

OFFICER REPORT FOR COMMITTEE

DATE: 15/06/2022

**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 because of the location of the site within the Warsash Cluster and as a consequence of previous local interest in the site.
- 1.2. The application is on part of a site which presently enjoys outline planning permission for up to 30 dwellings (under planning reference P/18/0107/OA). Further detail is provided in section 5 (Relevant Planning History.)

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 National Planning Policy Framework 2021

4.2 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

4.3 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

- 4.4 In addition to the adopted Local Plan, the emerging Fareham Local Plan 2037 has been through its examination and is therefore at a relatively advanced stage. Some weight can be applied to its emerging policies:

4.5 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

4.6 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 site forms part of a wider site approved for 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.)

5.2 This alternative application with fewer dwellings is proposed because the applicant has been unable to secure vehicular access across the track in order to connect the site with Lockwood Road. The number of dwellings has also been reduced in order to ensure no net loss in biodiversity within the site.

5.3 The following applications within the wider area are also of relevance:

P/19/0313/RM Land to the east of Brook Lane and South of Brookside Drive. Reserved matters application pertaining to layout, scale, appearance and landscaping for the construction of 85 dwellings and associated infrastructure, open space, landscape and other associated development works, pursuant to outline planning permission P/16/1049/OA. Approved 23.2.22

P/17/0845/OA Land to the east of Brook Lane. Outline application for up to 180 dwellings land to the East of Brook Lane, Warsash. Resolution to grant permission subject to completion of the legal agreement.

P/17/0752/OA Land East of Brook Lane, North of Warsash Road Outline application for up to 140 dwellings, land east of Brook Lane, North of Warsash Road. Approved 17.2.21

P/21/0300/RM Land East of Brook Lane and North of Warsash Road Warsash Reserved Matters Major application pertaining to layout, scale, appearance and landscaping for the construction of phase 1, 76 dwellings together with associated parking, open space, landscaping and other infrastructure and development works, pursuant to Outline Planning Permission P/17/0752/OA

P/18/0756/OA Land between and to the rear of 56-66 Greenaway Lane Warsash. Outline application for up to 28 dwellings together with associated landscaping, amenity space, parking and a means of access from Greenaway Lane. Appeal allowed 2.12.21

6.0 Representations

6.1. Eight representations have been received from 7 households.

Of these representations, 5 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

6.2. The remaining 3 representations object to the application and 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

6.3. 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.

7.0 **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 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) The approach to decision making
- b) Residential development in the countryside and accessibility of the site
- c) Fareham Local Plan 2037 Policy Position
- d) Design
- e) Visual Impact
- f) Highways Impact
- g) Ecology

- h) Affordable housing
- i) Other Matters
- j) The Planning Balance

A) THE APPROACH TO DECISION MAKING

8.2 A report titled "Five year housing supply position" was reported to the May 2022 meeting of the Planning Committee for Members' information. That report sets out this Council's local housing need along with this Council's current housing land supply position. The report concludes that the Council has 5.08 years of housing supply against its five year housing land supply (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 74 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. 'Paragraph 75 of the NPPF also states that the 'supply of specific deliverable sites should in addition include a buffer..... of 20% where there has been a significant under delivery of housing over the previous 3 years, to improve the prospect of achieving the planned supply.'

8.7 Paragraph 11 of the NPPF sets out 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:

8.9 “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*.”

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

8.11 *“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);...”*

8.12 This planning application proposes new housing outside the defined urban settlement boundaries. Whilst the Council can demonstrate a five year housing land supply, the Housing Delivery Test results published on 14th January 2022 confirmed that 62% of the Council’s housing requirement had been delivered. This means the delivery of housing in the last three years (2018 to 2021) was substantially below (less than 75%) the housing requirement over the previous three years. Footnote 8 to 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.

8.13 Taking the first limb of NPPF paragraph 11(d), as this report sets out, in this instance there are specific policies in the NPPF which protect areas of assets of particular importance namely habitat sites which are specifically mentioned in footnote 7. Therefore, a judgement will need to be reached as to whether policies in the Framework would have provided a clear reason for refusing the development. Where this is found to be the case, the development should be refused.

8.14 The second limb of NPPF paragraph (d), namely whether 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 (the so called ‘tilted balance’) will only apply if it is judged that there are no clear reasons for refusing the development having applied the test at Limb 1.

8.15 Members will be mindful of Paragraph 182 of the NPPF which states that:

8.16 *“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."

- 8.17 The wording of this paragraph clarifies that the presumption in favour of sustainable development set out in Paragraph 11 does not apply unless an appropriate assessment has concluded that the proposal would not adversely affect the integrity of the habitats site subject to mitigation.
- 8.18 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.

B) RESIDENTIAL DEVELOPMENT IN THE COUNTRYSIDE AND ACCESSIBILITY OF THE SITE

- 8.19 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.
- 8.20 Policy CS14 of the Core Strategy states that:
- 8.21 *'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.'*
- 8.22 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).
- 8.23 The site is 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.
- 8.24 The site is close to rather than immediately adjacent to the urban settlement boundary, however members will be aware of a number of applications that have been approved for residential development between the site and the urban settlement boundary which will ensure that the site is well integrated into the neighbouring development. The site is also near to leisure and community facilities, schools and shops with improved pedestrian and cycling links secured within the recently approved planning applications that link the site to the urban settlement boundary. The proposal is therefore considered to be in a sustainable

location with pedestrian and cycle links to local services and facilities in the nearby urban settlement.

C) FAREHAM LOCAL PLAN 2037 POLICY POSITION

8.25 National planning policy allows Council's to give appropriate weight to relevant policies in emerging plans according to the stage of preparation of the plan, the extent to which there are unresolved objections and the degree of consistency with the NPPF (para 48 NPPF). Members will be aware that the Publication version of the Fareham Local Plan which addresses the Borough's development requirements up until 2037 is currently being examined by the Planning Inspector. The site of this planning application is within a wider allocation for housing with an indicative yield of 824 dwellings within the Revised Publication Local Plan (Policy HA1). A number of background documents and assessments support the proposed allocated of the site in terms of its deliverability and sustainability which are of relevance, however a number of representations have been submitted both in support of and objecting to the policy therefore Officers consider that full weight cannot be given to this policy in the assessment and determination of this application.

D) DESIGN

8.26 The application proposes 6 detached dwellings of which plots 1-3 would each have 4 bedrooms and plots 4-6 would each have 5 bedrooms. Each of the dwellings would also benefit from a detached double garage in addition to on-site car parking. Each of the dwellings exceeds the Nationally Described Minimum Space Standards and would benefit from generously sized rear gardens to provide private amenity space.

8.27 The application contains 3 house types which are all of a traditional design and would contain slight variations to provide an element of variety. The dwellings in plots 5 and 6 contain windows in the side elevations facing the wild-flower meadow to provide natural surveillance of the open space.

8.28 The materials palette for each of the proposed dwellings includes red/brown brick at ground floor level, cream render at first floor level and red handmade clay roof tiles. The fenestration would be dark grey and the balconies would have oak frames. The garages would have red handmade clay roof tiles and would be clad with douglas fir, waney edged timber boards.

8.29 The size, position and orientation of the proposed buildings would be compatible with no. 79 and the approved built form of the dwellings to the east and west of no. 79. The size, position and design of the proposed dwellings also responds positively to the established character of Greenaway Lane and is therefore considered to accord with policy CS17.

E) VISUAL IMPACT

8.30 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".

- 8.31 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 Revised Publication 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.
- 8.32 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.
- 8.33 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 better 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 therefore 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 no greater than that of the previously approved application.
- 8.34 The visual impact from longer distance views would be limited due to existing built form and vegetation. The proposal would therefore satisfy policies CS17 and DSP1.

F) HIGHWAYS IMPACT

- 8.35 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.
- 8.36 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 Lockwood 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 Lockwood 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.

- 8.37 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.
- 8.38 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 close proximity to this site.
- 8.39 For the appeal proposal due north of the site Members were concerned about the lack of pavements and limited street lighting on Greenaway Lane however the Inspector concluded that the 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.
- 8.40 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.
- 8.41 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.
- 8.42 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.

8.43 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 Policy CS5 of the Core Strategy.

G) ECOLOGY

8.44 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, on the basis that off-site mitigation land can be secured in perpetuity.) The application is also supported by an Ecological Assessment which contains measures designed to minimise the impact on protected species.

8.45 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 'Habitat Sites' (HS).

8.46 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 Habitat 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 Habitat 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.

8.47 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the HS. The key considerations for the assessment of the likely significant effects are set out below.

8.48 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.

8.49 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 HS as a result of recreational disturbance either alone or in combination with other plans or projects.

- 8.50 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 are 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.
- 8.51 A nitrogen budget has been calculated in accordance with Natural England's 'Advice on Achieving Nutrient Neutrality for New Development in the Solent Region' (March 2022) which confirms that the development will generate 7 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 HS, 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.
- 8.52 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 2020m, 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.
- 8.53 The Council has concluded within an Appropriate Assessment that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the HS 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.
- 8.54 The proposal is therefore considered to accord with the Habitat Regulations and complies with policies CS4 and DSP13 of the adopted Local Plan

H) AFFORDABLE HOUSING

- 8.55 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.

I) OTHER MATTERS

8.56 Self-Build

8.57 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. Policy HP9 of the Revised Publication Local Plan also promotes the provision of self-build dwellings however it is not applicable in this case as it relates to the provision of self-build houses in the urban area or to the provision of sites of 40 or more dwellings. The provision of self-build houses is not required in this instance, but it is desirable as it will help meet the demands of those on the Council's Self Build Register.

8.58 Loss of Agricultural Land

8.59 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.

8.60 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.

8.61 Drainage and Flood Risk

8.62 Third party representations have raised concerns regarding drainage and flood risk however the application is supported by a surface water drainage strategy that has been reviewed by the Lead Local Flood Authority who have confirmed that it is appropriate.

J) THE PLANNING BALANCE

- 8.63 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications:
- 8.64 *“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”.*
- 8.65 As set out in paragraph 8.31 above, paragraph 182 of the NPPF states that:
- 8.66 *“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 sites (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”.*
- 8.67 Officers have carried out an Appropriate Assessment that concludes that the proposed development would not have an adverse effect on the integrity of any habitats sites therefore the presumption in favour of development, known as the ‘tilted balance’ is applied.
- 8.68 Given that the policies of the local plan must be considered out-of-date by virtue of the Housing Delivery Test results, the application must be determined in accordance Paragraph 11(d).
- 8.69 Part I of Paragraph 11 (d) states that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Having carried out an Appropriate Assessment Officers do not consider that there are any clear reasons for refusing the development (subject to the incorporation of conditions to secure habitat mitigation and to ensure no likely significant effect on the Protected Sites in the Solent) therefore part i) of Paragraph 11 d is met and the application falls to be determined under part ii).
- 8.70 Part ii of Paragraph 11(d) states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.
- 8.71 In terms of adverse impacts, the site is outside of the defined urban settlement boundary and the proposed development does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would therefore 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. The development would also result in the loss of grade 1 and 2 agricultural land.
- 8.72 In terms of benefits, 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.

- 8.73 The application would also be adjacent to and well related to existing and approved residential development and it would be sustainably located with pedestrian and cycle routes to facilities and amenities in Warsash. The proposal would deliver a net increase of 5 dwellings in the short term (6 dwellings are proposed, however one of the dwellings fronting Greenaway lane that was previously approved would be sacrificed to provide access therefore providing a net increase of 5) together with a contribution towards off-site Affordable Housing. The site is also allocated for development under emerging policy HA1 of the Revised Publication Local Plan. Although limited weight can be given to policy HA1 at this stage, 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.
- 8.74 In undertaking a detailed assessment of the proposals throughout this report and applying the *'tilted balance'* to those assessments, Officers consider that:
- 8.75 (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
- 8.76 (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.
- 8.77 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.

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 s106 legal agreement 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 be begun before the expiry of 3 years 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

Site layout (including electric vehicle charging locations)

Site layout (including location of lighting)

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

Surface water discharge method statement

Porous car parking calculations

Surface water drainage strategy

Proposed drainage strategy

Arboricultural impact assessment and method statement Ref AAAIA79 GR dated 18th March 2022

Lucande lighting specification

Wallpod Rolec EV charging specification 1

Quebev Electric Vehicle Charging specification 2

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

3. The development shall be constructed in accordance with the Phasing Plan Drawing no. 170809/SL06/PP. Phase 1 must be completed before the commencement of any subsequent phases. Notwithstanding the numbering of the subsequent phases (2-7) these phases may be commenced in any order.

REASON: To ensure that adequate access is provided to the plots.

4. The development shall be carried out in accordance with the measures contained within the Arboricultural impact assessment and method statement Ref AAAIA79 GR dated 18th March 2022.

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.

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. The development shall be carried out in accordance with the Lucande lighting specification and shall be subsequently retained in accordance with the specification thereafter.

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

7. 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.

8. The development shall be undertaken in accordance with the Flood Risk and Drainage Strategy Technical Note Issue 3 dated September 2021 (Stuart Michael Associates), the Surface water discharge method statement, the Surface water drainage strategy and the 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.

9. 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.

10. 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.

11. The development shall be carried out in accordance with the measures contained in the approved Construction Environment Management Plan.

REASON: In the interests of highway safety and to protect the amenities of the neighbouring properties during the construction period.

12. 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 in 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.

13. 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.

14. 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.

15. No dwelling shall be occupied until an electric vehicle charging point has been provided for that dwelling in accordance with the approved specifications (Wallpod Rolec EV charging specification 1 or Quebev Electric Vehicle Charging specification 2.) These charging points shall thereafter be retained for the charging of cars.

REASON: To promote sustainable modes of transport, to reduce impacts on air quality arising from the use of motorcars and in the interests of addressing climate change.

16. 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.

17. 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.

18. 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:

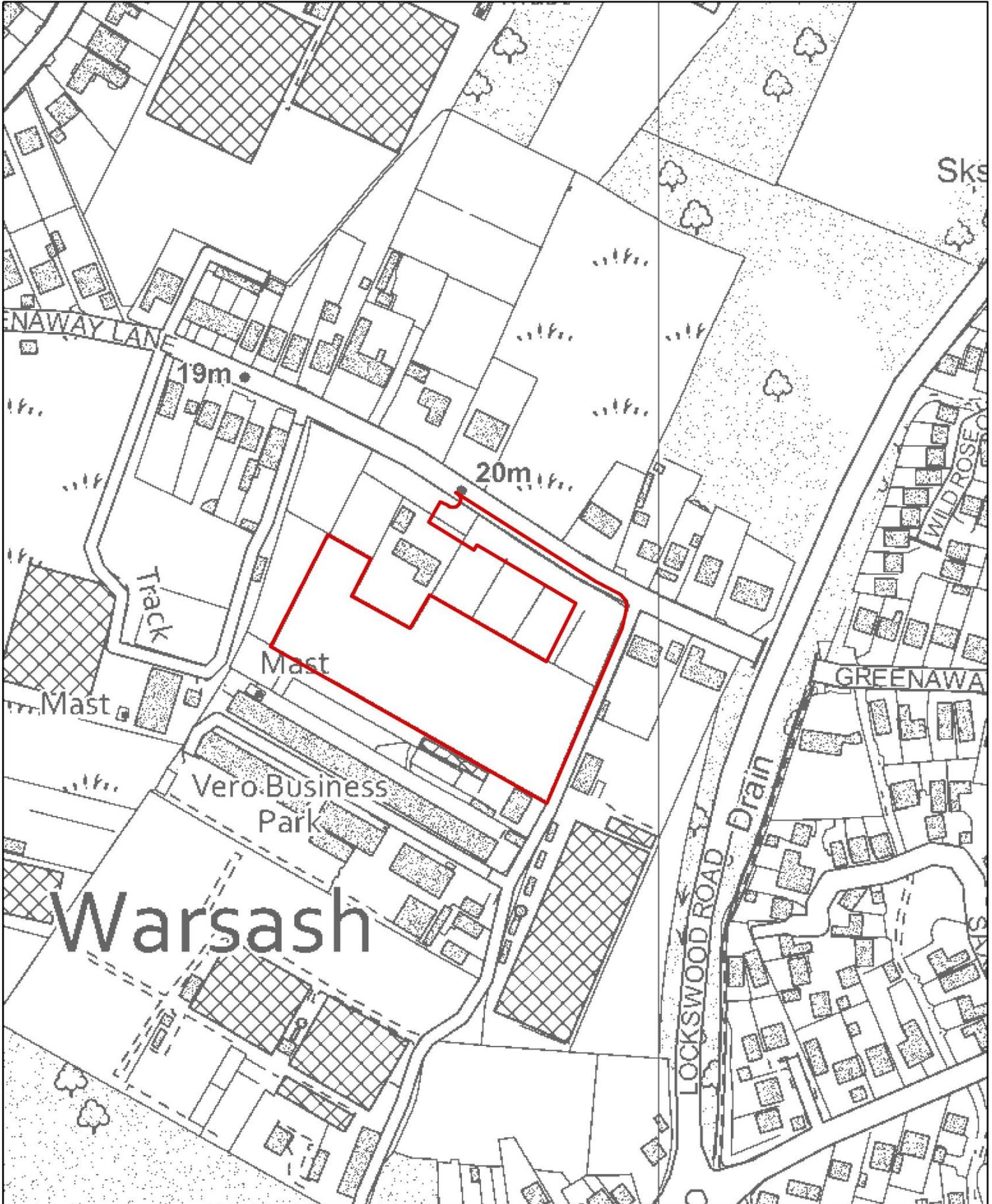
http://www.fareham.gov.uk/planning/local_plan/ciladopt.aspx

BACKGROUND PAPERS

P/21/1823/FP

FAREHAM

BOROUGH COUNCIL



Land South of 79 Greenaway Lane
Warsash
Scale 1:2,500



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