

OFFICER REPORT FOR COMMITTEE

DATE: 16/12/2020

P/18/0363/OA
T WARE DEVELOPMENTS LIMITED

FAREHAM NORTH-WEST
AGENT: ADVOCO PLANNING
LIMITED

RESIDENTIAL DEVELOPMENT OF UP TO 28 UNITS INCLUDING THE PROVISION OF 8 AFFORDABLE HOMES, ALONG WITH PARKING, LANDSCAPING AND ACCESS ROAD

84 FAREHAM PARK ROAD, FAREHAM

Report By

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1.0 Introduction

- 1.1 This application has been presented to the Planning Committee due to the number of third party representations received.
- 1.2 Members will note from the 'Five Year Housing Land Supply Position' report presented to the Planning Committee on 24th June 2020 this year that this Council currently has a housing land supply of 4.03 years (a shortfall of 522 dwellings within the 5-year period).

2.0 Site Description

- 2.1 The application site comprises a parcel of land approximately 1.45 hectares in size. The northern part of the site is currently used lawfully as part of a caravan storage facility whilst the larger southern part of the site is an open field.
- 2.2 The application site is located immediately adjacent to a recent residential development of seven houses known as Hope Lodge Close. Hope Lodge Close was an allocated housing site in the adopted Fareham Borough Local Plan Part 2: Development Site and Policies. The current application site includes land to the west and south-west of Hope Lodge Close and shares the same access through the site back to Fareham Park Road. The access road crosses a public right of way (Bridleway 82) near its junction with Fareham Park Road which then runs adjacent to the site's south-eastern boundary.
- 2.3 The site is bound on its south-eastern side by a line of mature trees and hedgerow (the other side of which runs the bridleway). Around the site's western edge is land shown edged blue on the submitted site location plan to denote land within the ownership or control of the applicant. This land

features mainly boundary trees and vegetation and also part of the existing caravan storage use. On part of this blue edged land and other land further westwards is an area of ancient woodland designated as a Site of Importance for Nature Conservation (SINC) known as Iron Mill Coppice. To the north of the site lie stable buildings with the M27 motorway a short distance further to the north.

- 2.4 The site is located entirely outside of the designated urban settlement boundaries and so for planning purposes is considered to be countryside. The edge of the urban area lies to the immediate south-east of the site across the bridleway and also eastwards at the perimeter of the curtilage of 86 Fareham Park Road. The development of seven houses already underway is carried out on land which is defined as being within the urban area and which lies immediately adjacent to the application site. The site also lies within a designated Strategic Gap (The Meon Gap).

3.0 Description of Proposal

- 3.1 Outline planning permission is sought for a residential development of up to 28 units along with parking, landscaping and access roads. All matters except for the means of access are reserved.
- 3.2 The applicant has proposed that 8 of the 28 proposed units will be affordable homes. Of those affordable units six would be social rented and the other two intermediate units.
- 3.3 Access into the site would be provided through Hope Lodge Close (a private road which does not form part of the adopted highway). From Hope Lodge Close access is proposed at two points between 3 & 5 Hope Lodge Close and through the end of the close adjacent to 8 Hope Lodge Close.

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

CS16 - Natural Resources and Renewable Energy

CS17 - High Quality Design

CS18 - Provision of Affordable Housing

CS20 - Infrastructure and Development Contributions

CS22 – Development in Strategic Gaps

Adopted 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

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

DSP40 - Housing Allocations

Other Documents

Residential Car and Cycle Parking Standards Supplementary Planning Document (November 2009)

Design Guidance Supplementary Planning Document excluding Welborne (Dec 2015)

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/02/0213/LU	USE OF LAND FOR THE OPEN STORAGE OF TOURING CARAVANS
CERTIFICATE GRANTED	30/05/2002
P/13/0059/OA	PROPOSED REDEVELOPMENT BY THE ERECTION OF SEVEN 4-BEDROOMED DETACHED HOUSES (OUTLINE APPLICATION)
PERMISSION	28/10/2014
P/13/0137/OA	PROPOSED REDEVELOPMENT BY THE ERECTION OF FOURTEEN TWO-BEDROOMED BUNGALOWS FOR OCCUPATION BY ELDERLY PERSONS (OUTLINE)
REFUSED APPEAL DISMISSED	19/07/2013 07/02/2014
P/16/1178/FP	RESIDENTIAL DEVELOPMENT TO PROVIDE 7 X 4 BED DETACHED HOUSES, GARAGES, LANDSCAPING AND NEW ACCESS INCLUDING DEMOLITION OF HOPE LODGE

PERMISSION	22/05/2017
P/16/1424/OA	TEN DWELLINGS (USE CLASS C3) AND ASSOCIATED ROADS, PARKING, LANDSCAPING AREAS AND PUMPING STATION (OUTLINE APPLICATION)
REFUSE	24/05/2017
P/17/1385/FP	RESIDENTIAL DEVELOPMENT TO PROVIDE 7 X 4 BED DETACHED HOUSES, GARAGES, LANDSCAPING AND NEW ACCESS INCLUDING DEMOLITION OF HOPE LODGE (ALTERNATIVE TO PREVIOUS PERMISSION GRANTED UNDER REFERENCE P/16/1178/FP)
PERMISSION	07/02/2018

6.0 Representations

6.1 There have been 31 representations received (48 if including multiple responses from the same persons). Of the 31 representations, there have been 23 letters objecting to the proposal and 8 letters of support.

6.2 Objections

General

- Why is there a need for more homes?
- The site is outside of the urban area / within the countryside
- Harm to integrity of strategic gap
- Site is not allocated for development
- Residents of Hope Lodge Close not informed of planning application

Highways

- Roads cannot cope with increased traffic
- Fareham Park Road is too narrow
- Damage to Fareham Park Road
- Harmful to users of the bridleway
- Harmful to safety of residents of Hope Lodge Close
- Impact on parking provision nearby

Environmental

- Noise and disturbance during construction
- Harm to ancient woodland
- Impact on wildlife
- Motorway noise

- Light pollution
- Loss of privacy

Impact on local services

- Additional strain on doctors' surgeries

6.3 Support

- Need for housing in local area
- Proposal would provide affordable housing
- The development will blend in well / reflect the character of the area
- Removal of caravan park use beneficial

7.0 Consultations

EXTERNAL

Hampshire County Council (Flood and Water Management)

7.1 No objection.

Southern Water

7.2 No objection.

Hampshire County Council (Countryside Service)

7.3 No objection subject to financial contribution towards enhancing Bridleways 82 & 83b (£65,450).

Hampshire County Council (Archaeology)

7.4 No objection.

Hampshire County Council (Children's Services)

7.5 No objection. The small number of dwellings does not warrant a contribution linked to the requirement for any additional education infrastructure. However a contribution of £7,000 for HCC to undertake a school travel plan is required. The development will yield additional pupils who will travel to the local catchment school at St Columba Primary.

INTERNAL

Ecology

7.6 No objection subject to conditions.

Environmental Health

7.7 No objection.

Contaminated Land

7.8 No objection.

Trees

7.9 No objection.

Highways

7.10 No objection subject to the developer funding a Traffic Regulation Order (TRO) to reduce the impact of parking on the south-eastern end of Fareham Park Road and improvements to the adjacent bridleway to Hillson Drive.

8.0 Planning Considerations

8.1 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 housing land supply position;
- b) Planning history
- c) Residential development in the countryside;
- d) Residential development within the strategic gap;
- e) Policy DSP40;
- f) The Impact on European Protected Sites;
- g) Other matters;
- h) The Planning balance.

a) Implications of Fareham's current 5-year housing land supply position

8.2 Members will note from the 'Five Year Housing Land Supply Position' report presented to the Planning Committee on 24th June 2020 this year that this Council currently has a housing land supply of 4.03 years (a shortfall of 522 dwellings within the 5-year period).

8.3 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".

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

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

- 8.5 Paragraph 59 of the NPPF seeks to significantly boost the supply of housing.
- 8.6 Paragraph 73 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.
- 8.7 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 planning permission unless:*
 - i. *The application of policies in this Framework that protect areas of 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.”*

- 8.8 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.

- 8.9 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 site (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.”

- 8.10 The wording of this paragraph clarifies that in cases such as this one where an appropriate assessment had concluded that the proposal would not adversely affect the integrity of the habitats site the presumption in favour of sustainable development set out in Paragraph 11 does apply.
- 8.11 The following sections of this report assess the application proposals against this Council's adopted local planning 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) Planning history

- 8.12 In 2013 planning permission was refused for the erection of fourteen two-bedroom bungalows partly on this site and partly on the adjacent housing allocation site. The decision (reference P/13/0137/OA) was the subject of a subsequent appeal which was dismissed in 2014 (reference APP/A1720/A/13/2203892). The Inspector noted as follows:

“The appeal site has an open character, with a gentle fall in levels from a slight crest westwards towards the area of woodland. The proposed housing would introduce a substantial amount of development on this land, bringing the area of built development close to this crest of the sloping land. It would bring a strong urbanising effect upon the rural appearance of the land, reducing the open countryside character of the area. There are clear views over the appeal site and adjoining rural area from public rights of way. The form and scale of the development would therefore be harmful to the landscape character of the area.”

- 8.13 A separate planning application made that same year for seven dwellings on the housing allocation site was permitted (reference P/13/0059/OA). In 2016 an alternative to the 2013 permission for the housing allocation's redevelopment was received (reference P/16/1178/FP) with permission being granted the following year and work starting shortly afterwards on the construction of seven detached two-storey houses on the land.
- 8.14 In 2016 a further application was received proposing ten more houses on the land to the west of the housing allocation (reference P/16/1424/OA). The site formed the remainder of the existing caravan storage use and comprises the northernmost section of the current application site. Planning permission was refused by the Planning Committee in May 2017 for the following reasons:

The development would be contrary to Policies CS2, CS4, CS6, CS14, CS17, CS18 & CS22 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP1, DSP6, DSP13 & DSP15 of the adopted Local Plan Part 2: Development Sites and Policies Plan and is unacceptable in that:

(a) the proposal represents development outside the defined urban settlement boundary for which there is no justification or overriding need and would adversely affect its landscape character, appearance and function;

(b) the proposal would extend residential development into the Meon Strategic Gap significantly affecting the integrity of the Gap;

(c) the application is made on a site which is clearly capable of providing a level of development which would require the provision of affordable housing and is also demonstrably part of a potentially larger developable site. The application fails to provide affordable housing either in the form of on-site units or the equivalent financial contribution towards off-site provision;

(d) due to the site's proximity to the M27 motorway, external garden areas on the site will be subjected to noise levels which would unacceptably affect the living conditions of those residing there. The application therefore fails to provide adequate external amenity space to meet the requirements of future occupiers;

(e) the applicant has failed to demonstrate that the development would protect and would not harm bats and their habitat or the adjacent ancient woodland/Site of Importance for Nature Conservation (SINC);

(f) in the absence of a financial contribution or 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.

8.15 Since the 2014 appeal decision and the Planning Committee decision in May 2017, there have been several other appeal decisions and material changes to the planning policy context. One of the most significant of these is that, as explained in the previous section to this report, the Council can no longer demonstrate a five year supply of housing land meaning Policy DSP40 of the adopted Local Plan Part 2 is engaged.

c) Residential Development in the Countryside

8.16 Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. Policy CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries. The application site lies within an area which is outside of the defined urban settlement boundary.

8.17 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.'

8.18 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).

8.19 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.

8.20 Further assessment of the degree of harm to the landscape character and appearance of the countryside and to what extent that harm is mitigated follows later in this report under Policy DSP40(iii).

d) Residential development within the Strategic Gap

8.21 The site lies within the Strategic Gap known as The Meon Gap as defined in the adopted Fareham Borough Core Strategy.

8.22 Policy CS22 of the Core Strategy states that:

'Land within a Strategic Gap will be treated as countryside. Development proposals will not be permitted either individually or cumulatively where it significantly affects the integrity of the gap and the physical and visual separation of settlements.'

Strategic Gaps have been identified between Fareham/Stubbington and Western Wards/Whiteley (the Meon gap); and Stubbington/Lee-on-the-Solent and Fareham/Gosport.

Their boundaries will be reviewed in accordance with the following criteria:

- a) The open nature/sense of separation between settlements cannot be retained by other policy designations;*
- b) The land to be included within the gap performs an important role in defining the settlement character of the area and separating settlements at risk of coalescence;*
- c) In defining the extent of a gap, no more land than is necessary to prevent the coalescence of settlements should be included having regard to maintaining their physical and visual separation.'*

8.23 It is clear that Policy CS22 does not seek to prevent all or any development in Strategic Gaps but just those which are considered to significantly affect the integrity of the gap and the physical and visual separation between settlements they provide. Such an assessment will need to be carried out on a case by case basis.

8.24 In an appeal decision in January 2019 relating to Land west of Old Street, Hill Head elsewhere in the Meon Gap (reference APP/A1720/W/18/3200409) the Planning Inspector concluded that a development of up to 150 houses in that instance would not adversely affect the integrity of the Strategic Gap. She noted that *"The character and setting of Stubbington was not pertinent to gap designation or function in Policy CS22"* and thus the proposal would accord with that policy.

8.25 In this case at the land at 84 Fareham Park Road, Officers consider that due to the extent of the gap, the physical and visual separation involved and the nature of the site being enclosed by built form and mature woodland, there would be no harm to the integrity of the Strategic Gap either. The spatial function of the gap and the settlement pattern of both Fareham and the Western Wards/Whiteley on either side of that gap would not be adversely affected. The proposal would therefore accord with Policy CS22.

8.26 Officers acknowledge that this position contrasts with the Council's previous decision in refusing planning permission for ten dwellings (reference P/16/1424/OA). Notwithstanding, following the further assessment summarised above, Officers do not believe a refusal based on harm to the integrity of the strategic gap would be sustainable on appeal.

8.27 Further assessment of how any adverse impact on the strategic gap is minimised follows later in this report under Policy DSP40(iii).

e) Policy DSP40

8.28 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.

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

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

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

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

Policy DSP40 (i)

8.31 The proposal is for up to 28 dwellings which Officers consider to be relative in scale to the 5YHLS shortfall and therefore bullet point i) of Policy DSP40 is satisfied.

Policy DSP40 (ii)

8.32 The site is in a sustainable location close to local primary and secondary schools and bus stops. At the south-eastern end of Fareham Park Road are takeaway food shops and other services whilst the local shops and services, including doctor's surgery and dentists, at Highlands Road Local Centre lie a little further.

8.33 The site is located immediately adjacent to the existing urban area. Subject to the satisfactory layout of the site, the development would be capable of relating well to the adjacent housing allocation site on which is the recent development of seven houses.

8.34 The proposal is considered to accord with Policy DSP40(ii).

Policy DSP40 (iii)

8.35 The first part of this policy test relates to the sensitivity of the proposed design in relation to the existing settlement area. The application is in outline form meaning consideration of the layout, scale and appearance of the development are reserved matters. However, taking into account the quantum of development proposed of 28 dwellings, Officers have no concerns that the scheme could not be delivered to successfully reflect the character of the existing settlement through a sensitive design approach to accord with Policy DSP40(iii).

8.36 The second part of the policy test considers to what extent any impact on the countryside and Strategic Gap is minimised.

8.37 The visual impact on the countryside arising from development on the site has been considered before by this Council both in determining the 2013 and 2016 applications. Neither application proposed development over the wider site as is now proposed but instead those schemes proposed smaller parcels of housing adjacent to the housing allocation site. Notwithstanding, on both occasions it has been determined that the proposed development would harm the countryside's landscape character and appearance and in the case of the 2013 application that has been reiterated in the subsequent appeal decision.

8.38 Consistent with those decisions, Officers consider the current proposal would harm the landscape character and appearance of the countryside. Officers are mindful that the adjacent land has already been developed with the construction of seven two-storey houses and note the urbanising effect this has on the application site. It is furthermore acknowledged that the land to the west of that development, and which forms the northern part of the application site, currently enjoys a lawful use for caravan storage which itself is an unsightly intrusion into the countryside. Notwithstanding, the caravan storage use in one part of the site has a more limited visual impact than housing across a larger area and the adjacent dwellings built on the housing allocation site are in stark contrast to the open character of the field which forms the majority of the application site. As stated earlier in this report, the proposal is found to have an unacceptable harmful impact on the countryside and to be contrary to Core Strategy Policy CS14. The test set out at Policy DSP40(iii) is different to that of Policy CS14 in that it seeks to ensure that such impact is minimised. The remainder of this section of the report sets out that harm in the wider context of the landscape character of the surrounding countryside and explains how Officers consider that impact to be minimised.

8.39 As already referred to, the site is within an area of countryside and Strategic Gap. Paragraph 170 of the NPPF states:

“Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes...”

8.40 In the January 2019 appeal decision on Land west of Old Street, Hill Head the Inspector agreed that the Lower Meon Valley is a valued landscape for the purposes of that paragraph. She noted that *“Case law and appeal decisions indicate that a valued landscape is more than ordinary countryside and should have physical attributes beyond popularity”*.

8.41 The application site lies in the Upper Meon Valley, an area also considered to be a valued landscape.

8.42 The Fareham Landscape Assessment 2017 (FLA) which is part of the published evidence base for the draft Fareham Local Plan describes the character area of the Upper Meon Valley as being a landscape resource of high sensitivity in general. Another evidence study, the Technical Review of Areas of Special Landscape Quality and Strategic Gaps (September 2020), identifies the Meon Valley as an Area of Special Landscape Quality (ASQL). Like the Upper Meon Valley landscape character area in the FLA, the boundary of the Meon Valley ASQL includes the application site.

8.43 The Upper Meon Valley landscape character area occupies a corridor of land contained between the urban edges of Fareham to the east, Titchfield Park to the west and Titchfield to the south. The area has a valley landform in a well-treed and essentially rural or semi-rural landscape and includes the area around Titchfield Abbey. The application site itself is identified in the FLA as being within an area of small-scale mixed farmland and woodland and is located on the fringe of the urban area on the wooded eastern valley side.

8.44 In terms of the visual environment the FLA remarks that:

“There are a few small pockets of land which are enclosed by strong hedgerows or vegetation and less visible, and/or lie within areas where views are already affected by built development or intrusive/unsightly land uses... In all cases, any development would need to be small-scale and sensitively integrated within the existing or new vegetation structure to avoid adverse visual impacts.”

8.45 It continues by saying that:

“...Development potential is highly constrained across the entire valley landscape and any significant development is likely to have unacceptable impacts upon one or more of the area’s important attributes. The only opportunity may be to accommodate development within small pockets of undeveloped land within existing residential areas... as long as it is of a similar character and scale to other dwellings within the locality and can be sensitively integrated within the landscape to avoid adverse impacts.”

- 8.46 In summarising development opportunities within the Upper Meon Valley therefore, page 129 of the FLA sets out a number of criteria one of which suggests that development proposals would need to:

“Be of a small-scale and located only in places where it can be carefully integrated within well-treed, strongly enclosed plots of land in association with existing development, fits within the existing field pattern and is of a similar character and scale to similar built development within the locality.”

- 8.47 In this case the application site is strongly enclosed by mature trees, including the adjacent ancient woodland of Iron Mill Coppice, and built form where it abuts the existing urban area. The visual effects of the proposed development would be chiefly confined to the existing field within which it sits and localised views from users of the adjacent public right of way. Some glimpsed views may be possible from the motorway from the north. As already explained, the scale and appearance of the dwellings are reserved matters but could be proposed so as to reflect existing built development in the adjacent settlement area. Officers are satisfied that the site’s well enclosed nature in association with additional landscape planting to reinforce that sense of enclosure would minimise longer distance views which may otherwise have a more significant effect on the landscape resource and visual amenities of the Upper Meon Valley. In particular the illustrative site plan submitted with the application shows that the existing tree planting along the south-western boundary of the site could be enhanced to further enclose and protect the wider landscape from adverse visual impacts. The plan demonstrates that sufficient space would be afforded to provide a meaningful buffer to the adjacent woodland as well as space to provide further local ecological enhancements. Such matters of layout and landscaping are also however of course reserved matters.
- 8.48 The enclosure of the site has a similar positive effect on minimising any adverse impact from development on the integrity of the strategic gap.

- 8.49 In summary of this particular policy test, Officers consider that the adverse impacts of the development could be mitigated to the extent that the proposal accords with Policy DSP40(iii).

Policy DSP40 (iv)

- 8.50 The applicant has stated that, should outline permission be granted, they would hope to be in a position to submit a reserved matters application within six months. They would anticipate being on site at the earliest opportunity following approval of the reserved matters with all of the 28 dwellings built out as a single phase.
- 8.51 Officers consider that the site is therefore deliverable in the short term thereby satisfying the requirement of Policy DSP40(iv).

Policy DSP40 (v)

- 8.52 The final test of Policy DSP40: "The proposal would not have any unacceptable environmental, amenity or traffic implications" is discussed below. In summary, Officers consider this policy test to be satisfied.

Ecology

- 8.53 The Council's ecologist has raised no objection to the application. The submitted Reptile Mitigation Strategy has identified an adjacent area of land within the ownership or control of the applicant as a suitable reptile receptor area. The implementation of the development in accordance with that strategy can be secured by using a planning condition.
- 8.54 The layout of the site is a reserved matter however Officers are satisfied that a suitable scheme could be provided to retain appropriate distance between the development and the adjacent ancient woodland SINC.

Amenity

- 8.55 The proposal is in outline form with matters of scale, appearance and layout, as well as landscaping, reserved for later consideration. At the reserved matters stage, the detailed layout and scale would need to be policy compliant to ensure that there would be no adverse unacceptable impact on the amenity of neighbouring residents.
- 8.56 Officers are satisfied that the effects of motorway noise on the enjoyment of the private garden areas and interior of the new properties hereby proposed could be satisfactorily mitigated by a scheme of sound attenuation. Such measures would need to be designed in light of the emerging layout of the site which would be a reserved matter and can be required by way of a planning condition.

- 8.57 Officers are satisfied that the development would be acceptable in accordance with Core Strategy Policy CS17 and Local Plan Part 2 Policies DSP3 and DSP40(v).

Highways

- 8.58 Following further discussions with and information from the applicant it was agreed by Officers that no additional traffic calming measures were necessary along Fareham Park Road to mitigate the impact of additional traffic generated by the dwellings proposed. Similarly, no amendments to the new junction already constructed to serve the development of seven houses on the adjacent housing allocation are required.
- 8.59 The Council's Transport Planner has recommended the developer make two contributions – one towards funding changes to a Traffic Regulation Order (TRO) at the south-eastern end of Fareham Park Road at the junction with Highlands Road, and one towards improvements to the existing bridleway adjacent the application site.
- 8.60 After taking advice from Hampshire County Council Traffic Management team, requiring the developer to fund changes to the TROs along Fareham Park Road would not be justified in this instance.
- 8.61 The County Countryside Service agrees with the Transport Planner's recommendation that the adjacent bridleway be improved to support increased pedestrian usage between the site and Hillson Drive. Funding for such improvements can be secured through an appropriate planning obligation in a Section 106 legal agreement entered into by the applicant/landowner.

Affordable Housing

- 8.62 Policy CS18 of the adopted Fareham Borough Core Strategy sets out that developments of 15 dwellings or more should provide on-site affordable housing provision at a level of 40%. For a scheme of 28 dwellings this equates to 11.2 units.
- 8.63 The applicant has engaged a Registered Provider (RP) of affordable housing and has proposed fewer units with a more favourable tenure split to meet the locally identified housing need in the area. The applicant proposes to provide 8 affordable units in total comprising six social rented 3-bed houses and two 3-bed units as intermediate housing. The Council's Affordable Housing Strategic Lead has welcomed this offer in light of the pressing need for social rent properties, particularly family sized housing, in the area. Whilst therefore the proposal does not comply with the requirement set out in Policy CS18 for 40% affordable units, it does provide a form of affordable housing of a

particular size and tenure which reflects the identified housing needs of the local population. If planning permission were to be granted, the provision of those units would be secured via a Section 106 legal agreement entered into by the applicant/landowner.

f) The Impact on European Protected Sites

- 8.64 Core Strategy Policy CS4 sets out the strategic approach to Biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policy DSP13: Nature Conservation of the Local Plan Part 2 confirms the requirement to ensure that designated sites, sites of nature conservation value, protected and priority species populations and associated habitats are protected and where appropriate enhanced.
- 8.65 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 per cent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within the Solent which are of both national and international importance.
- 8.66 In light of their importance, areas within the Solent have been specially designated under UK/ European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'European Protected Sites' (EPS).
- 8.67 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'competent authority' if it can be shown that the proposed development will either not have a likely significant effect on designated EPS or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated EPS. This is done following a process known as an Appropriate Assessment. The competent authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The competent authority is the local planning authority.
- 8.68 A Habitat Regulations Assessment (HRA), including Appropriate Assessment, has been carried out and published on the Council's website. The HRA considers the likely significant effects arising from the proposed development. Natural England have been consulted on the HRA and their comments are awaited and will be reported to the Planning Committee by way of a written update if received prior to the meeting.

- 8.69 The HRA identifies three likely significant effects on EPS none of which would result in adverse effects on the integrity of the EPS provided mitigation measures are secured.
- 8.70 The first of these concerns recreational disturbance on the Solent coastline through an increase in population. Policy DSP15 of the adopted Fareham Borough Local Plan Part 2: Development Sites and Policies explains that planning permission for proposals resulting in a net increase in residential units may be permitted where the 'in combination' effects of recreation on the Special Protection Areas are satisfactorily mitigated through the provision of a financial contribution to the Solent Recreation Mitigation Strategy (SRMS). The applicant has confirmed that they would be happy to provide such a contribution to be secured through a Section 106 legal agreement.
- 8.71 The second likely significant effect relates to hydrological changes and the risk of flooding on the site. The HRA finds that adverse effects could be avoided through the implementation of the drainage system set out in the Flood Risk Assessment & Surface Water Drainage Strategy (OPUS) provided by the applicant. The provision of this drainage system will avoid any adverse effects on the integrity of the EPS and a suitable planning condition is proposed to secure this mitigation.
- 8.72 Finally, Members will be aware of the potential for residential development to have likely significant effects on EPS as a result of deterioration in the water environment through increased nitrogen. Natural England has highlighted that there is existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted that increased levels of nitrates entering the Solent (because of increased amounts of wastewater from new dwellings) is likely to have a significant effect upon the EPS.
- 8.73 Achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites. Natural England have provided a methodology for calculating nutrient budgets and options for mitigation should this be necessary. The nutrient neutrality calculation includes key inputs and assumptions that are based on the best-available scientific evidence and research, however for each input there is a degree of uncertainty. Natural England advise local planning authorities to take a precautionary approach when addressing uncertainty and calculating nutrient budgets.
- 8.74 The applicant has submitted a nutrient budget for the development in accordance with Natural England's 'Advice on Achieving Nutrient Neutrality for

New Development in the Solent Region' (June 2020) which confirms that the development will generate 31.746 kg/TN/year and this budget has been agreed by Officers. Due to the uncertainty of the effect of the nitrogen from the development on the EPS, adopting a precautionary approach, and having regard to NE advice, the Council will need to be certain that the output will be effectively mitigated to ensure at least nitrogen neutrality before it can grant planning permission.

- 8.75 The applicant has entered into a contract (conditional on the grant of planning permission) to purchase 32kg of nitrate mitigation 'credits' from the Hampshire and Isle of Wight Wildlife Trust (HIWWT). Through the operation of a legal agreement between the HIWWT, Isle of Wight Council and Fareham Borough Council dated 30 September 2020, the purchase of the credits will result in a corresponding parcel of agricultural land at Little Duxmore Farm on the Isle of Wight being removed from intensive agricultural use, and therefore providing a corresponding reduction in nitrogen entering the Solent marine environment. A condition will be imposed to ensure that the development does not commence on site until confirmation of the purchase of the credits from the HIWWT has been received by the Council.
- 8.76 The Appropriate Assessment carried out by the Council has concluded that the proposed mitigation and condition will be adequate for the proposed development and ensure no adverse effect on the integrity of the EPS either alone or in combination with other plans or projects. The difference between the credits and the output will result in a small annual net reduction of nitrogen entering the Solent.
- 8.77 It is therefore considered that the development accords with the Habitat Regulations and complies with Policies CS4 and DSP13 and DSP15 of the adopted Local Plan.

g) The Planning Balance

- 8.78 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".

- 8.79 Paragraph 11 of the NPPF clarifies the presumption in favour of sustainable development in that where there are no relevant development plan policies, or

the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in the Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or
- 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.

8.80 The approach detailed within the preceding paragraph, has become known as the 'tilted balance' in that it tilts the planning balance in favour of sustainable development and against the Development Plan.

8.81 The site is outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture and required infrastructure. 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.

8.82 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 June 2020 and the Government steer in respect of housing delivery.

8.83 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, located adjacent to the existing urban settlement boundaries such that it can be well integrated with those settlements whilst at the same time capable of being sensitively designed to reflect the area's existing character.

8.84 It is acknowledged that the proposal would have an urbanising impact through the introduction of housing and related infrastructure onto the site. However, the harm to the countryside's landscape character and appearance would be minimised by the nature of the site's enclosure by built form and mature trees and woodland.

8.85 Officers are satisfied that there are no amenity, traffic or environmental issues which cannot otherwise be addressed through planning conditions and obligations. Affordable housing is to be provided with a type and tenure which

reflects the identified needs of the local population and which again can be secured through a planning obligation.

- 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 28 dwellings in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply is a material consideration, in the light of this Council's current 5YHLS.
- 8.87 There is a conflict with development plan Policy CS14 which ordinarily would result in this proposal being considered unacceptable in principle. Ordinarily CS14 would be the principal policy such that a scheme in the countryside would be considered to be contrary to the development plan. 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 In undertaking a detailed assessment of the proposals throughout this report and 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.
- 8.89 Having carefully considered all material planning matters, Officers recommend that outline planning permission should be granted subject to the following matters.

9.0 Recommendation

9.1 GRANT OUTLINE PLANNING PERMISSION subject to:

- i) The receipt of comments from Natural England in response to consultation on the Council's Appropriate Assessment and delegate to the Head of

Development Management in consultation with the Solicitor to the Council to make any minor modifications to the proposed conditions or heads of terms or any subsequent minor changes arising after having had regard to those comments;

- ii) 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 in respect of the following:
 - a) To secure a financial contribution towards the Solent Recreation Mitigation Strategy (SRMS);
 - b) To secure a financial contribution towards enhancements to Bridleways 82 & 83b (£65,450);
 - c) To secure the provision of affordable housing on-site in the form of 6no. 3-bed houses for social rent and 2no. 3-bed houses as intermediate housing;
 - d) To secure a financial contribution towards a school travel plan (£7,000);
 - e) To secure details of the maintenance and management arrangements for areas of the site not within the defined curtilage of any of the residential units hereby permitted; and
- iii) Delegate to the Head of Development Management in consultation with the Solicitor to the Council to make any minor modifications to the proposed conditions or heads of terms or any subsequent minor changes arising out of detailed negotiations with the applicant which may necessitate the modification which may include the variation, addition or deletion of the conditions and heads as drafted to ensure consistency between the two sets of provisions; and
- iv) The following planning conditions:
 - 1. No development shall take place until details of the appearance, scale and layout of buildings and the landscaping of the site (hereafter called “the reserved matters”) have been submitted to and approved in writing by the Local Planning Authority (LPA).

Application for approval of the reserved matters shall be made to the LPA not later than six months from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of this permission, or before the expiration of one year from the date of the approval of the last of the reserved matters to be approved, whichever is later.

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 shall be carried out in accordance with the following drawings and documents:
 - a) Drawing no. 17-1075-001 – Location Plan
 - b) Preliminary Ecological Appraisal – April 2018
 - c) Reptile Mitigation Strategy – September 2020

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

3. The details of how the site will be landscaped pursuant to Condition 1 shall include, but shall not be limited to, details of how new tree planting will be carried out along the south-western site boundary and within the land edged blue adjacent to the south-western site boundary to reinforce the existing mature tree planting.

The landscaping scheme submitted under Condition 1 shall be implemented and completed within the first planting season following the commencement of the development or as otherwise agreed in writing with the Local Planning Authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

REASON: To ensure the provision, establishment and maintenance of a standard of landscaping; To minimise the visual impact of the development on the landscape character and appearance of the countryside.

4. The development hereby permitted shall not exceed two storeys in height.

REASON: To minimise the visual impact of the development on the landscape character and appearance of the countryside.

5. None of the development hereby approved shall be occupied until the two points of vehicular access into the site from Hope Lodge Close and the access from Fareham Park Road into Hope Lodge Close has been fully completed as shown at Appendix C of the submitted Transport Statement (Opus, March 2018). The accesses shall be subsequently retained.

REASON: In the interests of highway safety.

6. No development shall commence on site until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). The CMP shall address the following matters:
 - a) how provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;
 - b) the measures the developer will implement to ensure that operatives'/contractors./sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;
 - c) the measures for cleaning the wheels and underside of all vehicles leaving the site;
 - d) a scheme for the suppression of any dust arising during construction or clearance works;
 - e) the measures for cleaning Fareham Park Road to ensure that it is kept clear of any mud or other debris falling from construction vehicles, and
 - f) the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development.

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. No construction vehicles shall leave the site unless the measures for cleaning the wheels and underside of construction vehicles are in place and operational, and the wheels and undersides of vehicles have been cleaned.

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. The details secured by this condition are considered essential to be agreed prior to the commencement of the development on the site to ensure appropriate measures are in place to mitigate the effects of construction works from the outset.

7. No development hereby permitted shall commence until details of the means of surface water drainage from the site have been submitted to and approved by the LPA in writing. The details shall include the detailed design of Sustainable Urban Development Systems (SUDS) to be used on the site as well as details on the delivery, maintenance and adoption of SUDS features. The development shall be carried out in accordance with the approved details unless otherwise agreed with the local planning authority in writing.

REASON: To ensure the development provides for the satisfactory disposal of surface water.

8. No development shall proceed beyond damp proof course level until a scheme for sound attenuation has been submitted to and approved in writing by the Local Planning Authority in writing. The scheme shall draw on the conclusions and recommendations from the submitted Environmental Noise Impact Assessment Report (8th January 2018) and assess the impact of noise from external sources including the nearby M27 motorway and identify the measures necessary to attenuate against noise nuisance to future occupants. The development shall thereafter be carried out in accordance with the approved details.

REASON: To prevent avoidable disturbance to residents from noise.

9. No development hereby permitted shall proceed beyond damp proof course (dpc) level until details of how electric vehicle charging points will be provided at the following level have been submitted to and approved by the LPA in writing:
 - a. One Electric Vehicle (EV) rapid charge point per 10 dwellings;
 - b. One Electric Vehicle (EV) charging point per allocated parking space.

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

REASON: To promote sustainable modes of transport, to reduce impacts on air quality arising from the use of motorcars and in the interests of addressing climate change.

10. No work relating to the construction of any development hereby permitted (including works of demolition or preparation prior to operations) shall take place before the hours of 08:00 or after 18:00 hours Monday to Friday, before the hours of 08:00 or after 13:00 on 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 living conditions of existing residents living nearby.

11. The development hereby permitted shall be carried out in accordance with the measures set out in Section 6.0 of the Preliminary Ecological Appraisal by Ecosa (April 2018) and the Reptile Mitigation Strategy (Ecosa, September 2020). No development shall commence until the proposed reptile receptor areas identified in the approved Reptile Mitigation Strategy have been made suitable for reptiles and the measures set out in that strategy implemented in full. No development shall commence until details of the erection of boundary treatment around the reptile receptor areas have been submitted to and approved by the LPA in writing. The approved boundary treatment shall be carried out in full in accordance with the approved details and shall thereafter be retained at all times unless otherwise agreed by the LPA in writing.

REASON: To avoid harm to protected species including reptiles known to be present on the site.

12. 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

13. No development shall commence unless the council has received the Notice of Purchase in accordance with the legal agreement between FBC, IWC and HIWWT dated 30 September 2020 in respect of the Credits Linked Land identified in the Nitrates Mitigation Proposals Pack.

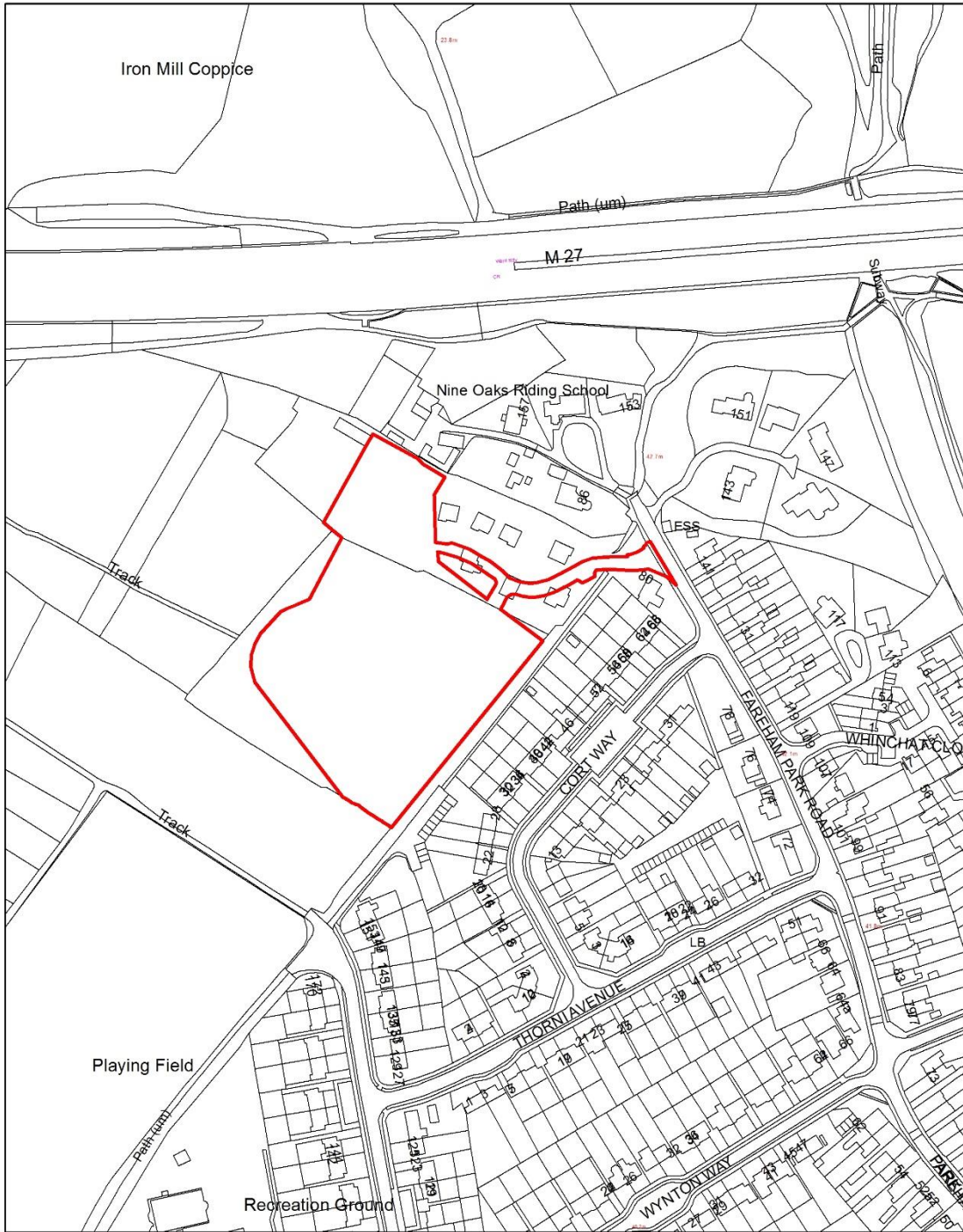
REASON: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on European protected sites.

10.0 Background Papers

P/18/0363/OA

FAREHAM

BOROUGH COUNCIL



84 Fareham Park Road
Fareham
Scale 1:2,500



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