior to adoption of the Local Plan with some weight attributed to its emerging status. The Local Plan was adopted in April 2023 soon after this planning application was submitted and it became apparent that in order to comply with the Local Plan requirements set out for the wider HA1 allocation, this site would need to accommodate the junior football pitches. The applicant has agreed to the Council's request to accommodate the junior football pitches on

the site and to the corresponding higher levels of maintenance contribution required.

- 8.27 It is acknowledged by Officers that the space available for the pitches and the surrounding run-off area is limited. The pitches can nonetheless be accommodated and the relationship with surrounding properties is considered to be acceptable. The pitches would typically be in use on weekends by younger children, age 10 and under, and for the remainder of the time this amenity land would be available and useable for general recreational purposes. The use of the pitches by younger children reduces the potential for disturbance to residents of neighbouring properties. The installation of fencing along the western extent of the pitches could be considered if necessary to minimise the potential for stray balls being directed towards the frontage properties, however Officers are mindful of the potential impact of this fencing on the appearance of the area and consider this should only be installed if it is deemed necessary in the future once the pitches become operational.
- 8.28 The two separate phases of development on the application site are to be accessed independently from the estate roads within Rivercross to the south with no vehicular link provided between Phase 1 and Phase 2 or from Brook Lane. The dwellings on the edges of the POS are designed with principal elevations and habitable room windows facing outwards, providing natural surveillance.
- 8.29 Whilst the comments of the Hampshire Constabulary Designing Out Crime Officer are therefore noted, the concerns that this area lacks natural surveillance are not shared. Whilst there is not a vehicular route running east to west across the site, the width of the path across the POS measures approximately 70 metres and it would be possible to walk around the edge of the POS, a distance of less than 250m, if more desirable due to safety concerns particularly at night. A planning condition requiring submission of details of an external lighting scheme will be imposed.
- 8.30 With regards to the other concerns raised by the Designing Out Crime Officer, it is confirmed that the area to the rear of Plot 54 is not an area of POS. This is an area to be landscaped to improve the visual appearance of the parking forecourt. The indicative landscaping proposals show this area to be planted with a tree and low level ornamental shrub planting. It is not an area in which people would be expected to congregate and cause disturbance. The footpath shown between plots 53 and 66 is not a public footpath it is to be used only by the occupants of this row of properties to access the parking area at the rear, although direct access is also provided from the rear of the plots. The gates shown at either end of the path and its limited width are intentional to ensure

this pathway does not become a public walkway and so that it is identifiable as a private space.

Drainage

- 8.31 The surface water drainage strategy for the site includes the implementation of sustainable urban drainage systems (SUDS). Where possible, surface water will be discharged to ground through either permeable paving, swales or soakaways. Where this is not possible the surface water would be drained to two attenuation basins sited on the southern area of POS. These basins would have a permanent area of standing water below the storage requirements for ecological and environmental purposes. Water from the attenuation basin would be discharged at a restricted rate into the onsite watercourse which runs north to south through the POS between the two proposed attenuation ponds.
- 8.32 The foul drainage system has been designed to link to the existing foul water sewer located in Brook Lane. Due to onsite topography, the development requires the use of an on-site pumping station to lift the foul water flow to discharge to Brook Lane. This pumping station would be sited beneath the southern area of POS to the west of the attenuation basins.

Adaptable & Accessible Dwellings

- 8.33 Policy HP7 seeks to secure the provision of adaptable and accessible dwellings as defined within Part M of the Building Regulations. The policy requires that development proposals for all new dwellings shall provide 15% of those dwellings at Category 2 Standard. On schemes of over 100 dwellings, at least 2% of market housing and 5% of affordable housing shall be provided as Category 3 properties. The applicant has confirmed that the scheme would provide twenty-eight Category 2 standard homes (22% of total 126 dwellings) and an additional two market homes (2.7%) and three affordable homes (5.9%) would be Part M4(3) standard. The proposal complies with Policy HP7. As requested by the Council's Housing Officer a 2-bed M4(3) unit for social rent has been provided.

Living Conditions

- 8.34 Officers have considered the layout of the proposed development and are satisfied that it provides good environmental conditions for future residents and does not have any unacceptable adverse impacts on the living conditions of neighbouring properties, having particular regard to the existing neighbouring properties on Brook Lane. The proposal is considered to provide adequate daylight, sunlight and privacy as well as outlook and ventilation

following the guidance set out at Policy D2 of the local plan and the Council's adopted Design Guidance SPD. Additionally all dwellings are designed to satisfy the Nationally Described Space Standards.

e) Affordable housing

- 8.35 Policy HP5 of the Fareham Local Plan 2037 concerns the provision of affordable housing and states that sites that can accommodate 10 or more dwellings and encompass greenfield sites shall provide 40% dwellings as affordable homes.
- 8.36 The affordable housing must be provided in accordance with the following proportions:
- i. At least 10% as Social Rent; and
 - ii. At least 55% as Affordable Rent; and
 - iii. At least 10% of the overall housing provision on site to be provided as Affordable Home Ownership.
 - iv. The mix of property size and type should reflect the local need and the site characteristics.
- 8.37 The proposal would deliver 40.5% affordable housing (51 dwellings). Of those, five of the affordable units would be provided for social rent (9.8%) and twenty-eight for affordable rent (54.9%). Fifteen dwellings out of the overall housing provision on-site would be provided as affordable shared ownership (11.9%). The remaining 3 affordable units would be secured as discounted custom build plots. In principle Officers are satisfied that these 3 units can contribute to policy percentage requirements for both affordable and self and custom build provision.
- 8.38 Amendments have been sought to the original layout to improve the spread of different tenures across the site and reduce any large clusters of affordable units or specific tenures, and whilst there may be further improvements that could be made, the proposals are on balance considered to be acceptable and policy compliant.

f) Self and custom build housing

- 8.39 Policy HP9 of the Fareham Local Plan 2037 requires that on sites of 40 dwellings or more (gross), 10% of the overall dwellings shall be provided through the provision of plots for sale to address local self or custom build need. The Council adopted a Self & Custom Build SPD in October 2023 which provides further guidance and advice on the delivery of self and custom build development within Fareham including within large residential and mixed use developments.

- 8.40 Self building and custom building are two different concepts. Self building is often touted as the more ambitious and individual ‘Grand Designs’ approach to development but can also involve the design and build of a home on a serviced multi-plot development, such as can be seen locally on Greenaway Lane. For this proposal on land east of Brook Lane it is specifically custom building that is envisaged. Custom build homes are tailored to an individual’s specification, but the construction is managed and completed by a developer, which would in this instance be the applicant.
- 8.41 The applicant has submitted a custom/self build delivery statement which identifies that the type of custom build development proposed for the application site is ‘customisable turnkey’. Within this model serviced plots, with highway and utility connections, are marketed directly to prospective purchasers along with a design and build contract for a completed custom home. The purchaser should have a number of options to customise their home including but not limited to; whether the dwelling is detached or attached, the internal layout, number of bedrooms and room sizes, internal/external finishes etc. The Council does not consider that speculative market housing delivered by a developer, off-plan sales, or circumstances where developers give clients limited fit-out choices comply with the legislation and accompanying Government guidance. It is therefore important to ensure that the development proposed is genuinely custom build to satisfy Policy HP9.
- 8.42 In order to comply with the legal definition of self and custom house building set out within The Self-build and Custom Housebuilding Act 2015, potential purchasers of the custom build dwellings must have ‘primary input’ into the final design and layout of the dwelling. It would be anticipated that individual reserved matters applications would therefore come forwards for each of the custom build plot once a purchaser was secured.
- 8.43 Submission of a design code to establish a set of written and illustrated rules or design parameters for all 13 plots will be secured prior to submission of any of the reserved matters applications to ensure that a high standard of design is deliverable. Individual plot passports would also be required to be submitted as part of a wider marketing strategy to help prospective purchasers understand what could be built on individual plots and the options open to them to customise the dwellings. When agreeing plot passports Officers would need to be satisfied that the proposed development would represent custom build development. A number of planning conditions would be imposed on the outline part of the planning permission to secure submission and agreement of the design code, plot passports and marketing strategy.

8.44 Three of the custom build plots are to be delivered as custom build affordable housing and would comprise discounted market sales or low-cost housing, at a discount of 20% below market value in accordance with the definition of affordable housing set out within the NPPF. For any prospective purchaser there would be eligibility criteria to satisfy, such as a maximum household income, and these criteria would be stipulated within the S106. This is a new concept in terms of the delivery of affordable housing within Fareham and the Council's Housing Officer is supportive of this approach although a tentative approach is being taken at this time to ensure that there is a demand for this product. The applicant had initially proposed 6 of the 13 plots for this purpose but in order to ensure adequate demand exists, this number was reduced to 3. In the event that there is not sufficient demand for the affordable custom build plots and the affordable custom build plots do not sell within a 12 month marketing period then these plots would be expected to revert to affordable shared ownership, which would be secured within the S106.

g) Highway Matters

8.45 The site is considered to be located in a sustainable location with existing public transport services and local walking and cycling routes providing opportunity for sustainable modes of transport.

8.46 The site access arrangements on to Brook Lane have previously been considered acceptable as part of the development of the site to the south. This access has now been constructed and is fully functional. Capacity assessments have been undertaken which demonstrate that the junction can accommodate the additional traffic from the 126 dwellings proposed on the application site in addition to the 118 dwellings permitted at Rivercross.

8.47 The latest comments from the Highway Authority conclude that the traffic impact of the development can be mitigated against through an appropriate financial contribution towards local highway network improvements. There are a number of points set out within the consultation response which require further clarification and a response has been received from the applicant's highways consultant. An update will be provided following further consultation with the Highway Authority to confirm whether these points have been resolved.

8.48 In discussion it has been highlighted to the Highway Authority that it is proposed to provide a pedestrian/cycle connection from the site up to the eastern boundary, as concerns were raised that this was not the case. This connection would provide a route on to the lane that abuts the eastern boundary and links with Greenaway Lane to the north and Warsash Road to the south. The lane has been used by the public for many years, however it is

acknowledged that there are no formal rights of way. Ensuring connectivity is clearly seen as important by the Highway Authority in terms of promoting the use of sustainable modes of transport and this is also clear within housing allocation policy HA1. Notwithstanding any concerns raised by local residents, the prevention of any movement to the east, by the installation of a solid boundary running parallel to the lane would not be recommended by Officers.

- 8.49 Whilst there is no direct pedestrian/cycle link proposed from the application site to Brook Lane to the west, pedestrian/cycle connectivity is considered to be acceptable particularly given the proposed link to the north leading to Greenaway Lane and the link to Brook Lane through the site to the south. Whilst the provision of a direct link to Brook Lane from the application site was considered this would have implications on ecological corridor provisions and neighbouring properties and therefore this has not been incorporated into the proposed layout.
- 8.50 To accord with local plan Policy D3, Officers are seeking to ensure adequate vehicular access is secured to parcels of land to the north and south of the application site so that development of these sites would not be prejudiced by the development of the application site. The applicant's transport consultant has provided comfort that the estate road shown adjacent to Plot 109 would be appropriate to serve a small scale development on the area of land that falls within the HA1 housing allocation to the south of the application site which has no other obvious means of access. Whilst the ecological buffers are shown to extend the length of these boundaries on the site layout, the option for provision of a connecting road up to the southern and northern boundaries would be secured within the S106, in the event that planning permission is granted for development on adjacent land without an unreasonable ransom.
- 8.51 In respect of car parking provision, the proposal is considered to comply with the Council's adopted Residential Car & Cycle Parking SPD. Car Parking is provided by a variety of means either on plot or within shared parking courtyards located near to the associated dwellings. Where garage parking is shown this is to be provided over and above the minimum parking requirements which would otherwise already be met by the provision of parking spaces or car ports. The aforementioned SPD explains that garage parking will typically not be counted towards parking provision. There are also 25 unallocated visitor bays dispersed around the site with a high proportion of these being located around the POS.
- 8.52 Secure cycle parking is to be provided for all properties either within private garages, in sheds within rear gardens or in the case of the apartment blocks, within internal stores.

8.53 The proposal is considered to accord with Strategic Policy TIN1 and Policy TIN2 of the local plan.

h) Trees and ecology

8.54 There are no protected trees on the site and no trees of high quality to be lost. A number of lower quality trees would be lost to facilitate development with replacement trees proposed to be scattered throughout the development and on the public open space. Trees and hedgerows to be retained would be protected during the construction works in accordance with the submitted arboricultural impact assessment and tree protection plan. The Council's Principal Tree Officer has raised no objections to the proposal.

8.55 Policy NE1 of the Local Plan (Protection of Nature Conservation, Biodiversity and the Local Ecological Network) states that development will be permitted where protected and priority habitats and species, including breeding and foraging areas, are protected and enhanced. The application is supported by an ecological impact assessment and the site has been surveyed to establish the habitats and protected species present. The impact of the proposal on protected species is considered within the report which sets out the proposed mitigation, enhancement and compensation required for loss of habitat. The site was assessed as supporting common and widespread habitats suitable for foraging and commuting bats. An exceptional population of slow-worm and low population of common lizard and grass snake were also recorded during the survey work undertaken.

8.56 The potential impacts on effects on bats include the introduction of new lighting which has potential to result in increased disturbance to foraging and commuting bats. The proposals also result in the loss of scrub and hedgerow which provide suitable foraging and commuting habitat for bats. A sensitive lighting scheme will be required to maintain dark corridors across key areas of suitable foraging and commuting habitat such as the retained boundary hedgerows. It is considered by the applicant's ecologist that the area of open space in the centre of the site, connecting with adjacent areas of open space, would provide suitable replacement habitat for foraging and commuting bats.

8.57 The proposal would result in the loss of reptile habitat. As a result of the survey work carried out, an off-site reptile translocation exercise for slow-worm, grass snake and common lizard was proposed in an off-site receptor area at Warsash Common as agreed with the Council's Countryside Officers. Reptile translocation was commenced by the applicant's ecologist between June-November 2023. The translocation resulted in a total of 1,024 adult and 869 juvenile slow-worm, 88 adult and 112 juvenile common lizard and one

adult grass snake being captured and translocated to the receptor site. Prior to the commencement of development on site the translocation programme is intended to resume within season in April 2024 with the remainder of the site cleared of reptiles. This work is proposed to be secured by a planning condition.

- 8.58 In order to provide an enhancement for roosting bats and birds it is proposed that integrated roost units and nesting opportunity would be installed on a minimum of 20% of new buildings across the site. The Council's ecologist has requested that this number be increased to 50% for each feature which would be secured by planning condition, with further details to be submitted for approval in respect of the chosen design and location.
- 8.59 Ecological corridors or buffer zones are proposed around the northern and southern development edges to protect existing onsite ecology and retain and enhance east to west wildlife corridors through the site. The provision and retention of these corridors would be secured through a legal agreement along with the submission of further details of how they will initially be laid out, details of planting, boundary treatment, access arrangements and the future maintenance provisions. The future management will be the responsibility of a management company.
- 8.60 With regards to biodiversity net gain (BNG), Policy NE2 of the Local Plan requires that a 10% BNG is secured. A biodiversity net gain assessment has been carried out to assess the pre and post development biodiversity value of the site. The results conclude that the proposal would result in a habitat loss of 52.37% taking the number of habitat units on site from 20.38 units to 9.84. The proposal would however achieve a 37.54% gain in hedgerow units. The applicant has explored options for on-site enhancement but it is not considered possible to improve on-site delivery further without reducing the amount of housing, which would impact on the ability of the housing allocation to deliver the anticipated yield. There are also other on-site requirements to balance such as the delivery of the junior football pitches and the LEAP on the POS.
- 8.61 The new habitats that would be created on the site post development include wildflower meadow/neutral grassland and modified grassland, the two SUDs attenuation basins which are designed to hold water to form pond features and species-rich native hedgerow planting.
- 8.62 In order to achieve the required 10% BNG the applicant would need to ensure the delivery of the deficit of 12.71 habitat units off-site and a planning condition would be imposed to secure submission of a biodiversity gain plan to be agreed by the LPA prior to the commencement of development

demonstrating how this gain would be achieved and maintained, managed and monitored for a minimum of 30 years.

i) Impact on habitat sites

- 8.63 Strategic Policy NE1 of the local plan sets out the strategic approach to biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policies NE3 & NE4 specifically relate to recreational disturbance and water quality effects on Habitat Sites respectively.
- 8.64 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.
- 8.65 In light of their importance, areas within The Solent have been specially designated under UK law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'Habitat Sites' (HS).
- 8.66 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.
- 8.67 When considering the proposed development Officers considers there to be three main likely significant effects on HS; each is addressed in turn below.

Water Quality (nitrates)

- 8.68 The first likely significant effect on HS relates to deterioration in the water environment through increased nitrogen. Natural England has highlighted that there is existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted that increased levels of nitrates entering The Solent (because of

increased amounts of wastewater from new dwellings) will have a likely significant effect upon the HS.

- 8.69 Achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites. Natural England have provided a methodology for calculating nutrient budgets and options for mitigation should this be necessary. The nutrient neutrality calculation includes key inputs and assumptions that are based on the best-available scientific evidence and research, however for each input there is a degree of uncertainty. Natural England advise local planning authorities to take a precautionary approach when addressing uncertainty and calculating nutrient budgets. Due to the uncertainty of the effect of the nitrogen from the development on the HS, adopting a precautionary approach, and having regard to NE's advice, the Council will need to be certain that the output will be effectively mitigated to ensure at least nitrogen neutrality before it can grant planning permission.
- 8.70 A nitrogen budget has been calculated in accordance with Natural England's 'National Generic Nutrient Neutrality Methodology' (Feb 2022) ('the NE Advice') and the updated calculator (20 April 2022) which confirms that the development would generate 143.65 kgTN/year. In the absence of sufficient evidence to support a bespoke occupancy rate, Officers have accepted the use of an average occupancy of the proposed dwellings of 2.4 persons in line with the NE Advice. The existing use of the land for the purposes of the nitrogen budget is considered to be a combination of residential urban land, horticulture, woodland and greenspace.
- 8.71 Due to the uncertainty of the effect of nitrates from the development on the Habitat Sites, adopting a precautionary approach, and having regard to the NE advice, the Council will need to be certain that the additional output will effectively be mitigated to ensure at least nitrogen neutrality before it can grant planning permission.
- 8.72 The applicant has purchased 130 KgTN/yr of nitrate mitigation credits from Hampshire and Isle of Wight Wildlife Trust (HIWWT) and notice of purchase has been presented to the Council. Through the operation of a legal agreement between the HIWWT, Isle of Wight Council and Fareham Borough Council dated 30 September 2020, the purchase of the credits will result in a corresponding parcel of agricultural land at Little Duxmore Farm on the Isle of Wight being removed from intensive agricultural use, and therefore providing a corresponding reduction in nitrogen entering the Solent marine environment.
- 8.73 The applicant has purchased an additional 14 KgTN/yr of nitrate mitigation credits from Whitewool Farm with an allocation agreement presented to the

Council. Through the operation of a legal agreement between William & James Butler, Whitewool Farms Ltd and Fareham Borough Council dated 3 November 2021, the purchase of the credits will result in agricultural land being taken out of production and later used to create an area of wetland. The mitigation scheme will result in a reduction in nitrogen entering the Solent marine environment.

- 8.74 The purchase of the nitrate mitigation credits has the effect of ensuring that land previously in agricultural use is retained and managed in a way which ensures a reduction in nitrates entering that land of 144 kgTN/Yr for the lifetime of the development for which planning permission is being sought. This will ensure that the scheme can demonstrate nutrient neutrality.
- 8.75 A planning condition would secure details of the water efficiency measures to be installed within the dwellings to ensure that water consumption would not exceed 110L per person/per day to reflect the assumptions of the nitrate budget.

Hydrological Changes

- 8.76 During occupation (and to some extent during construction), developments may have effects on the wider area during flood events when runoff rates from the development site are above current levels and where that results in pollutants becoming entrained and transmitted to sensitive water ecosystems. A suitable surface water drainage strategy, ideally incorporating SUDs to manage flows, can address this likely significant effect.
- 8.77 Soil permeability rates for the site are generally sufficient to use conventional infiltration methods to dispose the surface water runoff generated from the proposed development. However, groundwater discovered at circa 2.4 m below ground level means some methods of infiltration are unfeasible. It is therefore proposed to utilise permeable paving on driveways to dispose surface water runoff from roofs and driveways. Driveways in areas where infiltration rates are insufficient will be tanked and connected into the drainage network leading to the attenuation basin. Water would be discharged from the attenuation basins at a controlled level to the existing watercourse that runs through the site.
- 8.78 Flows leaving the site via the existing watercourse will be limited to the greenfield runoff rate of 8.3 l/s for all storm events up to, and including, the 1 in 100 year +40%. The system has been designed to make sure surface water is suitably treated and any pollution risk from run off is mitigated prior to leaving the site. Any exceedance overflow will overtop the basins and flow to

the watercourse at a rate far lower than the predevelopment greenfield run off for a large return period storm.

Recreational Disturbance

- 8.79 The last of the likely significant effects on HS concerns disturbance on The Solent coastline through increased recreational use by visitors to the sites. The development is within 5.6km of The Solent SPAs and is therefore considered to contribute towards an impact on the integrity of The Solent SPAs as a result of increased recreational disturbance in combination with other development in The Solent area.
- 8.80 Policy NE3 of the local plan explains that planning permission for proposals resulting in a net increase in residential units may be permitted where the 'in combination' effects of recreation on the Special Protection Areas are satisfactorily mitigated through the provision of a financial contribution to the Solent Recreation Mitigation Strategy (SRMS).
- 8.81 Natural England have also advised that the development's location within a 13.8km radius of the New Forest designated sites requires mitigation in order to mitigate the impact of increased recreational disturbance in combination with other development on the New Forest designated sites.
- 8.82 The applicant will be required to enter into a legal agreement to secure the appropriate financial contribution in accordance with The Solent Recreation Mitigation Strategy and the Council's interim Mitigation Solution on New Forest Recreational Disturbance.
- 8.83 The Council has carried out an Appropriate Assessment and concluded that the proposed mitigation and conditions will be adequate for the proposed development and ensure no adverse effect on the integrity of the HS either alone or in combination with other plans or projects. It is therefore considered that the development accords with the Habitat Regulations and complies with Policies NE1, NE3 and NE4 of the adopted local plan.
- 8.84 Natural England has been consulted on the Council's Appropriate Assessment and their formal comments are expected shortly. Members will be updated at the Committee Meeting.

j) The Planning Balance

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

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

- 8.86 As set out earlier in this report Paragraph 11 of the NPPF clarifies the presumption in favour of sustainable development. Paragraph 11(c) states for decision making this means approving development proposals that accord with an up-to-date development plan without delay.
- 8.87 The application seeks planning permission for the development of a housing allocation site within the urban area and benefits from the support of Policy H1 of the Local Plan. The proposal is also considered to meet the aims and objectives of Housing Allocation Policy HA1. The proposal would make a significant contribution to the Councils Housing Supply.
- 8.88 The proposal is considered to comply with Policy D1 in terms of representing high quality design and the completion of the north-south green infrastructure corridor within the housing allocation to the south of Greenaway Lane is a key component contributing to this. The delivery of two junior football pitches and an equipped children's play area to serve the wider area would be of benefit to the local community. The proposal also secures good environmental conditions for future and existing residents to accord with Policy D2.
- 8.89 The proposal would deliver a policy compliant percentage of affordable housing and self/custom build plots to accord with Policies HP5 and HP9.
- 8.90 Subject to appropriate mitigation, it is not considered that the proposal would have any adverse impact on ecology, trees, habitat sites or highway safety.
- 8.91 The proposal is considered to accord with the adopted local plan and Officers recommend that planning permission is granted.

9.0 Recommendation

9.1 Subject to:

- i) Receipt of amended plans to address outstanding minor design/layout matters to the satisfaction of Officers;
- ii) Consideration of any further comments received from The Highway Authority (HCC);
- iii) Consideration of further comments from the Lead Local Flood Authority (HCC);
- iv) Consideration of any comments received from Natural England in response to consultation on the Council's Appropriate Assessment;

- v) Any additional conditions or modification to the proposed conditions or HoT's that any of the consultees may recommend;

and

- 9.2 The applicant/owner first entering into a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council in respect of the following:
- a) The delivery of at least 40% of the dwellings as affordable housing; the type, size, mix and tenure as agreed by Officers (to include obligations to secure nomination rights and agreement of a Community Lettings Plan for any potential affordable housing provided over and above the 40% requirement);
 - b) To secure a highway contribution of £482,000 (index linked) towards local highway improvements;
 - c) Travel Plan and related monitoring cost and bond;
 - d) To secure the provision of public open space (POS) and transfer of agreed areas to Fareham Borough Council with the associated financial contributions for future maintenance, including an area for outdoor sport; (junior football pitches);
 - e) In respect of the areas of POS not adopted by the Council, the creation of a management company to maintain the open space in perpetuity including detail of how that management company would be funded to ensure the management and maintenance of the open space in perpetuity;
 - f) A financial contribution towards the delivery of an equipped children's play area within the HA1 allocation to the south of Greenaway Lane (70k) and associated maintenance;
 - g) To secure a financial contribution for the maintenance of retained trees on the POS;
 - h) To secure pedestrian access and cycle connectivity to adjoining land to the north, south and east right up to the party boundary in perpetuity including the provisions for future maintenance;
 - i) To secure potential connection points for construction of a connecting road from the development site to land to the north (Vero) and south (Land rear of 63 Warsash Road within HA1) in accordance with a scheme of works to

be approved by the Council, in the event this access is required to facilitate development of adjacent sites;

- j) To secure the provision of ecological buffers and future maintenance arrangements;
- k) To secure a financial contribution towards secondary education infrastructure to increase secondary school places within the catchment area and for provision of school travel plans and monitoring fees;
- l) To secure a financial contribution towards the Solent Recreation Mitigation Partnership (SRMP);
- m) To secure a financial contribution in accordance with the Council's New Forest Recreational Disturbance Interim Mitigation Solution;

THEN

9.3 **GRANT FULL PLANNING PERMISSION** for the construction of 113 dwellings, access from Brook Lane via development to the south (permitted under P/17/0752/OA and P/21/0300/RM), parking, landscaping, open space and associated works, subject to the following conditions:

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

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

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

Full schedule to be provided as an update to this report

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

3. 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 ground levels, together with details of street lighting (where appropriate), the method of disposing of surface water, and details of a programme for the making up of roads and footways, have been submitted to and approved 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.

4. 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.

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

REASON: To secure the satisfactory appearance of the development.

6. No development shall commence until details of the finished treatment 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. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

7. No development shall commence until a plan of the position, design, materials and type of boundary treatment to be erected to all boundaries has been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatment has been fully implemented. It shall thereafter be retained at all times unless otherwise agreed in writing with the Local Planning Authority.

If boundary hedge planting is proposed details shall be provided of planting sizes, planting distances, density, and numbers and provisions for future

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

REASON: To protect the privacy of the occupiers of the neighbouring property, to prevent overlooking, and to ensure that the development harmonises well with its surroundings. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

8. No dwelling hereby approved shall be first occupied until the approved parking areas allocated to that property have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking 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.

9. The car ports hereby approved (including FOG Plots 82 & 100) shall be constructed in accordance with the approved plan. Thereafter, the car port shall be retained, without doors, at all times so they are available for their designated purpose.

REASON: To ensure adequate car parking provision.

10. None of the dwellings hereby permitted shall be first occupied until the bicycle storage relating to them, as shown on the approved plan (*Amended Parking Strategy drwg – to be updated*), has been constructed and made available. This storage shall thereafter be retained and kept available at all times.

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

11. None of the development hereby approved shall be occupied until details of the proposed bin storage areas and bin collection points (including details for the demarcation of these areas where appropriate) 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 the properties can be adequately serviced.

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

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

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

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

14. No more than 25 of the dwellings hereby permitted shall be occupied until Plots 85-97 (custom build) have been laid out as serviced plots with a highway connection provided back to the public highway and utility services.

REASON: To enable the delivery of self/custom build dwellings.

15. Prior to the commencement of development (including demolition, site clearance and ground preparations) updated Phase 2 bat surveys shall be carried out and submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the safeguarding of protected species.

16. The Development shall be carried out in accordance with the measures detailed in Section 5.0 'Assessment of Ecological Effects and Mitigation/Compensation/Enhancement Measures' of the Ecological Impact Assessment (ECOSA, Jan 2024) and Section 4.2 'Recommendations' of the Reptile Translocation Report (ECOSA, Jan 2024).

REASON: To ensure the safeguarding of the protected species and retained habitats on site.

17. No development hereby permitted shall proceed beyond damp proof course (dpc) level until further details of the design and positioning of the proposed bird nesting and bat roosting features have been submitted to and approved

in writing by the Local Planning Authority. The details shall include for bat/bird roosting and nesting features on a minimum of 50% of the dwellings (ie. 63 of each). The approved features shall be installed prior to occupation of the dwelling to which they relate and shall thereafter be permanently maintained and retained.

REASON: To enhance biodiversity.

18. No works shall take place (including demolition, site clearance and ground preparations) until a Biodiversity Gain Plan, in-line with the approved Biodiversity Net Gain Assessment (ECOSA, Jan 2024), has been submitted and agreed in writing with the Local Planning Authority. The Biodiversity Gain Plan shall confirm how the proposed measures to secure 10% Biodiversity Net Gain will be managed, maintained, monitored and funded for a minimum of 30-years.

The development shall be carried out in accordance with the approved details and the Biodiversity Net Gain measures shall be provided prior to the first occupation of the development hereby permitted. Thereafter the approved Biodiversity Net Gain measures shall be managed, maintained, monitored and funded in accordance with the approved details.

REASON: To secure at least 10% net gains for biodiversity.

19. No development hereby permitted shall proceed beyond damp proof course level until a scheme of external 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. The scheme shall include details of the timing of the delivery of the lighting to coincide with the area of development to which it relates. Development shall be carried out in accordance with the approved details with the agreed lighting permanently retained at all times thereafter unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to minimise impacts of lighting on the ecological interests of the site and in the interests of public safety. 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.

20. The development shall be undertaken in accordance with the Arboricultural Impact Assessment & Method Statement (Barrell, 19 Jan 2024) & Tree Protection Plan (drwg No. 22011-5) unless otherwise first agreed with the Local Planning Authority in writing. 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: In the interests of the appearance of the area; 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.

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

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

22. The development shall be undertaken in accordance with the approved surface water drainage strategy (Flood Risk Assessment & Development Drainage Strategy, MJA Consulting December 2022 & SUDS Management & Maintenance Plan, December 2022) unless otherwise agreed with the Local Planning Authority in writing.

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

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

Should the site investigation and risk assessment reveal a risk to receptors, a strategy of remedial measures and detailed method statements to address identified risks shall be submitted to and approved in writing by the Local Planning Authority. It shall also include the nomination of a competent person (to be agreed with the LPA) to oversee the implementation of the measures. The agreed scheme of remedial measures shall be fully implemented prior to the occupation of each unit. The remedial measures concerning that unit shall be validated in writing by an independent competent person as agreed with the Local Planning Authority. The validation is required to confirm that the remedial works have been implemented in accordance with the agreed remedial strategy and shall include photographic evidence and as built drawings where required by the LPA.

The 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 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.

24. 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

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

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

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

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

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

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

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

g) The measures for cleaning Brook Lane and local roads to ensure that they are kept clear of any mud or other debris falling from construction vehicles, and

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

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

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

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

m) Temporary lighting;

o) No burning on-site;

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

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

26. 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.

AND GRANT OUTLINE PLANNING PERMISSION for 13 custom build dwellings, with all matters reserved except for access, subject to the following conditions:

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

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

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

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

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

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

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

- i) Location Plan - BARG180620 LP.01 A
- ii) Amended Site Plan - BARG180620 SL.01 Y
- iii) Amended Colour Site Plan - CSL-01 Y
- iv) Custom Build Phasing Plan - BARG180620 CBPP.01 P1
- v) Custom Build Delivery Statement
- vi) Arboricultural Impact Assessment & Method Statement (Barrell, 19 Jan 2024) & Tree Protection Plan (drwg No. 22011-5)
- vii) Ecological Impact Assessment (ECOSA, Jan 2024)
- viii) Reptile Translocation Report (ECOSA, Jan 2024)

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

5. The dwellings hereby permitted shall be built or completed by;
 - (a) individuals,
 - (b) associations of individuals or
 - (c) persons working with or for individuals or associations of individuals who have built or completed the dwelling to occupy as their home.Each dwelling shall thereafter only be occupied in the first instance by the individual or association of individuals who built or completed the dwelling.

REASON: To enable the delivery of self/custom build dwellings.

6. The development shall be constructed in accordance with the approved Custom Build Phasing Plan (drwg BARG180620 CBPP.01 P1). Phase 1 (ie. the access) must be completed (less the final carriageway and footway surfacing) before the commencement of any subsequent phases. Notwithstanding the numbering of the subsequent phases 2-14 these phases may be commenced in any order.

REASON: To enable the delivery of self/custom build dwellings.

7. No reserved matters applications shall be made pursuant to condition 1 until a specification and programme of works for the construction of Phase 1 (the access) of the development has been submitted and approved in writing by the Local Planning Authority (pursuant to condition 3 of the full planning permission). Development on Phases 2-14 (Plots 85-97) shall not commence until there is a direct connection to the relevant plot, less the final carriageway and footway surfacing, from an existing highway. The final carriageway and footway surfacing shall be completed in accordance with the approved details within three months from the completion of the final dwelling for which outline planning permission is hereby granted.

REASON: To ensure that the roads and footways are constructed in a satisfactory manner and to ensure safe and suitable access to the self/custom build dwellings.

8. No reserved matters applications shall be made pursuant to condition 1 until a design code for the custom build plots has been submitted to and approved in writing by the Local Planning Authority. The reserved matters application(s) relating to Plots 85-97, submitted pursuant to condition 1, shall be in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development.

9. No reserved matters applications shall be made pursuant to condition 1 until individual plot passports for the custom build plots have been submitted to and approved in writing by the Local Planning Authority. The reserved matters application(s) relating to Plots 85-97 submitted, pursuant to condition 1, shall be in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development.

10. No reserved matters applications shall be made pursuant to condition 1 until a marketing strategy for Plots 85-97 has been submitted to and approved in writing by the Local Planning Authority. The marketing strategy shall include the following details;

- i) Details of appointed marketing agents and contact details
- ii) The media and PR marketing plan (including details of on-site marketing, websites and portals on which the plots will be listed, social media and targeted marketing etc)
- iii) Copies of high quality promotional materials
- iv) Copies of Design Code/Plot passports for each plot
- v) Plot valuations (for the land and any custom build product to be constructed upon it, where appropriate) from an experienced agent which will be independently assessed on submission by arrangement of the Local Planning Authority (at the applicant's expense) to ensure that the valuation represents fair value within the current market.
- vi) The plot viewing process to include details of temporary boundary treatment to demarcate individual plots and arrangements for access
- vii) A monitoring method statement setting out how information on plot sales will be monitored and reported to the Council on a quarterly basis following the commencement of marketing
- viii) Proposed draft purchase agreements
- ix) Evidence of mortgage availability for all plots on the development and clarification as to how this information will be made available to prospective purchasers

Unless otherwise agreed in writing by the Local Planning Authority the approved marketing strategy shall be implemented for a period of time not less than 12 months. The minimum 12 month marketing period for each plot shall only be deemed to have commenced once the corresponding plot has been laid out as a serviced plot with a highway connection to the public highway and is available for immediate purchase. The marketing period for each plot shall end only on completion of the respective contract for sale or 12

months from the date of commencement of the marketing period, whichever is sooner.

REASON: To secure the delivery of self/custom build dwellings.

11. No individual dwelling, hereby approved, shall be first occupied until the approved parking for that property has 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.

12. The Development shall be carried out in accordance with the measures detailed in Section 5.0 'Assessment of Ecological Effects and Mitigation/Compensation/Enhancement Measures' of the Ecological Impact Assessment (ECOSA, Jan 2024) and Section 4.2 'Recommendations' of the Reptile Translocation Report (ECOSA, Jan 2024).

REASON: To ensure the safeguarding of the protected species and retained habitats on site.

13. The development shall be undertaken in accordance with the Arboricultural Impact Assessment & Method Statement (Barrell, 19 Jan 2024) & Tree Protection Plan (drwg No. 22011-5) unless otherwise first agreed with the Local Planning Authority in writing. 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: In the interests of the appearance of the area; 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.

14. 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

15. No development shall commence on site until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. All phases of the development shall be carried out in accordance with the approved CEMP (unless any deviation is agreed in

writing for individual phases by the local planning authority) which shall include (but shall not necessarily be limited to):

- a) Details of how provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;
- b) The measures the developer will implement to ensure that operatives'/contractors/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;
- c) Arrangements for the routing of lorries and details for construction traffic access to the site;
- d) The arrangements for deliveries associated with all construction works, loading/ unloading of plant & materials and restoration of any damage to the highway;
- e) The measures for cleaning the wheels and underside of all vehicles leaving the site;
- f) A scheme for the suppression of any dust arising during construction or clearance works;
- g) The measures for cleaning local roads to ensure that they are kept clear of any mud or other debris falling from construction vehicles, and
- h) A programme and phasing of the demolition and construction work, including roads, footpaths, landscaping and open space;
- i) Location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction;
- k) Provision for storage, collection, and disposal of rubbish from the development during construction period;
- l) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- m) Temporary lighting;
- o) No burning on-site;
- r) Safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site.

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

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

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

THEN

- 9.4 **DELEGATE** authority to the Head of Development Management to:

(a) make any necessary modification, deletion or addition to the proposed conditions or heads of terms for the section 106 legal agreement; and

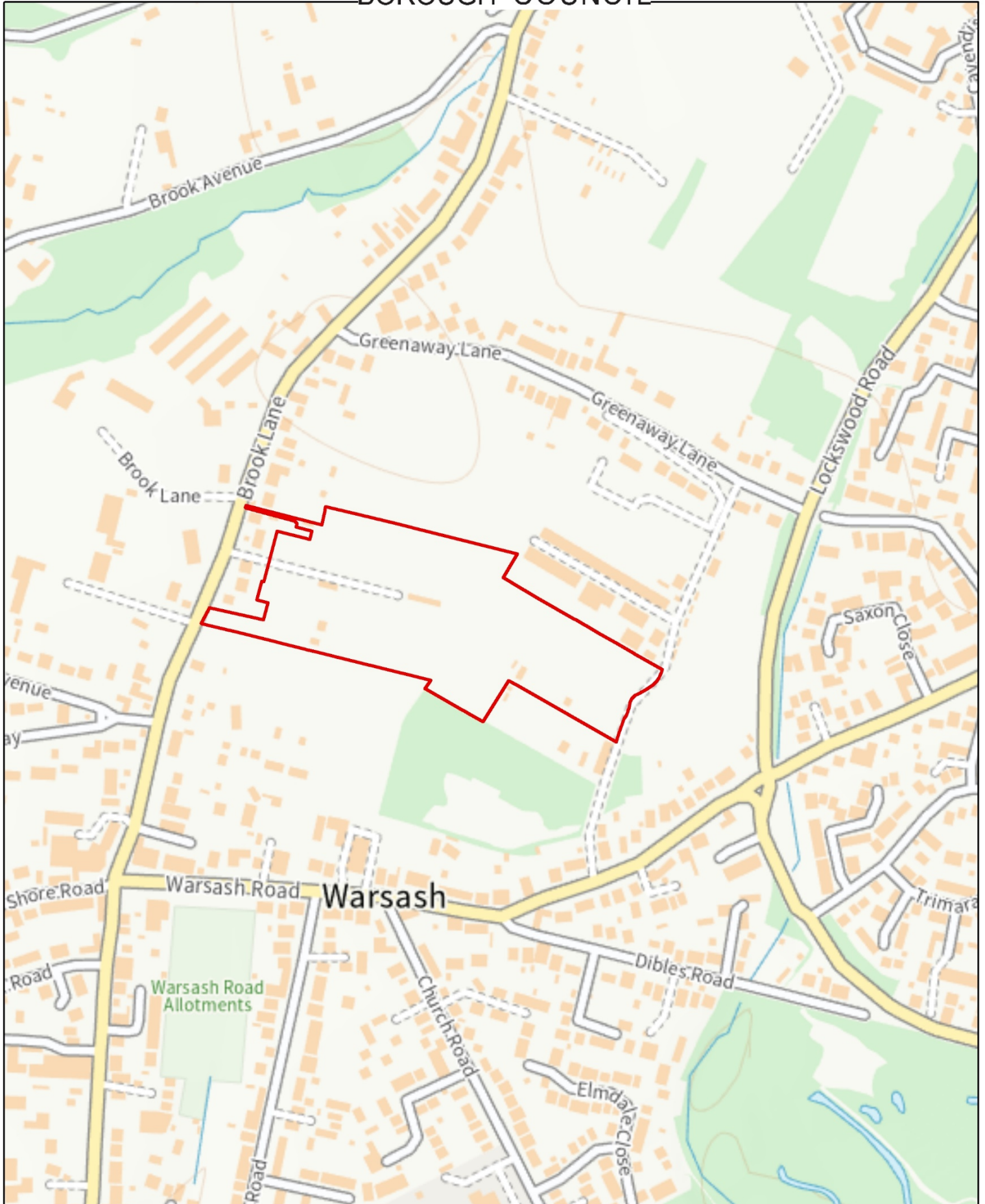
(b) make any necessary changes arising out of detailed negotiations with the applicant which may necessitate the variation, addition or deletion of the conditions and heads of terms as drafted to ensure consistency between the two sets of provisions.

10.0 Background Papers

- 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 East of Brook Lane
Warsash

Scale 1:5,000



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Agenda Annex

<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/24/0053/FP FAREHAM EAST	12 CLIFTON MEWS FAREHAM PO16 8TY SINGLE STOREY FRONT EXTENSION	2 PERMISSION

OFFICER REPORT FOR COMMITTEE

DATE: 13/03/2024

P/24/0053/FP
MR & MRS J & S MALONEY

FAREHAM EAST WARD
AGENT: MARTIN MOYSE

SINGLE STOREY FRONT EXTENSION

12 CLIFTON MEWS, FAREHAM, PO16 8TY

Report By

Charlotte Fleming – direct dial 01329 824 702

1.0 Introduction

1.1 The application is reported to the Planning Committee due to the number of representations received against the application proposal.

2.0 Site Description

2.1 This application relates to a two storey end terrace dwelling on the south eastern corner of Clifton Mews development, which is set off and behind (east of) North Wallington, within the designated Urban Area Boundary and Wallington Conservation Area.

2.2 Formerly a builder's yard, Clifton Mews was approved in 2005, and comprises 19 dwellings with a red brick, brown tile roofs and white windows and doors. There is a shared (allocated) parking courtyard to the front, and a gated vehicle access in the north west corner onto North Wallington. The land of the Mews has a small gradient, with the application site sitting slightly above the neighbouring property to the north (11 Clifton Mews).

2.3 The application site is described as a three bed property, however bedroom three is only 5.2sqm so comes below the classification of a single bedroom (7.5sqm) under the Nationally Described Space Standards. The property also benefits from a single garage with a single parking space in front within the courtyard. The rear garden is surrounded by 2m high fencing with a shared access path to the side.

2.4 Number 12 is the only house on the Mews which benefits from some grass to the front and side of their house. To the front of the property the land slopes down slightly. The grass is owned by the applicant, however numbers 11 and 10 also have a right of access over it as it provides access to their rear garden/gate.

3.0 Description of Proposal

- 3.1 Planning permission is sought for a single storey front extension, with a hipped roof, to provide an enlarged entrance hallway, a study (13sqm) and shower room.
- 3.2 The proposed extension measures 6.0m deep by 4.35m wide. The eaves measure 2.4m to ground level and overall ridge height is 4.0m. The extension results in the shared pathway being realigned but access would be retained to the rear garden gates for the two neighbouring properties.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Local Plan 2037

- D1: High Quality Design and Placemaking
 D2: Ensuring Good Environmental Conditions
 D5: Internal Space Standards
 HE2: Conservations Area

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/05/1225/FP	Erection of 19 Dwellings, 6 Garages and Parking Spaces.
Approve	11/11/2005

6.0 Representations

- 6.1 During the publicity period, letters were received from seven different addresses, six objecting and one neutral were received. One additional letter for a different address raising an objection was received after the publicity period ended.
- 6.2 Two anonymous comments were also received however these have not been considered. The following points were raised:
- Out of character with surrounding houses

- Overlooking and loss of privacy
 - Drainage and flooding - only green space in courtyard lost
 - Green space was originally a planning requirement as no other grass
 - Building line is 90cm closer to the boundary, will this set a precedent?
 - Construction – no parking for tradesmen in Mews and damage to shared courtyard
 - Construction – noise and pollution, restrict construction hours and material storage
 - Right to light – high rear garden fence has lost sunshine
 - Lose privacy to front of property
 - Shared maintenance fees – damage to car park/lighting to access path lost
 - Number 12 is built on higher ground
 - Shared rear access - Health and Safety and security – access width to the rear during and post construction plus lighting
 - Use of the study as a bedroom
 - Lowers house prices
- Offer of parking space to applicant for use during construction

7.0 Consultations

INTERNAL

Conservation Planner

7.1 The Council's Conservation Planner was consulted on the proposals due to the location of the site within the Wallington Conservation Area. Some concern was raised as it would break the uniformity of the mews block.

7.2 However, the Officer commented that as it is located in an enclosed courtyard away from the main street frontage and will not be visible from the public realm, the proposal would not have a negative impact upon the overall character or appearance of the Wallington Conservation Area.

8.0 Planning Considerations

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

- a) Design of the proposal
- b) Character and appearance of the conservation area
- c) Effect upon neighbouring properties
- d) Parking
- e) Other matters

a) Design of the proposal

- 8.2 Policy D1 (High Quality Design and Place Making) states that all new development should be of high quality, based on the principles of urban design and sustainability to ensure the creation of well designed, beautiful and safe quality places.
- 8.3 The proposed extension on the house will be visible from the immediate neighbours and parking courtyard, however shielded from the main public street scene (40m away) by the gated entrance and dwellinghouses. The finishes will match the external materials of the existing property and neighbours, with a fully hipped roof designed, mimicking the architectural form of the nearby garages. Due to the location of the property and scale of the extension away from the public realm, there are no design concerns raised by the proposal.
- 8.4 Officers are of the view the development included within this submission is acceptable in design terms and would not have a detrimental impact on the character of the street scene or area and therefore complies with Policy D1.

b) Character and appearance of the conservation area

- 8.5 Policy HE2 (Conservation Areas) highlights that development within conservation areas should preserve or enhance the special architectural, historic character or appearance of Conservation Areas.
- 8.6 Whilst the proposal is just inside the Wallington Conservation Area, designated 1980, the Mews was only approved and built after 2005. The majority of the Mews can only be glimpsed through the access gates. The design of the proposal is to match the existing properties and outbuildings and is considered to not cause a negative impact on the character of the conservations area.
- 8.7 The proposal has also been considered by the Council's Conservation Planner, who has raised no concerns regarding impact of the development on the character and appearance of the Conservation Area.
- 8.8 The proposal has been considered in respect of Policy HE2 of the Local Plan and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The works to extend this dwelling is considered to preserve the character and appearance of the Conservation Area.

c) Effect upon neighbouring properties

- 8.9 Policy D2 (Ensuring Good Environmental Conditions) states development proposals should ensure that there will be no unacceptable adverse impact

upon environmental and living conditions on the site or neighbouring development, by way of the loss of sunlight, daylight, ventilation, outlook and/or privacy.

- 8.10 The neighbour to the south is set at least 16metres away, screened by a 2m high boundary fence and the only proposed side windows would be on the ground floor and bathrooms so obscure glazed. The neighbour to the north west is set 19 metres away, behind a high brick wall.
- 8.11 The neighbouring property closest to the proposed front extension is 11 Clifton Mews. Having visited the site and looked at planning history, the ground floor windows to the front of number 11 are an obscure glazed WC (closest to the application site), the front door and then the kitchen, all of which look out onto the shared public courtyard and parked cars. Of these windows the kitchen is the only habitable room in design terms where privacy and light can be considered.
- 8.12 The two proposed side windows on the study look out across the shared parking courtyard and not directly into any habitable rooms. An assessment has been carried out and the front extension is outside of the 45degree line of sight from the kitchen, which together with the fully hipped roof is considered to not have an unacceptable adverse impact on the neighbour and complies with the Council's Design Guide SPD and policies.
- 8.13 Concern has been raised that the development will overshadow the neighbouring front porch. Whilst some loss of light to this area is likely to occur as a result of the development, it is not considered to be so harmful to warrant a refusal of the application under the provisions of Policy D2.

d) Parking

- 8.14 At the time of the original approval the property was considered a three bedroomed property and is served by two parking spaces (including a garage).
- 8.15 The applicant has confirmed that the additional extension space is to be used as a study/playroom given the limited living/family space within the existing property. It is noted that concern was raised that the room could be used as a bedroom, however, the applicant has clarified its use based on the submitted plans, and it is on these plans that Officers have based their assessment and recommendation.
- 8.16 As such, the property would remain a 3-bed dwelling, which requires 2 parking spaces to comply with the adopted Residential Car Parking Standards SPD.

This is the current provision, and therefore Officers consider the development proposal complies with the adopted standards in this instance.

e) Other matters

- 8.17 **Flooding/Loss of green space** - The site is not within Floodzone 2 or 3. The proposal is within the curtilage of a dwelling house, although it appears to be part of the wider landscaping of the site/parking area, this space has not been protected by conditions and forms part of the private front curtilage of the application site. The proposal does not take up the entire grass space and the re-laid access track will be with permeable paving, therefore it is considered acceptable in terms of the impact on drainage.
- 8.18 **Construction** - An offer has been made by neighbours to provide parking throughout the construction, however this is outside the application boundary and would not be controllable by condition.
- 8.19 Due to the nature and scale of the proposed works, as a householder planning application, construction traffic and works are not something that the Council would reasonably be able to control. Many residents undertake works to their houses, much of which can take place without planning permission. If contractors are parking inconsiderably and if they are causing a highway hazard this would be a matter for the police. If contractors are making too much noise outside reasonable hours during construction this would be a matter for the environmental health.
- 8.20 **Ownership/Access** - The applicant has completed Certificate A on the application form stating that they are the legal owner of the property. Matters of landownership and rights of access are a private legal issue, and not something the Local Planning Authority has regard to in considering the planning merits of an application.

9.0 Recommendation

- 9.1 Notwithstanding the objections received, the proposal accords with Policy D1, D2 and HE2 of the adopted Fareham Local Plan 2037.

GRANT PLANNING PERMISSION, subject to the following Conditions:

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

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

a) PROPOSED SINGLE STOREY FRONT EXTENSION – drwg no.02

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

Then:

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

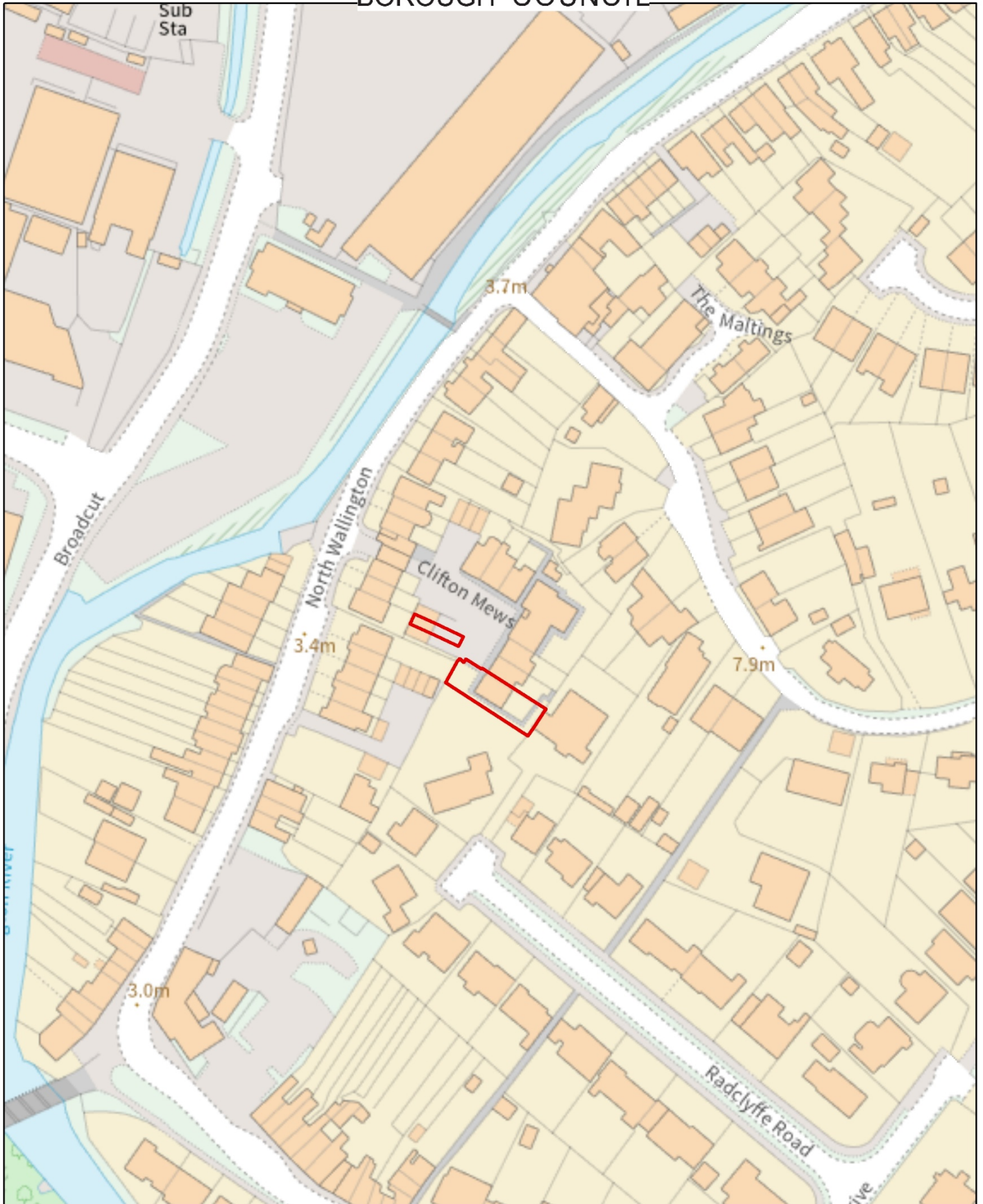
10.0 *Background Papers*

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.

(P/24/0053/FP)

FAREHAM

BOROUGH COUNCIL



12 Clifton Mews
Fareham

Scale 1:1,250



ZONE 3 – EASTERN WARDS

Portchester West

Hill Head

Stubbington

Portchester East

REFERENCE NUMBER & WARD SITE ADDRESS & PROPOSAL

ITEM NUMBER & RECOMMENDATION

No items in this Zone

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date 28/02/2024

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/22/1409/FP](#)

Appeal site address: Hunters Lodge Care Home 39 Kiln Road Fareham PO16 7UQ

Ward: Fareham North

The appellant: Mr Stephen Geach

Description of proposal: Construction of a detached single-storey four-bedroomed lodge (containing five beds) in rear garden and retention of two internal single bedrooms to achieve 48 rooms (with 49 beds); retention of patio doors to the southwest elevation of dayspace room (Resubmission of application P/21/1163/FP).

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Date appeal lodged: 12/10/2023

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/22/1582/FP](#)

Appeal site address: Land adj to Meadow Brook Oslands Lane Swanwick Southampton SO31 7EG

Ward: Sarisbury

The appellant: C R Aquisitions Ltd

Description of proposal: Construction of detached dwelling with associated parking and access from Oslands Lane

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Date appeal lodged: 01/11/2023

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/23/0222/FP](#)

Appeal site address: 30 Cams Hill Fareham PO16 8RB

Ward: Portchester West

The appellant: Mr G Robson

Description of proposal: Demolition of Detached Garage and Construction of Detached Dwelling

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Date appeal lodged: 12/02/2024

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/23/1439/DA](#)

Appeal site address: Land at Titchfield Road Titchfield Fareham Hampshire PO14 3EW

Ward: Titchfield

The appellant: Mr Stuart Banks

Description of proposal: Change of Use of Land to Haulage Yard

Date appeal lodged: 30/10/2023

Reason for Appeal: Against serving of planning enforcement notice

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

Fareham Borough Council Reference: [P/24/0007/DA](#)

Appeal site address: Titchfield Festival Theatre 71-73 St Margarets Lane Fareham PO14 4BG

Ward: Titchfield Common

The appellant: Titchfield Festival Theatre Limited

Description of proposal: The material change of use of the Land to theatre use (sui generis) and an engineering operation to excavate and create an underground area beneath the Land - this an appeal to be decided by the Planning Inspectorate

Council decision: NONE

Date appeal lodged: 16/01/2024

Reason for Appeal: Against serving of planning enforcement notice

Date scheduled for Public Local Inquiry to start and duration: 14/05/2024 for 3 days

Fareham Borough Council Reference: [P/24/0008/DA](#)

Appeal site address: 6 Brookview Close Fareham Hampshire PO14 3EE

Ward: Titchfield

The appellant: Miss Harriett Whitren-Jones

Description of proposal: Breach of Conditions (P/04/1355/FP) - Garage Conversion

Date appeal lodged: 30/01/2024

Reason for Appeal: Against serving of planning enforcement notice

Date scheduled for Public Local Inquiry to start and duration: 18/06/2024 for 1 day

DECIDED PLANNING APPEALS

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

Reason for Appeal: Appeal against refusal of planning permission

Appeal decision: ALLOWED

Appeal decision date: 20/02/2024

Fareham Borough Council Reference: [P/22/0337/OA](#)

Appeal site address: Land to South of 16/17 Glenthorne Close Fareham PO14 2NP

Ward: Stubbington

The appellant: Mr Peter Day

Description of proposal: Outline planning application for proposed erection of nine live/work (research/development/industrial/residential - Class E and C3) hangar buildings for aviation sector and public open space, with matters relating to access, layout and scale sought (appearance and landscaping reserved).

Council decision: REFUSE

Decision maker: Committee

Reason for Appeal: Appeal against refusal of planning permission

Appeal decision: DISMISSED

Appeal decision date: 19/02/2024

Costs: Partial award of costs made in favour of the Council, being those costs incurred in contesting those aspects of the Appellant's case in the appeal that related to the flood risk and those incurred in contesting those aspects that related to noise.

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

Reason for Appeal: Appeal against refusal of planning permission

Appeal decision: DISMISSED

Appeal decision date: 19/02/2024

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](#)