

OFFICER REPORT FOR COMMITTEE

Date: 18/07/2018

P/18/0067/OA

RESIDE DEVELOPMENTS LIMITED AND
ATHERFOLD INVESTMENTS LTD

**FAREHAM
NORTH**

AGENT: TURLEY

FOLLOWING DEMOLITION OF EXISTING BUILDINGS, RESIDENTIAL DEVELOPMENT OF UP TO 55 DWELLINGS (INCLUDING 3 CUSTOM-BUILD HOMES) (USE CLASS C3), COMMUNITY BUILDING INCORPORATING A LOCAL SHOP 250 SQM (USE CLASSES A1, A3, D1 & D2), ACCESSES AND ASSOCIATED LANDSCAPING, INFRASTRUCTURE AND DEVELOPMENT WORKS

LAND TO THE SOUTH OF FUNTLEY ROAD FUNTLEY FAREHAM

Report By

Richard Wright - 01329 824758

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 18th July 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 18th July 2018. The main updates made to the report can be summarised as followed:

- The Site Description and Description of Proposal section has been revised to better explain the current status of two further planning applications by the same applicant on land to the south of Funtley Road.
- Two further representations 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).

- References to the NPPF (2012) have been removed since that document has now been replaced.
- The section of the report which considers the community park and community building offered by the applicant has been updated to incorporate information previously provided as an Update to the Planning Committee meeting on 18th July this year.
- 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 Officer recommendation has been revised so that the design, delivery and management of SUDs on the site would be secured through a planning condition as opposed to a planning obligation through a Section 106 agreement. This requirement has been incorporated into the wording of Condition 3 which is revised accordingly.

Site Description

The site measures 5.98 hectares (14.8 acres) in area and is situated immediately to the south of Funtley Road. The site lies outside of the urban settlement boundary.

The site comprises grass land used for the grazing of horses and associated stabling and other structures, including a larger barn towards the eastern end of the site. A portion of the western part of the site is designated within the adopted local plan as an area of existing public open space and lies adjacent to The Deviation Line, a public bridleway (Bridleway 515).

The land gently rises from north to south away from the road. Alongside Funtley Road runs an established mature hedgerow, with some trees in places along that boundary, which is broken only where the vehicular entrance to the site is currently.

On the opposite side of Funtley Road to the north lies the existing housing development of Roebuck Avenue/Deer Leap/Stag Way which was built on the site of the former abattoir following planning permission being granted in 1997 (planning application reference P/97/0792/FP). To the west of that housing development, also opposite the current application site on the northern side of the road, lies a field which is the subject of another current development proposal by the same applicant reported elsewhere on this Planning Committee agenda (planning application reference P/17/1135/OA for the construction of 27 dwellings). That application also received a favourable resolution to grant permission at the Planning Committee meeting held on 18th July this year.

Meanwhile to the south of the site the level of the land noticeably rises. This land which occupies the higher slopes of the hill is also currently given over to use as paddocks. A group of larger agricultural buildings and stables is located near the highest point of the land and these buildings and the surrounding paddocks are accessed via a track which runs from the entrance to the site at Funtley Road up the hill through an area of mature woodland. The woodland, as well as a separate cluster of mature trees on the land to the south of the site, is designated as an

ancient woodland Site of Importance for Nature Conservation (SINC). This land to the south of the application site is also subject of another planning application by the same applicant which proposes the use of the site as a community park (planning application reference P/18/0066/CU). That application also received a favourable resolution to grant permission at the Planning Committee meeting held on 18th July this year.

Beyond the land proposed to be used as a community park lies the M27 motorway. An existing bridge over the motorway, owned by Highways England, provides a right of vehicular access for the application site landowner. On the south side of the bridge lies the urban area of Fareham and immediately the other side of the bridge is a designated public footpath running east to west (Footpath 91a).

Description of Proposal

Outline planning permission is sought for up to 55 new dwellings (Use Class C3), including 3 custom build homes, following demolition of existing buildings on the site. Also proposed is a community building, incorporating a local shop, of 250 sqm (Use Classes A1, A3, D1 & D2) as well as associated accesses, landscaping, infrastructure and development works.

The application is submitted in outline with all matters reserved for future approval except for access. A revised parameters plan has been submitted which the applicant has requested be an approved document to set out the broad parameters of the development. Also submitted for illustrative purposes only is a concept masterplan.

Vehicular access into the site is proposed to be formed using the existing point of entry on the south side of Funtley Road. Improvements would be made to this junction including the provision of a formal bell mouth and footpaths to link in to the existing public footpaths on the south side of Funtley Road near to where an existing ramped pedestrian crossing already exists. A new pedestrian crossing of the same type is proposed to be inserted further along the road to the west near the junction with Roebuck Avenue.

The application also proposes forming a link through the site and the community park to the south, through to and over the existing M27 bridge and connecting up with the existing public footpath north of Thames Drive. The route is proposed to be suitable for pedestrians and cyclists and would involve the provision of a suitable surface and improvements to the section of existing public right of way at its southern end. This route is identified and set out on the submitted location plan and parameters plan.

The submitted concept masterplan shows how the development might be laid out with parcels of land for housing development positioned within a wider network of interconnected green spaces and 'corridors' through the built environment. These green spaces are shown as linking with the adjacent community park. Also shown

on the masterplan is a village green and an indicative location of where the proposed community building and shop might be.

Members are advised that two further applications by the same applicant on land to the south side of Funtley Road are currently undetermined but have previously received favourable resolutions to grant planning permission at the Planning Committee meeting held on 18th July this year. Planning application reference P/17/1135/OA proposes residential development of up to 27 dwellings on land to the north side of Funtley Road. Planning application reference P/18/0066/CU meanwhile proposes the change of use of land further south into a community park.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS2 - Housing Provision

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS14 - Development Outside Settlements

CS15 - Sustainable Development and Climate Change

CS16 - Natural Resources and Renewable Energy

CS17 - High Quality Design

CS18 - Provision of Affordable Housing

CS20 - Infrastructure and Development Contributions

Approved SPG/SPD

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

Design Guidance Supplementary Planning Document (Dec 2015)

EXD - Fareham Borough Design Guidance Supplementary Planning Document

Development Sites and Policies

DSP1 - Sustainable Development

DSP2 - Environmental Impact

DSP3 - Impact on living conditions

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

Relevant Planning History

Whilst there have been numerous planning applications for stables and other forms of development on the land these are not considered materially relevant to the consideration of this current planning application.

Representations

In response to this application 119 sets of comments have been received from 86 residents.

This is because some people chose to comment more than once after revised details were submitted by the applicant.

Sixty four people objected to the application on the following planning grounds:

- Object to further housing
- Welborne is enough
- Road is already hazardous to drivers, pedestrians, cyclists and children
- Roads are overcrowded already and unsuitable for additional 250 vehicles with narrow bridges
- Area subject to flooding - more detail is required on drainage before consent is considered
- Infrastructure unable to accommodate additional pressure
- Healthcare unable to cope
- Schools are at capacity
- Application previously refused - nothing has changed
- Harm to semi-rural character of Funtley
- Should be viewed in conjunction with P/17/1135/OA
- Support letters are not from Funtley residents
- Shop not required and is a red herring
- Countryside in current Local Plan
- Site is not brownfield
- Site is not sustainable

- Funtley is a village
- Impact on Wildlife
- Loss of trees
- Loss of horse riding and stabling
- Possible contamination due to ex-abattoir
- Sites should not be approved before the new Local Plan is properly considered
- Density of development not in keeping with the remainder of the area
- Percentage of affordable housing is disproportionately high and out of keeping- Inappropriate location for social housing
- Noise pollution
- Problems already with power failures
- Possible subsidence due to type of soil
- Potential for increase in crime
- Already overloaded sewerage system
- Plans hard to understand and inconsistent
- Overlooking and loss of privacy
- Loss of light
- Opening of bridge over motorway is a sweetener as owners previously shut; potentially dangerous if not properly constructed and difficult for Funtley residents to get to due to steep slope
- Park is worthless land as it slopes heavily - will adversely affect wildlife
- What will happen to existing bus stops on Funtley Road as currently on proposed junction

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

- Sites are currently grazing and not accessible to public
- Development will allow public access
- Provision of Village Hall and Shop
- Land shown in draft Local Plan for development

Consultations

EXTERNAL

Hampshire County Council (Highways) - Additional information has been submitted addressing the outstanding matters previously raised regarding the sustainable travel improvements. The highway authority therefore raises no objection to the application subject to Section 106 obligations.

Hampshire County Council (Countryside Planning) -

Highways have commented that consideration should be given to the provision of a shared pedestrian/cycle path to tie in with the surface on Footpath 91a, we support this approach.

It is requested that the western end of Footpath 91a is also upgraded to provide onward cycle access to Bridleway 83b, this will include widening where possible,

surfacing to our Countryside Service Design Standards and installing wheel ramps so that cycle can be pushed up the stairs.

Hampshire County Council (Flood and Water Management Team) -

The general principles for the surface water drainage proposals are acceptable. We would recommend that further information on the proposals be submitted as part of a more detailed design phase.

Southern Water - No objection.

Hampshire County Council (Children's Services) -

This development is small and will not generate enough pupils to warrant a request being made towards additional education infrastructure. However, the footpath access to the local catchment area schools, Orchard Lea Infant and Junior, must be improved to provide opportunities for sustainable travel to school and to avoid further traffic congestion around these schools at drop off and pick up times. Consideration needs to be given to providing pedestrian and cycle access to the schools via a lit path.

In order to promote sustainable travel the developer must contribute a total of £15,000 to the production of school travel plans for both schools. This should be provided to HCC before the development starts.

Natural England - No objection.

INTERNAL

Hampshire County Council (Ecology) - No concerns raised following the submission of amended ecology reports.

Trees - No objection

Highways -

It is accepted that, whilst the site is fairly remote from a number of facilities, it is served by an hourly bus service and, with the provision of the link over the motorway, would be within walking and cycling distance of most routine travel attractors. To provide additional accessibility, a pedestrian access is proposed emerging onto Funtley Road at a central point on the frontage. The practicality of this will need to be reviewed when connectivity to the nearby footways is known.

In traffic impact terms, whilst the predicted traffic generation from the site is considered to

be low, it is considered that the circa 33 additional vehicles per peak hour would have no material impact on the surrounding road network.

In highway safety terms, the record of personal injury accidents does not indicate there is a particular defect affecting the safe operation of the highway. It is recommended however that the extent of the present 30mph speed limit zone should be reviewed with a view to including within it, the bends on Funtley Road to the west of the site. This should be included in any road safety audit that promotion of the site and its junction on Funtley Road would require.

It is considered the location of the site access junction, with visibility splays, would be acceptable although the access road should be perpendicular to Funtley Road. The junction and any further off-site highway works would be the subject of a Section 278 Agreement with Hampshire County Council.

The provision of the pedestrian and cyclist route leading south from the site would be considered to be a significant benefit for prospective and existing residents in west Funtley. The route would appear to need some improvements to make it fully functional, such as raised parapets on the M27 crossing, some new construction and the designation of a shared pedestrian/cyclist use on the existing public footpath leading to Thames Drive.

Contaminated Land - No objection subject to a suitable planning condition requiring site investigation and remedial measures as necessary.

Environmental Health - No objection.

Planning Considerations - Key Issues

IMPLICATION OF FAREHAM'S CURRENT 5-YEAR HOUSING LAND SUPPLY POSITION

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.

RESIDENTIAL DEVELOPMENT IN THE COUNTRYSIDE

Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas.

Policies CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries. The application site lies within an area which is outside of the defined urban settlement boundary.

Policy CS14 of the Core Strategy states that:

'Built development on land outside the defined settlements will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function. Acceptable forms of development will include that essential for agriculture, forestry, horticulture and required infrastructure.'

Policy DSP6 of the Local Plan Part 2: Development Sites and Policies states - there will be a presumption against new residential development outside of the defined urban settlement boundary (as identified on the Policies Map).

The site is clearly outside of the defined urban settlement boundary and the proposal is therefore contrary to Policies CS2, CS6, and CS14 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan.

Policy DSP40: Housing Allocations, of Local Plan Part 2, states that

"Where it can be demonstrated that the Council does not have a five year supply of land for housing against the requirements of the Core Strategy (excluding Welborne) additional housing sites, outside the urban area boundary, may be permitted where they meet all of the following criteria:

- i. The proposal is relative in scale to the demonstrated 5 year housing land supply shortfall;
- ii. The proposal is sustainably located adjacent to, and well related to, the existing urban settlement boundaries, and can be well integrated with the neighbouring settlement;
- iii. The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps;
- iv. It can be demonstrated that the proposal is deliverable in the short term; and
- v. The proposal would not have any unacceptable environmental, amenity or traffic implications.

Each of these five bullet points are worked through in turn below.

POLICY DSP40(i)

The proposal for a development of 55 dwellings is considered to be relative in scale to the identified shortfall and therefore bullet point i) of Policy DSP40 is satisfied.

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 site is located beyond the settlement policy boundary and is therefore contrary to policies which aim to secure the majority of new housing within the urban area. The site does not lie adjacent to the existing urban settlement boundary. However, a significant section of the northern boundary of the site lies on the opposite side of Funtley Road to the existing housing estate at Roebuck Avenue, Deer Leap and Stag Way. This housing estate, which was granted planning permission in the late 1990s on the site of an abattoir, is also within the countryside in terms of its status within the current adopted local plan however its character and appearance is typical of an area found within the urban settlement boundary.

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

The proposed pedestrian and cycle right of way through the site southwards and over the M27 motorway bridge represents a substantial improvement to the accessibility of the site by providing sustainable transport links through to the existing urban area of Fareham. This new link brings Orchard Lea Infant and Junior Schools within a walking/cycling distance of approximately 650 metres from the application site and the shops and other services at Highlands Road Local Centre within 1.5km. Through the submitted travel plan the applicant proposes contributions towards the cost of new bikes for new residents to facilitate the use of this new pedestrian/cycle connection with Fareham. Bus vouchers are also proposed as part of that same scheme.

It should also be noted that part of the development proposed by the applicant comprises space for a shop and community building on the site itself meaning such facilities would be within a very short distance relatively speaking from those new homes being constructed. Officers acknowledge that the provision of a commercial enterprise such as a shop, cafe or other such use is dependent on market forces and a suitable and viable end use coming forward. Notwithstanding, the provision of space for such assists in increasing the relative accessibility of the site as would the provision of a community building subject to that facility being in a form which responded to local need.

In relation therefore to this second test of Policy DSP40, Officers consider the package of measures proposed by the applicant to materially improve the sustainability of the location. Notwithstanding, and although the site lies immediately opposite a housing development of an urban nature, the site does not lie adjacent to the existing urban settlement boundary.

POLICY DSP40(iii)

The third test of Policy DSP40 is that: "The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps".

As mentioned earlier in this report, the site lies within the countryside but does not form part of a strategic gap. The site consists of the lower reaches of the hill slope which rises to the south where the proposed community park is to be located (planning reference P/18/0066/CU).

The 2017 Fareham Landscape Assessment identifies the site as falling within the Upper Meon Valley (Area 062b). The site is identified as being set within a predominantly high sensitive landscape that represents part of the Borough's undeveloped landscape resource and the rural setting and 'natural edge' of the settlement of Funtley. Its rural character is particularly distinctive through its rising ground and hilltop/ridgeline topography.

Development on the site would have significant detrimental effects on the character and quality of local views. The eastern part of the site is enclosed by strong hedgerows and tree cover and is less visible from Funtley Road. However, the land further west is more open and built development on this land will be clearly evident thereby affecting the integrity and quality of the rural character of the surrounding landscape. With this high sensitivity in mind the applicant has sought to minimise the adverse impacts of the development in their proposal including revisions made during the course of the application to the submitted parameters plan and masterplan.

It is proposed to use and improve the existing point of vehicular access into the site with one further pedestrian/cycle route being formed to Funtley Road. This would enable the vast majority of the northern boundary hedgerow along Funtley Road to be retained. Whilst the built form of housing would inevitably be visible over and through the boundary the hedgerow's retention would assist in preserving the character of Funtley Road as a rural lane. The submitted parameters plan shows a landscape buffer between the hedgerow and the start of housing development which would further reinforce this planted edge and set back the built form from Funtley Road reducing the visual impact.

The masterplan as well as the submitted parameter plan show two 'green' or 'view' corridors through the site. These corridors have been devised following the advice of the Council's Urban Designer that the importance of the high ground and its relationship back to the development core and Funtley Road, linking with the

existing housing development on the north side of the road, is a key element. The corridors act to integrate key landscape features of the community park land to the south and reduces the urbanising impact on the rural character of the area.

In comparison with the existing built form, namely the housing estate on the site of the former abattoir on the north side of Funtley Road, Officers consider the proposal compares favourably. The proposed development would provide up to 55 dwellings on a site which the revised parameters plan identifies as having a developable area of 2.48 hectares. The overall density of the scheme is therefore approximately 22 dwellings per hectare (dph). This is lower than the density of the existing housing development at Roebuck Avenue/Deer Leap/Stag Way which is around 28 - 32 dph.

Whilst matters of scale, appearance, layout and landscaping are all reserved matters, Officers consider the quantum proposed and the parameters set out in the submission mean the proposed development would be capable of being sensitively designed to respond positively to the character of the existing housing development nearby. The work carried out by the applicant in setting the parameters for development on the site, particularly the incorporation of key 'green' or 'view' corridors through the land, acts to minimise the adverse impact on the landscape character of the countryside.

Officers consider the proposal meets the third test of Policy DSP40.

POLICY DSP40(iv)

The fourth test of Policy DSP40 is that: "It can be demonstrated that the proposal is deliverable in the short term".

The applicant has indicated that should planning permission be granted they envisage the reserved matters being submitted for consideration and approved within two years. They estimate that development would commence within the following twelve months after approval of the reserved matters allowing the first completions in the year 2021.

The applicant has raised no objection to the imposition of a planning condition requiring the submission of reserved matters within 24 months of the date of outline permission being granted and implementation of the development within 12 months of those reserved matters being approved.

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

POLICY DSP40(v)

The fifth and final test of Policy DSP40 is that: "The proposal would not have any unacceptable environmental, amenity or traffic implications".

FLOODING AND SURFACE WATER DRAINAGE

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

A number of local residents have raised concerns over this issue and that flooding and surface water drainage problems already experienced in the area might be exacerbated by the development. Notwithstanding the positive response from the lead local flood authority, the applicant has produced a non-technical summary of the flood risk assessment. This summary explains that the current flooding in Funtley Road is likely to be caused by too much water flowing from the site into the road and the highway drain not being able to cope due to its restricted diameter. The development proposes to create balancing ponds into which surface water from roofs and other impermeable surfaces, as well as existing overland flow, would be routed. The ponds would attenuate the flow of water into the ditch alongside Funtley Road. This arrangement would provide a significantly wider benefit to the area as the ponds would intercept flood water from a large catchment area before it reaches and crosses the highway thereby greatly reducing incidences of flooding. As referred to above, HCC drainage engineers have agreed this scheme in principle subject to further detail at a later stage (e.g. reserved matters or discharge of planning conditions).

ECOLOGY

Following additional information being provided by the applicant the Council's Ecologist has raised no objection to the proposals subject to appropriate biodiversity mitigation, enhancement and management measures being secured by condition. Natural England have also raised no objection. The submitted parameters plan shows the developable areas of the site to be set a minimum of 15 metres from the adjacent areas of ancient woodland SINC.

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.

AMENITY

The light to, outlook from or privacy enjoyed by neighbouring properties would not be materially harmed as a result of the proposed development.

The layout and scale of the development are some of the matters reserved for consideration at a later stage. In the event that outline planning permission is granted the reserved matters application would need to ensure that the dwellings

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

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

TRAFFIC

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

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

The Council's Transport Planner believes that the location and form of the site access with visibility splays would be acceptable and would not have an adverse impact on the safety of the highway.

The existing 30mph speed limit zone would need reviewing with a view to including within it more of Funtley Road to the west including the proposed pedestrian crossing point near the junction with Roebuck Avenue.

The anticipated additional traffic generated by the development would be in the region of 33 additional vehicles per peak hour. Officers consider this would have no material impact on the surrounding road network.

In summary of the above points, Officers consider there to be no unacceptable environmental, amenity or traffic implications likely to arise as a result of the proposed development. The proposal therefore accords with the fifth and final test of Policy DSP40.

PROPOSED BENEFITS

In order to assess this application it is important to consider the benefits of the proposed development in order to afford them appropriate weight in the planning balance. The benefits of the scheme are set out in the applicant's submitted Planning Statement.

a) Provision of market and affordable housing

Firstly the proposal would deliver 33 market houses. The provision of these homes would make a notable contribution towards addressing the Council's acknowledged shortfall in housing supply. Three of those houses would be provided as plots made available for custom built houses. The Council has a requirement under the Self-

build and Custom Housebuilding Act 2015 to provide a continuous provision of self and custom built houses, and to maintain a register of those within the Borough who wish to undertake such a project. To accord with the requirements of the Self-build and Custom Housebuilding Act 2015 each plot must be provided with appropriate services to enable the individuals to build out their plots without having to undertake expensive infrastructure development. Currently there are 97 people on the register and over a three year rolling period, the Council has a requirement to provide 35 dwellings by October 2019. Currently there is permission in place for four plots plus resolutions to grant a further twelve. The proposed custom build houses would contribute further to meeting this requirement.

The proposal would also deliver 22 affordable homes which equates to 40% of the total number of homes and therefore accords with the expectations of Policy CS18 of the adopted Fareham Borough Core Strategy.

b) Sustainable transport links

The application further proposes significant benefits in the form of improvements to sustainable transport links which would be enjoyed not only by occupants of the new houses but also by existing residents of Funtley. The main improvement proposed is the public right of way for pedestrians and cyclists to be formed through the site and the adjacent land to the south where the community park is proposed and over the M27 bridge to the urban area of Fareham beyond. This is considered by HCC Highways and Officers of this Council to be an essential element of the proposal, delivering sustainable transport links to the site in order to make the development acceptable in planning terms.

The provision of these improvements can be secured through appropriately worded planning obligations in a Section 106 legal agreement.

c) Open space and community park

The development will deliver on site open space including a Local Equipped Area of Play (LEAP) at a level consistent with the Council's adopted Planning Obligations SPD for the Borough of Fareham (excluding Welborne). This provision could be secured through a Section 106 agreement.

In addition the applicant proposes a significant amount of extra open space provision on the adjacent site to the south which is currently subject of a separate planning application for its change of use to a community park. The proposed public right of way through to the bridge across the M27 to the south would pass through the community park. The park would therefore be in close proximity to and fully accessible from the housing site hereby proposed and would represent a substantial benefit for both future and existing residents to which significant weight should be attached.

The applicant has agreed to transfer the land in question to the Council and to the payment of a financial contribution of £802,000 towards the associated ongoing maintenance of the community park. This figure provides sufficient funding for a

period of approximately 30 years and is based on costings provided by the Council's Head of Streetscene within whose service the responsibility for countryside park management lies. The land transfer and maintenance contributions would be secured through an obligation in the Section 106 agreement.

It is considered that the provision of the on- and off- site open space would compensate for the loss of the open space which currently forms part of the western end of the application site. Notwithstanding that this piece of land no longer appears to fulfil the function of publicly accessible open space, Policy CS21 of the adopted Fareham Borough Core Strategy is supportive of development leading to the loss of existing open space where such space is "poor quality, under-used or has low potential for open space and a better quality replacement site is provided which is equivalent in terms of accessibility and size".

d) Community building

The proposal includes a new building for community uses and a local shop. The applicant's proposal is that the community/shop building on the site would have a maximum size of 250 sq m. The building could be used for a range of uses as set out in the application (Use Classes A1, A3, D1 & D2). This could for example allow the building to be used entirely as a community use or as a combination of a community use and shop. The precise location, size, specification and type of community use facility required would be determined by the applicant and the Council. Those details would be a subject of the reserved matters application which would follow the grant of outline consent.

It is proposed to transfer 0.1 hectares of land within the site to the Council for the building and associated car parking and landscaping. Funding for the building would be provided on a pro-rata basis of £2,000 per sq m. for the community use element only. In the event the Council determines that improvements or provision of additional community facilities elsewhere in Funtley would be more beneficial the applicant agrees to provide the same sum on a pro-rata basis minus the floorspace of any remaining shop use on the application site.

The applicants have proposed that the shop be marketed to find a potential buyer and this will include the potential for the shop owner to also run the community building.

e) Other economic benefits

The applicant has submitted an Economic Benefits Assessment to further expand on the benefits of granting planning permission for the development. The assessment concludes that the development "represents an opportunity to support private sector investment into the local economy of Fareham Borough". The benefits of such include creating employment in the construction industry and other related trades during the building phase and the additional resident expenditure in local shops and services.

DRAFT LOCAL PLAN

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

The site of this planning application is proposed to be allocated for housing within the draft local plan. A number of background documents and assessments support the proposed allocation of the site in terms of its deliverability and sustainability which are of relevance. The Strategic Housing Land Availability Assessment (SHLAA) published in October 2017 with the draft local plan identifies the land as a "Developable Housing Site" with an indicative dwelling yield of 55 units. However, at this stage in the plan preparation process, the draft plan itself carries limited weight in the assessment and determination of this planning application.

THE PLANNING BALANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

The site is outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of Local Plan Part 2: Development Sites and Policies Plan.

Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations which is engaged as this Council cannot demonstrate a 5YHLS against objectively assessed housing need. In weighing up the material considerations and conflicts between policies; the development of a greenfield site weighted against Policy DSP40, Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall and the applicant has demonstrated that if the development was granted planning permission it could be delivered in the short term.

The site is not located adjacent to the existing urban area as identified in the adopted local plan and its location has been found by Officers to be relatively poor in terms of its accessibility. However, the proposed improvements to sustainable transport links to service the site and surrounding area are a substantial improvement which Officers consider satisfactorily address the issue of accessibility.

Taking into account the parameters indicated by the applicant and the site's constraints, the quantum of development proposed would be capable of being delivered at a scale and density which responds well to the adjacent existing built up area. Measures have been proposed to mitigate the visual impact of the

development, notwithstanding, the proposal would harm the landscape character, appearance and function of the countryside.

Officers are satisfied that there are no outstanding amenity and ecology issues which cannot otherwise be addressed through appropriate use of planning conditions and obligations. There would be no materially harmful impact on highway safety.

In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage in housing supply, officers acknowledge that the proposal could deliver 55 dwellings, including affordable housing and custom build properties, in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply weighs in favour of granting planning permission. The proposed development would also deliver onsite open space, a community building and a community park on adjacent land to the south. These would be long term community assets and their provision weighs in favour of granting planning permission.

There is a clear conflict with development plan policy CS14 as this is development in the countryside. Ordinarily, Officers would have found this to be the principal policy such that a scheme in the countryside should be refused. However, in light of the Council's lack of a five year housing supply, development plan policy DSP40 is engaged and Officers have considered the scheme against the criteria therein. The scheme is considered to satisfy four of 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.

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 18th July, Officers continue to recommend that planning permission be granted subject to the following matters.

Recommendation

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

- a) To secure the delivery of 40% of the permitted dwellings as affordable housing;
- b) To secure three of the permitted dwellings as custom-built properties;
- c) To secure provision of a pedestrian and cycle public right of way through the site from Funtley Road (north) to Thames Drive (south); associated works to upgrade bridge over M27 motorway (including structural survey) and commuted sum for future maintenance;
- d) To secure provision of, laying out (including provision of capital equipment required to establish the park) and transfer of community park land to Fareham Borough Council and a financial contribution of £802,000 towards the associated ongoing maintenance costs of operating the community park;
- e) To secure the on-site provision of public open space including local equipped area of play (LEAP) in accordance with the Council's adopted Planning Obligations SPD, a financial contribution towards associated maintenance costs and transfer of the public open space to Fareham Borough Council;
- f) To secure a financial contribution towards the Solent Recreation Mitigation Partnership (SRMP) in order to mitigate the 'in combination' effects that an increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas;
- g) To secure a financial contribution towards the production of school travel plans in the area (£15,000);
- h) To secure a financial contribution towards the revision of the existing traffic regulation order (TRO) to allow the speed limit restrictions on Funtley Road to be amended (£5,000);
- i) To secure submission and implementation of travel plan;
- j) To secure details of the delivery of the community building, the transfer of land 0.1 hectares in size on application site and funding on a pro-rata basis of £2,000 per sq. m of community use floorspace (to a maximum of £500,000) for provision

of community/shop building and associated management arrangements for community use element along with pedestrian and vehicular access rights between the site of the community building and Funtley Road, or at the request of the local planning authority the same sum for the provision or improvement of community facilities within Funtley calculated on a pro-rata basis minus the floorspace of any remaining shop use on the application site.

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

GRANT OUTLINE PERMISSION:

Subject to the following conditions:

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

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

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

- a) D2546_509 - Revised Application Site Boundary Received 21 May 2018
- b) Drawing no. D2546_032_REVI - Parameters Plan - received 6th June 2018
- c) Technical Note - Potential Mitigation Measures for Bridge Over M27 - received 20th April 2018
- d) Drawing no. 1712047 SK01D - Access Arrangements - received 20th April 2018
- e) 1712047 SK03B - Pedestrian_Cycle Improvements Received 21 May 2018
- f) Drawing no. 1712047 SK05A - Pedestrian and Cycle Improvements - south section -received 31st May 2018
- g) Ecological Assessment - Ecology Solutions - May 2018

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

3) No development hereby permitted shall commence until a surface water drainage strategy has been submitted to and approved by the local planning authority in writing. The strategy shall include the following elements:

- a) Full details of the means of surface water drainage from the site;

- b) The detailed design of Sustainable Urban Development Systems (SUDS) to be used on the site as well as details on the delivery, maintenance and adoption of SUDS features.
- c) Assessment of surface water drainage discharge from the site in combination with the development site to the north of Funtley Road (planning application reference P/17/1135/OA) to demonstrate that:
 - i. the greenfield runoff rate will not exceed 13.1 l/s during the 1 in 100 year storm +(40%CC);
 - ii. the surface water discharged to the Funtley Road ditch will comply with CIRIA C753 2015 Table 26.2 & Table 26.3.

The development shall be carried out in accordance with the approved details unless otherwise agreed with the local planning authority in writing.

REASON: To ensure satisfactory disposal of surface water.

- 4) No development hereby permitted shall commence until details of the means of foul water drainage from the site have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details unless otherwise agreed with the local planning authority in writing.

REASON: To ensure satisfactory disposal of foul water.

- 5) No development hereby permitted shall take place until a Biodiversity Mitigation, Enhancement and Management Plan has been submitted to and approved by the local planning authority in writing. The submitted plan shall be devised fully in accordance with the outline ecological mitigation and enhancements measures contained within the approved "Ecological Assessment - May 2018 - Ecology Solutions". The submitted plan shall include the following:

- a) A Reptile and Dormouse Mitigation Strategy;
- b) A Japanese Knotweed Eradication Scheme;
- c) A Badger Protection Strategy;
- d) Details of the timing of clearance works;
- e) A detailed scheme of biodiversity enhancements;
- f) Details of a soft landscaping scheme including provisions for buffer planting associated with the adjacent areas of ancient woodland;
- g) Details of darkened corridors for foraging/commuting bats;
- h) A Landscape/Ecology Management Plan including details of the maintenance of mitigation and enhancement measures.

The development shall be carried out fully in accordance with the approved Biodiversity Mitigation, Enhancement and Management Plan unless otherwise agreed in writing by the local planning authority.

REASON: To provide ecological compensation, management and enhancements.

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

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

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

The presence of any unsuspected contamination that becomes evident during the development of the site shall be 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, an independent competent person shall confirm in writing that the works have been completed in full and in accordance with the approved scheme. Such confirmation shall include photographic evidence and, if considered necessary by the local planning authority, as built drawings of the development.

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

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

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

9) No development hereby permitted shall commence until details of the width, alignment, gradient and type of construction proposed for any roads, footways and access, including all relevant horizontal and longitudinal cross sections showing the existing and proposed ground levels, together with details of street lighting (where appropriate), the method of disposing of surface water, and details of a programme for the making up of roads and footways, have been submitted to and approved by the Local Planning Authority in writing. The development shall be subsequently carried out in accordance with the approved details.

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

10) No development hereby permitted shall commence until details of the internal finished floor levels of all of the proposed buildings in relation to the existing and finished ground levels on the site and the adjacent land have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To safeguard the character and appearance of the area and to assess the impact on nearby residential properties.

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

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

12) No development shall proceed beyond damp proof course level until a scheme for sound attenuation against traffic and railway noise has been submitted to and approved in writing by the local planning authority in writing. The scheme shall assess the impact of noise from vehicles and trains and identify the measures necessary to attenuate against noise nuisance to future occupants. The development shall thereafter be carried out in accordance with the approved details.

REASON: To prevent avoidable disturbance to residents from noise.

13) No development shall proceed beyond damp proof course level until details of secure cycle storage have been submitted to and approved by the Local Planning Authority in writing. The approved secure cycle stores shall be provided before any

dwelling is first occupied and shall thereafter be retained and kept available for use at all times.

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

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

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

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

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

REASON: To secure the satisfactory appearance of the development.

16) 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.

17) None of the development hereby approved shall be occupied until the pedestrian crossing points and means of vehicular access shown on the approved drawing "Drawing no. 1712047 SK01D - Access Arrangements - received 20th April 2018" has been provided. The access shall be subsequently retained.

REASON: In the interests of highway safety.

18) No dwelling hereby permitted shall be first occupied until the visibility splays at the junction of the estate road/access with existing highway have been provided in accordance with the approved drawing "Drawing no. 1712047 SK01D - Access Arrangements - received 20th April 2018". The visibility splays shall thereafter be kept clear of obstruction (nothing over 0.6m in height) at all times.

REASON: In the interests of highway safety

19) None of the development hereby approved shall be occupied until a plan of the position, design, materials and type of boundary treatment to be erected to all boundaries has been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatment has been fully implemented. It shall thereafter be retained at all times unless otherwise agreed in writing with the Local Planning Authority.

If boundary hedge planting is proposed details shall be provided of planting sizes, planting distances, density, and numbers and provisions for future maintenance. Any plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

REASON: To protect the privacy of the occupiers of the neighbouring property, to prevent overlooking, and to ensure that the development harmonises well with its surroundings.

20) 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.

21) No development shall proceed beyond damp proof course level until a scheme detailing the relocation of the existing bus stop on the south side of Funtley Road adjacent to the vehicular entrance to the site has been submitted to and approved by the local planning authority in writing. No dwelling hereby permitted shall be first occupied until the bus stop has been relocated in accordance with the approved scheme.

REASON: In the interests of highway safety.

Notes for Information

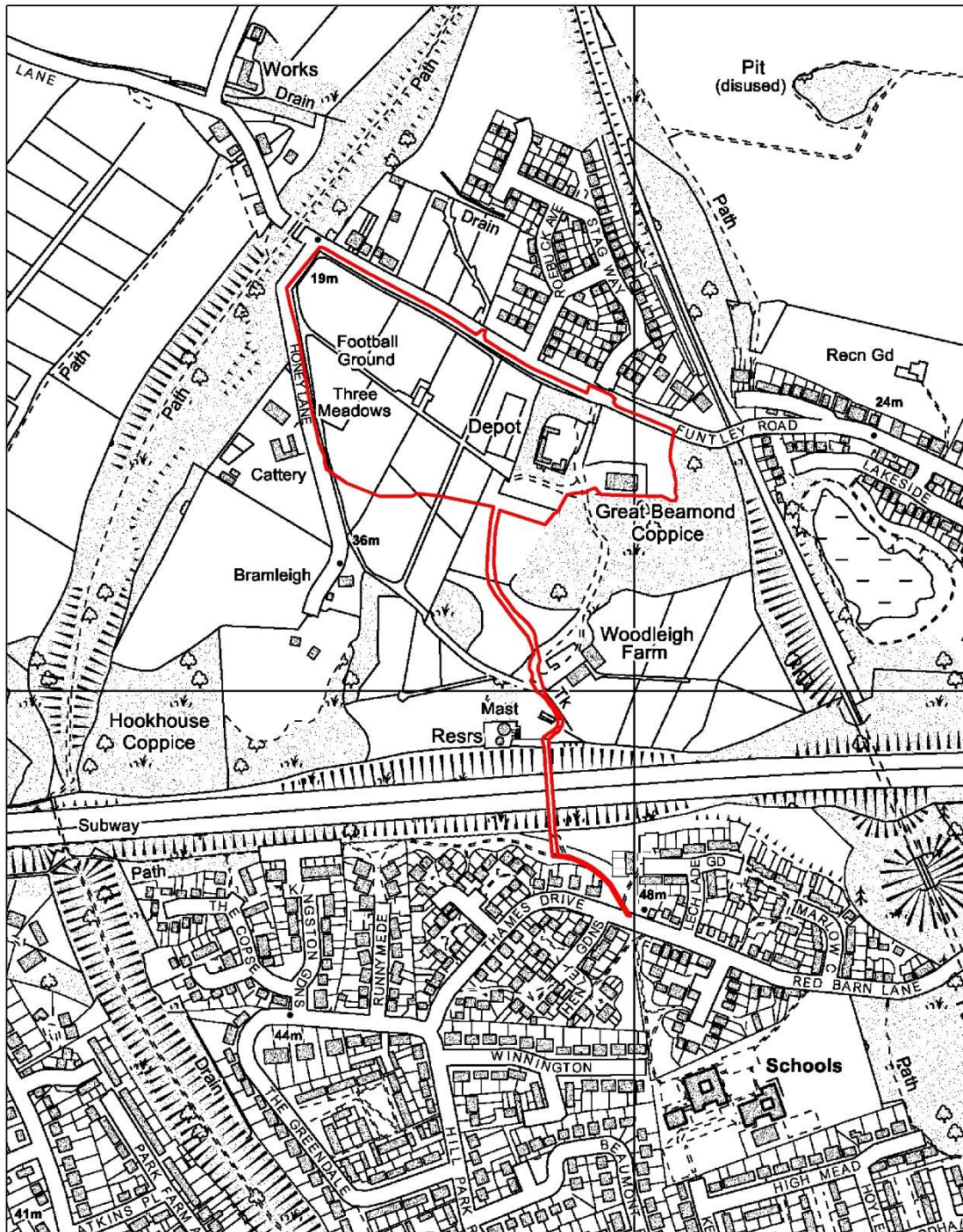
a) The applicant is advised to contact Southern Water to discuss the need for a formal application for connection to the public sewerage system. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 330 303 0119) or visit www.southernwater.co.uk.

Background Papers

P/18/0067/OA; P/18/0066/CU; P/17/1135/OA; P/17/0045/OA

FAREHAM

BOROUGH COUNCIL



Land to the South of Funtley Road
Scale 1:5,000



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