

OFFICER REPORT FOR COMMITTEE

DATE: 10/10/2018

P/17/1317/OA

SARISBURY

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7NO. CUSTOM BUILD DWELLINGS WITH ASSOCIATED PARKING AND
ACCESS FROM BYE ROAD

LAND TO THE EAST OF BYE ROAD SWANWICK SOUTHAMPTON SO31 7GX

Report By

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Introduction

Members attention is drawn to the report at the beginning of this agenda titled 'Consideration of planning applications on this Agenda'

This planning application was first considered at the Planning Committee meeting on 21st March 2018. Following consideration of all relevant planning matters, Members resolved to grant planning permission for the proposal subject to the prior completion of a planning obligation, and the imposition of relevant conditions.

The following report is an updated version of the report presented to the Planning Committee on 21st March 2018. The main updates made to the report can be summarised as followed:

- The "Updates" report presented on the 21st March, have now been incorporated into the report. This related to additional points raised by the Agent and one further letter of representation.
- The section of the report titled "Implication of Fareham's Current 5 Year Housing Land Supply Position (5YHLS)" has been updated to reflect the requirements of the revised National Planning Policy Framework (NPPF).
- Confirmation that an Appropriate Assessment has been undertaken, and that any adverse impacts from the development can be mitigated, has been inserted into this report.
- The section of the report titled "The Planning Balance" has been updated to reflect the requirements of the revised NPPF and the implications of the recent judgment of the Court of Justice of the European Union (CJEU).

Site Description

The application site is located within the defined countryside, and is located immediately adjacent to the existing Lower Swanwick urban settlement boundary. The site is located on the eastern side of Bye Road, behind the existing row of properties which front Bye Road. Bye Road is a ribbon of residential development on the southern side of Swanwick Lane. The site would be accessed via a 6 metre strip of land between 21 Bye Road and 23, 25 and 27 Bye Road, and the site itself is currently an undeveloped field with the rear gardens of 197a, 199, 201 and 203 Swanwick Lane forming the northern boundary. The eastern boundary comprises the extensive rear garden area of 177 Swanwick Lane, and the southern boundary of the site is the Lower Swanwick Woodlands Site of Importance for Nature Conservation (SINC).

The site is relatively flat, although it does fall away from north to south towards the SINC, which comprises an inland waterway which connects to the River Hamble further to the southwest. The southern part of the site, which slopes down towards the stream is covered by a mature protected woodland. Swanwick Lane provides good access to local services and facilities in Lower Swanwick, including access to regular buses along Bridge Road (the A27).

Description of Proposal

This application seeks outline planning permission for the principle of the construction of seven custom build detached dwellings, with only the access and the site layout being considered.

The provision of 'custom build' dwellings are set out on the Council's website as 'individuals and/or associations commissioning the construction of a new house from a builder, contractor, package company or physically building a house for themselves. Sometimes developers offer the option of a serviced plot where individuals can design and build their own home as part of a larger scheme'.

The requirements for Local Planning Authorities to provide custom build houses is set out within the Self-build and Custom Housebuilding Act 2015, which requires Local Authorities to maintain a register of people within their administrative area who are seeking land to undertake such an enterprise.

The application proposal would provide seven serviced plots for which individuals could then seek to custom build their own properties. The access road would be provided, together with connections to water, gas, electricity and waste water. The outline application sets an approximate scale for the proposed properties, to ensure they can be accommodated satisfactorily on the plot sizes proposed, in order to broadly comply with the requirements of the Council's Adopted Design Guidance.

Should permission be granted, full detailed or reserved matters application for the specific design of each house would need to be separately submitted, for which a more detailed assessment of the implications of the individual requirements of the Design Guidance would be considered.

The application has been supported by detailed ecological reports, arboricultural report, flood risk and drainage assessments, highway assessments and an affordable housing viability appraisal. The access road would be constructed to adoptable standards, providing suitable space for the manoeuvring of the Council's waste and refuse vehicles.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS2 - Housing Provision

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

CS6 - The Development Strategy

CS14 - Development Outside Settlements

CS17 - High Quality Design

CS18 - Provision of Affordable Housing

CS20 - Infrastructure and Development Contributions

Approved SPG/SPD

RCPSPG - Residential Car & Cycle Parking Standards (2009)

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

The following planning history is relevant:

<u>P/99/0125/OA</u>	Erection of Twelve Dwellings and Access	
	REFUSE	01/04/1999
<u>P/98/0829/OA</u>	Erection of Seven Dwellings with Access Road (Outline Application)	
	REFUSE	14/09/1998
	APPEAL: WITHDRAWN	06/11/1998
<u>P/97/1231/OA</u>	Residential Development by Erection of 7 Dwellings	
	REFUSE	10/02/1998
	APPEAL: WITHDRAWN	06/11/1998

Representations

Twenty-one letters of objection have been received regarding this application. The key matters of concern raised were:

- No more housing should be permitted in Swanwick;
- Too much traffic congestion in the local area;
- Highway safety concerns;
- Impact on local wildlife/biodiversity;
- Inadequate surface water drainage on Bye Road;
- Noise and disturbance during the construction - likely to be extended due to nature of the proposal;
- Inadequate local services and facilities to cope with increased population;
- Reduction in privacy from overlooking;
- Development in the countryside contrary to Local Plan policies;
- Question suitability of cesspools for the proposed properties;
- Could result in further future development beyond the site;
- Previous applications have been refused - no change since that time; and,
- Impact on protected trees.

Consultations

INTERNAL

Environmental Health (Contaminated Land): No objection raised.

Environmental Health (Noise/Odour): No objection raised.

Highways: No objections subject to conditions.

Trees: No objection subject to compliance with submitted Tree Report.

Waste and Recycling: No objection subject to no adverse comments from Highways.

Housing: No objection to off-site affordable housing contribution.

EXTERNAL

HCC Ecology: No objection, subject to conditions. Habitat Mitigation with regard to the Solent Special Protection Area required.

HCC Lead Local Flood Authority: No objection.

Southern Water: No objection. Applicant must liaise directly with the Environment Agency regarding the cesspools. Connection to the mains sewers may be possible in the future. Applicant should check at time of construction. Condition should be applied with regard to the Sustainable Urban Drainage System (SuDS).

Environment Agency: No response received.

Natural England: Since the CJEU judgment, Natural England has confirmed to the Council that in cases where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is fully in line with an agreed strategic approach for the mitigation of impacts on European Sites then, provided no other adverse impacts are identified by this Authority's Appropriate Assessment, the Authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the European Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation.

Planning Considerations

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

- a) Implications of Fareham's 5 year housing land supply position;
- b) Residential Development in the Countryside;
- c) Policy DSP40;
 - i) Scale in relation to 5YHLS
 - ii) Sustainability and integration
 - iii) Impact on countryside/character
 - iv) Deliverability

- v) Environmental, amenity, (including design, layout, impact on neighbour properties), and traffic implications;
- d) Provision of Self-build and Custom Houses;
- e) Serviced Plots;
- f) Affordable Housing; and,
- g) The planning balance.

a) IMPLICATIONS OF FAREHAM'S 5-YEAR HOUSING LAND SUPPLY POSITION (5YHLS)

Members' attention is drawn to the report titled "Five year housing land supply position" elsewhere on this agenda. That report sets out this Council's local housing need along with this Council's housing land supply position. The report concludes that this Council has 4.95 years of housing supply against the new 5YHLS requirement. Based on the previous resolution of Members, that housing supply of 4.95 years currently includes the dwellings proposed by this planning application.

Members' attention is also drawn to the report titled 'How proposals for residential development should be considered in the context of this Council's 5 year housing land supply position', which is provided elsewhere in this agenda.

In the absence of a five year supply of deliverable housing sites, Officers consider that policy DSP40 is the principal development plan policy that guides whether schemes will be considered acceptable.

b) RESIDENTIAL DEVELOPMENT IN THE COUNTRYSIDE:

The site is located outside but immediately adjacent to the defined urban settlement boundary of Lower Swanwick.

Policy CS2 of the Adopted Core Strategy highlights that priority should be given to the reuse of previously developed land within the urban area. Policy CS14 highlights what forms of development in the countryside would be acceptable, and include that essential for agriculture, forestry, horticulture and required infrastructure.

Policy DSP6 of the Adopted Part 2: Development Site (New Residential Development Outside of the Defined Urban Settlement Boundaries) states:

'There will be a presumption against new residential development outside of the defined urban settlement boundaries (as identified on the Policies Map). New residential development will be permitted in instances where one or more of the following apply:

i. It has been demonstrated that there is an essential need for a rural worker to live permanently at or near his/her place of work; or ii. It involves a conversion of an existing non-residential building where;

- a) the buildings proposed for conversion are of permanent and substantial construction and do not require major or complete reconstruction; and
- b) evidence has been provided to demonstrate that no other suitable alternative uses can be found and conversion would lead to an enhancement to the building's immediate setting.

iii. It comprises one or two new dwellings which infill an existing and continuous built-up residential frontage, where:

- a) The new dwellings and plots are consistent in terms of size and character to the adjoining properties and would not harm the character of the area; and
- b) It does not result in the extension of an existing frontage or the consolidation of an isolated group of dwellings; and
- c) It does not involve the siting of dwellings at the rear of the new or existing dwellings.

The planning proposal involves residential development outside of the defined urban area which does not have an overriding need for a countryside location. The principle of residential development at the site is therefore contrary to policies CS2 and CS14 of the adopted Core Strategy and Policy DSP6 of Local Plan Part 2.

The site was not proposed to be allocated within the Draft Local Plan 2036, although it was considered to be a suitable and deliverable site under the Council's Strategic Housing Land Availability Assessment (SHLAA). Only limited weight can be attached to the policies of the draft Local Plan at this stage.

c) **POLICY DSP40: HOUSING ALLOCATIONS:**

Policy DSP40 of the Local Plan highlights that where the Council does not have a five year supply of land for housing additional housing sites, outside the urban area boundary, may be permitted where they meet five criteria, each considered in turn below:

- i. The proposal is relative in scale to the demonstrated five year housing land supply shortfall;

The application proposes seven self-build and custom dwellings and is relative in scale to the 5YHLS shortfall and therefore bullet point (i) of Policy DSP40 is satisfied.

- 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;

The site is located immediately adjacent to the existing Lower Swanwick Settlement Boundary, with the proposed access road being located within the urban area, and is framed by existing residential development on the northern, eastern and western boundaries. The southern boundary comprises the open countryside, but is characterised by a stream feeding into the River Hamble and a large area of protected woodland and Site of Importance for Nature Conservation (SINC). Whilst located at the northern end of the Lower Swanwick Settlement Boundary, the site is within close proximity to the services and facilities along Bridge Road (the A27), including a regular bus service, providing sustainable access to wider services and facilities in Fareham and Southampton. The proposal is therefore considered to be sustainably located and is considered to comply with Policy DSP40 (ii).

- 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;

The site is located within an edge of settlement location, and would be accessed via an existing residential cul-de-sac directly from Swanwick Lane. Bye Road is characterised by a mix of detached residential properties, although the majority of the properties are bungalows or chalet bungalows. There are currently 27 properties along Bye Road, (which has a rough density of approximately 13 dwelling per hectare) with all but seven dwellings at the southern end of the road fronting the street. The seven at the southern end of the street are set along private tracks branching off Bye Road to the east and west. Three of these would have their access road amended to accommodate the proposed development. These properties are larger, two storey dwellings constructed in 1997 replacing a single bungalow on that site.

The proposal would see Bye Road extended to the east, and the seven custom build properties would be accessed off this extended part of the road, which would be constructed to adoptable standards.

The site itself is well contained, located immediately adjacent to the existing defined urban area. A mature laurel hedgerow along the eastern boundary would be retained (although landscaping, including details regarding the retention of the hedge would be considered as a reserved matters application), and the low density of the proposal (9 dwellings per hectare) represents a good transition in the character of this part of Lower Swanwick. The retention of the wooded area to the southern part of the site would also contribute towards integrating this site into its edge of settlement character.

Policy CS17 of the adopted Core Strategy requires proposals to 'respond positively to and be respectful of the key characteristics of the area, including heritage assets, landscape, scale, form spaciousness and use of external materials.'

In the opinion of Officers, and subject to appropriate design parameters, set out in Conditions, the development of this site would represent an appropriate scale to the edge of settlement location, at a density lower than that of the remainder of Bye Road, responding positively to the key characteristics of the area.

The proposal is therefore considered to comply with Policy CS17 of the adopted Core Strategy and criteria (iii) of Policy DSP40.

iv. It can be demonstrated that the proposal is deliverable in the short term;

It is anticipated that should permission be granted that the site could be deliverable in the short term. Given the potential however for each site to be delivered separately, the standard implementation timescale has been recommended. It is however envisaged that the site owners Agent would co-ordinate the delivery of the site under a single reserved matters application, with the seven separate landowners being applicants to ensure the site is deliverable in a timely manner.

It is therefore considered that the proposal accords with the requirements of criteria (iv) of Policy DSP40.

v. The proposal would not have any unacceptable environmental, amenity or traffic implications.

The application is submitted in outline form with only access and layout being considered. No specific designs for the houses have been provided as these would be considered at reserved matters stage by the individual plot owners. However, the properties would be required to adhere to the design parameters, which can be controlled by planning Condition.

In respect of the environmental implications, the application has been supported by Phase 1 and Phase 2 Ecological Surveys, and a Reptile Mitigation Strategy. The application has resulted in no objection from the County Ecologist, and an appropriate condition regarding the identification of a suitable receptor site for the translocation of reptiles from the application site would need to be provided before any works commence. The southern part of the site is located adjacent to the designated Lower Swanwick Woodlands Site of Importance for Nature Conservation (SINC), and therefore any development could result in harm to the biodiversity of the site, without appropriate mitigation. An appropriate buffer zone to the southern part

of the site ensures that the level of impact on this SINC would not be significant. This buffer zone is also covered by a Woodland Tree Preservation Order.

To fulfil 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.

As such, the proposal complies with the provisions of Policies CS4, DSP13, DSP15 and DSP40 (criteria (v)) of the Local Plan.

The site lies immediately adjacent to a number of individual trees covered by Tree Preservation Orders, and a Woodland Order to the southern part of the site. The application has been supported by a detailed Arboricultural Method Statement, setting out appropriate measures to ensure the protection of these trees during the construction period. Additionally, the Report details the necessary measures to protect the hedging on the eastern boundary.

The proposals have been considered by the Council's Tree Officer, who has raised no objection, subject to compliance with the recommendations in the Report. These recommendations would be subject to conditions. A detailed landscaping scheme for the site and individual plots would be subject to separate reserved matters applications.

In terms of consideration of the amenity impact, the layout set out on the Site Plan highlights that the seven dwellings can be accommodated on the plots in broad compliance with the requirements of the Council's Adopted Design Guidance. Each property would have garden lengths exceeding the minimum requirement of 11 metres and the rear elevations of the proposed properties that back onto properties along Bye Road would comprise a minimum of 34 metres separation, significantly above the 22 metres required by the Design Guidance. In addition, the properties fronting Swanwick Lane comprise gardens exceeding 40 metres in length, with the rear elevation of Plot 7 located approximately 55 metres away from the rear of 197a Swanwick Lane. The proposal would not therefore have an adverse effect on the occupiers of these properties.

The greatest potential impact would be from the provision of the new access road on the immediately adjacent properties. Numbers 23, 25 and 27 Bye Road would see their existing private access road converted into the access road serving the development. This would however be located between 10 and 17 metres away from their front elevations, and given the likely level of traffic, would not have an unacceptable adverse impact on their living conditions. Number 21 Bye Road would be located along the northern boundary of the access road, and a new landscaping

strip and pavement would be created along this boundary, approximately 5 metres wide. It is considered that this level of separation, coupled with the existing boundary fencing and additional landscaping (subject to reserved matters), that the proposal would not have an unacceptable adverse impact on the occupiers living conditions.

The proposal is therefore considered to be in compliance with the requirements of Policies DSP2 and DSP3 of the Local Plan (environmental and amenity aspects), and of criteria (v) of Policy DSP40.

Turning to the matter of highway safety and traffic implications, the application would result in the extension of Bye Road to an adoptable standard to provide the access for the proposed seven new dwellings. The application has been amended following concerns from the occupiers of 23 and 25 Bye Road, which currently use the private access road owned by the applicant to access their properties. A 0.5 metre margin has been provided to enable safe access to the rear gate of 23 Bye Road, and traffic calming measures placed to the east of their access ensuring vehicle speeds into and out of the site remain low. A 2 metre wide pavement would also be provided to ensure suitable pedestrian access can be achieved into the site.

The application has resulted in no objection from the Council's Highways Officer or Waste and Recycling Officer. Adequate space has been provided to enable refuse vehicles to be able to service the proposed properties, which would also be suitable for emergency service vehicles.

It is therefore considered that the proposed access arrangements would not cause harm to other road users or pedestrians. Adequate off-street car parking, and details regarding secure cycle storage and bin storage areas would be considered under the individual plot reserved matters applications, although adequate space on each plot has been provided to ensure off-street car parking standards can be met.

It is therefore considered that the proposal complies with the requirements of criteria (v) of Policy DSP40, and policies CS17, DSP2 and DSP3 of the Local Plan.

d) PROVISION OF SELF-BUILD AND CUSTOM HOUSES:

The application proposed the erection of seven custom houses, for which should permission be granted, the applicant would provide the access and all required services to each plot (mains water, electricity and gas connection, and provision for waste water).

The Council has a requirement under the Self-build and Custom Housebuilding Act 2015 to provide a continuous provision of self and custom built houses, and to maintain a register of those within the Borough who wish to undertake such a

project. The number of people on the list directly affects the provision required within the Borough. At present, there are 58 people on the register, and from this, the Council has a requirement to provide for 12 self and custom build plots by October 2019. There is currently permission in place for 11 plots, and therefore only 1 plot will be needed by October 2019; a further 15 plots are required by October 2020.

Therefore, whilst the provision of seven dwellings would not make a significant contribution towards the overall 5-year housing land supply shortfall, they would contribute 100% towards the overall current shortfall in provision for self and custom build houses, and 40% towards the provision up to October 2020.

Draft Policy H7: Self and Custom Build Homes makes provision for such proposals within the 2036 Draft Local Plan. It is acknowledged that limited weight can be attached to this policy at present, although it can be used as a good indicator of the likely requirement for such sites, including that the plots should be serviced plots, should be less than 15 dwellings, include design parameters to ensure a cohesive development, and ensure the design parameters protect the living conditions of neighbouring occupiers. Subject to appropriate conditions, the application site would comply with these requirements.

e) SERVICED PLOTS

To accord with the requirements of the Self-build and Custom Housebuilding Act 2015 each plot must be provided with appropriate services to enable the individuals to build out their plots without having to undertake expensive infrastructure development. This would include connection to mains water supply, electricity connection to the National Grid, gas connection (if possible), access to telecommunications for broadband internet connection and suitable waste water drainage.

The applicant would provide all of these as part of this development proposal. It is acknowledged that many of the third party objections relate to the installation of cesspools, and as such, following further discussions with the Agent, it has been agreed that the properties would be connected to the main drainage.

It is acknowledged that Southern Water has raised a capacity issue with connecting these properties to Bye Road. However, as required by OFWAT (the Water Services Regulation Authority), Southern Water introduced a new Charging Schedule regarding connections for new developments from 1st April 2018. This new Charging Schedule makes provision for the connection of new developments to main water and drains. As such, Southern Water would be obligated to connect the properties to the main sewer system. Details regarding the connection of the properties to suitable drainage is subject to condition.

f) AFFORDABLE HOUSING

Policy CS18 of the adopted Core Strategy requires the provision of affordable housing on all schemes that can deliver a net gain of 5 or more dwellings. The revised NPPF also sets out the requirements to provide affordable housing, but does include certain exemptions, including where the proposal is to be developed by people who wish to build or commission their own homes. However, this exemption only applies towards affordable home ownership and where this affordable housing contribution forms part of the overall affordable housing provision from a site.

The application is therefore required to make a 30% contribution towards the provision of affordable housing, and has been supported by a detailed Affordable Housing Viability Appraisal. This appraisal was independently verified (AspinallVerdi Report dated May 2018), which identified the suitability of providing an off-site contribution towards the provision of affordable housing within the Borough. This approach has been supported by the Council's Housing and Benefits department. The off-site contribution would be secured by a Legal Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).

g) 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".

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. 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 can be delivered in the short term. The site is well related to and can be integrated with the urban settlement boundary.

It is acknowledged that the proposal would have an urbanising impact through the introduction of housing and related infrastructure onto the site and introduce a

degree of change in the character of the site. However, Officers consider that the design of the proposal has been carefully undertaken to minimise the impact on the countryside.

In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage in housing supply, the proposal would deliver seven dwellings, to contribute to the 5-year housing land supply shortage in the Borough. Whilst only a relatively small contribution, the site would provide the Borough with seven self and custom built houses to contribute towards the current 3-year requirement.

In respect of environmental and amenity issues, and subject to appropriate planning conditions and mitigation, Officers are satisfied that amenity and ecology issues have been appropriately addressed in the submitted application.

There is a clear conflict with the 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 5YHLS, development plan policy DSP40 is engaged and Officers have considered the scheme against the criteria therein. The scheme is considered to satisfy the five criteria and in the circumstances, Officers consider that more weight should be afforded to policy DSP40 than CS14 such that, on balance when considered against the development plan as a whole, the scheme should be approved.

As set out 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', Officers consider that the implications of the CJEU judgment (*People Over Wind, Peter Sweetman v Coillte Teoranta*) and paragraph 177 of the NPPF mean that the application of the presumption in favour of sustainable development set out in paragraph 11 of the same Framework is not relevant consideration.

In the event that this approach is subsequently found to be incorrect as a consequence of a Court decision or a clarification in government policy, Officers have considered the application in the alternative and assessed the proposals having regard to the 'tilted balance' test set out at paragraph 11 of the NPPF.

In undertaking a detailed assessment of the proposals throughout this report and now applying the 'tilted balance' to those assessments, Officers consider that:

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

through a financial contribution towards the Solent Recreation Mitigation Strategy; and,

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

Therefore, even if paragraph 11 of the NPPF were a relevant consideration, Officers find that having applied the 'tilted balance', they would have similarly concluded that planning permission should be granted for the proposals.

Having carefully considered all material planning matters, including all new planning considerations arising since the proposal was considered by the Planning Committee on the 21st March, Officers continue to recommend that planning permission be granted subject to the following matters.

Recommendation

Subject to the applicant/owner first 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 to secure:

- Financial contribution to secure satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas.
- Financial contribution to secure an equivalent 30% of off-site contribution for affordable housing.

GRANT OUTLINE PLANNING PERMISSION

1. Application for approval of details of the appearance and scale of the building/s and the landscaping of the site (all referred to as the 'reserved matters') shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be commenced in pursuance of this permission either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

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

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

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

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

3. Prior to the commencement of the development of the individual plots, a detailed Design Parameters Guide for the proposed housing shall be submitted to and approved in writing by the Local Planning Authority. The guide shall set out details such as height, scale and materials to be used within the construction of the proposed properties. Thereafter there shall be no deviation from these requirements without a separate grant of permission for that purpose.

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

4. No dwelling shall be occupied until the means of vehicular access has been constructed in accordance with the approved plans.

REASON: In the interests of highway safety.

5. No dwelling shall be occupied until car parking spaces have been provided for that dwelling in accordance with a scheme first submitted and approved by the Local Planning Authority in writing. These parking spaces shall thereafter be retained and kept available at all times.

REASON: To ensure adequate parking provision within the site.

6. No dwelling shall be occupied until the bin and cycle stores have been made available in accordance with a scheme to be first approved by the Local Planning Authority. These designated areas shall thereafter be kept available and retained at all times for the purpose of bin and cycle storage.

REASON: In the interests of visual amenity.

7. No development shall take place until details of the width, alignment, gradient and type of construction proposed for the roads, footways and access(es), including all relevant horizontal cross sections and longitudinal sections showing the existing and proposed levels, together with details of street lighting and the method of disposal 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.

REASON: To ensure that the roads are constructed to a satisfactory standard.

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

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

9. Prior to commencement of the development hereby permitted, a detailed Reptile Mitigation Strategy including the location of the off-site receptor site, third party agreement on use of the receptor site for reptiles, recent reptile surveys of the receptor site, detailed timings and methods of site clearance and reptile translocation and long-term management of the receptor site shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently proceed in accordance with the approved details.

REASON: To ensure the protection of reptiles. The details secured by this condition are considered essential to be agreed prior to the commencement of the development on the site to ensure any protected species are safely removed before works start.

10. No development shall commence on site until details of foul sewerage and surface water drainage works to serve the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Where possible a Sustainable Urban Drainage System (SuDS) shall be used and full details of predicted flows, responsibilities and future management provided. None of the dwellings shall be occupied until the drainage works have been completed in accordance with the approved details.

REASON: In order to ensure adequate drainage is provided to serve the permitted development. The details secured by this condition are considered essential to be agreed prior to the commencement of the development on the site in order to ensure adequate drainage is provided before the roads are installed.

11. The development hereby permitted shall be undertaken in full compliance with the recommendations set out in the Arboricultural Assessment and Method Statement (prepared by Barrell Tree Consultancy - dated 9 February 2018). The tree/hedgerow protection for each plot shall be retained throughout the development

period until such time as all equipment, machinery and surplus materials have been removed from that site.

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

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

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

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

14. No work shall be carried out on the site unless and until an effective vehicle wheel cleaning facility has been installed in accordance with details approved by the Local Planning Authority and such facility shall be retained in working order and operated through the period of work on the site.

REASON: In the interests of road safety and to ensure that vehicles do not leave the site carrying earth and mud on their wheels in a quantity which causes a nuisance or hazard on the road system in the locality.

15. No burning of materials shall take place anywhere on the development site, throughout the period of site clearance and development.

REASON: To protect the health of trees to be retained and in the interests of amenity.

16. Before works begin on the development of the individual plots hereby permitted, details of site levels and longitudinal and latitudinal sections through the site of the slab levels of each dwelling shall be submitted for the approval of the Local Planning Authority to show how the buildings shall be set into the ground.

REASON: To secure satisfactory development.

INFORMATIVE:

a) Applicants should be aware that, prior to the commencement of development, contact must be made with Hampshire County Council, the Highway Authority. Approval of this planning application does not give approval for the construction of a vehicular access, which can only be given by the Highway Authority. Further details regarding the application process can be read online via <http://www3.hants.gov.uk/roads/apply-droppedkerb.htm>. Contact can be made either via the website or telephone 0300 555 1388.

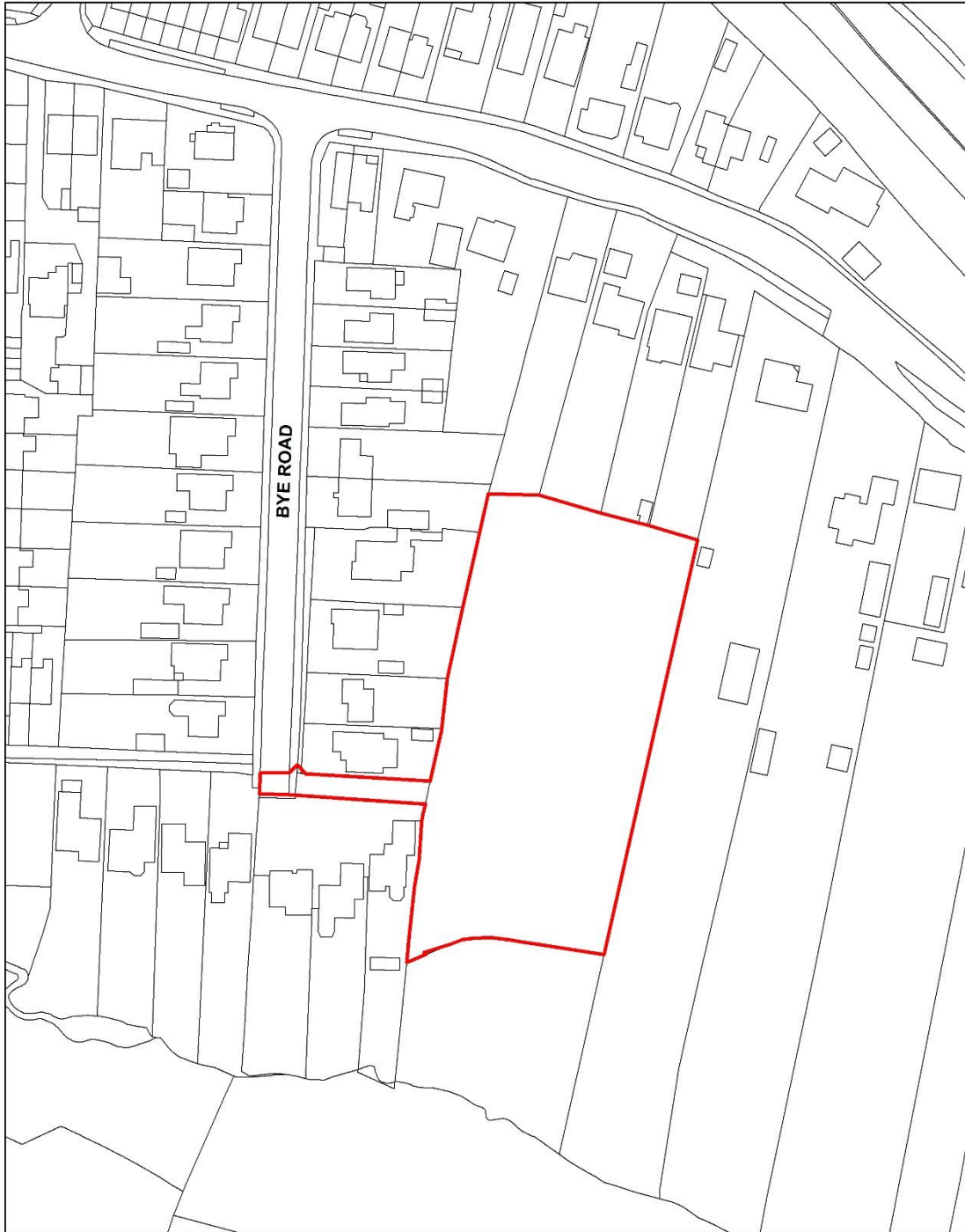
Notes for Information

Background Papers

Updates

FAREHAM

BOROUGH COUNCIL



Land to East of Bye Road
Scale 1:1250



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