

OFFICER REPORT FOR COMMITTEE

DATE: 22/01/2020

**P/18/1437/FP
MR & MRS A TRIMMINGS**

**PORTCHESTER EAST
AGENT: ROBERT TUTTON TOWN
PLANNING CONSULTANTS LTD**

USE OF LAND FOR STATIONING OF AGED PERSONS' RESIDENTIAL PARK HOMES (WITH COMMUNITY UNIT)

LAND TO WEST OF NORTHFIELD PARK, UPPER CORNAWAY LANE,
PORTCHESTER, FAREHAM

Report By

Richard Wright – direct dial 01329 824758

1.0 *Introduction*

- 1.1 This application has received a total of seven representations from six different households. The representations comprise a mixture of objection and support for the proposals.
- 1.2 This application was previously reported to the Planning Committee for determination in January 2020. At that time the application was recommended by Officers for refusal principally due to the lack of mitigation in relation to increased nitrate levels in wastewater. However, the application was withdrawn from the Committee agenda prior to the meeting at the request of the applicant.

2.0 *Site Description*

- 2.1 The application site comprises a parcel of land located to the immediate west of the existing residential park site of Northfield Park and to the immediate north of the Portchester Memorial Gardens. Whilst the existing residential park lies within the urban settlement area as defined in the adopted local plan, the application site lies within the countryside for planning purposes.
- 2.2 Vehicular access to the existing residential park is via Upper Cornaway Lane which continues northward to form public footpath 117.
- 2.3 The application site is identified in the emerging Publication Local Plan (PLP) as a housing allocation (HA40).
- 2.4 To the immediate west of the site lies agricultural land at Winnham Farm which was the site of a recently refused application for 350 dwellings by Miller

Homes (reference P/20/0912/OA). That land is also identified in the PLP as a housing allocation (HA4).

3.0 Description of Proposal

- 3.1 Permission is sought to use the land for the stationing of residential park homes. The stationing of mobile homes on the land would constitute a material change of use not operational development.
- 3.2 It is proposed that the site would be used for the stationing of 22 new residential park homes. The site would extend the existing residential park of Northfield Park which, together with the adjacent park of Eleanor's Wood, already comprises 71 residential park homes.
- 3.3 As well as new park homes a community unit is proposed. Described in the application in places as a "community lodge" this unit would be a bespoke park home approximately 60 ft x 20 ft used to facilitate residents' meetings, activities and services.
- 3.4 Submitted with the application is a proposed site plan indicating an ecology buffer zone around much of the eastern and southern perimeter of the site. Also shown on the proposed site plan is an indicative internal road layout arranged in a loop and the location of the proposed community unit. However, this application being for a change of use of the land, the precise location of the new park homes and community unit would be controlled through the site licence required from Fareham Borough Council.
- 3.5 The proposal also includes a new pedestrian footpath link between the existing Northfield Park residential park site and public footpath 117 as well as providing a financial contribution towards resurfacing and improvement of a short section of the public footpath to connect with Lancaster 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

5.0 *Relevant Planning History*

5.1 The following planning history is relevant:

Land west of Northfield Park (application site)

P/98/0866/CU	Extension to the Gardens of Remembrance
Permission	22 September 1998

Northfield Park

FBC.1963/7	Use of part of site for equestrian centre/riding school and mobile home site on remainder
Deemed Consent	27 September 1984

Eleanor's Wood

P/96/0845/CU	Change of use of land for siting of residential mobile homes
Permission	12 April 2000

6.0 *Representations*

6.1 Six representations have been received from five households in objection to, or raising concerns about, the application. The following material planning considerations were raised:

- Loss of green space
- Impact on physical and mental health of existing residents affected by increased disruption, noise and traffic
- Increased frequency and speed of traffic
- A one-way system for internal traffic would be a good idea
- Inadequate drainage
- Inadequate street lighting

6.2 One representation in support of the application has been received:

- A community hall would be an added bonus
- Traffic through Northfield Park would not increase that much

7.0 Consultations

EXTERNAL

Highways

- 7.1 The site would be served by a two-way access road leading into a one-way loop arrangement. No footways are proposed in the layout and none are available in the existing development.
- 7.2 The existing development is served by a 4.1m wide road network restricted to an advisory 10mph speed restriction and the current proposals include a more formal one-way traffic arrangement which would be satisfactory.
- 7.3 There is a concern that, beyond the existing site boundary where more general public access is available, there are no satisfactory pedestrian provisions. Upper Cornaway Lane, which serves the crematorium car park and memorial gardens has no footways whilst there is only an unsurfaced path connection to Dore Avenue shops and bus stops. Consequently, a highway objection is raised to the application until satisfactory off-site pedestrian provisions are made.

INTERNAL

Environmental Health

- 7.4 No objection. The applicant should note however that prior to occupation any new units will require a site licence from Fareham Borough Council's Environmental Health department.

Ecology

- 7.5 No objection subject to conditions in relation to mitigation measures and sensitive lighting scheme.

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) Principle of development in the countryside;
- c) Policy DSP40(i) & (iv);

- d) Policy DSP40(ii);
- e) Policy DSP40(iii) – including design and visual impact;
- f) Policy DSP40(v) – including highways, ecology and flood risk;
- g) The Impact on European Protected Sites;
- h) Other matters;
- i) The planning balance.

a) Implication 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 on the agenda for the Planning Committee meeting held on 17th February 2021. The report concluded that at the time this Council had 4.2 years of housing supply against its five year housing land supply (5YHLS) requirement.

8.3 Officers accept that the Council cannot currently demonstrate a 5-year supply of deliverable housing sites.

8.4 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".

8.5 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 National Planning Policy Framework (NPPF).

8.6 Paragraph 59 of the NPPF seeks to significantly boost the supply of housing.

8.7 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.

8.8 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, in part:

“For decision-taking this means:

- c) Approving development proposals that accord with an up-to-date development plan without delay; or*
- d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (see footnote 7 below), 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 (see footnote 6 below) 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.”**

8.9 Footnote 6 to paragraph 11 reads:

“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.”

8.10 Footnote 7 to paragraph 11 reads (in part):

“This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73);...”

8.11 This planning application proposes new housing outside the defined urban settlement boundaries. The Council cannot demonstrate a five year housing land supply. Footnote 7 to NPPF paragraph 11 is clear that in such circumstances those policies which are most important for determining the application are to be considered out-of-date meaning that the presumption in favour of sustainable development in paragraph 11(d) is engaged.

8.12 Taking the first limb of NPPF paragraph 11(d), as this report sets out, in this instance there are no specific policies in the NPPF which protect areas of assets of particular importance which provide a clear reason for refusing the proposed development. The key judgement therefore is that set out in the second limb of that paragraph, namely whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole (the so called 'tilted balance').

8.13 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."

8.14 The wording of this paragraph clarifies that in cases such as this one where an appropriate assessment has concluded that the proposal would not adversely affect the integrity of the habitats site subject to mitigation, the presumption in favour of sustainable development set out in Paragraph 11 does apply.

8.15 The following sections of the report assesses 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.

e) Principle of 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 area. The land is not previously developed land and the site is not within the urban area. The proposal does not comply with this policy.

8.17 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.

8.18 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.”

- 8.19 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).
- 8.20 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.

f) Policy DSP40(i) & (iv)

- 8.21 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.
- 8.22 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”.*

- 8.23 Firstly, in relation to the first of these criteria at Policy DSP40(i), the proposal is for a change of use of the land to allow the stationing of residential park homes. Whilst the exact number of units to be stationed on the site could vary depending on site licence provisions, this planning application has been assessed on the basis of 22 homes being created which is relative in scale to the current shortfall.

8.24 In relation to Policy DSP40(iv), Officers have no concerns that the proposed development could not be delivered in the short term.

8.25 The remaining three bullet points from Policy DSP40 are worked through in turn below.

g) Policy DSP40(ii)

8.26 The application site lies adjacent to the existing urban settlement boundary which abuts its eastern boundary. Officers consider that the proposed development would be capable of being well integrated with the adjacent urban area by forming a logical extension to the existing residential park.

8.27 At present no dedicated pedestrian footway exists between Dore Avenue and the existing residential park site. Pedestrians are required to walk in the carriageway of Upper Cornaway Lane and/or to use an unmade path across an adjacent area of public open space.

8.28 Policy CS5 (Transport Strategy and Infrastructure) of the adopted Fareham Borough Core Strategy states that development will be permitted which “is designed and implemented to prioritise and encourage safe and reliable journeys by walking, cycling and public transport”. Policy CS17 (High Quality Design) meanwhile expects development to “ensure permeable movement patterns and connections to local services, community facilities, jobs and shops”.

8.29 In order to improve pedestrian connectivity the proposal includes the creation of a new pedestrian footpath link between the existing Northfield Park residential park site and public footpath 117. The applicant has also indicated they would be willing to make a financial contribution towards the resurfacing and improvement of a short section of the public footpath to connect the new link footpath with Lancaster Close.

8.30 Using the proposed new footpath connection the nearest bus stop would lie on Dore Avenue close to the junction with Jute Close approximately 250 metres from the site. From that stop regular bus services run to Fareham and Portchester centres. A number of other services and facilities would be located within a reasonable walking distance from the site. Red Barn Primary School would be located 650 metres away and the nearby convenience store on Linden Lea 750 metres away.

8.31 Subject to the new pedestrian footpath link being created and the applicant entering into a Section 106 legal agreement to secure the provision of a

financial contribution towards improvement of footpath 117, the proposal would accord with Policy DSP40(ii) in that it would be sustainably located.

h) Policy DSP40(iii)

- 8.32 The third test of Policy DSP40(iii) is that 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*”. The application site is not located within a Strategic Gap.
- 8.33 Policy CS17 of the adopted Fareham Borough Core Strategy sets out a similar, but separate policy test that, amongst other things, “*development will be designed to: respond positively to and be respectful of the key characteristics of the area, including heritage assets, landscape, scale, form, spaciousness and use of external materials*”. Core Strategy Policy CS14 meanwhile seeks to protect the landscape character, appearance and function of the countryside as explained earlier in this report.
- 8.34 As referred to already in this report, this proposal seeks permission for the change of use of the land for the stationing of residential park homes. Because of this it is not possible to be precise over the visual appearance of the park homes or indeed how they may change over time as mobile homes are replaced within their individual pitches. The units will however be single storey in nature in order to comply with site licensing requirements. When viewed from the adjacent farmland to the west these homes will be seen against the backdrop of the existing urban area with the existing park homes of Northfield Park and the two-storey scale housing of nearby streets beyond. That land at Winnham Farm comprises a housing allocation in the emerging Publication Local Plan, however, can be given only limited weight at this stage in the plan preparation process. It is also noted that the proposed development of 350 houses on that land, which was the subject of a recent dismissed appeal, was not refused planning permission by this Council on the basis of adverse landscape character or visual impact.
- 8.35 Officers are satisfied that the proposed stationing of park homes on the site would sensitively reflect the character of the existing residential park and, subject to details of any proposed level changes on the site and a suitable landscaping scheme for the western and northern site boundaries, would minimise the adverse impact on the countryside. Notwithstanding there would be compliance with Policy DSP40(iii), there would still be a limited degree of harm in visual and landscape terms contrary to Policies CS14 & CS17.

i) Policy DSP40(v) – including highways, ecology and flood risk

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

Ecology

- 8.37 In terms of protected species which may be present on the site itself, the Council's ecologist has raised no concerns following consideration of the ecological appraisal submitted with the application which proposes appropriate ecological buffers around the perimeter of the site.
- 8.38 The effect of the development on European Protected Sites is discussed later in this report. It is concluded that the development would not result in adverse effects on the integrity of those protected sites.

Amenity

- 8.39 Officers are satisfied that the development would not be harmful to the living conditions of neighbouring residents. As referred to already, since the proposal is for a change of use of the land for the stationing of residential park homes, the layout and positioning of the individual park homes would not be a matter to be considered through this application but instead addressed through the relevant site licence.

Highways

- 8.40 The highway authority Hampshire County Council have raised the issue of the currently poor pedestrian accessibility to the site. This is discussed earlier in this report with regards to Policy DSP40(ii) as well as Policies CS5 & CS17.

j) The Impact on European Protected Sites

- 8.41 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.
- 8.42 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.

- 8.43 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 'Protected Sites' (PS).
- 8.44 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 PS 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 PS. 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.
- 8.45 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.
- 8.46 The HRA identifies three likely significant effects on PS none of which would result in adverse effects on the integrity of the PS provided mitigation measures are secured.
- 8.47 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.
- 8.48 The second likely significant effect relates to an in-combination effect on one of the qualifying features of the Solent Maritime SAC (one of the PS), perennial vegetation of stony banks, via increased atmospheric nitrogen deposition from road traffic emissions. The impact will affect a wider area across South Hampshire and the HRA outlines that Havant Borough Council and Portsmouth City Council will set up a Nitrogen Action Plan in order to address this. To mitigate the current development's impact the HRA outlines

Fareham Borough Council will implement the Nitrogen Action Plan accordingly.

- 8.49 Finally, Members will be aware of the potential for residential development to have likely significant effects on PS 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 PS.
- 8.50 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.
- 8.51 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). The proposed development is an extension to an existing community of residential park homes. The site owners already operate a site rule that all persons residing on the park must be 55 years of age or over. The applicant has provided details to show that as a result of this site restriction and due to the size and nature of the park homes a significant number of units are single occupancy. The remainder are occupied by two people per home and there are no units with more than two people living in them. This information is supported by electoral roll records held by the Council. On that basis an occupancy rate of 2 persons per dwelling has been used in the nutrient budget calculations and agreed by Officers. The advice issued by Natural England says that *“competent authorities may choose to adopt bespoke calculations tailored to the area or scheme, rather than using national population or occupancy assumptions, where they are satisfied that there is sufficient evidence to support this approach”* (paragraph 4.19).
- 8.52 The nutrient budget confirms that the development will generate 22.19 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 PS, 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.

- 8.53 The applicant has entered into a contract (conditional on the grant of planning permission) to purchase 22.25 kg 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.
- 8.54 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 PS 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.
- 8.55 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.

k) Other matters

- 8.56 The proposal to use the land to station residential park homes attracts a requirement for affordable housing provision under Policy CS18 of the adopted Fareham Borough Core Strategy. The applicant has provided a viability assessment which has been independently reviewed by the Council's own consultants. That review has revealed that the development is considered able to viably provide an off-site contribution towards affordable housing provision. The applicant has confirmed that they would be willing to enter into a Section 106 legal agreement to secure the payment of that contribution.

l) The planning balance

- 8.57 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 purposes 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”.

- 8.58 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.
- 8.59 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.
- 8.60 The site is outside of the defined urban settlement boundary and the proposal does not relate to agricultural, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of the Local Plan Part 2: Development Sites and Policies Plan.
- 8.61 Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations which is engaged as this Council cannot demonstrate a 5YHLS. Officers have also given due regard to the updated 5YHLS position report presented to the Planning Committee in February this year and the Government steer in respect of housing delivery.
- 8.62 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 and located adjacent to the existing urban settlement boundaries such that it can be well integrated with those settlements. The visual impact of the development could be minimised by appropriate planning conditions to control any proposed level changes on site and to secure an appropriate landscaping scheme to reflect the area’s existing character.

- 8.63 Officers are satisfied that there are no amenity, traffic or environmental issues which cannot otherwise be addressed through planning conditions and obligations. It is noted that the proposal would make a reasonable contribution towards addressing the shortfall of new homes in the Borough and would provide an appropriate financial contribution towards off-site provision of affordable housing.
- 8.64 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 22 residential units 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.
- 8.65 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 residential 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.
- 8.66 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.
- 8.67 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 PLANNING PERMISSION subject to:

- i) 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 of £17,648 towards improvements to footpath 117;
 - c) To secure a financial contribution of £511,693 towards off-site affordable housing provision; and
- ii) The following planning conditions:
 - 1. The development hereby permitted shall be begun before the expiration of a period of three years from the date of this decision.

REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.

- 2. The development shall be carried out in accordance with the following drawings and documents:
 - a) Drawing no. 0848-18-NJT (location plan)
 - b) Drawing no. 0850-18-NJT (site plan)
 - c) Drawing no. SD-1944-01-A - Proposed footpath connection to Upper Cornaway Lane
 - d) Reptile Surveys and Outline Mitigation Strategy (July 2019)
 - e) Preliminary Ecological Appraisal Report (January 2019)

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

- 3. No more than twenty-two residential park homes shall be stationed on the land at any one time.

REASON: The use of the site has been assessed on the basis of there being twenty-two residential park homes on the site having regard to the likely impacts on, amongst other things, highway safety and landscape character.

4. No development shall commence until details of the internal road layout of the site, including tracking diagrams for refuse collection vehicles, 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: In the interests of highway safety and to ensure adequate provision is made for refuse collection.

5. No development hereby permitted shall commence until a desk top study of the former uses of the site and adjacent land and their potential for contamination has been submitted to and approved in writing by the Local Planning Authority (LPA). The study should include, but shall not be limited to, the existing vegetated mound located towards the northern boundary of the site.

Should the submitted study reveal a potential for contamination, intrusive site investigation and risk assessments should be carried out, including the risks posed to human health, the building fabric and the wider environment such as water resources, and where the site investigation and risk assessment reveal a risk to receptors, a detailed scheme for remedial works to address these risks and ensure the site is suitable for the proposed use shall be submitted to and approved by the LPA in writing.

The presence of any unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the LPA. This shall be investigated to assess the risks to human health and the wider environment and a remediation scheme implemented following written approval by the Local Planning Authority. The approved scheme for remediation works shall be fully implemented before the permitted development is first occupied or brought into use.

On completion of the remediation works and prior to the occupation of any properties on the development, the developers and/or their approved agent shall confirm in writing that the works have been completed in full and in accordance with the approved scheme.

REASON: To ensure that any contamination of the site is properly taken into account before development takes place. The details secured by this condition are considered essential to be agreed prior to the commencement of the development on the site to ensure adequate mitigation against land contamination on human health.

6. No development shall commence until details of the existing and finished ground levels on the site, including details of any areas of proposed hardstanding, 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 safeguard the character and appearance of the area and to assess the impact on nearby residential properties. 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.

7. No development shall commence until an ecologically sensitive lighting scheme has been submitted to and approved by the local planning authority. The submitted scheme shall provide details of all external lighting to be used on the site with particular focus on the ecological sensitivity of the eastern and southern site boundaries. The submitted scheme shall be designed to minimise impacts on wildlife, particularly bats. No external lighting shall be installed or used on the site unless it has been included in the approved lighting scheme or unless otherwise agreed by the local planning authority in writing.

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

8. 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.

9. The development shall be carried out in accordance with the approved Reptile Surveys and Outline Mitigation Strategy (July 2019) and the Preliminary Ecological Appraisal Report (January 2019). The ecology buffer zones identified in the Reptile Surveys and Outline Mitigation Strategy and identified on the approved site plan shall be retained at all times for their stated purposes in the approved documents. At no time shall any residential or other use be carried out within the ecology buffer zones.

REASON: To ensure the protection of wildlife and their habitat.

10. Before the use hereby permitted is first carried out vehicular and pedestrian access to the application site shall be provided from the land edged blue on the approved location plan (drawing no. 0848-18-NJT) as indicated on the approved site plan (drawing no. 0850-18-NJT). The vehicular and pedestrian access shall thereafter be retained at times.

REASON: To ensure satisfactory vehicular and pedestrian access to the site.

11. Before the use hereby permitted is first carried out, the footpath connection to Upper Cornaway Lane as shown on the approved drawing no. SD-1944-01-A shall be constructed in its entirety in accordance with the approved details and made available for use by residents of the development hereby permitted. The footpath connection shall be retained and made available for use by residents of the development all times thereafter.

REASON: In order to improve pedestrian connectivity to local services, community facilities, jobs and shops and encourage safe and reliable journeys by walking, cycling and public transport.

12. Before the use hereby permitted is first carried out, 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 park homes;
- b. One Electric Vehicle (EV) charging point per park home.

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.

13. Before the use hereby permitted is first carried out, 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, shall be submitted to and approved by the Local Planning Authority in writing. The submitted landscaping scheme shall include, but shall not be limited to, details of boundary landscaping along the western and northern site boundaries.

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

14. The landscaping scheme, submitted under Condition 13 above 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.

15. Before the use hereby permitted is first carried out, details of water efficiency measures shall be submitted to and approved in writing by the Local Planning Authority. These water efficiency measures should be designed to ensure potable water consumption does not exceed an average of 110L per person per day. The development shall be carried out in accordance with the approved details.

REASON: In the interests of preserving water quality and resources.

16. The residential park homes hereby permitted to be stationed on the site shall not be occupied at any time other than by persons aged 55 years or over.

REASON: In the interests of preserving water quality and resources.

9.0 Background Papers

P/18/1437/FP

FAREHAM

BOROUGH COUNCIL



Northfield Park
Scale 1:3750



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence 100019110. 2020