

OFFICER REPORT FOR COMMITTEE

DATE: 17 February 2021

P/19/0483/FP
DRIFTSTONE HOMES LTD

STUBBINGTON WARD
AGENT: SENNITT PLANNING

DEVELOPMENT COMPRISING 9 DWELLINGS, TOGETHER WITH ACCESS,
LANDSCAPING, CAR PARKING AND ASSOCIATED WORKS

THE GRANGE, OAKCROFT LANE, STUBBINGTON, FAREHAM

Report By

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1.0 Introduction

- 1.1 This application is being reported to the Planning Committee for a decision due to the number of third party letters of objection received.
- 1.2 Members will note from the 'Five Year Housing Land Supply Position' report considered earlier at in the Planning Committee that this Council currently has a housing land supply of 4.2 years.
- 1.3 To meet the Council's duty as the competent authority under the Conservation of Habitats and Species Regulations 2017 ("the habitats regulations"), a Habitats Regulations Assessment is required to consider the likely significant effects of the development on the protected sites around The Solent. An Appropriate Assessment has been undertaken and concluded that the development proposal will not have an adverse effect on the integrity of the protected sites around The Solent subject to mitigation. Further details of this have been set out in the following report.
- 1.4 This planning application was submitted following the refusal of an application for 16 dwellings which encompassed the application site and the adjacent field Application (our planning reference: P/18/0263/OA). That application was refused by the Planning Committee in January 2019 for the following reasons:

The development would be contrary to Policies CS14, CS17, CS18, and CS22 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP6, DSP15 and DSP40 of the Adopted Local Plan Part 2: Development Sites and Policies Plans and is unacceptable in that:

- a) *The application site lies outside the defined urban settlement boundary where the introduction of residential development would fail to respond*

positively to and be respectful of the key characteristics of the area, particularly its predominantly undeveloped nature. In addition the proposed development would adversely affect the integrity of the strategic gap and the physical and visual separation of settlements. Notwithstanding the Council's 5-year housing land supply position, the provision of dwellings in this location would not outweigh the harm;

b) Had it not been for the overriding reasons for refusal the Council would have sought to secure the on-site provision of affordable housing and a commuted sum for an off-site provision at a level in accordance with the requirements of the Local Plan;

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

1.5 Following the refusal by the Planning Committee the applicant sought to address the concerns raised by proposing a smaller scheme of nine dwellings sited within the defined residential curtilage of The Grange.

1.6 In addition to the submission of the current application, the applicant also lodged an appeal to the Planning Inspectorate in respect of the Council's refusal of the 16 unit scheme; that appeal was dismissed in October 2019. The Planning Appeal Inspector determined that the proposal would be fully compliant with Policy DSP40, and only dismissed the appeal on the issue of nitrate impact. That matter has now been addressed within the current submission.

1.7 Following the dismissal of the appeal on nitrate grounds, a further application for 16 dwellings was also re-submitted by the applicant (our planning reference: P/20/0418/OA), and is reported for determination elsewhere on this agenda.

2.0 Site Description

2.1 The application site is located on the northern edge of Stubbington, and comprises the site of a former, large detached dwelling known as The Grange. The Grange, constructed in the late 1960s, was essentially abandoned by its owner which resulted in considerable health and safety issues and its subsequent demolition in 2018.

- 2.2 The site is bounded to the west by the southern end of Ranvilles Lane. Along its northern boundary is Oakcroft Lane, which forms the northern perimeter road of Stubbington.
- 2.3 To the south east of the application site lies an open undeveloped field. Beyond this lies Crofton Cemetery to the east and south. To the southwest lies the existing residential development of Farm House Close.
- 2.4 The boundary of The Grange is marked by a belt of mature leylandii trees (to Ranvilles Lane and Oakcroft Lane), and the south eastern boundary comprises a belt of mature poplar trees, which separate the residential plot from the open field to the southeast.
- 2.5 Approximately 100 metres to the south of the application site lies Crofton Old Church, a Grade II* listed property set within its historic churchyard. The larger cemetery to the east of the site is a more recent extension to the churchyard and is connected by a bridge to the historic churchyard. Glimpsed views of the church are achieved through the existing field entrance adjacent to the site from Oakcroft Lane.
- 2.4 The Church and properties along Farm House Close are set in an elevated position, with the ground on the application site gently sloping to the north and east towards the lower level of Oakcroft Lane.

3.0 *Description of Proposal*

- 3.1 The application, submitted in full detail is for nine two-storey dwellings set in a similar arrangement to that previously submitted application under P/18/0263/OA. The scheme includes two new access points along Ranvilles Lane, and an altered access from Oakcroft Lane. In addition to the new accesses along Ranvilles Lane, the overall width of Ranvilles Lane would be widened along its length between the junction with Oakcroft Lane and the northern side of the proposed new main access into the site.
- 3.2 The low density, edge of settlement development would be located almost entirely on the former curtilage of The Grange.
- 3.3 The application has been supported by a detailed Planning, Design and Access Statement, Ecological Surveys, Tree Reports, Transport Statements, Landscaping and Visual Impact Assessment, Affordable Housing Viability Assessment and a Flood Risk and Surface Water Disposal Assessment. The applicant has secured nitrate mitigation credits via the Hampshire and Isle of Wight Wildlife Trust scheme at Little Duxmore Farm on the Isle of Wight.

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
CS11:	Development in Portchester, Stubbington & Hill Head and Titchfield
CS14:	Development Outside Settlements
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
DSP5:	Protecting and Enhancing the Historic Environment
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) December 2015
Residential Car Parking Standards 2009
The National Planning Policy Framework (February 2019)

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/18/0939/PA	Demolition of Four Bedroomed Detached House
Prior Approval	29/08/2018
Not Required	
P/18/0263/OA	Outline application for the provision of up to 16 dwellings and two new vehicular accesses onto Ranvilles Lane, and the relocation of the existing access onto Oakcroft Lane

Refused Appeal Dismissed	25/01/2019 10/10/2019
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P/20/0418/OA	Outline application for the provision of up to 16 dwellings and two new vehicular accesses onto Ranvilles Lane and the relocation of the existing access onto Oakcroft Lane (Re-submission of P/18/0263/OA)
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**Pending
Determination**

6.0 Representations

6.1 Seven letters from six address have been received regarding this application, all of which object to this application. The letters of objection raised the following concerns:

- Development in the Strategic Gap;
- Development in the designated Countryside;
- Impact on local wildlife and ecology;
- Highway safety concerns with Ranvilles Lane;
- Overdevelopment/high density;
- Inadequate car parking provision;
- Flood risk concerns;
- Impact on local services and facilities;
- Lack of affordable housing provision;
- Impact on the character of Ranvilles Lane as a rural lane;
- Impact on nitrogen loading onto the protected sites around the Solent.

7.0 Consultations

EXTERNAL

Historic England

7.1 No comments

HCC Highways

7.2 No objection, subject to conditions.

Environment Agency

7.3 No objection, subject to conditions.

Natural England

- 7.4 No objection, subject to a suitable drainage system being installed to ensure no pollution of the nearby stream.

INTERNAL

Ecology

- 7.5 No objection, subject to conditions.

Tree Officer

- 7.6 No objection, subject to compliance with the Tree Report.

Environmental Health (Contaminated Land)

- 7.7 No objection, subject to informatives.

Environmental Health

- 7.8 No objection.

Affordable Housing

- 7.9 No objection, subject to this being secured through a Section106 legal agreement under the Town and Country Planning Act 1990

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) Implications of Fareham's Current 5-Year Housing Land Supply Position (5YHLS);
- b) Residential Development in the Countryside;
- c) Policy DSP40 (Housing Allocations);
- d) Other Matters;
- e) The Planning Balance.

- a) Implications of Fareham's Current 5-Year Housing Land Supply Position
- 8.2 A report titled "Five year housing land supply position" was reported for Members' information earlier in this Planning Committee. That report sets out this Council's local housing need along with this Council's current housing land supply position. The report concluded that this Council has 4.2 years of housing supply against the current 5YHLS.
- 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 policies of the extant Development Plan, unless material considerations indicated 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 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”.

8.10 In this particular case an appropriate assessment has been undertaken and concluded that the development proposal will not have an adverse effect on the integrity of the protected sites around The Solent subject to the proposed mitigation being secured. Officers consider that the presumption in favour of sustainable development set out in paragraph 11 of the NPPF applies.

8.11 The following sections of the report assess the application proposals against this 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

8.12 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.

8.13 Policy CS14 (Development Outside Settlements) 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.”

8.14 Policy DSP6 (New Residential Development Outside of the Defined Urban Settlement Boundaries) of the Local Plan Part 2: Development Sites and Policies Plan states – there will be a presumption against new residential development outside of the defined urban settlement boundaries (as identified on the Policies Map).

8.15 The site is clearly outside of the defined urban settlement boundary of Stubbington and Hill Head 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) Consideration of Policy DSP40: Housing Allocations

8.16 Policy DSP40: Housing Allocations, of the 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”.*

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

Policy DSP40 (i)

8.18 The proposal, submitted in full detail, is for the construction of 9 dwellings. This is considered to be relative in scale to the demonstrated 5 year housing land supply shortfall and would therefore accord with part (i) of Policy DSP40. This consideration was not raised as a reason for refusal in the original application and the Appeal Inspector concurred that the scheme accorded with part (i) of Policy DSP40.

Policy DSP40 (ii)

8.19 The site is located within the designated countryside but does lie in close proximity to the defined urban settlement boundary of Stubbington and Hill Head, with good accessibility to local services, facilities, schools and employment provision. Pedestrian links to the existing public footpath along Ranvilles Lane will ensure connectivity from the site to the remainder of Stubbington.

8.20 A modern residential development is located immediately to the southwest of the site (Farm House Close), and the proposed development would be well

related to this development, and seen as an extension to the urban development along this part of Stubbington. The low density, landscaped character of the proposed development would ensure a soft transition for this edge of settlement location, which would provide a strong defensible boundary along this part of Ranvilles Lane and Oakcroft Lane to the northern part of Stubbington.

- 8.21 Officers therefore consider that the proposals can be well integrated with the neighbouring settlement, whilst offering a considerable enhancement to the site and the character of Ranvilles Lane, in accordance with point (ii) of Policy DSP40. Consideration of part (ii) was not raised as a reason for refusal in the original application and the Appeal Inspector concurred that the scheme accorded with part (ii) of Policy DSP40.

Policy DSP40 (iii)

- 8.22 The site is within an area designated as countryside, and forms part of the Fareham-Stubbington Strategic Gap. The site is identified within the Fareham Landscape Assessment (2017) as being within the Fareham – Stubbington Gap, as Enclosed Coastal Plain. The application is also supported by a detailed Landscape and Visual Appraisal. The Council's Landscape Assessment highlights that:

'There may be some limited scope for development in areas where there is an existing structure of vegetation to help integrate it into the landscape and where it is closely associated with existing built development around the fringes of the settlement (i.e. not out in open countryside) or character is already affected by urban influences, e.g. enclosed land on the northern edge of Stubbington... However, any such development would need very sensitive siting, design and mitigation to avoid piecemeal attrition of the area's overall rural character'.

- 8.23 Whilst the existing site is well contained, and the proposal includes the removal of the existing mature unsympathetic biodiversity poor leylandii hedgerow fronting Ranvilles Lane/Oakcroft Lane, it would be replaced with a more traditional mixture of native hedgerow and tree planting to ensure the site is well contained. It is considered that the low density of the development proposal and its proposed landscaped character, would create a new soft urban fringe to Stubbington, whilst ensuring it does not extend into the open, arable farmland on the northern site of Oakcroft Lane. The Appeal Inspector also agreed that the *'removal and replacement with more appropriate planting along Ranvilles Lane would lead to a visual improvement to the appearance of this area, albeit that the housing would be visible within the site from these public vantage points'.*

- 8.24 The development of the site would see an incursion into the Strategic Gap. Having regard to the sensitivity and development potential in the Landscape Assessment, carefully sited, designed and mitigated development in this location would be needed to ensure it would not have a significant impact on the overall integrity of the Strategic Gap. The proposal would represent an appropriate urban fringe development, in a heavily landscaped setting, respecting its location within the countryside.
- 8.25 In respect of the Appeal Decision the Inspector commented that the proposals would make only a;
- 'minor incursion into the Gap, and the boundary of the development would be clearly defined by the cemetery, Ranvilles Lane and Oakcroft Lane'.*
- 8.26 The Inspector considered the potential conflict with Policy CS22, which he highlighted does not exclude all development within the Strategic Gap but requires an assessment of the impact against the policy criteria. The Inspector concluded that;
- 'as the scheme would make only a minor incursion into the Gap, the integrity of the Gap and the physical and visual separation of Fareham and Stubbington would not be significantly affected'.*
- 8.27 The Inspector concluded that by developing the site, there would be no material conflict with Policy CS22 in these circumstances.
- 8.28 Officers therefore consider that this development proposal would respect the character of the neighbouring settlement, minimising any adverse impact on the character and appearance of this part of the countryside, and maintain the integrity of the Strategic Gap. The proposal therefore accords with policy (iii) of Policy DSP40 and complies with Policy CS17.

Policy DSP40 (iv)

- 8.29 In terms of delivery the applicants would be happy to work with the Local Planning Authority to ensure that the proposed redevelopment is brought forward quickly. The site has already been cleared of the original dwelling, and the relatively undeveloped nature of the site would ensure that the application, which is submitted in full detail, could be commenced immediately. It is therefore considered that point (iv) of Policy DSP40 is satisfied. This consideration was not raised as a reason for refusal in the original application and the Appeal Inspector concurred that the scheme accorded with part (iv) of Policy DSP40.

Policy DSP40 (v)

- 8.30 The final text of Policy DSP40 requires that proposals would not have any unacceptable environmental, amenity or traffic implications. These are discussed in turn below:

Environment/Ecology

- 8.31 In respect of environmental implications, the application has been supported by detailed Ecological Surveys, and the Council's Ecologist has raised no objection to the proposals, subject to the provision of appropriate conditions, including the provision of a Biodiversity Enhancement Strategy, in accordance with the 2018 and 2019 Ecology Reports. It is considered that subject to compliance with the recommendations of the ecological reports, the development would not have an adverse impact on those protected species on the site, and the development could result in the provision of protected habitats for bats and water voles. It is considered that the proposal would not have a detrimental impact on the local ecology of the area.
- 8.32 The Council's Tree Officer has reviewed the proposals and raised no objection to the loss of the leylandii trees, due to the relatively poor quality of the hedgerow, where many have been extensively cut back due to their proximity to Ranvilles Lane, exposing the dead wood. The loss of this hedgerow would be replaced for a new belt of native trees and hedgerow planting to be created along the eastern side of Ranvilles Lane, with pedestrian links situated behind the hedging, ensuring the overall rural character of the lane is retained. Detailed landscaping would be conditioned to be provided and the applicants are aware of the need to ensure that a good level of mature planting is provided in order to ensure that the proposal integrates quickly into the edge of settlement location.
- 8.33 As such, no objection was raised by the Council's Tree Officer, subject to compliance with the submitted Arboricultural Report and Arboricultural Method Statement.
- 8.34 The site is located within 5.6km of The Solent, and therefore the development is likely to have a significant effect on the following designated sites: Solent and Southampton Waters Special Protection Area and Ramsar Site, Portsmouth Harbour Special Protection Area and Ramsar Site, Solent and Dorset Coast Special Protection Area, Chichester and Langstone Harbours Special Protection Area and Ramsar Site, and the Solent Maritime Special Area of Conservation. These designations are collectively known as the Protected Sites around The Solent. Policy CS4 sets out the strategic approach to biodiversity in respect of sensitive protected sites and mitigation

impacts on air quality. Policy DSP13 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.

- 8.35 The Solent is internationally important for its wildlife. Each winter it hosts over 90,000 waders and wildfowl including 10 percent 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.
- 8.36 In light of their importance, areas within The Solent have been specifically designated under UK law, and comprise those designations set out above.
- 8.37 Regulation 63 of the Habitats and Special 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 the designated Protected Sites, 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 Protected Sites. 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.
- 8.38 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the Protected Sites. The key considerations for the Assessment of the likely significant effects are set out below.
- 8.39 Firstly, in respect of Recreational Disturbance, the development is within 5.6km of The Solent SPAs and is therefore considered to contribute towards an impact on the integrity of the Protected Sites as a result of increased recreational disturbance in combination with other development in The Solent area. The applicant has acknowledged the need to make the appropriate financial contribution towards The Solent Recreational Mitigation Partnership Strategy (SRMP) and therefore, the Appropriate Assessment concludes that the proposals would not have a likely significant effect on the Protected Sites from recreational disturbance. The SRMP payment would be secured through a Section 106 legal agreement.
- 8.40 Natural England has also 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) will have a likely significant effect upon the Protected Sites.

- 8.41 Natural England has further advised that the effects of emissions from increased traffic along roads within 200 metres of the Protected Sites also has the potential to cause a likely significant effect. The Council's Air Quality Habitat Regulations Assessment highlights that developments in the Borough would not, in combination with other plans and proposals, have a likely significant effect on air quality on the Protected Sites up to 2023, subject to appropriate mitigation.
- 8.42 Finally, in respect the impact on water quality, a nitrogen budget has been calculated 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 6.57kg TN/year. Due to the uncertainty of the effect of the nitrogen from the development on the Protected Sites, 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.
- 8.43 The applicant has entered into a contract (conditional on the grant of planning permission) to purchase 15.5kg of nitrate mitigation 'credits' from the Hampshire and Isle of Wight Wildlife Trust (HIWWT). The provision of 15.5kg TN/year is based on the total for the 16 unit scheme considered under application P/20/0418/OA, and the applicant has agreed a claw back with the HIWWT in the event that only 6.5kg TN/year is needed. 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.
- 8.44 The Council has carried out an appropriate assessment and concluded that the proposed mitigation and condition will be adequate for the proposed development and ensure no adverse effect on the integrity of the Protected Sites either alone or in combination with other plans or projects. The difference between the credits and the output will result in a small annual nett reduction of nitrogen entering The Solent.

- 8.45 Natural England has been consulted on the Council's Appropriate Assessment and agrees with its findings that the proposed development will not have a likely significant effect, either alone or in combination with other plans and proposals on the Protected Sites.
- 8.46 It is therefore considered that the development accords with the Habitat Regulations and complies with policies CS4, DSP13 and DSP15 of the adopted Local Plan.

Amenity Implications

- 8.47 In terms of consideration of the amenity impact, the layout of the development largely follows on from that of the earlier refused planning application, which despite being dismissed on appeal, was considered acceptable in all respects other than the technical reason of the impact from increased nitrogen loading onto the Protected Sites. The current proposal has been assessed against the Council's adopted Design Guidance. Each of the proposed dwellings would comprise rear gardens broadly in compliance with the minimum standards, with the majority comprising gardens in excess of the minimum 11 metres sought.
- 8.48 In terms of the impact on future occupiers, each property has been orientated to ensure a good level of private outdoor amenity space would be provided for each dwelling. Levels of separation between dwellings also accord with the required standards, ensuring the privacy within the proposed dwellings is acceptable.
- 8.49 The neighbouring properties that back onto the site from Farm House Close all comprise garden lengths of 11 metre or more, and much of the existing boundary vegetation is proposed to be retained along the southern boundary of the site. The only plot likely to have an impact on the living conditions of the neighbouring occupiers is Plot 1, which would be located approximately 11.5 metres away from the rear elevation of 1 Farm House Close, although this part of 1 Farm House Close is a link attached, pitched roof double garage. The main residential part of the property would be located 13.5 metres away, and the two-storey element approximately 23 metres away, at an oblique angle. It is considered that this relationship is acceptable, provided no habitable room windows are orientated towards 1 Farm House Close.
- 8.50 The properties at 2, 3, and 4 Farm House Close all comprise garden lengths of over 11 metres long, which together with the intervening boundary vegetation, would not have a direct view of Plot 1. The proposed rear elevation of Plot 1 would be located 21.5 metres away from the side elevation of 5 Farm House Close and would be set 15 metres from their mutual boundary.

- 8.51 The main garden area for 5 Farm House Close is located to the north of the property, although it is acknowledged that their patio area is located to the west of the property. The area to the west of the property is well screened by boundary vegetation and would not be unacceptably adverse impact by the presence of Plot 1. The other proposed plots associated with the development would be located over 30 metres from the rear elevation of 5 Farm House Close, at oblique angles, and would not therefore have a unacceptable adverse impact on the living conditions of these occupiers.
- 8.52 The proposal therefore is considered to comply with Policy CS17, DSP2 and DSP3 of the Local Plan.

Traffic Implications

- 8.53 The application includes the creation of two new vehicular access onto Ranvilles Lane, and the realignment of the existing access onto Oakcroft Lane. In addition to the new access arrangements, the application also proposes the overall widening of the length of Ranvilles Lane south of the junction with Oakcroft Lane to the northern side of the proposed new main access into the site. The widening would be considered by Hampshire County Council under a separate Section 278 Agreement and secured by the Section 106 legal agreement.
- 8.54 Ranvilles Lane currently has a 'National' unrestricted speed limit, although the narrowness of the Lane limits the general speed of vehicles along this part of the highway (average speeds recorded at only 26 mph). Presently the southern part of Ranvilles Lane and Oakcroft Lane are known to be 'rat runs' providing a link between Peak Lane (to the east) and Titchfield Road (to the west). It is likely that the completion of the Stubbington by-pass (which has now commenced and is due for completion in 2022), would see the volume of traffic along these lanes reduced. Funding to secure the provision of a Traffic Regulation Order to reduce the speed limit along Ranvilles Lane to 30mph would be secured by a Section 106 Agreement under the Town and Country Planning Act 1990.
- 8.55 The proposal would include an extension of the pavement from the northern side of 1 Farm House Close along Ranvilles Lane (set behind a new hedgerow and tree line) to the proposed main new access into the site. Pedestrians would then be able to traverse through the site, linking to the revised access on Oakcroft Lane, removing them from walking along this section of highway.
- 8.56 The application is supported by Hampshire County Council Highways, and the works to Ranvilles Lane would result in an overall improvement to all users of

the Lane. The development of the site would also improve pedestrian and cycle access, enabling them to avoid the junction of Ranvilles Lane and Oakcroft Lane. The layout demonstrates that the proposal can accommodate the necessary level of off-street car parking, adequate visitors car parking, and appropriate bin storage and collection points.

8.57 It is therefore considered that the proposed development accords with point (v – traffic issues) of Policy DSP40, and policy CS17 of the Local Plan.

8.58 Overall therefore, it is considered that the development of the site would be fully compliant with the five criteria of Policy DSP40 and would not have a significant visual or physical impact on the overall integrity of this part of the Fareham to Stubbington Gap. This opinion was also the conclusion of the Appeal Inspector to the earlier dismissed scheme for 16 dwellings. The low density, urban fringe character of the proposal would complement the edge of settlement location and has resulted in no objection from the Council's Urban Designer.

d) Other Matters

Affordable Housing

8.59 The application proposes the provision of nine dwellings on a site measuring 0.72 hectares, and therefore there is a requirement to provide affordable housing. In accordance with the requirements of Policy CS18, the site should make a 30% contribution towards affordable housing. Due to the size of the site, the Council's Affordable Housing Officer has confirmed that an off-site financial contribution would be acceptable in this case. The applicant's submitted Affordable Housing Viability Report concludes that the provision of affordable housing on the site would result in a viability deficit. The Council has undertaken an independent review of this and concluded that an off-site financial contribution should be payable. The applicant has agreed to this, and the contribution would be sought and secured through a Section 106 legal agreement.

Flood Risk and Land Drainage

8.60 The site is located in close proximity to a small stream that forms a tributary to the River Meon (to the east of the site), although none of the proposed dwellings are located in an area at risk of flooding. Detailed drainage assessments have been undertaken, and whilst no consultation with the Lead Local Flood Authority has taken place due to the scale of the proposed development, no objection was raised to the earlier scheme for 16 dwellings, subject to appropriate conditions. No objection has been received from the Environment Agency, subject to conditions.

National Space Standards

- 8.61 The application has been considered under the minimum national space standards. The Council's adopted Design Guidance highlights for internal space standards that *'the internal dimensions of a dwelling should seek to meet at least the minimum sizes set out in the National Technical Standards'*. Therefore, Policy CS17, from which the Design Guidance was established applies and developers should seek to meet these standards in order to adhere to the advice in the adopted Local Plan and to meet high quality design standards.
- 8.62 The various house types have been considered by Officers and are fully compliant with, and in most cases exceed the minimum standard set out in the Space Standards.

e) The Planning Balance

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

'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.'

- 8.64 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.
- 8.65 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 against the Development Plan.
- 8.66 The site lies outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture or 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 the Local Plan Part 2: Development Sites and Policies Plan.

- 8.67 The site also lies within the Fareham-Stubbington Strategic Gap, where Policy CS22 seeks to ensure that development should not significantly affect the integrity of the Gap and the physical and visual separation of the settlements. The location of the site, immediately north of the existing urban area of Stubbington, contained a former large detached dwelling, and bounded by the northern perimeter road of the settlement is considered to contribute to the containment of the site. The development would not have a significant effect on the overall integrity of the Gap and the physical and visual separation of settlements. This was also the conclusion reached by the Appeal Inspector in the determination of the appeal for the scheme for 16 dwellings.
- 8.68 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 and the Government steer in respect of housing delivery.
- 8.69 In weighing up the material considerations and conflict between policies, the development of a site in the countryside weighed against Policy DSP40, Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall. The scheme relates well to the existing urban settlement boundary such that it can be integrated with the adjacent settlement whilst at the same time being sensitively designed to reflect the area's existing character and minimising any adverse impact on the countryside and Strategic Gap.
- 8.70 It is acknowledged that the proposal would have an urbanising impact through the introduction of housing and related infrastructure onto a site which previously contained one house. However, that impact would be localised and merely extend the existing built form of Stubbington. Officers consider that the change in character of the site and the resulting visual effect would not cause any substantial harm.
- 8.71 In respect of environmental, amenity and traffic issues (including ecological mitigation), Officers are satisfied that these issues have been appropriately addressed in the submitted application, subject to appropriate conditions and habitat mitigation. Subject to the payment of the habitat mitigation contribution, and following completion of the Appropriate Assessment, it is considered that the likely significant effect on The Solent's Protected Sites would be adequately mitigated.

- 8.1 In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage of housing supply, Officers acknowledge that the proposal could deliver an increase of 9 dwellings in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply is modest but would make a material contribution in light of the Council's current 5YHLS shortfall.
- 8.2 In undertaking a detailed assessment of the proposals throughout this report and applying the 'tilted balance' to those assessments, Officers consider that:
- There are no policies within the National Planning Policy Framework that protects 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 Protected Sites can be mitigated; and,
 - 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.
- 8.3 Having carefully considered all material planning considerations, Officers recommend that planning permission should be granted subject to the imposition of appropriate planning conditions, and subject to the prior completion of a Section 106 legal agreement.

9.0 Recommendation

- 9.1 Subject to the applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council to secure:
- Financial contributions to provide for satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance on the Solent and Southampton Water, Portsmouth Harbour, and the Solent and Dorset Coast Special Protection Areas;
 - Financial contribution of £95,774.00 toward the provision of off-site affordable housing provision; and,
 - Traffic Regulation Order for highways to extend the speed reduction along Ranvilles Lane to 30mph.
 - The widening of Ranvilles Lane in accordance with approved plans.

- Provision and long-term management and maintenance of the paths within the site, and for their use by the general public.

GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development hereby permitted shall be commenced before the expiration of one year from the date of this decision.

REASON: To allow a reasonable time period for work to start, and to comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be constructed in accordance with the following approved documents:

- a) Location Plan (Drawing: 17-1083-001-A);
- b) Site Layout Plan (Drawing: 17-1083-200-C);
- c) Floor Plans and Elevations – Plot 1,4 (Drawing: 17-1083-210-1st);
- d) Floor Plan and Elevations – Plot 2 (Drawing: 17-1083-211-A);
- e) Floor Plan and Elevations – Plot 3 (Drawing: 17-1083-212-A);
- f) Floor Plan and Elevations – Plot 5 (Drawing: 17-1083-213-B);
- g) Floor Plan and Elevations – Plot 6 (Drawing: 17-1083-214-A);
- h) Floor Plan and Elevations – Plot 7 (Drawing: 17-1083-215-A);
- i) Floor Plan and Elevations – Plot 8 (Drawing: 17-1083-216-A);
- j) Floor Plan and Elevations – Plot 9 (Drawing: 17-1083-217-A);
- k) Planting Plan and Indicative Hardworks (Drawing: LC/225 – 04 – Rev B);
- l) Ancillary Buildings (Drawing: 17-1083-220-A).

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

3. No development hereby permitted shall proceed beyond damp proof course level until details (including samples where requested by the Local Planning Authority) of all proposed external facing (and hardsurfacing) materials have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development.

4. No development of the dwellings hereby permitted shall commence until the means of vehicular access has been constructed in accordance with the approved plans.

REASON: In the interests of highway safety.

5. No dwelling hereby permitted shall be first occupied until the visibility splays of 2.4m by 35m at each of the three junctions onto Ranvilles Lane and Oakcroft Lane, as set out on the approved plans have been provided. The

visibility splays shall thereafter be kept clear of obstruction (nothing over 0.6m in height) at all times.

REASON: In the interests of highway safety.

6. No development shall take place until details of the type of construction proposed for the roads and access(es) and the method of disposal of surface water have been submitted to and approved in writing by the Local Planning Authority.

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

7. The visitors parking spaces on the approved plans shall be provided before any of the dwellings hereby permitted are first occupied, and shall thereafter be retained and kept available at all times.

REASON: In the interests of highway safety.

8. 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.

9. No dwelling hereby approved shall be first occupied until detailed plans and proposals have been submitted to the Local Planning Authority for approval showing:

- (ii) Refuse bin storage (sufficient for 2no. 240 litre wheeled bins);
- (iii) Secure cycle storage.

The cycle storage required shall take the form of a covered building or other structure available on a 1 to 1 basis for each dwellinghouse hereby permitted. Once approved, the storage shall be provided for each dwellinghouse and shall thereafter be kept permanently available for the stated purpose.

REASON: To encourage non-modes of transport and to ensure proper provision for refuse disposal.

10. None of the residential units hereby permitted shall be occupied until details of water efficiency measures to be installed in each dwelling 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 110 litres 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

11. The development hereby permitted shall not 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.

12. 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 or public holidays, unless otherwise first agreed in writing with the Local Planning Authority.

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

13. 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 Construction Management Plan 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 be implementing 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 Oakcroft Lane and Ranvilles Lane to ensure that they are 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 approved CMP and areas identified in the approved 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 development on the site so that appropriate measures are in place to avoid the potential impacts described above.

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

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

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

15. The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment (ref: 70056252-1, dated April 2019, compiled by WSP UK Limited and titled: The Grange, Oakcroft Lane, Stubbington Flood Risk Assessment and Surface Water Drainage Strategy) and the additional Flood Risk Addendum (ref: 70056252, dated 5 August 2019 and compiled by WSP UK Limited) and the following mitigation measures it details:

- (i) Finished floor levels shall be set no lower than 6.80 metres above Ordnance Datum (AOD).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

REASON: In line with Section 9 of the Planning Practice Guidance of the NPPF for Flood Risk and Coastal Change to reduce the risk of flooding to the proposed development and future occupants.

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

Prior to the occupation of the dwelling 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.

- 17. No development shall commence until the measures of tree and hedgerow protection submitted and approved as part of the planning permission have been implemented and these 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. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

- 18. The development hereby approved shall be carried out in accordance with the measures set out in Section 5 of the Preliminary Ecological Appraisal (Ecosupport, March 2019) and the Ecology Addendum (Ecosupport, August 2018).

REASON: To protect badgers, birds and water voles in accordance with the Wildlife and Countryside Act 1981 (as amended).

19. No development shall proceed beyond damp proof course level until a scheme of lighting for the north-eastern section of the site (during the operational life of the development), designed to minimise impacts on wildlife, particularly bats and water voles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be undertaken in accordance with the approved details.

REASON: In order to minimise impacts of lighting on the ecological interest of the site.

20. No development shall take place until a detailed Biodiversity Enhancement Scheme, detailing site-wide biodiversity enhancement features to be incorporated, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: To conserve and enhance biodiversity in accordance with the Natural Environment and Rural Communities Act 2006.

21. The first floor window(s) to be inserted into the following elevations: Northeast Elevation of Plot 1 (stairwell), Northeast Elevation of Plot 2 (en-suite), East Elevation(s) of Plots 3 and 4 (en-suite and stairwell), and West Elevation of Plot 5 (bedroom), of the approved development shall first be:

- a) Obscure-glazed; and
- b) Of a non-opening design and construction to a height of 1.7 metres above internal finished floor level;

and shall thereafter be retained in that condition at all times.

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

22. No development shall proceed beyond damp proof course level until a landscaping scheme identifying all existing trees, shrubs and hedges to be retained, together with the species, planting sizes, planting distances, density, numbers, surfacing materials and provisions for future maintenance of all new planting, including all areas to be grass seeded and turfed and hardsurfaced, has been submitted to and approved by the Local Planning Authority in writing.

REASON: In order to secure the satisfactory appearance of the development; in the interests of the visual amenities of the locality

23. The landscaping scheme, submitted under Condition 22, 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.

INFORMATIVES:

- a) Applicants should be aware that, prior to the commencement of the 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 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.
- b) Potentially contaminated ground conditions include: imported topsoil, made ground or backfill, buried rubbish, car parts, drums, containers or tanks, soil with extraneous items such as cement, asbestos, builders rubble, metal fragments, ashy material, oily / fuel / solvent type smells from the soil, highly coloured material or black staining and liquid fuels or oils in the ground. If in any doubt, please contact the Contaminated Land Officer on 01329 236100.

11.0 Background Papers

P/19/0483/FP

FAREHAM

BOROUGH COUNCIL



The Grange, Oakcroft Lane

Scale 1:1,250

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