

P/18/0317/OA

REILLY DEVELOPMENTS LTD

SARISBURY

AGENT: BRYAN JEZEPH
CONSULTANCY

ERECTION OF UP TO 42 DWELLINGS WITH ASSOCIATED PARKING, ACCESS, LANDSCAPING AND SURFACE WATER DRAINAGE (OUTLINE APPLICATION CONSIDERING ACCESS ONLY) RESUBMISSION

LAND OFF SOPWITH WAY SWANWICK SOUTHAMPTON SO31 7AY

Report By

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Introduction

The Council's position on 5-year housing land supply (HLS) was challenged by way of planning appeal at a site in Cranleigh Road Portchester (Ref: APP/A1720/W/16/3156344) in April last year with the appeal decision issued in August.

In deciding that planning appeal the Inspector concluded that the Council's housing requirements should be based upon Objectively Assessed Housing Need, not the housing requirements set out in Local Plan Parts 1 and 2. On this basis the Inspector concluded that the Council's housing land supply position was little more than 2 years.

Finding that Fareham Borough Council does not have a 5YHLS represents a significant material change in planning circumstances. The most significant implication of the Council's current position on 5YHLS is that the approach that the Council must take in determining applications for residential development will have to be altered until the Council can robustly demonstrate that it has a 5YHLS. The approach which will need to be undertaken was set out in detail in the report titled 'How proposals for residential development should be considered in the context of this Council's 5-year housing land supply position' presented to the Planning Committee on the 15th November 2017.

This report sets out all the relevant planning policies and considerations and applies the planning balance (often referred to as the 'tilted balance') as required by National Planning Policy Framework and established planning case law.

Site Description

The site is located within the countryside on the corner of Swanwick Lane and Sopwith Way. The site is 2.29 hectares in area and irregular in shape. The site is positioned on a slope with the gradient sloping from the north down to the south. The site is currently grassed and consists of paddocks together with a small barn and stables.

The north boundary of the site is adjacent to the edge of Swanwick Lakes Nature Reserve which is a Site of Interest for Nature Conservation. To the east of the site there are dwellings together with a small parcel of undeveloped land. To the south of the site there are properties in Swanwick Lane and to the west of the site there are properties within Sopwith Way

Description of Proposal

The application has been submitted following the refusal of P/17/0895/OA for the following reasons:

The development would be contrary to Policies CS2, CS4, CS5, CS6, CS9, CS14, CS16, CS17, CS18, CS20 and CS21 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP6, DSP13, DSP14, DSP15 and DSP40 of the adopted Local Plan Part 2:

Development Sites and Policies Plan;

And, Paragraph 109 of the National Planning Policy Framework;
and is unacceptable in that:

(a) The provision of dwellings in this location would be contrary to adopted local plan policies which seek to prevent additional residential development in the countryside which does not require a countryside location. Furthermore, the development would not be sustainably located adjacent to or well integrated with neighbouring settlements;

(b) The density of the proposed development would fail to respond positively to and be respectful of the key characteristics of the area, particularly its predominantly undeveloped nature, which would be out of character with the prevailing pattern of development in the area;

(c) Insufficient information has been provided to demonstrate that the proposal would not have an unacceptable effect on invertebrates in the site or that adequate compensatory habitat would be provided for great crested newts or that the development would provide adequate north-south connectivity for wildlife;

(d) had it not been for the overriding reasons for refusal the Council would have sought details of the SuDS strategy including the mechanism for securing its long-term maintenance;

(e) had it not been for the overriding reasons for refusal the Council would have sought to secure the on-site provision of affordable housing at a level in accordance with the requirements of the local plan;

(f) had it not been for the overriding reasons for refusal the Council would have sought ecological mitigation, compensation and enhancement measures to ensure that all protected species are taken into account during and after construction. These would include alternative provision for habitats, including networks and connectivity and future management and maintenance arrangements;

(g) in the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas;

(h) in the absence of a legal agreement securing provision of open space and facilities and their associated management and maintenance, the recreational needs of residents of the proposed development would not be met;

(i) in the absence of a legal agreement to secure such, the proposal fails to mitigate against the adverse effects of the development on the safety and operation of the strategic and local highway network in the form of a financial contribution towards a Traffic Regulation Order;

As with P/17/0895/OA, the application now for consideration is also an outline application for up to 42 houses with access from Sopwith Way via the existing vehicular access. The layout, appearance, scale and landscaping are reserved and therefore not for consideration as part of this application. The application is accompanied by an indicative layout plan to demonstrate how 42 houses could be provided within the site.

This application differs from P/17/0895/OA in that the layout incorporates a strip of land

running along the western boundary which contains a hedgerow and a 2m strip of wildflower planting. The ecological benefits that this strip of land would provide is explained in detail in section G of this report.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS2 - Housing Provision

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS9 - Development in Western Wards and Whiteley

CS14 - Development Outside Settlements

CS15 - Sustainable Development and Climate Change

CS17 - High Quality Design

CS18 - Provision of Affordable Housing

CS20 - Infrastructure and Development Contributions

CS21 - Protection and Provision of Open Space

Development Sites and Policies

DSP1 - Sustainable Development

DSP2 - Environmental Impact

DSP3 - Impact on living conditions

DSP6 - New residential development outside of the defined urban settlement boundaries

DSP13 - Nature Conservation

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

DSP40 - Housing Allocations

Relevant Planning History

The following planning history is relevant:

<u>P/17/0895/OA</u>	Erection of up to 42 dwellings with associated parking, access, landscaping and surface water drainage (Outline application considering access only)
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REFUSE

23/02/2018

Representations

12 objections have been received raising concerns regarding the following issues:

Principle

- The site is not allocated in Fareham's Local Plan
- The site is not within the settlement policy boundary

Location

- The site is not in a sustainable location as occupiers of the proposed dwellings will have to

drive to get to amenities;

Character

-The design, layout and density of the development would be out of character with the surrounding area.

Ecology

- Loss of habitat
- The northern buffer should be a depth of 45m
- Impact on the wildlife habitat within the Nature Reserve.

Impact on Neighbouring Properties

-The proposed development would be visible from properties in New Lane

Highways

- Lack of public transport
- Additional cars will add to congestion, increase pollution and compromise road safety
- Journey distances to amenities are unsustainable
- The traffic survey doesn't take into account additional traffic from recently approved applications

Infrastructure

- Impact on infrastructure including doctor's surgeries
- Impact on local schools

Other issues

- Loss of agricultural land
- Adverse impact on surface water drainage
- Increased noise and light pollution
- The proposal is contrary to several of the NPPF's core planning principles
- Limited local economic benefit
- There must be discussion between local authorities to avoid regional saturation of houses.
- NATS have requested that if the application is approved conditions are attached to ensure that measures are taken to minimise any impact on their operations.

Consultations

INTERNAL

Tree Officer

No objection provided the recommendations in the accompanying tree report are followed.

Housing

The proposed number and tenure of affordable housing is acceptable. No objection.

Environmental Health (Contamination)

No objection subject to conditions requiring a site investigation and risk assessment with

remedial measures provided if necessary.

Highways

Traffic impacts would not materially affect the surrounding highway network. No objection subject to conditions and securing funding for a TRO to prevent on street parking on Swanwick Lane and Sopwith Way.

Refuse and Recycling

No objection

Ecology

No objection, subject to implementation of and adherence to the measures contained within the ecological mitigation, compensation and enhancements report and securing of the funding required to maintain the buffers in perpetuity and contribute to the SRMP.

The linear habitat provided along the western boundary comprising a hedgerow and 2m wildflower buffer addresses the concerns previously raised regarding the capacity of the 15m buffer to take the pressure of the development from the adjacent SINC, whilst also acting as a mitigation area for bats, reptiles and great crested newts. The linear habitat would also provide functional north-south connectivity between southern habitats and the 15m in the north.

The ecological mitigation, compensation and enhancements report that accompanies the application contains appropriate measures required to protect wildlife on site including applying for a bat EPS licence for the demolition of the barn.

EXTERNAL

HCC Education

The site lies within the catchment area of Sarisbury Infant and Junior Schools. These schools are full, as are the other primary phase schools in this area. As such the development will create additional pressure for primary school places.

In line with HCC's Children's Services Developers' Contributions Policy the development should contribute to provision of infrastructure at local schools due to the additional pressure that will be placed on school places. Due to the significant level of proposed housing in the local area investigations are under way as to the requirement for additional places at local schools. To mitigate the impact of this development on school places a contribution should be made.

The pupil yield is likely to be 13 primary age pupils based on 42 dwellings of two beds or more and a pupil yield of 0.3 of a primary age child per dwelling. In line with the policy a contribution of £14,539 per pupil place should be made. This totals £189,007.

HCC Flood and Water Management Team

No objection. Recommend that the maintenance of the surface water drainage proposals is secured.

Hampshire and Isle of Wight Wildlife Trust (HIWWT)

Objection based on the following reasons:

The development falls outside of the urban area and is contrary to policy DSP6.

Policy CS4 of the Core Strategy requires development proposals to "provide for appropriate access to greenspace for informal recreation to avoid adverse impacts from recreation and other impacts on European and Ramsar sites and locally important sites." The development proposals only provide a limited amount of open space for recreational purposes.

The development proposals will result in significant increased usage of the adjacent Swanwick Lakes Nature Reserve. The capacity of the Reserve is limited and is already starting to exhibit evidence of increased activity. The Trust should not have to pick up the cost of increased pressure on sensitive habitats and species given their limited resources, particularly when insufficient on-site recreation space for new residents is provided. A contribution of £195,985 is sought to fund a programme of repairs to the site and to contribute towards funding a part time Assistant Reserve Officer. This contribution is based on the calculation of costs over a period of 80 years.

The buffer would have a number of dwellings backing onto it and is therefore vulnerable to fly tipping in the form of garden waste, which would be incompatible with the purpose of the buffer as providing mitigation for invertebrate species. Long term management of the buffer would be required in perpetuity should permission be granted. If the Trust were to be responsible for managing the buffer an additional cost of £3,000 pa would be required.

Natural England

Swanwick Lakes Nature Reserve has a limited capacity and there is already evidence to show that recreational pressure is impacting on the nature conservation value of the site. Appropriate mitigation and compensation is therefore essential to ensure HIWWT has the necessary resources to manage the impacts from additional visitors expected from the proposed development

Planning Considerations - Key Issues

Key Issues:

- a) Implication of Fareham's current 5-year housing land supply position
- b) Residential development in the countryside
- c) - g) Policy DSP40
- h) Local infrastructure
- i) Affordable housing
- j) Flood Risk and Drainage
- k) Contamination
- l) Draft Local Plan
- m) Planning balance

A) IMPLICATIONS OF FAREHAM'S CURRENT 5 YEAR HOUSING LAND SUPPLY POSITION

As set out in the Introduction to this report, the Cranleigh Road Planning Appeal Inspector concluded that the Council's housing requirements should be based upon Objectively Assessed Housing Need (OAHN), not the housing requirements set out in Local Plan Parts 1 and 2. Officers accept this position.

Officers have undertaken a review of current planning permissions and the residual allocations from the adopted local plan in order to provide robust evidence to inform the current 5YHLS position. Fareham Borough Council presently has 4.39 years of housing

supply against its OAHN 5YHLS requirement.

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

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

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 NPPF, and this contains specific guidance in paragraphs 47, 49 and 14 for Councils unable to demonstrate a 5YHLS.

Paragraph 47 of the NPPF seeks to boost significantly the supply of housing, and provides the requirement for Councils to meet their OAHN, and to identify and annually review a 5YHLS including an appropriate buffer. Where a Local Planning Authority cannot do so, paragraph 49 of the NPPF clearly states that:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites."

Paragraph 14 of the NPPF then clarifies what is meant by the presumption in favour of sustainable development for decision-taking, including where relevant policies are "out-of-date". For decision-taking (unless material considerations indicate otherwise) this means:

Approving development proposals that accord with the development plan without delay; and Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- 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; or
- specific policies* in this Framework indicate development should be restricted. (*for example, policies relating to sites protected under the Birds and Habitats Directive and/or Sites of Special Scientific Interest; Green Belt, Local Green Spaces, Areas of Outstanding Natural Beauty, Heritage Coast and National Parks; designated heritage assets; and locations at risk of flooding or coastal erosion).

The key judgement for Members therefore is whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole.

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

B) RESIDENTIAL DEVELOPMENT IN THE COUNTRYSIDE

Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. Policies CS6 (The Development Strategy) goes on to say that development will be permitted within the

settlement boundaries. The application site lies within an area which is outside of the defined urban settlement boundary.

Policy CS14 of the Core Strategy states that:

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

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

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

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

"Where it can be demonstrated that the Council does not have a 5-year supply of land for housing against the requirements of the Core Strategy (excluding Welborne) additional housing sites, outside the urban area boundary, may be permitted where they meet all of the following criteria:

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

Each of these five bullet points are worked through in turn below c) - g) Policy DSP40

C) POLICY DSP40(i)

The first test of Policy DSP40 is that: "The proposal is relative in scale to the demonstrated 5-year housing land supply shortfall".

The present shortfall of dwellings needed to achieve a 5YHLS is in the region of 291. The proposal for up to 42 dwellings is relative in scale to the 5YHLS shortfall and therefore bullet point i) of Policy DSP40 is satisfied.

D) POLICY DSP40(ii)

The second test of Policy DSP40 is that: "The proposal is sustainably located adjacent to, and well related to, the existing urban settlement boundaries, and can be well integrated with the neighbouring settlement". The aim of part ii of policy DSP40 is twofold: to ensure developments read as being visibly connected to the existing settlement and to ensure that they are functionally linked to the existing settlement and that future residents can easily access amenities.

In terms of being visibly connected to existing settlements, the site would be approximately 450m from the settlement policy boundary of Lower Swanwick (to the west) and approximately 700m from the settlement policy boundary of Swanwick (to the east.) The development would therefore not be visually connected to either of the existing urban settlements.

In terms of being functionally linked to the existing urban settlements and therefore close to amenities, the closest local services and facilities such as doctors, shops and cafes are to be found in Swanwick to the east, approximately 1.7km from the site. The proposed development therefore fails to accord with part ii of policy DSP40 in terms of being well related to the existing urban settlement boundaries and well integrated with the neighbouring settlement.

E) POLICY DSP40(iii)

The third test of Policy DSP40 is that: "The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps".

As referred to above, the site lies outside of the defined urban settlement area within the countryside where Policy CS14 of the adopted Fareham Borough Core Strategy states built development will be strictly controlled to protect it from development which would "adversely affect its landscape character, appearance and function".

The Fareham Landscape Character Assessment (2017) (hereafter referred to as FLCA), identifies a number of character areas and describes their defining characteristics. The site falls within the 'Swanwick and Burrridge Fringes' character area. This area forms the hinterland to the settlements of Swanwick and Burrridge and is characterised by a distinctive pattern of small-scale fields, typically occupied by pasture or horticultural land uses. The character of the land in this area is described in the FLCA as being generally intact and unspoilt with degradation limited and localised. The development of the paddock would therefore be out of keeping with the rural character of the area.

The design and access statement relies heavily on the fact that there are houses to the south, east and west of the site and uses this as a justification for the proposed development. It is acknowledged that there is development in the vicinity, however it takes the form of ribbon development with dwellings to the immediate east of the site set within extremely large plots set against a background of farmland and open countryside. The proposed development however would consist of development of a much higher density.

The indicative layout is provided for illustrative purposes only, however it demonstrates that the proposed number of dwellings is at a level that would require the whole of the site to be developed as opposed to just frontage development along Swanwick Lane and Sopwith Way.

The land within the site falls from the north down to the south and as a result the development within the site would be visible beyond that fronting Swanwick Lane and Sopwith Way. The indicative layout also demonstrates that there would not be sufficient space remaining for the provision of woodland planting, as recommended by the FLCA to help the development integrate with the surrounding landscape.

The proposed development of the site would be at odds with the unspoilt nature of the Swanwick and Burrridge Fringes Character Area as a whole. Furthermore, the indicative layout demonstrates that the number of dwellings proposed would result in a density that would contrast with the spacious development along Sopwith Way and Swanwick Lane and

have a demonstrably harmful effect on the overall character of the area.

The proposed development would therefore be contrary to Policy DSP40(iii).

F) Policy DSP40(iv)

The fourth test of Policy DSP40 is that: "It can be demonstrated that the proposal is deliverable in the short term".

The application has been submitted on behalf of Reilly Development Ltd with Vivid Homes identified as the housing association that would manage the proposed affordable homes. The applicant has confirmed that they would be willing to accept a condition requiring the reserved matters application to be submitted within 12 months with a further condition requiring development to commence within 12 months of the determination of the reserved matters application. The proposed development would therefore be in accordance with the fourth criteria of Policy DSP40.

G) Policy DSP40(v)

The fifth and final test of Policy DSP40 is that: "The proposal would not have any unacceptable environmental, amenity or traffic implications".

Environmental Implications

Policy DSP13 states that development may be permitted where it can be demonstrated that the following criteria (i-iv) are satisfied:

i. Designated sites and sites of nature conservation value are protected and where appropriate enhanced

The site is adjacent to Swanwick Lakes Nature Reserve which is a designated Site of Importance for Nature Conservation (SINC) and is managed by the Hampshire and Isle of Wight Wildlife Trust (HIWWT).

The indicative layout incorporates two features designed to protect the Nature Reserve: a buffer and an area of greenspace. The primary purpose of the proposed 15m deep buffer along the northern boundary of the site, would be to absorb the impact of the proposed development for example fly-tipping, light spill, soil compaction and hydrological changes and therefore protect the Nature Reserve. The buffer would be maintained by a management company who would also be responsible for the roads and areas of public soft landscaping within the site. (The provision of a management company could be secured by section 106.) The proposed green space within the centre of the site is designed to be used for informal recreation.

The HIWWT have acknowledged the incorporation of the buffer, but have objected to the application on the grounds that the proposed greenspace is not large enough to fully mitigate the impact on the Reserve. To mitigate the impacts of the increased numbers visiting the Reserve, the Trust has requested a contribution of £195,985. The applicant has acknowledged the concerns raised by the HIWWT and has agreed to provide a contribution of £20,000 to the HIWWT to facilitate improvements to the Reserve.

It is acknowledged that the proposed development is likely to result in increased numbers of people visiting the Nature Reserve on a more regular basis, however it is considered that the incorporation of the proposed buffer along the northern boundary would provide adequate protection from the development and the financial contribution could be effectively

used by the HIWWT to further mitigate the impact on additional numbers of visitors to the Reserve. The incorporation of a greenspace in the centre of the site is also considered to satisfy the requirements of Policy CS4.

The council's ecologist has raised no concerns regarding the impact of the proposed development on the Nature Reserve because of expected increased footfall.

ii. Protected and priority species populations and their associated habitats, breeding areas, foraging areas are protected and, where appropriate, enhanced

The previous application was refused in part because of concern that the proposed buffer along the northern boundary of the site would not have capacity to both absorb impacts from the proposed development and provide appropriate habitat for protected species. This concern has been addressed by the incorporation of a strip of land along the western boundary that would provide functional habitat in addition to the buffer along the north boundary. The land along the western boundary would also provide functional connectivity between the SINC and habitat to the south.

Great Crested Newts and bats are considered to utilise territory within the application site. Great Crested Newts and bats both receive protection under UK law via the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Habitats Directive, which is transposed into UK law by the Conservation of Habitats and Species Regulations 2010 (commonly referred to as the Habitats Regulations). Where developments affect European protected species (EPS), permission can be granted unless:

- the development is likely to result in a breach of the EU Directive underpinning the Habitats Regulations, and

- the development is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.

The proposed development would potentially require the movement of great crested newts and bats (within the site) which would be a breach of the EU Directive underpinning the Habitats Regulations, therefore if permission were to be granted an EPS licence from Natural England would be required. Given that this report recommends that the application is refused, the three tests that have to be undertaken to assess whether Natural England is likely to grant an EPS licence have not been undertaken.

iii. Where appropriate, opportunities to provide a net gain in biodiversity have been explored and biodiversity enhancements incorporated

The application is supported by an Ecological Mitigation, Compensation & Enhancements Plan which contains appropriate measures that will enhance biodiversity within the site.

iv. The proposal would not prejudice or result in the fragmentation of the biodiversity network.

The proposed buffer along the northern boundary and the strip of hedgerow and 2m wildflower buffer along the western boundary would prevent fragmentation of the biodiversity network.

Amenity Implications

The application is for outline Permission with the layout one of the matters reserved; therefore the layout provided is for indicative purposes only. The illustrative layout does however demonstrate that 42 dwellings could be sited in a manner which meets the

Council's requirements in respect of light and privacy as set out in the recently adopted Fareham Borough Council Design Guidance (excluding Welborne) SPD.

Concerns have been raised regarding the impact on dwellings to the west of the site (on the opposite side of Sopwith Way) and on dwellings to the south of the site (on the opposite side of Swanwick Lane.) The application is for outline permission with access being the only detailed matter, therefore the location of the proposed dwellings is at this stage only indicative. Should outline Planning Permission be granted the layout would be subject to consideration at the reserved matter stage and dwellings would have to meet the minimum separation distances recommended in the Residential Design Guidance SPD.

Traffic Implications

The proposed development would be accessed from Sopwith Way via the existing vehicular access. The highways engineer has confirmed that the junction with Swanwick Lane would be able to cater for the additional traffic that would be generated by the proposed development. Overall the proposed development would not have an adverse effect on the safety of the highway and would be in accordance with Policy CS5, provided elements such as the design of the junction onto Sopwith Way are secured by condition.

H) LOCAL INFRASTRUCTURE

Concerns have been raised regarding the impact of the development on schools, doctors and other services in the area. The Education Authority have requested a contribution towards school provision which can be covered by a Section 106 legal agreement.

The delivery of health services is for the health providers to decide, therefore, a refusal on these grounds would be unsustainable.

I) AFFORDABLE HOUSING

The application proposes 42 dwellings of which 40% (16.8) would be affordable housing. The application proposes 16 affordable houses with the 0.8 provided as a financial contribution within a s106 financial contribution.

The proposed affordable dwellings would include 7 no. 2 bedroom dwellings and 9 no. 3 bedroom dwellings. It is proposed that 8 units would be available for affordable rent with 8 units available for shared ownership. The affordable houses would be split between 2 locations within the site and would be managed by Vivid Homes.

The proposed number, size and tenure of affordable housing addresses the needs of those on the housing waiting list and the Head of Housing and Benefits has raised no objection. The proposal also complies with the requirements of Policy CS18.

J) FLOOD RISK AND DRAINAGE

The application is supported by a flood risk assessment and drainage statement. Hampshire County Council as the Lead Local Flood Authority has confirmed that the general principles for the surface water drainage proposals are acceptable subject to securing their long-term maintenance.

K) CONTAMINATION

The application is supported by a desk top report and a ground investigation report which propose remedial measures. Environmental Health have reviewed the submitted

information and have raised no objection subject to conditions requiring further testing prior to development commencing and for any approved remedial measures to be implemented prior to any of the dwellings being occupied.

L) DRAFT LOCAL PLAN

Members will also be aware that the Draft Local Plan which addresses the Borough's development requirements up until 2036, was subject to consultation between 25th October 2017 and 8th December 2017. In due course this plan will replace Local Plan Part 1 (Core Strategy) and Local Plan Part 2 (Development Sites & Policies).

The site of this planning application was considered as part of the Council's "call for sites" process as part of the review of the local plan. It is not proposed to be allocated for housing within the draft local plan. A number of background documents and assessments explain the site selection process which are of relevance. The Housing Site Selection Background Paper describes the site as being "developable but not preferred". It states that "the site has a reasonable/good SA outcome. However, it is isolated from the main urban area and not as accessible when compared to other developable sites". However, at this stage in the plan preparation process, the draft plan carries limited weight in the assessment and determination of this planning application.

M) PLANNING BALANCE

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".

Paragraph 14 of the NPPF clarifies the presumption in favour of sustainable development in that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

- 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; or
- specific policies indicate development should be restricted (for example, policies relating to sites protected under the Birds and Habitats Directive and/or Sites of Special Scientific Interest; Green Belt, Local Green Spaces, Areas of Outstanding Natural Beauty, Heritage Coast and National Parks; designated heritage assets; and locations at risk of flooding or coastal erosion).

The approach detailed within the preceding paragraph, has become known as the "tilted balance" in that it tilts the planning balance in favour of sustainable development and against the Development Plan.

The site is outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of Local Plan Part 2: Development Sites and Policies Plan.

Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations which is engaged as this Council cannot demonstrate a 5YHLS against objectively assessed housing need.

In weighing up the material considerations Officers have concluded that, whilst the proposal is relative in scale to the demonstrated 5YHLS shortfall (fulfilling the first test of Policy DSP40) the development would be poorly integrated with the existing urban area (thereby failing the second test of the policy).

The third test of Policy DSP40 relates to the impact on the character of the surrounding countryside. In this regard, the proposal is considered to have a significant adverse effect materially harmful to the landscape character, appearance and function of the countryside. It is therefore recommended that Planning Permission is refused.

Turning to other issues, Officers acknowledge that the proposal would provide affordable housing at a policy compliant level of 40% of the units, along with the delivery of onsite open space. Those matters could be secured through an appropriately drafted planning obligation made under Section 106 of the Act as could outstanding issues relating to securing a contribution towards: improving educational facilities in the area; the funding of a Traffic Regulation Order to prevent on street parking on Swanwick Lane; the maintenance of roads and open space within the site and ecological matters including details of the management of the proposed Buffer with the Swanwick Lakes Nature Reserve.

In balancing the objectives of adopted policy which seeks to restrict development within the countryside against the shortage in housing supply, Officers acknowledge that the proposal could deliver up to 42 dwellings including affordable housing to contribute to the 5-year housing land supply shortage in the Borough. This would provide a significant and material boost/contribution to meeting housing needs within the Borough.

Notwithstanding these matters, the contribution the proposed development would provide towards the Borough's 5-year housing land supply, Officers consider that the impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole. Officers therefore recommend that the planning application should be refused.

Reasons For Refusal

Recommendation

The development would be contrary to Policies CS2, CS4, CS5, CS6, CS9, CS14, CS16, CS17, CS18, CS20 and CS21 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP6, DSP13, DSP14, DSP15 and DSP40 of the adopted Local Plan Part 2: Development Sites and Policies Plan;

And, Paragraphs 17, 34, 35 and 55 of the National Planning Policy Framework; and is unacceptable in that:

(a) The provision of dwellings in this location would be contrary to adopted local plan policies which seek to prevent additional residential development in the countryside which does not require a countryside location. Furthermore, the development would not be sustainably located adjacent to or well integrated with neighbouring settlements;

(b) The density of the proposed development would fail to respond positively to and be respectful of the key characteristics of the area, particularly its predominantly undeveloped nature, which would be out of character with the prevailing pattern of development in the area;

(c) had it not been for the overriding reasons for refusal the Council would have sought to secure details of the SuDS strategy including the mechanism for securing its long-term maintenance within a legal agreement;

(d) had it not been for the overriding reasons for refusal the Council would have sought to secure the on-site provision of affordable housing at a level in accordance with the requirements of the local plan within a legal agreement;

(e) had it not been for the overriding reasons for refusal the Council would have sought to secure ecological mitigation, compensation and enhancement measures to ensure that all protected species are taken into account during and after construction. These would include alternative provision for habitats, including networks and connectivity and future management and maintenance arrangements;

(f) in the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas;

(g) in the absence of a legal agreement securing provision of open space and facilities and their associated management and maintenance, the recreational needs of residents of the proposed development would not be met;

(h) in the absence of a legal agreement to secure such, the proposal fails to mitigate against the adverse effects of the development on the safety and operation of the strategic and local highway network in the form of a financial contribution towards a Traffic Regulation Order;

(i) in the absence of a legal agreement securing the provision of funding towards Education facilities, the educational needs of residents of the proposed development would not be met.

Note for information:

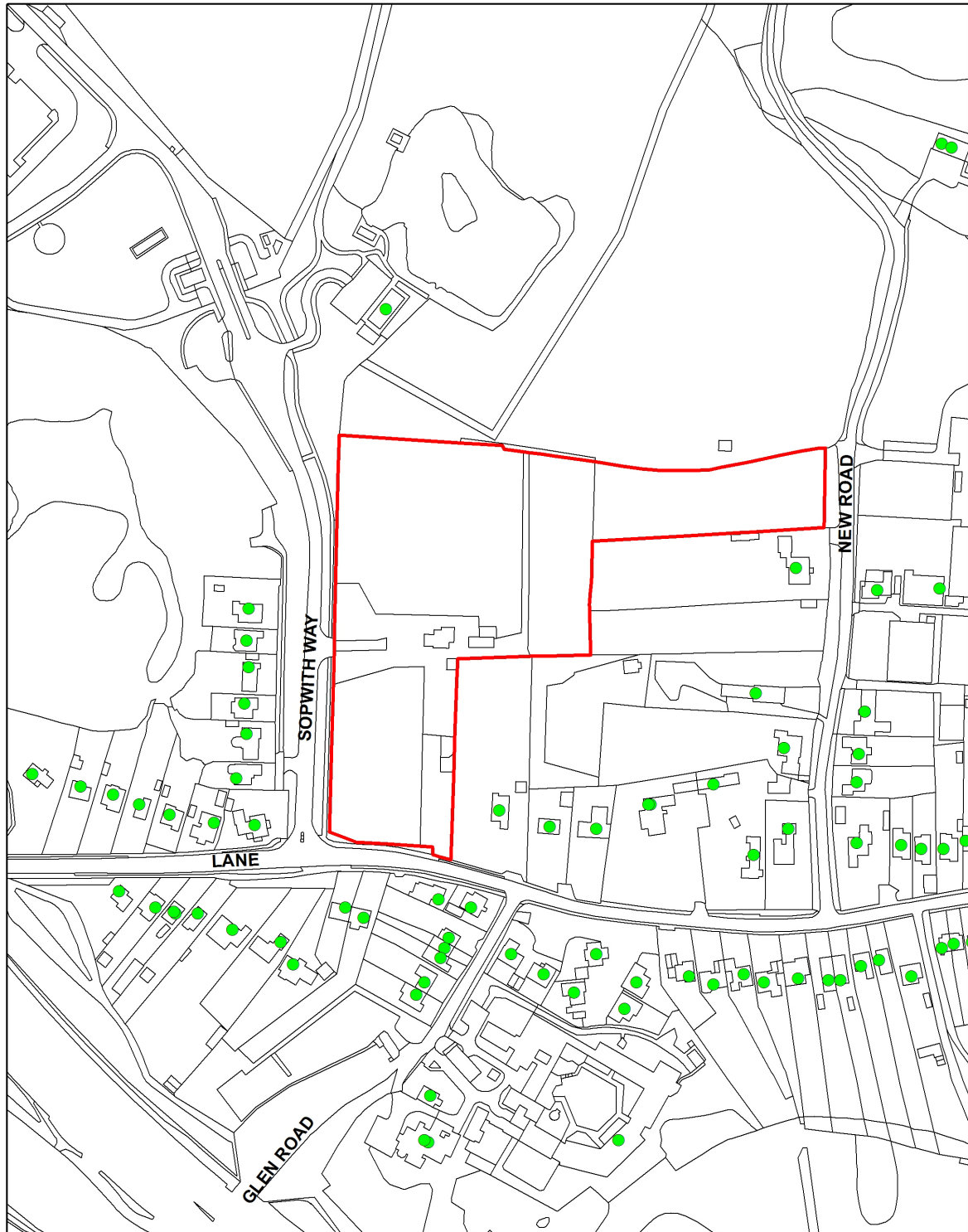
Had it not been for the overriding reasons for refusal to the proposal, the Local Planning Authority would have sought to address points c) - i) above by inviting the applicant to enter into a legal agreement with Fareham Borough Council under Section 106 of the Town & Country Planning Act 1990.

Background Papers

P/18/0317/OA

FAREHAM

BOROUGH COUNCIL



Land off Sopwith Way
1:2,500



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