



# Winnham Farm

## Planning Supporting Statement

August 2020

WINNHAM FARM, LAND EAST OF DOWNEND ROAD, PORTCHESTER  
PLANNING SUPPORTING STATEMENT  
MILLER HOMES  
AUGUST 2020



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O'ROURKE

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## **Appendix 1: Outline planning application P/18/0005/OA Planning Supporting Statement**

## 1.0 Introduction

- 1.1 This Planning Supporting Statement (PSS) has been prepared by Terence O'Rourke Ltd on behalf of Miller Homes Limited (MH) in support of an:

*Outline planning application with all matters reserved (except the means of access) for residential development, demolition of existing agricultural buildings and the construction of new buildings providing up to 350 dwellings; the creation of new vehicular access with footways and cycleways; provision of landscaped communal amenity space, including children's play space; creation of public open space; together with associated highways, landscaping, drainage and utilities.*

- 1.2 The application represents a re-submission of outline planning application P/18/0005/OA which was refused by the Local Planning Authority (LPA) on 26 April 2019, and then subsequently at appeal (decision date 5 November 2019) solely for highway reasons, specifically off-site highway capacity associated with the provision of safe and suitable access across the Downend Road railway bridge. Much of the application, including the technical evidence base and support, is unchanged. The most significant change addresses the highways constraint by proposing traffic light controlled shuttle working across the bridge.

- 1.3 The current outline planning application is eligible to be submitted as a 'free go', as it meets the requirements set out in Regulation 9 of the 2012 Fee Regulations (NPPG paragraph 040, reference ID: 22-040-20141017). A free go is available to planning applications made following a refusal if:

- It is made by or on behalf of the same applicant
- The application is made within 12 months of the date of the refusal
- The LPA is satisfied the application relates to the same development character or description of development
- The type of application remains the same (i.e. outline)
- The full application fee was paid for the earlier application
- The site has not already benefited from exemption under Regulation 3.

- 1.4 Schedule 9 part (1) (b) of *The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012* states that a fee go applies to:

*"an application for planning permission which is made following the refusal of planning permission (whether by the local planning authority or by the Secretary of State on appeal...)"*.

- 1.5 Outline planning application P/18/0005/OA was refused at appeal on 5 November 2019. This submission is made within the 12 months of the refusal and benefits from the 'free go' fee regulations.
- 1.6 This PSS describes the site and its setting, outlines the previous reasons for refusal and the key conclusions of the appeal Planning Inspector. It explains how the current application fully addresses the Planning Inspector's single reason for

refusal, and how the planning policy context and material considerations support the timely granting of planning permission.

- 1.7 The PSS should be read in conjunction with the supporting drawings and technical reports, which comprise:
- Completed application form and certificates
  - Planning application drawings:
    - Site location plan (ref: 2495-01 /PP-002)
    - Landscape parameter plan (ref: 2495-01 /RS-PP-001)
    - Site access arrangement – ghost island (ref ITB12212-GA-014 Rev D)
  - Design and Access Statement (dated August 2020)
  - Planning Supporting Statement (dated August 2020)
  - Statement of Community Engagement update note (dated August 2020)
  - Landscape and Visual Appraisal (dated August 2020)
  - Flood Risk Assessment incorporating surface water and foul drainage strategy (dated July 2020)
  - Heritage Statement (ref: JAC26483 dated July 2020)
  - Transport Assessment
  - Framework Travel Plan
  - Arboricultural Impact Assessment (ref: A:03.08/20)
  - Air Quality Assessment (ref: AQ108773 dated July 2020)
  - Noise and Vibration Impact Assessment
  - Qualitative Odour Assessment (ref: AQ108773-2 dated July 2020)
  - Updating Phase 1 Ecology Survey Report (dated 4 August 2020)
  - Geo-Environmental Desk Study (ref: GE15996-DSR-OCT17 dated 17 October 2017)
  - Correspondence from Geo-Environmental regarding the results of trial pit and soak away tests dated 18 October 2017
  - Agricultural Land Assessment (ref: GE15996-ALA-OCT17 dated 11 October 2017)
  - Utilities and Services Appraisal (ref: 16-329 dated August 2020)
  - Habitat Regulations Assessment update note including Nitrogen Neutrality calculations (dated August 2020)
  - Illustrative masterplan (ref: 2495-01 /RS-SK-004 Rev B; submitted for information purposes only).
- 1.8 The submission documents align with that submitted and validated by the LPA as part of outline planning application P/18/0005/OA. The technical reports submitted have been updated where it has been identified as necessary to do so.
- 1.9 The appeal Statement of Common Ground (SoCG) on Planning Matters, signed and agreed by MH and the LPA in August 2019 states at paragraph 1.3 that the

development proposal does not trigger the need for an Environmental Impact Assessment (EIA). MH considers that the development proposal has not changed in any respect that would trigger the need for an EIA.

- 1.10 An appeal SoCG was also prepared and agreed by MH, the LPA and Natural England (August 2019) in respect to Habitat Regulations. In this the parties agreed that:

*“... the development as proposed, subject to mitigation secured through conditions and legal agreement, will not adversely affect the integrity of the European Sites... With respect to European protected habitats there are no matters disputed between the Council, Natural England and the Appellant.”*

- 1.11 There have been some minor changes to the HRA guidance since the SoCG was agreed and TOR has therefore undertaken a review of this and produced a short update note. The conclusions however remain the same.
- 1.12 Ahead of submitting outline planning application P/18/0005/OA MH engaged in detailed pre-application discussions with both the LPA (planning policy and development management), statutory consultees and the local community.
- 1.13 Following refusal at appeal, MH has continued detailed discussions with the Highways Authority and LPA in order to successfully overcome the Planning Inspector's reason for refusal. MH has also written to local residents in immediate proximity to the site and local Members (Leader of the Council, Ward Councillors and Members of the Planning Committee) to inform them of the application, explain how the previous reason for refusal has been addressed, and set out the minor changes made to the Landscape Parameter Plan. A Statement of Community Engagement update note has been produced and submitted as part of the application.

## 2.0 The site and its surroundings

- 2.1 The application site lies on the northern edge of the settlement of Portchester, a suburb within the borough of Fareham. It is approximately 1.5km from Portchester Railway Station (to the east) and 3km from the centre of Fareham (to the south east).
- 2.2 The site is bounded by an agricultural field to the north, which lies to the south of the M27 motorway. A mainline railway runs along the site's southern boundary. Both the M27 and railway line are cut into the landscape and at considerably lower levels than the site and surroundings. Existing residential development lies immediately to the east of the site, as well as the south where it adjoins the Portchester settlement boundary, separated only by the railway line. The Portchester Crematorium and Northfield Park, a relatively small area of formal public open space used as a memorial garden associated with the crematorium, are located to the east. To the north west of the site is an open-air waste/composting facility currently used as a storage site for recycling containers. There are a handful of small commercial and residential properties located along the eastern side of Downend Road.
- 2.3 The site currently comprises agricultural fields and horse paddocks. There is a small cluster of agricultural sheds associated with the farm (and a vehicle repair business) and a grassed bund, which dissects the arable land. Electricity pylons and cables run in a north-south direction by the western site boundary where the proposed entrance is located. There are no other prominent natural or manmade features within the site. A the line of an old hedgerow crosses the northern part of the site, though no hedgerow remains. A small area of apple trees are located near the farm buildings. The topography of the site rises noticeably from south to north.
- 2.4 Vehicular and pedestrian access to the site will be achieved off Downend Road to the west, whilst a further access route is proposed into the site to the south east over Cams Bridge which is accessed off The Thicket. There is the potential for a further pedestrian access route off Upper Cornaway Lane in the north east corner of the site.
- 2.5 There are no public rights of way or formal footpaths across the site. There is a public right of way (route 117) that runs off Core Avenue / Upper Cornaway Lane to the east of the site. This provides a route from the south up to Portsdown Hill Road to the north, across the bridge that extends over the M27. Within reasonable walking distance of the site there is a very good range of local services and facilities as well as good access to public transport.
- 2.6 The site is not designated for its nature conservation, landscape or heritage value. It is not at risk of flooding and does not fall within the Green Belt. In short, it is not subject to any policies within the NPPF or Local Plan that would indicate development should be restricted and/or to which the presumption in favour of sustainable development would not apply.



### 3.0 Outline planning application P/18/0005/OA

#### LPA determination

- 3.1 MH previously submitted an outline planning application (P/18/0005/OA) with all matters reserved except for the means of access for:

*Demolition of existing agricultural buildings and the construction of new buildings providing up to 350 dwellings; the creation of new vehicular access with footways and cycleways; provision of landscaped communal amenity space, including children's play space; creation of public open space; together with associated highways, landscaping, drainage and utilities.*

- 3.2 The Case Officer's Report (paragraphs 8.65 – 8.77) recommended approval of the planning application, stating:

- The LPA cannot demonstrate a 5-year housing land supply and the tilted balance, as per the NPPF's presumption in favour of sustainable development, applies
- In applying the tilted balance there are no NPPF policies which provide a clear reason for refusing the proposed development
- Any adverse impacts of the development would not significantly and demonstrably outweigh the benefits when assessed against the NPPF
- Policy CS14 is overridden by the lack of a 5-year housing land supply, and the engagement of policy DSP40, of which the five criteria have been satisfied
- The proposal is located adjacent to the existing urban settlement boundaries and can be well integrated with those existing settlements, whilst being sensitively designed to reflect existing character and minimise impact on the countryside
- There would be a degree of harm to countryside landscape character, however this impact would be reduced through the incorporation of landscape corridors leading up to the higher slopes of Portsdown Hill
- There would be no amenity or environmental issues that could not be appropriately addressed through planning conditions and obligations
- There would be no unacceptable impact on highway safety and the residual cumulative impact on the road network would not be severe (subject to mitigation measures and financial contributions)
- An appropriate level of affordable housing contribution (40%) can be secured
- The contribution the scheme would make to boosting the council's housing land supply is a substantial material consideration.

- 3.3 Despite the Case Officer's conclusions and recommendation, together with a lack of objection from HCC as highway authority, the proposal was refused by Fareham Borough Council's Planning Committee (decision issued on 26 April 2019). The decision notice listed the reasons for refusal as follows:

*"The development would be contrary to Policies CS5 of the adopted Fareham Borough Core Strategy 2011 and Policy DSP40 of the adopted Local Plan Part 2: Development Sites and Policies Plan and is unacceptable in that:*

- a) *The proposal would result in a material increase in pedestrian movements along Down End Road across the road bridge over the railway line. The works to the bridge as shown on drawing no. ITB12212-GA-003 Rev B (titled “virtual footway proposal”) and the works to the bridge as shown on drawing no. ITB12212-GA-004 Rev B (titled “reduced width formal footway”) would provide inadequate footway provision to ensure the safety of pedestrians using the bridge and other highway users. The works to the bridge as shown on drawing no. ITB12212-GA-011 Rev B (titled “priority shuttle working”) would result in unacceptable harm to the safety and convenience of users of the highway.*
- b) *The application site is not sustainably located in terms of access to local services and facilities.”*

### **The planning appeal**

- 3.4 MH subsequently appealed the decision (ref: APP/A1720/W/19/3230015), an inquiry took place between 24 and 26 September 2019 led by the Planning Inspector Grahame Gould BA MPhil MRTPI. The Inspector’s decision was issued on 5 November 2019, whereby the appeal was dismissed.
- 3.5 In considering the appeal, the Inspector concluded (paragraph 97 of the decision) that the options proposed for the Downend Road railway bridge would either make inadequate provision for pedestrian access, or would unacceptably effect the operation of Downend Road as a result of vehicle queuing and driver delay. The Inspector identified that these impacts would be unacceptable and in conflict with the development plan; Policy CS5 of the *Core Strategy* and Policy DSP40 of the *Development Sites and Policies (DSP)*.
- 3.6 In concluding (paragraph 100), the Inspector stated that the development proposal would lead to:
 

*“... unacceptable harm to pedestrian safety and the operation of the public highway that... could not be addressed through the imposition of reasonable planning conditions... in the overall planning balance... the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.”*
- 3.7 In reaching his decision, the Planning Inspector also concluded that:
  - The accessibility to local services and facilities other than by private motor vehicles would not be unreasonable and weighs in favour of the social benefits of the development, thereby rejecting the LPA’s second reason for refusal
  - The development could be implemented to safeguard the integrity of off-site designated habitats, having a neutral effect on the natural environment
  - The development would lead to significant social and economic benefits arising from the construction and occupation of up to 350 dwellings
  - The development would provide a boost to the supply of market and affordable homes within Fareham Borough
  - Whilst there would be some harm to the setting of nationally designated heritage assets, this would be less than substantial, and would be outweighed by the social and economic benefits of the development.

- 3.8 All of these substantial benefits of the proposal, coupled with a lack of material harm, remain with respect to the current proposal. Overcoming the highways constraint, to address the harm identified by the Inspector in a way that also satisfies the technical requirements of Hampshire County Council, as Highways Authority, fundamentally changes the planning balance, such that the application should be approved.
- 3.9 It should be noted in this context, that the site remains a draft allocation in the emerging Local Plan and is therefore in a location for growth supported by Fareham Borough Council, as a matter of principle. Further, the Council continues to be unable to demonstrate a five-year housing land supply and the presumption is in favour of granting planning permission for sustainable development. Having removed the highways constraint, and substantially reduced the level of harm associated with highway matters, it can be concluded now (and with reference to the appeal decision) that adverse impacts do not significantly and demonstrably outweigh the considerable benefits of delivering housing in an area of need in a sustainable location, in line with the Council's own emerging spatial strategy for growth.

## 4.0 The development proposal

### Downend Road railway bridge

- 4.1 MH fully understands the Planning Inspector's reason for refusal in respect to planning appeal APP/A1720/W/19/3230015. However, it is important to highlight that the highway solution proposed for the Downend Road railway bridge as part of outline application P/18/0005/OA was developed in conjunction with Hampshire County Council Highways Authority and the LPA, and no objection was raised to the scheme by the Highways Authority.
- 4.2 However MH does understand the concerns raised, particularly by the local community, in respect to highway safety and highway operational matters. As such, since the appeal decision MH has worked hard to develop another safe and effective solution to the Downend Road railway bridge crossing, again working with their transport consultant, the Highway's Authority and Local Planning Authority. It is now consider that the solution proposed as part of this outline planning application will offer a safe and permanent crossing solution for pedestrians whilst also not leading to severe impacts upon the operation of the highway.
- 4.3 The proposal incorporates a dedicated formal footway on the western side of the bridge, so that pedestrians will be able to safely cross at all times. The carriageway will be revised to a one way system across the bridge, and the traffic flow will be controlled using priority traffic signals (Please refer to *Downend Road Bridge – Proposed Signal Arrangement With Footway*, drawing number: ITB12212-GA-051 Rev C) The detailed modelling work undertaken has demonstrated that the proposal will not lead to sever impacts upon traffic movements along Downend Road, with average delays equating to 20 seconds.
- 4.4 The proposal has been designed in conjunction with Hampshire County Council Highway's Authority, and has been subject to a detailed Road Safety Audit with all matters successfully addressed. Overall it is considered that the revised proposal will offer a substantial improvement to pedestrian safety, encourage slower and safer traffic movements across the bridge and not lead to any sever impacts upon the operation of the public highway. It is considered that the improvements to pedestrian access will also encourage sustainable travel movements.
- 4.5 As part of the proposal, improvements are also proposed to The Thicket where Cams Bridge and its approaches will be improved to provide high-quality pedestrian and cycle access in line with the existing planning permission (ref: P/18/0001/OA), and to Upper Cornaway Lane where the public footpath will be improved for pedestrians and cyclists.
- 4.6 MH therefore respectfully concludes that the revised solution for the Downend Road railway bridge fully addresses the previous reason for refusal, delivering a safe permanent crossing solution for pedestrians, whilst also ensuring no sever impacts upon the operation of the highway. As such, with the reason for refusal successfully resolved, outline planning permission should be granted without delay in accordance with the National Planning Policy Framework (NPPF).

## **Parameter plan amendments**

- 4.7 Whilst the re-submitted proposals remain largely in line with outline application P/18/0005/OA, some minor amendments have been made to the landscape parameter plan and illustrative masterplan.
- 4.8 Further detailed archaeological investigation has been undertaken which has identified an area of geoarchaeological importance. Accordingly, the proposed development layout has been revised to ensure no built development is located in this zone. Instead, the formal open space provision has been re-provided in this location.
- 4.9 Amending the location of the formal open space also offers design and landscape enhancements, specifically:
- Creation of a landscape layering effect, which can soften the impact of the development from views from the south.
  - Provision of improved east/west pedestrian and cycle movements through the site, better integrating with the existing residential area directly to the east.

## **The proposed development**

- 4.10 The rest of the development proposal remains as per outline planning application P/18/0005/OA. Full details of the site layout, scale, appearance and landscape treatment as well as internal access arrangements are left for future determination, through subsequent Reserved Matters applications.
- 4.11 In summary, it is considered that the proposal would deliver the following key benefits:
- A significant contribution towards delivering the council's vision for Portchester to strengthen the district centre and its local employment role, whilst preserving important features of its built and natural environment.
  - The delivery of much needed housing that would make a meaningful contribution to housing land supply across a range of types and tenures to support Portchester and the wider housing market area.
  - The delivery of much needed affordable housing in accordance with the Local Plan policy requirements.
  - The delivery of formal sports provision and children's play space.
  - The potential to achieve biodiversity net gain.
  - Support for community facilities and services through an increase in the local population.
  - Economic benefits, through construction activities and increased local population.
  - Greater control of surface water drainage from the site.
  - Provision of a safe pedestrian access across the Downend Road railway bridge, and appropriate highway solution that would not lead to severe highway impacts.

## ***Housing provision***

- 4.12 The illustrative master plan makes provision for up to 350 new homes, of which 40% would be affordable in accordance with the policies of the Fareham Core Strategy.
- 4.13 The following open market and affordable mix was considered broadly acceptable by the LPA during discussions in relation to outline application P/18/0005/OA. As such, the same mix is proposed and will be finalised through the determination process, and at the Reserved Matters stage.

Unit type	Affordable housing (percentage)	Market housing (percentage)
1 bedroom	45%	0-5%
2 bedroom	17%	15-25%
3 bedroom	23%	55-65%
4 bedroom	15%	15-25%

- 4.14 The precise location of the affordable housing units would be agreed at the Reserved Matters stage, but they could be provided in clusters, where appropriate and feasible to achieve integration within the development.

## ***Site access and highways***

- 4.15 Vehicles and pedestrians will access the site from a new access junction on Downend Road. In addition, pedestrian and cycle access will be provided via Cams Bridge to the south which already benefits from planning permission (ref: P/18/0001/OA) to improve accessibility. Further pedestrian connections are proposed to the east connecting to Upper Cornaway Lane.
- 4.16 The Transport Assessment confirms that the site is located in a suitable, sustainable and accessible location for residential development. Vehicle users, pedestrians and cyclists will be able to safely access the development, which provides connectivity to the centre of Portchester, nearby employment areas and beyond. The site will be well connected to local services and facilities, providing opportunities for sustainable modes of transport. The site is within 1.5km of Portchester Station that provides links to London, Southampton, Portsmouth, Winchester and Chichester. Several bus services operate from The Thicket and Condor Roundabout bus stops that are c.400m from the site.
- 4.17 The Transport Assessment concludes that the impact of the development on the highway network, with the package of mitigation measures in place will not be significant and will fall considerably short of the “severe” test set out in the NPPF (paragraph 109). A Framework Travel Plan covering the residential development has also been submitted in support of the outline planning application.
- 4.18 As part of the previous outline application (ref: P/18/0005/OA), improvements to the Downend Road / A27 traffic signal junction were agreed which will significantly improve its operation by:
- Providing a second approach lane on Downend Road; and
  - Installing the latest signal technology to improve efficiency.

- 4.19 Improvements to the A27 Delme Roundabout were also agreed and the applicants will make a financial contribution to enable it to be improved in the future. MH remains committed to these agreed improvements as part of this current application.

### ***Greenfield site***

- 4.20 Whilst the development of the site would result in the loss of a greenfield site, and a direct impact on the landscape character of the site itself, it should be noted that the loss of countryside per se cannot be considered to amount to significant harm.

### ***Landscape strategy***

- 4.21 A Landscape and Visual Appraisal accompanies the application, which has informed the landscape strategy for the development. The strategy has sought to introduce significant new tree and hedgerow planting to strengthen existing boundary vegetation and to enhance habitats. This will contribute positively to the appearance and character of the area in both the medium and long term.
- 4.22 Whilst specific details would be submitted for approval at the Reserved Matters stage, there is significant scope to achieve a net gain in this respect, which could be secured by planning condition.

### ***Formal sports provision***

- 4.23 The Landscape Parameter Plan makes provision for 1.08 hectares (ha) of formal sports provision to cater for the needs of the proposed development. This is proposed to be located centrally in the eastern portion of the development, directly adjacent to Northfield Park.

### ***Children's play area***

- 4.24 The Landscape Parameter Plan makes provision for a children's play area extending to 0.10ha. This could take the form of a locally equipped area of play (LEAP) in an appropriate location, or play features could be distributed along the green corridors, as highlighted on the plan, as natural and imaginative play.

### ***Informal open space***

- 4.25 The Landscape Parameter Plan makes provision for c.6ha of informal public open space (including tree and shrub planting) within the proposed development. This is provided as a sequence of green spaces through the development.

### ***Trees***

- 4.26 A Tree Survey and Arboricultural Impact Assessment accompanies the application. This confirms that there is scope for development on-site whilst

retaining the higher quality individual trees on the boundary, and with the selective removal of the poorer quality individuals found within the centre of the site. The removal of trees in the centre of the site is justified by the planting proposed in the extensive open spaces included in the development layout.

### ***Hedgerow retention / removal***

- 4.27 The development site includes evidence of ancient hedgerows, though none of these now remain. The proposed development will look to generate a net gain in hedgerows, through re-installing at key locations.

### ***Archaeology and built heritage***

- 4.28 A Heritage Statement accompanies the application and includes details of the geophysical survey and geo-archaeological test pits investigation undertaken to date. The initial survey work, undertaken in relation to outline application P/18/0005/OA highlighted that a small area on the eastern boundary of the site had the potential to contain Pleistocene sequences of deposits, similar to those found at Red Barns, with the potential to contain deposits of national significance. Since then, further detailed archaeological investigation has taken place to identify the extent of this deposit. The outcome is that an area within the application site (Zone GPZ5) was identified as needing to be preserved in situ. Accordingly, the Illustrative Masterplan and Landscape Parameter Plan have been revised to ensure that no built development is proposed in this zone. The area affected will be retained as open space and the proposed location for the formal sports provision. This could also be secured by condition.
- 4.29 In terms of built heritage there are three listed buildings, two of which are scheduled monuments, within proximity of the site. They are not directly affected by the development but their setting could be. The Heritage Statement concludes that the development will have no impact on the significance of Nelson's Monument but has the potential to have a negligible impact to the significance of Portchester Castle and Fort Nelson. In both cases the harm is assessed to be a barely perceptible level of less than substantial harm. Whilst this must be given considerable weight, the level of harm is so low that even with such weight applied, it is not possible to reach a position where the harm clearly outweighs the public benefit to be delivered by the provision of new homes.

### ***Surface water attenuation***

- 4.30 As explained in detail in the submitted Flood Risk Assessment, surface water runoff created by the proposed development will be managed using a sustainable urban drainage system (SUDS), with additional treatment through the incorporation of source control devices. The proposed on-site drainage system will be designed to cater for the 1 in 30 year storm, providing attenuation to store flood waters on-site during flood events up to and including the 1 in 100 year plus 40% climate change rainfall event.



### ***Foul water strategy***

- 4.31 With regard to foul water, as explained in the Flood Risk Assessment, it is proposed to convey all proposed foul flows by gravity to a proposed foul pumping station at the south eastern corner of the site. The foul flows will then be pumped in a north eastern direction into the existing public foul sewer on Danes Road, subject to agreement with Southern Water.

### ***Sustainable construction***

- 4.32 The proposed homes will all be energy and water efficient and constructed to a standard that will meet the Building Regulations requirements for new development. Should outline planning permission be granted, a Construction Environmental Management Plan (CEMP) would be prepared and submitted to Fareham Borough Council for approval prior to construction commencing.

### ***Section 106 contributions***

- 4.33 The landowners with Fareham Borough and Hampshire County Councils respectively, agreed to the various developer contributions and Section 106 requirements as part of the previous planning appeal. A draft S106 document was drafted and agreed in August 2019. MH confirms that they are happy with contributions and requirements previously agreed.

## 5.0 Policy analysis and key material considerations

5.1 Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The previous outline planning application and subsequent appeal assessed the development proposals in detail against both national and Local Plan policies. As such, given the development proposal remains the same, MH considers that it is not necessary to re-assess the policies in detail, though the previous Planning Supporting Statement is appended.

5.2 Accordingly, the policy analysis below only focuses on the fundamental matters and those cited as not being complied with in the Planning Inspector's appeal decision.

### National Planning Policy Framework

5.3 The key matters in respect to national planning policy relate to the presumption in favour of sustainable development, housing delivery and highway impacts.

5.4 NPPF paragraph 11 establishes that a presumption in favour of sustainable development applies, and 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, granting permission unless:
  - i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

5.5 Footnote 7 to paragraph 11 clarifies that Local Plan policies are considered out-of-date for applications involving the provision of housing where the LPA cannot demonstrate a five year supply of deliverable housing sites. It was identified as part of the outline planning application, and subsequently agreed between parties at the appeal, that the LPA could not demonstrate a five year housing supply and therefore the presumption is engaged. This position has not changed (see below).

5.6 In respect to highway matters, NPPF paragraph 109 establishes the key policy test, stipulating that development should only be prevented or refused on highway grounds if the proposal would lead to an unacceptable highway safety impact, or the residual cumulative impacts on the road network would be severe.

5.7 In deciding the planning appeal, the Planning Inspector accepted that paragraph 11 is engaged, but concluded that the issues associated with pedestrian safety and highway operation across the Downend Road railway bridge would be contrary to NPPF paragraphs 109 and 110c. Therefore paragraph 11, part d),

section ii) is engaged, in that the adverse impacts of the development significantly and demonstrably outweigh the benefits, meaning permission should be refused.

- 5.8 The current application resolves the Downend Road railway bridge matter, and proposes a dedicated footway allowing safe and continual pedestrian crossings. The highway will be amended to only allow single direction traffic, controlled via a new priority signal system. This would increase pedestrian safety but not lead to severe highway impacts, with the detailed transport modelling suggesting average driver delays of only 20 seconds.
- 5.9 As such, MH respectfully concludes that as the LPA cannot demonstrate an appropriate housing land supply, the NPPF's presumption in favour of sustainable development is engaged and planning permission should be granted as there are no adverse impacts that significantly and demonstrably outweigh the benefits.

### **Local Plan**

- 5.10 The Planning Inspector in reaching his decision concluded that the harm caused through the Downend Road railway bridge solutions would be contrary to policies CS5 of the Core Strategy and DSP40 of the DSP, and that great weight should be attached to this conflict with the Development Plan.
- 5.11 Policy CS5 relates to transport strategy and infrastructure. Section 3 of the policy outlines that development will only be permitted where it does not adversely affect the safety and operation of the strategic and local road network or pedestrian and cycle routes. Policy DSP40 establishes the policy position for housing delivery in the event a 5 year housing land supply cannot be demonstrated.
- 5.12 Importantly, Policy DSP40 states that permission on non-allocated sites will be permitted (in the event the FBC cannot demonstrate a five-year housing land supply, as is the case now) subject to a number of criteria including unless the proposal would lead to any unacceptable transport implications.
- 5.13 The previous (and only) conflict with both policies is now successfully resolved, through the revised highway and access solution for the Downend Road railway bridge, and thus both policies are complied with on account that safe pedestrian access is being provided with no severe impacts upon the operation of the highway.
- 5.14 MH therefore concludes that the proposed development is fully compliant with the Fareham Development Plan.

### **Material considerations**

#### ***Fareham Borough 5-year housing land supply***

- 5.15 As part of the appeal process, a housing land supply Statement of Common Ground was agreed between the applicant and LPA and signed on 22 August 2019. Paragraphs 1.4 and 1.18 outline that the LPA's published position was that the council could demonstrate a land supply of 4.66 years. However, it was accepted in paragraph 1.20 that subject to the inclusion / exclusion of individual sites the supply position ranges between 4.66 and 2.4 years.

- 5.16 Subsequently the LPA has published an updated housing land supply position in a report to Planning Committee (dated 24 June 2020), whereby their published supply position was stated as 2.72 years. This equates to a substantial housing shortfall against the Local Plan's requirements, and means the presumption in favour of sustainable development as per paragraph 11 of the NPPF is clearly engaged.

### ***Emerging Fareham Borough Local Plan 2036***

- 5.17 Fareham Borough Council is in the process of drafting a new Local Plan to cover the period to 2036. The original draft of the emerging plan proposed to allocate the application site for 350 dwellings (draft policy HA4). The LPA then undertook a review of their housing need for the plan period, determining that a greater number of homes would be needed. A further site assessment process was identified in order to ascertain appropriate locations for the delivery of *Strategic Growth Areas* (SGA).
- 5.18 The latest proposals for the emerging plan seek to allocate the land east and west of Downend Road, to the north of Portchester, as an SGA capable of delivering c.1,000 new homes. The application site forms the eastern part of this SGA allocation, and remains identified as being capable of delivering up to 350 homes.
- 5.19 NPPF paragraph 48 stipulates that weight should be attributed to emerging plans and policies, and the criteria for establishing the level of weight appropriate to the context. MH respectfully considers that given the draft plan has already been through detailed housing need and site selection analysis, that moderate weight should be attributed to the draft allocation.
- 5.20 The proposed creation of a Portchester SGA in this location clearly highlights the suitability and sustainability of the current application site for much needed housing in the borough.

### ***Planning Inspector's conclusions***

- 5.21 Whilst the planning appeal was ultimately dismissed, it is important to re-iterate the multiple benefits the inspector associated with the development. These were noted as being:
- The accessibility to local services and facilities other than by private motor vehicles would not be unreasonable and weighs in favour of the social benefits of the development.
  - The development could be implemented to safeguard the integrity of off-site designated habitats.
  - The development would lead to significant social and economic benefits arising from the construction and occupation of up to 350 dwellings.
  - The development would provide a boost to the supply of market and affordable homes within Fareham Borough.
  - Whilst there would be some harm to the setting of nationally designated heritage assets, this would be less than substantial, and would be outweighed by the social and economic benefits of the development.

- 5.22 Given that the previous reason for refusal has been robustly addressed, MH considers that these wider conclusions, which support the granting of planning permission, should be afforded substantial weight in the determination process.

## 6.0 Conclusions and the planning balance

- 6.1 MH previously submitted an outline planning application for 350 dwellings on land to the east of Downend Road. This was previously refused on appeal on account of highway safety and operational impacts.
- 6.2 The re-submitted outline planning application successfully addresses the previous reason for refusal, through the development of a revised highway proposal for Downend Road railway bridge, that would provide continual and safe access for pedestrians without leading to severe impacts upon the operation of the highway. As such, the current application and highway proposal accords with NPPF paragraphs 109 and 110c, as well as Development Plan policies CS5 and DSP40.
- 6.3 The LPA is unable to demonstrate a 5 year housing land supply, with the latest published figure of 2.72 years representing a significant under-supply of housing against the identified need of the Development Plan. As such, the presumption in favour of sustainable development, as per NPPF paragraph 11, is engaged.
- 6.4 The proposed development would not lead to impacts upon areas or assets of particular importance as defined by policies of the NPPF. The development would generate significant benefits, as outlined in chapter 4, as well as the benefits identified in the Planning Inspector's conclusions. The application site forms part of a draft strategic housing allocation to meet the housing delivery requirements of the Borough for the period to 2036.
- 6.5 There are no technical issues that would prevent permission from being granted, and the development proposal has been subject to a detailed assessment against both national and local policies. The revised highway solution for the Downend Road railway bridge addresses the adverse impacts identified previously, meaning that the benefits of the development clearly outweigh any harm caused.
- 6.6 As such outline planning permission should be granted without delay.

## **Appendix 1 – P/18/0005/OA Planning Supporting Statement**



# Winnham Farm

## Planning Supporting Statement

January 2018



**WINNHAM FARM, LAND EAST OF DOWNEND ROAD, PORTCHESTER**  
PLANNING SUPPORTING STATEMENT  
MILLER HOMES  
JANUARY 2018



TERENCE  
ROURKE

**WINNHAM FARM, LAND EAST OF DOWNEND ROAD, PORTCHESTER**  
 PLANNING SUPPORTING STATEMENT  
 MILLER HOMES  
 JANUARY 2018



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Appendix 1: Habitat Regulations Assessment (HRA)

## 1.0 Executive summary

### The application

- 1.1 Miller Homes has prepared an outline planning application for the residential development of up to 350 homes on land located to the east of Downend Road, on the northern edge of the settlement of Portchester, a suburb within the borough of Fareham. The site is in a sustainable location and is suitable for much needed residential development to significantly boost the supply of new homes. It abuts and is well related to the existing and permitted built form. It is greenfield, although crossed by power lines with a series of agricultural buildings at its centre and deliverable for the development as proposed.
- 1.2 This Planning Statement explains that the site represents sustainable development, in terms of the development plan and material considerations, including national planning policy, and that planning permission should be granted.
- 1.3 The outline planning application with all matters reserved except the means of access to the site (excluding internal roads, footpaths and cycleways) seeks planning permission for development described as:

*“Outline planning application with all matters reserved (except the means of access) for residential development, demolition of existing agricultural buildings and the construction of new buildings providing up to 350 dwellings; the creation of new vehicular access with footways and cycleways; provision of landscaped communal amenity space, including children’s play space; creation of public open space; together with associated highways, landscaping, drainage and utilities.”*

- 1.4 The planning application is supported by:
- This Planning Supporting Statement prepared by Terence O’Rourke
  - Affordable Housing Statement (incorporated within this statement) prepared by Terence O’Rourke
  - Draft Heads of Terms (incorporated within this statement) prepared by Terence O’Rourke
  - Design and Access Statement prepared by Terence O’Rourke
  - Statement of Community Engagement prepared by MPC
  - Landscape and Visual Assessment prepared by Terence O’Rourke
  - Flood Risk Assessment incorporating surface water and foul drainage strategy prepared by Odyssey
  - Heritage Statement prepared by CgMs
  - Transport Assessment prepared by i-Transport
  - Framework Travel Plan prepared by i-Transport

- Arboricultural Impact Assessment prepared by ACD Environmental
- Air Quality Assessment prepared by REC
- Noise and Vibration Impact Assessment prepared by REC
  - Odour Assessment prepared by REC
- Ecological Assessment prepared by Eccosa
- Geo-environmental Desk Study Report prepared by Geo-Environmental
- Letters from Geo-Environmental confirming the results of trial pit and soak away testing
- Agricultural Land Assessment prepared by Geo-Environmental
- Services Appraisal prepared by Odyssey
- Application drawings, comprising site location plan and landscape parameter plan prepared by Terence O'Rourke

### **Sustainable location**

- 1.5 The provision of additional homes in the right location is key to delivering sustainable development, securing both economic and social benefits as well as enabling net environmental gains.
- 1.6 The site is in a sustainable location and is suitable for development, being located alongside existing residential development immediately to the east, as well as to the south of the site where it adjoins the settlement boundary of Portchester, separated only by the railway line. Although it is on the edge of the settlement, the site is well contained and separated from the wider countryside to the north by the M27 motorway.
- 1.7 Portchester is well served by a range of educational establishments, employment, retail, community, leisure and health facilities and has good access to public transport through local bus services and access to Portchester Station. The site is within walking and cycling distance of the local schools and the district centre. It is well related to employment opportunities at the Murrills Estate, Castle Trading Estate and Cams Estate and is accessible to a range of bus services providing links into the centre of Portchester, Fareham, Portsmouth, Waterlooville and Bishops Waltham. Key benefits of its location relative to local facilities include, for example:
- Portchester district centre provides retail opportunities within 2km of the site.
  - Local education provision includes several primary schools (Wicor Primary School, Red Barn Community School, Northern Infant School, Northern Junior School and Castle Primary School), and two secondary schools (Cams Hill School and Portchester Community School). Wicor Primary School, Red Barn Community School, Northern Infant School, Northern Junior School, are all within 1.5km of the site, whilst Cams Hill Secondary

School is within 1.1km of the site and Portchester Community School is within 2.5km of the site.

- There is a Community Centre in Portchester approximately 1.1km from the proposed eastern pedestrian access to the site, and several health centres in both Fareham and Portchester. The closest GP Surgery is Westlands Medical Centre, approximately 1.1 km south east of the site, whilst Queen Alexandra Hospital is 4.7km east of the site.
- The Murrills Estate and the Castle Trading Estate are located close to the site and are key centres of employment in the local area. Capacity for further employment development has been identified at the Castle Trading Estate as well as at Cams Estate. This is in addition to the significant provision of employment floorspace that is anticipated will be delivered within the Welborne development to the north of the M27 in the longer-term.
- Portchester Station, providing rail links to London, Southampton, Portsmouth, Winchester and Chichester, is within 1.5km of the site.

- 1.8 The adopted Fareham Core Strategy (August 2011) identifies Portchester as a location where the council is looking to focus the borough's growth. Whilst it is noted that the priority for new development will be the reuse of previously developed land within the defined urban settlement boundaries, which the site is not, there is insufficient available brownfield land to accommodate the housing growth now needed.
- 1.9 The Council rightly continues to identify Portchester as a sustainable settlement for delivering some of the additional residential growth that the borough now needs, beyond currently planned levels. This will need to be on greenfield sites and is in the context of the wider housing need (as described later) and in response to the settlement hierarchy and support that further residential growth can give to the function of Portchester as a key location to access a range of facilities (as identified above).
- 1.10 Specifically, additional homes in Portchester, beyond those already planned, will provide a significant contribution towards delivering the council's vision for Portchester, as set out in its adopted Core Strategy, which is to strengthen the district centre and its local employment role, whilst preserving important features of its built and natural environment.
- 1.11 Technical work undertaken in respect of the planning application has confirmed that there are no technical obstacles to the development as proposed, for example in relation to transport, ecology, ground conditions and drainage. The site is not designated for any reasons of landscape quality or heritage value. It is not valued landscape or of significance to biodiversity. The site is not within an area where the National Planning Policy Framework (NPPF) indicates development

should be restricted, with reference to paragraph 14 footnote 9. It is not excluded from the presumption in favour of sustainable development. For these reasons the site is considered suitable for development.

- 1.12 Taken on its own merits, the site presents a suitable and sustainable location for residential development.

### **Housing provision**

- 1.13 There is a government imperative to deliver housing. The adopted housing requirement for Fareham is set out in the Core Strategy (Local Plan Part 1), but this development plan document is dated and inconsistent with the NPPF in many important ways (with relevance to this planning application). It was adopted in 2011 and prepared against a framework of the now revoked South East Plan, prior to the publication of the NPPF. The housing requirement and policies within it are not based on an objective assessment of housing need (OAN), as now required by the NPPF, and, inevitably, do not seek to meet that need. These policies for the supply of housing are out of date.
- 1.14 The most up to date full assessment of the OAN is set out in the June 2016 Partnership for Urban South Hampshire (PUSH) Assessment of the Objectively Assessed Housing Need Update (originally published April 2016). This identifies an average annual OAN of 420 dwellings for Fareham itself with a policy position of 455 dwellings per annum for the borough, which compares to a current development plan requirement of 186 dwellings per annum up to 2026, excluding the Strategic Development Area of Welborne (SDA), or 487 including the SDA (delivery had been anticipated over a 20 year period 2016 – 2036 but the development has yet to commence). It is further relevant that the government is consulting on a new standard methodology to identify OAN. In the case of Fareham this methodology results in an OAN of 541 dwellings per annum from 2016. In all cases it is clear that the current planned requirement, given its overall scale alongside delays in delivery together with an extended plan period beyond 2026, will not meet the OAN.
- 1.15 The council's approach to meeting its OAN is set out in the draft Fareham Local Plan (Regulation 18 version), which was approved by the Executive Committee for consultation on the 9 October 2017. The new local plan will cover the period 2011 to 2036. This document includes the application site as a draft residential allocation – with an indicative capacity of 350 dwellings – to contribute towards meeting the identified housing need. As the plan is at an early stage in the plan making process limited weight can be attached to it<sup>1</sup> but its publication represents a direction of travel for the council, presenting clear intentions in regard to where the council wishes the necessary growth to occur, in accordance with its overarching spatial strategy and principles of sustainable development.

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<sup>1</sup> NPPF 216

- 1.16 Whilst the site is allocated in the emerging local plan, in the adopted Core Strategy it sits outside the settlement boundary where general residential development is resisted. However, importantly, the papers presented with the draft plan to the October Executive Committee meeting confirm that the Council cannot currently demonstrate a five-year housing land supply. This position responds to a recent appeal decision in relation to land north of Cranleigh Road and west of Wicor Primary School, Portchester (appeal reference: APP/A1720/W/16/3156344, dated 14 August 2017) where the Inspector concluded that the housing land supply is “marginally over 2 years” (paragraph 26).
- 1.17 By virtue of NPPF paragraph 49, this is a further indicator that the development plan is out of date. As a consequence, the limits of development, associated with policies CS6, CS14 and DSP6, including the boundaries to which it relates, and policy CS11, must be given reduced weight. They are clearly restraining growth in the borough, preventing the borough from meeting its OAN, conflicting with a key government priority of significantly boosting housing land supply.

### **The tilted planning balance**

- 1.18 The effect of an out of date development plan is that the tilted planning balance, as set out in paragraph 14 of the NPPF, is engaged:

*“For decision-taking this means...*

- *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
  - *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 or*
  - *Specific policies in this Framework indicate development should be restricted”*

- 1.19 The development represents sustainable development, being in a sustainable location and suitable for development. The benefits include the delivery of market housing, which, particularly in the context of a housing land supply shortfall, must be given substantial weight; and the provision of affordable housing, which can also be given substantial weight; the benefit of construction jobs and new homes bonus which can be given moderate weight, as well as the provision of new landscape planting, open space and children’s play area, which can be given limited weight.
- 1.20 Turning to the harm, whilst the proposed development, as a matter of principle, displays some conflict with the adopted development plan (with reference to Core Strategy policy relating to settlement boundaries but also noting Local Plan Part 2



Policy DSP40<sup>2</sup>), policies that are restraining growth in the borough are given only limited weight. The site is greenfield, but in the context of the housing need and the emerging plan strategy to release greenfield sites the harm caused by the loss of countryside cannot be considered to be harmful per se. Further, the emerging local plan (which has considered alternatives) proposes to allocate the site for residential development. The harm caused by the conflict with adopted policy is limited and the emerging policy strongly supports the release of the site.

- 1.21 Drawing on the technical reports and Design and Access Statement, it is clear that whilst there is slight harm to designated heritage assets, this harm does not in itself outweigh the public benefits of the scheme. Further and cumulatively, no demonstrable harm would be caused by the development that could be described as significant and sufficient to outweigh the benefits.
- 1.22 Material considerations, specifically the presumption in favour of sustainable development, indicate that a decision contrary to the adopted development plan should be taken. Under the tilted planning balance the development should be permitted.
- 1.23 Even if the presumption were not engaged the benefits of the development, in the context of the OAN and the emerging local plan, planning permission should be granted (i.e. under the normal planning balance).

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<sup>2</sup> Both plans provide a presumption against development outside settlement boundaries, however DSP40 facilitates the release of sites in such locations where there is a five-year housing land shortfall (measured against a housing requirement excluding Welborne).

## **2.0 The site and its surroundings**

- 2.1 The site lies on the northern edge of the settlement of Portchester, a suburb within the borough of Fareham. It is approximately 1.5km from Portchester Railway Station (to the east) and 3km from the centre of Fareham (to the south east).
- 2.2 The site is bounded by an agricultural field to the north, which lies to the south of the M27 motorway. To the south the site is bounded by the mainline railway. There is residential development immediately to the east of the site, as well as the south where it adjoins the Portchester settlement boundary, separated only by the railway line. The Portchester Crematorium and Northfield Park, a relatively small area of formal public open space used as a memorial garden associated with the cemetery, are located to the east. To the north west of the site is an open-air waste/composting facility currently used as a storage site for recycling containers. There are a handful of small commercial properties and residential properties on the eastern side of Downend Road.
- 2.3 The site comprises agricultural fields and horse paddocks. There is a small cluster of agricultural sheds associated with the farm (and a vehicle repair business) and a grassed bund, which dissects the arable land. Electricity pylons and cables run north to south near the entrance to the site. Other than the features mentioned, there are no other prominent natural or manmade features within the site. There is the line of an old hedgerow crossing the northern part of the site and a small area of apple trees near the farm buildings. The topography rises noticeably from south to north.
- 2.4 Vehicular and pedestrian access to the site is achieved off Downend Road to the west, whilst there is a further access route into the site to the south west over Cams Bridge off The Thicket. There is the potential for a further pedestrian access route off Upper Cornaway Lane to the north east of the site.
- 2.5 There are no public rights of way on the site or formal footpaths. There is a public right of way (route 117) that runs off Core Avenue / Upper Cornaway Lane to the east of the site. This provides a route from the south up to Portsdown Hill Road to the north, across the bridge that extends over the M27.
- 2.6 As noted above, within a reasonable walking distance of the site there is a very good range of local services and facilities as well as good access to public transport.

The site is not designated for its nature conservation, landscape or heritage value. It is not at risk of flooding and does not fall within green belt. In short, it is not subject to any policies within the NPPF which would indicate development should be restricted and/or to which the presumption in favour of sustainable development would not apply.

### 3.0 Relevant planning history

- 3.1 The site itself has a limited planning history relating to uses associated with Winnham Farm, as follows:
- Change of use of part of the existing agricultural building to use class B1 (reference P/14/1227/FP), approved 27 February 2015.
  - Retention of a lean-to extension to the agricultural building and formation of earth bunds (reference P/12/0426/FP), approved 12 July 2012.
  - Erection of an agricultural building (reference P/12/0214/PA), approved 22 March 2012.
  - Retention of an access road with improvement works at Down End Road (reference P/07/0932/FP), approved 2 October 2007.
  - Retention of a temporary access road (reference P/06/0971/FP), approved 15 September 2006.
  - Retention of a new farm workshop to be used for the repair/maintenance of agricultural vehicles and machinery and other vehicles (reference P/02/0415/FP), approved 8 August 2002.
- 3.2 A series of pre-application meetings have been held with policy and development management officers at Fareham Borough Council. Advice was received at these meetings in relation to the likely acceptability of the proposed development and in regard to the information officers would like to see as part of a planning submission. This advice has been taken into account when formulating the proposals and application submission.
- 3.3 In addition, a formal screening opinion was requested from the council, which confirmed that environmental impact assessment was not required for this development.
- 3.4 A Statement of Community Engagement accompanies the planning application that details the public consultation undertaken as part of the pre-application process.

## **4.0 The proposed development**

- 4.1 Miller Homes' planning application for the development of land to the east of Downend Road has been made in outline, with details of the point of access into the site. Full details of the site layout, scale, appearance and landscape treatment as well as internal access arrangements are left for future determination, through reserved matters applications, should outline permission be granted.
- 4.2 To assist Fareham Borough Council in assessing the likely impacts associated with the principle of the site's development, and to demonstrate how the scale of development proposed can be successfully accommodated at the site, an illustrative site master plan, landscape parameter plan and a Design and Access Statement accompany the application.
- 4.3 If approved, the landscape parameter plan could be the subject of a condition, which would assist with the determination of reserved matters applications.
- 4.4 The details of the access to the site via Downend Road are included within the submission. The access to the site was agreed with Hampshire County Council in pre-application discussion and is confirmed by policy HA4 of the emerging local plan.

### **Key benefits**

- 4.5 In broad terms it is considered that the development would deliver the following substantial benefits:
- The residential development proposed would provide a significant contribution towards delivering the council's vision for Portchester to strengthen the district centre and its local employment role, whilst preserving important features of its built and natural environment.
  - The delivery of much needed housing that is available now and would make a meaningful contribution to housing land supply across a range of types and tenures to support Portchester and the wider housing market area.
  - The delivery of much needed affordable housing.
  - The delivery of formal sports provision and children's play area.
  - Net biodiversity gain.
  - Support for community facilities and services through an increase in the local population.

- Economic benefits, through construction activities and increased local population.
- Greater control of surface water drainage from the site.

4.6 The following sections, with reference to the supporting documents, demonstrate that there are no technical obstacles that would prevent the development of the site for housing.

#### **Greenfield site**

4.7 Whilst the development of the site would result in the loss of a greenfield site, and a direct impact on the landscape character of the site itself, it should be noted that the loss of countryside per se cannot be considered to amount to significant harm.

#### **Housing development**

4.8 The illustrative master plan makes provision for up to 350 new homes, of which up to 40% would be affordable in accordance with the policies of the Fareham Core Strategy.

4.9 Details of the size and mix of the open market homes and affordable homes will be discussed and agreed with Fareham Borough Council prior to the determination of the application. However, initial discussion suggest the following mix would be acceptable:

Unit type	Affordable housing (percentage)	Market housing (percentage)
1 bedroom	45%	0-5%
2 bedroom	17%	15-25%
3 bedroom	23%	55-65%
4 bedroom	15%	15-25%

4.10 The precise location of the affordable housing units would be agreed at the reserved matters stage, but they could be provided in clusters, where appropriate and feasible, to achieve integration within the development.

#### **Formal sports provision**

4.11 The illustrative master plan makes provision for 1.08 hectares of formal sports provision to cater for the needs of the proposed development. This is provided at the northernmost part of the site.

#### **Children's play area**

4.12 The illustrative master plan makes provision for a children's play area extending to 0.10 hectares. This would be located to the west of the formal sports provision

and would anchor the northern end of the central green corridor. This could take the form of a locally equipped area of play (LEAP), or play features could be distributed along the green corridor as natural and imaginative play.

### **Informal open space**

- 4.13 The illustrative master plan makes provision for c.5.7 hectares of informal public open space (including tree and shrub planting) within the proposed development. This is provided as a sequence of green spaces through the scheme.

### **Trees**

- 4.14 A Tree Survey and Arboricultural Impact Assessment accompanies the application. This confirms that there is scope for development on-site whilst retaining the higher quality individual trees on the boundary and with the selective removal of the poorer quality individuals found within the centre of the site. The removal of trees in the centre of the site is justified by the planting proposed in the extensive open spaces proposed as part of the development.

### **Hedgerow retention / removal**

- 4.15 The proposed development will result in the net gain in hedgerow, as historic hedgerow will be re-instated in key locations.

### **Landscape strategy**

- 4.16 A Landscape and Visual Assessment accompanies the application, this has informed the landscape strategy.
- 4.17 The will integrate well into the landscape setting. The landscape strategy for the site has sought to introduce significant new tree and hedgerow planting to strengthen existing boundary vegetation and to enhance habitats. This will contribute positively to the appearance and character of the area in both the medium and long term.
- 4.18 Whilst specific details would be submitted for approval at the reserved matters stage, there is significant scope for a net gain in this respect, which could be secured by condition.

### **Surface water attenuation**

- 4.19 As explained in detail in the submitted Flood Risk Assessment incorporating Surface Water and Foul Drainage Strategy, surface water runoff created by the proposed development will be managed using a sustainable urban drainage system (SUDS) management, with additional treatment through the incorporation of source control devices. The proposed on-site drainage system will be designed to cater for the 1 in 30 year storm, providing attenuation to store flood

waters on-site during flood events up to and including the 1 in 100 year plus 40% climate change rainfall event.

### **Foul water strategy**

- 4.20 With regard to foul water, as explained in the Flood Risk Assessment incorporating Surface Water and Foul Drainage Strategy, it is proposed to convey all proposed foul flows by gravity to a proposed foul pumping station at the south eastern corner of the site. The foul flows will then be pumped in a north eastern direction into the existing public foul sewers on Danes Road, subject to agreement with Southern Water.

### **Sustainable construction**

- 4.21 The proposed homes will all be energy and water efficient and constructed to a standard that will meet the Building Regulations requirements for new developments. Should planning permission be granted, a Construction Environmental Management Plan (CEMP) could be prepared and submitted to Fareham Borough Council for approval prior to construction commencing.

### **Site access**

- 4.22 Vehicles and pedestrians will access the site from a new access point off Downend Road. In addition, pedestrian and cycle access will be provided via Cams Bridge to the south, along with further pedestrian connections to the east connecting to Upper Cornaway Lane.
- 4.23 The Transport Assessment that accompanies this application confirms that the site is a suitable, accessible location for residential development. Vehicle users, pedestrians and cyclists can safely access the development, which provides connectivity to the centre of Portchester, nearby employment areas and beyond. The site will be well connected to local services and facilities, providing opportunities for sustainable modes of transport. The site is within 1.5km of Portchester Station that provides links to London, Southampton, Portsmouth, Winchester and Chichester. Several bus services operate from The Thicket and Condor Roundabout bus stops that are 400m from the site.
- 4.24 The Transport Assessment concludes that the impact of the development on the highway network, with the package of mitigation measures in place will not be significant and will fall considerably short of the “severe” test set out in the NPPF.
- 4.25 A Framework Travel Plan covering the residential development has been submitted in support of the planning application.

### **Archaeology and built heritage**

- 4.26 A Heritage Statement accompanies the application and includes details of the geophysical survey and geo-archaeological test pits investigation undertaken to

date. The results showed that a small area on the eastern boundary of the site contains Pleistocene sequences of deposits, similar to those found at Red Barns, which have the potential to contain deposits of national significance. In order to protect this area, it will be retained as open space and white land as demonstrated by the landscape parameter plan and potentially secured by condition. Further investigation will be undertaken post determination to confirm the precise extent of the area. The investigative works proposed are expected to enhance the understanding of the Palaeolithic and may provide contextual information to the nationally important site at Red Barn.

- 4.27 In terms of built heritage, there are three listed buildings within proximity to the site, which are not directly affected by the development but the setting of which could be affected, two are scheduled monuments. The Heritage Statement concludes that the development will have no impact on the significance of Nelson's Monument but has the potential to have a negligible impact to the significance of Portchester Castle and Fort Nelson. In both cases the harm is assessed to be a barely perceptible level of less than substantial harm. Whilst this must be given considerable weight, the level of harm is so low that even with considerable weight it cannot reach a position where it clearly outweighs the public benefit to be delivered by the provision of new homes. This is addressed further in the policy section below.



## 5.0 Planning policy context and the development plan

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. This statement has already highlighted those material considerations. This section addresses the matter in greater detail, considers further the weight to be attached to relevant policies and the extent to which the proposals comply with other relevant, development management style policies.
- 5.2 The development plan relevant to the application site comprises:
- Local Plan Part 1: Core Strategy (August 2011) (CS)
  - Local Plan Part 2: Development Sites and Policies Plan (June 2015) (LPP2)
  - Local Plan Part 3: Welborne Plan (June 2015) (LPP3)
  - Hampshire Minerals and Waste Plan Framework (October 2013)
- 5.3 The Local Plan Part 1 was adopted in 2011 prior to the publication of the NPPF and in general accordance with the now revoked South East Plan<sup>3</sup>.
- 5.4 The NPPF is a material consideration for decision taking purposes. The most significant aspect of the NPPF is the presumption in favour of sustainable development, the *“golden thread running through both plan-making and decision taking”* and the approach to which is captured at paragraph 14.
- 5.5 Under the presumption, for decision taking, there is a tilted balance in favour of granting planning permission for development where the development plan is absent, silent or out of date and in circumstances where the harm does not significantly or demonstrably outweigh the benefits (subject to NPPF footnote 9).
- 5.6 This is particularly relevant for this application as the presumption in favour of sustainable development is engaged because the development plan is out of date as a consequence of:
- A non-NPPF compliant housing requirement
  - A lack of allocations to meet the OAN
  - The inability of the council to be able to demonstrate a five year housing land supply
- 5.7 In short, the policies relevant for the supply of housing in the adopted development plan are out of date. In these circumstances, given the lack of consistency with the NPPF, policies restricting the borough from meeting its

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<sup>3</sup> The policy relating to the Thames Basin Heaths Special Protection Area (SPA), has not been revoked but due to distances involved that policy is not relevant to this application.

housing need must carry reduced weight, such that they should only be given limited weight (NPPF 215). Conversely, those policies that facilitate housing development should be given significant weight. This is important because the development plan does allow for the release of suitable/sustainable sites outside the settlement boundaries in circumstances where there is a five-year housing land supply shortfall.

- 5.8 Further details on the provisions in the NPPF for the delivery of sustainable development, that are relevant in the determination of this application, are provided in section 6.
- 5.9 Fareham Borough Council has commenced a review of the local plan. The draft local plan (regulation 18 consultation) was presented to Fareham Borough's Executive committee on 9 October 2017 and was approved for consultation that will run until early December 2017. The Council's intention is to work towards the examination of the plan in winter 2018/19 with the aim of the adoption of the plan by the summer of 2019. It is relevant that this emerging development plan document allocates the application site for the development of around 350 dwellings. It is clear that the settlement boundaries of Portchester must change in order to help accommodate the OAN.
- 5.10 Whilst the emerging policies in the local plan carry limited weight at this stage (see the provisions of the NPPF paragraph 216), they confirm the council's approach to the delivery of sustainable development, including the need for greenfield site release in accordance with the spatial strategy and settlement hierarchy, then highlighting sites that the Council would wish to see developed having considered the alternatives. This is a material consideration strongly in favour of the development.
- 5.11 In addition, given the early stage of the draft local plan and the lack of a five-year supply of housing, the proposed development cannot be considered premature in this context. As set out in the NPPG, the *"refusal of planning permission on grounds of prematurity will seldom be justified where a draft local plan has yet to be submitted for examination"*(NPPG paragraph 014 reference ID: 21b-014-20140306).
- 5.12 The extent to which the proposed development complies with the policies contained in the adopted development plan and emerging local plan is set out below.

### **Local Plan Part 1: Core Strategy**

#### ***The strategy for growth***

- 5.13 The Fareham Borough Council CS was adopted in August 2011 and sets out the vision, objectives and overall development strategy for Fareham over the period 2006 – 2026. It comprises Part 1 of the Local Plan.

- 5.14 The CS was prepared and examined in the context of the now cancelled PPS3 Housing and the need to be in general conformity with the South East Plan, which formed the Regional Spatial Strategy (RSS) at the time but is no longer extant. This policy context is pre-NPPF. The policies of the CS, and specifically the housing requirement, should be read in this context. LPP2 and LPP3, whilst adopted later and in the context of the NPPF did not update the housing requirement to an OAN, the Inspector at the time accepting this was outside of the scope of the plan.
- 5.15 The housing requirement is set out in policy CS2, requiring provision to be made for the delivery of 3,729 dwellings to meet the South Hampshire sub-regional strategy housing “target” between 2006 and 2026. This figure excluded the SDA (Welborne) and is not an OAN for the borough. The most recent assessments of the OAN are provided by PUSH in the SHMA dated 2016 (455 dpa) and in the consultation of the standard methodology (531 dpa).
- 5.16 To deliver the housing requirement, the CS focuses growth at the new community of Welborne (SDA) and in the western wards. With regard to opportunities within and at the existing settlements, whilst the CS confirms that Portchester is not expected to play a significant role in delivering new homes policy CS6 does include it as an area for development, albeit with a priority for the reuse of previously developed land within the urban settlement boundary. CS paragraph 5.7 states that settlements such as Portchester will play *“a more limited role [than Fareham and the ‘Western Ward’ settlement areas] in accommodating development needs”*. The priorities for Portchester are explained as being *“to strengthen its district centre, protect its setting, its important historic heritage, its natural and built environment and its local economic role.”*
- 5.17 Notwithstanding the overarching spatial strategy, in terms of sustainability credentials, paragraph 2.11 of the CS describes Portchester as:
- “a sizeable settlement, with good facilities including a district centre, local doctors and dentists, primary schools and two secondary schools and a community centre. The district centre has some potential to expand to incorporate retail and community uses, though it is identified as being at risk of tidal flooding. It has a reasonable local employment base with Murrills Estate and the Castle Trading Estate. Portchester Castle is an important historic monument, reached through the Castle Street conservation area. The key factors shaping future development in Portchester include the vulnerability of the eastern and central areas to tidal flooding, the role of the centre in providing for local retail and community needs and addressing the shortfalls in green infrastructure.”*
- 5.18 Policy CS11 relates specifically to development in Portchester, Stubbington, Hill Head and Titchfield, permitting small-scale development within settlement boundaries. At Portchester it is envisaged that this strategy will deliver around 60 dwellings.

- 5.19 Policy CS14 restricts development outside settlement boundaries in order to protect the countryside. The settlement boundaries are drawn tightly around the edge of Portchester. The development proposed in this planning application falls outside the settlement boundaries and not within any category of development permitted by the policy. Neither is the site allocated for development in LPP2 or LPP3.
- 5.20 Whilst there is an 'in principle' conflict with the CS (notwithstanding the provisions of policy DSP40, as explained below), only limited weight can be given to that conflict as the settlement boundaries and associated policies are out of date and inconsistent with the NPPF, as explained above. As such the harm arising from the conflict can only be given limited weight in the planning balance.

***Other relevant policies of the Core Strategy***

- 5.21 The proposed development makes provision for up to 40% of the proposed new housing units to comprise affordable homes, in accordance with CS policy CS18.
- 5.22 CS policy CS4 seeks to protect habitats important to the biodiversity of the borough, as well as look to enhance the biodiversity potential of sites. The accompanying Ecological Assessment explains how the proposed development can deliver a net gain in terms of the biodiversity of the site. In addition, in line with this policy, green infrastructure has been incorporated into the proposals with access to green space provided in the form of formal sports provision and a children's play area.
- 5.23 As explained in the submitted Transport Assessment, the site is in an accessible location that is well served by good quality public transport (both bus and rail), walking and cycling facilities, which will be enhanced by the proposed development, in accordance with CS policies CS5 and CS15. The promotion of sustainable forms of transport and the establishment of pedestrian and cycling links through the site lie at the heart of the illustrative master plan and will help ensure the promotion of alternative forms of transport to the private car. In addition, a Travel Plan would be agreed with Fareham Borough Council should planning permission be granted.
- 5.24 As confirmed by the Transport Assessment, the proposals incorporate the required transport infrastructure and a package of mitigation measures to facilitate the proposed development and ensure that it does not adversely affect the safety and operation of the strategic and local road network, public transport operations and pedestrian and cycle routes. This assessment confirms that traffic generated from the proposed development would be accommodated within the existing highway network without significant adverse effects, in accordance with policy CS5.
- 5.25 While CS policy CS15 explains that the council will look to achieve Code for the Sustainable Homes level 6 from 2016, local planning authorities can no longer

require applicants to demonstrate how their proposed development meets this standard. Miller Homes commits to meeting the relevant housing standards as stipulated by Building Regulations.

- 5.26 Policy CS15 also requires sufficient capacity to be available to meet the needs of new developments, including adequate land and funding for waste management. As explained in the submitted Flood Risk Assessment and Foul and Surface Water Drainage Strategy, it is proposed that foul flows will travel via gravity to a proposed foul pumping station at the south-eastern corner of the site, which will then be pumped in a north eastern direction into the existing public foul sewers, in conformity with this policy.
- 5.27 Furthermore, policy CS15 looks to avoid unacceptable levels of flood risk and ensure the management of surface water through the promotion of sustainable drainage techniques (SUDS). As confirmed by the submitted Flood Risk Assessment and Foul and Surface Water Drainage Strategy, the site falls within flood zone 1 and is therefore at low risk of flooding. In addition, the drainage strategy incorporates SUDS to attenuate flows for all rainfall events up to 1 in 100 year events plus climate change (+40%), in line with the policy requirements.
- 5.28 CS policy CS16 sets out that new development will be expected to safeguard the use of natural resources. With regard to the design criteria of this policy, Miller Homes is committed to achieving energy efficiency, making best use of natural resources, reducing, re-using and recycling waste, and taking measures to reduce carbon emissions, pollution and waste. These matters will be dealt with at a later stage via reserved matters application(s). The proposals will also aim to maximise on-site renewable energy production and resource efficiency where practicable. Evidence to confirm the extent of any contribution can be provided at reserved matters stage.
- 5.29 With regard to the other matters set out in policy CS16, the submitted Agricultural Assessment confirms that the agricultural land is classified as grade 3a or 3b, however, there are site specific limiting factors that are very likely to reduce the grade to 3b or 4, i.e. not the best and most versatile agricultural land. The proposal is therefore unlikely to involve the loss of best and most versatile (BMV) agricultural land, which comprises grades 1, 2 and 3a.
- 5.30 The importance of creating a high quality, attractive development with a distinct sense of place that can be easily accessed has underpinned the evolution of the master plan in accordance with the objectives of CS policy CS17, as described in the submitted Design and Access Statement. Miller Homes is committed to the delivery of a high quality scheme that is constructed using high quality materials so as to ensure that it is in keeping with and enhances the appearance of the local area.
- 5.31 CS policy CS21 requires proposals for new residential development to provide additional public open space where the existing provision is insufficient to provide

for the new residents. In accordance with this policy and as noted earlier, the illustrative master plan demonstrates that the site can accommodate 1.08 hectare of formal sports provision, alongside 0.10ha of children's play space and 5.74ha of informal open space.

- 5.32 Overall, setting aside the 'in principle' conflict, the above demonstrates that there is a significant degree of compliance with the CS overall, indicating that there is no reason to refuse planning permission on the basis of these 'development management' style policies.

## **Local Plan Part 2: Development Sites and Policies Plan**

### ***The strategy for growth***

- 5.33 The Development Sites and Policies Plan (Local Plan Part 2) sets out the council's approach to managing and delivering development identified in the CS, with the exception of the area covered by The Welborne Plan (Local Plan Part 3). The document also allocates sites for specific land uses.
- 5.34 Policy DSP6 builds on CS policy CS14, explaining that there will be a presumption against new residential development outside the defined urban settlement boundaries. It states that new residential development in such locations will only be permitted in certain instances, which the application proposals would not fall within. The application proposal is in conflict with this policy as a matter of principle.
- 5.35 However, as explained above, the settlement boundaries and the associated policy of restraint should be given reduced (and only limited) weight as it prevents the authority from meeting its OAN – it is inconsistent with the wider objectives of the NPPF and, as demonstrated by the emerging local plan, the existing settlement boundaries must change in order to accommodate sustainable development.
- 5.36 It is important to note that, whilst the Local Plan Part 2 was prepared and examined post-NPPF (following the cancellation of PPS3 and revocation of the RSS), it was prepared in accordance with the Local Plan Part 1 (including policy CS2). Hence, despite the publication of a Strategic Housing Market Assessment (SHMA) in 2014, in examining the Local Plan Part 2 the appointed Inspector confirmed that it was not the role of the plan to re-assess the OAN/housing requirement for the borough.
- 5.37 Whilst some adjustments were made to the housing requirement, through the examination process from those set out within the South East Plan, the Inspector confirmed that identifying and accommodating the OAN would be a task of the forthcoming local plan review and introduced a main modification relating to a commitment to an early review of the local plan.

5.38 Policy DSP40 explains that details of sites allocated for residential development are set out in table 8 of Appendix C of the plan, which are to be developed in line with the principles set out in their respective development site briefs. The policy notes that in instances where the planning permission for these sites lapses, the council will consider similar proposals and/or the preparation of an additional development site brief to set out the parameters for an alternative form of residential development. This is particularly relevant given there are a number of sites (considered in the Land north of Cranleigh Road appeal decision APP/A1720/W/16/3156344) for which planning permission has lapsed or are not currently deliverable.

5.39 Importantly, policy DSP40 goes on to explain:

*“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.”*

5.40 Whilst the policy reference excludes Welborne, and therefore policy conflict remains, the position in regard to the inclusion of the Welborne requirement in considering the five-year supply position has been confirmed by a recent appeal decision (APP/A1720/W/16/3156344) and in a statement of the council (October 2017 Executive). The council cannot currently demonstrate a five-year housing land supply.

5.41 In these circumstances, the ‘in principle’ policy conflict is neutralised.

5.42 In addition, the proposals would meet the requirements of the policy as:

- It is of a scale to help Fareham meet the five-year supply shortfall.

- The proposed development is in a suitable and sustainable location, adjoining the settlement boundary of Portchester and can be well integrated into Portchester with new pedestrian and cycle connections.
- The proposed development is sensitively designed to reflect the character of the settlement and the proposed green buffer to the north and green corridors would minimise the adverse impacts on the countryside, as explained further in the Design and Access Statement.
- The proposed development is deliverable in the short term.
- The supporting technical reports demonstrate that the proposal would not have any unacceptable environmental impact or traffic implications.

5.43 The proposals are therefore in accordance with policy DSP40. In light of the council's housing land supply position and the absence of any technical planning reasons that would outweigh the benefits, the proposed development should be permitted in line with this policy as well as the presumption in favour of sustainable development set out in the NPPF.

5.44 It is the position therefore, and with reference to the section below, that there is a significant degree of compliance with the development plan read as a whole and that the planning application should be approved without delay, either under the tilted planning balance or normal planning balance.

#### ***Other relevant policies of the Development Sites and Policies Plan***

5.45 The proposed development will not give rise to a significant adverse impact on neighbouring development, adjoining land or the wider environment by reason of noise, heat, liquids, vibration, light or air pollution, in line with policy DSP2. As confirmed by the accompanying planning application reports, including the Design and Access Statement.

5.46 Policy DSP3 requires that the proposals do not lead to an unacceptable adverse impact upon living conditions on the site or at neighbouring development. As confirmed by the submitted Design and Access Statement and illustrative master plan, future occupiers of the new homes will benefit from generous plot sizes within a spacious landscape setting, with an acceptable relationship to existing residential properties to the east and south of the site. The proposals will therefore give rise to an unacceptable adverse impact by way of loss of sunlight, daylight, outlook and/or privacy, as required by this policy.

5.47 Policy DSP5 seeks to secure the preservation of designated and non-designated heritage assets in a manner appropriate to their significance. The Heritage Statement confirms that there will be no harm to non-designated heritage assets through appropriate mitigation measures. It also confirms that there may be some, barely perceptible harm to the setting of the listed buildings and scheduled



monuments of Portchester Castle and Fort Nelson, but this harm is clearly outweighed by the delivery of much needed new homes.

- 5.48 Policy DSP13 explains that development may be permitted where a range of criteria are met with regard to nature conservation. As noted earlier, the accompanying Ecological Assessment explains how the proposed development can deliver a net gain in terms of the biodiversity of the site. In addition, it confirms that, provided the recommended mitigation is implemented, the proposals will not adversely impact upon designated sites, sites of nature conservation value or protected and priority species and their habitats, breeding areas or foraging areas.
- 5.49 Policy DSP14 requires sites that are identified as uncertain sites for Brent geese and or waders to carry out further survey work. This site is not identified as an uncertain or important site. Eleven wintering bird surveys were undertaken across the site during the period from November 2015 to March 2016. These found that the site is not used by bird species associated with the nearby Portsmouth Water Ramsar/SPA located just over 900 metres south of the site.
- 5.50 Policy DSP15 requires a financial contribution to be made to 'in combination' effects from residential development on the Solent Special Protection Area through the Solent Recreation Mitigation Strategy. The proposed development will make this contribution in accordance with the policy (please see appendix 1 for further details on the consideration of the Habitat Regulations Assessment).
- 5.51 Policy DSP53 states that proposals for new sports facilities and pitches will be permitted on sites within or adjoining the settlement boundaries provided they meet a range of criteria. As shown on the illustrative master plan, the site is capable of accommodating 1.08 hectares of formal sports provision. As explained in detail in the submitted Design and Access Statement, this sports provision can be suitably integrated into the low density and green nature of the proposed scheme along with its surroundings.
- 5.52 While the sports provision would be provided for the occupiers of the proposed housing at the site to cater to the public open space requirements of the development, it can be accessed via a range of modes of transport, including walking and cycling and would therefore not have an unacceptable impact on the local highway network or road safety. In addition, its location to the north of the proposed residential development and away from neighbouring residential areas will ensure the amenity of residents is not affected, in accordance with policy DSP53.

### **Hampshire Minerals and Waste Plan Framework**

- 5.53 The Hampshire Minerals and Waste Plan was adopted in 2013. It covers the period 2011 to 2030. The plan identifies the site as lying partly within the minerals

and waste consultation area safeguarding a waste transfer site through policy 26: Safeguarding - waste infrastructure of the plan.

- 5.54 The purpose of this policy is to protect waste sites from encroachment by other land uses that may impact their ability to continue to operate. Part of the site lies within this consultation zone because it is in close proximity to an existing waste transfer station, known as Downend Quay and Warren Farm, that has temporary permission for wood waste sorting, storage and transfer, highway salt store, bin storage and storage and transfer of waste fridges and freezers.
- 5.55 The reports accompanying this planning application demonstrate that there are no significant impacts from the operation of the waste sites on the proposed development in terms of noise, air quality, dust, odour, visual impact or traffic movement and therefore no mitigation measures are required. As such there is no encroachment on the facility and the proposed development accords with the purpose of policy 26.

#### **Emerging new local plan**

- 5.56 As part of the examination of its Local Plan Part 2, the council agreed to commit to undertaking an immediate review of the local plan to reflect new housing and employment needs for the borough up to 2036.
- 5.57 The Council is at the early stages of preparing a new Local Plan. A draft version has been published for consultation. The plan seeks to provide 11,300 additional dwellings between the period 2011 and 2036, the rate of delivery stepping up over the plan period, peaking at 620 dwellings per annum between 2021 and 2031. The additional new homes are delivered through a variety of sources including the Welborne Garden Village (formerly known as the SDA) and additional housing allocations.
- 5.58 The land at Winnham Farm is one of the allocated sites in the plan for the delivery of approximately 350 dwellings (draft policy HA4, Downend Road East). Whilst the plan is at a very early stage in its preparation, having yet to go through formal consultation and examination, it does provide a clear indication of the council's position in regard to the delivery of new homes in the borough.
- 5.59 Policy HA4 lists a series of site specific requirements which are met as follows:
- The quantum of housing is up to 350 dwellings, consistent with the requirements of the policy.
  - The design and layout have taken into account the site constraints and context, this is set out in detail in the Design and Access Statement accompanying this application
  - The primary highway access is from Downend Road

- There is a network of interconnecting green and public access corridors through the site that incorporate existing ecological and archaeological features with minimal highway cross over points
- There is provision of pedestrian and cycle connectivity from the site to Downend Road, The Thickett via Cams Bridge and Upper Cornaway Lane
- Building heights are not specified at this stage but can be confirmed through reserved matters to accord with the height parameters
- A robust archaeological investigation has been undertaken and further mitigation is proposed prior to the commencement of development to ensure that areas with the potential for nationally significant Palaeolithic remains are within areas of open or green space
- Contributions will be made to off site highway improvement
- A NEAP can be provided on site within the extensive area of open space
- Local school and early years child care improvements will currently be made via the Community Infrastructure Levy contribution.

5.60 All of these provisions are complied with, as demonstrated by the supporting information to the planning application.

5.61 The compliance of the proposal with the emerging policy is strongly in favour of the release of the site.

5.62 It is noted that the affordable housing contribution in the emerging plan is reduced from 40% in the current adopted plan, to 30% based on viability testing of the emerging plan. As noted at this stage the plan has limited weight and as such the current proposal will look to provide up to 40% affordable housing in accordance with the adopted policy.

## 6.0 Delivering a sustainable development: The National Planning Policy Framework

- 6.1 The NPPF identifies that there are three dimensions to sustainable development, economic, social and environmental (paragraph 7). It is recognised that these roles should not be undertaken in isolation because they are mutually dependent (paragraph 8).
- 6.2 Paragraph 17 sets out the core principles, which should underpin both plan-making and decision taking. These include to *“pro-actively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving places that the country needs”*.
- 6.3 In order to ‘deliver’ sustainable development, the NPPF identifies 13 themes in which schemes should be assessed, and the relevant aspects of which are identified below:

### **Building a Strong and competitive economy (NPPF section 1)**

- 6.4 The NPPF identifies that there are three dimensions to sustainable development that direct the role of the planning system. One of these is the economic role of *“contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation”* (paragraph 7).
- 6.5 It is the government’s position that housing construction contributes significantly to the economy and therefore provides economic benefit. Statistics from the Home Builders Federation identifies that 1.5 full-time jobs are created per every home built, as well as accompanying improvements within the UK supply chain.
- 6.6 The scheme is considered to fully accord with this objective.

### **Promoting sustainable transport (NPPF section 4)**

- 6.7 Paragraph 30 encourages development that reduces the need to travel and support sustainable transport modes, paragraph 29 clarifying that *“the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how to travel”* (paragraph 29). As such it directs local planning authorities to *“support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport”* (paragraph 30). The achievement of these aims is an important material planning consideration.
- 6.8 The proposed development promotes sustainable transport modes and is to fully accord with the objectives of the NPPF in this regard. The site is well connected to the public highway and footpath network. It lies within easy walking and cycling distance of a range of employment, retail and education facilities, and adjoins a

regular and frequent public transport route, providing services to Fareham, Portsmouth, Waterlooville and Bishops Waltham. Portchester station is also located within 1.5km of the site. This accessible location will provide new occupants with a “real choice” in regard to how they travel.

6.9 In accordance with paragraph 32 of the NPPF, this application is accompanied by a transport assessment. This concludes that:

- The proposed access to the site is safe and suitable.
- The site is located in reasonable walking and cycling distance of a large range of facilities and services, is well served by public transport, and is a sustainable site for development.
- Improvements to the local public right of way and movement networks will improve pedestrian and cycle links in the area.
- The development is likely to have a only a small impact on the local highway network and subject to the delivery of a package of mitigation measures, operationally, the development will not have a noticeable impact on queuing and delay during peak hours at local junctions. As such the proposed developments meets the tests of the NPPF.

#### **Delivering a wide choice of high quality homes (NPPF paragraph 50 and section 6)**

6.10 Paragraph 47 of the NPPF expressly sets out that local authorities should “*boost significantly the supply of housing*” and should ensure that there is a “*supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements*”.

6.11 Paragraph 49 states that, “*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*”. The proposed development will contribute towards the supply of housing in the borough and would help reduce the identified shortfall in the five year supply of housing. The development therefore fully accords with this objective.

6.12 The delivery of high quality market and affordable housing would be a substantial benefit of the scheme. The application should therefore be supported on the basis that it will provide homes and represents a sustainable development.

#### **Requiring Good Design (NPPF section 7)**

6.13 The NPPF recognises that “*well designed buildings and places can improve the lives of people and communities*” (paragraph 8). Paragraph 50 requires local planning authorities to “*deliver a wide choice of high quality homes, widen choice*

*for home ownership and create sustainable, inclusive and mixed communities”.* The delivery of good design is a significant component of achieving sustainable development.

- 6.14 The Design and Access Statement submitted with the application demonstrates how the master plan has sought to create an inclusive new community and a development that responds to its surroundings and the local context. The mix and type of new homes to be provided remains to be agreed with Fareham Borough Council, but it will help provide a variety and choice in the market.
- 6.15 Paragraph 66 of the NPPF states, *“applicants will be expected to work closely with those directly affected by their proposal to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of new development should be looked on more favourably”.* The Statement of Community Engagement submitted with the application explains the consultation undertaken with local residents and key consultees and how the feedback received has shaped, in a significant and positive way, the proposals and the evolution of the master plan in regard to design.

#### **Promoting healthy communities (NPPF paragraphs 69 to 78)**

- 6.16 Section 8 of the NPPF recognises the role to be played by the planning system in *“facilitating social interaction and creating healthy, inclusive communities”* (paragraph 69).
- 6.17 In accordance with paragraph 70 of the NPPF, the proposed development makes provision for a children’s natural outdoor play area, and the public rights of way to its east provides connections to the wider countryside in accordance with paragraph 73.
- 6.18 The proposed development is therefore considered to satisfy the NPPF objectives because:
- The mix of proposed uses and their arrangement, as shown on the illustrative master plan, will provide opportunities for meetings between members of the community and will create active street frontages.
  - The illustrative master plan has taken account of the need to deliver a safe and accessible environment by proposing a series of clear and legible pedestrian routes, with high quality public open space overlooked by development.
  - The provision of open space, including play space, will encourage outdoor activity and therefore a healthy lifestyle, benefitting new and existing residents.

### **Meeting the challenges of climate change and flooding (paragraphs 93 to 108)**

- 6.19 Section 10 of the NPPF highlights the importance of planning in helping to shape places to meet the challenges of climate change.
- 6.20 A Flood Risk Assessment and Foul and Surface Water Drainage Strategy have been prepared to support the planning application. This statement confirms that the site is located in flood zone 1, and that the site's development will not flood or subject third party land and buildings to increased flood risk, including making necessary allowances for climate change.

### **Conserving and enhancing the natural environment (NPPF section 11)**

- 6.21 Section 11 of the NPPF emphasises the importance of considering the potential impact of development on the natural environment, which covers the landscape, geology, soils and biodiversity.
- 6.22 The proposed development seeks to maintain and enhance the biodiversity of the site through the retention of species-rich hedgerows and trees where possible, and through the provision of significant landscape planting and appropriately designed and planted surface water attenuation ponds.
- 6.23 The proposed development site does not constitute a valued or a designated landscape and, as set out in the Landscape and Visual Assessment, the visual impacts associated with the proposed development will be limited to the immediate area of the site, due to the dense urban fabric, hedgerows, scrub planting, copses, woodland and the topography.

### **Conserving and enhancing the historic environment (NPPF Section 12)**

- 6.24 Section 12 of the NPPF emphasises the importance of considering the impacts on the historic environment, and in particular designated heritage assets. The application is accompanied by Heritage Statement, which details the archaeological investigations undertaken to date and assess the impact of the proposals on the built heritage.
- 6.25 The assessment concludes that there is barely noticeable harm to two heritage assets, which is less than substantial and as such, in accordance with the NPPF (paragraph 134) is weighted against the public benefit of the provision of new homes.

### **Summary**

- 6.26 The proposal accords with the core planning principles set out in the NPPF, and will deliver sustainable development.

## **7.0 Infrastructure - Draft heads of terms for a planning obligation**

- 7.1 As part of a planning permission for the proposed development on land east of Downend Road, Miller Homes anticipates entering into a section 106 obligation and section 278 agreement with Fareham Borough Council concerning the following matters:
- The percentage, mix, tenure, phasing and transfer of affordable housing units.
  - The phasing, management and maintenance arrangements for the delivery of the public open space and play space.
  - The phasing, management and maintenance arrangements for delivery of the surface water attenuation facilities.
  - Contributions to transport infrastructure.
  - Contribution towards Solent Special Protection Area through the Solent Recreation Mitigation Strategy.
  - Any arrangements, as might be necessary and reasonable to contain in a legal agreement for the implementation and monitoring of the travel plan.
  - Any arrangement for the transfer of land for open space and play areas to Fareham Borough Council or its nominee.
- 7.2 The actual sums, triggers, and the precise wording are to be agreed through the application process. All contributions must be substantiated and justified in the context of the NPPF and Regulation 122 and 123 of the Community Infrastructure Levy (CIL) Regulations.
- 7.3 All discussions will need to have regard to Fareham Borough Council's adopted Community Infrastructure Levy Charging Schedule, which is non-negotiable and which is currently £105 per square metre for new residential development.



## 8.0 Conclusions & planning balance

- 8.1 This planning application submitted by Miller Homes seeks outline planning permission (with all matters reserved with the exception of the means of access) for the residential development of land east of Downend Road, Portchester. The site is well related to the built form of Portchester, taking into account the existing residential development to the east of the site.
- 8.2 The site is suitable and available for development now having been promoted by a large housebuilder who is ready and willing to deliver much needed housing. The approval of the application would facilitate the delivery of high quality new homes (including affordable homes) and associated development that is well related to the existing built form and in proximity to a range of significant employment opportunities and existing facilities, services, retail and leisure opportunities. The development would foster opportunities for greater self-containment at Portchester and help to deliver a more sustainable settlement pattern, responding positively to the vision set out within the adopted and emerging development plan.
- 8.3 The site's development, of the scale and form proposed, would contribute to the housing need in Portchester in a sustainable manner. It would also help meet the wider housing need.
- 8.4 Whilst the site lies outside the defined settlement boundaries, and displays an 'in principle' conflict with the development plan, it would deliver new homes in accordance with the aims of the adopted development plan, specifically policies CS2, CS6, CS11 and DSP40. Overall there is a significant degree of compliance with the development plan, indicating that permission should be granted without delay.
- 8.5 Housing growth should not be restrained by time-expired boundaries or unwarranted caps on development scale, particularly in the context of the minimum requirements, OAN and government mandate to *"boost significantly"* the supply of housing land.
- 8.6 In accordance with section 38 (6) of the Planning and Compulsory Purchase Act 2004, there are material considerations that indicate the development should be approved.
- 8.7 Regardless of the position in regard to housing land supply, the proposed development is considered to deliver sustainable development that accords overall with the core planning principles set out in the NPPF.
- 8.8 In any event, at the present time, in the absence of a five-year housing land supply within the borough, the policies relevant for the supply of housing in the Fareham Core Strategy and Development Sites and Policies Plan cannot be considered to be up-to-date. In such circumstances, paragraph 14 of the NPPF requires planning authorities to grant planning permission for development unless the

adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF, or specific policies in the NPPF indicate that development should be restricted.

8.9 The technical information submitted with the application demonstrates that there are no overriding technical or environmental constraints to the development of this site and demonstrates that the site is available and suitable to deliver the development proposed. There are clear social, environmental and economic benefits that would accrue from the proposed development when assessed against the NPPF.

8.10 The proposal will broadly provide the following benefits:

- The delivery of much needed housing that is available now and would make a meaningful contribution to housing land supply across a range of types and tenures, in a sustainable location that would support Portchester and is consistent with the policy objective to boost significantly the supply of housing.
- The delivery of much needed affordable housing in a sustainable location.
- The delivery of formal sports provision and a children's play area.
- Net biodiversity gain, through ecological enhancement, diversification and habitat creation, improving the low value of the site.
- Support for community facilities and local services and facilities through an increase in the local population and Community Infrastructure contributions towards expanding capacity.
- A package of highway improvements.
- Economic benefits, through construction activities and increased local population.
- Greater control of surface water drainage from the site.

8.11 In conclusion, the weight to be given to the policy conflict and localised harm is a matter of planning judgment for the decision maker but we would give the conflict very little weight. The benefits are substantial. The development represents sustainable development and the planning balance falls in favour of granting planning permission.

## **Appendix 1: Habitat Regulations Assessment (HRA)**

It is necessary to consider if the proposed development could result in likely significant effects on or adversely affect the integrity of European sites in the surrounding area, the closest of which are:

- Portsmouth Harbour Special Protection Area (SPA) approx. 900m to the south
- Portsmouth Harbour Ramsar (approx. 900m to the south and 935m to the south west)
- Solent and Dorset Coast pSPA (potential) (approx. 900m to the south and 935m to the south west)

The implications to the European sites in relation to the proposed development are been considered under the following topic headings<sup>4</sup>:

- Habitat loss
- Aquatic / atmospheric pollution during construction
- Disturbance (construction noise and activity, operational activity and shortened view-lines)

### ***Habitat loss***

The development site does not overlap with any SAC/SPA/Ramsar designations and the site's arable fields are not recorded as being important to Brent geese or waders. This is further supported by the findings of the site-specific winter bird survey work submitted in support of this planning application. No significant effects are likely.

### ***Aquatic / atmospheric pollution during construction***

The development site is approximately 900m away from the closest point of the Portsmouth Harbour SPA and there are no known hydrological pathways to the SPA. Therefore it is considered that there will be no effects from pollution during construction.

### ***Construction noise and activity, operational activity, and shortened view-lines***

All of these impact pathways could result in displacement of the qualifying species from otherwise suitable habitats, thereby reducing individual survival rates and risking a population reduction.

At a distance of over 900m to the closest designated site, disturbance of key species due to construction noise/activities and shortened view-lines is not considered likely<sup>5</sup>.

The development site lies within the 5.6km of the Solent SPAs and will result in a net increase in dwellings. The proposal will therefore comply with policy DSP15 and provide the appropriate financial contribution to the Solent Recreation Mitigation Strategy, thereby mitigating any potential post-construction recreational disturbance.

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<sup>4</sup> As set out in the screening assessment under the Habitat Regulations for the Fareham Borough Local Plan 2036

<sup>5</sup> The FBC screening assessment considers potential construction disturbance for sites within 100m (activities), 300m (noise), 500m (view lines) of the SPA/Ramsar.





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