

## **OFFICER REPORT FOR COMMITTEE**

**Date: 10/10/2018**

**P/18/0107/OA**

MS LORRAINE HANSLIP

**WARSASH**

AGENT: PAUL AIREY PLANNING  
ASSOCIATES

OUTLINE APPLICATION FOR THE ERECTION OF UP TO 30 RESIDENTIAL  
UNITS AND ASSOCIATED DETACHED GARAGES. REVISED SCHEME  
INCORPORATING ACCESS TO THE SOUTH  
LAND TO THE EAST & WEST OF 79 GREENAWAY LANE WARSASH  
SOUTHAMPTON

### ***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 20 June 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 20 June, 2018. The main updates made to the report can be summarised as followed:

- The "Updates" report presented on the 20 June has now been incorporated into the report. This related to four further letters of representation.
- Three further representations received after the Planning Committee meeting has 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.
- 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 'relevant planning history' section has been updated to reflect current pending applications.

### ***Site Description***

The application site measures 1.86 hectares and is located to the south of Greenaway Lane. The site comprises an open field which is predominantly flat with a gentle slope from the north-east corner towards the south-west.

A row of substantial trees fronting Greenaway Lane in addition to a treed western boundary are covered by Tree Preservation Orders. A single detached house with access direct from Greenaway Lane is located in the centre of the field but outside of the application site. Part of the garden of this house would form part of the development site.

Residential dwellings are located to the east, west and north of the application site. To the immediate south east of the site is a private road which links Greenaway Lane to Warsash Road in the south. The Vero Industrial site is located to the south of the site.

The site is located outside of the defined urban settlement boundary and therefore for planning policy purposes is considered to be countryside. It is located approximately 700m north of Warsash local facilities.

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

Outline planning permission is sought for the construction of up to 30 dwellings with all matters reserved apart from the means of access to the site. It is proposed that access for dwellings that front Greenaway Lane would be served off the existing access that serves number 79 Greenaway Lane.

A separate access is proposed to serve the remaining dwellings which would be located in the southern part of the site, with vehicles travelling east to the existing track then south and east onto Lockswood Road. This access is in the same location as that agreed through application reference P/17/0998/OA (Land and Partners) and includes provision for larger commercial vehicles.

The proposed development would incorporate housing types of a maximum 2 storey height and include a range of between 2 and 5 bedroom units and 40 % affordable housing. The six units fronting Greenaway Lane are indicated to be self-build dwellings.

A number of supporting documents, including, ecological report, transport report, landscape appraisal, flood risk assessment and surface water drainage strategy, tree report have been submitted. A master plan has been submitted for illustrative purposes only to show how the site might be laid out.

### ***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

#### 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

Fareham Borough Design Guidance Supplementary Planning Document (Excluding Welborne) 2015

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

Residential Car and Cycle Parking Standards SPD 2009

#### ***Relevant Planning History***

The following planning history is relevant:

P/12/0158/FP Demolition of existing dwelling, erection of new dwelling and erection of detached triple garage with a room above - approved 28 August 2012

P/12/0158/MA/A non-material amendment to above application - approved 26 June 2013

P/12/0158/DP/A details pursuant condition 7, 8 and 10 of above application - approved 2 July 2013

P/13/0952/FP Construction of access gates, piers and driveway approved 16 December 2013

P/17/0810/FP Side extension to existing triple garage to create boat/car port approved 21 August 2017

P/18/0947/FP Reduction in area of residential curtilage, change to boundary fencing and landscaping (part retrospective). Pending.

P/18/0884/FP Erection of 6 detached residential units and associated detached garages. Pending

### ***Representations***

Thirty six letters have been received (some people have written in more than once) raising the following objections:

Contrary to adopted policies

Contrary to NPPF

Loss of Countryside

Loss of agricultural land

Imbalance of development in the western wards and Warsash

Too much development in the area

Cumulative impact of developments must be considered

Too much development proposed off Greenaway Lane which has a special character and is narrow

Agricultural occupancy condition

Newlands Farm would be better

Applications for development should not be entertained on land which is subject to separate public comment regarding policy principle

The revised alternative scheme is contrary to policies in the adopted development plan but reflects the intention of the Council to allocate this site for housing, is this a case of predetermination?

Affordable housing is not viable in this expensive area

Overdevelopment out of character with the lane

Loss of outlook

Overbearing and oppressive

Adverse impact on public views

Highway infrastructure cannot cope

Barnes Lane and Brook Lane Junctions with A27 cannot handle more traffic

Highway safety hazard including pedestrians

Why is access proposed off Greenaway Lane? no access is appropriate.

Track coming from Greenaway Lane will become a rat run

Full traffic assessment is required, insufficient public transport

Inadequate on-site parking provision

Lack of parking in Warsash Village

Impact of construction vehicles on Greenaway Lane

Impact on trees

Health, air and noise pollution

Impact on wildlife

Flooding

Ecology

Consultee responses on Environmental Health and Open Spaces are inadequate.

Shelving of residents' petition is not acceptable

The ecology report refers to a different number of dwellings and so must be invalid and is out of date. How will compliance with ecological report be policed and funded?

Flood risk and drainage plans and report are out of date

Conclusions of Transport Statement cannot be accepted

Infrastructure cannot cope - schools, doctors, dentists

Archaeological artefacts

Inadequate consultation by the applicant

The vehicle access off Greenaway Lane is against the draft local plan. With the piecemeal sites at various stages of planning it would not be possible to stop other sites from using Greenaway Lane.

Hampshire School Places Plan 2017-2019 assumes that the bulk of houses to be built will be in the new Welborne Estate and makes no provision for an increase in school places in any of the schools which will serve the new developments in Warsash, Titchfield, Locks Heath or Sarisbury. This would mean an increase in car journeys and require a review of associated environmental and traffic impact assessments.

With reference to current Department for Education Guidelines relating to disposal or change of use of playing fields, if more classrooms are sought on current playing fields or sports grounds, this will take time beyond the current education plan.

The Fareham and Gosport and South East Hampshire Clinical Commission Group "5 year Strategy for local health services" does not reference the impact of building 3,000 new dwellings on the provision of health care services. There is no evidence of consultation or how this will be addressed with limited budgets.

There is no evidence that FBC has consulted other Local Transport Authorities (LTA). Increase in traffic would limit economic benefits or growth.

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 it's 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 peninsular 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 - No objection subject to appropriate mitigation being secured as the site 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 also recommended that the proposal is supported by a Biodiversity Mitigation and Enhancement Plan or equivalent to be agreed by Hampshire County Council Ecologist. This should be secured by planning condition or obligation.

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

HCC Archaeology - No objection subject to planning condition.

Ecology - No objection subject to planning conditions and legal agreement to secure payment in respect of the Solent Special Protection Area.

The principles of mitigation in respect of reptiles is considered to be acceptable. However, the Ecology officer has provided advice in respect of reptiles and badgers for further consideration at the reserved matters stage:

With regard to the proposed hedgerow in the centre of the site, whilst acceptable in principle, a hedgerow on its own will not provide a functional green corridor, enabling the movement of wildlife on site. In addition to reptiles, evidence of badgers using the site through established paths was recorded and there are a number of badger setts in the wider landscape. Therefore, a strip of grassland/meadow, of sufficient width (minimum of 2m) is required at the base of the hedgerow. This corridor must not form part of the private residential gardens.

The ecology report states that the reptile receptor site "will be an area of habitat to the north and west of the site measuring 5-10m from the site boundary." In addition to the reptile buffers along the northern and western boundaries, the Site Layout shows green corridors along the eastern and southern boundaries. To ensure the

movement of badgers and provision of sufficient habitat for reptiles, the green corridors along the eastern and southern boundaries should also be a minimum of 5m.

The Site Layout shows the southern boundary being isolated from the remaining habitats on site. Therefore, the provision of a badger/reptile culvert under the proposed access road (south-eastern corner of the site) along the southern boundary should be considered.

Hampshire County Council - Lead Local Flood Authority - no objection subject to planning condition.

Hampshire County Council - Strategic Development Officer - Due to the small number of dwellings, there is no requirement for a contribution towards education infrastructure.

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

#### INTERNAL

Transport Officer - The proposed access to serve the six houses off Greenaway Lane is acceptable. The access will need to be not less than 5m wide up to the boundary with no. 79 with 2.4m by 49 visibility splays.

The proposed access (Lockswood Road) to serve the remaining dwellings is considered to be acceptable. The route and junction are suitable for the additional flow and HGV movements. The Transport Officer advises that the northern section of the track should be bollarded to prevent its use by motor vehicles and surfaced for pedestrian/cyclist use.

Affordable Housing Strategic Lead - Has noted the provision of 40% of affordable housing units and the schedule of proposed accommodation. This is acceptable providing that the 65:35 affordable rent to intermediate split is reflected in the final provision with the 4 bedroom units being the priority for affordable/social rent.

Environmental Health (contamination) - no objection subject to planning condition.

Environmental Health - no comment

Recycling Co-ordinator - advised that sweep plans would need to be provided to show safe access for refuse and recycling vehicles and that bin collection points for properties not adjacent to the road should be shown on the plans. Bin stores for flats must be as close to the road as possible with level access.

Tree officer - In arboricultural terms this is the most viable layout with the primary highway access being gained from the southeast corner of the site and a private drive exiting out onto Greenaway Lane. Therefore the tree officer raises no objection.

#### ***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) - g) Policy DSP 40
- h) Local Infrastructure
- i) Other matters
- j) 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.

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 further below.

#### C) POLICY DSP40 (i)

The proposal for up to 30 dwellings is relative in scale to the 5YHLS shortfall and therefore bullet point i) of Policy DSP40 is satisfied.

#### D) POLICY DSP40 (ii)

The second test of Policy DSP40 is that "The proposal is sustainably located adjacent to, and well related to, the existing urban settlement boundaries, and can be well integrated with the neighbouring settlement".

The application site is in close proximity to the defined settlement boundary of Warsash and to leisure and community facilities, schools and shops.

The illustrative masterplan demonstrates that the overall layout and form of the development could be designed to be sympathetic with existing properties and commercial premise which adjoin the site. Up to 30 houses are proposed which equates to a net density of 17.5 dwellings per hectare. 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). This would ensure that the amenity of future occupiers and existing neighbouring property occupiers would be acceptable.

Subject to the layout of the site and design form and how it might relate to the surrounding built form, officers consider that the development of up to 30 units could be accommodated on this site. It is therefore considered that the development

would be sustainably located and can be well integrated with the neighbouring settlement in accordance with point ii) above.

#### E) POLICY DSP40 (iii)

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

The site is not located with a designated strategic gap. It is however, located within designated countryside where Policy CS14 of the adopted Fareham Borough Core Strategy confirms that built development will be strictly controlled to protect it from development which would "adversely affects its landscape character, appearance and function".

In assessing the impact on the landscape character of the area, due regard has been given to The Fareham Landscape Assessment 2017 (which is part of the evidence base for the published draft Fareham Local Plan 2036). The site lies within the Lower Hamble Valley (LCA2), Warsash Nurseries and is of lower sensitivity mainly because the character and quality of the landscape has been adversely affected by urban influences. The landscape is more tolerant of change and there is scope for development to bring about positive opportunities.

The site is currently viewed from adjoining residential properties in Greenaway Lane, properties served off the access track on the eastern boundary of the site and commercial premises. The reduction in the proposed number of units has improved the spaciousness of the scheme. Where possible valuable landscape features would be retained and the development could be further mitigated by reinforcing green corridors of vegetation and greenspace.

It is acknowledged that there will be a change in the character of the site when viewed from the immediate vicinity and particularly from the proposed new access arrangements and that the outlook from nearby properties would change if the proposal were to go ahead.

It is important that the frontage development onto Greenaway Lane provides a transition between the established built form in Greenaway Lane and the properties to be located further back in the site and respects the character of the existing access track located to the east as well as the proposed development to the east (Land and Partners outline consent). Officers are satisfied that the quantum and form of development could be sensitively designed to minimise any adverse impact, be appropriate in its context and that the change in character would primarily have a localised visual 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 and comply with policies CS17 and DSP1.

#### F) POLICY DSP40 (iv)

In terms of delivery, the agent has advised that it is anticipated that the whole development would be completed within 3 years of outline planning permission being granted.

#### G) 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

Parts of the site are classified as Grade 1 and 2 agricultural land which CS16 seeks to prevent the loss of. Paragraph 170 of the National Planning Policy Framework advises that 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, areas of poorer quality land should be preferred to those of higher quality.

The conflict with Policy CS16 needs to be considered in context with advice within the NPPF which does not place a bar on the development of best and most versatile agricultural land. Therefore the development opportunity needs to be balanced against the potential harm. Taking account of the site size, the scale of permanent loss would be limited. The loss of agricultural land will be discussed further in the planning balance section of this report.

#### ECOLOGY

As evidenced within the comments received from Natural England and the Ecology Officer, sufficient information has been submitted to assess the impacts of the proposal on biodiversity matters and the consultees raise no objection subject to the imposition of planning conditions and appropriate mitigation.

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.

If planning permission is granted, officers are satisfied that the proposal would be acceptable from an ecological perspective subject to planning conditions and a Section 106 planning obligation in accordance with Core Strategy policy CS4, CS20, and policies DSP13, DSP15, DSP40 (v), of Local Plan Part 2.

#### AMENITY

The proposal is in outline form with matters of scale, appearance and layout reserved for consideration later. At the reserved matters stage, the detailed layout and scale would need to be policy compliant to ensure that there would unlikely be an adverse unacceptable impact on the amenity of neighbouring residents. Officers are satisfied that the development would be acceptable in accordance with Core Strategy policy CS17 and Local Plan Part 2 policy DSP40 (v).

## HIGHWAYS

The Transport Planner is satisfied that the existing access onto Greenaway Lane can accommodate the proposed frontage development of 6 dwellings and that the proposed new access onto Lockwood Road is adequate to accommodate the new dwellings as well as commercial traffic from the neighbouring business. The location of the access is in the same position as the Land and Partners proposal for up to 157 dwellings.

The current private road at the eastern side of the site is the main access for the adjacent industrial site to the south and two commercial nurseries. This private road is also used by owners of private dwellings. The ability to access the industrial units via an access off Lockwood Road would result in less use of Greenaway by commercial vehicles.

With regard to third party concern over parking provision, officers are satisfied that sufficient on-site parking can be provided to comply with adopted policy.

With regard to third party concern that the track would become a 'rat run', officers are satisfied that from a technical perspective, the principle of an acceptable internal road layout can be accommodated at the reserved matters stage which could include bollards if appropriate.

Turning to the impact of construction vehicles on Greenaway Lane, a planning condition is recommended for details to be agreed in respect of how construction vehicles will access the site, how provision is to be made on site for the parking and turning of operatives and delivery vehicles and the area to be used for the storage of building materials as well as a condition to prevent spoil and mud being deposited on the public highway.

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 of Local Plan Part 2 and Policy CS5 of the Core Strategy.

## H) LOCAL INFRASTRUCTURE

The strength of local concern relating to the impact of the development on schools, doctors, dentists and other services in the area is acknowledged. The Education Authority have not requested a contribution towards school provision due to the number of units falling below that which would require an education contribution.

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. Therefore, a refusal on these grounds would be unsustainable.

## I) OTHER MATTERS

## AFFORDABLE HOUSING

The proposal incorporates 40% (12) on site affordable housing dwellings which would comply with the requirements of Policy CS18 of the Core Strategy. This can be secured via a Section 106 legal agreement.

#### OPEN SPACE AND PLAY PROVISION

The adopted Planning Obligations confirms that for between 20 and 49 dwellings, on site open space and a Locally Equipped Area of Play may be required depending on the circumstances and location. Officer advice is that in taking account of other development that has been granted outline consent (subject to the satisfactory completion of a legal agreement), it would not be reasonable to insist on such provision for this proposal given the limited number of units proposed.

#### GREEN INFRASTRUCTURE, CONNECTIVITY AND NATURE CONSERVATION

In accordance with Policy CS5, CS17 of the Core Strategy and DSP4 of Local Plan Part 2, officers recommend that vehicular, pedestrian and cycle connectivity is secured via a Section 106 legal agreement. To ensure appropriate ecological connectivity, the inclusion of ecological corridors will be secured through planning condition in accordance with Policy DSP13 of Local Plan Part 2.

#### OTHER THIRD-PARTY CONCERNS

With regard to comments about the impact on protected trees, the Tree officer has raised no objection to the proposed scheme and officers are satisfied that appropriate protection can be afforded alongside a landscaping scheme to be considered at the reserved matters stage.

It is noted that third party concerns have been raised over dates of the submitted flood risk and drainage reports. As set out within the consultee responses, the relevant consultees are satisfied that sufficient information has been submitted. Turning to concern over the ecology report which refers to a different number of dwellings to that now proposed, this would not change the ecology advice and conclusion as set out within this report. In addition, any change in ecological survey findings would need to be provided at the reserved matters stage.

Concern over health, air and noise pollution and the cumulative impact of developments are noted. The proposal is not of a scale that would justify refusal of planning permission.

Concern has been raised over a lack of consultation by the applicant; this is noted. However, the Local Planning Authority has undertaken publicity of the application.

In respect of concern over an agricultural tie on the existing dwelling adjacent to the site, planning history records have been checked. The original bungalow on the site was approved in 1951 and was described as 'a smallholding and the erection of a bungalow for domestic accommodation. There were no restrictive planning conditions relating to an agricultural tie.

With reference to vehicle access off Greenaway Lane, The draft Local Plan carries limited weight at this stage. However, the draft does say that "Primary highway access shall be focussed on Brook Lane and Lockwood Road with Greenaway

Lane only used to provide access for dwellings directly fronting onto Greenaway Lane". The dwellings to be served off Greenaway Lane would front it. A planning condition is recommended to limit the number of dwellings to be served off Greenaway Lane. At the reserved matters stage, details of the internal road layout would be considered further including bollards if appropriate to limit the use of the track.

In respect of school places, the School Places Plan is a snapshot in time and details the identified school place planning strategies existing at that time. Others will emerge during the life of the document as more details are obtained on housing developments and pupil forecasts are updated. The Education authority is aware of the legislation about building on school land and takes account of this when planning any school expansions.

Turning to consultation with the Clinical Commission Group, there is no statutory requirement to consult the Clinical Commission Group. It is for the health providers to decide how they deliver health services.

With regard to consultation with neighbouring Local Transport Authorities, there is no requirement to consult neighbouring LTA. FBC did consult with HCC who did not comment due to the number of dwellings proposed. However, the Council's Transport Officer has commented and officers have discussed the implication of the 30 dwellings within the wider context of the outline applications that have resolutions to grant permission.

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.

## J) 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 and the development of a greenfield site weighted against Policy DSP40, officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall and can be delivered in the short term. The site is well related to and can be integrated with the urban settlement boundary.

It is acknowledged that the proposal would have an urbanising impact through the introduction of housing and related infrastructure onto the site and introduce a degree of change in character particular when viewed from Greenaway Lane. Officers consider that the impact would not be substantial and that the proposal can be designed to minimise any adverse impact on the Countryside.

In respect of environmental, amenity and traffic implications, and subject to appropriate planning conditions and mitigation, officers are satisfied that these issues can be appropriately addressed through the design of the scheme, planning conditions and a section 106 planning obligation. When assessing the loss of BMV agriculture land in the context of the NPPF and 5YHLS position, the scale of loss is not considered to be significant.

In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage in housing supply, the proposal would deliver up to 30 dwellings including affordable housing. The contribution the proposed scheme would make towards boosting the Borough's housing supply is a substantial material consideration, in the light of this Council's current 5YHLS position.

There is a clear conflict with development plan policy CS14 and CS16 as this development is in the countryside, on agricultural land. Ordinarily, officers would have found this to be the principal policy such that a scheme in the countryside should be refused. However, in light of the council's lack of a 5YHLS, development plan policy DSP40 is engaged and officers have considered the scheme against the criteria therein. The scheme is considered to satisfy the five criteria and in the circumstances, officers consider that more weight should be given 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.

As set out in the report titled 'How proposals for residential development should be considered in the context of this Council's 5 year housing land supply position, Officers consider that the implications of the CJEU judgment (*People Over Wind, Peter Sweetman v Coillte Teoranta*) and paragraph 177 of the NPPF mean that the application of the presumption in favour of sustainable development set out in paragraph 11 of the same Framework is not 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 20 June, 2018, 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.
- . Vehicular, pedestrian and cycle access connectivity to adjoining land
- . The delivery of 40% of the permitted dwellings as affordable housing.

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

### **GRANT OUTLINE 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 the procedures set out Section 91 of the Town and Country Planning Act 1990.

2. Applications for approval of all 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 the procedures set out in 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: Site Location Plan, 170809/MP4/ OS Rev C and Access drawing 116860-TP-0006-01 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 development shall proceed beyond damp-proof course level until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. 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.

7. No development shall commence until a preliminary archaeological survey using trenching and Written Scheme of Investigation (WSI) has been undertaken in order to recognize, characterize and record any archaeological features and deposits that exist and submitted to and approved in writing 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 and submitted to the LPA 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.

8. 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 construction of the development.

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

9. No development shall commence until details have been submitted and approved by the LPA 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 implementation of the permitted 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.

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 shall be submitted to and approved in writing by the local planning authority. 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 part of the development accessed from Lockwood Road shall be occupied/brought into use until the access junctions and visibility splays have been constructed in accordance with the approved details 116860-TP-0006-01 B (Lockwood Road). The visibility splays shall thereafter be kept free of obstruction at all times.

REASON: In the interest of highway safety.

12. Prior to commencement of development, details of the access onto Greenaway Lane which shall serve a maximum of 7 dwellings only (including 79 Greenaway Lane) shall be submitted to and agreed in writing with the Local Planning Authority. The access and visibility splays shall be constructed in accordance with the approved plans prior to occupation of the development hereby permitted and retained thereafter. REASON: In the interests of highway safety.

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

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

14. No development shall commence until a desk study investigation and site walkover has been undertaken, submitted to and approved in writing by the Local Planning Authority to investigate the current and former uses of the site and adjoining land and the potential for contamination with information on the environmental setting including known geology and hydrogeology. The report shall develop a conceptual model and identify potential contaminant - pathway - receptor linkages.

Dependent on the results of the above desk study, an intrusive site investigation and an assessment of the risks posed to human health, the building fabric and the wider environment including water resources should be carried out. The site investigation shall not take place until the requirements of the Local Planning Authority have been established. The results of the intrusive site investigation shall be submitted to and approved in writing by the Local Planning Authority.

Where the site investigation and risk assessment reveals a risk to receptors, a strategy of remedial measures and detailed method statements to address identified risks shall be submitted to and approved in writing by the Local Planning Authority to include the nomination of a competent person (to be agreed with the LPA) to oversee the implementation of the measures.

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

15. Prior to the occupation of the dwellings hereby permitted the 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.

16. Should contamination be encountered during works that has not been investigated or considered in the agreed scheme of remedial measures, investigation, risk assessment and a detailed remedial method statement shall be submitted to and agreed with the Local Planning Authority. The remediation shall be fully implemented and validated in writing by an independent competent person as agreed with the Local Planning Authority.

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

17. 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 in writing by the local planning authority. 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 and drainage of the development.

18. The landscaping scheme, submitted under Condition 1 shall be implemented 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.

19. No work 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.

20. 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.

21. No development shall take place until a Biodiversity Enhancement and Management Plan, to be informed as necessary by up-to-date survey and assessment has been submitted to and approved in writing by the Local Planning Authority with each reserved matters application. Such details shall be in accordance with the outline ecological mitigation, and enhancement measures detailed within the submitted reports including the Phase 1 Ecological Assessment and Reptile Survey (Peach Ecology, April 2018) including (but not limited to) a detailed reptile mitigation strategy, a layout of the mitigation areas such as Wildlife Corridors along the boundaries and in the centre of the site, planting scheme, detailed timings and methods of site clearance, long-term biodiversity management plan and details of site-wide biodiversity enhancement features to be incorporated. 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, management and enhancement.

22. No development shall commence until an Arboricultural Impact Assessment Report and Method Statement for tree/hedgerow protection has been submitted to and approved in writing by the LPA and the approved scheme implemented. The tree/hedgerow protection shall be retained through the development period until such time as all equipment, machinery and surplus materials have been removed from the site.

REASON: To ensure protection of important trees and hedgerows.

23. 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.

24. The development fronting Greenaway Lane shall be a maximum of 2 storeys in height and detached dwellings only.

REASON: In the interests of the amenity and character of the area.

**INFORMATIVE:**

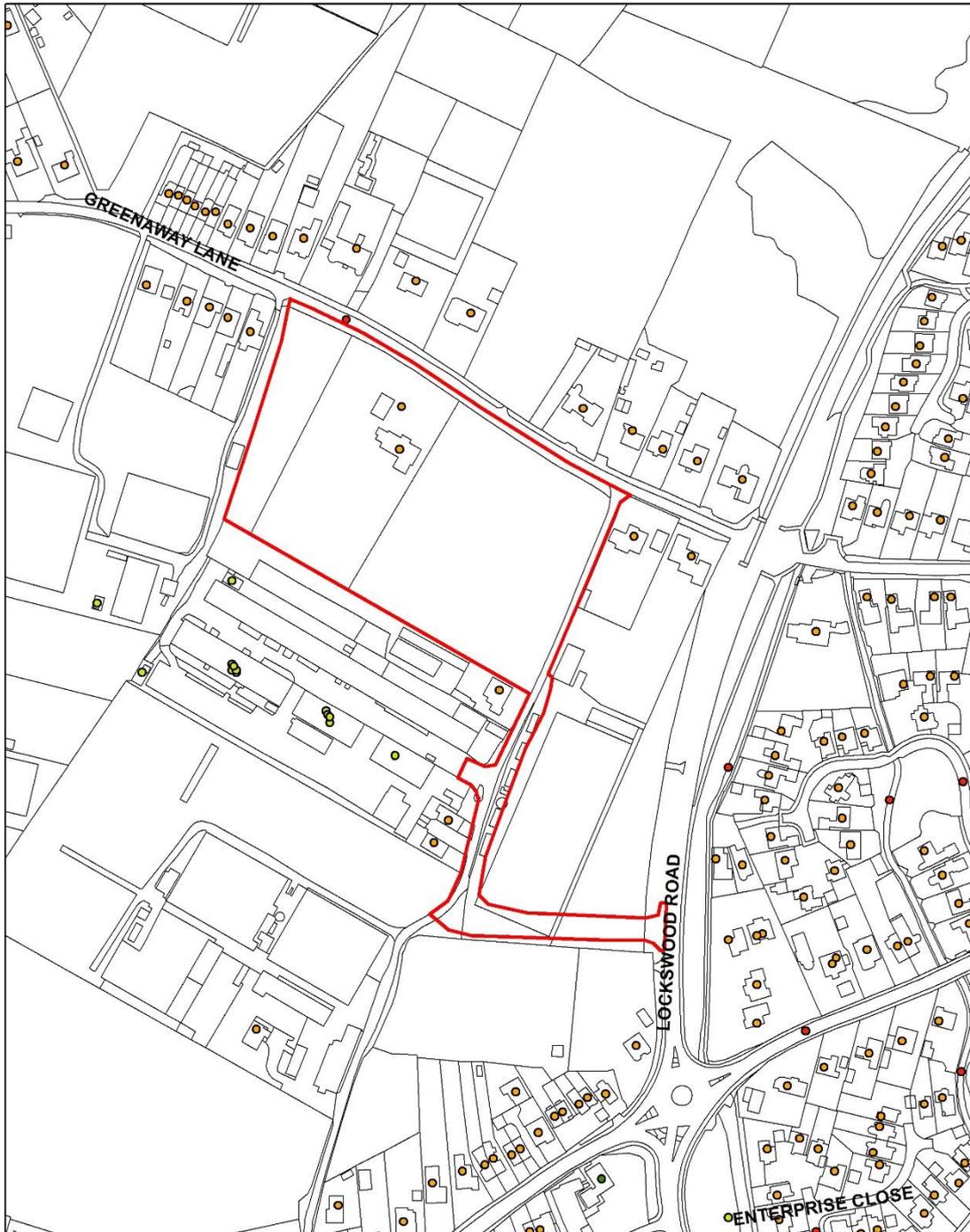
Informative: A formal application for connection to the public sewerage system is required

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)".

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

# FAREHAM

BOROUGH COUNCIL



Land to the East & West of  
79 Greenaway Lane  
Scale: 1:2,500



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