

OFFICER REPORT FOR COMMITTEE

DATE: 10/10/2018

P/17/0746/OA

TAYLOR WIMPEY UK LTD

WARSASH

AGENT: TURLEY
(SOUTHAMPTON)

OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS), FOR RESIDENTIAL DEVELOPMENT OF UP TO 85 DWELLINGS WITH PUBLIC OPEN SPACE, ACCESS FROM BROOK LANE, LANDSCAPING WORKS, INCLUDING DEMOLITION OF EXISTING REDUNDANT NURSERY BUILDINGS

LAND TO THE EAST OF BROOK LANE AND SOUTH OF BROOKSIDE DRIVE
WARSASH

Report By

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Introduction

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

This planning application was considered at the Planning Committee meeting on the 24th January 2018. Following consideration of all relevant planning matters, Members resolved to grant planning permission for the proposal subject to the prior completion of a planning obligation, and the imposition of relevant conditions.

The following report is an updated version of the report presented to the Planning Committee on the 24th January, 2018. The main updates made to the report can be summarised as followed:

- The "Updates" report presented on the 24th January, and subsequent verbal update at the meeting has now been incorporated into the report. This related to the receipt of sixty two further representations and a change to condition 3 to alter the timescales for implementation of the outline consent.
- Two further representations received after the Planning Committee meeting have been incorporated into the representations section.
- Reference within the previous introduction section of the report to the previous refusal of planning permission on this site (25 January 2017, P/16/1049/OA) and related 5YHLS position has been superseded by the resolution to grant outline planning permission on 24 January and subsequent updated 5YHLS position.
- Reference to the Planning Inspectorate appeal decision relating to P/16/1049/OA has been incorporated into this report.

- The section of the report titled “Implication of Fareham’s Current 5 Year Housing Land Supply Position (5YHLS)” has been updated to reflect the requirements of the revised National Planning Policy Framework (NPPF) and implications of the recent judgement of the Court of Justice of the European Union (CJEU).
- 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 Court (CJEU).
- The amendments to the Regulation 123 list (effective from 1 March 2018) which removed education facilities from the list which enables financial contributions towards education facilities to be secured through Section 106 planning obligations has been incorporated into the report.
- Changes to the recommended conditions have been updated to reflect the planning appeal decision and communication with the agent acting on behalf of the developer.
- A change to the anticipated delivery timescale received from the agent acting on behalf of the developer, has been incorporated into the report.

Site Description

The application site measures 2.69 hectares (6.6 acres) and lies to the east of Brook Lane and to the south of Brookside Drive. The site was formerly used as a nursery and is now disused and heavily overgrown. There is evidence of former nursery buildings, now derelict to the southeast corner of the site.

The site is relatively flat, falling gradually from the north east corner towards the south west. Land immediately to the south and east of the site is of a similar character; the land beyond Brookside Drive (private drive) to the north is currently being developed for housing (Strawberry Fields).

Established frontage development lies to the west along Brook Lane.

An overhead 11kV power line crosses the site diagonally.

An active badger sett is located on the eastern boundary of the site.

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

Description of Proposal

Outline planning permission is sought for up to 85 new dwellings on the site, together with a new vehicle access from Brook Lane, public open space including a locally equipped area of play (LEAP), surface water drainage and landscaping. All matters are to be reserved except for the means of access.

An illustrative masterplan has been submitted demonstrating how 85 dwellings could be laid out on the site. Dwellings are shown to front onto the open space and landscaped areas. A pedestrian link is proposed from Brook Lane into the site. A drainage attenuation pond is shown located adjacent to the western boundary close to Brook Lane and open space to the eastern area of the site. The proposal includes ecological corridors and habitat mitigation.

Removal of the bus layby on Brook Lane and relocation of the bus stop;

The existing 11kV power line will be diverted underground by SSE as a statutory undertaker at a cost to the developer.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS2 - Housing Provision

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS14 - Development Outside Settlements

CS15 - Sustainable Development and Climate Change

CS16- Natural Resources and Renewable Energy

CS17 - High Quality Design

CS18 - Provision of Affordable Housing

CS20 - Infrastructure and Development Contributions

CS21 - Protection and Provision of Open Space

Development Sites and Policies

DSP1- Sustainable Development

DSP2 - Environmental Impact

DSP3 - Impact on living conditions

DSP4- Prejudice to adjacent land

DSP6 - New residential development outside of the defined urban settlement boundaries

DSP13 - Nature Conservation

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

DSP40 - Housing Allocations

Design guidance Supplementary Planning Document (Dec 2015)

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

Affordable Housing SPD Planning Document December 2005

Relevant Planning History

The following planning history is relevant, as this planning appeal decision relates to the same site as this planning application.

P/16/1049/OA - Outline planning permission with all matters reserved (except for access), for residential development of up to 85 dwellings with public open space, access from Brook Lane, landscaping works, including demolition of existing redundant nursery buildings - Land to the East of Brook Lane & South of Brookside Drive - REFUSED on 26 January, 2017. Appeal allowed 17 May 2018.

Representations

Two hundred and ninety nine representations have been received (some property owner/occupiers have sent in more than one representation) objecting to the proposal for the following reasons:

Site is outside of the urban settlement boundary;
Local Plan is up to date and this should represent the guide to development;
No requirement for additional housing in the locality - Local Plan provides for 5 year supply;
All applications in Warsash should be considered together;
Brownfield sites should be considered first;
Excessive density;
Loss of a strategic gap;
Example of 'urban sprawl';
Lack of sufficient parking will lead to further on street parking pressure;
Loss of area of Countryside;
Liability to Flooding;
Impact on Locks Heath Shopping Area (inadequate Parking);
Pressure on stretched local services, schools, pre-schools, doctors, dentists, etc;
Pressure of traffic on local road network, impact on emergency services;
Houses will not be affordable;
Layout not in keeping and out of character with Local Environment;
Loss of village identity;
Impact on bus stops and lay-by;
Increased noise and pollution from cars;
Increased Light pollution;
Increase in crime;
Impact on infrastructure;
Loss of wildlife and habitat;
Lack of employment;
Increased use of private transport should be planned for rather than public transport that no one wants to use;
Loss of privacy;
Loss of woodland;
Hazardous access point;
Too Much building already in Warsash;
Hazard for walking school children;
Loss of views;
Devaluation of existing property;
Pressure on green/open space in the area and Solent Foreshore

Premature pending draft local plan
Impact on sewage and drainage

Two letters of support have been received on the following grounds:

No reason to object, houses are extremely expensive in Warsash so new developments offer more opportunities;

More housing is required to support future generations and there is currently a lack of supply;

As a young family stuck in renting we are likely to need to move out of the area when we can afford to buy as there is nowhere to live in the area we love.

PETITION (signed by 2,390 people)

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

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

Justification:

Below are the sites that we are protesting about.

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

HA3 - Southampton Road, Titchfield Common - 400 dwellings

HA7 - Warsash Maritime Academy, Warsash -100 dwellings

HA9 - Heath Road, Locks Heath- 71 dwellings

HA11- Raley Road, Locks Heath- 49 dwellings

HA13- Hunts Pond Road, Titchfield Common- 38 dwellings

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

HA15 -Beacon Bottom West, Park Gate -30 dwellings

HA17 -69 Botley Road, Park Gate -24 dwellings

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

Traffic in this area is already at a gridlock during peak hours and since the new Strawberry Fields, Hunts Pond and Coldeast developments it has doubled the time for people to get to work. Improvements on major roads and motorways will try and ease congestion but its not satisfactory as residents will not be able to actually get to these major roads. Local roads such as Brook Lane, Osborne Road, Warsash Road and Barnes Lane cannot be made wider, they were built to service the traffic and community of small villages and the resulting influx of 3000+ cars in such a small

square area will lead to more accidents. Warsash specifically is on a peninsula 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, Lockwood, 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

Police and Crime Commissioner (Police Crime Prevention Design Advisor) - To the south of the main access to the development the plan shows a pedestrian/cycle access. There is limited natural surveillance of this access, therefore it should be removed. If this is not desirable it is recommended that there is greater natural surveillance of this route from the overlooking dwellings.

An area of public open space is provided to the east of the development to provide for the natural surveillance of this area. Care should be taken with the planting to ensure that it does not obscure the natural surveillance from the overlooking dwellings. Further comments can be made at the detailed design stage.

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

Hampshire County Council (Lead Local Flood Authority) - The general principles for the surface water drainage proposals are acceptable. It is recommended that further information on the proposals be submitted as part of a more detailed design phase.

Hampshire County Council (Education) - As part of the draft local plan consultation, the impact of 700 dwellings in Warsash on school places is being considered. 700 dwellings would equate to a demand for an extra 210 primary age pupils or 30 per year group. A review of pupil forecasts is being undertaken. They consider that this development, together with others in the local area will result in a significant level of new housing likely to have an impact on school places locally.

At this stage, provision should be made for a contribution towards additional school infrastructure in line with the Children's Services Developer Contributions Policy. The development comprising of 85 dwellings (assuming all 2 beds or more) would produce 25 primary age pupils. If this cannot be secured through Section 106 agreements then CIL funding should be provided.

Hampshire County Council (Highways) -

The Highway Authority have technically audited the information supplied and raise no objection to the site access. However, the developer will need to ensure that land for their proposed visibility splays is available for dedication to the Highway Authority.

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

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

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

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

Southern Water Services - no objection.

Natural England -

The application site is within or in close proximity to a European designated site (Natura 2000 sites) and to the Solent and Southampton Water Special Protection Area (SPA) and Solent Maritime Special Area of Conservation (SAC) which are European sites. The sites are also listed as Solent and Southampton Water Ramsar sites and notified at a national level as Lee on the Solent to Itchen Estuary Site of Special Scientific Interest (SSSI).

In considering the European site interest, the Council, as a competent authority under the provisions of the habitats Regulations, should have regard for any potential impacts that a plan or project may have.

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

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

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.

INTERNAL

Environmental Health (Pollution) - no comments.

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

Refuse and recycling - The developer must have regard to the Council's Refuse and Recycling collection guidance and swept plans must be provided for all roads, including bin collection points.

Trees - no objection.

Ecology -

European Protected species

Badger

The illustrative master plan has been revised to improve connectivity along the southern site boundary. The corridors which are approximately 5m wide will maintain opportunities for badgers to move through the site and access adjacent resources. The proposed habitats within the corridors will also provide suitable foraging opportunities for badger. Surveys carried out at the site identified a number of

commuting paths within the site but noted that foraging activity was low. It is considered that the provision of vegetated corridors around the periphery of the site will retain commuting opportunities and re-establish potential foraging habitat for the local badger social groups.

A suitable outline mitigation strategy for badgers has been provided within the Ecological Mitigation and Enhancement Plan and it is expected that an updated mitigation strategy (supported by updated surveys as necessary) will be provided with the updated site layout. This will ensure that any changes in badger sett distribution on-site and/or proximity of development to existing setts will be addressed.

Breeding Birds

The revised illustrative master plan shows increased nesting provision though the proposal will result in an overall loss in nesting habitat, the proposed corridors and array of nest boxes will maintain nesting opportunities within the site. The proposed strategy for vegetation clearance detailed within the EMEP will ensure that nesting birds, their active nests and eggs are not impacted during site preparation and construction works.

Reptiles

A detailed Reptile Mitigation Strategy has been submitted in support of the application. The strategy is for the translocation of the existing reptile population to an off-site receptor site. The retention of reptiles in-situ was not considered to be deliverable.

The strategy is supported by surveys of the application site and the proposed receptor site which have confirmed that the receptor site supports only a small reptile population. It is considered that with habitat management as proposed within the Reptile Mitigation Strategy, the carrying capacity of the receptor site will be increased substantially in order to receive the translocated animals. The submitted strategy presents an acceptable methodology for a functional off-site translocation including an assessment of reptile populations at both sites, details of the translocation methods (including a plan of the proposed fencing) and on-going monitoring and management.

Bats

The illustrative site plan has been updated to increase connectivity along the southern boundary of the site. The EMEP identifies that it will be necessary to design the lighting strategy to retain dark corridors and prevent illumination of roost areas. This information can be provided in the reserved matters application.

Surveys have confirmed that bats roost within the site. Bats receive protection under UK law via the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Habitats Directive, which is transposed into UK law by the Conservation of Habitats and Species Regulations 2010 (commonly referred to as the Habitats

Regulations). Where developments affect European protected species (EPS), permission can be granted unless:

- the development is likely to result in a breach of the EU Directive underpinning the Habitats Regulations, and
- is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.

Licences will not normally be granted in the absence of planning permission.

The application is supported by a report of the bat survey work that has been carried out at the site to appropriate methodologies and standards (RPS, September 2016). This report includes results and conclusions of the full survey work, an assessment of the impacts to bats and measures to ensure that any impacts to bats are avoided or compensated for are provided within the EMEP.

Survey works has confirmed that the proposal will result in the loss of a bat roost and the demolition of the roost structure has the potential to kill or injure bats. The development will therefore result in a breach of the EU Directive.

An EPS licence can only be granted if the development proposal is able to meet three tests:

- 1) the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e));
- 2) there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and
- 3) the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).

Enhancements and compensation

Biodiversity enhancement options have been outlined within the EMEP. These comprise native species planting and species specific features such as bat box, nest boxes and log piles. It is recommended that detailed specifications including the locations and number of these features are secured in future reserved matters applications once a more detailed site layout is available.

No objection subject to full details of all necessary ecological mitigation, compensation and enhancement measures (to be informed as necessary by up-to-date survey and assessment) shall be submitted for approval to the Local Planning Authority in the form of a mitigation method statement with each reserved matters application.

Planning Considerations - Key Issues

- A) Implication of Fareham's current 5-year land housing supply position (5YHLS)
- B) Residential development in the countryside
- C) Policy DSP40

- D) Affordable housing
- E) Comprehensive development/ effect upon local infrastructure
- F) Other Matters
- G) The planning balance

A) IMPLICATION OF FAREHAM'S CURRENT 5 YEAR HOUSING LAND SUPPLY POSITION (5YHLS)

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

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

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

B) RESIDENTIAL DEVELOPMENT IN THE COUNTRYSIDE

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

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

Policy CS14 of the Core Strategy states that: 'Built development on land outside the defined settlements will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function. Acceptable forms of development will include that essential for agriculture, forestry, horticulture and required infrastructure.'

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

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

C) POLICY DSP40

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 up to 85 dwellings is relative in scale to the 5YHLS shortfall and therefore bullet point i) of Policy DSP40 is satisfied.

POLICY DSP40 (ii)

The planning application site physically abuts the housing development currently being undertaken on the land between Brook Lane, Peters Road and Lockwood Road (and marketed as Strawberry Fields). Land defined as within the settlement boundary is also situated directly opposite the planning application site on Brook Lane. The site is in close proximity to leisure and community facilities, schools and shops. Officers consider that the proposals can be well integrated with the neighbouring settlements in accordance with point ii).

POLICY DSP40 (iii)

As highlighted earlier in this report, the site is within an area of countryside but is not designated as strategic gap. The site includes a small number of redundant buildings, dense scrub, grassland and vegetation.

The illustrative masterplan submitted with the planning application shows the overall layout and form of the development including some frontage development adjacent to Brook Lane, continuing the existing frontage development and building line. The same illustrative masterplan shows that where possible existing landscape features would be retained and enhanced to mitigate the development.

Lower density development is proposed towards the site boundaries with higher density to the centre of the site. Building heights will be predominantly two storeys with some limited three storey buildings at key locations.

The net developable area (excluding ecological corridors/retained hedgerow and drainage basin) is 2.41 hectare (5.9 acres). Up to 85 houses are proposed which equates to an average net residential density of 35 dwellings per hectare.

From a landscape perspective, the character and quality of the landscape has already been affected by surrounding urban development. There is limited visibility from surrounding areas and the site does not currently make a significant contribution to the setting of the urban area. Where the development fronts Brook Lane and the new road access is introduced, there will be a change in the character of the site from largely undeveloped land to one of housing. From the section of Brook Lane immediately adjoining the application site, the change in character will be most apparent. There are also a small number of houses both fronting onto the site and backing onto the site who will be aware of the change in the character and appearance of the site.

Glimpsed views of the site can be seen from the new housing currently under construction to the north of Brookside Drive; this will reduce over time as there is a 15-metre-wide planting buffer which will screen the site. In longer distance views the visual impact of the development will be limited due to the existing built form, vegetation and the fact that it will be viewed against the backdrop of existing built development.

The proposals would bring about a change in character of this piece of countryside which would primarily have a localised visual impact from the adjoining section of Brook Lane, and residential properties close by served from Brook Lane. In the opinion of Officers, the proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the countryside.

POLICY DSP40 (iv)

In terms of delivery, the applicant's agent has advised that if planning permission were granted, 20 units would be delivered in 2019/20, 45 units in 2020/21 and 20 units in 2021/22.

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

POLICY DSP40 (v)

The final test of Policy DSP40: "The proposal would not have any unacceptable environmental, amenity or traffic implications" is discussed below:

ECOLOGY

Under the consultation section of this report the potential effects on wildlife have been set out. There are no concerns relating to badgers, breeding birds and bats; reptiles can be translocated. Natural England has confirmed that measures can be built into the proposal that seek to avoid all potential impacts on the European Sites, including contributions towards the Solent Recreation and Mitigation Partnership. The above matters could be secured through planning conditions and a Section 106 Planning Obligation.

Under Regulations 61 and 62 of the Habitats Regulations there is a requirement for the Local Planning Authority to consider the impacts of the proposal on the European designated site and to undertake a Habitats Regulations Assessment.

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.

Subject to appropriate planning conditions and a section 106 legal agreement, it is considered that the application sufficiently demonstrates that the adjacent designated site would be protected in accordance with Policy DSP13 (Nature Conservation) of the adopted Fareham Borough Local Plan Part 2.

The submitted bat surveys confirm that survey works have confirmed that the proposal will result in the loss of a bat roost and the demolition of the roost structure has the potential to kill or injure bats and therefore will result in a breach of the Habitat Regulations. When assessing an application where an offence under the Regulations is triggered the local planning authority must give consideration to three derogation tests and only grant planning permission if it is considered that Natural England would not be unlikely to grant an EPS license for the works.

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An EPS license (from Natural England) can only be granted if the development proposal is able to meet three tests:

1. the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e));
2. there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and
3. the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).

Officers consider that the socio-economic benefits of improving the Borough's housing stock and lack of alternatives meet these tests. The proposal could deliver up to 85 much needed dwellings, including affordable housing. In light of this the first two derogation tests can be met.

The County ecologist has concluded that, on the basis of the information currently available, provided the first two derogation tests can be met, the development is likely to be licensed by Natural England. Therefore subject to appropriate planning conditions, the proposal is acceptable from an ecological perspective in accordance with Core Strategy policy CS4, DSP13 and DSP15 of Local Plan Part 2.

AMENITY

A small number of properties close to the site in Brook lane have an outlook across the application site. The outlook from these properties into the site would change from disused and heavily overgrown nursery buildings to a housing estate if the proposal were to go ahead. A number of dwellings are under construction to the north of the site which would be screened over time as the 15-metre-wide planted buffer matures.

In the event that outline planning permission were granted the detailed application would need to ensure the dwellings are built in a manner which meets this Council's requirements in respect of light, outlook and privacy as set out in the recently adopted Fareham Borough Council Design Guidance (excluding Welborne) Supplementary Planning Document. Careful design and boundary landscaping will help to mitigate any effects. Officers are satisfied that a scheme can be developed for this site which preserves the amenity of the area and nearby residents.

HIGHWAYS

In terms of traffic implications, the Highway Authority has considered the application in detail. The submitted Transport Assessment demonstrates that a safe access point can be installed onto Brook Lane with appropriate visibility splays.

The Highway Authority acknowledge that there will be an increase in vehicle movements associated with the development and that the cumulative impact of this and other developments in the vicinity would have an impact upon the broader highway network. The Highway Authority have identified junctions which are likely to require mitigation and has required financial contributions to achieve this mitigation.

Through the imposition of planning conditions and the completion of a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990, Officers are satisfied that the proposal would not have any unacceptable environmental, amenity or traffic implications in compliance with criteria (v) of DSP40.

D) AFFORDABLE HOUSING

The applicant is proposing to deliver 40% affordable homes in accordance with Policy CS18 of the adopted Core Strategy. The affordable dwellings will comprise a mixture of sizes, including both affordable rented and shared ownership properties. These details will be secured via a section 106 planning obligation.

E) COMPREHENSIVE DEVELOPMENT /EFFECT UPON LOCAL INFRASTRUCTURE

Officers appreciate that this planning application is on part of a broader area of land which is subject to separate planning applications. Whilst it is necessary for each planning application to be decided based on its own merits, Officers have had regard for other applications on nearby land.

This planning application site is bounded by existing development to its north and west, and by Brook Lane to the west. Vehicular/ pedestrian access to adjoining land can be secured through a Section 106 planning obligation. It is considered important to secure links to adjoining sites to ensure connectivity and comprehensive development.

Open space can be secured on the site in a manner and in a location which allows it to be increased in size should other development on adjoining land be found to be acceptable. This can be secured through a planning obligation as can contributions towards the provision and maintenance of a locally equipped area of play (LEAP).

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

A number of residents raise concern about the effect 85 further homes would have upon schools, doctors and other services in the area. Officers acknowledge the strength of local concern on these issues.

With regard to schools, Hampshire County Council have identified a need to increase the number of primary school places available within the area. This can be secured via a section 106 planning obligation.

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

Officers are satisfied development of this site would not be prejudicial to the development of adjoining land should that land come forward for development in the future and be judged as acceptable in planning terms. Officers are further satisfied that the development can address the infrastructure requirements it generates, through a Section 106 planning obligation.

F) OTHER MATTERS

Objections relating to loss of private views and the devaluation of property are not material considerations in the determination of planning applications.

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.

G) THE PLANNING BALANCE

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

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

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

Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations which is engaged as this Council cannot demonstrate a 5YHLS. In weighing up the material considerations and conflicts between policies 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 the existing urban settlement boundaries and can be integrated with those settlements.

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

In respect of environmental and amenity issues, and subject to mitigation in respect of the SPA, Officers are satisfied that amenity and ecology issues can be addressed through the design of the scheme, planning conditions and a section 106 planning obligation.

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

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 up to 85 dwellings including affordable housing to contribute to the 5-year housing land supply shortage in the Borough. The

contribution the proposed scheme would make towards boosting the Borough's housing supply is a substantial material consideration, in the light of the Council's current 5YHLS position.

As set out in the planning history section of this report, outline planning permission was granted on 17 May 2018 following an appeal to the Planning Inspectorate. The Inspector found that while the proposal would result in the loss of open countryside, it would do so in a manner that would not be materially harmful to the character and appearance of the area; that the site is in a relatively accessible location; that the development would create employment and support growth during the construction period and that the increase in population would also help support services in the immediate surrounding area. This is a substantial material consideration in the determination of this application.

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 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 judgement (People Over Wind, Peter Sweetman v Coillte Teoranta) and paragraph 177 of the NPPF mean that the application of the presumption in favour of sustainable development set out in paragraph 11 of the same Framework is not a relevant consideration.

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

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

(i) there are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed, particularly when taking into account that any significant effect upon Special Protection Areas can be mitigated through a financial contribution towards the Solent Recreation Mitigation Strategy; and

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

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

Having carefully considered all material planning matters, including all new planning considerations arising since the proposal was considered by the Planning Committee on the 24th January, Officers continue to recommend that planning permission be granted subject to the following matters.

Recommendation

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

- Financial contributions to provide for satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas;
- Financial contributions towards highway improvements to the highway network resulting from impacts of the development;
- The provision of the open space to the Council, including provision for its maintenance;
- A financial contribution towards the delivery of a play area and associated maintenance;
- Vehicular, cycle and pedestrian access to adjoining land;
- The delivery of 40% of the permitted dwellings as affordable housing.
- A financial contribution towards education provision

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

GRANT OUTLINE PLANNING PERMISSION:

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

REASON: To comply with 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 to be approved.

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

4. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents: Location Plan 1001 Rev A, Block Plan 1002, Site Access Proposal 14-36-003-Rev F unless otherwise agreed in writing with the Local Planning Authority.

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 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.

7. No development shall commence until details of how construction traffic will access the site, how provision is to be made on site for the parking and turning of operatives and delivery vehicles and the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the permitted development have been submitted to and approved by the local planning authority. 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.

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.

8. No dwelling hereby permitted shall be occupied until the access junction and visibility splays have been provided in accordance with the approved details on drawing 14-036-003 F, unless otherwise agreed in writing with the Local Planning Authority. The visibility splays shall thereafter be kept free of obstruction at all times.

REASON: In the interest of highway safety.

9. 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.

10. 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 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.

11. 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.

12. No development shall commence until a written scheme of archaeological investigation in accordance with a Written Scheme of Investigation (WSI) in order to recognise, characterise and record any archaeological features and deposits that exist has been 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 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.

13. 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.

14. The landscaping scheme, submitted under Condition 1 shall be implemented and completed within the first planting season following the commencement of the development unless 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.

15. No development shall commence until a soil contamination survey of the site has been undertaken and submitted to the local planning authority. The survey shall be taken at such points and to such a depth as the local planning authority may stipulate. Should contamination be found at the site a scheme for decontamination shall be submitted to and approved by the local planning authority in writing and the scheme as approved shall be fully implemented and completed before any dwelling hereby permitted is first occupied.

Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered. Works shall not recommence before an investigation and risk assessment of the identified ground conditions have been undertaken and details of the findings, along with a detailed remedial scheme, if required, have been submitted to and approved in writing by the local planning authority.

REASON: To ensure that any potential contamination of the site is properly taken into account and remediated where required.

16. 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.

17. 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.

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

18. No building hereby permitted shall be occupied until surface water drainage works and foul sewerage works shall have been implemented in accordance with details that shall first 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.

REASON: In order to ensure adequate drainage is provided to serve the permitted

development.

19. No development shall take place until full details of all ecological mitigation, compensation and enhancement measures (to be informed as necessary by up-to-date survey and assessment) have been submitted for approval to the Local Planning Authority in the form of a mitigation method statement. Such details shall be in accordance with the outline ecological mitigation, compensation and enhancement measures detailed within the submitted Ecological Mitigation and Enhancement Plan (RPS, November 2016) and Reptile Mitigation Strategy (RPS, November 2016) and subsequent updating ecological reports. Any such approved measures shall thereafter be implemented in strict accordance with the agreed details and with all measures maintained in perpetuity.

REASON: To provide ecological protection, compensation and enhancement.

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

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

Informative:

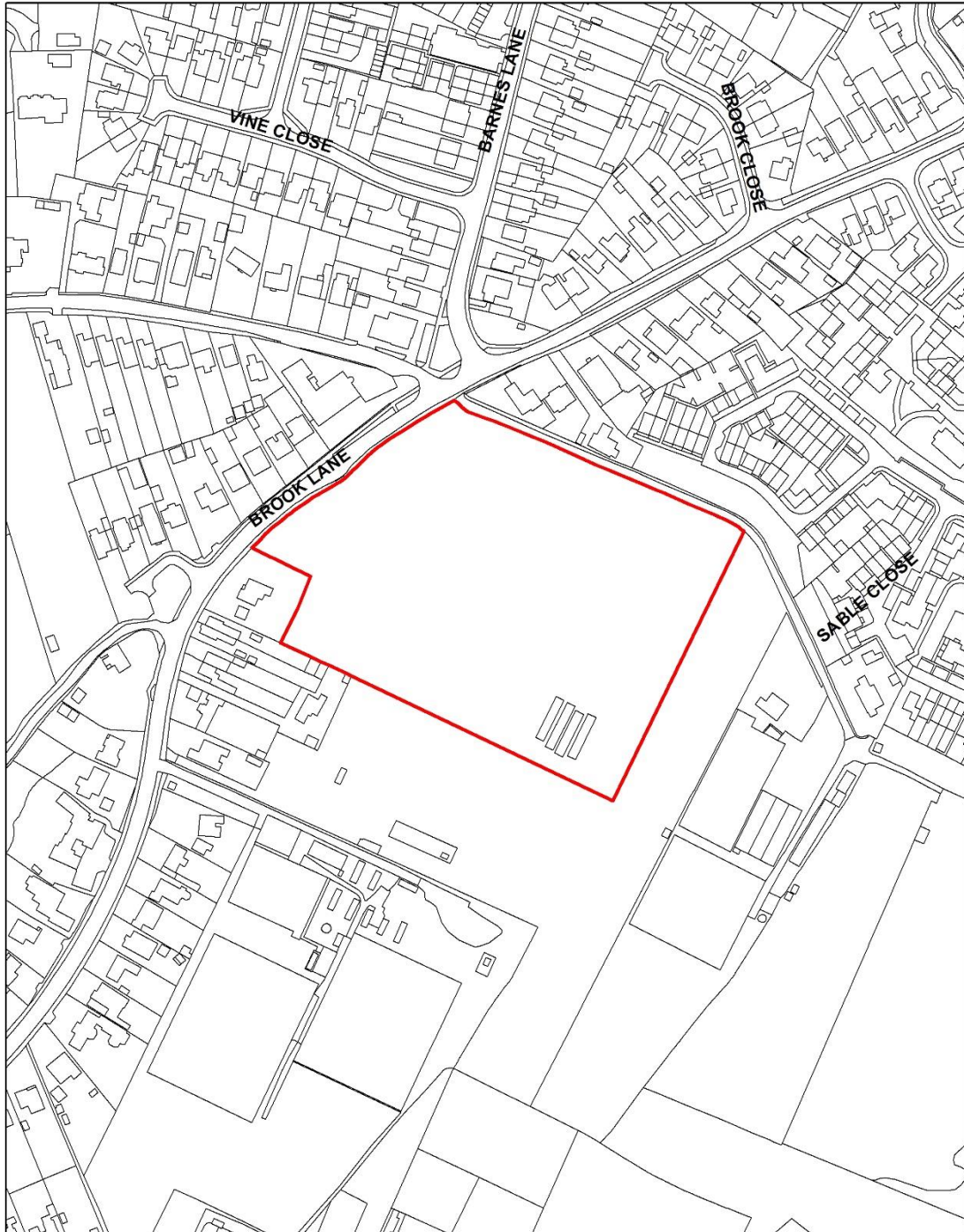
A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

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 of Brook Lane
and South of Brookside Drive
Scale: 1:2,500



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