

## **OFFICER REPORT FOR COMMITTEE**

**DATE: 14/09/2022**

**P/19/1322/OA**

**MR JAMES & MR COOPER**

**TITCHFIELD COMMON**

**AGENT: GERALD EVE**

OUTLINE APPLICATION FOR THE PROPOSED ERECTION OF UP TO 39 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE, LANDSCAPING, OPEN SPACE & ACCESS, INCLUDING DEMOLITION OF EXISTING BUILDINGS (ALL MATTERS RESERVED EXCEPT FOR ACCESS)

139 SOUTHAMPTON ROAD, TITCHFIELD, FAREHAM, PO14 4PR

### ***Report By***

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### ***1.0 Introduction***

- 1.1 This application was first reported to the Planning Committee on 14 July 2021. At that meeting Members resolved to grant outline planning permission for the development subject to conditions and the prior completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990.
- 1.2 Since Members resolved to grant outline planning permission, there have been some material changes in circumstances which require further consideration by Members. These changes in circumstances are set out below.
- 1.3 Whilst drafting has been progressing on the Section 106 legal agreement, there have been changes to the advice provided by Natural England in respect of the likely significant effects of residential development on Habitat Sites. As a result, and as set out within the relevant section of the report below, additional nitrate mitigation is required to mitigate the impact of the development on water quality and Habitat Sites within The Solent. It is also necessary to secure an additional financial contribution to mitigate the likely significant effect of the development on the New Forest Habitat Sites by virtue of recreational disturbance.
- 1.4 During the Section 106 drafting process it has also been established that the Highways Authority, Hampshire County Council (HCC), require the legal agreement to secure the closure of the proposed access onto the A27 in the event that the site is able to access the A27 through land to the north in the future. The reason for this is to limit the number of access points to the wider Southampton Road housing allocation site from the A27. The proposed heads

of terms for the Section 106 have been updated below to include this obligation. The drafting of the S106 is now at an advanced stage.

- 1.5 There have been no other changes to the nature of the proposed development since its consideration by the Planning Committee in July 2021.

## **2.0 Site Description**

- 2.1 The application site is located within the countryside to the east of Southampton Road (A27) on the opposite side of the road to the Southampton Road Retail Park. The site is part of a larger housing allocation site (HA3) identified within the Draft Local Plan 2037 which extends north from the southern boundary of the application site up to the Segensworth Roundabout.
- 2.2 The site abuts Hambrooks Garden Centre to the north. The Sylvan Glade SINC abuts the site along the northern section of the eastern boundary. Two detached residential properties set within substantial plots lie to the south and south-east of the application site (Nos 163 & 171 Southampton Road).
- 2.3 The site is currently occupied by a large detached chalet bungalow which stands towards the north of the site. Planning permission was granted in 1981 for use of the land immediately to the north and east of the dwelling as a residential caravan park. Multiple static homes were previously on site although this use has ceased temporarily until the outcome of the planning application is known. The area of grassland within the north-east corner of the site was used as open space in association with the caravan park and the remainder of the site to the south has been left as pasture.
- 2.4 There are currently two points of vehicular access to the site from Southampton Road; one towards the north of the site closest to the existing dwelling and one towards the south.
- 2.5 The trees (Oak & Ash) which extend in a linear arrangement along the western boundary adjacent to Southampton Road are covered by a group tree preservation order (TPO) and there are also five individual Oak trees set in slightly from this boundary which are protected by TPO's.
- 2.6 The site falls within Flood Risk Zone 1 which has the lowest risk of flooding.
- 2.7 The site levels fall gently from north to south.

## **3.0 Description of Proposal**

- 3.1 Outline planning permission is sought for the construction of up to 39 dwellings with all matters reserved apart from the means of access to the site. The layout, appearance and scale of dwellings and landscaping of the site are therefore reserved for a future reserved matters application and not for consideration at this time.

- 3.2 The application was originally submitted for up to 49 dwellings however a reduction to the maximum yield has been sought by Officers to address concerns over the potential density and layout of the site based on the indicative layout. This has resulted in the introduction of an area of public open space and an improved relationship between dwellings and landscaped areas in order to improve the quality of the scheme and the subsequent living environment for future residents. Whilst Officers have accepted the application for up to 39 dwellings any reserved matters application seeking approval for the layout of the development would need to further demonstrate how this could be achieved in a satisfactory arrangement.
- 3.3 A single access vehicular point with only left in and left out turning (and acceleration and deacceleration tapers) is proposed from Southampton Road. Pedestrian and cycle links are included along the edge of Southampton Road to link up with the existing network to the north and the uncontrolled pedestrian crossing over Southampton Road. A 2m wide footpath is proposed running south to link with the controlled crossing at the junction of Southampton Road and Titchfield Park Road.
- 3.4 The indicative layout includes a mixture of flatted and individual properties of varying size. Building heights are indicated as being generally 2-2 ½ storey for dwellings and 2-3 storeys for flatted blocks. The scheme has been designed with an outward facing edge to Southampton Road which would be visible beyond the retained boundary trees, albeit with a 15m acoustic buffer. The primary vehicular route through the site would be from south to north with a future link included to provide access to land to the north.
- 3.5 A parameters plan has been submitted to demonstrate the developable area of the site and this allows for the retention of a large area of public open space within the north-west corner of the site (1126sqm) , which based on 39 dwellings would accord with the requirements of the Council's adopted Planning Obligation SPD. It is also proposed to provide a 15m buffer with the adjacent SINC within the north-east corner of the site which would extend at a reduced width along the entire eastern boundary enabling circulation around the development.
- 3.6 The application would include the provision of 40% affordable housing with both rented and shared ownership properties.

#### **4.0 Policies**

- 4.1 The following policies apply to this application:

##### **Adopted Fareham Borough Core Strategy**

CS2 - Housing Provision

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS9 - Development in the Western Wards & Whiteley

CS14 - Development Outside Settlements  
CS15 - Sustainable Development and Climate Change  
CS16 - Natural Resources and Renewable Energy  
CS17 - High Quality Design  
CS18 – Provision of Affordable Housing  
CS20 - Infrastructure and Development Contributions  
CS21 - Protection and Provision of Open Space

### **Adopted Development Sites and Policies**

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

### **Other Documents:**

Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015  
Residential Car Parking Standards 2009  
Planning Obligations Supplementary Planning Document (April 2016)

## **5.0 Relevant Planning History**

5.1 The following planning history is relevant:

FBC 6740/1	Application for Established Use Certificate (Siting of Residential Caravans) Certificate granted 25 May 1979
FBC 6740/2	Use of Land as a Residential Caravan Site Permission 22 January 1981

## **6.0 Representations**

6.1 Twenty-six representations have been received raising the following concerns;

### **In relation to highway matters;**

- Concerns over safety of access to the site
- Traffic increase
- Traffic controls should be applied to Titchfield Park Road to prevent it from being used as a rat run

- The southern end of Titchfield Park Road should be for residents' access only
- Vehicles turning off the A27 into Titchfield Park Road will slow the speed of traffic
- Vehicles will speed along Titchfield Park Road
- The road surface on Titchfield Park Road is in a bad state of repair
- Appropriate infrastructure including roads/pathways and cycleways must be provided
- Construction traffic should not be allowed to use Titchfield Park Road
- Traffic queues at the Segensworth roundabout on Segensworth Road will be increased
- Increased vehicle emissions

#### In relation to ecology

- Loss of habitat
- Loss of trees
- Impact on Sylvan Glade (SINC)
- Impact on wildlife
- The land provides a wildlife corridor
- Potential for surface water run-off contamination

#### In relation to other matters:

- There is already much housing planned within the local area
- Noise and disruption
- Additional strain on doctors' surgeries and schools

## **7.0 Consultations**

### EXTERNAL

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

- 7.1 *Highway Impact* - The traffic emerging from the site will be distributed 100% onto the A27 heading south-bound. For traffic heading north, the two principle routes will be to u-turn at St Margaret's Roundabout and continue along the A27, or to divert via Titchfield Park Road and up to Segensworth Road. To robustly assess the two routes, it would be prudent to assume 100% of drivers wish to drive north and all will follow the same route. In both the AM and PM peaks, 25 vehicles in total are anticipated to arrive and depart from the site. In the worst case scenario, it is considered that the site will not have a significant impact on the operation of the A27 link. The modelling of the St Margaret's Roundabout also shows the junction would operate within acceptable capacity levels. As such no concerns are raised in this regard.

- 7.2 The second scenario assumes all traffic leaving the site will wish to head north and will utilise Titchfield Park Road. The traffic levels for this scenario would be 18 vehicles in the AM peak and 8 in the PM peak. This would be a more significant impact along this residential road and there would be a cumulative impact when considering the approved application to the north (P/20/1584/RM). The actual increase in vehicles per hour in the worst case (combined) scenario would be 68 vehicles in the AM Peak and 8 vehicles in the PM Peak.
- 7.3 The TA has considered the impact of the development on the operation of the junction of Titchfield Park Road and the A27, and this operates within capacity. In addition the recent duelling of the A27 allows overtaking moments of slower vehicles entering Titchfield Park Road. In isolation the development site considered under this application is not considered to generate sufficient traffic to warrant mitigation of Titchfield Park Road.
- 7.4 Titchfield Park Road is not considered suitable for the increased use of HGV or construction traffic. As such a Construction Management Plan to include the routing of construction traffic away from Titchfield Park Road should be requested.
- 7.5 *Sustainable Transport*- It is noted that many of the local amenities do fall within acceptable walking distances, albeit at the higher end.
- 7.6 The nearest bus stop is 600m away which is considered an acceptable distance in this location, however this stop does not service the nearby train station of Swanwick. It is therefore likely that if residents are to travel sustainability to Swanwick station this will be via foot or cycling.
- 7.7 The A27 benefits from a Toucan crossing circa 250m to the south of the site, albeit there is no existing link for usage. The proposals therefore include a 2.5m shared use foot/cycle path to link the site access to the existing crossing. This would allow pedestrians and cyclists to safely connect to the wider network and local amenities.
- 7.8 *Site Access* - The draft Local Plan indicated that access onto the A27 should only be provided if direct access on to Segensworth Road is not possible, as in this instance. As such the applicant has provided an internal link to the northern boundary of the site to allow a future connection to Segensworth Road should further developments come forward. Should future development allow such a link to be made, it should be conditioned that the A27 access will be closed with immediate effect to prevent a through link between Segensworth Road and the A27. The access should then be permanently stopped up within an agreed upon timeframe.
- 7.9 *Internal Layout* – Parking should fully meet the standards in the SPD. If the parking standards are not fully met, this would result in residents parking on the internal road network and potentially prevent access for service and emergency vehicles.

- 7.10 Having regard to the above, the Highway Authority would recommend no objections to the application, subject to planning conditions.

### **Natural England**

- 7.11 We consider that without appropriate mitigation the application would have an adverse effect on designated sites within the Solent including the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site and in addition the New Forest SPA, Special Area of Conservation (SAC) and Ramsar site.
- 7.12 In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:
- Land at Warnford Park is secured to neutralise the additional nutrient burden arising from the proposed development, including long term management and maintenance to ensure effective mitigation for the lifetime of the development.
  - Appropriate mitigation via the Solent Recreation Mitigation Strategy
  - Appropriate mitigation via Fareham Borough Council's Interim strategy to address recreational disturbance to the New Forest designated sites.
- 7.13 We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

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

- 7.14 The information submitted by the applicant in support of this planning application indicates that surface water runoff from the application site will be managed through permeable paving and discharged into the existing ditch at the south of the application site at a rate of 5.8l/s. This is acceptable in principle. The existing ditch requires further investigation concerning condition, capacity, flow direction and gravity connections.
- 7.15 The existing watercourses could indicate that the application site has high groundwater levels, which would have implications in the proposed drainage system including the permeable paving. Therefore, the applicant should submit information on how impacts of high groundwater will be managed in the design of the drainage system to ensure that storage capacity is not lost, and structural integrity is maintained.

- 7.16 Nevertheless, bearing in mind that this is an outline planning application we are content that these matters can be addressed through a suitably worded planning condition.

**Archaeology (Hampshire County Council)**

- 7.17 There are no archaeological sites recorded at this location nor in the immediate vicinity. Any archaeological potential the site might have has been compromised by the existing development on site as such there are archaeological issues.

**Hampshire Constabulary Crime Prevention Officer**

- 7.18 To the northeast of the development there is an area of open space to which there is easy access. From this area of space it is possible to easily access the rear garden fences of plot numbers 16, 37 and 38, it is also possible to access the flank walls of plot numbers 16 and 37. These attributes increase the opportunities for crime and anti-social behaviour. To reduce the opportunities for crime and anti-social behaviour the flank walls should be protected by an area of defensible space (a garden), the garden should be at least 1.5m wide and enclosed within a robust boundary treatment. The boundary treatments that are accessible from the open space should be of robust construction and topped with 300mm of trellis, to give an overall height of 2.1m.
- 7.19 There is very little natural surveillance of the open space which increases the opportunities for crime and anti-social behaviour. To reduce the opportunities for crime and anti-social behaviour there needs to be greater natural surveillance of this space from the nearby dwellings.

**Southern Water**

- 7.20 Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

**HCC Children's Services**

- 7.21 The development lies in the catchment area of Park Gate Primary and Brookfield Secondary Schools. At primary level there is no requirement for a contribution towards the provision of additional school places. However, Brookfield secondary school is full and there is significant pressure for places from within the schools catchment area. As such, this development will increase this pressure and a contribution towards the expansion of the school is required.

INTERNAL

**Fareham Housing**



- 7.22 The Housing Officer has set out the current affordable need in the Borough and advised that the mix of units should be agreed as part of the outline planning application and form part of the Section 106 legal agreement. The proposed quantum/mix of dwellings indicated is considered to be appropriate and reflective of local need.

### **Streetscene**

- 7.23 The open space layout is principally linear and confined to the boundaries of the site and therefore should include a circular route to encourage site surveillance through walking/jogging activities. The principles of retaining and respecting the existing landscape whilst integrating new planting to maximise wildlife value and offset Carbon is welcomed. Future management and maintenance of the public spaces may be better served by an integrated management company set up between the developer and future residents as the enclosed community feel of this proposal lends itself to hands on management by the stakeholders. If this is not possible then a suitable sum would need to be agreed and commuted to the Council before the Council could consider any formal adoption of the open space.
- 7.24 A Sweep Plan must be provided to show access into, the route through, and exit from the development for a refuse collection vehicle. Bin collection points must be provided and shown on the plans for all properties where access is not directly onto the public highway. Bin stores for communal bins in flats must be large enough to accommodate the required number of bins, must be easily accessible from the road, with a level surface and drop kerb.

### **Ecology**

- 7.25 *Non-statutory Designated Sites* - Sylvan Glade Site of Importance for Nature Conservation (SINC) and some parts of the Ancient Woodland are located adjacent to the eastern boundary. A 15m buffer for the Ancient Woodland and SINC has been indicated.

7.26 *Protected Species*

Dormice - Surveys were carried out between June and November 2019 and no evidence of dormice was recorded. Therefore no concerns are raised.

Reptiles - The further information submitted by the applicant's ecologist (Briefing Note: Ecology Consultation Response, Ecology Solutions, July 2020), has been reviewed and is acceptable. This note confirms that some suitable habitat for reptiles will be retained on site and fencing will be installed during the construction phase to protect these areas. A logpile will also be created in the retained area.

Roosting & Foraging/commuting bats - The report states that building "B1 was recorded to support some low potential roosting features in the form of gaps

under the roofing felt and soffits, while a small number of access points were recorded around the garage door and external vent.” It is understood that all these features were thoroughly investigated and no evidence of roosting bats was found. Further information has been provided in relation to the bat activity and nocturnal emergence/re-entry surveys. The additional automated and re-entry survey in May 2020, along with the photographs of the buildings on site are also very useful and on the basis of the information provided the level of survey effort is satisfactory.

- 7.27 Provided that the scheme achieves nitrogen neutrality there would be no objection subject to conditions.

#### **Principal Tree Officer**

- 7.28 Provided the method statement and tree protection measures are adhered to then it is considered that the access road could be constructed without any significant adverse impact on the retained trees along the Southampton Road frontage.

#### **Urban Design**

- 7.29 The amended indicative layout improves the original submission with particular reference to the organisation of buildings and space and has largely responded well to the issues previously raised. It is much more aligned to the thinking set out in the Draft Plan policy framework. The parking ‘courts’ are well overlooked and there appears to be plenty of landscaping to break up the space and enhance the public realm. Though plots 1-9 and 20-24 could do with some landscape space to provide relief and pedestrian space to the rear, rather than just manoeuvring for cars.
- 7.30 If the quality of the architecture used in the supporting imagery is carried through, then the scheme should be of high quality. Although flat roof examples are shown, the context of the site opposite the retail sheds etc would not preclude this typology. Subject to some minor adjustments and highlighting a few issues for Reserved Matters stage, a scheme of up to 39 can work using the mix of units in the illustrative layout.

#### **Environmental Health (Contaminated Land)**

- 7.31 No objection subject to condition

#### **Environmental Health (Noise/Pollution)**

- 7.32 When the site layout is finalised the applicant should provide a noise assessment that specifies the exact noise mitigation measures. This should include the specification of the ventilation and glazing to achieve acceptable internal noise levels and external measures to achieve acceptable external noise levels. For external noise levels, a site map should be provided that details noise contours.

- 7.33 The applicant should submit a construction and environment management plan (CEMP) that details how noise, odour, dust etc will be controlled during the construction phase.
- 7.34 The Air Quality Assessment Report (reference: 2004710-01) has been reviewed and no objection is raised to it subject to the mitigation measures identified in section 6.0 of the report being implemented within the construction phase and section 6.5 during the operational phase.

## **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) Implications of Fareham's Current 5-Year Housing Land Supply Position
- b) Residential Development in the Countryside
- c) Fareham Borough Draft Local Plan 2037
- d) Policy DSP40 (Housing Allocations)
- e) Impact upon Habitat Sites
- f) Other Matters
- g) The Planning Balance

### **a) Implications of Fareham's Current 5-Year Housing Land Supply Position**

- 8.2 An update report on the Council's five year housing land supply position was presented to the Planning Committee on 6<sup>th</sup> July 2022. The report sets out this Council's local housing need along with the Council's current housing land supply position. The report concluded that the Council had 5.01 years of housing supply against its five year housing land supply (5YHLS) requirement. It should be noted that this supply figure included the contribution made by this application for 39 dwellings on this site.
- 8.3 Following the publication of that position the Council's housing supply was considered during two recent appeal hearings held during August into proposed residential development at Land east of Cartwright Drive and Land east of North Wallington. At those appeals it was put to the Council that the evidence available suggested that several housing sites identified in the Council's supply as having outline planning permission would deliver fewer dwellings now reserved matters submission had been made. For example, the reserved matters application for Land adjacent to 125 Greenaway Lane (ref. P/21/1780/RM), which is presented for Members' consideration elsewhere on this committee agenda, proposes 80 dwellings rather than the 100 dwellings for which outline permission was given (a net reduction of 20 homes from the Council's housing supply). Similarly, sites at Land east of Brook Lane and Land

east of Newgate Lane East have reserved matters submissions proposing fewer dwellings than approved at the outline stage on the same land. At the appeal hearings the Council accepted that the evidence on this matter was clear and that the resultant reduction in the five year housing land supply meant that the position stood at 4.92 years.

- 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 National Planning Policy Framework 2021 (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 the Local Planning Authorities should identify a supply of specific deliverable sites sufficient to provide a minimum of five year's 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 to be 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 (see footnote 7 below), granting planning 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 (see footnote 7 below); 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 of 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 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas of risk of flooding or coastal change.*

8.9 Footnote 8 paragraph 11 reads:

*‘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 74); of where the Housing Delivery Test indicated that the delivery of housing was substantially below (less than 75% of) the housing requirements over the previous three years’.*

8.10 This planning application proposes new housing outside the defined urban settlement boundaries and the Council is currently unable to demonstrate a five year supply of deliverable housing sites. Footnote 8 of the NPPF paragraph 11 is clear that in such circumstances those policies which are most important for determining the application are considered to be 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 the NPPF 11(d), there are specific policies in the NPPF which protect areas or 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 provide a clear reason for refusing the development. Where this is found to be the case, the development should be refused.

8.12 The second limb of NPPF paragraph 11(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.

8.13 Paragraph 182 of the NPPF 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.”*

8.14 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 habitat sites subject to mitigation.

- 8.15 In the absence of a five-year supply of deliverable housing sites, Officers consider that policy DSP40 is the principal development plan policy that guides whether schemes will be considered acceptable. The following sections of the report assesses the application proposal 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**

- 8.16 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.

- 8.17 Policy CS14 (Development Outside Settlements) 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'.*

- 8.18 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). However, new residential development will be permitted in instances where either it has been demonstrated that there is an essential need for a rural worker to live there permanently, it involves a conversion of an existing non residential building or it comprises one or two new dwellings which infill a continuous built-up residential frontage. Officers can confirm that none of these exceptions apply to the application proposal.

- 8.19 The site is located 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) Fareham Borough Draft Local Plan 2037**

- 8.20 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.

- 8.21 The site falls within part of a larger Development Allocation (HA3) within the Draft Local Plan with an overall indicative capacity of 400 dwellings. Planning permission has been granted for a 75 bed care home within the allocation adjacent to the Segensworth Roundabout which has now been constructed. A reserved matters application from Vivid Homes for 95 dwellings sited towards the northern end of HA3 was permitted in September 2021 and development has commenced on site.
- 8.22 As the wider housing allocation site is in mixed ownership the Council has prepared a development framework which sets out the rationale and approach for achieving a comprehensive and co-ordinated development which allows for connectivity throughout the site and to the surrounding area, whilst allowing development to come forwards on a phased basis. Officers are satisfied that the proposal would not prejudice the delivery of the remainder of the housing allocation to the north and that connectivity can be achieved between the various parcels of land.
- 8.23 As the allocation site has been subject to a number of high level assessments that support its allocation and the allocation policy has not received objections, it can be considered that some weight can be applied to the allocation policy in accordance with para 48 of the NPPF.

**d) Policy DSP40 (Housing Allocations)**

- 8.24 Local Plan 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 demonstrate 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.*

As the Council does not currently have a 5YHLS Policy DSP40 is engaged. Each of these five points are considered further below.

#### **Policy DSP40(i)**

- 8.25 Firstly, in relation to the first of these criteria at Policy DSP40(i), the proposal is for thirty-nine dwellings which is relative in scale to the current shortfall.

#### **Policy DSP40(ii)**

- 8.26 The site is considered to be sustainably located in reasonable proximity to leisure and community facilities, schools (St John's and St Anthony's Primary Schools) and retail services. A bus service along Segensworth Road provides access to Swanwick and Fareham Train stations and Fareham Town Centre and a further bus service linking Southampton, Warsash, Fareham and Gosport is accessed from Primate Way approx. 600m to the south of the application site.
- 8.27 The site is located on the immediate opposite side of the A27 to retail warehousing in the urban area and therefore lies adjacent to the existing settlement area. Furthermore, it is considered that the site relates well to the urban settlement boundary, which extends northwards along the western edge of the A27 from the southern end of the application site up to the Segensworth Roundabout. Further to the north of the application site, also on the eastern side of the road within the draft housing allocation area, is a parcel of land where planning permission has already been granted and implemented for 95 dwellings (reference P/20/1584/RM). To the east lies the settlement of Titchfield Park which consists of both housing and significant industrial/commercial floorspace, albeit separated from the application site by the adjacent SINC. The Fareham Landscape Assessment (2017) describes the immediate environment of the application site as an 'island' of landscape bounded by busy roads to the west and east (A27 Southampton Road, Segensworth Roundabout and Segensworth Road) and by the rear boundaries of housing along Titchfield Park Road to the south. The application site clearly sits within the middle of a heavily urbanised area. The indicative site layout suggests that the development would provide an outward facing edge to Southampton Road rather than being inwardly facing in order to ensure visual connection. Officers are of the view that due to the urban characteristics of the area and the proximity to surrounding development, including both large scale retail/commercial units and low density housing the proposed development is both well related to, and can be designed to integrate with, the neighbouring settlement in accordance with point ii).

#### **Policy DSP40(iii)**



- 8.28 Policy CS17 of the adopted Fareham Borough Core Strategy sets out a similar, but separate policy test that, amongst other things, *“development will be designed to: respond positively to and be respectful of the key characteristics of the area, including heritage assets, landscape, scale, form, spaciousness and use of external materials”*. Core Strategy Policy CS14 meanwhile seeks to protect the landscape character, appearance and function of the countryside.
- 8.29 The site is within an area of countryside but is not designated as Strategic Gap. The Fareham Landscape Assessment 2017 (which is part of the evidence base for the published draft Fareham Local Plan 2037) identifies that the site lies within the Titchfield Corridor Character Area (area 5.1a). The wooded central valley (Sylvan Glade SINC) which runs through the Character Area, is identified as a valuable landscape and ecological feature. The proposal ensures that the Sylvan Glade SINC can be appropriately buffered to ensure that there is both physical separation between development on the application site and Titchfield Park and that the SINC is appropriately protected. The western side of the valley, where the application site lies, is described within the Landscape Assessment as lacking a well-treed character and is considered to be generally of lower landscape quality with a scruffier, fringe appearance. The character is identified as being affected by the adjacent busy A27 and its highly urbanised surroundings, although the strong boundary vegetation along the roadside is identified as reducing some of these influences. The Fareham Landscape Assessment confirms that there is scope for development within this character area which is of lower landscape sensitivity.
- 8.30 It is acknowledged that the proposal would result in a change in the character of the site when viewed from the immediate vicinity. The site is however visually contained by the SINC to the east, the garden centre to the north and the A27 and adjacent tree screening along the eastern and southern boundaries. The incorporation of public open space and landscaped buffers around the boundaries of the site is intended to contribute to a sense of place but also to be sympathetic to the countryside location providing a green fringe. Existing boundary tree screening would be retained and reinforced to soften the appearance of the development which would be set back but visible from the A27. Officers consider that the change in character would primarily have a localised visual impact which would not have an adverse impact on the wider countryside setting.
- 8.31 With regards to reflecting the character of the neighbouring settlement, it would clearly not be desirable to replicate the scale and form of the nearest development at the retail park on the opposite side of the A27. The neighbouring residential properties to the south and east would be well separated from and screened from the development site and therefore would not heavily influence the design approach. The proposed development is

intended to be 2-3 stories in height to reduce visual intrusion with a traditional approach to design incorporating more contemporary elements and local materials.

- 8.32 Officers consider that subject to the detailed reserved matters consideration of layout, scale and landscaping, the proposed number of units could be accommodated on this site to respect the character of the surrounding area whilst minimising adverse impact on the countryside. It is considered that the proposal would satisfy point (iii) of Policy DSP40 and comply with Policy CS17.

#### **Policy DSP40 (iv)**

- 8.33 In terms of delivery, the agent has confirmed that the scheme would be deliverable in the short term. There are no land ownership or other practical constraints and there has been interest in the site from a number of developers although the sale of the site is yet to be agreed. It has been agreed that the timeframe for submission of the reserved matters application can be reduced from three years to two years with development to commence within 12 months of the last reserved matters approval. It is therefore considered that point (iv) of Policy DSP40 is satisfied.

#### **Policy DSP40(v)**

- 8.34 The final test of Policy DSP40 requires that proposals would not have any unacceptable environmental, amenity or traffic implications.

#### ***Ecology***

- 8.35 The application site largely comprises managed (regularly mown) grassland, grazed semi-improved grassland and hardstanding/buildings, with smaller areas of scrub and ruderal vegetation also present. A Phase 1 Ecological survey has been carried out in support of the application.
- 8.36 All buildings and trees within the application site were subject to an inspection to assess their potential to support roosting bats and it is considered the application site as a whole is of low suitability for foraging / commuting bats. Moreover, there are only extremely limited potential impacts on bats arising from the development proposals.
- 8.37 The existing buildings were subject to a roost suitability assessment which included an internal and external survey. The existing garage on site (to be demolished) contains a void, which was searched for evidence of current or past use by bats using high-powered torches. Exterior checks of both buildings were also undertaken to search for signs of any use by bats and to identify any potential access points. Emergence and re-entry surveys and

evening activity surveys were undertaken to ascertain whether the application site supports any features of potential importance for foraging and commuting bats. On the basis of the external and internal inspections, and the results of the emergence and re-entry surveys, it is considered neither building to be demolished supports roosting bats. Whilst the evening activity surveys revealed that bats are present within the local area it is considered the habitats present within the application site are of limited value. It was noted that the treelines, predominantly those on the north and eastern boundaries provide navigational and foraging opportunities.

- 8.38 A detailed survey was undertaken to search for evidence of Badgers in August 2019 and no evidence of Badgers was recorded within the application site. The habitats present in the application site are suitable for Hazel Dormice and therefore surveys to ascertain the presence or absence of Hazel Dormice were undertaken from June to November 2019 with nesting tubes and boxes deployed at high density across the site. No evidence of Dormice was recorded. It is considered the application site does not support any other protected or notable mammal species.
- 8.39 With regards to Great Crested Newt it was highlighted that the application site does not support any waterbodies. There is a single dry ditch running along part of the eastern boundary of the application site and no other potential breeding ponds with habitat connectivity to the application site are known. The habitats largely comprise regularly managed or grazed grassland and hardstanding, which would be unsuitable for the species. As such, it is considered the application site does not support Great Crested Newts.
- 8.40 The application site is largely considered to provide unsuitable habitat for reptiles. There are some small areas of tussocky grass on the eastern boundary of the application site which are potentially suitable. The vast majority of the vegetation along the eastern boundary of the application site is indicated as being retained. It is suggested that losses would be limited to approximately 100m<sup>2</sup> of scrub / tussocky grass. This small loss of habitat is not considered to be significant to any reptile population that may be present within the wider area. However as the development has the potential to directly impact upon any individual reptiles that may be present during site clearance and construction operations it is recommended that a supervised habitat manipulation exercise be undertaken (at an appropriate time of year, when reptiles are active) to safeguard against any reptiles being killed or injured during development work at the site. It is not considered that it would be necessary to relocate any reptiles but it would be appropriate to safeguard the retained vegetation on the eastern boundary through the construction period through the installation of fencing.

- 8.41 Based on the indicative layout the majority of the trees and hedgerows are to be retained and enhanced thereby ensuring that the proposals will deliver long term benefits for species such as birds, invertebrates, reptiles and bats. A planted buffer is proposed along the eastern boundary of the site, buffering the development from the adjacent Sylvan Glade SINC and providing species rich meadow habitat which will link with other meadow provision which together will provide enhanced habitat suitable for the retained slow-worm population.
- 8.42 Overall, it is suggested that the proposals for the site would see a net gain for biodiversity through the introduction of additional native trees and shrubs (including new and enhanced hedgerow habitat) species rich meadow grassland, wetland areas and enhanced hedgerow ground flora. A detailed Planting Plan would accompany a future Reserved Matters Planning Application.

### ***Trees***

- 8.43 It is proposed to fell two individual Oak trees covered by TPO which lie close to the proposed access to the site. In addition, a total of three trees would be felled from the protected group that extends along the western boundary. Selective felling of poorer quality trees would be undertaken along the northern and eastern boundaries. These trees have been assessed as being in poor condition and as such their removal is warranted for reasons of health and safety. Replacement tree planting would be sought as part of the landscaping proposals at reserved matters stage.

### ***Surface Water Drainage***

- 8.44 The outline drainage strategy for the site includes sustainable drainage features. Surface water would be collected by areas of permeable paving and a hydrobrake would be utilised to restrict the flow of surface water collected by this permeable paving into an existing drainage ditch which runs along the eastern boundary. Submission of the final design of the surface water drainage scheme would be secured by planning condition and a planning condition seeking submission of details of the finished ground levels and floor levels of the dwellings is also suggested as it is stated within the drainage strategy that it may be necessary to raise ground levels towards the south of the site.

### ***Amenity***

- 8.45 The proposal is in outline form with matters of scale, appearance and layout reserved for later consideration. At the reserved matters stage, the detailed layout and scale would need to be policy compliant to ensure that there would not be an adverse unacceptable impact on the amenity of neighbouring

residents and that a good standard of living accommodation was being provided for future residents.

- 8.46 A noise survey has been undertaken to determine the prevailing noise climate at the site and a summary of the results has been provided, with reference to relevant British Standard guidelines. Recommendations of appropriate noise mitigation measures have been made in order to achieve appropriate acoustic criteria in line with relevant British Standard guidelines.

### ***Highways***

- 8.47 The access to the site would be in the form of a left-in / left-out junction from Southampton Road (A27) which would be located towards the southern end of the proposed development where the A27 has a kerbed central reservation. The existing access located at the northern end of the site (where there is a break in the central reservation) would then be closed. It is proposed to provide a deceleration lane to assist vehicles to exit off of the A27 Southampton Road but no acceleration lane. In accordance with the County Council's pre-application comments, a speed survey has been undertaken to inform the level of visibility required. Visibility of 2.4m x 120m can be achieved from the access in accordance with the speed limit.
- 8.48 The Highway Authority has requested the closure of the proposed access from Southampton Road in the event that the development becomes accessible via land to the north.
- 8.49 An assessment of the traffic impact of the development has been presented within the supporting transport statement. The development is anticipated to generate 25 two-way movements in the morning and evening peak hours. This equates to approximately one additional vehicle every two minutes. In relation to the impact of increased traffic two scenarios have been considered, one scenario which assumes traffic from the development wishing to travel north uses Titchfield Park Road and a second which assumes that northbound traffic uses the St Margaret's Roundabout to u-turn. Operational assessments of the A27 Southampton Road / Titchfield Park Road (priority) junction and St Margaret's Roundabout (signalised) have been undertaken. It is not considered that the development will have any noticeable impact on the St Margaret's Roundabout with no increases in queueing anticipated regardless of scenario and this is attributed to the low number of traffic movements generated by the development.
- 8.50 The results also show that the Titchfield Park Road/Southampton Road junction would operate within capacity in the future without any material queueing or delay in either scenario. Whilst there are no safety concerns in relation to the operation of the junction, Officers acknowledge the concerns raised by local residents in relation to the increase in vehicle movements on

Titchfield Park Road and the impact this could have on residential amenity. The potential closure of Titchfield Park Road to traffic leaving the A27 was previously considered in relation to the Reside/Vivid scheme on land at the northern end of the HA3 housing allocation. At that time based on the low flows of traffic on Titchfield Park Road and the review of accident data, the highway authority were satisfied that the proposed development would not have an adverse impact on the safe operation of the junction. The Highway Authority acknowledged that if further development were to be proposed locally then there may be a need to consider measures to mitigate any impact on Titchfield Park Road including potential closure of the A27/Titchfield Park Road junction and a highway contribution was secured accordingly. The Highway Authority have confirmed that sufficient funds are available in the event that the closure of Titchfield Park Road is deemed necessary in the future as a result of cumulative development.

- 8.51 To ensure pedestrian and cycle connectivity, a footway would be provided from the application site to the north to tie in with the existing footway provision and the uncontrolled crossing of Southampton Road. The proposed development at the northern end of the housing allocation is expected to deliver a Toucan crossing over Southampton Road to provide pedestrian and cycle access to the services and facilities on the western side of the road. The crossing is located circa 250m to the north of the proposed development. There is an existing Toucan crossing to the south of the application close to the Titchfield Park Road junction and it is proposed to provide a shared use footway/cycleway linking the development to this crossing.
- 8.52 The application is in outline form however the proposal would be expected to deliver on-site car parking in accordance with the Council's adopted Residential Car & Cycle Parking SPD. A swept path analysis has been submitted to demonstrate that both a refuse vehicle and fire tender can manoeuvre around the site and turn as required but this would need to be updated to reflect the final layout.
- 8.53 Officers are satisfied that based on the quantum of development proposed and the spatial relationship of the site to adjoining development that Core Strategy policy CS17 and Local Plan Part 2 policy DSP40(v) could be satisfied.

**e) Impact upon Habitat Sites (HS)**

- 8.54 Core Strategy Policy CS4 sets out the strategic approach to Biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policy DSP13: Nature Conservation of the Local Plan Part 2 confirms the requirement to ensure that designated sites, sites of nature conservation value, protected and priority species populations and associated habitats are protected and where appropriate enhanced.

- 8.55 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 per cent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within The Solent which are of both national and international importance.
- 8.56 In light of their importance, areas within The Solent have been specially designated under UK/ European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'Habitat Sites' (HS).
- 8.57 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 HS 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 HS. This is done following a process known as an Appropriate Assessment (AA). 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.
- 8.58 To fulfil the requirements under the Habitat Regulations, Officers have carried out an AA in relation to the likely significant effects on the HS which concludes that there would be no adverse effects on the integrity of protected sites subject to mitigation measures. To inform the assessment the applicant has provided a nutrient budget of the development site and a parameters plan (secured by condition) to ensure that the assumptions made in the budget are accurate. The key considerations for the assessment of the likely significant effects are set out below.

### ***Recreational Disturbance***

- 8.59 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. Policy DSP15 (Recreational Disturbance on The Solent Protection Areas) of the adopted Fareham Borough Local Plan Part 2: Development Sites and Policies explains that planning permission for proposals resulting in a net increase in residential units may be permitted where the 'in combination' effects of recreation on the Special Protection Areas are satisfactorily mitigated through the provision of a financial contribution to the Solent Recreation Mitigation

Project (SRMP). The applicant has agreed to enter into a legal agreement to secure this contribution.

- 8.60 In addition research undertaken by Footprint Ecology has identified that planned increases in housing around the New Forest's designated sites, will result in increased visitors to the sites, exacerbating recreational impacts upon them. It was found that the majority of visitors to the New Forest's designated sites, on short visits/day trips from home, originated from within a 13.8km radius of the sites referred to as the 'Zone of Influence' (ZOI). The western side of the Borough of Fareham falls within this 13.km radius, measured on the basis of 'how the crow flies'.
- 8.61 This Council's Interim Mitigation Solution to address this likely significant effect, was approved by the Council's Executive on 7th December 2021. The Interim Mitigation Solution has been prepared in consultation with Natural England. The mitigation comprises a financial contribution from the developer to mitigate against any impacts through improvements to open spaces within Fareham Borough and a small financial contribution to the New Forest National Park Authority. The applicant has agreed to the required financial contribution which would be secured by the Section 106 agreement. The Council's Appropriate Assessment concludes that the proposals would not have an adverse effect on the integrity of HS as a result of recreational disturbance in combination with other plans or projects.

#### ***Water Quality (Nitrates) -***

- 8.62 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 HS.
- 8.63 A nitrogen budget has been calculated in accordance with Natural England's '*National Generic Nutrient Neutrality Methodology*' (Feb 2022) ('the NE Advice') and the updated calculator (20 April 2022) which confirms that the development will generate 37.08 kgTN/year (previously 33KgTN/yr). Due to the uncertainty of the effect of the nitrogen from the development on the Protected Sites, 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.
- 8.64 The nitrogen budget assumes an occupancy rate for the new development of 2.4 people per dwelling. Natural England recommends that, as a starting



point, local planning authorities should consider using the average national occupancy rate of 2.4 persons per dwelling as calculated by the Office for National Statistics (ONS), as this can be consistently applied across all affected areas. However competent authorities may choose to adopt bespoke calculations where they are satisfied that there is sufficient evidence to support this approach. In this case, there is no evidence to justify adopting a bespoke occupancy rate and therefore a rate of 2.4 persons is considered appropriate.

- 8.65 The existing use of the land for the purposes of the nitrogen budget is considered to be a split between residential urban land (0.22ha), greenspace (0.4ha), lowland grazing (0.4ha) and woodland (0.05ha). A large proportion of the site is currently undeveloped and the areas occupied by built development or hard surfacing have been taken to be residential urban land. The budget calculation takes into account the loss of the existing dwelling but makes no provision for the water usage which would have been associated with the mobile homes which is considered to be a precautionary approach.
- 8.66 The applicant has entered into a contract (conditional on the grant of planning permission) to purchase 37.08 kgTN/yr of nitrate mitigation 'credits' from Andrew Sellick at Warnford Park, Warnford. Through the operation of a legal agreement between Andrew Sellick, South Downs National Park Authority and Fareham Borough Council dated 1 April 2021, the purchase of the credits will result in a corresponding parcel of agricultural land at Warnford Park being removed from agricultural use and the implementation of a woodland planting scheme, therefore providing a corresponding reduction in nitrogen entering The Solent marine environment
- 8.67 A planning condition would be imposed to ensure the submission of a Notice of Purchase for the nitrates mitigation prior to the commencement of development. Further details of water efficiency measures to be installed in each of the dwellings to ensure that water consumption does not exceed 110 L/per person/per day would also be secured by planning condition. The submission of a Construction Environmental Management Plan (CEMP) would be secured by planning condition to manage the risk of polluting the adjacent ditch during construction which has a hydrological link with The Solent & Southampton Water SPA and Ramsar.
- 8.68 The Council's Appropriate Assessment concludes 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. Natural England has been consulted on the Council's AA and agrees with its findings. It is therefore considered that the development accords with the Habitat Regulations and complies with Policies CS4 and DSP13 and DSP15 of the adopted Local Plan.

**f) Other Matters**

***Affordable Housing***

- 8.69 The proposal includes the provision of 40% affordable housing which subject to appropriate size, mix, tenure being agreed to meet identified local need would meet the policy requirement within Policy CS18 of the adopted Core Strategy. The provision of those units would be secured via a Section 106 legal agreement.

***Surface Water Drainage***

- 8.70 The outline drainage strategy for the site includes sustainable drainage features. Surface water would be collected by areas of permeable paving and a hydrobrake would be utilised to restrict the flow of surface water collected by this permeable paving into an existing drainage ditch which runs along the eastern boundary. Submission of the final design of the surface water drainage scheme would be secured by planning condition and a planning condition seeking submission of details of the finished ground levels and floor levels of the dwellings is also suggested as it is stated within the drainage strategy that it may be necessary to raise ground levels towards the south of the site.

***Effect upon Local Infrastructure***

- 8.71 A number of residents have raised concerns over the effect that the additional development would have upon schools, doctors and other services in the area. Officers acknowledge the strength of local concern on these issues.
- 8.72 With regard to schools, Hampshire County Council have identified a need to increase the number of secondary school places available within the area in order to meet the needs generated by the development. A financial contribution can be secured through the Section 106 agreement.
- 8.73 In respect of the impact upon doctors/ medical services, the difficulty in obtaining appointments is an issue that is raised regularly in respect of new housing proposals. It is ultimately for the health providers to decide how they deliver health services. Officers do not believe a refusal on these grounds would be sustainable.

**g) The Planning Balance**

- 8.74 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determining of planning applications, stating:

*'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'.*

8.75 As set out earlier in the report, paragraph 11(d) of the NPPF clarifies the presumption in favour of sustainable development in that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted 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*

8.76 An Appropriate Assessment has been undertaken and concluded that the proposal would not adversely affect the integrity of protected Habitat Sites. There is therefore no clear reason to refuse the application on the grounds set out within para 11(d)(i). As the Council is currently unable to demonstrate a 5YHLS the application should be determined in accordance with paragraph 11(d)(ii), applying the presumption in favour of sustainable development.

8.77 This approach detailed within the preceding paragraph has become known as the 'titled balance' in that it tilts the planning balance in favour of sustainable development and against the Development Plan.

8.78 The site is located outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture or required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of the Local Plan Part 2: Development Sites and Policies.

8.79 In weighing up the material considerations and conflict between policies Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall and if granted, the development could be delivered in the short term. The site is located adjacent to the existing urban area and is considered to be in a sustainable location with good access to local services and public transport. The proposal would have an urbanising impact locally however it would be well related to the existing urban settlement boundaries such that it can be integrated with those settlements whilst at the same time being sensitively designed to reflect the area's existing character and minimising any adverse impact on the Countryside. Officers consider that the change in the character of the site would not result in unacceptable effects in visual or landscape terms.

8.80 Affordable housing at 40% of the units would be secured along with an education contribution. There would not be any unacceptable impact on highway safety. Officers are satisfied that there are no outstanding amenity and environmental issues which cannot otherwise be addressed through planning conditions.

- 8.81 There is clear conflict with development plan policy CS14 as this is development in the countryside. Ordinarily, officers would have found this to be the principal policy such that a scheme in the countryside should be refused. However, in light of the Council's lack of a 5YHLS, development plan policy DSP40 is engaged and officers have considered the scheme against the criteria therein. The scheme is considered to satisfy the five criteria and in the circumstances, officers consider that more weight should be given to this policy than CS14 such that, on balance, when considered against the development plan as a whole, the scheme should be approved.
- 8.82 It is also considered some weight can also be given to the emerging Fareham Borough Local Plan which allocates the site for residential development and Officers consider that the proposed development would be in accordance with the accompanying masterplan for the wider housing allocation site (HA3).
- 8.83 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; and,
  - (ii) Any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the National Planning Policy Framework taken as a whole.
- 8.84 Having carefully considered all material planning matters and assessing the proposal against the development plan and the tilted balance, Officers recommend that planning permission should be granted subject to the imposition of appropriate planning conditions and the prior completion of planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990.

## **9.0 Recommendation**

### **9.1 GRANT OUTLINE PLANNING PERMISSION, subject to;**

- i) completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council in respect of the following:
  - a) To secure the provision and transfer of the areas of open space and buffer zones to Fareham Borough Council, including associated financial contributions for future maintenance;

- b) To secure a proportionate financial contribution (50% of total costs) towards the delivery of a play area or play equipment and associated maintenance within the HA3 housing allocation;
- c) To secure a financial contribution towards the Solent Recreation Mitigation Partnership (SRMP);
- d) To secure a financial contribution in accordance with the Council's New Forest Recreational Disturbance Interim Mitigation Solution
- e) To secure 40% of the proposed units as on-site affordable housing; the type, size, mix and tenure to be agreed to the satisfaction of officers;
- f) To secure a financial contribution towards education provision towards education infrastructure, for provision of school travel plans and monitoring fees and to provide additional childcare places;
- g) To secure the closure and reinstatement of the highway access on to the A27 in the event that the site becomes accessible from an alternative access on to the A27 via land to the north;
- h) To secure vehicular and pedestrian access and cycle connectivity to adjoining land to the north right up to the party boundary in perpetuity;
- i) To secure provision of footpath/cyclepath to link site to footway to the north and the existing Toucan crossing on A27 to the south.

ii) the following planning conditions:

1. Details of the appearance, scale, layout and landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.  
REASON: To comply with the procedures set out Section 91 of the Town and Country Planning Act 1990.
2. Applications for approval of all reserved matters shall be made to the local planning authority not later than 24 months beginning with the date of this permission.  
REASON: To comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.
3. The development hereby permitted shall be begun before the expiration of 12 months from the date of the approval of the last of the reserved matters.  
REASON: To comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.
4. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents;
  - a) Location Plan (1:1250) – drwg No. LOC
  - b) Parameters Plan – drwg No. 002 Rev C

- c) Proposed Site Access with Highway Boundary Overlap – drwg No. ITB15059-GA-004 Rev G
  - d) Swept Path Analysis – drwg No. ITB15059-GA-005 Rev D
  - e) Planning Statement (Gerald Eve, Dec 2019)
  - f) Design & Access Statement (ECE Architecture, Nov 2019)
  - g) Information Specific to a HRA (Ecology Solutions, Nov 2019)
  - h) Ecological Assessment (Ecology Solutions, Nov 2019)
  - i) Briefing Note: Ecology Consultation Response (Ecology Solutions)
  - j) Arboricultural Impact Assessment & Method Statement (Helen Brown Treescapes, 26 Feb 2021)
  - k) Noise Assessment (Hepworth Acoustics, April 2019)
  - l) Air Quality Assessment (Ardent, August 2020)
  - m) Flood Risk Assessment & Drainage Strategy (Motion, Dec 2019)
  - n) Transport Statement (i-Transport, 9 Dec 2019)
  - o) Statement of Community Involvement (Gerald Eve, 2019)
- REASON: To avoid any doubt over what has been permitted.

5. No development hereby permitted shall proceed beyond damp proof course level until details (including samples where requested by the Local Planning Authority) of all proposed external facing (and hardsurfacing) materials have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.  
REASON: To secure the satisfactory appearance of the development.
6. No development shall commence on site until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved CEMP (unless otherwise agreed in writing by the local planning authority) which shall include (but shall not necessarily be limited to):
  - a) A programme and phasing of the demolition and construction work, including roads, footpaths, landscaping and open space;
  - a) Location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction;
  - b) Details of how provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;
  - c) The measures the developer will implement to ensure that operatives'/contractors/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;

- d) Arrangements for the routing of lorries and details for construction traffic access to the site;
- e) The arrangements for deliveries associated with all construction works, loading/ unloading of plant & materials and restoration of any damage to the highway;
- f) The arrangements for the protection of pedestrian routes during construction;
- g) The measures for cleaning the wheels and underside of all vehicles leaving the site;
- h) A scheme for the suppression of any dust arising during construction or clearance works;
- i) The measures for cleaning Southampton Road to ensure that it is kept clear of any mud or other debris falling from construction vehicles;
- j) Provision for storage, collection, and disposal of rubbish from the development during construction period;
- k) No burning on-site; and
- l) Safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site.

REASON: In the interests of highway safety; To ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period; In the interests of protecting protected species and their habitat; In the interests of protecting nearby sites of ecological importance from potentially adverse impacts of development. 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.

7. No development shall start on site until the access, including the footway and/or verge crossing have been constructed in accordance with the approved plans (drwg No. ITB15059-GA-004 Rev G).

REASON: To provide satisfactory access and in the interests of highway safety.

8. No development (other than initial site preparation) shall commence until details of the width, alignment, gradient and type of construction proposed for the roads, footways and accesses, to include all relevant horizontal and longitudinal cross sections showing the existing and proposed ground levels,

together with details of street lighting (where appropriate), the method of disposing of surface water, and details of a programme for the making up of roads and footways have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure that the roads are constructed to a satisfactory standard. 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.

9. 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.

10. No dwelling, hereby approved, shall be first occupied until the approved parking and turning areas (where appropriate) 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 for that purpose.

REASON: In the interests of highway safety.

11. No development shall take place beyond damp proof course (dpc) level until details of how and where Electric Vehicle (EV) charging points will be provided at the following level:

- a) At least one Electric Vehicle (EV) charging point per dwelling with allocated parking provision;
- b) At least one Electric Vehicle (EV) 'rapid charge' point in shared/unallocated parking areas per 10 dwellings with no allocated parking provision.



The development shall be carried out in accordance with the approved details with the charging point(s) provided prior to first occupation of the dwelling to which it serves.

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.

12. No development shall proceed beyond damp-proof course level until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are first occupied or in accordance with a timetable agreed in writing with the local planning authority and shall thereafter be retained at all times.

REASON: To protect the privacy of the occupiers of the neighbouring property, to prevent overlooking, and to ensure that the development harmonises well with its surroundings.

13. The landscaping scheme, submitted under Condition 1 shall be implemented in accordance with a scheme to be submitted (including a delivery timetable) or as otherwise agreed in writing with the local planning authority and shall be maintained commencement of the development or as otherwise agreed in writing with the local planning authority and shall be maintained in accordance with the agreed schedule. 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.

14. No development shall commence until the following details have been submitted to and approved by the Local Planning Authority in writing.

- a) details of the finished external ground levels, and;
- b) details of the internal finished floor levels of all of the proposed buildings in relation to the existing and finished ground levels on the site and the adjacent land.

The development shall be carried out in accordance with the approved details.

REASON: To safeguard the character and appearance of the area and to assess the impact on nearby residential properties. 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.

15. No development shall commence until an acoustic assessment (in accordance with BS8233:2014) that details the proposed glazing and ventilation strategy for all permitted dwellings in order to achieve acceptable internal noise levels and also the external measures to achieve acceptable external noise levels (including a site map providing noise contours) has been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.  
REASON: To ensure the provision of a satisfactory standard of living accommodation for future residents.
16. The development shall be undertaken in accordance with the mitigation measures identified in Section 6.0 of the Air Quality Assessment (Ardent, August 2020).  
REASON: In the interest of residential amenity; To reduce impacts on air quality arising from the development of the site and in the interests of addressing climate change.
17. No development hereby permitted shall commence until details of the means of foul water drainage from the site have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details unless otherwise agreed with the local planning authority in writing.  
REASON: To ensure satisfactory disposal of foul water. 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 adverse impacts of inadequate drainage.
18. No development hereby permitted shall commence until a surface water drainage strategy has been submitted to and approved by the Local Planning Authority in writing. The strategy shall include the following elements:
  - a) Detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole cover and invert levels and pipe diameters, lengths and gradients.
  - b) Detailed hydraulic calculations for all rainfall events, including the 1 in 1 year, 1 in 30 years and 1 in 100 years (plus an allowance for climate change) annual probability of occurrence. The hydraulic calculations should take into account the connectivity of the entire drainage system including the connection with the ditch.
  - c) Confirmation on how impacts of high groundwater will be managed in the design of the proposed drainage system to ensure that storage capacity is not lost, and structural integrity is maintained.

- d) Evidence that runoff exceeding design criteria has been considered. Calculations and exceedance flow diagram/plans must show where above ground flooding might occur and where this would pool and flow.
- e) Evidence that Urban Creep has been considered in the application and that a 10% increase in impermeable area has been used in calculations to account for this.
- f) Information evidencing that the correct level of water treatment exists in the system in accordance with the Ciria SuDS Manual C753.
- g) Maintenance regimes of entire surface water drainage system including individual SuDS features, including a plan illustrating the organisation responsible for each element (including the drainage under the highway). Evidence that those responsible/adopting bodies are in discussion with the developer.
- h) The condition of the existing ditch, which will take surface water from the development site, should be investigated before any connection is made. If necessary improvement to its condition as reparation, remediation, restitution and replacement should be undertaken. Evidence of this including photographs should be submitted.

The development shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

REASON: In order to ensure satisfactory disposal of surface water. 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 adverse impacts of inadequate drainage.

19. Development shall proceed in accordance with the measures set out in the submitted Briefing Note: Ecology Consultation Response by Ecology Solutions (July 2020) and Section 5. 'Ecological Evaluation' of the Ecological Assessment report by Ecology Solutions (November 2019).

REASON: to ensure the safeguard of protected species and non-statutory designated sites.

20. Prior to commencement, a detailed scheme of biodiversity enhancements to be incorporated into the development shall be submitted for written approval to the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details.

REASON: to enhance biodiversity in accordance with NPPF and the Natural Environment and Rural Communities Act 2006. 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.

21. The development shall be undertaken in accordance with the recommendations contained within the submitted Arboricultural Impact Assessment and Arboricultural Method Statement (Helen Brown Treescapes, Feb 2021). The tree/hedgerow protection shall be retained through the

development period until such time as all equipment, machinery and surplus materials have been removed from the site.

REASON: To ensure protection of important trees and hedgerows.

22. None of the residential units hereby permitted shall be occupied until details of water efficiency measures to be installed in each dwelling have been submitted to and approved in writing by the Local Planning Authority. These water efficiency measures should be designed to ensure potable water consumption does not exceed a maximum of 110 litres per person per day. The development shall be carried out in accordance with the approved details.

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

23. No development shall commence unless the council has received the Notice of Purchase in accordance with the legal agreement between FBC, SDNP and Warnford Park Estate dated 1 April 2021 in respect of the Credits Linked Land identified in the Nitrates Mitigation Proposals Pack.

REASON: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on protected sites.

24. No work relating to the construction of any of the development hereby permitted (Including works of demolition or preparation prior to operations) shall take place before the hours of 0800 or after 1800 Monday to Friday, before the hours of 0800 or after 1300 Saturdays or at all on Sundays or recognised public holidays, unless otherwise first agreed in writing with the local planning authority.

REASON: To protect the occupiers of nearby residential properties against noise and disturbance during the construction period.

25. Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered. Works shall not recommence before an investigation and risk assessment of the identified ground conditions have been undertaken and details of the findings, along with a detailed remedial scheme, if required, have been submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall be fully implemented and shall be validated in writing by an independent competent person as agreed with the Local Planning Authority prior to occupation of the dwellings.

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

## **10.0 Notes for Information**

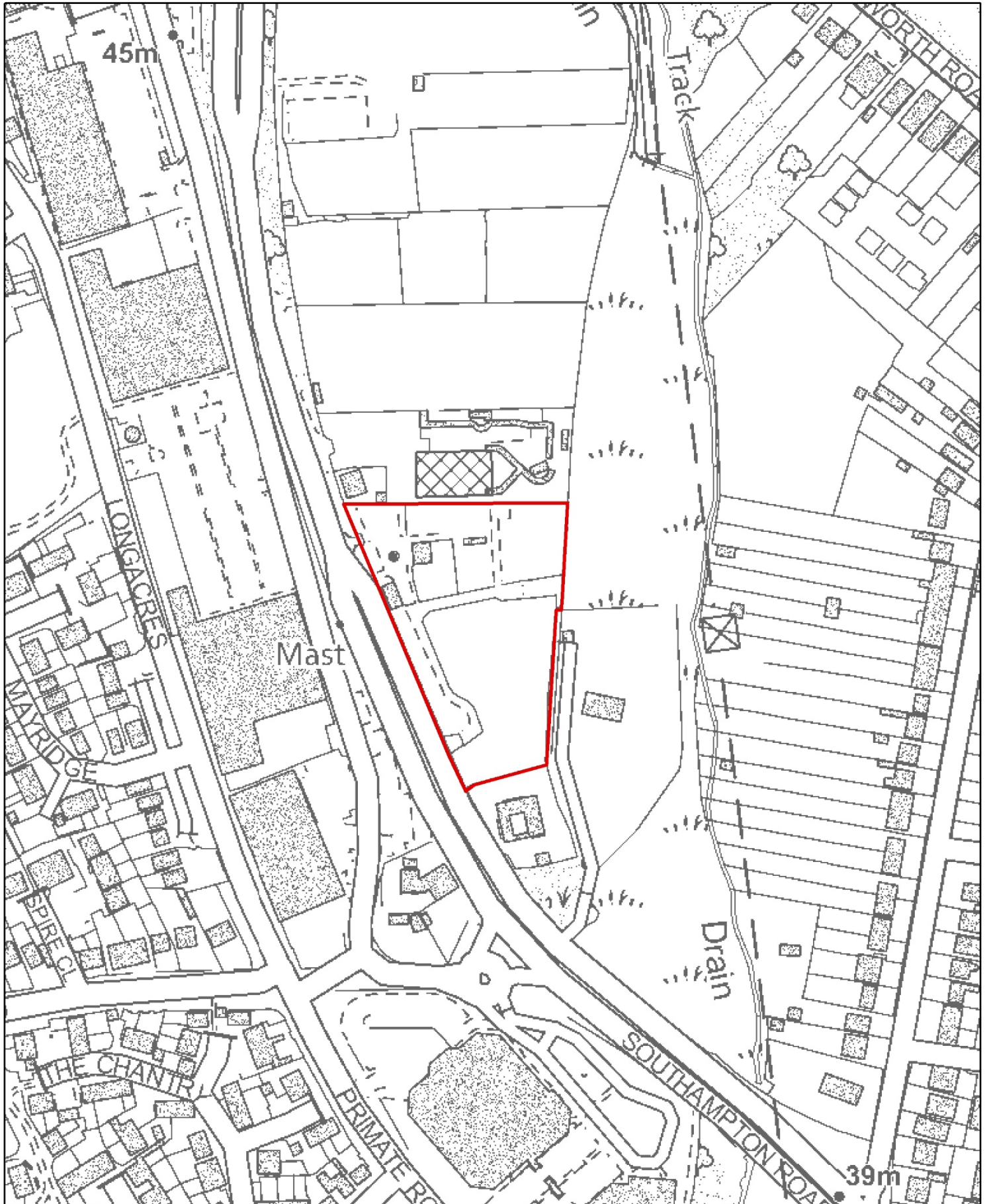
A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".

#### **11.0 Background Papers**

Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

# FAREHAM

BOROUGH COUNCIL



139 Southampton Road  
Titchfield, Fareham  
Scale 1:2,500



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