

OFFICER REPORT FOR COMMITTEE

DATE: 23/03/2022

**P/21/1823/FP
MS HANSLIP**

**WARSASH
AGENT: PAUL AIREY PLANNING
ASSOCIATES**

**ERECTION OF 6 RESIDENTIAL UNITS AND ASSOCIATED DETACHED GARAGES
WITH ACCESS FROM GREENAWAY LANE VIA THE EXISTING APPROVED
ACCESS TO 79 GREENAWAY LANE AND ADJACENT DEVELOPMENT**

LAND ADJOINING 79 GREENAWAY LANE, WARSASH

Report By

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1.0 Introduction

1.1. This is a detailed planning application for 6 detached dwellings. It has been included on the agenda in light of the number of representations received.

2.0 Site Description

2.1. The application site measures 1.16 hectares and is located to the south of Greenaway Lane. The site comprises an open field which is predominantly flat with a gentle slope from the north-east corner towards the south-west.

2.2. A row of substantial trees fronting Greenaway Lane in addition to a treed western boundary are covered by Tree Preservation Orders. A single detached house with access direct from Greenaway Lane is located in the centre of the field but outside of the application site. Construction has recently started on houses within plots to the east and west of no. 79 (as approved under application reference P/21/0133/RM and the Outline Planning Permission P/18/0107/OA).

2.3. Residential dwellings are located to the north, east and west of the application site. To the immediate south east of the site is a private road which links Greenaway Lane to Warsash Road in the south. The Vero Industrial site is located to the south of the site.

2.4. The site is located outside of the defined urban settlement boundary and therefore for planning policy purposes is considered to be countryside. It is located in close proximity to Warsash local facilities.

3.0 Description of Proposal

- 3.1. Full planning permission is sought for the construction of 6, self-build, two storey dwellings with parking and soft landscaping. Access to the dwellings would be via the existing access from Greenaway Lane to no. 79 and would result in the loss of one of the approved plots fronting Greenaway Lane to accommodate the drive. The application also proposes the creation of an enhanced wildlife buffer around the south, east and western edges of the site and a wildflower meadow in the south west of the site. Pedestrian and cycle links are proposed to the east and west of the site to provide enhanced connectivity to other developments adjoining the site.

4.0 Policies

The following policies and guidance apply to this application:

4.1 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

4.2 Adopted Development Sites and Policies Plan

- DSP1 - Sustainable Development
- DSP2 - Environmental Impact
- DSP3 - Impact on living Conditions
- DSP4 - Prejudice to adjacent land
- DSP6 - New residential development outside of the defined urban settlement boundaries
- DSP13 - Nature Conservation
- DSP15 - Recreational Disturbance on the Solent Special Protection Areas
- DSP40 - Housing Allocations

4.3 Revised Publication Local Plan 2037

- DS1 Development in the Countryside
- DS3 Landscape
- H1 Housing Provision
- HA1 North and South of Greenaway Lane
- HP1 New Residential Development
- HP5 Provision of Affordable Housing
- CC2 Managing Flood Risk and Sustainable Drainage Systems
- NE1 Protection of Nature Conservation, Biodiversity and the Local Ecological Network
- NE2 Biodiversity Net Gain
- NE3 Recreational Disturbance on the Solent Special Protection Areas (SPAs)

NE4 Water Quality Effects on the SPAs, SACs and Ramsar Sites of the Solent
NE6 Tress Woodland and Hedgerows
NE9 Green Infrastructure
TIN2 Highway Safety and Road Network
D1 High Quality Design and Placemaking
D2 Ensuring Good Environmental Conditions
D3 Coordination of Development and Piecemeal Proposals
D4 Water Quality and Resources
D5 Internal Space Standards

4.4 Other Documents:

Fareham Borough Design Guidance Supplementary Planning Document
(Excluding Welborne) 2015
Planning Obligation SPD for the Borough of Fareham (excluding Welborne)
(April 2016)
Residential Car and Cycle Parking Standards SPD 2009

5.0 Relevant Planning History

5.1 The following planning history is relevant:

This application forms part of a wider site granted Outline Planning Permission (reference P/18/0107/OA) for up to 30 dwellings on 20th January 2021. A reserved matters application for the first phase of development comprising 6 dwellings fronting Greenaway Lane (application reference P/21/0133/RM) was also approved on 21st April 2021. This application comprises the land to the south of the first phase of development. It has been submitted as a full planning application rather than a reserved matters application as it proposes access from Greenaway Lane rather than from Lockwood Road (as previously proposed in application reference P/21/0133/RM.)

6.0 Representations

Seven representations have been received from 6 households.

Of these representations, 4 support the application and raise the following points:

- The proposed development is appropriate to the character of the area
- The decreased density is preferable
- Less traffic compared to the previously approved application
- Additional biodiversity in the wild-flower meadow
- Provision of homes suitable for families
- The proposed application provides the opportunity for families to build their own homes

6.1 The remaining 3 representations raise the following concerns:

- Access onto Greenaway Lane is not in accordance with policy HA1
- Loss of habitat
- The data used to support the application is out of date

6.2 PETITION (signed by 2,390 people)

Members attention is also drawn to the fact that a petition has been received in response to the previous draft local plan consultation. It is titled "STOP the building of 1500 new homes in Warsash, Locks Heath, Park Gate and Titchfield Common" and includes the following Statement:

We the undersigned petition the Council to Stop the building of 1500 new homes in Warsash, Locks Heath, Park Gate and Titchfield Common. Whilst it is appreciated that the task is not an easy one, there are many sites that we believe the council should be looking at that are more suitable than Warsash and the Western Wards, such as Newlands Farm. We also request that FBC look at SHLAA Ref 3127 and the surrounding area of Fareham north and east of the town centre. This appears to be a prime location as it already has direct access to the motorway and easy access to the public transport links in Fareham town centre and three senior schools. Fareham centre is also an ideal place for leisure facilities and has space for doctors etc. to service the needs of any new houses. It would inject a new lease of life into what is already an established but underused town that is essentially being allowed to slide into disrepair.

Justification:

Below are the sites that we are protesting about.

HA1 - North and South of Greenaway Lane, Warsash - 700 dwellings
 HA3 - Southampton Road, Titchfield Common - 400 dwellings
 HA7 - Warsash Maritime Academy, Warsash -100 dwellings
 HA9 - Heath Road, Locks Heath- 71 dwellings
 HA11- Raley Road, Locks Heath- 49 dwellings
 HA13- Hunts Pond Road, Titchfield Common- 38 dwellings
 HA14 -Genesis Community Youth Centre, Locks Heath - 35 dwellings
 HA15 -Beacon Bottom West, Park Gate -30 dwellings
 HA17 -69 Botley Road, Park Gate -24 dwellings
 HA19- 399 - 409 Hunts Pond Road, Titchfield Common- 22 dwellings

Traffic in this area is already at a gridlock during peak hours and since the new Strawberry Fields, Hunts Pond and Coldeast developments it has doubled the time for people to get to work. Improvements on major roads and motorways will try and ease congestion but it's not satisfactory as residents will not be able to actually get to these major roads. Local roads such as Brook Lane, Osborne Road, Warsash Road and Barnes Lane cannot be made wider, they were built to service the traffic and community of small villages and the resulting influx of 3000+ cars in such a small square area will lead to more accidents. Warsash specifically is on a peninsular and the only roads in and out are Brook Lane and Warsash Road. Emergency vehicles will be unable to ensure safe response times - during rush

hour it is likely they will not have space to get to their destination. The consequences will be catastrophic.

Flooding is inevitable especially with recent climate changes; residents in local back garden developments are already experiencing this. Fareham is presently in trouble for poor air quality due to the amount of rush hour traffic. Bring another 3000+ cars in to the Western Wards and there will be more cases of asthma, lung disease and related illnesses - all for the surgeries with not enough resources to treat. Doctors, schools, hospitals and emergency services are already stretched to breaking point. If the plans go ahead there will be hundreds of children needing school places. New schools might take pressure off the overcrowded ones - then the influx of new children will put it back on again. Children walking to Brookfield already face a perilous journey due to the amount of traffic on Brook Lane.

Brook Lane, Lockswood, Jubilee and Whiteley surgeries struggle to cope with the amount of patients they have. They wait an unacceptable amount of time for routine appointments (1 month plus) and often have very long waits when they get to there (30 minutes plus). Emergency appointments are becoming harder to book as there are not enough doctors or time. The very young, elderly and chronically ill are already vulnerable and bearing the brunt of this - add another 1,500 homes and these overstretched surgeries will be at crisis point. There will be an increased need for care homes, for which there is just no space. Residents' health will be at risk and possibly their lives.

Warsash is a place of outstanding natural beauty and home to precious wildlife such as badgers, bats and deer. The greenfield land proposed as the area for development also provides a defined strategic gap from neighbouring villages. Residents have the right to breathe clean air, have facilities, space and sufficient infrastructure and the assurance that emergency vehicles have access and can meet response times in life threatening situations. We genuinely fear for the health and safety of people in the Western Wards.

7 Consultations

EXTERNAL

7.1 Southern Water

SUDS are not adoptable by sewerage undertakers, therefore the applicant will need to ensure that arrangements exist for their long-term maintenance.

An informative should be included to advise the applicant that a formal application is required for connection to the public sewerage system. The Lead Local Flood Authority need to confirm the acceptability of discharging surface water drainage into a watercourse.

7.2 HCC Highways

No objection subject to conditions.

7.3 Natural England

A Habitats Regulations Assessment (HRA) detailing potential impacts on designated sites and any measures taken to mitigate them is required.

Officer comment: An HRA has been completed and Natural England have been reconsulted. Natural England's comments on the HRA are outstanding.

INTERNAL

7.4 Public and Open Spaces

No objection

7.5 Environmental Health-Pollution

No objection

7.6 Ecology

No objection subject to conditions.

7.7 Environmental Health – Contamination

No objection subject to a condition requiring works to cease if any contamination not accounted for in the remedial statement is encountered.

7.8 Housing

A financial contribution in lieu of on-site provision of affordable housing is acceptable, however it should be 40% rather than 30% as this site forms part of a wider site.

7.9 Refuse and Recycling

No objection

7.10 Urban Design

No objection subject to conditions.

7.11 Trees

No objection subject to a condition.

8.0 Planning Considerations

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

- a) Implication of Fareham's current 5-year land supply housing supply position (5YHLS)
- b) Residential development in the countryside
- c) Policy DSP 40
- d) Affordable housing
- e) The Planning Balance

A) IMPLICATION OF FAREHAM'S CURRENT 5 YEAR HOUSING LAND SUPPLY POSITION (5YHLS)

- 8.2 A report titled "Five year housing supply position" was reported for Members' information in January. That report sets out this Council's local housing need along with this Council's current housing land supply position. The report concludes that this Council has 4.31 years of housing supply against the 5YHLS requirement.
- 8.3 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"
- 8.4 In determining planning applications there is a presumption in favour of policies of the extant Development Plan, unless material considerations indicated otherwise. Material considerations include the planning policies set out in the NPPF.
- 8.5 Paragraph 60 of the NPPF seeks to significantly boost the supply of housing.
- 8.6 Paragraph 75 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.
- 8.7 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:*
- 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 this 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 this Framework taken as a whole.”

8.8 Footnote 7 to paragraph 11 reads:

“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitat sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; and 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 68); and areas at risk of flooding or coastal change.”

8.9 Footnote 8 to paragraph 11 reads (in part):

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

8.10 This planning application proposes new housing outside the defined urban settlement boundaries. The Council cannot demonstrate a five-year housing land supply. Footnote 8 of the NPPF paragraph 11 is clear that in such circumstances those policies which are most important for determining the application are to be considered out-of-date meaning that the presumption in favour of sustainable development in paragraph 11(d) is engaged.

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

8.12 Members will be mindful of paragraph 182 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.”*

8.13 In this particular case an appropriate assessment has been undertaken and concluded that the development will not have an adverse effect on the integrity of the protected sites around The Solent subject to the proposed mitigation being secured. Officers consider that the presumption in favour of sustainable development set out in paragraph 11 applies.

8.14 The following sections of the report assesses the application proposals against the Council’s adopted Local Plan 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.

8.15 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. Policies 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.

8.16 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.'

8.17 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).

8.18 The site is clearly outside of the defined urban settlement boundary and the proposal is therefore contrary to Policies CS2, CS6, and CS14 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan.

C) POLICY DSP40

8.20 Local Policy DSP40 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.

Each of these five bullet points are considered further below.

POLICY DSP40 (i)

- 8.21 Members will note from the 5 Year Housing Land Supply Position that this Council currently only has 4.31 years of housing supply against its five-year requirement. The proposed net increase of 5 dwellings is therefore in accordance with bullet point i) of Policy DSP40 is satisfied.

POLICY DSP40 (ii)

- 8.22 The size, position and orientation of the buildings would be compatible with no. 79 and the approved built form to the east and west of no. 79. The site is located 73m from the settlement policy boundary therefore the proposed development would not be immediately adjacent to the defined settlement boundary and technically the scheme fails this policy test. The development would, however, be well integrated with existing built form on Greenaway Lane which links the site to the neighbouring settlement of Warsash and it would be in close proximity to leisure and community facilities. Schools and shops would also be easily accessible.
- 8.23 It is considered that the proposed development would be well related to the existing urban settlement boundary and well-integrated with the neighbouring settlement despite not being adjacent to the defined settlement boundary.

POLICY DSP40 (iii)

- 8.24 The site is not located with a designated strategic gap. It is however, located within designated countryside where Policy CS14 of the adopted Fareham Borough Core Strategy confirms that built development will be strictly controlled to protect it from development which would "adversely affects its landscape character, appearance and function".
- 8.25 In assessing the impact on the landscape character of the area, due regard has been given to The Fareham Landscape Assessment 2017 (which is part of the evidence base for the published draft Fareham Local Plan 2036). The site lies within the Lower Hamble Valley (LCA2), Warsash Nurseries and is of lower sensitivity mainly because the character and quality of the landscape has been adversely affected by urban influences. The landscape is more tolerant of change and there is scope for development to bring about positive opportunities.
- 8.26 The site is currently viewed from adjoining residential properties in Greenaway Lane, properties served off the access track on the eastern boundary of the site and commercial premises to the south of the site. It is acknowledged that there will be a change in the character of the site when viewed from the immediate vicinity and that the outlook from nearby properties would change if the proposal were to go ahead. Officers are however satisfied that the proposed dwellings have been sensitively designed to reflect the local vernacular in particular the 6 houses approved to the north of the site.
- 8.27 Officers acknowledge that the provision of 6 dwellings as opposed to the 24 previously approved in this location does not make such efficient use of the land,

however the reduction in numbers reflects the spacious layout of both the approved self-build plots fronting Greenaway Lane and the existing pattern of development in Greenaway Lane. It is also of relevance to note that there have been several letters submitted that support the reduction from up to 24 dwellings to 6. Officers consider that the provision of 6 dwellings in this location would be appropriate in its context and that the change in character would primarily have a localised visual impact that would be less than that of the previously approved application.

- 8.28 The visual impact from longer distance views would be limited due to existing built form and vegetation. The proposal would therefore satisfy point iii) of Policy DSP40 and comply with policies CS17 and DSP1.

POLICY DSP40 (iv)

- 8.29 In terms of delivery, the development is relatively small in scale and therefore deliverable within a short period of time. The proposal would therefore be in accordance with part iv of policy DSP40.

POLICY DSP40 (v)

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

Loss of Agricultural Land

- 8.31 Parts of the site are classified as Grade 1 and 2 agricultural land which CS16 seeks to prevent the loss of. Paragraph 170(b) of the National Planning Policy Framework advises that planning decisions should contribute to and enhance the natural and local environment by (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services -including the economic and other benefits of the best and most versatile agricultural land.
- 8.32 The conflict with Policy CS16 needs to be considered in context with advice within the NPPF which does not place a bar on the development of best and most versatile agricultural land. Therefore, the development opportunity needs to be balanced against the potential harm. Taking account of the site size, the scale of permanent loss would be limited. The loss of agricultural land will be discussed further in the planning balance section of this report.

Ecology

- 8.33 The application proposes a reduction from the 24 dwellings previously approved down to six to ensure no net loss in biodiversity. (Development that results in a loss of biodiversity within the site can be mitigated by off-site enhancements, however it would require the use of off-site land that could be secured in perpetuity.) The application is also supported by an Ecological Assessment which contains measures designed to minimise the impact on protected species.

- 8.34 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. In light of their importance, areas within The Solent have been specially designated under UK law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'Protected Sites' (PS).
- 8.35 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 Protected sites 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 Protected sites. This is done following a process known as an Appropriate Assessment. The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority.
- 8.36 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the PS. The key considerations for the assessment of the likely significant effects are set out below.
- 8.37 Firstly, in respect of Recreational Disturbance, the development is within 5.6km of The Solent SPAs and is therefore considered to contribute towards an impact on the integrity of The Solent SPAs as a result of increased recreational disturbance in combination with other development in The Solent area. The appropriate financial contribution towards The Solent Recreational Mitigation Partnership Strategy's mitigation solution can be secured via a legal agreement.
- 8.38 Natural England have also advised that the development's location within a 13.8km radius of the New Forest designated sites also requires mitigation. In order to mitigate the impact of increased recreational disturbance in combination with other development on the New Forest designated sites the applicant has also provided the appropriate financial contribution towards the Council's interim Mitigation Solution on New Forest Recreational Disturbance. The Appropriate Assessment therefore concludes that the proposals would not have an adverse effect on the integrity of the PS as a result of recreational disturbance either alone or in combination with other plans or projects.
- 8.39 Secondly in respect of the impact of the development on water quality as a result of surface water and foul water drainage, 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 PS.

- 8.40 A nitrogen budget has been calculated in accordance with Natural England's 'Advice on Achieving Nutrient Neutrality for New Development in the Solent Region' (June 2020) which confirms that the development will generate 6 kg/TN/year. In the absence of sufficient evidence to support a bespoke occupancy rate, Officers have accepted the use of an average occupancy of the proposed dwellings of 2.4 people in line with the NE advice. The existing use of the land for the purposes of the nitrogen budget is considered to be for grazing horses. Due to the uncertainty of the effect of the nitrogen from the development on the PS, adopting a precautionary approach, and having regard to NE advice, the Council will need to be certain that the output will be effectively mitigated to ensure at least nitrogen neutrality before it can grant planning permission.
- 8.41 The applicant has purchased 27 nitrate mitigation 'credits' from the Hampshire and Isle of Wight Wildlife Trust. Through the operation of a legal agreement between the HIWWT, Isle of Wight Council and Fareham Borough Council dated 30th September 2020, the purchase of the credits will result in a corresponding parcel of agricultural land (1.16 hectares) at Little Duxmore Farm on the Isle of Wight being removed from intensive agricultural use, and therefore providing a corresponding reduction in nitrogen entering The Solent marine environment.
- 8.42 The Council has concluded within the Appropriate Assessment that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the PS either alone or in combination with other plans or projects. The difference between the credits and the output will result in no increase in the amount of nitrogen entering The Solent. Natural England has been consulted on the Council's Appropriate Assessment and although their comments are outstanding, they have endorsed the principle of using nitrate credits to off-set nitrate production from new development.
- 8.43 The proposal is therefore considered to accord with the Habitat Regulations and complies with policies and criteria (v) – environmental issues, of Policy DSP40.

Amenity

- 8.44 The proposed dwellings would be spaciouly laid out such that Officers are satisfied that the development would be acceptable in accordance with Core Strategy policy CS17 and Local Plan Part 2 policy DSP40 (v).

Highways

- 8.45 Concerns have been raised regarding the impact of the increased traffic on Greenaway Lane given that the development previously approved would have been accessed via Lockwood Road as indicated in policy HA1 of the Revised Publication Local Plan.
- 8.46 Policy HA1 of the Revised Publication Local Plan states that primary highway access for sites in the Warsash cluster should be focused on Brook Lane and Lockwood Road with limited access via Greenaway Lane and the plan is annotated to show an 'indicative secondary vehicular link road' to the site from

Lockswood Road via the track to the east of the site. The applicant has however been unable to secure access rights across the track to the east of the site therefore the secondary vehicular access to the site via Lockswood Road is no longer proposed. The application seeks instead to provide only 1 vehicular access to the site from Greenaway Lane via the access already approved for the 6 houses fronting Greenaway Lane.

- 8.47 The masterplan that accompanies policy HA1 includes an 'indicative principal vehicular access' to the site from Greenaway Lane. The Highways Authority has reviewed the application and is satisfied that the existing access onto Greenaway Lane can accommodate the proposed 6 dwellings. Officers are also satisfied that sufficient on-site parking and turning can be provided to comply with adopted policy.
- 8.48 Members will also be aware of the allowed appeal for 28 dwellings to the north of Greenaway Lane (application reference P/18/0756/OA). Each application is assessed on its own merits however the appeal is a material consideration and the Inspector's assessment of the impact of traffic on the safety and character of Greenaway Lane is particularly relevant given its proximity to this site.
- 8.49 For the appeal proposal due north of the site the Inspector concluded that Greenaway Lane has good visibility and generous width with areas of verge that would serve as places for refuge that would allow pedestrians to step off the road surface if necessary. The Inspector also concluded that: "...the evidence before me suggests that the resulting level of traffic would remain low and the road has the characteristics that mean that it would remain safe for cyclists and pedestrians to use the main area of carriageway. The road would continue to carry only local vehicular traffic and drivers would be naturally cautious of hazards arising from vehicles and pedestrians emerging from numerous domestic accesses." The proposed additional 6 dwellings would not significantly increase the number of vehicles using the Lane to such an extent that interventions would be required or that the character would be materially changed.
- 8.50 Officers consider that, for this proposal, the provision of pedestrian and cycle links to the east and west of the site will enable good connectivity to the east and west via footpaths that promote sustainable travel methods other than the private car and potentially reduces the need for residents to exit the site onto Greenaway Lane via the vehicular access.
- 8.51 With regard to third party concern over the impact of the proposed development on the local highway network, the Highway Authority is satisfied that the additional traffic generation would not adversely affect the safety and operation of the strategic and local road network.
- 8.52 Turning to the impact of construction vehicles on Greenaway Lane, a planning condition is recommended for details to be agreed in respect of how construction vehicles will access the site, how provision is to be made on site for the parking and turning of operatives and delivery vehicles and the area to be used for the storage of building materials as well as a condition to prevent spoil and mud being deposited on the public highway.

- 8.53 Taking account of the above, Officers are satisfied that the proposal would not have any unacceptable amenity or traffic implications and would therefore comply with criterion v of Policy DSP40 of Local Plan Part 2 and Policy CS5 of the Core Strategy.

E) Other Matters, including Affordable Housing

Affordable Housing

- 8.54 Policy CS18 of the adopted Local Plan requires the provision of 40% affordable housing on sites of 15 or more dwellings. Policy HP5 of the emerging plan also states that greenfield sites that can accommodate 10 or more dwellings or sites with an area of 0.5 hectares or more shall provide 40% affordable housing. The site is capable of accommodating more than 15 dwellings therefore policy CS18 requires the provision of 40% affordable housing. The applicant proposes a financial contribution towards the provision of off-site affordable housing (of the equivalent to 40%) in lieu of on-site provision. The financial contribution can be secured via a legal agreement. Fareham Housing have raised no objection to the proposed contribution in lieu of on-site provision and the proposal complies with the requirements of the adopted and emerging affordable housing policies therefore the proposal is considered to be appropriate.

Self-Build

- 8.55 The application proposes 6 houses that will be sold as plots to individuals who wish to build their own homes. Paragraph 60 of the NPPF states that the needs of groups with specific housing requirements (such as those who wish to build their own homes) are addressed. Whilst the provision of self-build houses is not a specific development plan requirement, it will help meet the demands of those looking to build their own home and/or are on the Council's Self Build Register.

F) THE PLANNING BALANCE

- 8.56 Officers have carefully assessed the proposals against Policy DSP40 (Housing Allocations) which is engaged as this Council cannot demonstrate a 5YHLS.
- 8.57 Officers have also weighed up the material considerations and conflict between Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of the Local Plan Part 2: Development Sites and Policies Plan and the development of the site against the requirements of Policy DSP40 and HA1. It has been concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall and although the site is not immediately adjacent to the settlement policy boundary it would be adjacent and well related to existing (and approved) residential development and it would be sustainably located to facilities and amenities.
- 8.58 The proposal would be within the same site of the previously approved application for up to 30 dwellings and would have a limited urbanising impact given the existing soft landscaping which screens much of the site from view beyond Greenaway Lane. Officers consider that the change in character of the site and the resulting visual effect would not cause any substantial harm.

- 8.59 In respect of environmental, amenity and traffic issues (including ecological mitigation), Officers are satisfied that these issues have been appropriately addressed in the submitted application, subject to appropriate conditions and habitat mitigation. It is considered that the likely significant effect on the Protected Sites around The Solent would be appropriately mitigated.
- 8.60 In balancing the objectives of adopted policies which seek to restrict development within the countryside alongside the shortage of a 5YHLS, Officers acknowledge that the proposal would deliver a net increase of 5 dwellings in the short term (6 are proposed, however one of the dwellings fronting Greenaway lane that was previously approved would be removed to provide access therefore providing a net increase of 5). The proposed development would provide fewer dwellings than previously proposed and therefore would not make such efficient use of the land, however it would continue to make a contribution (albeit smaller) towards boosting the Borough's housing supply and to the specific requirement for the Borough to provide self-build plots for those on the Self-Build Register and is a material contribution in light of the Council's current 5YHLS.
- 8.61 There is a conflict with development plan Policy CS14 which ordinarily would result in this proposal being considered unacceptable in principle. Ordinarily CS14 would be the principal policy such that a scheme in the countryside would be considered to be contrary to the development plan. However, in light of the Council's lack of a five-year housing land supply, development plan Policy DSP40 is engaged and Officers have considered the scheme against the criterion therein. The scheme is considered to satisfy four of the five criteria (Policy DSP40(ii) cannot be met in entirety as the site is not immediately adjacent to the existing urban settlement boundary). Officers consider that the level of harm arising would not be significant and in light of the contribution to housing supply have formed the view that more weight should be given to Policy DSP40 than CS14 and that when considered against the balance of the development plan, the scheme is considered to accord with the development plan as a whole.
- 8.62 Although limited weight can be given to policy HA1 Officers consider that the proposed development would be in accordance with the accompanying masterplan and that the proposed access onto Greenaway Lane would result in a limited increase in traffic that does not require any alterations to the highway and would not materially alter the character of the Lane.
- 8.63 In undertaking a detailed assessment of the proposals throughout this report and applying the '*tilted balance*' to those assessments, Officers consider that:
- (i) There are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposal, particularly when taking into account that any significant effect upon Special Protection Areas can be mitigated through a financial contribution towards the Solent Recreation Mitigation Strategy and the impact of nitrogen loading on The Solent can be adequately mitigated; and,

(ii) Any adverse impacts of granting planning permission (including the loss of grade 1 and 2 agricultural land) would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the National Planning Policy Framework taken as a whole.

8.64 Having carefully considered all material planning considerations, Officers recommend that planning permission should be granted subject to consideration of any comments received from Natural England and the imposition of appropriate planning conditions.

9 Recommendation

DELEGATE to the Head of Development Management, in consultation with the Solicitor to the Council, to consider any comments received from Natural England relating to the consultation on the Appropriate Assessment and make any minor modifications to the proposed conditions, addition of conditions or any other subsequent minor changes arising as a result of Natural England's comments regarding the Appropriate Assessment;

Then;

Complete a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 on terms drafted to the satisfaction of the Solicitor to the Council to secure:

- a) A financial contribution to secure satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas.
- b) A financial contribution equivalent to the value of 40% of on site affordable housing towards off-site provision
- c) Pedestrian and Cycle Connectivity to the east and west;
- d) The creation and retention of ecology buffers on the site prior to occupation of any dwelling;
- e) The creation of a management company to monitor and manage the ecology buffers for the lifetime of the development
- f) The creation of a management company to monitor and manage the wildflower meadow for the lifetime of the development (in the event that the land is not offered to the council for adoption)..
- g) Mechanism for securing appropriate funding of the management company for the lifetime of the development

- h) Mechanism for ensuring collection and enforcement of the funding stream provided in f) above to fund the monitoring and management of the communal areas of the development for the lifetime of the development
- i) Commuted sums towards management of the open space and any trees within the open space in the event that the public spaces are adopted by the Council

Then:

GRANT PLANNING PERMISSION, subject to the following conditions:

1. The development hereby permitted shall begin before the expiry of 12 months from the date of this decision.

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

2. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:

Location Plan Drawing no. 170809/LO Rev A

Site layout Drawing no. 170809/SL01/PL Rev K

Phasing Plan Drawing no. 170809/SL06/PP

House type A plans and elevations Drawing no. 170809/HT/A/EP Rev B

House type B plans and elevations Drawing no. 170809/HT/B/EP Rev A

House type C plans and elevations Drawing no. 170809/HT/C/EP Rev D

Garage plans and elevations Drawing no. 170809/HT/GAR Rev A

Landscaping Drawing no DD530L02 Rev A

Landscaping Drawing no DD530L03

Landscaping Drawing no DD530L04

Landscaping Drawing no DD530L05

Landscaping Drawing no DD530L06

Landscaping Drawing no DD530L07

Landscaping Drawing no DD530L08

Landscaping Drawing no DD530L09

Landscaping Drawing no DD530L10

Materials Schedule dated 15.10.21

Assessment of Water consumption dated October 2021

Ecological Assessment Issue number 2 (produced by Peach Ecology)

Biodiversity Net Gain Enhancement Plan Issue number 2 (produced by Peach Ecology)

Arboricultural Impact Assessment & Tree Survey reference J893.07 dated February 2018

Flood Risk and Drainage Strategy Technical Note Issue 3 dated September 2021 (Stuart Michael Associates)

Drainage strategy Drawing no. 6778.400 Rev E

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

3. No development shall take place (including site set up and clearance) until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). The Construction Management Plan shall address the following matters:

- a) How provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;

- b) the measures the developer will be implementing to ensure that operatives'/contractors/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;

- c) the measures for cleaning the wheels and underside of all vehicles leaving the site;

- d) a scheme for the suppression of any dust arising during construction or clearance works;

- e) the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development.

The development shall be carried out in accordance with the approved CMP and areas identified in the approved CMP for specified purposes shall thereafter be kept available for those uses at all times during the construction period, unless otherwise agreed in writing with the LPA. No construction vehicles shall leave the site unless the measures for cleaning the wheels and underside of construction vehicles are in place and operational, and the wheels and undersides of vehicles have been cleaned.

REASON: In the interests of highway safety and to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

4. No development shall take place until an Arboricultural Impact Assessment and Method Statement for tree/hedgerow protection has been submitted to and approved by the Local Planning Authority in writing and the approved scheme has been implemented. The tree/hedgerow protection shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site.

REASON: To ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

5. The development shall be carried out in accordance with the measures contained within the Ecological Assessment Issue number 2 (produced by Peach Ecology) and the Biodiversity Net Gain Enhancement Plan Issue number 2 (produced by Peach Ecology) and shall be subsequently retained in accordance with the details in both documents thereafter.

REASON: To ensure that protected species are not harmed and that habitat is enhanced as a result of the proposed development.

6. No development shall take place until details of the type of construction proposed for the roads and access and the method of disposing of surface water have been submitted to and approved by the local planning authority in writing. The development shall be built in accordance with the approved details.

REASON: To ensure that the roads are constructed to a satisfactory standard; in accordance with Policies CS5 and CS17 of the Fareham Borough Core Strategy.

7. The development shall be undertaken in accordance with the Flood Risk and Drainage Strategy Technical Note Issue 3 dated September 2021 (Stuart Michael Associates) and the approved drainage strategy Drawing no. 6778.400 Rev E and shall be retained in accordance with the approved details thereafter.

REASON: To ensure that appropriate drainage is provided.

8. The hard and soft landscaping works as approved under Landscaping Drawing no's: DD530L02 Rev A, DD530L03, DD530L04, DD530L05, DD530L06, DD530L07, DD530L08, DD530L09 and DD530L10 shall be implemented in full within the first planting season following occupation of the dwelling to which the landscaping relates. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

REASON: To ensure the provision, establishment and maintenance of a standard of landscaping.

9. The development shall be undertaken in accordance with the Materials Schedule dated 15.10.21.

REASON: In the interests of the visual amenities of the area.

10. If, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered all development shall stop on site in the affected area. An investigation and risk assessment of the identified ground conditions shall be undertaken and details of the findings, along with a detailed remedial scheme, must be submitted to and approved in writing by the Local Planning Authority before work can re-commence on the affected area. The development will subsequently be undertaken in accordance with the approved details.

Prior to the occupation of any of the dwellings hereby permitted in the affected area the remediation scheme shall be fully implemented and details of as built records and photographic records of the construction shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure any potential contamination found during construction is properly taken into account and remediated where required.

11. No dwelling erected on the site subject to this planning permission shall be first occupied until there is a direct connection from it, less the final carriageway and footway surfacing, to an existing highway. The final carriageway and footway surfacing shall be commenced within three months and completed within six months from the date upon which erection is commenced of the penultimate building/dwelling for which permission is hereby granted. The roads and footways shall be laid out and made up in accordance with the approved specification, programme and details.

REASON: To ensure that the roads and footways are constructed in a satisfactory manner; in accordance with Policies CS5 and CS17 of the Fareham Borough Core Strategy.

12. No dwelling shall be occupied until the approved parking and turning areas for that property have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking and turning of vehicles at all times unless otherwise agreed in writing by the local planning authority following the submission of a planning application made for that purpose.

REASON: In the interests of highway safety; in accordance with Policies CS5 and CS17 of the Fareham Borough Core Strategy.

13. The development shall be undertaken in accordance with the details contained within the Assessment of Water consumption dated October 2021.

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

14. None of the dwellings hereby permitted shall be first occupied until the garage relating to them, as shown on the approved plan, has been constructed and made available. The garage shall thereafter be retained and kept available for the storage of cycles at all times.

REASON: To encourage cycling as an alternative mode of transport.

15. No materials obtained from site clearance or from construction works shall be burnt on the site.

REASON: To protect the amenities of the nearby residents; in accordance with Policy DSP2 of the Local Plan Part 2: Development Sites and Policies 2015.

INFORMATIVES

Applicants should be aware that, prior to the commencement of development, contact must be made with Hampshire County Council, the Highway Authority. Approval of this planning application does not give approval for the construction of a vehicular access, which can only be given by the Highway Authority. Further details regarding the application process can be read online via <http://www3.hants.gov.uk/roads/apply-droppedkerb.htm> Contact can be made either via the website or telephone 0300 555 1388.

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House,

Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

The development hereby permitted is subject to The Community Infrastructure Levy (CIL). The payment is due before development commences and the parties liable to pay the charge will receive a Liability Notice shortly to explain the amount due and the process thereafter. Further details about CIL can be found on the Council's website on the following link:

http://www.fareham.gov.uk/planning/local_plan/ciladopt.aspx

BACKGROUND PAPERS

P/21/1823/FP

FAREHAM BOROUGH COUNCIL



Land to the south of
79 Greenaway Lane
Scale 1:1,250

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