P/17/1135/OA **FAREHAM NORTH**

RESIDE DEVELOPMENTS LIMITED & ANTHERFOLD INVESTMENTS LTD

AGENT: TURLEY

OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS), FOR RESIDENTIAL DEVELOPMENT OF UP TO 27 DWELLINGS (USE CLASS C3) WITH ASSOCIATED INFRASTRUCTURE, MEANS OF ACCESS AND DEMOLITION OF AGRICULTURAL BUILDING.

LAND NORTH OF FUNTLEY ROAD FUNTLEY FAREHAM

Report By

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Introduction

The Council's position on 5-year housing land supply 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 measures 0.96 hectares (2.4 acres) in area and is situated immediately to the north of Funtley Road.

To the north and east the site adjoins housing development on the site of the former Funtley Abattoir. To the north west of the site is a designated area of public open space. To the west of the site are a small number of frontage dwellings with long rear gardens.

The site is relatively flat, falling gently to the north. It currently comprises horse paddocks.

There is an existing access to the site in the south eastern corner and an unmade track runs diagonally across the site to an agricultural storage building/stables located in the north west corner.

The existing southern boundary to Funtley Road is marked by a hedgerow containing some trees towards its eastern end. The western boundary is largely defined by an evergreen hedgerow, with the eastern and northern boundaries formed with varying types and sizes of

planting.

The site lies outside of the urban settlement boundary.

Description of Proposal

Outline planning permission is sought for up to 27 new dwellings on the site, together with a new vehicle access from Funtley Road, landscaping, and demolition of an agricultural building in the northwestern corner of the site.

The application is submitted in outline with all matters reserved for future approval except for access. The proposed access is shown towards the western end of the frontage.

Members will be aware that for consideration on this same Planning Committee agenda are two further applications by the same applicant on land to the south side of Funtley Road. Planning application reference P/18/0067/OA proposes residential development of up to 55 dwellings (including 3 custom build homes), a community building, accesses and associated landscaping, infrastructure and development works. Planning application reference P/18/0066/CU meanwhile proposes the change of use of land further south into a community park.

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

CS14 - Development Outside Settlements

CS15 - Sustainable Development and Climate Change

CS16 - Natural Resources and Renewable Energy

CS17 - High Quality Design

CS18 - Provision of Affordable Housing

Approved SPG/SPD

RCCPS - Residential Car and Cycle Parking Standards Supplementary Planning Document,

Design Guidance Supplementary Planning Document (Dec 2015)

EXD - Fareham Borough Design Guidance Supplementary Planning Document

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

An outline planning application was submitted in January 2017 for up to 27 dwellings on the site (planning reference P/17/0045/OA). A report was prepared for the Planning Committee for consideration at the meeting to be held on the 24th May last year however the application was withdrawn before consideration at the meeting.

Representations

In response to this application 127 sets of comments have been received from 98 residents. This is because some people chose to comment more than once after revised details were submitted by the applicant.

Seventy six people objected to the application on the following planning grounds:

- Welborne is enough
- Road is already hazardous to drivers, pedestrians, cyclists and children
- Roads are overcrowded already and unsuitable for additional 250 vehicles with narrow bridges
- Area subject to flooding
- Infrastructure unable to accommodate additional pressure
- Healthcare unable to cope
- Schools are at capacity
- Application previously refused - nothing has changed
- Harm to semi-rural character of Funtley
- Should be viewed in conjunction with P/18/0067/OA
- Support letters are not from Funtley residents
- Countryside in current Local Plan
- Site is not brownfield
- Site is not sustainable
- Impact on Wildlife (NB dormice)
- Loss of trees
- Loss of horse riding and stabling
- Possible contamination due to ex-abattoir
- Sites should not be approved before the new Local Plan is properly considered
- Density of development not in keeping with the remainder of the area
- Percentage of affordable housing is disproportionately high and out of keeping
- Inappropriate location for social housing
- Noise pollution
- Problems already with power failures
- Possible subsidence due to type of soil
- Potential for increase in crime
- Already overloaded sewerage system
- Overlooking and loss of privacy
- Loss of light

Twenty two people wrote in support of the application with the following comments:

- Land shown in draft Local Plan for development

Consultations

EXTERNAL

Natural England - No objection subject to appropriate mitigation being secured.

Hampshire County Council (Flood and Water Management team) -

Given the information provided within the Flood Risk Assessment it is considered that the

general principles for the surface water drainage proposals are acceptable. Additional information is required to fully assess this application and we would recommend that this is covered by condition, as part of a more detailed design phase.

Southern Water - No objection.

Hampshire County Council (Archaeology) - No objection subject to condition.

Hampshire County Council (Children's Services) - The development is too small to generate a significant impact on pupil numbers locally so no contribution is required towards education infrastructure. In order to promote sustainable travel the developer must contribute a total of £15,000 to the production of school travel plans for both schools together with improvements to cycle and scooter storage on the school sites.

INTERNAL

Trees - No objection.

Contaminated Land - No objections subject to planning condition.

Highways - No objection. It is accepted that, whilst the site is fairly remote from a number of facilities, it is served by an hourly bus service and is within walking and cycling distance of most routine travel attractors. To aid pedestrian and bus journeys, a footway is proposed along the north side of Funtley Road, between the site and the existing footway commencing at Roebuck Avenue. In traffic impact terms, whilst the predicted traffic generation from the site is considered to be low, it is accepted that the circa 16 vehicles per peak hour would have no material impact on the surrounding road network. In highway safety terms, the record of personal injury accidents does not indicate there is a particular defect affecting the safe operation of the highway. It is recommended however that the extent of the existing 30mph speed limit zone should be reviewed with a view to including within it the proposed site access or even the bends on Funtley Road to the west of the site. It is considered the location and form of the site access junction, with visibility splays, would be acceptable.

Ecology - No objection. The impacts on commuting/foraging bats can be avoided through the implementation of a lighting strategy and landscape plan which protect the site's northern boundary. Provided the outline mitigation proposals are implemented I would have no concerns over the proposals in relation to dormice. Broad outline measures for the implementation of the mitigation are set out, a detailed strategy should be provided under a planning condition. A condition should be added requiring the applicant to incorporate features into the development that would contribute to biodiversity.

Planning Considerations - Key Issues

IMPLICATION 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. An update on the Council's 5YHLS position was reported to the Planning Committee on 20th June this year. As reported then, Fareham Borough Council presently has 4.65 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.

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 five year supply of land for housing against the requirements of the Core Strategy (excluding Welborne) additional housing sites, outside the urban area boundary, may be permitted where they meet all of the following criteria:

i. The proposal is relative in scale to the 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.

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 170. The proposal is for a development of 27 dwellings and it is considered that this is relative in scale to the identified shortfall.

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".

It is acknowledged that the site is located beyond the settlement policy boundary and is therefore contrary to policies which aim to secure the majority of new housing within the

urban area. Whilst being located in the countryside for planning purposes the site is bound on its western, eastern and much of its northern side by built form and residential properties. The adjacent housing development of Roebuck Avenue, Deer Leap and Stag Way abuts the site's northern and eastern boundaries. This housing estate, which was granted planning permission in the late 1990s on the site of an abattoir, is also within the countryside in terms of its status within the current adopted local plan however its character and appearance is typical of an area found within the urban settlement boundary.

Bus stops are located close to the site on Funtley Road and the bus service runs approximately once an hour to Fareham and Wickham. However, the service neither starts particularly early nor finishes late and no buses run on a Sunday. There are very limited services within Funtley itself. The closest shop (McColls Newsagent) in Kiln Road for example is in the region of 1,200 metres (3/4 mile) from the site. Furthermore Officers are not convinced that the pedestrian and cycling arrangements from the application site to facilities are ideal at present either in the vicinity of the site itself or taking into account the steep climb up from Funtley into Fareham.

A concurrent application by the same applicant on land to the south side of Funtley Road for a further 55 dwellings also proposes a new pedestrian and cycle route southwards to the urban area of Fareham, including over the existing M27 motorway bridge (planning reference P/18/0067/OA). The applicant has suggested that, whilst the two applications are separate and must be considered on their own individual merits, they would be prepared to provide a similar permissive path through that land to create a new pedestrian footpath from Funtley Road southwards to Thames Drive in order to address any outstanding concerns in relation to the relative sustainability of the application site. The applicant's suggestion is that the details and construction of such a route could be secured through a suitably worded obligation in a Section 106 agreement. Officers agree that providing such a route would offer a significant improvement to the application site on the north side of Funtley Road in terms of sustainable transport links. The new link would bring Orchard Lea Infant and Junior Schools within a walking/cycling distance of approximately 850 metres from the application site and the shops and other services at Highlands Road Local Centre within 1.7km.

The applicant has proposed further measures to improve the site's accessibility and to reduce reliance on the use of private motor vehicles. Through the submitted travel plan the applicant proposes contributions towards the cost of new bikes for new residents to facilitate the use of this new pedestrian/cycle connection with Fareham. Bus vouchers are also proposed as part of that same scheme.

Considering the first test of Policy DSP40, the site does not lie adjacent to the existing urban settlement area as currently defined in the adopted local plan and is not within an easy accessible distance to many services and facilities. Notwithstanding, the site is bound by residential development of an urban nature and measures proposed by the applicant to improve the accessibility of the location would assist in increasing its overall sustainability.

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 mentioned earlier in this report, the site lies within the countryside but does not form part of a strategic gap. The site comprises grassland and vegetation with trees surrounding the boundaries. Glimpsed views of the site can be seen from Funtley Road and the site is currently overlooked by properties in Roebuck Avenue to the east and north. An indicative

layout plan submitted with the application shows how development could be undertaken whilst retaining much of the planting around the northern and eastern boundaries.

A section of the existing planting alongside Funtley Road towards the western end of the frontage would need to be removed to enable vehicular access to the site. In addition pedestrian access would be formed through the frontage planting towards the eastern end of the frontage. The applicant has submitted a detailed drawing to show the extent of hedgerow loss that would result from the new access being formed and visibility splays provided (drawing no. 16-0822-SK01e). The drawing demonstrates that the existing hedgerow would be trimmed back to facilitate the access and visibility but would remain in place whilst additional hedgerow planting could be carried out where none currently exists. Views from Funtley Road would therefore still be screened by boundary vegetation with the exception of those possible along the access and footpath into the site. However these views would most likely be from passing traffic, be brief and the houses seen against the backdrop of the adjacent existing housing. The development's layout is a reserved matter however the illustrative site plan demonstrates how houses might be arranged on the site to be set back from the frontage of Funtley Road thereby further reducing the visual impact of the two storey houses.

The proposed development would provide up to 27 houses on a site with a developable area of 0.83 of a hectare. The density of the scheme is therefore approximately 32.5 dwellings per hectare. The scale of the housing is a reserved matter however the applicant indicates in the submission that it would be the intention for the dwellings to be up to two storey in height. This density and scale is broadly consistent with the adjacent housing development at Roebuck Avenue, Deer Leap and Stag Way is predominantly two storey in scale at a density of approximately 28 - 32 dwellings per hectare.

Matters of scale, appearance, layout and landscaping are reserved for consideration at a later date should outline planning permission be granted. However, based on the parameters set out by the applicant and the above assessment of the development's visual impact, Officers are satisfied that the adverse impact on the countryside would be localised and would not result in substantial harm to the wider landscape character of the countryside. Subject to those reserved matters Officers believe it would be possible to achieve a form of development that would be in keeping with the prevailing characteristics of the neighbouring housing development. Officers consider that the test set out in Policy DSP40(iii) is met.

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 applicant has indicated that should planning permission be granted they envisage the reserved matters being submitted for consideration and approved within nine months to allow commencement of development shortly after. They estimate that 10 units would be built during the financial year 2018/2019 and the remaining 17 units the following year 2019/2020.

The applicant has raised no objection to the imposition of a planning condition requiring the submission of reserved matters within 12 months of the date of outline permission being granted and implementation of the development within 12 months of those reserved matters being approved.

Officers consider the development to be deliverable in the short term thereby satisfying this test of Policy DSP40(iv).

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

The applicant has submitted a Flood Risk Assessment & Drainage Strategy on which Officers have consulted the lead local flood authority Hampshire County Council. Hampshire County Council's Flood and Water Management team have responded and their comments can be viewed in the earlier section of this report which summarises consultation responses. In short the County's advice is that the general principles for the surface water drainage proposals for the development are acceptable. However, further information would be required at a later stage and should be secured through the imposition of a suitably worded planning condition in the event outline permission is granted.

A number of local residents have raised concerns over this issue and that flooding and surface water drainage problems already experienced in the area might be exacerbated by the development. Notwithstanding the positive response from the lead local flood authority, the applicant has produced a non-technical summary of the flood risk assessment. This summary explains that the proposed drainage strategy is to route surface water from the site to the existing watercourse at the northwest which is on lower ground so water will flow under gravity. Funtley Road is higher than the site and the flooding which occurs there is likely to be caused by debris blocking one or more sewer pipes or possibly a lack of capacity in those pipes. The proposed drainage scheme on the application site will neither help nor hinder this.

The Council's Ecologist is satisfied that reptiles currently present within the site can be translocated to another site and has raised no objection to the proposed development. Natural England has confirmed that measures can be secured which seek to avoid potential impacts on the European Sites, including financial contributions towards the Solent Recreation and Mitigation Partnership.

To fulfill the requirement under the Habitat Regulations Officers have carried out an Appropriate Assessment in relation to the likely significant effects on the coastal Special Protection Areas (SPAs) and have concluded that the application's compliance with the Solent Recreation Mitigation Strategy means that there will be no adverse effect on the integrity of the designated sites.

Subject to above matters being secured through appropriate planning conditions and a Section 106 Planning Obligation no objection is raised in respect of protected species and the potential impacts upon nearby designated European sites.

AMENITY

A small number of properties close to the site in Roebuck Avenue have an outlook across the application site. The outlook from these properties into the site would change from undeveloped grassland to a housing estate if the proposal were to go ahead. Policy DSP3 states that development proposals should ensure that there will be no unacceptable adverse impact upon living conditions on the site or neighbouring development by way of the loss of sunlight, daylight, outlook and/or privacy.

The illustrative layout demonstrates how up to 27 dwellings could be positioned within the site. In the event that outline planning permission were granted the detailed application would need to ensure that this number of dwellings would be built in a manner which meets

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

Local residents have expressed concern regarding the impact that the proposed development would have upon their enjoyment of their properties and are very sensitive to changes particularly in views. Officers consider that careful design and boundary landscaping could ensure that these effects are mitigated. In light of this officers believe that development could be undertaken in a fashion which ensures that the light, outlook and privacy of neighbouring properties is not materially harmed.

Concerns have also been raised regarding noise and disturbance during the construction process. In the event that planning permission was granted the timing of construction works could be controlled via condition.

TRAFFIC

A number of the objections received also raise concerns regarding the potential impact that the proposed development would have on local roads in terms of highway safety.

Policy CS5 (Transport Strategy and Infrastructure) states that the Council will permit development which does not adversely affect the safety and operation of the strategic local road network, public transport operations or pedestrian and cycle routes.

The Council's Transport Planner believes that the location and form of the site access with visibility splays would be acceptable and would not have an adverse impact on the safety of the highway. He has recommended that the existing 30mph zone be reviewed with a view to including the proposed site access within it.

In 'technical' highway terms, the vehicular access arrangements are not considered likely to materially harm highway safety.

OTHER MATTERS

The applicant is proposing to deliver 40% affordable homes in accordance with Policy CS18 of the adopted Core Strategy.

Subject to the provision of affordable housing being secured through a Planning Obligation the proposal would be in accordance with Policy CS18 of the adopted Core Strategy.

Members will 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 is proposed to be allocated for housing within the draft local plan. A number of background documents and assessments support the proposed allocation of the site in terms of its deliverability and sustainability which are of relevance. However, at this stage in the plan preparation process, the draft plan carries limited weight in the assessment and determination of this planning application.

As referred to earlier in this report, Members will be aware that a further two planning applications have been submitted by the same applicant in relation to proposed development on the land on the opposite side of Funtley Road to the south. The first application (reference P/18/0066/CU) proposes the change of use of an area of land to a community park. The second application (reference P/18/0067/OA) seeks outline planning

permission for up to 55 dwellings (including 3 self-build homes), a community building incorporating a local shop, accesses from Funtley Road and associated infrastructure works.

THE 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 and conflicts between policies; the development of a greenfield site weighted against Policy DSP40, Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall and the applicant has demonstrated that if the development was granted planning permission it could be delivered in the short term.

The site is not located adjacent to the existing urban area as identified in the adopted local plan and its location has been found by Officers to be relatively poor presently in terms of its accessibility. Notwithstanding, the site is adjacent and would relate well to an existing housing development of 85 two storey houses. The applicant has proposed a new permissive footpath and incentives to increase the connectivity of the site for pedestrians and cyclists.

Taking into account the parameters indicated by the applicant and the site's constraints, the quantum of development proposed would be capable of being delivered at a scale and density in keeping with the character of adjacent existing built up areas. The proposal would have an urbanising impact locally however any adverse impact on the wider landscape character could be minimised by appropriate retention of existing vegetation and careful consideration of the reserved matters of scale, layout, appearance and landscaping

such that there would not be any substantial harm.

In respect of environmental and amenity issues, and subject to mitigation in respect of the SPA, none of the 'specific policies' listed within Paragraph 14 of the NPPF apply to this application site. Officers are satisfied that there are no outstanding amenity and ecology issues which cannot otherwise be addressed through appropriate use of planning conditions and obligations. There would be no materially harmful impact on highway safety.

In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage in housing supply, officers acknowledge that the proposal could deliver 27 dwellings, including affordable housing, in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply as required by Paragraph 47 of the NPPF weighs in favour of granting planning permission.

There is a clear conflict with development plan policy CS14 as this is development in the countryside. Ordinarily, officers would have found this to be the principal policy such that a scheme in the countryside should be refused. However, in light of the council's lack of a five year housing supply, development plan policy DSP40 is engaged and officers have considered the scheme against the criteria therein. In the circumstances officers consider that more weight should be given to this policy than CS14 such that, on balance, when considered against the development plan as a whole, the scheme should be approved.

It is acknowledged that the site is not adjacent to the existing urban settlement boundaries or within easily accessible distance to many services, however, given the lack of a five year housing supply and with paragraph 14 of the NPPF engaged, Officers have not found those adverse impacts from the scheme to significantly and demonstrably outweigh the benefits when considered against the policies of the Framework as a whole. This means the Government policy position is that permission should be granted.

Officers therefore recommend that the planning application should be permitted subject to the imposition of appropriate planning conditions and the prior completion of a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990.

Recommendation

1) Subject to the applicant entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council in respect of the following:

a) To secure the delivery of 40% of the permitted dwellings as affordable housing;

b) To secure a financial contribution towards the Solent Recreation Mitigation Partnership (SRMP) in order to mitigate the 'in combination' effects that an increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas;

c) To secure submission and implementation of travel plan;

d) To secure the provision of a permissive footpath from Funtley Road to Thames Drive, a scheme for which must be submitted to and approved by Fareham Borough Council before development commences;

e) To secure a financial contribution towards the revision of the existing traffic regulation order (TRO) to allow the speed limit restrictions on Funtley Road to be amended (£5,000);

f) To secure a financial contribution towards improvements to sustainable transport links (£21,950);

g) To secure the details of the design, delivery and management of SUDs on site.

2) Delegate to the Head of Development Management in consultation with the Solicitor to the Council to make any minor modifications to the proposed conditions or heads of terms or any subsequent minor changes arising out of detailed negotiations with the applicant which may necessitate the modification which may include the variation, addition or deletion of the conditions and heads as drafted to ensure consistency between the two sets of provisions;

GRANT OUTLINE PERMISSION:

Subject to the following conditions:

1) Application for approval of details of the appearance, landscaping, layout and scale of the development (referred to as the 'reserved matters') shall be made to the local planning authority before the expiration of twelve months from the date of this permission. Work shall be commenced in pursuance of this permission no later than twelve months from the approval of the final reserved matter.

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

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

a) Site location plan - drawing no. CB 95 082 100
b) Ecological Assessment (Ecology Solutions, September 2017) including part 2 & part 3
c) Proposed Access Design and Visibility Splays - drawing no. 16-0822-SK01e
d) Arboricultural report

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

3) No development in relation to the construction of the dwellings hereby permitted shall commence until the proposed footpath extension shown on the approved drawing no. 16-0822-SK01e has been constructed in full unless otherwise agreed by the local planning authority in writing.

REASON: To provide suitable means of access to the site for pedestrians.

4) No development hereby permitted shall commence until a full, site specific flood risk assessment and surface water drainage strategy have been submitted to and approved by the local planning authority in writing. The strategy shall include the following elements:
a) Updated surface run-off calculations for rate and volume for pre and post development using the appropriate methodology;
b) Evidence of sufficient attenuation on site for a 1 in 100 year plus climate change event;
c) Information on maintenance regimes and adoption of SuDS features;
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 surface water.

5) 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.

6) No development in relation to the construction of the dwellings hereby permitted shall commence until a scheme of lighting (during construction and the operational life of the development), designed to minimise impacts on wildlife, particularly bats, has been submitted to and approved in writing by the local planning authority. The scheme of lighting shall propose lighting <1 lux along the full length of the site's northern boundary. The development shall be carried out in accordance with the approved lighting scheme.

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

7) No development hereby permitted shall commence until a reptile mitigation strategy has been submitted to and approved by the local planning authority in writing. The strategy shall include:

(i) Details of the translocation works, including plans showing where reptile fencing will be erected relative to existing reptile habitat, methodology for capture, including timings and capture effort;
(ii) The results of reptile surveys conducted at the identified receptor site;
(iii) Details of existing reptile habitat availability and capacity within the receptor site;
(iv) Appropriate habitat creation options for increasing the receptor sites capacity for the slow-worm population;
(v) A work schedule for habitat maintenance (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
(vi) Monitoring and remedial / contingencies measures triggered by monitoring;
(vii) Personnel responsible for implementation of the plan;
(viii) Reporting back to the LPA for monitoring and compliance purposes.

The development shall be carried out in accordance with the approved details.

REASON: To avoid impacts to reptiles and to conserve and enhance biodiversity.

8) No development in relation to the construction of the dwellings hereby permitted shall commence until a detailed scheme of biodiversity enhancements to be incorporated into the development has been submitted to and approved by the local planning authority in writing. The scheme shall include a landscaping plan designed with wildlife in mind and measures to ensure that the northern boundary is protected and enhanced. The development shall be carried out, and areas of the site where enhancements are carried out shall be maintained, in accordance with the approved details.

REASON: To enhance biodiversity.

9) No development hereby permitted shall commence until an intrusive site investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority (LPA). The intrusive site investigation and risk assessment shall include assessment of the risks posed to human health, the building fabric and the wider environment such as water resources, and where the site investigation and risk assessment reveal a risk to receptors, it shall include a detailed scheme for remedial works to address these risks and ensure the site is suitable for the proposed use.

The presence of any unsuspected contamination that becomes evident during the development of the site shall be bought to the attention of the LPA. This shall be investigated to assess the risks to human health and the wider environment and a remediation scheme implemented following written approval by the 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, an independent competent person shall confirm in writing that the works have been completed in full and in accordance with the approved scheme. Such confirmation shall include photographic evidence and, if considered necessary by the local planning authority, as built drawings of the development.

REASON: To ensure that any contamination of the site is properly taken into account before development takes place.

10) No development hereby permitted shall commence on site until a Construction Management Plan (CMP) setting out how provision is to be made on site for the parking and turning of operatives vehicles, wheel cleaning, the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development, has been submitted to and approved in writing by the Local Planning Authority (LPA). The development shall be carried out in accordance with the CMP and areas identified in the CMP for specified purposes shall thereafter be kept available for those uses at all times during the construction period, unless otherwise agreed in writing with the LPA.

REASON: In the interests of highway safety and/or in order to secure the health and wellbeing of the trees and vegetation which are to be retained at the site and/or to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period.

11) No development hereby permitted shall commence until details of the width, alignment, gradient and type of construction proposed for any roads, footways and access, 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.

12) No development in relation to the construction of the dwellings hereby permitted shall commence until details of the internal finished floor levels of all of the proposed buildings in relation to the existing and finished ground levels on the site 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.

13) No development hereby permitted shall commence until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include proposed mitigation measures in relation to any archaeological remains found as necessary. The development shall be carried out in

accordance with the approved scheme.

REASON: In order to ensure that the site, which is located in an area where there is potential for archaeological discovery, is adequately investigated prior to development.

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

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

15) No development shall proceed beyond damp proof course level until details of the proposed bin storage areas (including bin collection points) have been submitted to and approved by the Local Planning Authority. The details shall include the siting, design and the materials to be used in construction. The approved bin storage and collection areas shall be provided before any dwelling is first occupied and shall thereafter be retained and kept available for use at all times.

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

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

REASON: To secure the satisfactory appearance of the development.

17) The development shall be carried out in accordance with the measures set out in Section 5.3.26 of the approved Ecological Assessment (Ecology Solutions, September 2017) unless varied by a European Protected Species (EPS) license issued by Natural England. Thereafter, the replacement habitat shall be permanently maintained and retained in accordance with the approved details.

REASON: To ensure the favourable conservation status of dormice

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

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

19) None of the development hereby approved shall be occupied until the means of vehicular access shown on the approved site plan (drawing no. 16-0822-SK01e) have been provided. The access shall be subsequently retained.

REASON: In the interests of highway safety.

20) None of the development hereby approved shall be occupied 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.

21) No dwelling hereby permitted shall be first occupied until the visibility splays at the junction of the estate road/access with existing highway have been provided in accordance with the approved plans (drawing no. 16-0822-SK01e). The visibility splays shall thereafter be kept clear of obstruction (nothing over 0.6m in height) at all times.

REASON: In the interests of highway safety

22) The landscaping scheme, submitted under Condition 1 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.

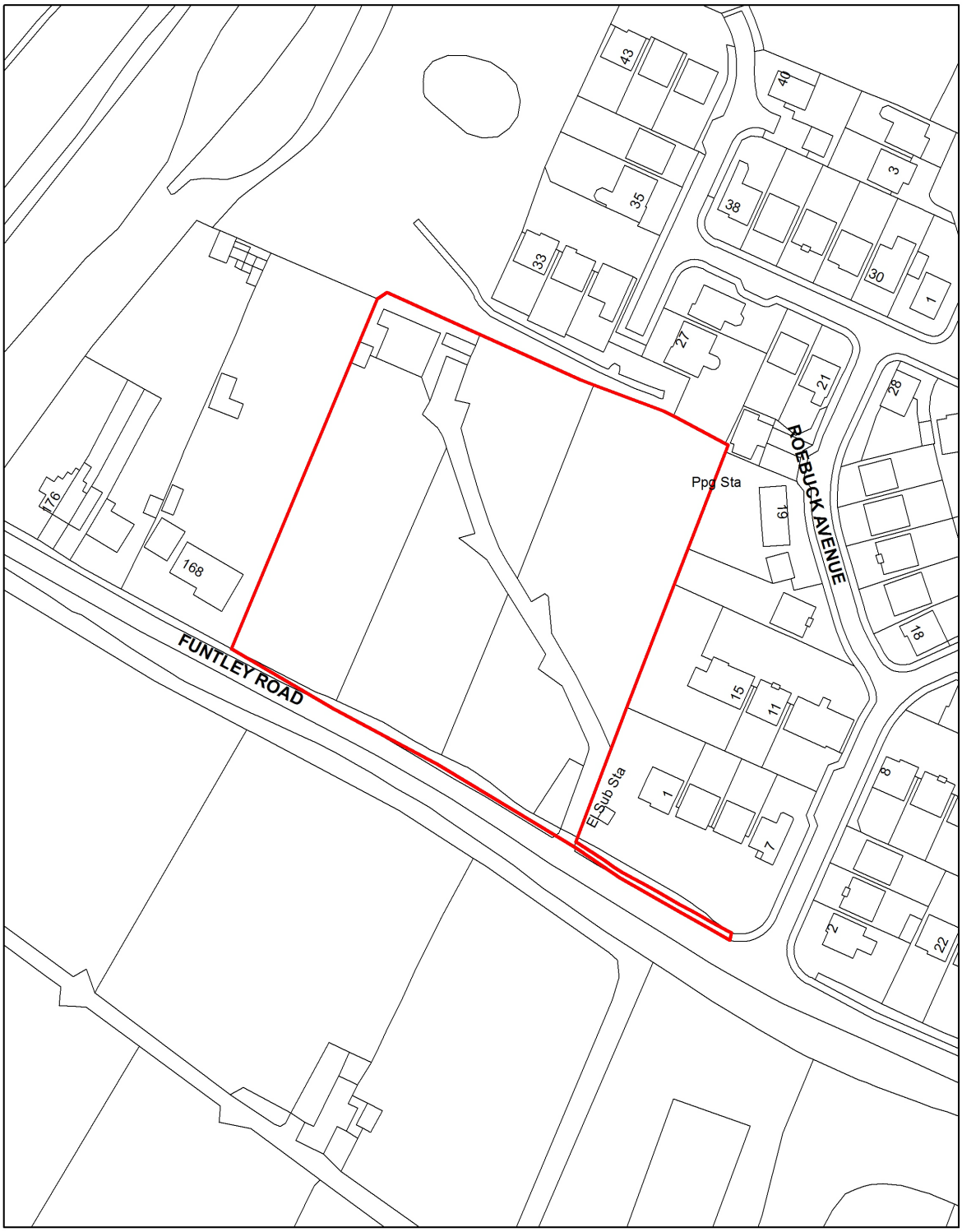
Notes for Information

a) The applicant is advised to contact Southern Water to discuss the need for a formal application for connection to the public sewerage system. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 330 303 0119) or visit www.southernwater.co.uk.

Background Papers

P/17/1135/; P/17/0045/OA

FAREHAM
BOROUGH COUNCIL



Land North of Funtley Road
Scale 1:1,250

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