

OFFICER REPORT FOR COMMITTEE

DATE: 24th June 2020

P/18/0884/FP

Warsash

Ms Hanslip

AGENT: Paul Airey Planning Associates

SIX DETACHED RESIDENTIAL UNITS AND ASSOCIATED DETACHED GARAGES INCORPORATING WETLAND CREATION.

LAND ADJOINING 79 GREENAWAY LANE, WARSASH

Report By

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1.0 Introduction

- 1.1. This is a detailed planning application for 6 detached dwellings. The application was previously considered at the Planning Committee meeting in January 2019 where Members resolved to grant Planning Permission.
- 1.2. Following the resolution to grant planning permission, and before a decision notice was issued, Natural England provided new advice to Councils in light of a decision made by the European Court of Justice (known as the 'Dutch case'). The 'Dutch Case' has implications for the approach which must be taken when assessing the impact of new development upon European Protected Sites. A number of European Protected sites which would be covered by the ruling, are located in and around The Solent.
- 1.3. The case reinforced the precautionary principle which must be adopted when assessing the impact upon protected sites. Furthermore, the case also

clarified the requirement that where mitigation is needed, it should be identified at the time of carrying out an Appropriate Assessment and appropriately secured before permission is granted. This is in order for the competent authority to conclude with certainty that any mitigation proposed and secured would sufficiently mitigate any adverse effects arising from the development in question.

- 1.4. The primary concerns raised by Natural England in respect of development in this Borough, relate to the impacts of increased nitrates entering the European Sites through water and the impact of exhaust emissions from increased vehicles, upon European Sites. Based on the existing condition of The Solent water bodies and taking into account the implications of the more recent Dutch case ruling, Natural England's advice to this Council has been that any new development which would result in an increase in 'overnight' stays, should achieve nitrate neutrality in order to not have any likely significant effects.
- 1.5. Work was undertaken by Ricardo on behalf of this Council in respect of the impact of exhaust emissions upon European Sites. This work was completed in December last year and the full report has been published on the Council's website. The report concluded that "Development in Fareham can take place over the period up to 2023 as set out in this report, with no threat due to emissions to air to the ability of any European site to achieve their conservation objectives or maintain their integrity (either alone or in combination).
- 1.6. The application has been amended in response to Natural England's advice to deal with the issue of nitrates within water leaving the site impacting upon European Protected Sites. The site area has been increased by incorporating additional land to the south to enable a reedbed wetland to be included.
- 1.7. The application was re-publicised to allow members of the public to submit further comments in relation to the amended site area and proposed incorporation of a reedbed wetland. The application is included on this

agenda because the application site area has been increased in size and because more than 5 representations have been received.

- 1.8. Members will note from the 'Five Year Housing Land Supply Position' report elsewhere on this agenda that this Council currently does not have a five year housing land supply. Details regarding the scale of the shortfall are contained within the report.

2.0 Site Description

- 2.1. The application site measures 0.820 hectares and is located to the south of Greenaway Lane. The site comprises an open field which is predominantly flat with a gentle slope from the north-east corner towards the south-west.
- 2.2. A row of substantial trees fronting Greenaway Lane in addition to a treed western boundary are covered by Tree Preservation Orders. A single detached house with access direct from Greenaway Lane is located in the centre of the field but outside of the application site.
- 2.3. Residential dwellings are located to the east, west and north of the application site. To the immediate south east of the site is a private road which links Greenaway Lane to Warsash Road in the south. The Vero Industrial site is located to the south of the site.
- 2.4. The site is located outside of the defined urban settlement boundary and therefore for planning policy purposes is considered to be countryside. It is located in close proximity to Warsash local facilities.

3.0 Description of Proposal

- 3.1. Full planning permission is sought for the construction of 6, two storey dwellings with parking and soft landscaping. Access to the dwellings would be via the existing access from Greenaway Lane to no. 79. The application also proposes the creation of 2 wildlife buffers and an area of wetland. One of the wildlife buffers would be along the eastern edge of the site with the other running along the western edge and around the north western corner of the site.

- 3.2. The proposed wetland comprises a drainage ditch which would run along the southern boundary of no. 79 and plots 3-6 and link with 2 larger swales in the west of the site.
- 3.3. The application is supported by an ecological assessment, a tree report, a contamination report, a transport statement, a flood risk assessment and drainage strategy.

4.0 Policies

- 4.1. The following policies apply to this application:

Adopted 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

Adopted 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

Other Documents:

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

5.1. The following planning history is relevant:

5.2. This application forms part of a wider site also submitted for Planning Permission (reference P/18/0107/OA.) The application for the wider site is an outline application which proposes the erection of up to 30 residential units and associated detached garages.

5.3. The Planning Committee on 20th June 2018 resolved to grant outline planning permission for the erection of up to 30 dwellings subject to the completion of a Section 106 legal agreement to secure:

- Financial contribution to secure satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas.
- Vehicular, Pedestrian and cycle access connectivity to adjoining land
- The delivery of 40% of the permitted dwellings as affordable housing.
- The application for the wider site has not yet been determined. The land on which the reedbed wetland is proposed (which increased the site area of the

application under consideration) formed part of the wider site. The incorporation of some of the land from the wider site into the application under consideration is likely to result in fewer houses being accommodated within the wider site.

6.0 Representations

6.1. A total of 21 representations have been received (13th June).

Of these representations, 1 supports the application and raised the following points:

- the proposed development is appropriate to the character of the area
- the proposed application provides the opportunity for families to build their own homes
- Natural England support the proposed use of wetlands to create nitrogen neutral schemes

6.2. The remaining 20 representations object to the application and raise the following concerns:

- The transport assessment contains a number of errors regarding local buses
- Cumulative impact of increased traffic from this application and others in the area
- Impact on Brook Lane
- Impact on Greenaway Lane
- The contribution to the 5 year housing land supply is negligible
- The proposed development should provide a contribution towards education as this site is only part of a larger site.
- The presumption in favour of development does not apply as the site is within 0.55km of a SPA and SAC
- S106 payments are unable to mitigate all the impacts of development
- Lack of information regarding: ecology; bin collection points; urban design issues; archaeology and the highway engineer's requirements.

- Doubt as to whether the land has been used for grazing for 10 years.
- The appropriate assessment should be undertaken using a precautionary approach
- The appropriate assessment undertaken in January 2019 is not sufficiently robust
- The proposed development would not be nitrogen neutral
- Further information is required regarding the type of foundations to be used
- The proposed wetlands will attract large numbers of mosquitos
- Bin collection points are out of keeping with the character of Greenaway Lane

6.3. PETITION (signed by 2,390 people)

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

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

Justification:

Below are the sites that we are protesting about.

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

HA3 - Southampton Road, Titchfield Common - 400 dwellings

HA7 - Warsash Maritime Academy, Warsash -100 dwellings

HA9 - Heath Road, Locks Heath- 71 dwellings

HA11- Raley Road, Locks Heath- 49 dwellings

HA13- Hunts Pond Road, Titchfield Common- 38 dwellings

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

HA15 -Beacon Bottom West, Park Gate -30 dwellings

HA17 -69 Botley Road, Park Gate -24 dwellings

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

Traffic in this area is already at a gridlock during peak hours and since the new Strawberry Fields, Hunts Pond and Coldeast developments it has doubled the time for people to get to work. Improvements on major roads and motorways will try and ease congestion but it's not satisfactory as residents will not be able to actually get to these major roads. Local roads such as Brook Lane, Osborne Road, Warsash Road and Barnes Lane cannot be made wider, they were built to service the traffic and community of small villages and the resulting influx of 3000+ cars in such a small square area will lead to more accidents. Warsash specifically is on a peninsular and the only roads in and out are Brook Lane and Warsash Road. Emergency vehicles will be unable to ensure safe response times - during rush hour it is likely they will not have space to get to their destination. The consequences will be catastrophic. Flooding is inevitable especially with recent climate changes; residents in local back garden developments are already experiencing this. Fareham is presently in trouble for poor air quality due to the amount of rush hour traffic. Bring another 3000+ cars in to the Western Wards and there will be more cases of asthma, lung disease and related illnesses - all for the surgeries with not enough resources to treat. Doctors, schools, hospitals and

emergency services are already stretched to breaking point. If the plans go ahead there will be hundreds of children needing school places. New schools might take pressure off the overcrowded ones - then the influx of new children will put it back on again. Children walking to Brookfield already face a perilous journey due to the amount of traffic on Brook Lane. Brook Lane, Lockswood, Jubilee and Whiteley surgeries struggle to cope with the amount of patients they have. They wait an unacceptable amount of time for routine appointments (1 month plus) and often have very long waits when they get to there (30 minutes plus). Emergency appointments are becoming harder to book as there are not enough doctors or time. The very young, elderly and chronically ill are already vulnerable and bearing the brunt of this - add another 1,500 homes and these overstretched surgeries will be at crisis point. There will be an increased need for care homes, for which there is just no space. Residents' health will be at risk and possibly their lives. Warsash is a place of outstanding natural beauty and home to precious wildlife such as badgers, bats and deer. The greenfield land proposed as the area for development also provides a defined strategic gap from neighbouring villages. Residents have the right to breathe clean air, have facilities, space and sufficient infrastructure and the assurance that emergency vehicles have access and can meet response times in life threatening situations. We genuinely fear for the health and safety of people in the Western Wards.

7.0 Consultations

EXTERNAL

7.1. Flood and Water Management

No objection subject to conditions.

7.2. Archaeology

The archaeological evaluation submitted confirms that no further archaeological work is required. No objection.

7.3. Southern Water

SUDS are not adoptable by sewerage undertakers, therefore the applicant will need to ensure that arrangements exist for their long-term maintenance.

An informative should be included to advise the applicant that a formal application is required for connection to the public sewerage system. The Lead Local Flood Authority need to confirm the acceptability of discharging surface water drainage into a watercourse.

7.4. HCC Children's Services

The application falls below the threshold at which a contribution is sought.

7.5. HCC Highways

No objection subject to conditions.

7.6. Natural England

Further information required.

An appropriate assessment is required to assess proposed avoidance and mitigation measures to offset recreational impact on the Solent & Southampton Water SPA sites and to ensure that the development is nitrogen neutral

Further information is required regarding the long term management and monitoring strategy for the wetland in order to conclude that it will provide effective mitigation for the lifetime of the development and not have an adverse effect on the integrity of the sites. .

No objection to the nitrogen budget provided the site areas are correct and the existing land uses are precautionary.

In addition to a resident's service charge to fund the maintenance of the wetlands, the scheme will require the payment of an agreed commuted sum to your authority to be made available to the management company (or other third party) to cover any shortfall in payments from householders and so ensure the continued delivery of the management plans.

A contribution to the Solent Recreation Mitigation Partnership Strategy is required.

INTERNAL

7.7. Public and Open Spaces

No objection

7.8. Environmental Health

No objection

7.9. Ecology

No objection subject to conditions.

7.10. Environmental Health – Contamination

No objection subject to a condition requiring works to cease if any contamination not accounted for in the remedial statement is encountered.

7.11. Housing

A financial contribution in lieu of on-site provision of affordable housing is acceptable, however it should be 40% rather than 30% as this site forms part of a wider site.

7.12. Refuse and Recycling

No objection subject to provision for a bin collection point at the entrance off Greenaway Lane.

7.13. Urban Design

Landscape character and setting-

The overall proposed layout is acceptable; however the following elements need to be addressed:

Plots 1 and 6 – the garages are too close to the boundaries which undermines the trees, landscape and setting

Construction detail of the access road and its impact on the long term stability of the TPO trees onto Greenaway Lane is required. The standard HCC detail involves significant foundation and reinforcing structures that need careful bespoke design and construction.

Design Quality

The scale and proportions of the dwellings are appropriate, however further variation is required to prevent the existing dwelling appearing awkward.

Access drives should be cellular controlled gravel with native hedging and post and rail fencing for front gardens.

Narrower accesses to each plot are required to avoid a suburban layout. The garages should also be moved further back to enhance the sense of spaciousness between plots.

Details required for all of the rear boundaries and the side boundaries of plots 1 and 6.

7.14. Trees

No objection subject to a condition.

8.0 Planning Considerations

8.1. The application was considered at the Planning Committee in January 2019. Members considered the proposed development in full and resolved to grant planning permission. After the Planning Committee resolved to grant Planning Permission, Natural England issued new advice to councils as detailed in section 1 of this report.

8.2. The site has been increased in size to incorporate a wetland which enables the nitrates to be removed from water to ensure that the proposed development is 'nitrate neutral'. The only material change to the application

since it was previously considered is therefore the increased size of the site to enable the incorporation of a reedbed wetland. All the other issues for consideration remain the same as when the committee previously considered the application in January 2019 and resolved to grant Planning Permission.

8.3. The following matters represent the key material planning considerations which need to be assessed to determine the suitability of the development proposal. The key issues comprise:

- a) Implication of Fareham's current 5-year land supply housing supply position (5YHLS)
- b) Residential development in the countryside
- c) Policy DSP 40
- d) Local Infrastructure
- e) Other matters, including affordable housing
- f) The planning balance

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

8.4. A report titled "Five year housing supply position" is reported for Members' information elsewhere on this agenda. That report sets out this Council's local housing need along with this Council's current housing land supply position. The report concludes that this Council has 2.72 years of housing supply against the new 5YHLS requirement meaning there is shortage of 1,231 dwellings.

8.5. The starting point for the determination of this planning application is Section 38(6) of the Planning and Compulsory Purchase Act 2004: "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"

8.6. In determining planning applications there is a presumption in favour of policies of the extant Development Plan, unless material considerations

indicated otherwise. Material considerations include the planning policies set out in the NPPF.

- 8.7. Paragraph 59 of the NPPF seeks to significantly boost the supply of housing.
- 8.8. Paragraph 74 of the NPPF states that Local Planning Authorities should identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement including a buffer. Where a Local Planning Authority cannot do so, and when faced with applications involving the provision of housing, the policies of the local plan which are most important for determining the application are considered out of-date.
- 8.9. Paragraph 11 of the NPPF then clarifies what is meant by the presumption in favour of sustainable development for decision-taking, including where relevant policies are "out-of-date". It states: "For decision-taking this means: Approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."
- 8.10. The Council is currently unable to demonstrate a five year housing land supply therefore the development plan cannot be considered up-to-date. The key judgement for Members therefore is whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole.

- 8.11. Members will be mindful of Paragraph 177 of the NPPF which states that: “The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats sites (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site”.
- 8.12. The Local Planning Authority has carried out an appropriate assessment that concludes that the proposed development would not adversely affect the integrity of the habitats site, therefore the presumption in favour of sustainable development applies and the 'tilted balance' of paragraph 11 is engaged.
- 8.13. The following sections of this report assess the application proposals against the Council's adopted Local Plan policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

B) RESIDENTIAL DEVELOPMENT IN THE COUNTRYSIDE

- 8.14. 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.
- 8.15. 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.'

- 8.16. 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).
- 8.17. 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

8.18. Local Policy DSP40 states that:

8.19. "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.

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

POLICY DSP40 (i)

8.21. 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 1,231. Therefore bullet point i) of Policy DSP40 is satisfied.

POLICY DSP40 (ii)

8.22. The application site is in close proximity to the defined settlement boundary of Warsash (approximately 73 metres) and to leisure and community

facilities, schools and shops and therefore satisfies the first component of policy DSP40 part ii.

- 8.23. The proposed layout comprises 6 detached dwellings which would front Greenaway Lane. The position and orientation of the buildings would be consistent with both 79 Greenaway Lane and the properties to the immediate east and west of the site. The proposed layout would therefore be well integrated with the neighbouring settlement and would accord with the second component of policy DSP40 part ii.

POLICY DSP40 (iii)

- 8.24. The site is not located with a designated strategic gap. It is however, located within designated countryside where Policy CS14 of the adopted Fareham Borough Core Strategy confirms that built development will be strictly controlled to protect it from development which would "adversely affects its landscape character, appearance and function".
- 8.25. In assessing the impact on the landscape character of the area, due regard has been given to The Fareham Landscape Assessment 2017 (which is part of the evidence base for the published draft Fareham Local Plan 2036). The site lies within the Lower Hamble Valley (LCA2), Warsash Nurseries and is of lower sensitivity mainly because the character and quality of the landscape has been adversely affected by urban influences. The landscape is more tolerant of change and there is scope for development to bring about positive opportunities.
- 8.26. The site is currently viewed from adjoining residential properties in Greenaway Lane, properties served off the access track on the eastern boundary of the site and commercial premises. It is acknowledged that there will be a change in the character of the site when viewed from the immediate vicinity and that the outlook from nearby properties would change if the proposal were to go ahead. Officers are satisfied that the proposed dwellings have been sensitively designed to reflect the spacious layout of the existing neighbouring settlements, that it would be appropriate in its context and that the change in character would primarily have a localised visual impact.

8.27. The visual impact from longer distance views would be limited due to existing built form and vegetation. The proposal would therefore satisfy point iii) of Policy DSP40 and comply with policies CS17 and DSP1.

POLICY DSP40 (iv)

8.28. In terms of delivery, the agent has advised that they intend to commence work within 6 months of the issue of any planning permission.

POLICY DSP40 (v)

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

Loss of Agricultural Land

8.30. Parts of the site are classified as Grade 1 and 2 agricultural land which CS16 seeks to prevent the loss of. Paragraph 170(b) of the National Planning Policy Framework advises that planning decisions should contribute to and enhance the natural and local environment by (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services -including the economic and other benefits of the best and most versatile agricultural land.

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

Ecology

8.32. To fulfil the requirements under the Habitat Regulations, Officers are required to carry out an Appropriate Assessment in relation to the likely significant effects on the European Protected sites (EPS) in the Solent. Officers have

undertaken an appropriate assessment and formally consulted Natural England. The main impacts of development on EPS in the Solent which were assessed are:

Disturbance to Solent Special Protection Areas (SPAs) through increased recreational use by visitors to the sites;

Impact upon European Sites from increased vehicle emissions and

Impact upon water quality at the European Protected Sites resulting from increased nitrates carried in water from the proposed development.

Each of the impacts on the EPS were assessed in turn.

-Disturbance to Solent Special Protection Areas (SPAs) through increased recreational use by visitors to the sites

Disturbance to habitats through increased recreational use by visitors to the sites can be mitigated by securing appropriate financial contributions towards the Solent Recreation Mitigation Strategy which provides a strategic solution by pooling contributions to fund and implement a variety of mitigation measures such as the provision of wardens. The appropriate assessment concludes that the proposed development and mitigation in the form of a contribution towards the SRMS would not have a likely significant effect alone or in combination with other plans on the integrity of the EPS in terms of recreational disturbance.

8.33. Impact upon European Sites from increased vehicle emissions.

8.34. Natural England have developed distance based criteria to identify potential effects from car exhaust emissions. This identifies that protected sites lying in excess of 200m of the edge of a road would not need to be considered any further. Notwithstanding Natural England's distance based criteria, Fareham Borough Council commissioned an air quality report by the specialist Energy and Environment Consultancy, Ricardo.

- 8.35. The air quality report assesses the impact of road traffic emissions associated with proposed short term development within Fareham Borough in combination with anticipated development from neighbouring local authorities in the Partnership for South Hampshire sub-region.
- 8.36. The air quality report concluded that: "Development in Fareham can take place over the period up to 2023 as set out in this report, with no threat due to emissions to air to the ability of any European site to achieve their conservation objectives or maintain their integrity (either alone or in combination)." The findings of the report enables the appropriate assessment to conclude that the proposed development would not have a likely significant effect alone or in combination with other plans on the integrity of the EPS in terms of air quality.
- 8.37. Impact upon water quality at the European Protected Sites resulting from increased nitrates carried in water from the proposed development.
- 8.38. Natural England advise that sites must be 'nutrient neutral', that is there must be no increase in the levels of nitrates in water leaving the site and entering The Solent. To calculate the nitrogen budget for the site a comparison is made between the nitrogen produced as a result of the existing (or likely) use and proposed uses of the site.
- 8.39. The land has most recently been used for grazing horses, therefore this use has been used to calculate the current levels of nitrogen produced by the site (or the levels that would be produced at the site in the event that planning permission is not granted.) This figure is then compared to the levels of nitrogen that would be produced as a result of the proposed development. To calculate the level of nitrogen produced by a development, it is also necessary to include any proposed mitigation.
- 8.40. The nitrogen budget has been based on an assumption that water usage within the new dwellings would be at a level of 110 litres per person per day. To enable this level to be achieved it is necessary to include a condition that restricts water usage by requiring all the houses to meet the more stringent Building Regulations standard.

- 8.41. To assess the impact of nitrogen on the EPS the appropriate assessment calculates the nitrogen budget and considers all of the ways in which nitrogen from the development could enter The Solent. There are three ways in which water from development can enter the EPS: directly via hydrological pathways, via foul water drainage and from run-off during flood events.
- 8.42. The proposed development would not require any deep excavations such as might be required for major infrastructure, therefore there are no hydrological surface water pathways identified that could result in groundwater pollution.
- 8.43. Foul water drainage from the site will be discharged to the existing public foul sewer and treated at the sewage treatment plant. Without mitigation the proposed development would result in an increased level of nitrates entering The Solent.
- 8.44. To counter the potential for increased levels of nitrates to enter The Solent, the applicant has proposed on site wetland provision. The proposed wetland would remove nitrates from surface water and roof water drainage through a combination of physical, chemical and biological processes via interactions between the water, substrate and micro-organisms such as algae. The applicant has demonstrated to Natural England's satisfaction that the proposed wetland would result in an overall decrease in the amount of nitrates entering The Solent from this site.
- 8.45. Nitrate pollution in the event of a flood has been addressed by ensuring that the proposed sustainable urban drainage system, swale and wetland have been designed to cater for future flood events (with an allowance for increased levels of rainfall due to climate change.) The proposed development would therefore not result in increased levels of nitrates entering The Solent in the event of a flood.
- 8.46. Natural England agree with the principle of using a reedbed wetland to remove nitrogen from water and therefore decrease the level of nitrates entering The Solent. Following consultation with Natural England regarding the Appropriate Assessment, Natural England have advised that additional details need to be secured regarding the long term monitoring and

management of the wetlands in order to conclude that there would be no likely significant effect on the Solent Special Protection Areas. The additional details have subsequently been agreed with the applicant and will be secured within the Section 106 legal agreement.

- 8.47. Officers have liaised with Natural England regarding the need for further details to ensure the long term management and monitoring of the wetlands. Natural England have been asked to confirm that the details which will be secured within the Section 106 are sufficient to conclude there is no adverse impact on the integrity of the European protected sites within The Solent and to endorse the LPA's appropriate assessment.
- 8.48. Officers have secured an appropriate level of detail (in line with Natural England's advice) to ensure that the reedbed wetland can be effectively monitored and managed in the long term. The details of the long term monitoring and management have informed the Appropriate Assessment which concludes that the proposed development together with the proposed mitigation measures (the Bird Aware contribution, wetland creation and appropriate planning conditions) would not have an adverse impact on the integrity of the identified sites and that this is demonstrated beyond reasonable scientific doubt.
- 8.49. If planning permission is granted, officers are satisfied that the proposal would be acceptable from an ecological perspective subject to planning conditions and a Section 106 planning obligation in accordance with Core Strategy policy CS4, CS20, and policies DSP13, DSP15, DSP40 (v), of Local Plan Part 2.

Amenity

- 8.50. The proposed dwellings would be spaciouly laid out such that Officers are satisfied that the development would be acceptable in accordance with Core Strategy policy CS17 and Local Plan Part 2 policy DSP40 (v).

Highways

- 8.51. The Transport Planner is satisfied that the existing access onto Greenaway Lane can accommodate the proposed frontage development of 6 dwellings. Officers are satisfied that sufficient on-site parking can be provided to comply with adopted policy.
- 8.52. With regard to third party concern over the impact of the proposed development on the local highway network, the Transport Planner is satisfied that the additional traffic generation would not adversely affect the safety and operation of the strategic and local road network.
- 8.53. Turning to the impact of construction vehicles on Greenaway Lane, a planning condition is recommended for details to be agreed in respect of how construction vehicles will access the site, how provision is to be made on site for the parking and turning of operatives and delivery vehicles and the area to be used for the storage of building materials as well as a condition to prevent spoil and mud being deposited on the public highway.
- 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 of Local Plan Part 2 and Policy CS5 of the Core Strategy.

D) Local Infrastructure

- 8.55. The strength of local concern relating to the impact of the development on schools, doctors, dentists and other services in the area is acknowledged. The Education Authority have not requested a contribution towards school provision due to the number of units falling below that which would require an education contribution.
- 8.56. 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.

E) Other Matters, including affordable housing

8.57. With regard to comments about the lack of information regarding ecology; bin collection points; urban design issues; archaeology and the highway engineer's requirements additional information has been submitted to address each of the consultee's original comments. All of the consultees have confirmed that sufficient information has been submitted to address their initial comments.

Affordable Housing

8.58. A section 106 legal agreement will ensure that appropriate 40% affordable housing (linked to the wider site) is provided or that a financial contribution towards off site affordable housing will be provided.

F) THE PLANNING BALANCE

8.59. 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".

8.60. 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.

8.61. 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; 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 (DSP40(i)); would be sustainably located adjacent to and well related to the existing urban settlement boundaries and well integrated with the neighbouring settlement (DSP40(ii)); would be sensitively designed to reflect the character of the neighbouring settlement and would minimise any adverse impact on the countryside and strategic gap (DSP 40(iii)) and it can be delivered in the short-term (DSP40(iv)).

- 8.62. The proposed development would not have any unacceptable traffic or amenity implications and therefore accords with two of the three components of DSP40 part v. Part v of DSP40 also requires development to not have any unacceptable environmental implications. Officers have undertaken an appropriate assessment which concludes that the proposed development would not have an adverse impact on the integrity of the European Protected Sites. The proposed development would result in the loss of some grade 1 and 2 agricultural land and would therefore have an environmental implication, however the acceptability of this loss has to be considered together with the objectives of the development plan as a whole.
- 8.63. 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 6 dwellings in the short term.
- 8.64. The contribution the proposed scheme would make towards boosting the Borough's housing supply would be modest but is still a material consideration in the light of this Council's current 5YHLS.
- 8.65. 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 5YHLS, development plan policy DSP40 is engaged and officers have considered the scheme against the criteria therein. The scheme is considered to satisfy four of the five criteria and in the circumstances, officers consider that more weight should

be given to this policy than CS14 such that, on balance, when considered against the development plan as a whole, the scheme should be approved.

8.66. As an appropriate assessment has been undertaken Paragraph 177 of the NPPF states that the presumption in favour of sustainable development imposed by paragraph 11 of the same Framework is applied.

8.67. Officers have therefore assessed the proposals against the 'tilted balance' test set out at paragraph 11 of the NPPF.

8.68. 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;

and

ii) any adverse impacts of granting planning permission, (including the loss of grade 1 and 2 agricultural land) would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.

8.69. Officers therefore conclude that having applied the 'tilted balance', that planning permission should be granted for the proposals. 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 planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990.

9.0 Recommendation

9.1. Delegate to the Head of Development Management in consultation with the Solicitor to the Council for the prior completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure:

- a) A 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.
- b) A financial contribution of 40% towards the off-site provision of affordable housing or provision of 40% on site affordable housing under planning reference P/18/0107/OA in accordance with Core Strategy Policy CS18
- c) The creation and retention of wetlands on the site prior to occupation of any dwelling;
- d) The creation of a management company to monitor and manage the communal areas of the development including the wetlands for the lifetime of the development.
- e) Mechanism for securing appropriate funding of the management company for the lifetime of the development
- f) Mechanism for ensuring collection and enforcement of the residents' service charge to fund the monitoring and management of the communal areas of the development including the wetlands for the lifetime of the development
- g) Suitable monitoring arrangements for the wetlands for the lifetime of the development, to include:
 - Monitoring of wetlands to be undertaken by a qualified drainage specialist
 - Monthly monitoring of the reedbeds for the first 2 years then every 6 months thereafter Inspection of wetlands within a week in the event of unforeseen circumstances and remedial measures where required within a fixed period of such measures being approved by the appropriate body/ies
 - Protocol for reporting results of the monitoring including payment of the costs of FBC and NE involved in reviewing the monitoring reports

-Trigger levels for the implementation of remedial measures, such measures to be implemented by a qualified contractor and inspected by the qualified drainage specialist.

- h) Obligations on owners of individual houses to report misconnections or other issues with the wetlands
- i) Payment of a commuted sum to be made available to the management company (or other third party) to cover any shortfall in payments from householders and so ensure the continued delivery of the management plans.

And

Delegate to the Head of Development Management to make any necessary modification or addition to the proposed heads of terms;

And then;

GRANT PLANNING PERMISSION, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this decision.

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:

Location plan Drawing no. 18.079.100

Site plan Drawing no. 18.079.101 Rev H

Garage plan Drawing no. 206

Car port plan Drawing no. 18.079.208

House type A Plot 2 Drawing no.200A

House type B Plot 3 Drawing no.201A

House type A2 Plot 5 Drawing no.204A

House type B2 Plot 1 Drawing no.205A

House type A1 plot 4 Drawing no.202A

House type B1 plot 6 Drawing no.203A

Landscaping plan Drawing no.PRI22085 12B Sheet 1

Landscaping plan Drawing no.PRI22085 12B Sheet 2

Soft landscaping details Drawing no.PRI22085 11B Sheet 1

Soft landscaping details Drawing no.PRI22085 11B Sheet 2

Streetscene Drawing no. 207 Rev A

Phase 1 Ecological Assessment and reptile survey produced by Peach Ecology dated 14th December 2018

Carriageway detail for construction within the root protection area of retained trees Drawing no. HCC10/C/155 Rev A

No dig footway details for construction within the root protection area of retained trees Drawing no. HCC10/C/160

Greenfix geoweb solutions method statement

Tree protection plan Drawing no. J893.07

Arboricultural Impact Assessment & Tree Survey produced by Sapling Arboriculture Ref: J893.10

Internal access road and turning heads Drawing no. 116860-TP-000801

Transport Statement produced by Sweco UK Ltd dated 8th October

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

3. No development shall take place until the wheel washing facility has been provided in accordance with site plan Ref J and Paul Airey's email dated 9th January 2019. These measures shall be retained for the duration of construction of the development

REASON: In the interests of highway safety and the amenity of the area in accordance with Policies CS15 and CS17 of the Fareham Borough Core Strategy.

4. No development shall take place until space for the parking and turning of contractors' vehicles has been provided in accordance with site plan Ref J and Paul Airey's email dated 9th January 2019. These spaces shall thereafter be kept available at all times during the construction period, unless otherwise agreed in writing with the local planning authority.

REASON: In the interests of highway safety; in order to secure the health and wellbeing of the trees and vegetation which are to be retained at the site; and to ensure that the residential amenities of the occupiers of nearby residential properties is maintained during the construction period; in accordance with Policies CS15, CS16 and CS17 of the Fareham Borough Core Strategy.

5. No development shall take place until the measures of tree and hedgerow protection contained within the Arboricultural Impact Assessment & Tree Survey produced by Sapling Arboriculture ref J893.10 (dated October 2018) and the Tree protection plan Drawing no. J893.07 have been implemented in full. All the approved tree and hedgerow protection measures shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site.

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

6. The biodiversity mitigation and enhancement strategy and management thereof set out in the discharge of condition statement submitted by Peach Ecology (14th December 2018) shall be implemented in full in accordance with the submitted details and shall be subsequently retained in accordance with the approved details thereafter.

REASON: To ensure that protected species are not harmed and that habitat is enhanced as a result of the proposed development.

7. No development shall take place until details of the type of construction proposed for the roads and access and the method of disposing of surface water have been submitted to and approved by the local planning authority in writing.

REASON: To ensure that the roads are constructed to a satisfactory standard; in accordance with Policies CS5 and CS17 of the Fareham Borough Core Strategy.

8. No development shall take place above damp proof course level on any of the development hereby permitted until a Biodiversity Mitigation and Enhancement Scheme has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and retained thereafter.

Reason: To conserve and enhance biodiversity, in accordance with Policy DSP13 of the Local Plan Part 2: Development Sites and Policies 2015.

9. None of the dwellings hereby approved shall be occupied until the hard and soft landscaping works as approved under Landscaping plan Drawing no.PRI22085 12B Sheets 1 & 2 and Soft landscaping details Drawing no.PRI22085 11B Sheets 1 & 2 have been implemented in full. 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.

10. None of the development hereby permitted shall be occupied until the bin collection point has been provided in accordance with the details on Drawing no. 18.079.101 Rev H. The designated area shall thereafter be kept available and retained at all times for the purpose of bin collection.

REASON: To prevent an obstruction of the highway.

11. If, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered all development shall stop on site. An investigation and risk assessment of the identified ground conditions shall be undertaken and details of the findings, along with a detailed remedial scheme, must be submitted to and approved in writing by the Local

Planning Authority. The development will be undertaken in accordance with the approved details.

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

12.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; in accordance with Policies CS5 and CS17 of the Fareham Borough Core Strategy.

13.No dwelling shall be occupied until the approved parking and turning areas for that property have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking and turning of vehicles at all times unless otherwise agreed in writing by the local planning authority following the submission of a planning application made for that purpose.

REASON: In the interests of highway safety; in accordance with Policies CS5 and CS17 of the Fareham Borough Core Strategy.

14.No dwelling hereby permitted shall be occupied until 2.4m by 49m visibility splays have been provided at the site access junction with Greenaway Lane in

accordance with the approved details. These visibility splays shall thereafter be kept free of obstruction (nothing over 0.6m in height) at all times.

REASON: In the interests of highway safety; in accordance with Policies CS5 and CS17 of the Fareham Borough Core Strategy.

15.No dwelling hereby permitted shall be occupied until details of water efficiency measures have been submitted to and approved in writing by the Local Planning Authority. These water efficiency measures should be designed to ensure potable water consumption does not exceed an average of 110l per person per day. The development shall be carried out in accordance with the approved details.

REASON: In the interests of preserving water quality and resources

16.No development shall proceed beyond damp proof course level until details of secure cycle storage have been submitted to and approved by the Local Planning Authority in writing. The secure cycle stores shall be provided before any dwelling is first occupied and shall thereafter be retained and kept available for use at all times.

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

17.No work on site relating to the construction of any of the development hereby permitted (Including works of demolition or preparation prior to operations) shall take place before the hours of 0800 or after 1800 Monday to Friday, before the hours of 0800 or after 1300 Saturdays or at all on Sundays or recognised bank and public holidays, unless otherwise first agreed in writing with the Local Planning Authority.

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

18.Notwithstanding the provisions of Class F of Schedule 2, Part 1 and Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no gates, fences, walls or additional hard

surfaced areas shall be constructed within the curtilage of any of the dwelling houses hereby approved unless first agreed in writing with the Local Planning Authority following the submission of a planning application.

REASON: To protect the health of nearby trees and the character and appearance of the locality.

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

REASON: To protect the amenities of the nearby residents; in accordance with Policy DSP2 of the Local Plan Part 2: Development Sites and Policies 2015.

INFORMATIVES

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.

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. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

The development hereby permitted is subject to a Planning Obligation dated The planning permission hereby granted must be read in conjunction with the planning obligation which was considered essential to allow permission to be granted.

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

Background Papers

P/18/0884/FP