

## **OFFICER REPORT FOR COMMITTEE**

**Date: 10/10/2018**

**P/17/0752/OA**

BARGATE HOMES LTD

OUTLINE APPLICATION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS) FOR THE CONSTRUCTION OF UP TO 140 RESIDENTIAL DWELLINGS, ACCESS FROM BROOK LANE, LANDSCAPING, OPEN SPACE AND ASSOCIATED WORKS.

LAND EAST OF BROOK LANE, NORTH OF WARSASH ROAD BROOK LANE  
WARSASH

**WARSASH**

AGENT: WYG

### ***Report By***

Jean Chambers - Direct dial 01329 824355

### ***Introduction***

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

This planning application was first considered at the Planning Committee meeting on the 24<sup>th</sup> 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 24<sup>th</sup> January 2018. The main updates made to the report can be summarised as followed:

- The "Updates" report presented on the 24<sup>th</sup> January has now been incorporated into the report. This related to forty nine further letters of representation, concern regarding protected trees, and a change to the recommended condition 3.
- Eight further representations received after the Planning Committee meeting have been incorporated into the Representations section.
- 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 the implications of the recent judgment 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 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 has been inserted.

- 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).
- 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.
- Updated anticipated delivery dates have been incorporated into the report.

### ***Site Description***

The application site lies to the east of Brook Lane, measures 5.56 hectares in area and adjoins the defined urban settlement boundary of Warsash to the south. The site is broadly rectangular, generally of rough grassland with the remains of former horticultural buildings located to the west. There is an existing access to the site off Brook Lane.

The site comprises a disused nursery and is relatively flat; a mix of hedges, trees and fences make up the boundaries. There are a number of protected trees and a woodland on site. A badger sett is located within the centre of the site.

Established frontage development onto Warsash Road lies to the immediate south with other residential dwellings to the west fronting Brook Lane. To the north is predominantly horticultural nurseries and a private lane adjoins the eastern boundary.

The site comprises Grade 2 agricultural land to the western part of the site and grade 3b to the eastern part.

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

### ***Description of Proposal***

Outline planning permission is sought for up to 140 new dwellings, together with a vehicle access from Brook Lane, the provision of new public open space and play facility.

An illustrative masterplan demonstrates how 140 dwellings could be laid out, predominantly in cul-de-sacs served via a road running west to east through the site. The main badger sett in the centre of the site would be retained as would existing trees in this area which would be enhanced by public open space and additional landscaping. This would provide ecological corridors and habitat mitigation.

A potential informal pedestrian route is indicated to the south western boundary of the site out onto Brook Lane.

## ***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/17/0087/EA Request for screening opinion for up to 150 dwellings with associated access and parking. Environmental Statement not required.

## ***Representations***

Warsash Residents Association:

- contrary to the council's long-term housing plan and exceeds Warsash's fair share of additional housing required.
- Council recently received offers of building land double that required and should decide pros and cons of all offers received and make best decision for the borough as a whole.
- Proposal will destroy the character of the village adding some 30% to

population and despoil the large tract of countryside that separates Warsash from Locks Heath.

- Unsustainable strain on local resources and infrastructure, such as medical facilities, schools and roads.
- Infrastructure already badly overstretched, with no plans in sight to improve them.

Warsash Victory Hall Management Committee: The Trustees would not support any access from Victory Hall car park to the housing development as this may be used by residents as a source of additional parking space. The Trustees expect suitable fencing and screening between the hall and new development and would not entertain any proposal to relocate the hall.

Four hundred and fifty five representations have been received (some property owner/occupiers have sent in more than one representation) objecting to the proposal on the following grounds:

Site is outside of the urban settlement boundary

Fareham Borough Council can demonstrate a land supply of 5.4 years

No justification or need for development

Welborne was supposed to prevent continual filling of green spaces

The site is not brownfield, there are other preferable sites

Village has done its' fair share in accommodating housing

Can't deal in isolation' needs carefully prepared wide- ranging strategy plan

This is not in a sustainable location

Loss of valuable countryside gap

land should be a strategic gap to prevent coalescence of residential settlements or creeping urbanisation

Loss of agricultural land

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

Impact on the village character and community identity

Out of keeping with local area

Overdevelopment

Loss of privacy, security concern due to the height and proximity to boundary of neighbouring property

Request trees/hedges to ensure that these properties/communal areas do not flow directly into neighbouring garden.

Significant traffic congestion; highway infrastructure cannot cope now, need realistic and comprehensive plan for transport out of this area

Damage to local roads

Access is dangerous

Danger to school children, pedestrians, cyclists; accident waiting to happen; lack of cycleways and segregation of children walking/cycling to school

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

Traffic congestion even worse during the construction phase

Barnbrook Road is already used as a 'rat run' and should have restrictions on use

The new Taylor Wimpey, Strawberry Fields development has added an enormous amount of traffic to local roads

Existing road surface dreadful, more cars will exacerbate this  
The proposed road filter and pedestrian crossing will urbanise Warsash and make exiting nearby properties in Brook Lane dangerous.

Impact on ability to exit Thornton Avenue

Impact on access to driveways

No evidence that the Travel Plan measures will have any effect on issues

Traffic Survey out of date (2011)

Parking in Warsash Village and Locksheath Village Centres often full to capacity

Local convenience store parking capacity; increase in delivery lorries

Owners of private road to the east of the site will not grant access over this private road

Impact on facilities in the village, already a lack of facilities

Detrimental impact on visitors to Warsash in connection with sailing

Impact on local services, including doctors, hospital, dentists, emergency services and schools, pre-schools; already oversubscribed

Area not suitable for affordable housing

Lack of infrastructure; bus services and public transport

Increase crime and anti-social behaviour

Loss of light, outlook and privacy enjoyed by existing residents;

Loss of trees

Loss of wildlife and their habitat, impact on badger sett

Increase in noise, light and air pollution

Flooding and pressure on existing ditches

Already limited bus service and no rail link

Premature pending draft local plan.

Impact on drainage and sewers, system is not adequate

Precedence

The submission is lacking detail

Devaluation

Loss of view

Insufficient publicity

Disruption during construction whilst energy/water supply installed

Existing TPO trees have been removed on the eastern part of the site. More enhancement planting needed.

Insufficient parks, insufficient cycle paths

Three letters of support has been received on the grounds of provision of affordable housing for locals and younger families to move back to the area. Stuck in rented and likely to move out of the area as nowhere to live in area we 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

Natural England - This application is within 5.6km of the Solent and Southampton Water Special Protection Area (SPA) and will lead to a net increase in residential accommodation. Natural England is aware that Fareham Borough Council has adopted a planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP). No objection subject to condition or obligation.

Police and Crime Commissioner (Crime Prevention Design Advisor)-

The proposal shows three possible dedicated pedestrian / cycle access points. One from Brook Lane, one to the north into Chapelfield Nurseries and one to the east into the lane giving access to Chapelfield Nurseries, a commercial venture. This could draw people into the area and increase the vulnerability of this site to crime and anti-social behaviour. Two of these routes give access into areas of public open space. There is very little natural surveillance of any of these access routes as they enter the development. From these routes it appears possible to gain access to the rear of the adjacent dwellings. These attributes increase the vulnerability of both the development and Chapelfield Nurseries to crime.

To reduce the vulnerability of the development to crime and anti-social behaviour I recommend that these pedestrian routes are omitted from the final scheme. However, if this is not desirable I recommend that the routes into Chapelfield Nurseries and the access lane are omitted from the final scheme. Greater natural surveillance of the remaining access route should be provided from the proposed overlooking dwellings. Concern is also raised over properties that would have flank walls that can be easily accessed from the areas of public open space and properties with rear boundary treatments accessible from public spaces. Advises that there should be clear definition between public and private space. In addition

care should be taken regarding landscaping of the open spaces to ensure that the planting does not obscure the natural surveillance of the open space from within and without.

Members are advised that the link to the east has now been removed from the proposal, and the detailed layout of the site would be dealt with at the reserved matters stage.

Hampshire County Council (Archaeology) - no objection subject to conditions.

Hampshire County Council (Highways) -

The site access is considered acceptable in principle as shown in drawing number A096282-SK16.

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/LocksHeath 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/Lockwood 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 Highway Authority further requires that the following is secured through a Section 106 Agreement/ planning conditions:

Submission of a Framework Travel Plan in accordance with the HCC 'Developer related travel plan guidance' prior to commencement;

Payment (by the developer) of HCC fees in respect of approval and monitoring of the Framework Travel Plan prior to commencement;

Provision of a bond, or other form of financial surety, in respect of the measures within the Travel Plan.

Submission of a Construction Traffic Management Plan.

Hampshire County Council (Lead Local Flood Authority) - No objection subject to condition relating to a surface water drainage strategy.

Hampshire County Council - Education -



The impact of 700 dwellings is being considered as part of the draft local plan consultation. It is considered that this development together with others in the area will result in a significant level of new housing 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.

Southern Water Services - no objection subject to condition.

## INTERNAL

### Ecology

The application is supported by an Ecological Appraisal and Protected Species Surveys Report (Lindsay Carrington Ecological Services, May 2017). The Ecologist is satisfied that the application is supported by thorough and professional survey and assessment work. The ecologist initially raised concerns in respect of the proposed reptile mitigation strategy this has since been addressed.

### Bat Roosts

The Ecological Appraisal and Protected Species Surveys Report (Lindsay Carrington Ecological Services, May 2017) provides an account of the thorough roost surveys which have been carried out at the site. I am satisfied that this represents the current conditions at the application site. No evidence of bats was found during the visual inspection.

In view of the survey findings I would advise that the development is unlikely to result in a breach of the law protecting bats and I would raise no concerns.

### Bat Foraging

Bat foraging activity around the site was typical of such sites, and the bat assemblage largely comprised pipistrelle bats. A total of nine species were recorded within the site and some more notable species for Hampshire were occasionally recorded, including Leisler's. Overall, the site was assessed to support commuting routes and foraging activity which is important at a local level. The features of most importance to bats at the site are being retained and buffered and I would raise no concerns over this. In addition, the report recommends a lighting strategy which minimises impacts on nocturnal species by incorporating measures including directing light away from retained habitats and utilising light sources which emit minimal ultra-violet light. I would recommend that further detail on these outline measures are incorporated in to future reserved matters application. Badgers

A main sett, two annexe setts and an outlier sett are present within the application site. One of the two annex setts and the single outlier sett will be lost to the development. The remaining two setts including the main sett will be retained within the development. The application is supported by a professional and detailed mitigation strategy for the closure of the two setts and protection of the two retained setts. I am satisfied that the measures which have been proposed for the closure

and retention/protection of the identified setts are suitable and I would raise no concerns. In respect of foraging habitat and connectivity to adjacent resources, the proposal will retain a 20m buffer around the main and annex sett, a 5m corridor along the southern boundary, a 5m corridor (with 3m pinch points) along the northern boundary and a badger passable crossing or underpass between the central setts and northern boundary. The buffers and corridors will retain open grassland areas (primary badger foraging habitat) and will also be planted with fruiting species in order to provide additional foraging resources. These buffer zones will be managed long term to maintain their structure and prevent fly-tipping and other uses which might reduce their suitability for use by badgers. Further areas of green spaces proposed within the development will retain connectivity through the site and provide additional foraging opportunities. Overall, I have no concerns regarding the proposed mitigation strategy for badgers.

## Reptiles

Surveys have revealed that the site supports a good population of common lizards and an exceptional population of slow-worms. The report identifies that the majority of reptiles were recorded within the central area of semi-improved grassland, however, I note that the southern area of the site was not surveyed. It is proposed to translocate the recorded reptile populations to the 20m buffer around the main and annex sett, the 5m corridor along the southern boundary and the 5m corridor (with 3m pinch points) along the northern boundary. Where impacts to reptiles cannot be avoided, reptiles can be moved (translocated) to another area that has been specially prepared, but only as a last resort, maintaining networks across the site. I do welcome the proposal to retain reptiles within the application site, however, the proposed receptor area will be considerably smaller than the existing habitat provision. In order to deliver appropriate mitigation which is in accordance with Natural England's standing advice, it is necessary to provide compensatory habitat: - Which is at least the same size as the habitat that will be lost, and larger if the habitat to be lost is high quality (you can provide smaller habitat if it's substantially better quality) - that will serve the same function as the habitat to be lost, e.g. it has hibernation features - with similar habitat to the area that will be lost, including water bodies - that doesn't currently support the same species, but can be improved to make it suitable - that will be safe from future development and managed in the long term.

The proposed scheme does meet the majority of these requirements, however, there are two areas of open space which are isolated from the site boundaries and central seminatural habitat area. It would be highly desirable to amalgamate these features with the central semi-natural habitat area in order to increase the total area of the receptor area. This would also provide a more resilient resource.

The proposed badger underpass originally appeared to be impassible to reptiles. Further information has been submitted (Lindsay Carrington Ecological Services letter 16/11/2017). Provided that further details in relation to the design and functionality of the tunnel to ensure habitat connectivity for reptiles across the site is

submitted at reserved matters stage, the Ecologist raises no concern subject to condition.

Dormice

Detailed surveys have confirmed that dormice are absent. Great crested newts  
Great crested newts are considered to be absent from the site given that the only water body within 500m of the site has poor suitability. No objection subject to conditions.

Tree Officer - no objection. Following concern that existing TPO trees have been removed on the eastern part of the site, the tree officer undertook a site visit and is satisfied that there has been no recent or unauthorised tree works.

Environmental Health (Pollution) - no objection.

Environmental Health (Contamination) - no objection subject to condition.

Recycling Co-ordinator: Developers must have regard to Refuse and Recycling guidance; show bin collection points and sweep paths.

### ***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 140 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 adjacent to the defined settlement boundary of Warsash to the south and in close proximity to leisure and community facilities, schools and shops. Officers consider that the proposals can be well integrated with the neighbouring settlements 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 comprises predominantly rough grassland and former horticultural buildings.

The illustrative masterplan shows the overall layout and form of the development designed to be sympathetic with the existing properties in Warsash Road and Brook Lane. The layout would incorporate significant areas of public open space and ecological mitigation areas. Valuable landscape features would be retained and the development further mitigated by reinforcement of green corridors.

The site is currently viewed from Brook Lane and properties in Warsash Road. Land to the north is the subject of a separate current planning application for residential development. The site cannot be seen in longer distance views due to the existing built form and vegetation.

Officers acknowledge that development of the site would introduce a change in character and outlook particularly when viewed from the access onto Brook Lane and properties that share a boundary with the site. 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 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, 20 dwellings would be delivered in 2019/20, 40 dwellings in 2020/21 40 dwellings in 2021/22 40 dwellings in 2022/23. 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: "The proposal would not have any unacceptable environmental, amenity or traffic implications" is discussed below:

## LOSS OF AGRICULTURAL LAND

Part of the site is classified as Grade 2 and Grade 3b Agricultural land. 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 (BMV) agricultural land. Paragraph 170 of the National Planning Policy Framework advises planning decisions should recognise the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land 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 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 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. The Ecology Officer and Natural England are satisfied that the proposal is acceptable subject to contributions towards the Solent Recreation and Mitigation Partnership and an ecological planning condition.

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.

Officers are therefore satisfied that the proposal would be acceptable from an ecological perspective in accordance with Core Strategy policy CS4, and policies DSP13 and DSP15 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. 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 submitted documents have been considered by the Highway Authority who is satisfied that the access is acceptable.

The impact of this number of dwellings can be mitigated against through financial contributions towards highway network improvements detailed elsewhere in this report.

Taking account of the above, officers are satisfied that the proposal would not have any unacceptable amenity or traffic implications and would therefore comply with criterion (v) of Policy DSP40. In terms of environmental impacts, the loss of agricultural land will be discussed further in the planning balance section of this report.

#### 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 merit, Officers have had regard for other applications on nearby land. Access to adjoining land can be secured through a Section 106 planning obligation; this is considered important to secure links to the adjoining site and ensure connectivity and comprehensive development.

The open space can be secured in a manner and in a location to allow it to be integrated with 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 that 140 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 in the future and be judged as acceptable in planning terms.

## F) OTHER MATTERS

Officers consider that connectivity links will enhance the potential for more comprehensive development and that the development of the site can be mitigated via planning conditions and a Section 106 legal agreement pursuant to address the following aspects:

- Provision of mitigation towards the Solent Coastal Special Protection Areas
- Highway Contribution
- Open space, facilities and associated management
- Ecological mitigation
- Travel Plan
- Education contribution

Members will also be aware that the Draft Local Plan which addresses the Borough's development requirements up until 2036, was subject to consultation between 25th October 2017 and 8th December 2017.

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.

Officers note that specific points have been made that land owners would not permit access/connectivity via Victory Hall (located to the south) and the private road located to the east. Whilst potential connectivity would be improved if access 'rights' are provided, officers do not consider that it is essential to secure access at these points. Ultimately this would be a civil matter and officers are not recommending these routes should be secured via a legal agreement in this case.

With regard to loss of privacy, security and access concerns, these issues can be dealt with at the reserved matters stage.

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.



In terms of concern over insufficient publicity, the local planning authority have undertaken consultation above and beyond what is statutorily required for this major application. Devaluation of property is not a material consideration 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 conflict 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, there would be a loss of BMV agricultural land, the loss of agricultural land in terms of scale would not be significant. This needs to be balanced against the shortfall in this Council's 5YHLS.

There is a conflict with development plan policy CS14 and CS16 which ordinarily would result in this proposal being considered unacceptable. Ordinarily CS14 would be the principal policy such that a scheme in the countryside should be refused. However, in light of the Council's lack of a five-year housing 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 given to this policy than CS14 such that, on balance, when considered against the development plan as a whole, the scheme should be approved.

Officers are satisfied that amenity and ecology issues can be addressed through the design of the scheme, planning conditions and a section 106 planning obligation. In addition a section 106 planning obligation can secure an education contribution and highway contribution.

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 24<sup>th</sup> 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 the open space to the Council, including contributions for its maintenance;
- A financial contribution towards the delivery of a play area and associated maintenance
- Access to adjoining land
- The delivery of 40% of the permitted dwellings as affordable housing.
- Travel Plan and related costs.
- A 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 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: Site Location Plan AP-02 Rev B, Proposed Site Access, A096282-SK16, Rev B.

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 shown on drawing number AO96282-SK16 Rev B.

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 shown on drawing number AO96282-SK16 Rev B. 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. 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.

18. 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.

19. Prior to commencement of development, full details of all ecological mitigation, compensation and enhancement measures (to be informed as necessary by up-to-date survey and assessment) shall be 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 Ecological Appraisal and Protected Species Surveys Report (Lindsay Carrington Ecological Services, May 2017) 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 thereafter, unless otherwise agreed in writing by the Local Planning Authority.

REASON: to provide ecological protection, compensation and enhancement.

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

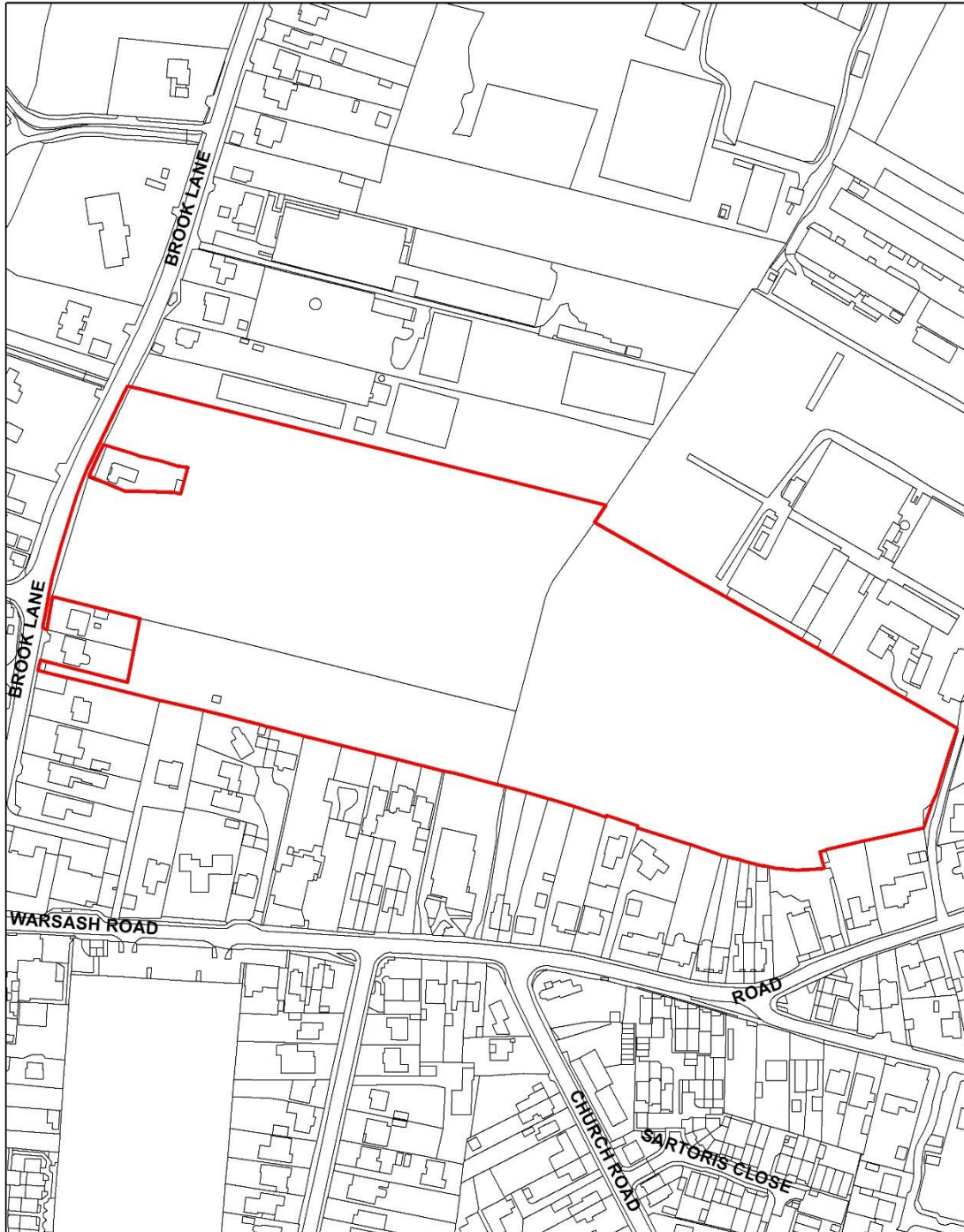
REASON: In the interests of the living conditions of the occupiers of neighbouring properties.

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](http://www.southernwater.co.uk)".

# FAREHAM

BOROUGH COUNCIL



Land East of Brook Lane  
North of Warsash Road  
Scale: 1:2,500



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