

OFFICER REPORT FOR COMMITTEE

DATE: 16/09/2020

P/18/1073/FP
FOREMAN HOMES

PORTCHESTER WEST

OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT OF 225 DWELLINGS, BIRD CONSERVATION AREA AND AREA OF PUBLIC OPEN SPACE WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS

LAND TO THE SOUTH OF ROMSEY AVENUE, FAREHAM

Report By

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1.0 Introduction

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

2.0 Site Description

- 2.1 The planning application site comprises 12.55 hectares (approximately 31 acres) of agricultural land currently used for growing crops. The site is located outside of the defined urban settlement boundaries to the south of existing houses in the urban area on Romsey Avenue. The site is part of a Primary Support Area (F21) as identified in the Solent Waders and Brent Goose Strategy (SWBGS).
- 2.2 To the immediate east of the application lies land now in use as public open space in connection with the development of 120 houses on the north side of Cranleigh Road (planning application reference P/15/0260/OA) allowed on appeal in 2016.
- 2.3 To the south-west of the application site lies Wicor Recreation Ground and the ground of AFC Portchester football club around which there is a band of mature trees.

3.0 Description of Proposal

- 3.1 Outline planning permission is sought for 225 dwellings on the site with all matters reserved except for access.

- 3.2 Access into the site is proposed via the existing southern spur of Romsey Avenue along which access is currently gained to the field via a gate. A series of proposals for work to the adopted highway between the site and the A27 junction with Beaulieu Avenue are proposed. It is proposed to rebuild the existing site access road from Romsey Avenue to current standards and to tie this into the Romsey Avenue carriageway. The existing junction with Romsey Avenue would be formalised with road markings and the installation of an uncontrolled crossing point. Parking restrictions are proposed along Romsey Avenue and Beaulieu Avenue to keep the route from the A27 to the site free from carriageway parking. In addition it is proposed to remove the verge on the eastern side of Beaulieu Avenue and provide off-street parking bays.
- 3.3 The applicant has proposed a bird mitigation reserve on the application site measuring 4.2 hectares (10.34 acres) in size of which 3.7 hectares (9.1 acres) is designed for mitigation for Brent geese.

4.0 Policies

- 4.1 The following policies apply to this application:

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

Adopted Fareham Borough Core Strategy

CS2: Housing Provision
CS4: Green Infrastructure, Biodiversity and Geological Conservation
CS5: Transport Strategy and Infrastructure
CS6: The Development Strategy
CS14: Development Outside Settlements
CS15: Sustainable Development and Climate Change
CS16: Natural Resources and Renewable Energy
CS17: High Quality Design
CS18: Provision of Affordable Housing
CS20: Infrastructure and Development Contributions
CS21: Protection and Provision of Open Space

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
DSP13: Nature Conservation
DSP14: Supporting Sites for Brent Geese and Waders

DSP15: Recreational Disturbance on the Solent Special Protection Areas
DSP40: Housing Allocations

5.0 Relevant Planning History

None

6.0 Representations

6.1 A total of 489 objections have been received from 307 residents (some residents have commented more than once following revisions being made to the application).

The following material planning considerations have been raised:

General

- Impact on schools, doctors, dentists and other local services
- Loss of green space/field
- Impact on sewage systems
- Housing development should be elsewhere instead (e.g. Welborne)
- Urbanisation of area
- Set a precedent for other housing development to the south and west
- Shortage of affordable housing
- No convenience stores located nearby
- Increase in crime
- Developer will make an application for more dwellings on the site
- Poor local plan designated this site for development as well as other sites within Portchester
- Planning system does not protect areas of countryside
- No consideration of the cumulative impact from the Cranleigh Road site
- Southern Water has not yet been consulted
- Contrary to policies and housing figures provided in Local Plan
- No demand for housing
- Unsustainable
- Will result in overcrowding
- Anti-social behaviour
- Not right type of tenure for Fareham
- Cannot be used in comparison to Cranleigh Road development
- Not relative in scale to shortfall in housing land supply

Design

- Visual impact
- Flats not in-keeping with surrounding area
- No detailed information on design of houses

- Design of dwellings look average and do not complement the surrounding area
- Development should be single-storey due to increased demand
- Basic elevations
- Densely built
- Too cramped
- Design should match houses on Romsey Avenue
- Design of buffer should involve local community

Highways

- Increase in traffic
- Access to site via Romsey Avenue is unsafe
- Parking problems
- Roads too narrow for refuse lorries and emergency vehicles to enter site
- Lorries cannot turn around corner between Beaulieu Avenue and Romsey Avenue
- Highway safety
- Roads not maintained
- Lack of transport strategy for area
- Traffic assessment does not accurately represent traffic movements
- Loss of on-street disabled parking on Beaulieu Avenue
- Lambeth parking survey not carried out
- Reduced pavement width causing pedestrian & cyclist safety issue

Environmental

- Impact on wildlife, in particular bird life and that of nearby wildlife sites
- A number of protected species within surrounding area
- Land should be protected as is located within close proximity to a Ramsar Site, SSSI, and Special Protection Area (SPA)
- Loss of agricultural land
- Nitrate pollution of water environment
- Loss of green space
- Increased flood risk
- Increase in noise and light pollution
- Increase in air pollution
- Dust pollution
- Gathering of ecological evidence does not fully assess the ecosystems
- Mitigation does not provide net benefit to birds
- Impact assessment fails to examine the noise impact of construction on birds
- Slow worm population reported as too low

- Development at Cranleigh Road has led to displacement of wildlife to application site
- Ecological impact assessment does not take into consideration the impact of noise construction on the rare and protected birds
- Three other SPA areas have not been marked for development
- Failed to acknowledge roosting bats
- Impact on domestic water pressure
- Loss of trees
- High quality agricultural land

Amenity

- Overlooking
- Loss of privacy
- Noise and disturbance from construction
- Close proximity of flats to rear gardens
- Loss of light

7.0 Consultations

EXTERNAL

Natural England

- 7.1 Objection. The application is likely to have a significant effect on the Portsmouth Harbour SPA and SSSI and the Council is advised to undertake an Appropriate Assessment under The Conservation of Habitat and Species Regulations 2017. The proposal will result in a loss of supporting habitat. There is uncertainty as to whether the mitigation measures proposed are likely to protect the integrity of the designated sites.

Highways (Hampshire County Council)

- 7.2 Four sets of comments were received from the Highway Authority dated 29th October 2018, 19th December 2019, 20th July 2020 and 4th September 2020. The following summary of the advice received is formed of the final position given by the Highway Authority on each of the relevant points:

Site access

The proposed parking restrictions are required to enable access for larger vehicles such as delivery vans, refuse vehicles and emergency service vehicles, to mitigate congestion and conflict and to ensure adequate visibility splays are maintained. The additional parking restrictions at the junctions of Beaulieu Avenue/Romsey Avenue and the site access/Romsey Avenue are necessary to make the development acceptable and as such the Traffic Regulation Order (TRO) process should be progressed and funded by the applicant should the development be permitted.

While the principle of parking restrictions would be agreed through the planning process should permission be granted, it should be noted that the TRO process is open to public consultation and the implementation of the proposed parking restrictions is therefore not guaranteed. As such, any works requiring a TRO must be satisfactorily completed prior to commencement of the development. Furthermore, a contribution of £6,000 is required to implement an additional TRO should further parking restrictions be required on the western side of Beaulieu Avenue, to ensure two-way flow is maintained.

Parking

An assessment of displaced parking due to the introduction of parking restrictions has been provided, including a plan showing the nearest available alternative parking spaces and a summary of the distances to these spaces. The parking survey indicates the introduction of parking restrictions will displace 11 vehicles. This survey demonstrates that there is sufficient parking capacity within reasonable proximity to the existing parking locations to accommodate the forecast displaced parking. The average displacement is 22m (approximately 15 seconds walking time), with a maximum displacement of 45.1m (approximately 32 seconds walking time). It is considered that the introduction of parking restrictions will not incentivise inappropriate or dangerous parking and as such will not result in a severe impact on the operation of the highway network. However, FBC as planning authority should satisfy themselves that walking distances to alternative parking spaces are acceptable on amenity grounds.

Sustainable travel

The Highway Authority previously requested consideration be given to measures to aid delivery of safe walking and cycling routes to the key destinations of Portchester railway station and Portchester centre. A pedestrian/cycle audit has been completed, improvements identified and costed and a contribution agreed. In addition, a contribution has been agreed to widen footways in the vicinity of the site to current standards.

Highway safety

Given the proposed development will increase vehicular and cycle traffic along the A27 corridor and in particular at Cornaway Lane Roundabout, exacerbating the existing safety concerns, and that the Transport Assessment concludes that the local road network offers conducive routes for cycling that will encourage this mode of travel from the development, mitigation to improve safety is required. A scheme has been developed to improve cycle safety at this location and a contribution towards delivery of this scheme has been agreed.

Vehicle trip distribution

It is considered the proposed development would exacerbate the existing parking and traffic flow issues during school pick up and drop off times in the vicinity of Wicor Primary School. A contribution has been agreed to provide an updated School Travel Plan and implement measures to maintain safety and encourage sustainable modes access to the school, with the aim of improving conditions for those travelling by foot, cycle, scooter or bus and reducing reliance on low occupancy private car travel. Given the relatively compact nature of the catchment area, it is anticipated travel planning measures will have a substantial impact on mode choice. This is considered adequate mitigation for the forecast increase in movements in the vicinity of the school due to the development.

Recommendation

The Highway Authority raises no objection to this proposal from a highways and transportation perspective, subject to the following condition being included and the applicant entering into a Section 106 Legal Agreement to secure the following mitigation package:

- A Transport contribution of £1,126,252 towards the following:
 - Improvements in the vicinity of Delme Roundabout (£12,323)
 - Improvements in the vicinity of Downend Rd/ A27 (£60,350)
 - Cornaway Lane Roundabout cycle improvements (£907,179)
 - Footway widening in the vicinity of the site (£18,000)
 - Walking audit measures (£37,400)
 - School Travel Plan (£85,000)
 - Beaulieu Avenue parking restriction TRO contribution (£6,000)
- Payment of the Travel Plan approval and monitoring fees and provision of a surety mechanism to ensure implementation of the Travel Plan.
- Implementation of highway works shown on drawings 5611.025 Rev C and 5611.002 Rev D prior to commencement of the development, including payment of fees associated with progression of the TRO process.

Southern Water

- 7.3 The submitted drawings show development will lie over existing public foul sewers which will not be acceptable. The exact position of the public sewer must be determined on site by the applicant before the layout of the proposed development is finalised. It might be possible to divert the sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work

was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

Flood and Water Management Team (Hampshire County Council)

- 7.4 It has not been proven that infiltration is a suitable means of surface water disposal for this site. Further information is required before a decision can be made on whether to recommend to the Local Planning Authority that planning permission is granted.

Archaeology (Hampshire County Council)

- 7.5 No objection subject to conditions securing assessment, recording and reporting of any archaeological deposits affected by construction.

Countryside Services (Hampshire County Council)

- 7.6 Some surfacing improvements will be required on Fareham footpaths 110, 111a and 523 to accommodate the increase in use as a result of the development. The recreational impact of the development is likely to be focused on the rights of way network around the coast and the recreation ground to the south of the development site, however given that the Wicor Countryside Site is only a short walk from the development there is likely to be an increase in recreational pressure at the site and a small contribution towards the management of this site is requested.

Children's Services (Hampshire County Council)

- 7.7 The proximity of Wicor Primary School and the lack of local places indicates that an expansion of the school is likely to be required. A financial contribution will contribute towards the provision of additional infrastructure at Wicor Primary School and should also be available to fund the undertaking of school travel plans and associated infrastructure such as additional cycle/scooter storage or improvements to sustainable travel routes.

Portsmouth City Council

- 7.8 No comments or observations are offered on this proposal.

INTERNAL

Affordable Housing Strategic Lead

- 7.9 The change in the proposal to outline is noted. It would be expected that the scheme provides a policy compliant percentage of affordable housing with an appropriate tenure split. Of the Affordable/Social Rent properties then provided it would be expected that the mix reflects the need in the Portchester area, based on the Council's Housing Register.

Ecology

- 7.10 Concerns raised in relation to the loss of Solent Waders and Brent Goose Strategy 'Primary Support Area' and the lack of detail within the submitted Ecological Impact Assessment (EclA), particularly in relation to the delivery of the reptile receptor site, operational phase impacts on badgers, construction phase noise impacts and cumulative impacts.

Trees

- 7.11 No objection.

Contaminated Land Officer

- 7.12 No objection.

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) Residential development in the countryside;
- c) The impact on European Protected Sites
- d) Policy DSP40;
- e) Other matters;
- f) 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 to the Planning Committee meeting on 24th June 2020. That report set out this Council's local housing need along with this Council's current housing land supply position. The report concluded that this Council currently has a housing land supply of 4.03 years (a shortfall of 522 dwellings within the 5-year period).
- 8.3 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 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:

"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 proposed⁶; 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 The key judgement for Members therefore is whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole.

8.11 Members will be mindful of Paragraph 177 of the NPPF which states that:

“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats 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.”

8.12 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.

8.13 In the absence of a five-year supply of deliverable housing sites, officers consider that policy DSP40 is the principal development plan policy that guides whether schemes will be considered acceptable.

b) Residential Development in the Countryside

8.14 Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. 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.

8.15 Policy CS14 of the Core Strategy states that:

'Built development on land outside the defined settlements will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function. Acceptable forms of development will include that essential for agriculture, forestry, horticulture and required infrastructure.'

- 8.16 Policy DSP6 of the Local Plan Part 2: Development Sites and Policies states - there will be a presumption against new residential development outside of the defined urban settlement boundary (as identified on the Policies Map).
- 8.17 The site is clearly outside of the defined urban settlement boundary and the proposal does not comprise one of the acceptable forms of development listed in Policy CS14. The proposal is therefore contrary to Policies CS2, CS6, CS9 and CS14 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan.

c) The impact upon European Protected Sites

- 8.18 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.
- 8.19 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.
- 8.20 In light of their importance, areas within the Solent have been specially designated under UK/ European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'European Protected Sites' (EPS).
- 8.21 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'competent authority' if it can be shown that the proposed development will either not have a likely significant effect on designated EPS or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated EPS. This is done following a process known as an Appropriate Assessment. The competent authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The competent authority is either the local planning authority or the Planning Inspectorate, depending on who is determining the application.

- 8.22 When considering the proposed development there are three main likely significant effects on EPS.
- 8.23 The first of these effects is the loss of a Primary Support Area (F21) for waders and Brent geese, qualifying features of the EPS, as identified in the Solent Waders and Brent Goose Strategy (SWBGS).
- 8.24 In response to the application, on this particular matter Natural England has provided the following advice.

The Primary Support Areas are land that, when in suitable management, make an important contribution to the function of the waders and Brent goose ecological network, supporting the SPAs. The preferred approach is for development to be located outside the network of sites.

Should a Primary Support Area be proposed for development, as in this case, detailed criteria has been developed to assess the suitability of replacement sites, namely habitat type, disturbance, area of habitat, timing and availability of habitat, and geographical location. With regards to Primary Support Areas, there will be a requirement for the off-setting area to fulfil the same special contribution and particular function of the areas lost or damaged for the same species of birds.

Natural England has reviewed the bird mitigation proposals for the development site. We do not have certainty that the reserve will replicate the current ecological function of the site due to the combined influence of a number of factors. These factors include the size of the proposed reserve, the loss of openness, restricted sight lines and the close proximity of new development.

Whilst the development site is located on the urban fringe, it forms part of a wider countryside gap of around 40 hectares. It forms part of one of the last remaining agricultural areas adjacent to the Portsmouth Harbour SPA. We do not have certainty that the 4.2 hectare bird reserve, of which 3.7 hectares is designed for mitigation for the Brent geese, will replicate the same function as the existing site within this open gap. Natural England has serious doubts that the site would be used by Brent geese (the qualifying features) to the same extent as the current potential.

- 8.25 The advice from Natural England on this point is clear that it does not consider there is sufficient certainty to be drawn from the applicant's mitigation proposals that the current ecological function of the site will be replicated to offset the loss of supporting habitat. As a result, the proposed development would have an adverse effect on the integrity of the EPS.

- 8.26 The second likely significant effect on EPS relates to 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) will have a likely significant effect upon the EPS.
- 8.27 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.
- 8.28 The applicant has submitted a nutrient budget for the development. The existing use of the land is for the growing of cereal crop. The budget shows the development would result in a reduction in the amount of nitrogen reaching the water environment. With that in mind the development would not result in a deterioration in the water environment of the EPS.
- 8.29 The third of these likely significant effects on EPS 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 (SRMP). Had the proposal been found acceptable in all other regards the applicant would have been invited to make a financial contribution through the SRMS. In the absence however of a legal agreement to secure such a contribution, or the submission of evidence to demonstrate that the 'in combination' effects of the development can be avoided or mitigated in another way, the proposal is held to be contrary to Policy DSP15.

d) Policy DSP40

- 8.30 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".*

8.31 Each of these five bullet points are worked through in turn below:

Policy DSP40 (i)

8.32 The proposal for up to 225 dwellings is relative in scale to the 5YHLS shortfall and therefore bullet i) of Policy DSP40 is satisfied.

Policy DSP40 (ii)

8.33 The northern site boundary immediately abuts the rear gardens of dwellings on Romsey Avenue within the existing adjacent urban area. The overall extent of the housing development would be confined to an area all within a close distance of the urban boundary. With this in mind Officers consider that the development would be well related to and well integrated with the neighbouring settlement.

8.34 The site would also be comparatively well located to the services and facilities located in the Portchester area as well as the nearest bus stops on Portchester Road being a relatively short distance away.

8.35 It is considered that the second point of Policy DSP40 is satisfied.

Policy DSP40 (iii)

8.36 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*'.

8.37 The Landscape and Visual Appraisal submitted by the applicant contends that *“the proposed development represents a medium scale, partially visible addition to the townscape”* and that *“whilst the proposals would result in a material change to the landscape of the site overall, the adverse effects of increased built form are considered to be balance by the beneficial effects of the positive design response and improvements in the boundary and on-site landscape features”*. It should be noted that the application has been revised since the LVA was produced without it being updated. Notwithstanding, Officers would broadly concur that the adverse visual and landscape effects of the development could be successfully minimised by a positive design response and landscaping strategy at reserved matters stage.

Policy DSP40 (iv)

8.38 Officers consider that the proposal for 225 houses could be delivered within the short term. The proposal would therefore be in accordance with point iv of policy DSP40.

Policy DSP40 (v)

8.39 The final test of Policy DSP40 requires that the proposal does not have any unacceptable environmental, amenity or traffic implications. These issues are considered in turn below.

Environmental

8.40 The impact of the development on European protected sites has been set out earlier in this report. There are three main adverse effects on the integrity of EPS contrary to Policies CS4, DSP13 & DSP15 of the adopted local plan. In addition there are other environmental implications relating to protected and priority species on site, the loss of agricultural land and the applicant’s proposed means of surface water drainage.

8.41 The Council’s Ecologist has raised concerns regarding the lack of information provided by the applicant, including updated information in light of changes to the proposed scheme, in relation to the delivery of the reptile receptor site, impacts on badgers, construction noise and cumulative impacts. In the absence of such information the proposal fails to demonstrate that protected and priority species would be protected and enhanced which is contrary to the aims of Policy DSP13.

8.42 Local plan Policy CS16 seeks to prevent the loss of the best and most versatile agricultural land. The NPPF (paragraph 170(b) recognises the economic and other benefits of the best and most versatile agricultural land.

8.43 The site contains Grade 1 (excellent quality) and Grade 2 (very good quality) agricultural land, i.e. best and most versatile (BMV) agricultural land as

defined in the NPPF. The proposal would therefore be contrary to Policy CS16 and the permanent loss of BMV agricultural land weighs against granting planning permission in the balance of issues.

- 8.44 The lead local flood authority Hampshire County Council has raised concerns over the applicant's proposal to use infiltration as a means of surface water disposal for the development. Insufficient information has been provided to demonstrate that infiltration would be suitable for this site based on the technical details provided. As a result, the development proposal fails to provide for the satisfactory disposal of surface water contrary to local plan Policy DSP2.

Amenity

- 8.45 The application is in outline meaning the layout of the site and therefore relationship and distance between dwellings is yet to be proposed. Consideration of the likely impact on light to, outlook from and privacy enjoyed by neighbouring dwellings is a reserved matter for a subsequent stage of the planning process.
- 8.46 There are no adjacent land uses which would be likely to materially affect the living conditions of future residents, for example by way of noise or odour.

Highways

- 8.47 The Highway Authority Hampshire County Council have provided detailed comments relating to a number of aspects of the proposed development. These are summarised earlier in this report.
- 8.48 The main issues dealt with in the response from the highway authority are the effect of the development on the operation of the wider highway network, sustainable modes of transport, the site access via Beaulieu Avenue and Romsey Avenue and the associated proposed parking restrictions, and the impact on traffic to and from Wicor Primary School.
- 8.49 On the first of these issues, the highway authority is satisfied that adequate assessment of the impact of the development on each of the key junctions in the surrounding road network has now been carried out by the applicant. Financial contributions towards improvements to the junction of the A27/Downend Road/Shearwater Avenue and Delme roundabout have been agreed.
- 8.50 In order to promote sustainable modes of access, additional financial contributions have been agreed in relation to cycle improvements at the roundabout where Cornaway Lane meets the A27 and footway widening in the vicinity of the site.

- 8.51 The site access from the A27 via Beaulieu Avenue and Romsey Avenue has been the subject of much comment and concern raised by local residents. In response to initial problems highlighted by the highway authority in terms of the geometry and capacity of these access roads, the applicant has proposed a series of measures to demonstrate the adequacy of this approach including parking restrictions and new parking bays along Beaulieu Avenue and Romsey Avenue. The highway authority has confirmed that these measures mean the site access is now considered acceptable. The resultant displacement of parking spaces and loss of highway verge is not considered unacceptable. These measures would however be subject to amendments to existing or introduction of new traffic regulation orders (TRO) which are open to public consultation through an entirely separate process carried out by the Highway Authority. For those reasons any new TROs or amendments to existing TROs would need to be satisfactorily completed prior to commencement of the development.
- 8.52 Another major concern raised by local residents is the potential impact on traffic and pedestrians travelling to and from Wicor Primary School. The highway authority has stated that they consider it unrealistic of the applicant to assume that the proposed development will generate no additional car trips to the school. They also consider that the development will result in a traffic increase of around 17% in the AM peak along Hatherley Crescent/Hatherley Drive/Cornaway Lane to the A27. Given this, the highway authority has recommended that a contribution be required from the applicant to update and implement planned measures to maintain safety and encourage sustainable modes of access to the school. They consider this will have a substantial impact on mode choice and would therefore be adequate mitigation for the forecast increase in vehicle movements in the vicinity of the school.
- 8.53 Had the application not been recommended for refusal for other reasons, Officers would have looked to secure the financial contributions requested by the highway authority through an appropriately worded Section 106 legal agreement. The agreement would also have been used to secure travel plan matters and implementation of off-site highway works prior to the commencement of the development. A Grampian-style planning condition would have been used to ensure all necessary matters in introducing or amending TROs relating to parking restrictions along Beaulieu Avenue and Romsey Avenue were concluded prior to development commencing.

e) Other matters

Affordable Housing

- 8.54 The proposal includes the provision of 40% affordable housing comprising a blend of affordable tenures. Subject to appropriate size, mix and tenure being agreed to meet the identified local need to comply with Policy CS18, officers consider this acceptable and appropriate to secure via a Section 106 legal agreement.

Open Space, Play Provision and Public Rights of Way

- 8.55 The submitted “areas plan” indicates that an area of public open space 1.4 hectares in size would be provided as part of the development. The appropriateness of public open space provision in terms of its location, quality and size would need to be assessed at the same time as considering the layout of the site and in accordance with the Council’s adopted Planning Obligations Supplementary Planning Document (SPD).
- 8.56 In respect of play provision and in accordance with the adopted Planning Obligation SPD, the proposed number of units would require the provision of a Neighbourhood Equipped Area of Plan (NEAP). This, along with the public open space overall, could be secured via a Section 106 legal agreement and Officers would have sought to do so had it not been for the other overriding reasons for refusal.
- 8.57 Hampshire County Council Countryside Service have commented on the application to set out the likely impact of the development on the public rights of way network in the surrounding area. It is anticipated that the increased recreational pressure on public footpaths and accessible areas of countryside could be addressed through a financial contribution towards improvements to the wider network in the local area. This contribution could be secured via a Section 106 legal agreement.

Effect upon Local Infrastructure

- 8.58 Concerns have been raised over the effect of the number of dwellings on schools, doctors and other services in the area.
- 8.59 Hampshire County Council have identified a need for expansion and improvements to Wicor Primary School to accommodate the anticipated increase in pupil demand arising from the development. A financial contribution towards this expansion could be secured through a Section 106 legal agreement had it been the case that Officers were recommending planning permission be granted.
- 8.60 The difficulty in obtaining doctor’s appointments and dental services is an issue regularly raised in respect of new housing proposals. It is ultimately for the health providers to decide how they deliver their services. A refusal on these grounds could not be substantiated.

Draft Local Plan

- 8.61 The Draft Local Plan which addresses the Borough's housing requirements up until 2036 was subject to consultation between 25th October 2017 and 8th December 2017. The site of this planning application was proposed to be allocated for housing within the 2017 Draft Local Plan. However, at this stage in the plan preparation process, the draft plan carries limited weight in the assessment and determination of this planning application.

f) Planning balance

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

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

- 8.63 As set out earlier within this report, the effect of Paragraph 177 of the NPPF is 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".

- 8.64 In this instance Officers have identified likely significant effects upon the Portsmouth Harbour SPA arising from the loss of part of a Primary Support Area for Brent geese and waders. In order to establish whether these likely significant effects can be sufficiently mitigated it is necessary for an appropriate assessment to be carried out. Officers have judged that the application proposals are contrary to adopted local plan policies and the policies of the NPPF. In light of this, Officers have not undertaken an Appropriate Assessment at this time. Accordingly, the presumption in favour of sustainable development set out at Paragraph 11 of the NPPF does not apply.
- 8.65 The site is outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of Local Plan Part 2: Development Sites and Policies Plan.

- 8.66 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 on 24th June 2020 and the Government steer in respect of housing delivery.
- 8.67 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 satisfies four of the five policy tests (points i), ii), iii) and iv).
- 8.68 However, the proposal fails to meet the fifth policy test of Policy DSP40 on a number of grounds. The development would lead to the loss of part of a Primary Support Area for which inadequate mitigation has been proposed and which would therefore result in adverse effects on the integrity of EPS. In addition the application contains insufficient information to demonstrate that protected and priority species would be protected or that the proposed means of surface water drainage would be acceptable. The loss of BMV agricultural land is an additional adverse effect of the development which must be weighed on the negative side of the planning balance.
- 8.69 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 225 dwellings in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply is a substantial material consideration, in the light of this Council's current 5YHLS. In addition, the proposals include the provision of forty percent affordable housing. Added to this is the benefit of the additional jobs and expenditure in the locality arising from construction activity and the completed development itself.
- 8.70 Officers have carefully weighed the benefits which would be delivered by the proposals, having regard for the Council's 5 year housing land supply position, against the conflict with adopted local plan policies and the policies of the NPPF, and the combination of adverse effects on the integrity of EPS, the failure to protect and enhance protected and priority species, the lack of appropriate surface water drainage proposals and the loss of BMV agricultural land.
- 8.71 In light of this assessment, and taking into account all other material planning considerations, Officers recommend that planning permission should not be granted for this application. A recommendation for refusal is set out below at paragraph 9.1.

9.0 Recommendation

9.1 REFUSE PERMISSION for the following reasons:

The development is contrary to Policies CS2, CS4, CS5, CS6, CS14, CS16, CS17 & CS18 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP2, DSP6, DSP13 & DSP40 of the Adopted Local Plan Part 2: Development Site and Policies Plan,

And paragraph 170 of the National Planning Policy Framework (NPPF), and is unacceptable in that:

- a) The provision of residential development in this location would be contrary to adopted Local Plan policies which seek to prevent additional residential development in the countryside;
- b) The proposal fails to appropriately mitigate the likely adverse effects on the integrity of European Protected Sites which would arise as a result of the effect of the development on, and loss of part of, a Primary Support Area for Brent geese and waders;
- c) The proposal fails to provide sufficient information to demonstrate that protected and priority species would be protected and enhanced;
- d) The proposal fails to provide sufficient information to demonstrate the satisfactory disposal of surface water;
- e) The proposal would result in the loss of best and most versatile agricultural land;
- f) In the absence of a legal agreement to secure such, the proposal fails to appropriately secure financial contributions towards off-site highway improvements to mitigate the impact of the development on the strategic highway network; improvements and measures to promote sustainable modes of travel; measures to mitigate the increase in traffic in the vicinity of Wicor Primary School; the introduction and/or amendment of traffic regulation orders in Beaulieu Avenue and Romsey Avenue, and; travel plan approval and monitoring fees;
- g) In the absence of a legal agreement to secure such, the proposal fails to appropriately secure mitigation of the likely adverse effects on the integrity of European Protected Sites which, in combination with other developments, would arise due to the impacts of recreational disturbance;

- h) In the absence of a legal agreement to secure the provision of public open space and contributions towards the associated management and maintenance of the open space, the recreational needs of residents of the proposed development would not be met;
- i) In the absence of a legal agreement to secure such, the proposal fails to make on-site provision of affordable housing at a level in accordance with the requirements of the local plan;
- j) In the absence of a legal agreement to secure contributions to education, the needs of residents of the proposed development would not be met;
- k) In the absence of a legal agreement to secure a financial contribution towards improvements to the local public rights of way network, the proposal fails to mitigate the harm from the increased usage of public rights of way as a direct result of the development.

10.0 Notes for Information

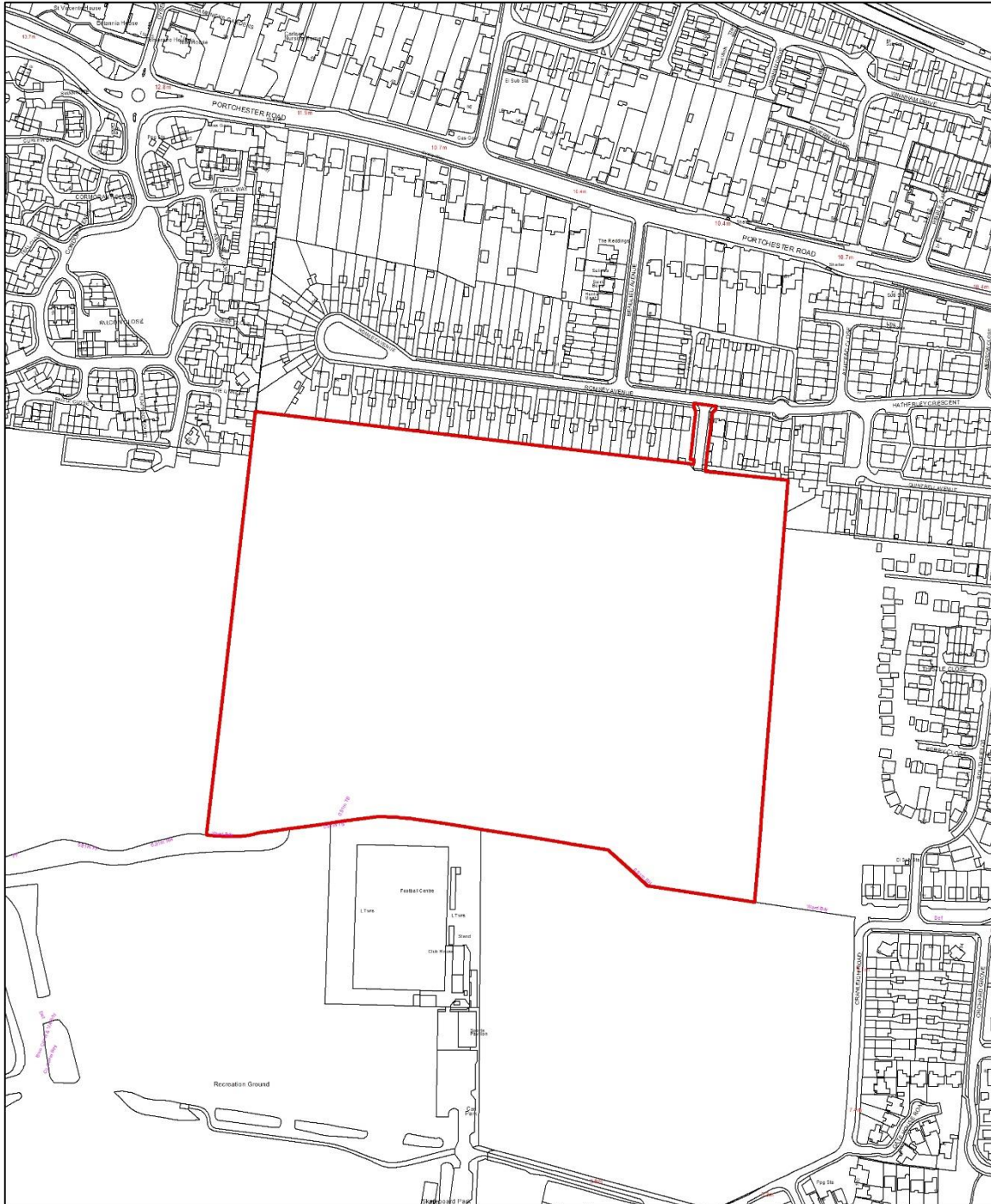
- 10.1 Had it not been for the overriding reasons for refusal to the proposal, the Local Planning Authority would have sought to address points f) - k) above by inviting the applicant to enter into a legal agreement with Fareham Borough Council under Section 106 of the Town & Country Planning Act 1990.

11.0 Background Papers

P/18/1073/FP

FAREHAM

BOROUGH COUNCIL



Land to South of Romsey Avenue

Scale 1:3,750

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