

OFFICER REPORT FOR COMMITTEE

Date: 10/10/2018

P/17/0845/OA

WARSASH

FOREMAN HOMES LTD

AGENT: FOREMAN HOMES LTD.

OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS) FOR RESIDENTIAL DEVELOPMENT OF UP TO 180 DWELLINGS, ASSOCIATED LANDSCAPING AMENITY AREAS & ACCESS FROM BROOK LANE.

BROOK LANE - LAND TO THE EAST OF - WARSASH

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 considered at the Planning Committee meeting on the 24th January 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 the 24th January, 2018. The main updates made to the report can be summarised as followed:

- The "Updates" report presented on the 24th January, and subsequent verbal update at the meeting has now been incorporated into the report. This related to the receipt of sixty four further representations and a change to condition 3 to alter the timescales for implementation of the outline consent.
- Three further representations received after the Planning Committee meeting have been incorporated into the representations section.
- Reference within the previous introduction section of the report to the previous refusal of planning permission on this site (25 January 2017, P/16/0959/OA) and related 5YHLS position has been superseded by the resolution to grant outline planning permission on 24 January and subsequent updated 5YHLS position.
- 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) and implications of the recent judgement of the Court of Justice of the European Union (CJEU).

- The section of the report titled “Loss of agricultural land” 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 the Ecology Section of this report. Natural England’s comment regarding the appropriate assessment have been incorporated into the 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 Court (CJEU).
- The amendments to the Regulation 123 list (effective from 1 March 2018) which removed education facilities from the list which enables financial contributions towards education facilities to be secured through Section 106 planning obligations has been incorporated into the report.
- An additional planning condition has been incorporated which relates to habitat.
- Updated anticipated delivery timescales have been incorporated into the report

Site Description

The site is situated on the eastern side of Brook Lane, Warsash and lies outside the urban settlement boundary as defined within the Local Plan Part 2.

The site effectively consists of two co-joined rectangular areas of land measuring approximately 6.82 hectares (16.8 acres) in total. The site slopes gently southwards and forms part of a larger area of undeveloped and former nursery land which extends to the west and south;

The Strawberry Fields development is located to the north; to the west is open land subject to a separate planning application reported elsewhere on this agenda and residential properties fronting Brook Lane; properties fronting Greenaway Lane and open land are located to the south and to the east is a wooded buffer with Lockswood Road beyond.

The south western part of the site comprises Littlebrook Nursery, still in operation for strawberry production. The nursery houses large glasshouses, poly tunnels, residential caravans, offices and commercial buildings which serve the business.

The central part of the site comprises derelict glasshouses, a number of corrugated storage buildings and the land is overgrown; The eastern extent of the site is heavily wooded with a number of buildings in disrepair being scattered amongst the trees.

The application site is in close proximity to the Solent and Southampton Water Special Protection Area (SPA) and Solent Maritime Special Area of Conservation (SAC) which are European sites. The sites are also listed as Solent and Southampton Water Ramsar site and also notified at a national level as Lee on the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI);

The nearest protected trees are located on the northern side of Brookside Drive, outside of the application site.

There is an active badger sett on the edge of the central part of the site, with outlying setts and badger activity across the central and western part of the site.

The undeveloped parts of the site are predominantly Grade 1 Agricultural Land (the south western corner of the site is Grade 2 and 3b).

Public Right of Way no. 14 passes adjacent to the south western corner, connecting Greenway Lane to Brook Lane.

Description of Proposal

Outline planning permission is sought for up to 180 dwellings on the site, together with vehicle access from Brook Lane, amenity areas and landscaping. All matters are to be reserved except for means of access which would be from the existing access which currently serves Littlebrook Nursery.

The masterplan illustrates amenity open space including a play area and woodland areas taking into account the existing features and topography of the site. It also demonstrates how 180 dwellings could be laid out on the site. Dwellings would be sited essentially within the two rectangular parcels of land with the larger area of open space between. A pedestrian link is shown onto the public right of way in the south western corner and to Brookside Drive to the north. A mixture of dwelling types and sizes are proposed, including 40% affordable units (up to 72 dwellings).

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

CS20 - Infrastructure and Development Contributions

CS21 - Protection and Provision of Open Space

Development Sites and Policies

DSP1 - Sustainable Development

DSP2 - Environmental Impact

DSP3 - Impact on living conditions

DSP4 - Prejudice to adjacent land

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

Design guidance Supplementary Planning Document (Dec 2015)

Planning Obligation SPD for the Borough of Fareham (excluding Welborne) (April 2016)

Affordable Housing SPD Planning Document December 2005

Relevant Planning History

The following planning history is relevant:

P/16/0959/OA - Outline Planning permission with all matters reserved (except for access), for residential development of up to 180 dwellings, associated landscaping, amenity areas & access from Brook Lane (Foreman Homes) - Land east of Brook Lane - REFUSED on 26 January 2017 - Appeal lodged and subsequently withdrawn.

Representations

Three hundred and five letters have been received objecting to the proposal (some property owner/occupiers have sent in more than one representation) and one letter of support on the following grounds:

Site is outside of the urban settlement boundary, contrary to planning policies

Continual filling of green spaces; Welborne was supposed to prevent this

This is not a brownfield site - the Nautical College closes in 2017, this would be a prime site for development

FBC can demonstrate a land supply of 5.4 years, as such the NPPF should not overrule

No need for open market housing in Brook Lane

This is not in a sustainable location

This is a valuable countryside gap

Loss of semi-rural feel; impact on the landscape character

Loss of arable land

Application premature pending Local Plan

Applications should be considered as a whole

This development, coupled with the Taylor Wimpey application will over stretch the facilities in the village

Overdevelopment of the site

Out of character

Additional traffic resulting in significant congestion; highway infrastructure cannot cope now Dangerous access

Single point of access onto Brook Lane is not a good idea

Not enough parking on the site resulting in cars parking on surrounding roads

Traffic congestion even worse during the construction phase

Proximity of access to 106 Brook Lane
Increased danger to school children using Brook Lane to cycle and walk
Bungalows should be built to buffer existing properties, with houses further into the estate
Loss of business and employment
Potential increase in crime
Loss of wildlife and habitat
Increase in light, noise and air pollution, impact on health
Flooding and pressure on existing ditches
Impact on local services; hospitals, dentists, Doctors, schools oversubscribed
Affordable housing is a necessity, but it must have the support network to accommodate the residents
Loss of light, outlook and privacy enjoyed by existing residents
The sewerage system is not adequate
Timing of application
The submission is lacking detail
Devaluation
Precedence
Insufficient infrastructure including parks and shop facilities

One letter of support has been received confirming they are in favour of the development provided that developers agree to fund a new Doctor's surgery, new primary and secondary schools, new shopping centre, flyover with direct access to the M27 No vehicular access on to Brook Lane.

A further letter of support advises that as a young family renting, they would likely need to move out of the area when buying a property as there is nowhere to live in an area they love.

PETITION (signed by 2,390 people)

Members attention is also drawn to the fact that a petition has been received in response to the draft local plan consultation. It is titled "STOP the building of 1500 new homes in Warsash, Locks Heath, Park Gate and Titchfield Common" and includes the following Statement:

We the undersigned petition the council to Stop the building of 1500 new homes in Warsash, Locks Heath, Park Gate and Titchfield Common. Whilst it is appreciated that the task is not an easy one, there are many sites that we believe the council should be looking at that are more suitable than Warsash and the Western Wards, such as Newlands Farm. We also request that FBC look at SHLAA Ref 3127 and the surrounding area of Fareham north and east of the town centre. This appears to be a prime location as it already has direct access to the motorway and easy access to the public transport links in Fareham town centre and three senior schools. Fareham centre is also an ideal place for leisure facilities, and has space for doctors etc. to service the needs of any new houses. It would inject a new lease of life into what is already an established but underused town that is essentially being allowed to slide into disrepair.

Justification:

Below are the sites that we are protesting about.

HA1 - North and South of Greenaway Lane, Warsash - 700 dwellings

HA3 - Southampton Road, Titchfield Common - 400 dwellings

HA7 - Warsash Maritime Academy, Warsash -100 dwellings

HA9 - Heath Road, Locks Heath- 71 dwellings

HA11- Raley Road, Locks Heath- 49 dwellings

HA13- Hunts Pond Road, Titchfield Common- 38 dwellings

HA14 -Genesis Community Youth Centre, Locks Heath - 35 dwellings

HA15 -Beacon Bottom West, Park Gate -30 dwellings

HA17 -69 Botley Road, Park Gate -24 dwellings

HA19- 399 - 409 Hunts Pond Road, Titchfield Common- 22 dwellings

Traffic in this area is already at a gridlock during peak hours and since the new Strawberry Fields, Hunts Pond and Coldeast developments it has doubled the time for people to get to work. Improvements on major roads and motorways will try and ease congestion but its not satisfactory as residents will not be able to actually get to these major roads. Local roads such as Brook Lane, Osborne Road, Warsash Road and Barnes Lane cannot be made wider, they were built to service the traffic and community of small villages and the resulting influx of 3000+ cars in such a small square area will lead to more accidents. Warsash specifically is on a pensinsular and the only roads in and out are Brook Lane and Warsash Road. Emergency vehicles will be unable to ensure safe response times - during rush hour it is likely they will not have space to get to their destination. The consequences will be catastrophic. Flooding is inevitable especially with recent climate changes; residents in local back garden developments are already experiencing this. Fareham is presently in trouble for poor air quality due to the amount of rush hour traffic. Bring another 3000+ cars in to the Western Wards and there will be more cases of asthma, lung disease and related illnesses - all for the surgeries with not enough resources to treat. Doctors, schools, hospitals and emergency services are already stretched to breaking point. If the plans go ahead there will be hundreds of children needing school places. New schools might take pressure off the overcrowded ones - then the influx of new children will put it back on again. Children walking to Brookfield already face a perilous journey due to the amount of traffic on Brook Lane. Brook Lane, Lockswood, Jubilee and Whiteley surgeries struggle to cope with the amount of patients they have. They wait an unacceptable amount of time for routine appointments (1 month plus) and often have very long waits when they get to there (30 minutes plus). Emergency appointments are becoming harder to book as there are not enough doctors or time. The very young, elderly and chronically ill are already vulnerable and bearing the brunt of this - add another 1,500 homes and these overstretched surgeries will be at crisis point. There will be an increased need for care homes, for which there is just no space. Residents' health will be at risk and possibly their lives. Warsash is a place of outstanding natural beauty and home to precious wildlife such as badgers, bats and deer. The greenfield land proposed as the area for development also provides a defined strategic gap from neighbouring villages. Residents have the right to breathe clean air, have facilities, space and sufficient infrastructure and the assurance that emergency vehicles have access and

can meet response times in life threatening situations. We genuinely fear for the health and safety of people in the Western Wards.

Consultations

EXTERNAL

Hampshire County Council (Archaeology) - No objection subject to conditions

Hampshire County Council (Lead Flood Authority) -

The general principles for the surface water drainage proposals are acceptable; it is recommended that further information on the proposals be submitted as part of a more detailed design phase.

Hampshire County Council (Highways Development Planning) -

The proposed development will be accessed by vehicles via a proposed priority controlled junction. This will be located at the same point as the existing vehicle crossover. The location and design of the access is considered acceptable.

The Highway Authority is aware that there are additional larger residential developments being proposed that are also not, at this time, included within the adopted Fareham Local Plan. The potential additional traffic on the local highway network generated by these and other sites on the Warsash/Locks Heath peninsula will place additional pressure on the highway network.

The Highway Authority expect the developers of this site, to make a financial contribution to mitigate highway impacts. The financial contribution would be used to mitigate the impacts upon the local highway network and are most likely to be used towards mitigating the impact at the following junctions:

- Brook Lane/ Barnes Lane junction
- Brook Lane/Lockswood Road junction
- A27/Brook Lane junction
- A27/Barnes Lane junction.

The financial contributions should be secured through a Planning Obligation pursuant to Section 106 of The Town and Country Planning Act 1990 prior to any planning permission being granted.

The Framework Travel Plan has been amended to address the issues identified in the Highway Authority's initial response to the previous application (P/16/0959/OA), with the exception of funding. The submission of a Travel Plan, including a monitoring fee and bond, should also be secured through a Section 106 planning obligation before planning permission is granted.

Hampshire County Council - Education -

The impact of 700 dwellings is being considered as part of the draft local plan consultation. This development together with others in the area will result in a significant level of new housing which is likely to have an impact on school places locally. At this stage, provision should be made for a contribution towards additional

school infrastructure. If this cannot be secured through Section 106 agreement then CIL funding should be provided.

Police and Crime Commissioner (Crime Prevention Design Advisor) -

As proposed the layout works fairly well. Connectivity needs improving to the north and south, including providing greater surveillance of open space. This can be dealt with at the detail stage.

Environment Agency - No objection

Natural England -

This application is within 5.6km of Solent and Southampton Water SPA and will lead to a net increase in residential accommodation. Natural England is aware that Fareham Borough Council has recently adopted a Supplementary Planning Document (SPD) or planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP).

Provided that the applicant is complying with the SPD or policy, Natural England is satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and has no objection to this aspect of the application.

In response to a consultation relating to the Appropriate Assessment, Natural England agreed with the Council's assessment providing that all mitigation measures are appropriately secured in any permission.

Southern Water Services - No objection subject to condition and informative.

INTERNAL

Trees - No objection

Refuse and waste - No objection

Environmental Health (Pollution) - No objection

Environmental Health (Contamination) - No objection, subject to condition.

Ecology -

The application is supported by final reports for reptiles, dormice, bats and an updated extended phase 1 habitat survey report and a badger bait-marking study report.

Bats - Roosting

The updated information provides an account of the Phase 2 emergence surveys which were completed for all buildings and trees which support suitable bat roosting features. The surveys were completed in accordance with the Bat Conservation

Trust's good practice survey guidelines. No bats were seen to emerge from or return to any of the surveyed trees or buildings during these surveys.

In view of the survey findings the development is unlikely to result in a breach of the law protecting bats.

Bats - Foraging

Bat foraging activity around the site was typical of such sites, and the bat assemblage largely comprised pipistrelle bats. Serotine, noctule, long-eared and Myotis bats were also recorded in small numbers. The proposal will result in the loss of habitat which is utilised by foraging and commuting bats however the Outline Landscape Strategy Plan Ref: DD126.L01A shows that the areas of the site which support the greatest levels of activity will be retained in a substantial and functional form. In particular, the woodland blocks which are located centrally between the two development blocks retain a belt of suitable foraging habitat between the northern and southern areas of suitable habitat outside of the development.

There are no concerns over impacts on foraging and commuting bats subject to the implementation of the outlined avoidance, mitigation and compensation strategy which comprises a combination of habitat retention, habitat creation and sensitive lighting. It is recommended that detailed lighting, landscape and habitat management schemes are designed with bats (and other protected species) in mind and are submitted to secure these measures.

Dormouse

Surveys have confirmed that the site does not support dormice.

Reptiles

Reptile populations will be translocated to an off-site receptor area which should be identified in order to demonstrate that the proposed strategy is deliverable and enforceable.

Breeding Birds

Breeding bird surveys have confirmed that the site supports small number of red listed bird species including starling, song thrush and house sparrow. The recorded assemblage is not unusual given the habitats supported by the site and the proposed mitigation strategy which comprises habitat retention and bird box provision is appropriate. It is recommended that these measures are secured by a suitably worded condition.

Badgers

A detailed study of badger activity at the site has confirmed that two social groups of badgers occupy the site. A total of seven badger setts have been recorded comprising two main setts, two annexe setts and three outlier setts of which all are active and therefore afforded protection. A comprehensive mitigation strategy has been provided in outline form to allow for any changes in badger activity and design

prior to commencement. It is recommended that an updating badger survey is undertaken to inform a final mitigation strategy prior to commencement.

Habitats

Lowland mixed deciduous woodland, a priority habitat, is located within the site. This feature will be retained within the development; however, it is likely that increased public access will lead to its gradual degradation. In addition, indirect impacts could arise during construction works if dust is deposited on the woodland areas. In order to ensure that indirect impacts do not arise, it is recommended that a Construction Environment Management Plan (CEMP) is produced prior to commencement, secured by a planning condition. In addition, the proposed landscape strategy should be designed to reduce pressure on the retained woodland through managing access and protecting sensitive habitats in order to ensure the longevity of this priority habitat for its intrinsic biodiversity interest and for the species it supports.

Internationally Designated Sites

The application site is in close proximity to the Solent and Southampton Water Special Protection Area (SPA) and Solent Maritime Special Area of Conservation (SAC) and Solent and Southampton Water Ramsar site.

The development will result in a net increase in residential dwellings within 5.6 km of the Solent and Southampton Water SPA. It has been demonstrated and agreed by Natural England that any increase in dwellings would have a significant effect on the SPAs when considered in combination with other plans and projects.

Fareham Borough Council has adopted a strategy whereby a scale of developer contributions has been agreed that would fund the delivery of measures to address these issues which can be secured through planning conditions and a Section 106 planning obligation.

No objection is raised to the application subject to condition.

Planning Considerations - Key Issues

- A) Implication of Fareham's current 5-year land supply housing supply position (5YHLS)
- B) Residential development in the countryside
- C) Policy DSP40
- D) Affordable housing
- E) Comprehensive development/effect upon local infrastructure
- F) Other Matters
- G) The Planning balance

A) IMPLICATION OF FAREHAM'S CURRENT 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

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.

C) POLICY DSP40

Local Policy DSP40 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 considered below:

POLICY DSP40 (i)

The proposal for up to 180 dwellings is relative in scale to the 5YHLS shortfall and therefore bullet point i) of Policy DSP40 is satisfied.

POLICY DSP40 (ii)

The planning application site is in close proximity to the defined settlement boundary and to leisure and community facilities, schools and shops. Officers consider that the proposals can be well integrated with the neighbouring settlements and contribute to the identity of Warsash in accordance with point ii).

POLICY DSP40 (iii)

The site is within an area of countryside but is not designated as strategic gap. The site includes a combination of commercial glasshouses, polytunnels, former nursery land, open and wooded areas.

The illustrative masterplan shows the overall layout and form of the development could be designed to be sympathetic with the existing properties in Brook Lane and Greenaway Lane and the wider landscape beyond. Up to 180 houses are proposed which equates to an average net density of 34 dwellings per hectare. Furthermore, building heights will not exceed 2.5 storeys.

The illustrative layout provides an indication of how up to 180 dwellings might be accommodated on the site. The detailed reserved matters application would need to demonstrate and ensure that the scheme complies with the Fareham Borough Design Guidance Supplementary Planning Document (Excluding Welborne).

The site is currently viewed from residential properties in Brook Lane and Greenaway Lane and from limited public vantage points, including the public right of way crossing the south western corner of the site. Glimpsed views of the commercial buildings can be seen between properties along Brook Lane. The site cannot be seen in longer distance views due to the existing built form and vegetation.

The illustrative layout demonstrates that where possible valuable landscape features would be retained and the development could be further mitigated by reinforcing green corridors of vegetation and greenspace. Furthermore the presence of a good structure of woodland, hedgerows and trees provides opportunities for integration of new buildings within the existing landscape.

It is acknowledged that there will be a change in the character of the site particularly when viewed from the access onto Brook Lane and from houses that back onto the site. The outlook from these properties into the site would change from commercial nursery buildings including glasshouses and polytunnels to a housing estate if the proposal were to go ahead.

There is limited visibility from surrounding areas and the site does not currently make a significant contribution to the setting of the area. The change in character would primarily have a localised visual impact which in officer's opinion if sensitively designed would minimise any adverse impact. The visual impact from longer distance views would be limited due to existing built form and vegetation. The proposal would therefore satisfy point iii) of Policy DSP40.

POLICY DSP40 (iv)

In terms of delivery, the applicant's agent has advised that if planning permission were granted, 40 units would be delivered in 2019/20 70 units in 2020/21 and 70 units in 2021/22.

Officers believe the proposal is deliverable in the short term in accordance with point iv of policy DSP40 and that when taking account of the anticipated delivery dates and the current 5YHLS issue, Officers recommend that a shorter timescale should be imposed by way of planning condition for the submission of reserved matters and commencement of the development.

POLICY DSP40 (v)

The final test of Policy DSP40 states: "The proposal would not have any unacceptable environmental, amenity or traffic implications"; these issues will be considered further below.

LOSS OF AGRICULTURAL LAND

The undeveloped parts of the site are predominantly Grade 1 Agricultural Land (the south western corner of the site is Grade 2 and 3b). Grade 1 and 2 are the best grades of Agricultural Land. Core Strategy Policy CS16 seeks to prevent the loss of the best and most versatile agricultural land. The National Planning Policy Framework does not place a bar on the development of the best and most versatile agricultural land. Paragraph 170 advises planning decisions should recognise the economic and other benefits of the best and most versatile agricultural land. Where significant development is demonstrated to be necessary, the use of poorer quality land should be used in preference to that of a higher quality.

The implications of CS Policy CS16 needs to be considered in context with advice within the NPPF as referenced above, which does not place a bar on the development of the best and most versatile agricultural land. Therefore the development opportunity needs to be balanced against the potential harm.

The development would result in the permanent loss of best and most versatile agricultural land and as such would conflict with the provisions of CS Policy CS16. The loss of agricultural land will be discussed further in the planning balance section of this report.

ECOLOGY

Under the consultation section of this report the potential effects on wildlife have been set out. Subject to planning conditions, there are no concerns relating to Badgers, dormouse, birds and bats, and reptiles can be relocated. Natural England has confirmed that measures can be built into the proposal that seek to avoid all potential impacts on the European Sites, including contributions towards the Solent Recreation and Mitigation Partnership.

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. Natural England concur with this finding.

In the event that planning permission is granted, the above matters could be secured through a planning condition and Section 106 planning obligation. Officers are therefore satisfied that the proposal would be acceptable from an ecological perspective in accordance with Core Strategy policy CS4, and policies DSP13, DSP15 and DSP40 (Criterion v) of Local Plan Part 2.

AMENITY

In the event that outline planning permission were granted the detailed application would need to ensure the dwellings are built in a manner which meets this Council's requirements in respect of light, outlook and privacy as set out in the adopted Fareham Borough Council Design Guidance (excluding Welborne) Supplementary Planning Document. This would ensure suitable separation to not materially harm the living conditions of the occupiers of adjoining properties.

A number of dwellings are under construction to the north of the site (Strawberry Fields development) however they sit behind a 15 metre wide planting buffer.

Careful design and boundary landscaping will help to mitigate any effects. Officers are satisfied that a scheme can be developed for this site which preserves the character of the area and nearby residents.

HIGHWAYS

In relation to traffic generation and highway matters, the applicant has submitted a transport assessment which has specifically dealt with the following matters:

Accessibility (walking and cycling; public transport);
Personal injury accident data;
Vehicular access junction;
Travel plan (consultation and partnership; targets; measures; monitoring; funding and section 106 Agreement);
Travel demand (trip generation; traffic distribution; traffic assignment);
Highway impact.

The Highway Authority acknowledges the impact of the increase in traffic on the highway network. In the event that planning permission is granted, a financial contribution to mitigate against these impacts should first be secured through the completion of a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990.

In light of the above, Officers are satisfied that the proposal would not have any unacceptable, environmental, amenity or traffic implications and would therefore comply with criterion v of Policy DSP40.

D) AFFORDABLE HOUSING

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

The affordable dwellings will comprise a mixture of sizes, including both affordable rented and shared ownership properties. These details will be secured via a section 106 planning obligation.

E) COMPREHENSIVE DEVELOPMENT/EFFECT UPON LOCAL INFRASTRUCTURE

Whilst it is necessary for each planning application to be decided based on its own merits, Officers have had regard for other applications on nearby land.

Vehicular/pedestrian/cycle access to adjoining land can be secured through a Section 106 planning obligation; this is considered important to secure links to adjoining sites and ensure connectivity and comprehensive development.

Open space can be secured in a manner and in a location to allow it to be integrated with other potential development on adjoining land to enhance open space and ecological connectivity. This can be secured via a Section 106 planning obligation as can contributions towards the provision and maintenance of a locally equipped area of play (LEAP).

Contributions can be secured through the planning obligation to secure mitigation towards impacts upon the highway network.

A number of residents raise concern about the effect 180 further homes would have on schools, doctors and other services in the area. The strength of local concern on these issues is acknowledged.

Hampshire County Council have identified a need to increase the number of primary school places available within the area. A contribution towards Education provision can be secured through a Section 106 planning obligation.

In respect of the impact upon doctors/ medical services, the difficulty in obtaining appointments is an issue that is raised regularly in respect of new housing proposals. It is ultimately for the health providers to decide how they deliver health services. Officers do not believe a refusal on these grounds would be sustainable.

Officers are satisfied development of this site would not be prejudicial to the development of adjoining land should that land come forward for development in the future and be judged as acceptable in planning terms.

F) OTHER MATTERS

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.

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.

Concern has been raised that the application is premature pending the draft Local Plan. The Council is required to determine the application in accordance with adopted policies taking account of all material considerations at this time.

With regard to concern over the loss of an existing business the site is not safeguarded for employment in the adopted local plan, therefore there is no sustainable reason to withhold consent on this basis.

Officers consider that there is sufficient information within the submission to consider the application and that each site is considered on merit in accordance with planning policy therefore a grant of permission would not set a precedence.

Objections relating to the timing of the application and devaluation, are not material considerations in the determination of planning applications

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. The proposal would result in the loss of BMV agricultural land, contrary to policy CS16 of the Core Strategy.

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 the existing urban settlement boundaries and can be integrated with those settlements.

It is acknowledged that the proposal would have an urbanising impact through the introduction of housing and related infrastructure onto the site. Whilst the development would bring about a degree of change in the immediate locality, distant views are limited and the landscape value of the application site is not high. Officers consider that the change in the character of the site and the resulting visual effect would not cause any substantial harm.

In respect of environmental, amenity and highway issues, and subject to mitigation in respect of the SPA and a Highway contribution, Officers are satisfied that these can be addressed through the design of the scheme and planning conditions.

There would be a loss of BMV agricultural land which needs to be balanced against the shortage in 5YHLS. Whilst acknowledging that this loss would conflict with policy CS16 of the Core Strategy, this needs to be considered in the context of NPPF and development plan policy DSP40. The scale of loss (6.82 hectares) is not considered to be significant.

It is acknowledged that there would be a conflict with development plan policy CS14 and CS16. However, in light of the Council's lack of a five year housing land supply, development plan policy DSP40 is engaged and officers have considered the scheme against the criterion therein. The scheme is considered to satisfy the five criteria and in the circumstances, officers consider that more weight should be afforded to this policy than CS14 and CS16 such that, on balance when considered against the development plan as a whole, the scheme should be approved.

Affordable housing as 40% of the units, along with the delivery of onsite open space and facilities, can be secured through a planning obligation. Similarly a financial contribution can be secured to mitigate against impacts upon the highway network and education.

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 judgement (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 a 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 24th January, Officers continue to recommend that planning permission be granted subject to the following matters.

Recommendation

1) 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 towards highway improvements to the highway network resulting from the impacts of the development
- The provision of open space, to the Council, including provision for its maintenance;
- A financial contribution towards the delivery of a play area and associated maintenance
- Vehicular, pedestrian and cycle access to adjoining land
- The delivery of 40% of the permitted dwellings as affordable housing.
- Travel Plan and related monitoring cost and bond.
- Financial contribution towards education provision

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 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 PLANNING PERMISSION:

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

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

2. Applications for approval of all of the reserved matters shall be made to the local planning authority not later than 12 months from the date of this permission.

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

3. The development hereby permitted shall be begun before the expiration of 12 months from the date of the approval of the last of the reserved matters.

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

4. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents: Location Plan 16.030.01 Rev A, Site Access General Arrangement 161018/01/TO2.

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

5. Other than initial site preparation, no development shall commence until details of the width, alignment, gradient and type of construction proposed for the roads, footways and accesses, to include 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 in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

6. No dwelling hereby permitted shall be first occupied until it has a direct connection, 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 commencement of the penultimate building or 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.

7. No development shall proceed beyond damp proof course level until details of the finished treatment [and drainage] of all areas to be hard surfaced have been

submitted to and approved by the local planning authority in writing. The development shall thereafter be carried out in accordance with the approved details and the hard surfaced areas subsequently retained as constructed.

REASON: To secure the satisfactory appearance of the development.

8. No development shall proceed beyond damp proof course level, until a plan of the position, design, materials and type of boundary treatment to be erected to all boundaries has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the dwellings are first occupied or in accordance with a timetable agreed in writing with the local planning authority and shall thereafter be retained at all times.

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.

9. No development shall commence until the applicant has secured the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation (WSI) in order to recognise, characterise and record any archaeological features and deposits that exist which has been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved scheme.

Based on the results of the WSI, no development shall take place, until the applicant has secured and implemented an archaeological mitigation strategy in accordance with details that have been submitted to and approved in writing by the local planning authority.

Following completion of archaeological fieldwork, a report will be produced in accordance with an approved programme including where appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.

REASON: To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets and mitigate and record the effect of the associated works upon any heritage assets.

10. Prior to the construction of the dwellings, 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 shall be 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

11. No development shall commence until details of the measures to be taken to prevent spoil and mud being deposited on the public highway by vehicles leaving the site during the construction works have been submitted to and approved in writing by the local planning authority. The approved measures shall be fully implemented upon the commencement of development and shall be retained for the duration of the construction of the development.

REASON: In the interests of highway safety and the amenity of the area.

12. No development shall commence until the local planning authority have approved details of how construction traffic will access the site, how provision is to be made on site for the parking and turning of operatives and delivery vehicles and the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implement of the development. The areas and facilities approved in pursuance to this condition shall be made available before construction works commence on site (other than construction of the site access) and shall thereafter be kept available at all times during the construction period, unless otherwise agreed in writing with the local planning authority.

REASON: In the interests of highway safety and to ensure that the residential amenities of the occupiers of nearby residential properties is maintained during the construction period.

13. No part of the development shall be occupied/brought into use until the access junction has been constructed in accordance with the approved details.

REASON: In the interests of highway safety.

14. No dwelling hereby permitted shall be occupied until the visibility splays have been provided at the site access junction with Brook Lane in accordance with the approved details. The visibility splays shall thereafter be kept free of obstruction at all times.

REASON: In the interests of highway safety.

15. 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

16. No development hereby permitted shall commence until intrusive site investigation and risk assessments have been carried out, including the risks posed to human health, the building fabric and the wider environment such as water resources, and where the site investigation and risk assessment reveal a risk to receptors, a detailed scheme for remedial works to address these risks and ensure the site is suitable for the proposed use shall be submitted to and approved by the LPA in writing.

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

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

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

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

17. Prior to the occupation of the dwelling hereby permitted any contamination remediation scheme shall be fully implemented and shall be validated in writing to the local planning authority by an independent competent person.

REASON: To ensure any potential contamination found during construction is properly taken into account and remediated where required.

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. 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.

20. No development shall take place until full details of all ecological mitigation, compensation and enhancement measures (to be informed as necessary by up-to-date survey and assessment) has been submitted for approval to the Local Planning Authority in the form of a mitigation method statement. Such details shall be in accordance with the outline ecological mitigation, compensation and enhancement measures detailed within the submitted reptile, bat, breeding bird survey and phase 1 habitat survey reports (Ecosupport, October 2016), badger bait-marking study report (Julian Brown consultancy Ltd, October 2016) and subsequent updating ecological reports. Any such approved measures shall thereafter be implemented in strict accordance with the agreed details and with all measures maintained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To provide ecological protection, compensation and enhancement.

21. Details of the proposed compensation and mitigation as a result of loss of any woodland and habitat shall be submitted to and approved in writing prior to commencement of development details shall be submitted to and approved in

writing by the Local Planning Authority. Development shall proceed and managed in accordance with the approved details.

REASON: To provide ecological protection, compensation and enhancement .

22. No materials obtained from site clearance or from construction works shall be burnt on the site.

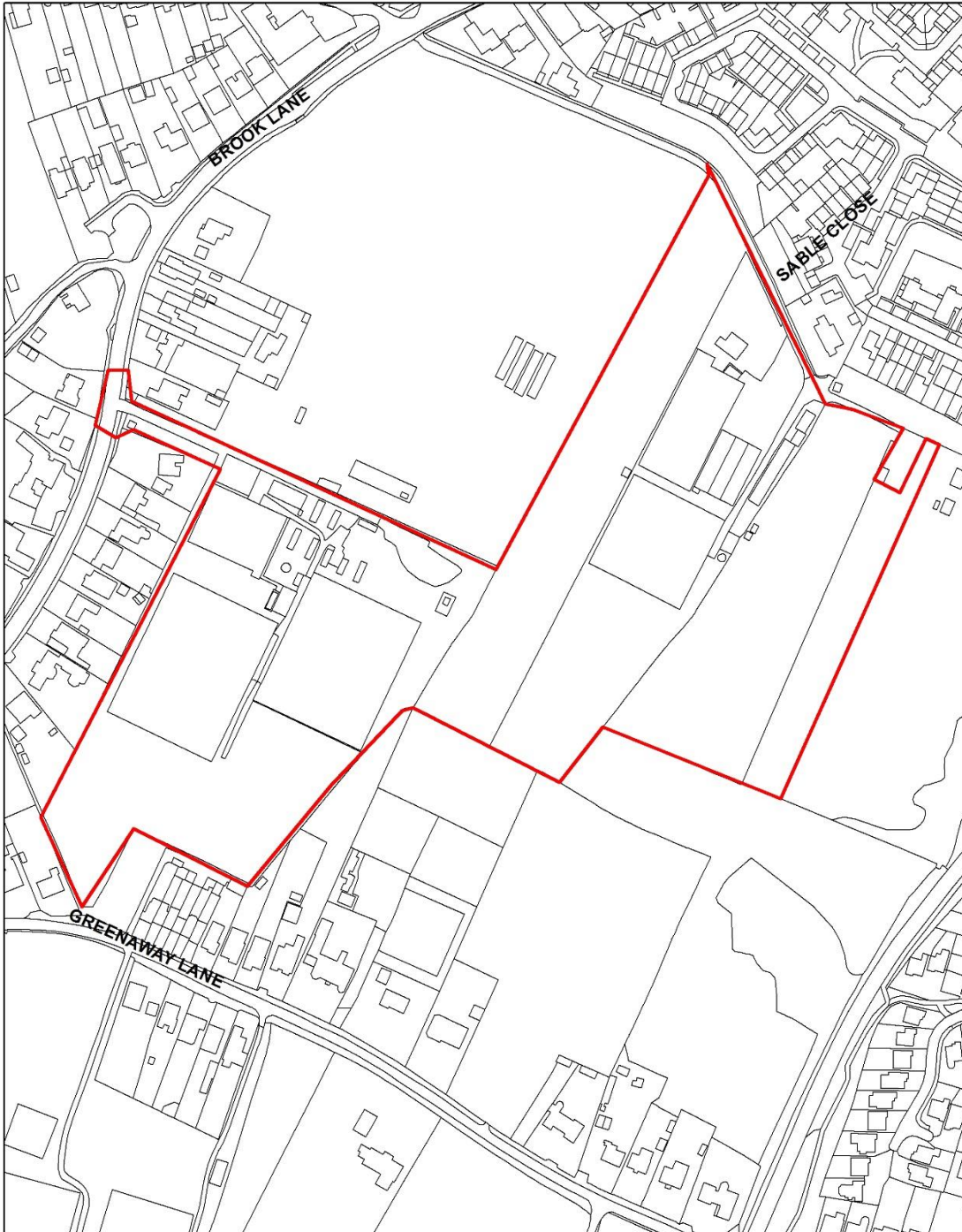
REASON: In the interests of the living conditions of the occupiers of neighbouring properties.

Informative:

A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

FAREHAM

BOROUGH COUNCIL



Brook Lane - Land to the east of
Scale: 1:2,500



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