

# FAREHAM

## BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY (DEVELOPMENT MANAGEMENT  
PROCEDURE) ORDER 2015

### Planning Decision Notice

Planning Application Reference: P/18/1073/FP

Decision Date: 21<sup>st</sup> September 2020

Fareham Borough Council, as the Local Planning Authority, hereby **REFUSE** to permit the **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 at LAND TO THE SOUTH OF ROMSEY AVENUE, FAREHAM as proposed by application P/18/1073/FP** 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 would result in extra parking restrictions being placed on Beaulieu Avenue and Romsey Avenue and on-street parking being displaced from the access road into the development site onto Romsey Avenue. As a result the development would lead to an increase in car parking on both

Beaulieu Avenue and Romsey Avenue which would be inconvenient to users of the highway and harmful to highway safety;

- d) The proposal fails to provide sufficient information to demonstrate that protected and priority species would be protected and enhanced;
- e) The proposal fails to provide sufficient information to demonstrate the satisfactory disposal of surface water;
- f) The proposal would result in the loss of best and most versatile agricultural land;
- g) 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;
- h) 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;
- i) 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;
- j) 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;
- k) In the absence of a legal agreement to secure contributions to education, the needs of residents of the proposed development would not be met;
- l) 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.

# **Notes to Accompany Planning Decision Notice**

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## **General Notes for Your Information:**

- Had it not been for the overriding reasons for refusal to the proposal, the Local Planning Authority would have sought to address points g) - l) 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.
- The documents considered in relation to this application can be viewed online at [www.fareham.gov.uk/planning](http://www.fareham.gov.uk/planning).
- The Council worked positively and proactively with the applicant and their agent to try and address the issues which came up during the course of the application being considered. A report has been published on the Council's website to explain how a decision was made on this proposal.
- Please contact the officer who handled this application Richard Wright on 01329 824758 or at [rwright@fareham.gov.uk](mailto:rwright@fareham.gov.uk) if:
  - You would like clarification about this notice
  - You are unhappy with this decision or the way it has been reached

## **Right of appeal:**

- The person who made this application has the right to appeal to the Secretary of State against the Council's decision to refuse permission.
- The Secretary of State may decide he will not consider an appeal if it seems to him that, due to statutory requirements, the local planning authority could not have granted permission without the conditions being imposed.
- Appeals must be made within 6 months of the date of this decision notice (so by 21<sup>st</sup> March 2021).
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- Appeals are handled by the Planning Inspectorate on behalf of the Secretary of State. Appeals must be made using a form which you can get from:
  - Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN;

- Or submit online at The Planning Inspectorate website at
- [www.gov.uk/planning-inspectorate](http://www.gov.uk/planning-inspectorate)

**Purchase Notices:**

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land.