

## **OFFICER REPORT FOR COMMITTEE**

**DATE: 24/06/2020**

**P/19/1193/OA  
FOREMAN HOMES**

**TITCHFIELD  
AGENT: WOOLF BOND PLANNING**

OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 57 DWELLINGS, TOGETHER WITH ASSOCIATED PARKING, LANDSCAPING AND ACCESS FROM POSBROOK LANE

LAND EAST OF POSBROOK LANE, TITCHFIELD

### ***Report By***

Richard Wright – Direct Dial 01329 824758

### **1.0 Introduction**

- 1.1 This application is being presented to the Planning Committee due to the number of third-party representations received.
- 1.2 In December 2017 the Council refused planning permission for a development of up to 150 dwellings on the land proposed by the same applicant (our reference P/17/0681/OA). A subsequent appeal was dismissed in April 2019 (PINS reference APP/A1720/W/18/3199119). The current application proposes housing development on a smaller part of that same site.
- 1.3 Members will note from the 'Five Year Housing Land Supply Position' report elsewhere on this agenda that the Council currently has a housing land supply of 2.72 years (a shortfall of 1,231 dwellings within the 5-year period).

### **2.0 Site Description**

- 2.1 The planning application site comprises part of a field located to the south of the Bellfield housing estate and public open space on the south edge of Titchfield. The planning application site within the red edge measures approximately 4 hectares in area. A further area of land edged blue on the submitted plans measures approximately 8.4 hectares in area.
- 2.2 The site lies outside of the defined urban settlement boundaries within the countryside. The site forms part of a Strategic Gap (The Meon Gap) as designated within the adopted local plan. The site is also identified in the Solent Waders & Brent Goose Strategy as a Primary Support Area.

- 2.3 The field is currently used for the grazing of horses. Two pedestrian public rights of way (Footpaths 34 & 39) cross the site and the adjacent land to the south.
- 2.4 The western edge of the site runs alongside Posbrook Lane where there is a mature hedgerow with a field gate set within it. Two dwellings set in large plots and agricultural land lie on the opposite side of the lane. Approximately 300m to the north is the junction of Posbrook Lane with Coach Hill/Common Lane. Titchfield village centre lies to the east of this junction, Warsash to the west and access on to the A27 via St Margaret's Lane to the north. In the opposite direction to the south of the site Posbrook Lane leads to the coast and Hill Head.
- 2.5 At the south-western edge of the site is a row of substantial and mature trees along the boundary with a cluster of dwellings at Posbrooke House, Great Posbrook and Barn Close. There are two Grade II\* Listed buildings in the Great Posbrook farmstead – the farmhouse and the large aisled barn. Some other houses in Barn Close are locally listed (on the Council's Local List of Buildings of Special Architectural or Historic Interest).
- 2.6 The land on which the planning application site forms part, slopes away gently from west to east towards the Titchfield Canal and River Meon. The adjacent fields to the north-east and south of the application site are shown on the submitted location plan to also be within the applicant's control as indicated by being edged blue. Beyond the application site to the east lies the Titchfield Canal. A line of trees stretches along the western bank of the canal whilst a public right of way (Footpath 48) runs alongside the other side of the canal. Beyond that is the floor of the Meon Valley before the land rises again on the opposite side of the River Meon towards Titchfield Road (B3334).

### **3.0 *Description of Proposal***

- 3.1 Outline planning permission is sought for the principle of the development of up to 57 dwellings on the site and the means of access into the site. All other matters, including appearance, landscaping, layout and scale are reserved for subsequent determination at reserved matters stage. An illustrative site plan has been provided to demonstrate how the development could be laid out on the site and the extent of landscape planting which could be provided.
- 3.2 The 'blue edged' land to the east of the application site is proposed as a Bird Conservation Area (BCA). The "red edge" of the application site cuts through the BCA so as to include proposed drainage features including a permanently wet balancing pond.

### **4.0 *Policies***

4.1 The following policies apply to this application:

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

**Adopted Fareham Borough Core Strategy**

CS2: Housing Provision  
CS4: Green Infrastructure, Biodiversity and Geological Conservation  
CS5: Transport Strategy and Infrastructure  
CS6: The Development Strategy  
CS14: Development Outside Settlements  
CS15: Sustainable Development and Climate Change  
CS16: Natural Resources and Renewable Energy  
CS17: High Quality Design  
CS18: Provision of Affordable Housing  
CS20: Infrastructure and Development Contributions  
CS21: Protection and Provision of Open Space  
CS22: Development in Strategic Gaps

**Adopted Development Sites and Policies**

DSP1: Sustainable Development  
DSP2: Environmental Impact  
DSP3: Impact on Living Conditions  
DSP5: Protecting and Enhancing the Historic Environment  
DSP6: New Residential Development Outside of the Defined Urban Settlement  
DSP13: Nature Conservation  
DSP14: Supporting Sites for Brent Geese and Waders  
DSP15: Recreational Disturbance on the Solent Special Protection Areas  
DSP40: Housing Allocations

**5.0 *Relevant Planning History***

5.1 The following planning history is relevant:

<b>P/17/0681/OA</b>	Outline Planning Application for a Scout Hut, Up to 150 Dwellings, Community Garden, Associated Landscaping, Amenity Areas And A Means of Access From Posbrook Lane
<b>REFUSE</b>	14/12/2017 APPEAL DISMISSED 12/4/2019

**6.0 *Representations***

- 6.1 One hundred and thirty-seven objections have been received in response to this application being made raising the following material planning considerations:

### **General**

- Previous appeal decision
- Impact on schools, doctors and other local services
- Other land should be built on instead of this site
- Site is not designated in local plan
- Development in strategic gap
- Loss of privacy
- Loss of footpaths
- Increased recreational pressure on area

### **Highways**

- Posbrook Lane is not suitable for additional traffic
- Increase in traffic more generally
- Lack of public transport links

### **Environmental**

- Impact on wildlife, in particular bird life and that of nearby wildlife sites
- Light and noise pollution
- Loss of agricultural land
- Nitrate pollution of water environment
- Loss of green space
- Concern over retention of boundary hedgerows
- Increased flood risk
- Sewer and drainage problems in area
- Will houses be sustainably designed?

### **Landscape and heritage impacts**

- Visual impact on Meon Valley landscape
- Impact on heritage assets including listed buildings and Titchfield Conservation Area

## **7.0 Consultations**

EXTERNAL

### **Natural England**

- 7.1 No objection subject to Bird Conservation Area being appropriately secured and any positive nutrient budget being mitigated.

### **Highways (Hampshire County Council)**

7.2 No objection.

### **Historic England**

7.3 Historic England have provided pre-application advice which appears to have been incorporated into the application.

The development would see the urban edge of Titchfield encroach closer to the boundary of this historic farmstead [the two Grade II\* Listed Buildings at Great Posbrook Farm] but to a much reduced extent. In Historic England's view this will change the setting of the farmstead. Most notably the medium distance views of the northern boundary of the farmstead when travelling south out from Titchfield will be lost, visually altering the setting of the farmstead by reducing the rural context it sits within.

Historic England consider that the proposals would cause a minor degree of harm to the setting of the listed buildings, which in terms of the NPPF would fall well within the less than substantial level of harm. Historic England highlight that any further encroachment on the historic farmstead's rural setting would likely warrant a greater degree of harm than has been currently identified.

Historic England has no objection to the application on heritage grounds.

### **Southern Water**

7.6 No objection.

### **Flood and Water Management Team (Hampshire County Council)**

7.7 No objection.

### **Minerals and Waste Planning Authority (Hampshire County Council)**

7.8 No objection.

### **Archaeology (Hampshire County Council)**

7.9 No objection.

### **Countryside Services (Hampshire County Council)**

7.10 Comments awaited.

### **Children's Services (Hampshire County Council)**

7.11 Comments awaited.

INTERNAL

### **Affordable Housing Strategic Lead**

- 7.12 No objection subject to affordable housing mix being secured in a Section 106 legal agreement.

### **Ecology**

- 7.13 No objection.

### **Trees**

- 7.14 No objection.

### **Contaminated Land Officer**

- 7.15 No objection.

### **Environmental Health**

- 7.16 No objection.

### **Recycling Co-ordinator**

- 7.17 No objection.

## **8.0 *Planning Considerations***

- 8.1 The following matters represent the key material planning considerations which would need to be assessed to determine the suitability of the development proposal. The key issues comprise:

- a) Implication of Fareham's current 5-year housing land supply position;
- b) Residential development in the countryside;
- c) The impact on European Protected Sites
- d) Policy DSP40;
- e) Impact on heritage assets;
- f) Other matters;
- g) The Planning balance

### **a) Implications of Fareham's current 5-year housing land supply position**

- 8.2 A report titled "Five-year housing land supply position" is reported elsewhere on this agenda. That report sets out this Council's local housing need along with this Council's current housing land supply position. The report concluded that this Council has 2.72 years of housing supply against the 5YHLS requirement meaning there is a shortage of 1,231 dwellings.
- 8.3 Officers accept that the Council cannot currently demonstrate a 5-year supply of deliverable housing sites.

8.4 The starting point for the determination of this planning application is section 38(6) of the Planning and Compulsory Purchase Act 2004:

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

8.5 In determining planning applications there is a presumption in favour of the policies of the extant Development Plan, unless material considerations indicate otherwise. Material considerations include the planning policies set out in the NPPF.

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

8.7 Paragraph 73 of the NPPF states that local planning authorities should identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement including a buffer. Where a local planning authority cannot do so, and when faced with applications involving the provision of housing, the policies of the local plan which are most important for determining the application are considered out-of-date.

8.8 Paragraph 11 of the NPPF then clarifies what is meant by the presumption in favour of sustainable development for decision-taking, including where relevant policies are "out-of-date". It states:

*"For decision-taking this means:*

- *Approving development proposals that accord with an up-to-date development plan without delay; or*
- *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:
  - i. *The application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or*
  - ii. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."**

8.9 Footnote 6 to Paragraph 11 reads:

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

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

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

*“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”*

8.12 The following sections of the report assesses the application proposals against this Council's adopted local planning policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

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

#### **b) Residential Development in the Countryside**

8.14 Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. Policy CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries. The application site lies within an area which is outside of the defined urban settlement boundary.

8.15 Policy CS14 of the Core Strategy states that:

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

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

### **c) The impact upon European Protected Sites**

- 8.18 Core Strategy Policy CS4 sets out the strategic approach to Biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policy DSP13: Nature Conservation of the Local Plan Part 2 confirms the requirement to ensure that designated sites, sites of nature conservation value, protected and priority species populations and associated habitats are protected and where appropriate enhanced.
- 8.19 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 per cent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within the Solent which are of both national and international importance.
- 8.20 In light of their importance, areas within the Solent have been specially designated under UK/ European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'European Protected Sites' (EPS).
- 8.21 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'competent authority' if it can be shown that the proposed development will either not have a likely significant effect on designated EPS or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated EPS. This is done following a process known as an

Appropriate Assessment. The competent authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The competent authority is either the local planning authority or the Planning Inspectorate, depending on who is determining the application. In this case, the competent authority is the local planning authority however no Appropriate Assessment is required to be carried out since the application is not being recommended to this committee for approval.

- 8.22 When considering the proposed development there are three main likely significant effects on EPS.
- 8.23 The first of these effects is the loss of part of a Primary Support Area (F48B) for waders and brent geese, qualifying features of the EPS, as identified in the Solent Waders and Brent Goose Strategy (SWBGS). The applicant has proposed an area of adjacent land to the east of the application site (part of the blue edged land) as a Bird Conservation Area (BCA). Outline proposals have been provided as to how the BCA would be set out, managed and maintained. It is also stated by the applicant that the Hampshire & Isle of Wight Wildlife Trust (HIWWT) have agreed to take on the BCA and manage it in perpetuity. Natural England have raised no objection to the proposals in principle.
- 8.24 If this Authority were minded to grant planning permission it would be necessary to secure the provision and future management of the BCA by way of a suitably worded set of obligations in a Section 106 legal agreement. In the absence of such an agreement, the proposal would fail to appropriately secure this mitigation.
- 8.25 The second likely significant effect on EPS relates to deterioration in the water environment through increased nitrogen. Natural England has highlighted that there is existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted that increased levels of nitrates entering the Solent (because of increased amounts of wastewater from new dwellings) will have a likely significant effect upon the EPS.
- 8.26 Achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites. Natural England have provided a methodology for calculating nutrient budgets and options for mitigation should this be necessary. The nutrient neutrality calculation includes key inputs and assumptions that are based on the best-available scientific evidence and research, however for each input there is a degree of uncertainty. Natural England advise local planning authorities to

take a precautionary approach when addressing uncertainty and calculating nutrient budgets.

- 8.27 The applicant has submitted a nutrient budget for the development. Whilst that budget shows the development would result in a reduction in the amount of nitrogen reaching the water environment, the budget has been calculated for the application site plus the adjacent blue-edged land proposed to comprise the BCA and area of public open space. Taken by itself the development would not be nutrient neutral and so would rely on this adjacent land being taken out of its current use for grazing.
- 8.28 Without a Section 106 legal agreement being in place to secure this and to restrict the use of the mitigation land in the future, and for the lifetime of the development, the proposal fails to appropriately secure such mitigation to avoid any adverse effects on EPS. If this Authority were minded to grant planning permission, further information would need to be sought from the applicant on the assumed existing land use which underpins the nutrient budget so as to demonstrate the whole of the land in question is in use for lowland grazing.
- 8.29 The third of these likely significant effects on EPS concerns recreational disturbance on the Solent coastline through an increase in population. Policy DSP15 of the adopted Fareham Borough Local Plan Part 2: Development Sites and Policies explains that planning permission for proposals resulting in a net increase in residential units may be permitted where the 'in combination' effects of recreation on the Special Protection Areas are satisfactorily mitigated through the provision of a financial contribution to the Solent Recreation Mitigation Strategy (SRMP). Had the proposal been found acceptable in all other regards the applicant would have been invited to make a financial contribution through the SRMS. In the absence however of a legal agreement to secure such a contribution, or the submission of evidence to demonstrate that the 'in combination' effects of the development can be avoided or mitigated in another way, the proposal is held to be contrary to Policy DSP15.

**d) Policy DSP40**

- 8.30 Policy DSP40: Housing Allocations, of Local Plan Part 2, states that:

*"Where it can be demonstrated that the Council does not have a five-year supply of land for housing against the requirements of the Core Strategy (excluding Welborne) additional housing sites, outside the urban area boundary, may be permitted where they meet all of the following criteria:*

- i. The proposal is relative in scale to the demonstrated 5-year housing land supply shortfall;*
- ii. The proposal is sustainably located adjacent to, and well related to, the existing urban settlement boundaries, and can be well integrated with the neighbouring settlement;*
- iii. The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps;*
- iv. It can be demonstrated that the proposal is deliverable in the short term; and*
- v. The proposal would not have any unacceptable environmental, amenity or traffic implications”.*

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

**Policy DSP40 (i)**

8.32 The proposal for up to 57 dwellings is relative in scale to the 5YHLS shortfall and therefore bullet i) of Policy DSP40 is satisfied.

**Policy DSP40 (ii)**

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

8.34 The site would also be comparatively well located to the services and facilities located within Titchfield village centre as well as the nearest bus stops on Coach Hill being a relatively short distance away.

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

**Policy DSP40 (iii)**

8.36 The third test of Policy DSP40(iii) is that the proposal is *‘sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps’*.

8.37 The proposed development would replace part of the sloping pastoral valley side of the Lower Meon Valley with housing development. It has been established at the previous appeal determined in April 2019 that the site all

forms part of the same Lower Meon Valley landscape, and that this landscape is a 'valued landscape' in terms of the NPPF paragraph 170.

8.38 NPPF paragraph 170 places a greater importance on the protection of what it terms 'valued landscapes'. It advises that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes.

8.39 In dealing with the previous appeal the Inspector noted the following:

*“From my visit to the site and the evidence presented to me I am of the view that the appeal site shares a number of those attributes [that are above the ordinary] including the nature of the rural landscape and topography, its scenic quality and that is it representative of the valley sides character type. The site does form part of the broad visual envelope of the Lower Meon Valley and part of the landscape compartment and therefore should be considered as part of the valued landscape” (paragraph 28).*

8.40 This application proposal is smaller in area to the previous application and appeal proposal for 150 houses which was refused. The current application would not cause as much harm as the appeal proposed would have in landscape and visual impact terms, mainly because it covers a smaller area and would not extend as far into the valley. However, it would still change part of the pastoral field which is an integral part of the valued landscape of the Lower Meon Valley from undeveloped land to housing development causing permanent harm. It would cause adverse effects on views from the Lower Meon Valley for many years, accepting in the long term, if proposed planting establishes and matures successfully, the proposed housing may well be softened. Planting along the eastern edge of Titchfield (north-east of the proposed housing area) would result in positive changes to views of this urban edge in the long term. The proposed development would make it harder to understand that Great Posbrook was originally a separate farmstead as the built form of Titchfield extends towards it as a consequence of the development.

8.41 Overall, the proposals would cause adverse landscape and visual impacts within the Lower Meon Valley, some of which would be permanent. It would cause permanent adverse effects on the character of the valued landscape of the Lower Meon Valley.

8.42 Officers consider that the benefits of softening the existing urban edge have been overestimated by the applicant. The Inspector agreed with the Council's view on such benefits when considering the previous appeal. He said:

*“In the context of the urban settlement edge influence it is undeniable that it is there. There is a lack of screening and there is a harsh and readily visible urban edge. This however is a distinct break with the open rural field which then flows to the open agricultural fields beyond the farmstead cluster and the lower valley floor below. In my view in the wider context the urban influence is given too much weight in the appellant’s assessment and in association (?) with the sub division of the site into smaller fields adds to the reduced weight given to the effect of the proposed development” (paragraph 23).*

8.43 The application site is located within a Strategic Gap (The Meon Gap). The proposed development would extend the urban edge of Titchfield further into the gap than it presently is. The previous appeal Inspector noted that despite this there would be no perception of coalescence of indeed any visual reduction of the separate settlements. There would be no demonstrable reduction in the physical separation and the gap’s integrity would not be significantly affected. The Inspector’s comments on that larger, more extensive proposal are applicable here and are a material consideration in considering the current application. Officers do not consider that the minor extension of the urban area proposed here would have a significant or material adverse effect on the integrity of the strategic gap.

8.44 In summary, the proposal fails to satisfy point three of Policy DSP40. Whilst the effect on the strategic gap would not be significant there would be adverse landscape and visual impacts on the countryside and this valued landscape which would not be minimised to an acceptable degree resulting in both short term and permanent harm to the landscape character.

**Policy DSP40 (iv)**

8.45 Officers consider that the proposal for 57 houses could be delivered within the short term. The proposal would therefore be in accordance with point iv of policy DSP40.

**Policy DSP40 (v)**

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

**Environmental**

8.47 The impact of the development on European protected sites has been set out earlier in this report. There are three main adverse effects on the integrity of EPS contrary to Policies CS4, DSP13 & DSP15 of the adopted local plan.

- 8.48 The Council's Ecologist has raised no objection to the proposals on the basis that any effects on protected species or habitat can either be avoided or mitigated through the use of suitable planning conditions.
- 8.49 Policy CS16 seeks to prevent the loss of the best and most versatile agricultural land. The NPPF (paragraph 170(b)) recognises the economic and other benefits of the best and most versatile agricultural land.
- 8.50 The site contains some Grade 3a, i.e. best and most versatile (BMV) agricultural land. The proposal would therefore be contrary to Policy CS16 and the permanent loss of BMV agricultural land weighs against granting planning permission in the balance of issues. However, on this point the previous appeal Inspector agreed that given the grade of land (not Grade 1 or 2), the small scale and the overall comparative effect on such land in Fareham, whilst the loss of agricultural land is negative it should be afforded only limited weight in the overall planning balance. It would not in itself justify refusing the current application.

#### **Amenity**

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

#### **Highways**

- 8.53 The Highway Authority Hampshire County Council have raised no objection to the application after further information was provided by the applicant to satisfy various outstanding matters.

#### **e) Impact on heritage assets**

- 8.54 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the local planning authority to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 8.55 The proposed development would bring the built form of the southern edge of Titchfield closer to the listed buildings at Great Posbrook and reduce the gap that currently exists. The historic farmstead would not be entirely subsumed by Titchfield; Titchfield and the farmstead would remain separated by a

minimum gap of around 28.5 metres. This is a relatively narrow gap and the proposed development would urbanise part of the rural hinterland of the listed buildings. As a result it would make it harder to understand that Great Posbrook was originally a separate farmstead, surrounded by open farmland, and harm the appreciation of the significance of the listed farmhouse and barn as being part of an ancient farmstead. There would as a result be some harm to the setting of these listed buildings.

- 8.56 The degree of harm to the setting of the farmstead and listed buildings has been reduced since the earlier planning appeal, by retaining a gap between the housing development which extends Titchfield Village southwards and the farmstead, and by removing the proposed housing to the east of the farmstead. The development would therefore cause less than substantial harm (at the lower end of the spectrum) to the listed farmhouse and barn. This view is supported by Historic England.
- 8.57 The proposed development would not harm the Titchfield Conservation Area nor the locally listed buildings within the Great Posbrook farmstead.
- 8.58 Policy DSP5 of the adopted local plan states that *“In considering the impact of proposals that affect the Borough’s designated heritage assets, the Council will give great weight to their conservation... Harm or loss will require clear and convincing justification in accordance with national guidance.”* It continues that *“Listed buildings will be conserved by... ensuring that development does not harm, and if desirable, enhances their settings.”*
- 8.59 NPPF paragraph 196 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.60 Heritage assets are an irreplaceable resource and the approach set out in the NPPF (paragraph 190) requires local planning authorities to take account of the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting) to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal. When considering the impact of a proposal the local planning authority should give great weight to the asset’s conservation and the more important the asset the greater the weight should be (NPPF paragraph 193). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (NPPF paragraph 194).

**f) Other matters**

### **Affordable Housing**

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

### **Open Space, Play Provision and Public Rights of Way**

- 8.62 The illustrative site plan does not include any provision for public open space on the application site. There is however an indication that land within the applicant's control to the south of the site would be provided as public open space although no further details are available.
- 8.63 In respect of play provision and in accordance with the Council's adopted Planning Obligation SPD, the proposed number of units would require the provision of a Locally Equipped Area of Play (LEAP). This, along with the public open space overall, could be secured via a Section 106 legal agreement and Officers would have sought clarification from the applicant on this matter had it not been for the other overriding reasons for refusal.
- 8.64 The proposal would result in the loss of a public footpath and partial diversion of another both of which cross the application site. The view of the Countryside Service at Hampshire County Council has been sought and will be reported to the Planning Committee by way of an update once received. It is anticipated however that, like the effect of the previous appeal scheme on these footpaths, the adverse effects on the public rights of way network could be addressed through suitable alternative or diverted routes being proposed and a financial contribution towards improvements to the wider network in the local area being provided by the applicant. These mitigation measures could be secured via a Section 106 legal agreement.

### **Effect upon Local Infrastructure**

- 8.65 Concerns have been raised over the effect of the number of dwellings on schools, doctors and other services in the area.
- 8.66 Hampshire County Council have previously identified a need for improvements to local schools and further clarification and an update on this point is currently awaited from Children's Services. Based on there being a requirement for a contribution towards education provision a financial obligation could be secured through the Section 106 legal agreement.
- 8.67 The difficulty in obtaining doctor's appointments and dental services is an issue regularly raised in respect of new housing proposals. It is ultimately for

the health provides to decide how they deliver their services. A refusal on these grounds would not be substantiated.

- 8.68 The Lead Flood Authority are content with the general principles for the surface water drainage proposals.
- 8.69 Officers consider that all other technical matters raised by consultees in their responses could be addressed by way of suitably worded planning conditions.

**g) Planning balance**

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

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

- 8.71 As set out earlier within this report, the effect of Paragraph 177 of the NPPF is that:

*“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site”.*

- 8.72 In this instance Officers have identified likely significant effects upon the Solent and Southampton Water Special Protection Area, a Ramsar site, Solent Maritime Special Area of Conservation and that the site is a component of the Solent Wader and Brent Goose network. In order to establish whether these likely significant effects can be sufficiently mitigated it is necessary for an appropriate assessment to be carried out. Officers have judged that the application proposals are contrary to adopted local plan policies and the policies of the NPPF. In light of this, Officers have not undertaken an Appropriate Assessment at this time. Accordingly, the presumption in favour of sustainable development set out at Paragraph 11 of the NPPF does not apply.
- 8.73 The site is outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of Local Plan Part 2: Development Sites and Policies Plan.

- 8.74 Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations which is engaged as this Council cannot demonstrate a 5YHLS. Officers have also given due regard to the updated 5YHLS position report presented to the Planning Committee elsewhere on this agenda and the Government steer in respect of housing delivery.
- 8.75 In weighing up the material considerations and conflict between policies; the development of a greenfield site weighted against Policy DSP40, Officers have concluded that the proposal satisfies three of the five policy tests (points i), ii) and iv).
- 8.76 With regards to Policy DSP40(iii), Officers consider the proposals would cause adverse landscape and visual impacts within the Lower Meon Valley, some of which would be permanent. It would cause permanent adverse effects on the character of the valued landscape of the Lower Meon Valley. The proposal therefore fails to satisfy this policy test and is also considered contrary to Policies CS14 & CS17 as a result of the harm identified to the landscape character and appearance of the countryside.
- 8.77 The development proposal would harm the setting of listed buildings when applying the statutory test under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Officers consider that the level of harm would be less than substantial. NPPF paragraph 196 advises that such harm should be weighed against the public benefits of the proposal. Whilst the harm identified is less than substantial, and at the lower end of the spectrum, the heritage assets are of a high grade (Grade II\*) and great weight should be given to the conservation of these assets.
- 8.78 Officers also consider that the proposal would be contrary to Policy DSP40(v) as it would result in adverse effects on European Protected Sites and would result in the loss of BMV agricultural land.
- 8.79 In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage in housing supply, Officers acknowledge that the proposal could deliver up to 57 dwellings in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply is a substantial material consideration, in the light of this Council's current 5YHLS. In addition, the proposals include the provision of forty percent affordable housing. Added to this is the modest benefit of the additional jobs and expenditure in the locality arising from construction activity and the completed development itself. Other benefits purported by the applicant, such as the creation of the Bird Conservation Area and new public footpath, are in reality mitigation measures which offset the harm arising in various matters.

- 8.80 Officers have carefully weighed the benefits which would be delivered by the proposals, having regard for the Council's 5 year housing land supply position, against the conflict with adopted local plan policies and the policies of the NPPF, and the combination of the harm to landscape character and the setting of listed buildings. In the view of Officers, the combination of the harm caused to the character and appearance of this valued landscape and the setting of the Great Posbrook farmstead and its associated listed buildings outweigh the benefits arising from the scheme.
- 8.81 In light of this assessment, and taking into account all other material planning considerations, Officers recommend that planning permission should not be granted for this application. A recommendation for refusal is set out below at paragraph 9.1.
- 8.82 This balancing exercise has been made under Section 38(6) of the 2004 Act as set out above, however if the likely significant effects of the development on habitats sites had been addressed and an Appropriate Assessment had concluded no adverse effects on the integrity of the habitats sites, the presumption in favour of sustainable development, as set out in NPPF paragraph 11, would apply. If that were the case and the 'tilted balance' engaged, then Officers consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole.

## **9.0 Recommendation**

- 9.1 REFUSE PERMISSION for the following reasons:

The development is contrary to Policies CS2, CS4, CS5, CS6, CS14, CS16, CS17 & CS18 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP5, DSP6, DSP13 & DSP40 of the Adopted Local Plan Part 2: Development Site and Policies Plan,

And paragraphs 170 and 196 of the NPPF and is unacceptable in that:

- a) The provision of residential development in this location would be contrary to adopted Local Plan policies which seek to prevent additional residential development in the countryside;
- b) The application site lies outside of the defined urban settlement boundary on land which is considered to form part of a valued landscape. As a result the proposed development would result in a range of significant adverse landscape and visual effects, harmful to the landscape character, appearance and function of the countryside

and failing to respect or respond positively to the key characteristics of the surrounding area;

- c) The proposal would result in less than substantial harm to, and fail to preserve and enhance, the setting of nearby Grade II\* Listed Buildings;
- d) The proposal would result in the loss of best and most versatile agricultural land;
- e) In the absence of a legal agreement to secure such, the proposal fails to appropriately secure mitigation of the likely adverse effects on the integrity of European Protected Sites which, in combination with other developments, would arise due to the impacts of recreational disturbance;
- f) In the absence of a legal agreement to secure such, the proposal fails to appropriately secure mitigation of the likely adverse effects on the integrity of European Protected Sites which would arise as a result of the loss of part of a Primary Support Area for Brent geese and waders;
- g) In the absence of a legal agreement to secure such, the proposal fails to appropriately secure mitigation of the likely adverse effects on the integrity of European Protected Sites which, in combination with other developments, would arise due to the additional generation of nutrients entering the water environment;
- h) In the absence of a legal agreement to secure the provision of public open space and contributions towards the associated management and maintenance of the open space, the recreational needs of residents of the proposed development would not be met;
- i) In the absence of a legal agreement to secure such, the proposal fails to make on-site provision of affordable housing at a level in accordance with the requirements of the local plan;
- j) In the absence of a legal agreement to secure contributions to education, the needs of residents of the proposed development would not be met;
- k) In the absence of a legal agreement to secure a financial contribution towards improvements to the local public rights of way network, the proposal fails to mitigate the harm from the increased usage of public rights of way as a direct result of the development.

**10.0 Notes for Information**

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

**11.0 Background Papers**

P/19/1193/OA; P/17/0681/OA