

OFFICER REPORT FOR COMMITTEE

DATE: 12/12/2018

P/18/0654/FP
RADIAN GROUP

PORTCHESTER EAST
AGENT: BRYAN JEZEPH CONSULTANCY

RESIDENTIAL DEVELOPMENT OF 48 DWELLINGS, AND PROVISION OF OPEN SPACE AND HABITAT LAND, ACCESS OFF MORAUNT DRIVE.

LAND TO THE WEST OF SEAFIELD ROAD & MORAUNT DRIVE; SOUTH OF TATTERSHALL CRESCENT PORTCHESTER FAREHAM

Report By

Jean Chambers - Direct dial 01329 824355

1.0 Introduction

- 1.1 This application was considered by Members of the Planning Committee on 14 November, 2018. At that meeting the Planning Committee resolved to refuse planning permission for the following reasons:

The development would be contrary to Policies CS17, CS18, CS20 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP13, DSP15, DSP40 of the adopted Local Plan Part 2: Development Sites and Policies Plan and Fareham Borough Design Guidance Supplementary Planning Document (Excluding Welborne) December, 2015; and is unacceptable in that:

(a) The Council is not satisfied with the proposed future management and maintenance arrangements for the southern part of the site and is not in turn satisfied that all relevant ecological interests would be fully safeguarded;

(b) In the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas;

(c) In the absence of a legal agreement to secure the provision of open space, the ecological enhancement area and associated management and maintenance, the recreational needs of residents and ecological enhancement of the proposed development would not be met;

(d) In the absence of a legal agreement to secure provision of a financial contribution towards education, the educational needs of residents of the proposed development would not be met.

(e) Had it not been for the overriding reasons for refusal the Council would have sought to secure on-site affordable housing provision at a level compliant with the adopted local plan.

Note for information: Had it not been for the overriding reasons for refusal of the proposal, the Local Planning Authority would have sought to address points b – e above through inviting the applicant to enter into a legal agreement with Fareham Borough Council under Section 106 of the Town and Country Planning Act 1990.

1.2 Before a decision notice was issued, the planning agent advised that they believed they could put forward proposals which would overcome the principal concern raised by the Planning Committee. The planning agent also advised that the applicants are keen to avoid the need for the planning appeal if at all possible.

1.3 The proposals put forward by the planning agent are as follows:

- An undertaking that no work will take place on the site until 1st February 2019 when a few days of scrub clearance will be required prior to the bird nesting season to facilitate the translocation of the slow worms.
- If Radian are advised that further scrub clearance is required or at any intervening time, Radian would advise the Council in advance of any proposals to undertake work on site so that the Council can arrange for the work to be overseen by its representatives.
- The Council will be given advance notice of all site clearance and all work will be overseen by Radian's ecologists.
- Radian is willing to include the undertaking and the provision of advance notice, including the presence of ecologists on site, as part of the Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990.

1.4 The principal reason Members resolved to refuse planning permission at the Planning Committee in November, related to ecological matters and is set out as reason (a) above. Officers consider the letter from the planning agent, Bryan Jezeph, sets out material planning considerations which should be taken into account in deciding this planning application as they directly address reason (a) above. If a matter of detail can be satisfactorily addressed through either a planning condition or planning obligation, any Planning

Inspector will expect the Council and the appellants to have agreed this before any Planning Inquiry takes place.

- 1.5 Officers can confirm that all interested parties who have submitted comments on this planning application have been notified about this most recent letter from the planning agent, and have been invited to comment upon it. Any comments from interested parties will be reported to Members at the Planning Committee meeting.
- 1.6 Members will note from the 'Five Year Housing Land Supply Position' report elsewhere on this agenda that this Council currently has a housing land supply of 4.95 years (a shortfall of 27 dwellings within the 5 year period).
- 1.7 The Housing Delivery Test results which were due to be published by the Ministry of Housing, Communities and Local Government in November 2018 had not been published as at 3rd December. Officers have carried out their own assessment against the same criteria the Government will use and are of the opinion that the Housing Delivery Test results will require this Council to apply a 20% buffer to its local housing need increasing its annual requirement to 575 dwellings per annum. This in turn would result in a 5 year housing supply of 4.3 years and a shortfall of 386 dwellings. Should the Housing Delivery Test results be published prior to the Planning Committee meeting, Officers will provide an update at the meeting.
- 1.8 Policy DSP40 of the Local Plan Part 2: Development Sites and Policies is engaged when it can be demonstrated that the Council does not have a five year housing land supply. Even if the Council were found to have a 5 year housing land supply as a result of resolutions taken during this meeting, Officers believe it is clear that the housing requirements for this Borough will increase in the very near future as a result of the Housing Delivery Test.
- 1.9 In light of the Government's clear 'direction of travel' on housing requirements and delivery, it is considered appropriate to consider proposals against the criteria set out within DSP40 (which derive from standalone development plan policies in any event and or are clearly material considerations in their own right), to assess what degree of harm may arise, even if that policy is no longer engaged.
- 1.10 Officers will advise Members accordingly at the meeting.
- 1.11 The following report is the same as that presented to the 14th November Planning Committee agenda with the following exceptions:

- An additional paragraph (8.85) inserted into the planning balance section of the report;
- an additional recommendation relating to the Section 106 legal agreement;
- Reference to the Bryan Jezeph Consultancy letter of 29 November in the recommended approved plans/documents section.

1.12 This application is a revised proposal following an earlier application that was considered by the Planning Committee in March this year (P/17/0920/FP). The earlier planning application was recommended for approval of planning permission by Officers. Following consideration of the proposal, the Planning Committee resolved to refuse planning permission for the following reasons:

The development would be contrary to Policies CS5, CS17, CS18, CS20 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP13, DSP15, DSP40 of the adopted Local Plan Part 2: Development Sites and Policies Plan and Fareham Borough Design Guidance Supplementary Planning Document (Excluding Welborne) December, 2015; And is unacceptable in that:

- (a) Moraunt Drive is inadequate as a means of access to serve the proposed number of dwellings;*
- (b) The erection of 2 storey houses adjoining bungalows in Seafeld Road would result in a poor transition of the built form which would be harmful to the character of the area;*
- (c) The Council is not satisfied with the proposed future management and maintenance arrangements for the southern part of the site and is not in turn satisfied that all relevant ecological interests would be fully safeguarded;*
- (d) In the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas;*
- (e) In the absence of a legal agreement to secure the provision of open space, the ecological enhancement area and associated management and maintenance, the recreational needs of residents and ecological enhancement of the proposed development would not be met;*
- (f) In the absence of a legal agreement to secure provision of a financial contribution towards education, the educational needs of residents of the proposed development would not be met;*

(g) Had it not been for the overriding reasons for refusal the Council would have sought to secure on-site affordable housing provision at a level compliant with the adopted local plan.

Note for information: Had it not been for the overriding reasons for refusal of the proposal, the Local Planning Authority would have sought to address points d – g above through inviting the applicant to enter into a legal agreement with Fareham Borough Council under Section 106 of the Town and Country Planning Act 1990.

- 1.13 An appeal has been lodged to the Planning Inspectorate which is scheduled to be heard at a Public Local Inquiry starting on 29 January 2019.

2.0 Site Description

- 2.1 The site is located to the west of Seafield Road and Moraunt Drive and south of Tattershall Crescent Portchester and lies outside of but adjoining the urban settlement boundary of Portchester as defined within the Local Plan Part 2. The site consists of two areas of land dissected by the public footpath, Wicor Path (Fareham Footpath 111a) which runs east-west through the site.
- 2.2 The site measures approximately 3.6 hectares. Residential dwellings in Seafield Road, Moraunt Drive, Albion Close, Audret Close and Cadour Drive are located to the east of the site. Residential dwellings are located to the north in Tattershall Crescent and to the north west in Sissinghurst Road. Three properties are adjacent to the western boundary of the site as well as woodland and paddocks. The shoreline of The Solent is situated to the south. To the south of the site lies the coastline to Portsmouth Harbour (which is designated as SSSI/Ramsar/SPA). Part of the area to the south of Wicor Path lies within Flood Zones 2 and 3. The majority of the land lies within Flood Zone 1.
- 2.3 Vegetation management works have taken place on the full extent of the land to the north of Wicor Path and the majority of the land to the south of the path, focused on the reduction of self-seeded, unmanaged scrub.

3.0 Description of Proposal

- 3.1 Full planning permission is sought for the residential development of 48 dwellings and provision of open space and habitat land. The dwellings would be confined to the northern part of the site above Wicor Path. The land to the south of the Wicor Path would serve a range of uses which include the disposal of surface water, enhanced biodiversity and habitat land and public open space. It is proposed that Radian Homes will manage this land.

- 3.2 The means of access would be from Moraunt Drive with on-site parking provision detailed on the submitted drawings.
- 3.3 The proposed housing mix would be: 13 x 4-bed houses, 21 x 3-bed houses, 6 x 3-bed chalet bungalows, 7 x 2-bed houses, 1 x 2-bed coach house. Nineteen dwellings would be affordable units of which 13 would be for affordable rent and 6 would be for shared ownership. A financial contribution for 0.2 of a dwelling would also be paid by the applicant.

4.0 Policies

- 4.1 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
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
DSP6 - New residential development outside of the defined urban settlement boundaries
DSP13 - Nature Conservation
DSP 14 - Supporting Sites for Brent Geese and Waders
DSP15 - Recreational Disturbance on the Solent Special Protection Areas
DSP40 - Housing Allocations

Approved SPD

Fareham Borough Design Guidance Supplementary Planning Document
(Excluding Welborne) 2015
Planning Obligation SPD for the Borough of Fareham (excluding Welborne)
(April 2016)
Residential Car and Cycle Parking Standards SPD 2009

5.0 Relevant Planning History

P/95/1143/OA	Residential development and access, relocation of allotments and public open space
Refused	15/02/1996

P/17/0920/OA	Residential development of 49 dwellings and provision of open space and habitat land with access off Moraunt Drive
Refused	10/04/2018
Appeal	pending

6.0 Representations

6.1 One hundred and ninety three representations have been received (two hundred and twenty seven if including multiple responses from the same person). Of these, one hundred and ninety one raise objection and one support.

Objections

Policy/Principle

- Designated Countryside and open space in Local Plan
- Greenfield site and should be protected from development
- Should remain as open space allowing an area for wildlife to use as a green lung between developments
- Too Many houses being built in Fareham
- Housing requirements should be met by Welborne
- Lack of 5 year housing land supply
- Not addressed the reasons for refusal of the previous scheme
- No need for additional open space
- Loss of allotments – should be retained/returned to this for local community

Location/Impact

- Harmful impact on character of the area – rambling trail will disappear
- Design of dwellings bland and unsympathetic
- Chalet bungalows out of keeping
- Two storey dwellings inappropriate in an area of largely bungalows
- Density too high
- Overlooking
- Invasion of privacy
- Loss of view
- Loss of light
- Should be a 3.5m high restriction on planting to prevent loss of light adjacent to Sissinghurst Road

- The whole site should be enclosed by a brick wall
- Noise disturbance from vehicles
- People need to travel to work as there is none in the area

Highways

- Moraunt Drive not capable of taking the extra traffic or the subsequent road network onto the A27
- Highway safety concerns close to Wicor School
- Narrow roads unsuitable for additional traffic, impact on Wicor Mill Lane and wider network, lack of information on impact on Wicor Mill Lane
- On street parking problem, hazardous driving conditions, obstruction to footways and visibility, restricting emergency vehicle access
- Insufficient car parking
- Single point of access unsuitable, should have a second point of access
- Pedestrian safety
- No provision for a maintained footpath access at the north of the site
- Inadequate pedestrian and cycle linkages
- Not appropriate to tarmac Wicor path, fragmentation of natural habitat, impact on wildlife
- Parking in the vicinity of the pinch point (Moraunt Drive) would restrict refuse freighter – double yellow line traffic regulation order would be required.
- Forward visibility insufficient on carriageway bends
- Tandem parking should be minimised
- Representation has been made in response to the Council's Transport Planner comments. These relate to 'swept path analysis', on street parking, visibility

Ecology/Trees

- Environmental vandalism
- Fencing erected is harmful to local wildlife
- Impact on wildlife and habitat
- Protected species on site
- Impact on SSSI/Ancient Woodland/Ancient Hedge
- Require a larger buffer between footpath and houses
- Concern over submitted ecological information and lack of Environmental Impact Statement
- The ecological review was a desk top exercise and supports a flawed ecological assessment
- Mitigation unworkable and concern over management of open space and habitat

- Lack of community engagement over management of the land to the south
- Open area of land should be managed by a local residents group or FBC
- Wildlife do not need landscaped areas
- Loss of trees on site
- Impact on an ancient footpath, tree and hedgerow and concern over incorrect information in respect of the western boundary hedgerow
- Misleading statements about rat infestation
- Properties should include 'Swift' bricks

Impact on local services

- Strain on local services – schools, medical and dental
- Drainage capacity concerns
- Impact on natural floodplain

Other matters

- Lack of affordable housing
- Affordable housing not geared towards couples or single people
- Social housing all in one place, should be pepper potted across the site
- Increased crime
- Rights of way over the site
- Increase in noise, light and air pollution
- Disruption during construction
- Loss of Green space - impact on mental wellbeing
- Reduction in house price
- What can be done to prevent developer ignoring planning conditions if imposed
- If Council minded to approve the application, request amendments and planning conditions relating to boundary treatment, increased buffer area behind Sissinghurst Road dwellings, restriction on side wall windows, restriction on working hours and no burning of materials.

The Portchester Civic Society object on the grounds of inadequate access at Moraunt Drive and associated increase in traffic through the surrounding roads including pollution. They also raise concern over the management of the land to the south of the site in the long term

Support

- Would provide more jobs for the area
- Would build the community

7.0 Consultations

EXTERNAL

Hampshire County Council (Archaeology)

- 7.1 Advises that the first stage of the evaluation should be a geophysical survey as well as trial trenching. No objection subject to condition.

Hampshire County Council (Lead Flood Authority)

- 7.2 No objection subject to condition.

Hampshire County Council (Education)

- 7.3 Forty eight dwellings of 2 beds or more would be expected to yield 15 primary age pupils. The site lies within the Wicor Primary School catchment area which is full. The development coupled with others in the area will lead to a demand in excess of half a form of entry (105 places), a contribution is required to provide additional educational infrastructure at Wicor Primary School in addition to a contribution towards a School travel plan.

Natural England

- 7.4 This application is within 5.6km of the Portsmouth Harbour Special Protection Area (SPA) and will lead to a net increase in residential accommodation. Natural England is aware that Fareham Borough Council has adopted a planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP) Definitive Strategy. We advise that an appropriate planning condition or obligation is attached to any planning permission to secure this measure.
- 7.5 Recommend that the authority secures and implements a Hampshire County Council (HCC) ecologist approved Biodiversity Mitigation and Enhancement Plan (BMEP), or equivalent, with any planning permission. By taking this approach, your authority may be satisfied that it will have met its duties relating to conserving biodiversity under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006.
- 7.6 Natural England supports the proposal for an area of public open space and wildlife mitigation area to the south of the development. Provided the local authority is satisfied with the arrangements for the long-term management of the site and this is secured and implemented with any permission, Natural England has no concerns to raise.
- 7.7 To ensure the success of the wildlife area, Natural England recommends that continued involvement of specialist ecologists is agreed, secured and implemented to ensure its continued effectiveness in the long term. For example, this may include regular involvement from the HCC ecologists,

accredited ecological consultants, Hampshire and Isle of Wight Wildlife Trust or Natural England through their Discretionary Advice Service.

Southern Water Services

- 7.8 No objection subject to condition and informative.

Hampshire County Council (Countryside Access)

- 7.9 Fareham Footpath 111a runs east-west through the site. This right of way forms part of a key route from Portchester Castle to Cams Hall Mill. The development site is also adjacent to Wicor which is a HCC Countryside Service site.
- 7.10 The plans indicate that there would be no change to the alignment of the public right of way and that the existing public access rights will be retained across the site within a green corridor/buffer which is supported, however the character of the route would change as a result of the proposed housing development. In addition, the use of the path is likely to increase considerably and the perception and expectations of users of the route would also change. Consequently, there is likely to be a significant adverse impact on the amenity and recreational value of the public right of way. Therefore an objection is raised.
- 7.11 The development will also increase recreational pressure upon the Wicor Countryside Service site. The HCC have requested developer contributions towards appropriate enhancement measures to mitigate the impact of the development on the public right of way to include a tarmac surface through the development site and a contribution towards management of the Wicor Countryside Service site.

Crime Prevention Design Officer

- 7.12 Raised observations in respect of natural surveillance of the Wicor Way so that planting does not obscure visibility of the route, ease of access to car parking spaces from the public open space being vulnerable to crime. Consideration should be given to locked rear gates where rear garden access is via a communal rear garden access path.

INTERNAL

Trees

- 7.13 Provided the recommendations of tree report are implemented and the construction method, as detailed within the arboricultural method statement are followed when working near retained trees, then the impact would be minimal and acceptable.

- 7.14 The Tree Officer is satisfied with the separation distance from the development to the hedge (western boundary). No objections subject to planning conditions.

Transport Planner

- 7.15 No highway objection subject to planning conditions. The Transport planner has also responded to third party comments relating to refuse collection vehicles manoeuvring in Moraunt Drive and forward visibility splays at bends within the site and does not consider there is anything substandard in the submitted application proposals.

Refuse and Waste

- 7.16 Provided advice in respect of sweep plan and bin storage points.

Fareham Housing

- 7.17 19.2 dwellings should be provided as affordable so the applicant should either provide an additional dwelling as affordable or pay a financial contribution in lieu for the equivalent of 0.2 units. The Housing Officer has positively noted the mix of affordable dwelling size which includes a good proportion of 3-bed units. This reflects affordable housing need which is broadly greater for 3 and 4-bedroom homes. No objection.

Environmental Health (Noise/Pollution)

- 7.18 No objection

Environmental Health (Contamination)

- 7.19 No objection subject to condition.

Ecology

- 7.20 Provided that the measures summarised in the Lindsay Carrington report and detailed in the updated Habitat Management and Maintenance Plan (Fabrik, June 2018), updated Ecological Assessment report (Ecosupport, November 2017) and Hedgerow Assessment and Update Badger Survey report (Ecosupport, January 2018) are implemented, no concerns are raised.
- 7.21 Lindsay Carrington Ecological Services Ltd conducted a walkover survey of the site in April 2018, along with a desk-based review of all the ecological assessments carried out on the application site to date. This report concluded that all surveys by Ecosupport were conducted in accordance with recognised industry standards and the proposed mitigation strategies for reptiles, badger, bats and the hedgerow fully comply with best practice and recognised industry standards. The report also concluded that the previously submitted Habitat Management and Maintenance Plan (Fabrik, 2017) accurately reflected the

ecological enhancement and management of the site. The Ecology Officer supports these conclusions.

- 7.22 The Lindsay Carrington report also recommends a number of additional measures to be included in the Habitat Management and Maintenance Plan (Fabrik, 2017) such as the provision of hedgehog hibernacula, sandy banks for mining bees and invertebrates, avoidance of herbicide treatment, grass cutting in a directional manner and ecological monitoring to allow an adaptive management approach. The Ecology Officer supports these measures which have been reflected in the updated Habitat Management and Maintenance Plan (June 2018).
- 7.23 The habitats on site include dense scrub (dominant habitat), grassland, hedgerow, woodland and saltmarsh. The proposals will retain the woodland, hedgerow and saltmarsh habitats. The proposals will result in the removal of some trees, areas of scrub and grassland; however, the proposed mitigation, compensation and enhancement measures are considered to be acceptable and proportionate and therefore no concerns are raised. It is understood that some bramble scrub clearance has already been carried out to enable the implementation of the reptile mitigation strategy.
- 7.24 Presence of foraging bats, reptiles, badgers and nesting birds have been confirmed on site by a wide range of surveys previously carried out on site. The recommended avoidance, mitigation and enhancement measures are considered to be appropriate, proportionate and in line with best practice guidelines, no concerns are raised.
- 7.25 The development will result in a net increase in residential dwellings within 5.6km of the Solent Special Protection Areas (SPAs). This distance defines the zone identified by recent research where new residents would be considered likely to visit these sites. The SPAs support a range of bird species that are vulnerable to impacts arising from increases in recreational use of the sites that result from new housing development. It has been demonstrated through research, and agreed by Natural England (the government's statutory nature conservation advisors) that any net increase would have a likely significant effect on the SPAs when considered in combination with other plans and projects.
- 7.26 Fareham Borough Council (FBC) has adopted a strategy whereby a scale of developer contributions has been agreed that would fund the delivery of measures to address these issues and to demonstrate that FBC as a competent authority under the provisions of the Habitats Regulations has had regard for any potential impacts that the project may have. With respect to

the Solent sites, funding is to be provided to the Solent Recreation Mitigation Partnership (SRMP). A financial contribution should be secured.

- 7.27 Provided that the agreed mitigation proposals are implemented, the Ecology Officer has no concerns subject to planning conditions.

8.0 Planning Considerations

- a) Implication of Fareham's current 5-year housing land supply position (5YHLS)
- b) Residential development in the countryside
- c) Policy DSP 40 and the Planning history of the site
- d) Other Matters
- e) The Planning balance

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

- 8.1 A report titled "Five year housing land supply position" is reported for Members' information elsewhere on this agenda. That report set out this Council's local housing need along with this Council's current housing land supply position. The report concludes that this Council has 4.95 years of housing supply against the new 5YHLS requirement meaning there is a shortage of 27 dwellings.
- 8.2 In October, the FYHLS position was reported to the Planning Committee, the report also advised:
'that the Government are considering adjustments to the new standard method used to calculate Local Housing Need, following publication of the new household growth projections on 20 September 2018; and
'the Council will likely be required to apply a 20% buffer to the 5-Year Housing Land Supply position following publication by the Government of the Housing Delivery Test result in November.
- 8.3 On the 26th October, the Government issued a 'Technical consultation on updates to national planning policy and guidance.' The consultation on the proposed updates runs from 26 October 2018 until 7 December 2018.
- 8.4 The introductory section of the consultation sets out the background for the consultation and the Government's priority to deliver more homes and to do so faster. The Government is of the view that the household growth projections published very recently by the Office for National Statistics, that predict a lower level of household growth than previously, does not mean fewer homes need to be built. The objective of the consultation proposes

changes to the standard method to ensure consistency with the objective of building more homes. In the short-term, the Government proposes to use the 2014-based data on household growth to provide the demographic baseline for assessment of local housing need. Such an approach will further increase Fareham Borough Council's local housing need.

- 8.5 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

- 8.6 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.
- 8.7 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.'
- 8.8 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).
- 8.9 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 AND THE PLANNING HISTORY OF THE SITE

- 8.10 Local Policy DSP40 states that:
"Where it can be demonstrated that the Council does not have a five year supply of land for housing against the requirements of the Core Strategy (excluding Welborne) additional housing sites, outside the urban area boundary, may be permitted where they meet all of the following criteria:
i. The proposal is relative in scale to the demonstrated 5 year housing land supply shortfall;

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

8.11 Each of these five bullet points are considered further below.

Policy DSP40(i)

8.12 Members will note from the 5 Year Housing Land Supply Position that the present shortfall of dwellings needed to achieve a 5YHLS is in the region of 27. Members will also note the implications of the Government's strong approach in respect of housing delivery, the likely introduction of a 20% buffer on Fareham's local housing need and the Technical consultation on updates to national planning policy and guidance. The proposal for 48 dwellings is considered to be relative in scale to the 5YHLS shortfall and therefore bullet point i) of Policy DSP40 is satisfied.

Policy DSP40(ii)

8.13 The planning application site is adjacent to the defined settlement boundary of Portchester with good accessibility to local facilities (post office, convenience store, pub). The site is located within reasonable distance to the Portchester shopping precinct and local schools.

8.14 The nearest bus stops to the site are located within walking distance on White Hart Lane, providing the No.3 First bus service between Fareham and Portsmouth Harbour via Portchester and Cosham.

8.15 Existing dwellings are located north, west and east of the site; Officers consider that the proposals can be well integrated with the neighbouring settlements in accordance with point ii).

Policy DSP40(iii)

8.16 The site is within an area of countryside but is not designated as strategic gap. The Fareham Landscape Assessment (2017) identifies that the site falls within the Cams Wicor Coastal Plain - 12.1B Open Coastal Plain: Fringe character. It sets out the defining characteristics comprising of an area of flat, open farmland immediately to the east of the Cams estate and bordered to the north and east by residential development along the urban edge of

Downend and Portchester and to the south by the playing fields of the Wicor recreation ground. It states that "The landscape consequently has a predominantly open, exposed and rather featureless character which is influenced by development around its edges and other intrusive features such as electricity pylons" and that "it is a relatively undistinguished piece of landscape with very few distinctive or notable features and is of lower intrinsic quality than other parts of the coastal plain".

- 8.17 It is recognised there would be a change in character and outlook particularly when viewed from the adjoining residential dwellings that share a boundary with the site, from the Wicor Path and land and coast to the south. However, when taking account of the lay-out of the residential element and provision of enhanced public open space and ecological mitigation on the southern side, it is considered that the development as proposed has been designed to minimise any adverse impact on the countryside.
- 8.18 For the reasons set out in the design and layout section of this report below, Officers are satisfied that the proposal has been appropriately designed and laid out to integrate with the character of the neighbouring settlement and would incorporate a significant area of public open space as well as ecological mitigation.
- 8.19 The proposal would therefore satisfy point iii) of Policy DSP40 and comply with policies CS17 and DSP1.

Policy DSP40(iv)

- 8.20 In terms of delivery, the agent has confirmed the following on behalf of Radian and Hampshire Homes:

The land is currently under option to Radian Group to purchase the site from the landowners, subject to achieving planning permission. Radian Group, along with Hampshire Homes, will develop the land and build the homes. Radian will also manage the proposed affordable homes. It is anticipated that development will commence within 12 months of planning permission being granted, subject to successfully discharging all relevant pre-commencement conditions. The timescale for completion is anticipated to be 18 months to 2 years with the following completion timetable: Year 1 - 15 units; Year 2 - 34 units.

- 8.21 Officers therefore consider that the proposal is deliverable in the short term in accordance with point iv of policy DSP40.

Policy DSP40(v)

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

Ecology:

- 8.23 Policy DSP13 states that "Development may be permitted where it can be demonstrated that:
- i) Designated sites and sites of nature conservation value are protected and where appropriate enhanced;
 - ii) Protected and priority species populations and their associated habitats, breeding areas, and foraging areas are protected and, where appropriate, enhanced;
 - iii) Where appropriate opportunities to provide a net gain in biodiversity have been explored and biodiversity enhancements incorporated; and
 - iv) The proposal would not prejudice or result in the fragmentation of the biodiversity network.
- 8.24 A revised enhanced Management and Maintenance Plan has been submitted with this application. In respect of the submitted ecology information, Natural England or the Ecology Officer have raised no concern in this regard subject to the imposition of planning conditions.
- 8.25 Policy DSP14 states " Development on uncertain sites for Brent Geese and/or Waders may be permitted where studies have been completed that clearly demonstrate that the site is not of importance".
- 8.26 The site is not classified by Natural England of any value for Brent Geese and Waders. Natural England and the Ecology Officer have not raised concern in this regard. It is also relevant that a number of measures such as creation of water scrapes, areas of open grassland and limited public accessibility are proposed which are likely to increase the suitability of the site for Brent Geese and Waders.
- 8.27 It is noted that there has been a high level of concern raised by third parties in respect of ecology matters on this site including questions of the standard and professionalism of the ecological appraisal and site clearance. Officers have carefully assessed the issues raised and sought further input from the Council's Ecology Officer during the course of this and the previous application. Officer advice is that there are no technical ecology reasons to withhold consent.
- 8.28 With regard to concern over the delivery and management of the open space and ecology area, this matter has been of ongoing concern to third parties and was an issue discussed in depth at the previous Planning Committee.

The previous application was refused due to concern over the proposed future management and maintenance arrangements for the southern part of the site. This issue has been considered by the applicant in the current application with a revised management and maintenance plan being submitted.

- 8.29 For the current proposal, additional mitigation measures for bats and badgers were recommended by the applicant's ecologist. The applicant's ecologist undertook an appraisal of the management and maintenance plan and suggested additional information be included in the Habitat management and maintenance plan, namely: the creation of hedgehog hibernacula, more specific reference to the wetland scrapes, and that sand banks be provided for mining bees and other invertebrates. The applicant's ecologist also provided advice in respect of management of the wildflower meadow grassland. A further recommendation is that ecological monitoring should be included to inform an adaptive management approach.
- 8.30 It is understood that there has not been dialogue as such with members of the public with a view to having community involvement in managing the open space. Whilst Officers note this concern, it is a significant material consideration that both Natural England and the Ecology Officer have raised no objection to the submitted information and that the delivery and management of the open space can be secured through the imposition of planning conditions and a legal agreement. It is for the developer to put forward how the land will be managed; the Council cannot insist that the land is transferred for adoption. Officers need to assess the acceptability of the management plan.
- 8.31 In light of the aforementioned, Officer advice is that the proposal is acceptable.
- 8.32 Concerns have been raised with regard to the impact on trees and an ancient hedgerow and that a larger buffer is required between these features and the development. The hedgerow will be retained as part of the proposals, and the buffer is considered appropriate. Both the Tree Officer and Ecology Officer have assessed the implications of the development and raise no objection.
- 8.33 In respect of the Elder Tree on site, it is agreed that the tree should be afforded a 15m radial exclusion zone which is achievable as the tree is beyond the extent of the proposed built development.
- 8.34 To fulfil the requirement under the Habitat Regulations, Officers have carried out an Appropriate Assessment in relation to the likely significant effects on

the coastal Special Protection Areas (SPAS) and have concluded that the application's compliance with the Solent Recreation Mitigation Strategy means that there will be no adverse effect on the integrity of the designated sites. Natural England concur with this view. The SPA mitigation can be satisfactory addressed through a financial contribution to be secured through a Section 106 legal agreement.

- 8.35 In the event that planning permission is granted, Officers are satisfied that the proposal would be acceptable from an ecological perspective subject to planning conditions and a Section 106 planning obligation in accordance with Core Strategy policy CS4, CS20, and policies DSP13, DSP14 and DSP15 of Local Plan Part 2.

Amenity Implications Including Design and Layout:

- 8.36 The development would be served from a single vehicular access point off Moraunt Drive. The dwellings around the edge of the site adjacent to existing residential properties have been designed to back onto these properties and are laid out around a perimeter block to make use of views towards the South and encourage natural surveillance.
- 8.37 The number of units has been reduced from the previous proposal (P/17/0920/FP) from 49 to 48 units. In respect of those on the eastern side of the site, seven of the 2 storey houses have been altered to six chalet bungalows. The design of the houses, materials, landscape and planting would provide a high quality residential environment. The Council's Urban Design Officer supports the layout and design.
- 8.38 A range of 2 - 4 bedroomed dwellings would be provided at no greater than 2 storeys in height. The proposed external finishes focus on the use of red brick and painted bricks under tiled roofs. The detailing includes arched brick headers, brick plinths and lean-to porches. Boundary treatments comprise a mixture of 1.8 brick walls and 1.8 fencing; these are considered acceptable and in keeping with the layout and character of the area. It would not be reasonable or proportionate to insist on the whole development boundary treatment to be a brick wall.
- 8.39 Officers are satisfied that the design and layout of the dwellings and proposed boundary treatment are acceptable both in the context of the site itself and neighbouring development. Officers therefore consider that the previous refusal reasons in respect of the transitional relationship with properties in Seafeld Road has been addressed.
- 8.40 In terms of impact on neighbouring properties with regard to loss of amenity (overlooking, loss of privacy, light) the proposed dwellings that back onto

neighbouring properties meet the guidance as set out within this Council adopted Design SPD with regard to garden sizes and distance between facing windows. Therefore Officers are satisfied that there would be no unacceptable adverse impact upon the living conditions of neighbouring property occupiers in accordance with Policy DSP3.

- 8.41 The development includes a large area of public open space to the south which includes ecological mitigation and enhancement areas. This space provides opportunities for informal recreation with the ecological mitigation area laid out to ensure no disturbance to wildlife. Blocks of existing vegetation are to be retained and enhanced with native shrub planting.
- 8.42 In considering the previous reason for refusal on P/17/0920/FP 'b) The erection of 2 storey houses adjoining bungalows in Seafield Road would result in a poor transition of the built form which would be harmful to the character of the area" as set out above, six of the dwellings that would back onto Seafield Road have altered from 2 storey dwellings to chalet bungalows. The height of the previous 2 storey dwellings were approximately 8m. The chalet bungalows are approximately 6.9m high (plots 43 to 48). Plot 42 is a 2 storey dwelling, whose flank elevation faces east (towards the existing properties in Seafield Road) and is considered acceptable.
- 8.43 Officers therefore consider that the relationship between the proposed dwellings and existing bungalows in Seafield Road is acceptable and overcomes the reason for refusal on the previous proposal.

Highways:

- 8.44 The proposed development would be accessed from Moraunt Drive. The Transport Officer has confirmed that this access subject to conditions would be acceptable and cater for the additional traffic that would be generated by the proposed development. Furthermore, he is satisfied that the layout of the development is acceptable.
- 8.45 A number of representations have disputed the submitted highway information and raised concern over the impact on highway safety on not only Moraunt Drive but the nearby road network.
- 8.46 There has been no change to the proposed access in this application. The application was supported by a Transport Note to support the proposed 48 dwellings to be served off Moraunt Drive. The Transport Note explains that the applicant further considered access options but considers that Moraunt Drive provides the quickest, most direct and less convoluted route to the arterial road network of Portchester having to negate fewer junctions than if an

access was provided off Tattershall Crescent or Sissinghurst Road which they consider an onerous route accessed via a connection of minor roads. The Transport Note states that Moraunt Drive therefore provides a more favourable access option from a road safety, construction and amenity perspective.

- 8.47 Pedestrian access to the site has not altered in this current application. The Transport Note has considered concerns over pedestrian connectivity, and advises that a pedestrian access onto Seafield Road would not result in an attractive pedestrian route as this would be unlit, enclosed and not very well overlooked, leading to safety concerns. A link south from the proposed development would be provided to enhance pedestrian and cyclist connectivity to the open space.
- 8.48 The pedestrian access to the site would therefore remain as that previously proposed with a pedestrian access onto Moraunt Drive alongside the access road. Moraunt Drive has suitably wide footways which are well lit, thus providing a safe and attractive pedestrian network.
- 8.49 In light of the concerns previously raised by Members and in preparation for the forthcoming Public Local Inquiry, officers have sought independent Transport advice in relation to the refusal of planning application P/17/0920/FP. That application has been comprehensively reviewed by the consultant.
- 8.50 The consultant has advised:
- Existing footways along Moraunt Drive are wide enough to allow a wheel chair user and a pedestrian to use simultaneously and that the footways are currently moderately used.
 - Carriageways widths are suitable for the current use along Moraunt Drive and there is sufficient width between the parked vehicles for a refuse vehicle to wait for cars to pass.
 - The development will cause minimal intensification in the use of Moraunt Drive and will not disrupt the existing use. The traffic capacity of Moraunt Drive is far greater than the current or forecast demands.
- 8.51 The report does suggest that pedestrian improvements could be considered to further improve Moraunt Drive and that the traffic calming build-out located to the west of Cadour Drive could be removed as a potential area for improvement. In considering these improvements and whether they should be secured, Officer advice is that it is not essential to secure these minor improvements.

- 8.52 Fundamentally the report concludes that the site is well connected to good existing pedestrian provisions along Moraunt Drive and is able to accommodate all current and forecast users. Moraunt Drive provides a safe and suitable access for the development and can accommodate the traffic generated by the development during the peak periods without resulting in a 'severe' impact and is therefore in full accordance with the policies set out in the NPPF.
- 8.53 In taking account of the above further technical advice, Officer advice is that the Highway implications have been thoroughly considered. Overall therefore, and in respect of the current application, the highway implications would be in accordance with Policy CS5 subject to conditions as requested by the Transport Officer.
- 8.54 Taking account of the above, Officers are satisfied that the proposal would not have any unacceptable amenity or traffic implications and would therefore comply with criterion v of Policy DSP40.

d) OTHER MATTERS

- 8.55 Policy CS18 of the Core Strategy expects 40% provision of affordable units on sites that accommodate 15 or more dwellings. This would equate to the provision of 19.2 affordable units on this site. In this case, the Applicant has proposed that the 0.2 unit would be delivered via a financial contribution. This is considered acceptable and policy compliant and can be secured via a Section 106 legal agreement.
- 8.56 The strength of local concern relating to the impact of the development on schools, doctors and other services in the area is acknowledged. The Education Authority have requested a contribution towards school provision which can be secured through a Section 106 legal agreement.
- 8.57 In respect of the impact upon doctors/medical services, the difficulty in obtaining appointments is an issue that is raised regularly in respect of new housing proposals. It is ultimately for the health providers to decide how they deliver health services. Therefore, a refusal on these grounds would be unsustainable.
- 8.58 The potential impact on the public Right of Way has been considered by Officers. The proposed layout would reinstate the 'legal line' of the Wicor Footpath and comprise of appropriate surfacing which can be secured through a planning condition. This is likely to comprise of gravel which would be more in keeping with the rural character of the area than tarmac. During the consideration of the previous application, the Countryside Access Development Officer was satisfied with the layout of the path/plan and that a

gravel surface could work. They also clarified that their request for a tree works contribution did not relate to overhanging, but with the height of the trees. Should they fall, they would currently land in green space where they would cause minimal damage. Once development has gone into this site, there is the potential to cause damage to static structures, gardens or parked cars. As such, the trees will have to be assessed and subsequently managed differently, at a cost to The County Council.

- 8.59 The request for a contribution towards management of the trees on HCC land is noted. Officers do not consider that this request would be reasonable or meet the test of being necessary or directly related to the development.
- 8.60 It is also noted that the 'legal' line (which has been covered by scrub and undergrowth) of the path differs from the 'trodden path'. It is also understood that currently the legal line of the footpath is not available through the site due to the historic overgrowth of trees and vegetation, Officers are satisfied that neither the legal line or trodden path would be prejudiced if the development were to go ahead.
- 8.61 A third party requests that a limit on the height of planting should be imposed on the boundaries of properties in Sissinghurst Road, Officers can advise that this would not meet the relevant tests set out in the NPPF regarding the imposition of planning conditions.
- 8.62 Concern has been raised with regard to the loss of open space. The site is allocated as open space - Orchard Grove/Commodore Park in the adopted Local Plan.
- 8.63 It is noted that background papers relating to Open Space provision have informed the draft Local Plan 2036; although at this stage the Draft plan carries limited weight in the determination of this application. The NPPF definition of Open Space is "open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity".
- 8.64 It is relevant that this site is currently in private ownership and has become overgrown. Whilst part of the site would be developed for housing, the proposal incorporates accessible public open space which can be secured via planning conditions and a Section 106 agreement. This would add value as a recreational resource for the public to access. Officers are therefore satisfied that the proposal is acceptable in respect of policy CS21.

- 8.65 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.
- 8.66 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.

SUMMARY

- 8.67 The foregoing report sets out all of the material planning considerations relating to the proposals at this site.
- 8.68 Planning permission was refused in April this year under our planning reference P/17/0920/FP for a similar scheme at this site. The reasons for refusing the application are set out in full on the first page of this report. The principal of developing upon this area of countryside, did not form part of the Council's reasons for refusal.
- 8.69 A number of the reasons for refusal can be addressed through the completion of an appropriate legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990. The three main reasons for refusal are as follows:

Moraunt Drive is inadequate as a means of access to serve the proposed number of dwellings;

The erection of 2 storey houses adjoining bungalows in Seafield Road would result in a poor transition of the built form which would be harmful to the character of the area;

The Council is not satisfied with the proposed future management and maintenance arrangements for the southern part of the site and is not in turn satisfied that all relevant ecological interests would be fully safeguarded;

- 8.70 The position of the Highway Authority previously was that Moraunt Drive was acceptable in its current form to safely accommodate the highway movements generated by the proposed development. Members were not satisfied that this was the case and refused the application on highway grounds and requested other means of access to the site were explored.

- 8.71 The applicants have explored other options for accessing the site and for the reasons summarised in this report concluded that Moraunt Drive remains the preferable means of access.
- 8.72 In light of the previous concerns of Members and the Highway Authority's position, Officers commissioned an independent review of the highway position from a highway consultancy. The results of that highway review are set out in the report with the highway consultancy expressing the view that Moraunt Drive in its current form can safely accommodate the movements generated by the proposed development.
- 8.73 In light of the views of the Highway Authority and the results of the independent highway consultants review, Officers do not believe a reason for refusal can be sustained on the inadequacy of Moraunt Drive.
- 8.74 The second reason for refusal relating to the transition in scale of buildings between the application site and Seafield Road. The changes made to the scale and layout of the dwellings adjacent Seafield Road have been set out in detail in the Officers report. Officers believe the changes made to the proposal have addressed the second reason for refusing the previous planning application.
- 8.75 The last substantive reason for refusal related to the future management and maintenance arrangements for the southern part of the site. Officers fully appreciate that some interested parties would like this land transferred to this Council, whilst others believe it should be managed and maintained in a different way to that proposed.
- 8.76 In dealing with this planning application this Council is required to determine the proposal on the basis of what is before it. The Council cannot insist that the land is transferred to it. The Council is also required to consider whether the management and maintenance proposals are acceptable in terms of national and local planning policy requirements and legal requirements. The advice of both Natural England and this Council's own Ecologist is that the management and maintenance proposals are acceptable in planning terms.
- 8.77 The delivery, management and maintenance of the southern part of the site can be appropriately secured via the imposition of planning condition and a Section 106 Planning Obligation.
- 8.78 In light of the foregoing Officers do not consider that a reason for refusal can be sustained on the basis of the future management and maintenance of the southern part of the site.

e) THE PLANNING BALANCE

- 8.79 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".
- 8.80 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.
- 8.81 Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations which is engaged as this Council cannot demonstrate a 5YHLS. Officers have also given due regard to the updated 5YHLS position report presented to the Planning Committee in October and the Government steer in respect of housing delivery.
- 8.82 In weighing up the material considerations and conflict between policies; the development of a greenfield site weighted against Policy DSP40, Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall, well related to the existing urban settlement boundaries such that it can be integrated with those settlements whilst at the same time being sensitively designed to reflect the areas existing character and minimising any adverse impact on the Countryside.
- 8.83 It is acknowledged that the proposal would have an urbanising impact through the introduction of housing and related infrastructure onto a site which is at present undeveloped. However, that impact would be localised and merely extend the existing built form. Officers consider that the change in the character of the site and the resulting visual effect would not cause any substantial harm.
- 8.84 Affordable housing, open space, an education contribution and ecology mitigation can be secured through a planning obligation. In respect of environmental and amenity issues, and subject to appropriate planning conditions and mitigation, Officers are satisfied that amenity and ecology issues have been appropriately addressed in the submitted application.
- 8.85 Following the resolution to refuse planning permission at the Planning Committee in November, the applicant has provided further undertakings in

respect of site clearance, the works being overseen by the applicant's ecologists in accordance agreed details and the Council's own representatives being given access to the site to oversee the works being undertaken. These matters would be secured through any Section 106 planning obligation. Officers believe these undertakings would address the previous concerns of Members of the Planning Committee.

- 8.86 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 48 dwellings, including affordable housing, in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply is a substantial material consideration, in the light of this Council's current 5YHLS.
- 8.87 There is a conflict with development plan policy CS14 and CS16 which ordinarily would result in this proposal being considered unacceptable. Ordinarily CS14 would be the principal policy such that a scheme in the countryside should be refused. However, in light of the Council's lack of a five-year housing land supply, development plan policy DSP40 is engaged and Officers have considered the scheme against the criterion therein. The scheme is considered to satisfy the five criteria and in the circumstances, Officers consider that more weight should be given to this policy than CS14 such that, on balance, when considered against the development plan as a whole, the scheme should be approved.
- 8.88 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.
- 8.89 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.
- 8.90 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.

8.91 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.

8.92 Having carefully considered all material planning matters, Officers recommend that planning permission should be granted subject to the imposition of appropriate planning conditions and the prior completion of a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990.

9.0 Recommendation

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

- Financial contribution to secure satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas;
- The provision and management of public open space and ecological enhancement area for the lifetime of the development;
- Education contribution; and,
- The delivery of affordable housing and contribution.
- No clearance work to be undertaken on the site before 1st February 2019; the Council must be advised in advance of any proposals to undertake clearance work at the site; the Council to be given advance notice of any clearance works to be undertaken at the site and the Council's officers/ representatives given unfettered access to view all clearance and related works; all clearance work to be overseen by Radian's appointed ecologists in accordance with a scheme first agreed in advance with the Council.

9.2 That Members confirm that the reasons for refusal 1(a) and 1(c) in respect of planning application P/17/0920/FP should not be pursued at the forthcoming appeal.

GRANT PLANNING PERMISSION: (subject to the following conditions):

1. The development hereby permitted shall be begun before 12 months from the date of this permission.

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) Site Location Plan CB_93_074_100
- b) Planning Layout CB-93-074-A1_100
- c) Land Use Plan CB_93_074_A1_102
- d) Housing Mix Plan CB_93_074_A2_103
- e) Affordable Housing Plan CB_93_074_A2_104
- f) Building Heights Plan CB_93_074_A2_105
- g) Parking Plan CB_93_074_A2_106
- h) Bin and Cycle Storage Plan CB_93_074_A2_107
- i) External Finishes Plan CB_93_074_108
- j) External Enclosures Plan CB_93_074_A2_109
- k) Street Scenes CB_93_074_100-SS-01A
- l) Street Scenes CB_93_074_100-SS-02 A
- m) Street Scenes CB_93_074_100-SS-03A
- n) House Type Portfolio May 18
- o) Plant schedule and specification D2480-L-300 PL02
- p) Soft landscaping plan 1 of 2 D2480-L-301 PL02
- q) Soft landscaping plan 2 of 2 D2480-L-302 PL02
- r) Hard landscaping Plan Sheet 1 of 2 D2480_201 PL02
- s) Hard landscaping Plan 2 of 2 D2480_202_PL02
- t) Transport Note 078 0005_TN_2
- u) Fabrik Landscape Maintenance and Management Plan, June 2018
- v) Radian Management Statement, December 2017
- w) Aboricultural Assessment and Method Statement by Barrell Tree Consultancy; dated 08 June 2018
- x) Tree Protection Plan by Barrell Tree Consultancy; 17195-BT3
- y) Affordable Housing Statement by BJC; dated June 2018
- z) Archaeology DBA by Allen Archaeology Ltd; AAL2017105 - dated July 2017
- aa) Design and Access Statement by Cooper Baillie; dated June 2018
- bb) Flood Risk Assessment by RCP; dated June 2018
- cc) Planning Statement by BJC; dated June 2018
- dd) Lindsay Carrington Ecology Services, Review of Ecology Work September 2018.
- ee) Bryan Jezeph Consultancy letter dated 29 November 2018.

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

3. No development shall proceed above damp proof course until details of the materials to be used for the external finishes (bricks and roof tiles) and details of the colour of the painted elevations have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development.

4. Prior to commencement of development, a programme of archaeological assessment shall be secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in order to recognise, characterise and record any archaeological features and deposits that may exist here. The assessment should take the form of a geophysical survey of the site, followed by the excavation of trial trenches that target any potential features identified by them. Further trenches should be located within any blank areas that have been established by the geophysical survey.

Based on the results of the trial trenching, 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.

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.

5. No development shall proceed above damp course level until details of the proposed surfacing treatment, to definitive Footpath 111a running east to west through the site have been submitted to and approved by the Local Planning Authority in writing. The approved details shall be fully implemented before the dwellings hereby approved are first occupied.

REASON: In the interest of pedestrian safety.

6. The first floor window to be inserted into the east elevation of Plot 7 shall be glazed with obscure glass and be of a non-opening design and construction to a height of 1.7 metres above internal finished floor and shall thereafter be retained in that condition at all times.

REASON: To prevent overlooking and to protect the privacy of the occupiers of the adjacent property.

7. Notwithstanding the provisions of the Schedule of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any subsequent Order revoking and re-enacting that Order) at no time shall any further windows, other than those expressly allowed through this planning

permission, be inserted at first floor level into the east elevation of plots 7 and 42 and the west elevation of plot 31 hereby permitted unless otherwise agreed in writing by the Local Planning Authority following the submission of a planning application.

REASON: To prevent overlooking and to protect the privacy of the occupiers of the adjacent properties.

8. No dwelling hereby approved shall be occupied until the boundary treatment relating to it has been carried out in accordance with the approved details. The boundary treatment shall thereafter be retained at all times unless otherwise agreed in writing with the Local Planning Authority.

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

9. Details of the internal finished floor levels of all of the proposed buildings in relation to the existing and finished ground levels on the site and the adjacent land shall be submitted to and approved by the Local Planning Authority in writing prior to commencement of development. 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.

10. No development shall commence on site until details of foul sewerage and surface water drainage works to serve the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Where possible a Sustainable Urban Drainage System (SUDS) shall be used and full details of predicted flows, responsibilities and future management provided. None of the dwellings shall be occupied until the drainage works have been completed in accordance with the approved details.

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

11. Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an investigation and risk assessment of the identified material/ ground conditions has been undertaken and details of the findings along with a detailed remedial scheme, if required, has been submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall be fully implemented and shall be validated in writing by an independent competent person as agreed with the LPA prior to the occupation of the unit(s).

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

12. Other than initial site preparation, no development shall commence until details of the width, alignment, gradient and type of construction proposed for any roads, footways and/or access(es), 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 to an adoptable standard, 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.

13. No dwelling hereby permitted shall be first occupied until it has a direct connection, less the final carriageway and footway surfacing, to an existing highway. The final carriageway and footway surfacing shall be commenced within three months and completed within six months from the commencement of the penultimate building or dwelling for which permission is hereby granted. The roads and footways shall be laid out and made up in accordance with the approved specification, programme and details.

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

14. No dwellings hereby permitted shall be occupied until the areas shown on the approved plan for the parking of cars relating to it have been laid out and made available. The areas for the parking of cars shall thereafter be retained at all times.

REASON: In the interests of highway safety.

15. None of the dwellings hereby permitted shall be occupied, unless otherwise agreed in writing with the Local Planning Authority, until the visitor parking spaces marked on the approved plan, have been laid out and made available. These visitor spaces shall be subsequently retained for the parking of vehicles at all times.

REASON: The car parking provision on site has been assessed in the light of the provision of visitor parking spaces so that the lack of these spaces may give rise to on street parking problems in the future.

16. No dwelling hereby permitted shall be occupied until 2m by 25m visibility splays have been provided at the access to the estate road in accordance

with the approved details. These visibility splays shall thereafter be kept free of obstruction at all times.

REASON: In the interests of highway safety.

17. No dwelling shall be occupied until the bin and cycle stores relating to it have been made available in accordance with the approved plans. These designated areas shall thereafter be kept available and retained at all times for the purpose of bin and cycle storage.

REASON: In the interests of visual amenity; in order to facilitate modes of transport alternative to the motorcar.

18. The development shall be carried out in accordance with the recommendations of the Aboricultural Assessment and Method Statement by Barrell Tree Consultancy; dated 08 June 2018.

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.

19. 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.

20. No development 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 to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period.

21. Development shall proceed in accordance with the avoidance, mitigation, enhancement and management measures set out in Sections 6 – 9 of the updated Ecological Assessment by Ecosupport (November 2017), badger

section of the Updating Badger Survey and Hedgerow Assessment (Ecosupport, January 2018), unless otherwise approved by the Local Planning Authority in writing. The measures shall thereafter be implemented in full, in accordance with the Landscape Management and Maintenance Plan (Fabrik, June 2018) and Section 3 of the Review of Ecological Work report (Lindsay Carrington Ecological Services, May 2018).

REASON: to protect and enhance biodiversity in accordance with the Wildlife & Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006 and Policy CS4 Green Infrastructure, Biodiversity and Geological Conservation of the Fareham Local Plan and Policy DSP13: Nature Conservation of the Fareham Local Plan Part 2: Development Sites and Policies (2014).

22. The Ecological Mitigation Area shall be subject to annual monitoring (for the first three years after the completion of the works) to allow an adaptive management approach; this shall include an assessment of the usage of the site by protected/notable species (e.g. badgers, reptiles, wading birds, mining bees, etc.). The findings of the monitoring surveys shall be submitted and approved in writing by the Local Planning Authority.

REASON: to ensure the management regime for the Ecology Mitigation Area is effective.

23. The landscaping shall be carried out in accordance with the approved drawings and Fabrik Landscape Maintenance and Management Plan, June 2018 and for the avoidance of doubt shall be maintained in accordance with these details in perpetuity.

REASON: In the interests of the visual amenity of the area and nature conservation.

24. 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 nearby residential properties.

Notes for information

- a) The development hereby permitted is subject to The Community Infrastructure Levy (CIL). The payment is due before development commences and the parties liable to pay the charge will receive a Liability Notice shortly to explain the amount due and the process thereafter. Further details about CIL can be found on the Council's website on the following link:

http://www.fareham.gov.uk/planning/local_plan/ciladopt.aspx

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".

- b) Notwithstanding the results of the ecological survey submitted with this application special care must still be taken not to disturb wild animals and plants protected by the Wildlife and Countryside Act 1981 (as amended). This includes birds and bats that nest or roost in trees. Should specimens of any protected species be discovered during building operations you should contact Natural England for further advice - 0300 060 3900 www.naturalengland.org.uk

Bats are protected under the Wildlife & Countryside Act 1981 and subsequent legislation and it is an offence to deliberately or recklessly disturb them or damage their roosts. Notwithstanding the results of the ecological survey submitted with this application, trees & buildings should be inspected before any works commence. Advice is available on the following link:

<https://www.gov.uk/guidance/bats-surveys-and-mitigation-for-development-projects>. If the presence of bats is suspected further advice will need to be sought from Natural England on 0300 060 3900 or from The Bat Conservation Trust (0345 1300 228)

- c) There must be no surface alterations to the right of way, nor any works carried out which affect its surface, without first seeking the permission of Hampshire County Council, as Highway Authority. For the purposes of this proposal that permission would be required from this department of the County Council. To carry out any such works without this permission would constitute an offence under S131 Highways Act 1980, and we would therefore encourage the applicant to contact us as soon as possible to discuss any works of this nature.

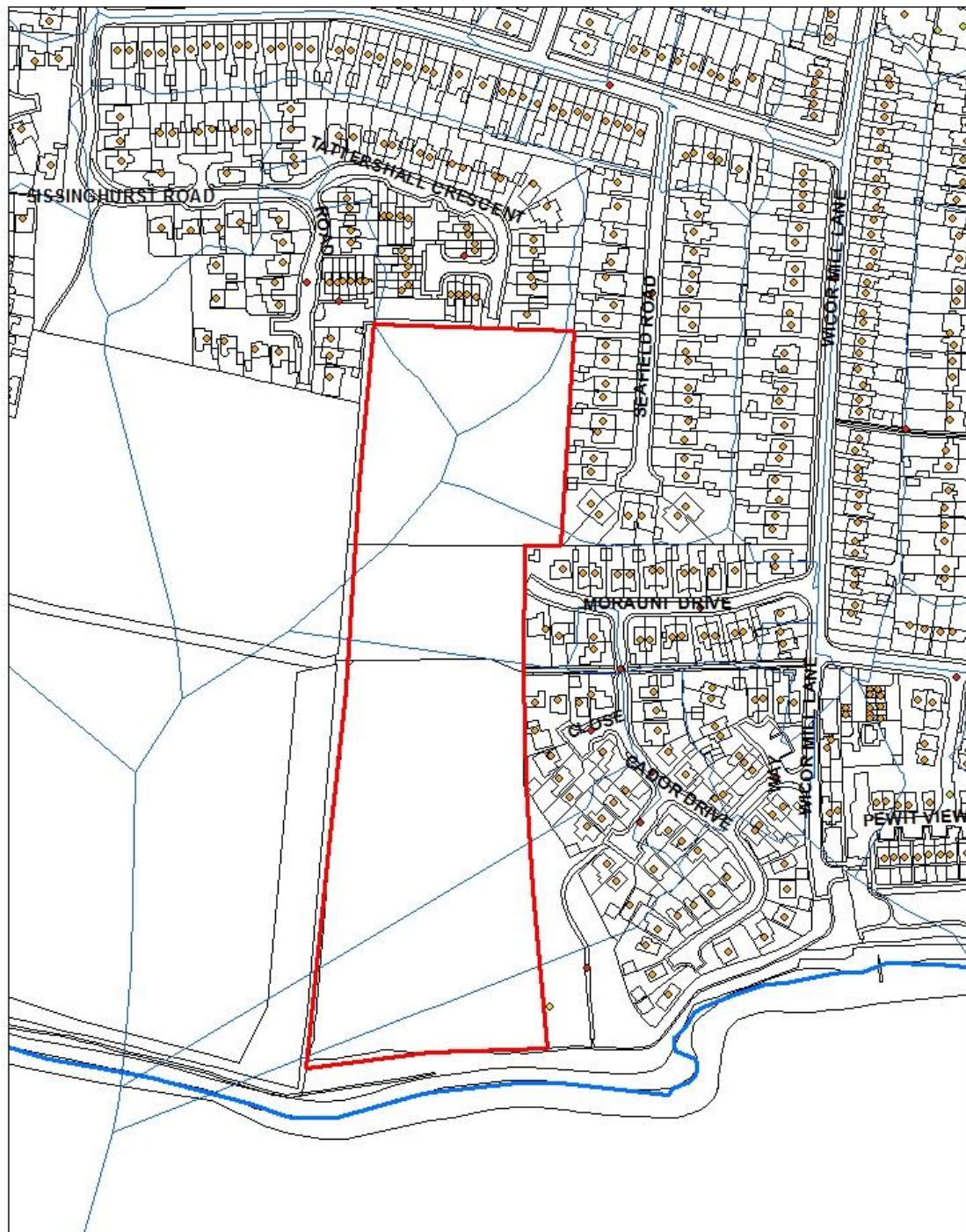
Nothing connected with the development or its future use should have an adverse effect on the right of way, which must remain available for public use at all times.

No builders or contractors vehicles, machinery, equipment, materials, scaffolding or anything associated with the works should be left on or near the footpath so as to obstruct, hinder or provide a hazard to walkers.

Hampshire County Council, as Highway Authority, is not obliged to provide a surface suitable for the passage of vehicles. It only has a duty to maintain a right of way to a standard commensurate with its expected normal public use.

FAREHAM

BOROUGH COUNCIL



Land to the West of Seafield Road &
Morant Drive; South of Tattershall Crescent
Scale 1:2,500



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