

## **OFFICER REPORT FOR COMMITTEE**

**DATE: 09/11/2022**

**P/18/0590/OA  
FOREMAN HOMES**

**WARSASH**

OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS), FOR RESIDENTIAL DEVELOPMENT OF UP TO 62 DWELLINGS, ASSOCIATED LANDSCAPING, AMENITY AREAS & ACCESS FROM LOCKSWOOD ROAD.

LAND WEST OF LOCKSWOOD ROAD, WARSASH

### ***Report By***

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### ***1.0 Introduction***

- 1.1 This application is being reported to the Planning Committee for determination due to the number of third party representations received.
- 1.2 Members will be aware that the site falls within an area allocated for residential development in the emerging Fareham Local Plan 2037 under Policy HA1. The allocated area is known as 'The Warsash Cluster'. Members will also be aware that the Planning Committee has resolved to grant planning permission for several applications in close proximity to this site including those listed in section 5 of this report.

### ***2.0 Site Description***

- 2.1 The application site is located to the south of Cabot Close, west of Lockswood Road, north of Greenaway Lane and to the east of land subject to planning application reference P/17/0845/OA. The site falls outside of the defined urban settlement boundary and is 3.19 hectares in size. The land within the site is level and comprises a mixture of woodland and rough grassland/scrub planting.
- 2.2 Existing access to the site is from the site to the west via Brook Lane.

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

- 3.1 Outline planning permission is sought for the construction of up to 62 dwellings with all matters reserved apart from the means of vehicular access to the site which would be from Lockswood Road to the east. The layout, appearance, scale and landscaping of the site are therefore reserved for a future application and not for consideration at this time.

- 3.2 An illustrative masterplan has been submitted which identifies the vehicular access point to the site together with areas of open space and areas of woodland to be retained. Pedestrian and cycle links are also indicated.

#### **4.0 Policies**

- 4.1 The following policies and guidance apply to this application:

National Planning Policy Framework (NPPF)

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

- CS2: Housing Provision
- CS4: Green Infrastructure, Biodiversity and Geological Conservation
- CS5: Transport Strategy and Infrastructure
- CS6: The Development Strategy
- CS14: Development Outside Settlements
- CS15: Sustainable Development and Climate Change
- CS16: Natural Resources and Renewable Energy
- CS17: High Quality Design
- CS18: Affordable Housing

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

- DSP1: Sustainable Development
- DSP2: Environmental Impact
- DSP3: Impact on Living Conditions
- 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

##### **Emerging Fareham Local Plan 2037**

- 4.2 The Fareham Borough Local Plan 2037 was submitted to the Planning Inspectorate on 30th September 2021 and an examination conducted in March and April 2022. Following the conclusion of the examination hearings the Inspector has requested a number of modifications to the Plan. The proposed modifications will be the subject of public consultation from 31<sup>st</sup> October until 12<sup>th</sup> December. The Council's Local Development Scheme schedules that the new plan will be adopted in Winter 2022. On adoption the Local Plan will have full weight and in its current advanced stage is a material consideration for the determination of planning applications. The following draft policies of the emerging plan are of relevance.

- DS1: Development in the Countryside

DS3:	Landscape
H1:	Housing Provision
HA1:	North and South of Greenaway Lane
HP1:	New Residential Development
HP4:	Five-Year Housing Land Supply
HP5:	Provision of Affordable Housing
CC2:	Managing Flood Risk and Sustainable Drainage Systems
NE1:	Protection of Nature Conservation, Biodiversity and the Local Ecological Network
NE2:	Biodiversity Net Gain
NE3:	Recreational Disturbance on the Solent Special Protection Areas (SPAs)
NE4:	Water Quality Effects on the SPAs, SACs and Ramsar Sites of the Solent
NE6:	Trees, Woodland and Hedgerows
NE9:	Green Infrastructure
TIN2:	Highway Safety and Road Network
D1:	High Quality Design and Placemaking
D2:	Ensuring Good Environmental Conditions
D3:	Coordination of Development and Piecemeal Proposals
D4:	Water Quality and Resources
D5:	Internal Space Standards

#### **Other Documents:**

Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015

Residential Car and Cycle Parking Standards Supplementary Planning Document 2009

National Planning Policy Framework (July 2021)

## **5.0 Relevant Planning History**

The following planning applications relate to nearby sites, not the site of the current planning application. A plan will be displayed at the Planning Committee meeting showing how these sites relate to that currently proposed.

<b>P/19/0313/RM</b>	Reserved matters application pertaining to layout, scale, appearance and landscaping for the construction of 85 dwellings and associated infrastructure, open space, landscape and other associated development works, pursuant to outline planning permission P/16/1049/OA Land to the east of Brook Lane and South of Brookside Drive, Warsash
<b>APPROVE</b>	23 February 2022

**P/17/0845/OA** Outline application for up to 180 dwellings  
Land to the East of Brook Lane, Warsash  
RESOLVED TO GRANT 10 October 2018

**P/17/0752/OA** Outline application for up to 140 dwellings  
Land east of Brook Lane, North of Warsash Road  
APPROVE 17 February 2021

**P/21/1780/RM** Reserved matters application pertaining to layout, scale,  
appearance and landscaping for the construction of 80  
dwellings together with associated parking, open space,  
landscaping and other infrastructure and development  
works, pursuant to Outline Planning Permission  
P/19/0402/OA  
Land to the East of Brook Lane  
UNDER CONSIDERATION

**P/18/0107/OA** Outline application for up to 30 dwellings,  
East and West of 79 Greenaway Lane, Warsash  
APPROVE 20 January 2021

**P/21/0133/RM** Reserved matter application for the layout, appearance,  
scale and landscaping for phase 1-7 of P/18/0107/OA  
(Outline application for the erection of up to 30 residential  
units and associated detached garages. Revised scheme  
incorporating access to the south)  
East and West of 79 Greenaway Lane, Warsash  
APPROVE 21 April 2021

**P/21/0300/RM** Reserved Matters Major application pertaining to layout,  
scale, appearance and landscaping for the construction of  
phase 1, 76 dwellings together with associated parking,  
open space, landscaping and other infrastructure and  
development works, pursuant to Outline Planning  
Permission P/17/0752/OA  
Land East of Brook Lane  
APPROVE 18 February 2022

**P/21/2019/RM** Reserved matters application pertaining to layout, scale,  
appearance and landscaping for the construction of 42  
dwellings (Phase 2) together with associated parking,  
open space, landscaping and other infrastructure and

development works, pursuant to Outline Planning  
Permission P/17/0752/OA  
Land East of Brook Lane  
APPROVE 13 October 2022

**P/18/0756/OA** Outline application for up to 28 dwellings together with  
associated landscaping, amenity space, parking and a  
means of access from Greenaway Lane  
Land between 56 – 66 Greenaway Lane, Warsash  
REFUSED 18 March 2021  
ALLOWED ON 2 December 2021  
APPEAL

## **6.0 Representations**

6.1 Thirty five representations have been received which raise the following main points:

- Overdevelopment of the area as a whole
- Impact on neighbouring amenities
- Highways safety
- Increased traffic
- Increased noise pollution
- Impact on wildlife
- Impact on water quality
- Impact on health services
- Impact on schools
- Loss of trees
- Impact on the character of Warsash
- Increased flood risk
- Loss of archaeological heritage
- Dust during the construction process
- Inaccuracies in submission documentation

## **7.0 Consultations**

EXTERNAL

### **Natural England**

7.1 Comments on the Appropriate Assessment are awaited.

### **Hampshire County Council – Flood and Water Management team**

7.2 No objection subject to conditions.

### **Hampshire County Council - Highways**

- 7.3 No objection subject to conditions and financial contributions

### **Hampshire County Council –Children’s Services**

- 7.4 No objection subject to financial contributions

### **Hampshire county Council – Archaeology**

- 7.5 No objection subject to conditions

### **Southern Water**

- 7.6 No objection

### **Crime Prevention Officer**

- 7.7 Traffic calming measures recommended.

### **INTERNAL**

### **Trees**

- 7.8 No objection subject to conditions.

### **Street Scene (Public and Open Spaces)**

- 7.9 No objection

### **Fareham Housing**

- 7.10 No objection

### **Street Scene (Refuse and Recycling)**

- 7.11 No objection

### **Ecology**

- 7.12 No objection

## **8.0 Planning Considerations**

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

- a) Implication of Fareham's current 5-year housing supply position (5YHLS)
- b) Residential development in the countryside
- c) Fareham Local Plan 2037 policy position
- d) Policy DSP40
- e) Other matters including affordable housing and local infrastructure
- f) The planning balance

**a) Implications of Fareham's Current 5 Year Housing Land Supply Position (5YHLS)**

- 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 set 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.
- 8.3 Following the publication of that position the Council's housing supply was considered during several recent appeals held during August and October into proposed residential development at Land east of Cartwright Drive, Land east of North Wallington and Land east of Newgate Lane. 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 submissions had been made. For example, the reserved matters application for Land adjacent to 125 Greenaway Lane (ref. P/21/1780/RM) proposed 80 dwellings rather than the 100 dwellings for which outline planning permission was given (a nett reduction of 20 homes from the Council's housing supply). In evidence it was also identified that, for a small number of other sites, the number of dwellings being delivered would be less than previously stated. At the appeals 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 4.88 years. At the time of writing this report, officers are of the view that 4.88 years is correct and that the council does not have a five year supply of housing.
- 8.4 The starting point for the determination of this planning application is section 38(6) of the Planning and Compulsory Purchase Act 2004:
- "If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".*
- 8.5 In determining planning applications there is a presumption in favour of the policies of the extant Development Plan unless material considerations indicate otherwise. Material considerations include the planning policies set out in the National Planning Policy Framework (NPPF).
- 8.6 Paragraph 60 of the NPPF seeks to significantly boost the supply of housing.
- 8.7 Paragraph 74 of the NPPF states that local planning authorities should identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement including a buffer.

Where a local planning authority cannot do so, and when faced with applications involving the provision of housing, the policies of the local plan which are most important for determining the application are considered out-of-date.

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

- a. For decision-taking this means:*
- b. Approving development proposals that accord with an up-to-date development plan without delay; or*
- c. 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 of 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.”*

8.9 Footnote 7 to Paragraph 11 reads:

*“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 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 at risk of flooding or coastal change.”*

8.10 Footnote 8 to 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); or where the Housing Delivery Test indicates that*



*the delivery of housing was substantially below (less than 75% of) the housing requirements over the previous three years.”*

- 8.11 This planning application proposes new housing outside the defined urban settlement boundaries and the Council cannot demonstrate a five year housing land supply. Footnote 8 to NPPF paragraph 11 is clear that in such circumstances those policies which are most important for determining the application are to be considered out-of-date meaning that the presumption in favour of sustainable development in paragraph 11(d) is engaged. Even if it was the case that the Council could demonstrate a five year housing land supply, the Housing Delivery Test results published on 14<sup>th</sup> January 2022 confirmed that 62% of the Council's housing requirement had been delivered. This means the delivery of housing in the last three years (2018 to 2021) was substantially below (less than 75% of) the housing requirement over the previous three years. Again, footnote 8 to NPPF paragraph 11 is clear that in such circumstances those policies which are most important for determining the application are to be considered out-of-date meaning that the presumption in favour of sustainable development in paragraph 11(d) is engaged.
- 8.12 Taking the first limb of NPPF paragraph 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. Where such policies provide a clear reason for refusing the development proposed then this should be the case. The key judgement in regard to the second limb of NPPF paragraph 11(d), is 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'). However, this 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 The following sections of the report assesses the application proposals against this Council's adopted local planning policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

**b) Residential Development in the Countryside**

- 8.14 Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. Policies CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries. The application site lies within an area which is outside of the defined urban settlement boundary.
- 8.15 Policy CS14 of the Core Strategy states that:

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

8.16 Policy DSP6 of the Local Plan Part 2: Development Sites and Policies states – there will be a presumption against new residential development outside of the defined urban settlement boundary (as identified on the Policies Map).

8.17 The site is clearly outside of the defined urban settlement boundary and the proposal 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 Local Plan 2037 policy position**

8.18 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 Revised Publication version of the Fareham Local Plan which addresses the Borough's development requirements up until 2037 has been examined by the Planning Inspector and the modifications are currently undergoing public consultation.

8.19 The site of this planning application is part of a wider allocation for housing with an indicative overall yield of 824 dwellings within the emerging Fareham Local Plan (Policy HA1). A number of background documents and assessments support the proposed allocation of the site in terms of its deliverability and sustainability which are of relevance. A number of representations have been submitted both in support of and objecting to the policy however the proposed modifications to the policy are of a minor nature and the Inspector has agreed that the Plan can go back out for consultation. Officers therefore consider that significant weight can be given to this policy in the assessment and determination of this application.

**d) Policy DSP40**

8.20 Local Policy DSP40 states that:

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

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

8.21 Each of these five bullet points are considered further below.

**Policy DSP40 (i)**

8.22 Members will note from the 5 Year Housing Land Supply Position explained in section A of this report that the Council currently has a shortfall, therefore part i) of Policy DSP40 is satisfied.

**Policy DSP40 (ii)**

8.23 The site is immediately adjacent to the urban settlement boundary, with the northern boundary of the site positioned to the south of dwellings in Cabot Close. The proposed development will therefore be sustainably located adjacent to the existing urban settlement boundary. The proximity of the site to the urban settlement boundary is such that the detailed development (that would be considered at the reserved matters stage) will also be able to be designed to be well related to and integrated with the neighbouring settlement. An indicative site plan has been provided which provides an example of one way in which the site may be appropriately designed to ensure the development is well related to and well-integrated with the neighbouring settlement. The location for the proposed development is therefore in accordance with part ii of Policy DSP40.

**Policy DSP40 (iii)**

8.24 The site is within an area of countryside but is not designated as a strategic gap. The area is identified within the Fareham Landscape Assessment 2017 as relatively visually contained from views within the surrounding areas. This area is classed as being of a lower sensitivity mainly because the character and quality of the landscape has been adversely affected by urban influences. This

area is therefore more tolerant of change and there is scope for development to bring about positive opportunities.

- 8.25 If the development were to go ahead, the main stakeholders who would be potentially affected by visual changes would be residents close to the site and users of Lockswood Road. It is therefore acknowledged that the development of this site would introduce a change in character and outlook. This change however would primarily have a localised visual impact and the visual impact from longer distance views would be limited.
- 8.26 The indicative site plan shows how the overall layout and form of the development might be laid out. Whilst acknowledging that this plan is for illustrative purposes only as the layout and design of the site would be the subject of a reserved matters application, Officers consider that this aspect will need to be the subject of careful consideration at the reserved matters stage to ensure that the proposal complies with adopted policy. The layout would need to retain areas of woodland and accommodate pedestrian and cycle links to adjacent areas. This is to ensure ecological connectivity with wider green infrastructure within the area and to ensure that people can easily walk and cycle within the area in accordance with Policy DSP40.
- 8.27 Officers consider that subject to more detailed considerations at the reserved matters stage, the development of up to 62 dwellings would be acceptable on this site in accordance with point iii) of Policy DSP40.

**Policy DSP40 (iv)**

- 8.28 In terms of delivery, the agent has advised that the site is capable of delivering 20 dwellings by March 2025, 32 dwellings by March 2026 with the final 10 being delivered by March 2027. The proposal would therefore be in accordance with part iv of policy DSP40.

**Policy DSP40 (v)**

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

Environmental Implications

- 8.30 Ecological surveys in respect of reptiles, bats and badgers have been submitted together with a biodiversity net gain report that proposes the retention of large areas of woodland together with ecological buffers. The provision of an off-site reptile translocation site is also proposed to ensure appropriate habitat is provided for reptiles. It is recommended that the off-site reptile translocation site is secured within the legal agreement. The Ecology Officer and Natural

England have reviewed the application and are satisfied with the proposal in terms of impact on protected species subject to the imposition of planning conditions and appropriate mitigation.

#### *Appropriate Assessment*

- 8.31 The development is likely to have a significant effect on the following designated sites in respect of recreational disturbance, air quality and water quality: Solent and Southampton Waters Special Protection Area and Ramsar Site, Portsmouth Harbour Special Protection Area and Ramsar Site, Solent and Dorset Coast Special Protection Area, Chichester and Langstone Harbours Special Protection Area and Ramsar Site, Solent and Isle of Wight Lagoons Special Area of Conservation and the Solent Maritime Special Area of Conservation – collectively known as the Habitat Sites (HS). Policy CS4 sets out the strategic approach to biodiversity in respect of sensitive sites and mitigation impacts on air quality. Policy DSP13 and policy NE1 of the emerging Local Plan 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.
- 8.32 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 percent 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.
- 8.33 In light of their importance, areas within The Solent have been specially designated under UK law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC).
- 8.34 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 Habitat Sites (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 Habitat Sites. This is done following a process known as an Appropriate Assessment. The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority.

- 8.35 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the HS. The key considerations for the assessment of the likely significant effects are set out below.
- 8.36 Firstly, in respect of Recreational Disturbance, the development is within 5.6km of the Solent SPAs and is therefore considered to contribute towards an impact on the integrity of the Solent SPAs as a result of increased recreational disturbance in combination with other development in the Solent area. The appropriate payment towards the Solent Recreational Mitigation Partnership Strategy (SRMP) can be secured via legal agreement therefore, the Appropriate Assessment concludes that the proposals would not have an adverse effect on the integrity of the HS as a result of recreational disturbance in combination with other plans or projects.
- 8.37 Natural England have also advised that the development's location within a 13.8km radius of the New Forest designated sites requires mitigation. In order to mitigate the impact of increased recreational disturbance in combination with other development on the New Forest designated sites the applicant has provided the appropriate financial contribution towards the Council's interim Mitigation Solution on New Forest Recreational Disturbance. The Appropriate Assessment therefore concludes that the proposals would not have an adverse effect on the integrity of the HS as a result of recreational disturbance either alone or in combination with other plans or projects.
- 8.38 Secondly, in respect of Air Quality, Natural England has advised that the effects of emissions from increased traffic along roads within 200 metres of HS has the potential to cause a likely significant effect. Fareham Borough Council commissioned Ricardo Energy and Environment to undertake an assessment which avoids the need for relying on the assumption of a 200 metre zone of influence by including dispersion modelling of emissions from all roads with modelled traffic flows within the Fareham study area, whether or not they are located within 200m of a designated site. Therefore, all potentially relevant designated sites located within 10km of Fareham Borough were included in the assessment. This study concluded no likely significant effect, in combination with other plans or projects, on the integrity of the HS.
- 8.39 The Council is therefore content that the development would be acceptable in this respect. Finally, 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.

- 8.40 A nitrogen budget has been calculated in accordance with Natural England's '*Advice on Achieving Nutrient Neutrality for New Development in the Solent Region*' (June 2020) which confirms that the development will generate 72.89/TN/year. In the absence of sufficient evidence to support a bespoke occupancy rate, Officers have accepted the use of an average occupancy of the proposed dwellings of 2.4 people in line with the NE advice. Due to the uncertainty of the effect of the nitrogen from the development on the HS, adopting a precautionary approach, and having regard to NE advice, the Council will need to be certain that the output will be effectively mitigated to ensure at least nitrogen neutrality before it can grant planning permission.
- 8.41 The applicant has entered into a contract (conditional on the grant of planning permission) to purchase 73.64kg of nitrate mitigation 'credits' from a wetland scheme at Whitewool Farm. Through the operation of a legal agreement between the landowners (William and James Butler), the tenant (Butler Farms) and Fareham Borough Council dated 3<sup>rd</sup> November 2021, the purchase of the credits will result in a corresponding reduction in nitrogen entering The Solent marine environment.
- 8.42 A condition will be imposed to ensure that the development does not commence on site until confirmation of the purchase of the credits from Whitewool Farm has been received by the Council.
- 8.43 The Council has carried out an appropriate assessment and concluded that the proposed mitigation and condition will be adequate for the proposed development and ensure no adverse effect on the integrity of the HS either alone or in combination with other plans or projects.
- 8.44 Natural England has been consulted on the Council's Appropriate Assessment and their formal comments are expected shortly. Members will be updated at the Committee Meeting in this regard.
- 8.45 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.

#### *Agricultural Land*

- 8.46 Policy CS16 seeks to prevent the loss of the best and most versatile agricultural land. The NPPF does not place a bar on the development of the best and most versatile agricultural land. The site is classified as a mixture of Grades 2 and 3b agricultural land. Grade 2 is within the category of the 'best and most versatile' agricultural land category and grade 3b is outside the category.

Notwithstanding the categorisation of the land, the site is small for an agricultural unit and given modern farming practices would not be practical for use on its own. There are resolutions to grant permission for the land adjacent to the site which further diminishes the contribution this site would make to the rural economy as required in the NPPF. Notwithstanding this, the loss of an area of best and most versatile agricultural land would result in some conflict with policy CS16.

#### Amenity Implications

- 8.47 Matters of scale, appearance and layout are reserved for consideration at the future reserved matters application stage. It is at that stage that the detailed consideration of these issues would need to comply with Policies CS17, DSP3, D1 and the adopted design guidance SPD to ensure appropriate amenity standards. Officers are satisfied that there is sufficient flexibility and control in the description of up to 62 units that this can be satisfactorily addressed to ensure that the proposal would be policy compliant.

#### Highways Implications

- 8.48 The application proposes access to and from the development from Lockswood Road via a T-junction. A number of representations have raised concern over the impact of the development on local roads due to increased volumes of traffic and disturbance during the construction process. The Highway Authority has assessed the proposal which includes details relating to the access and concluded that from a highway safety perspective, the proposal would be acceptable and a safe means of access can be provided subject to the imposition of planning conditions and financial contributions towards a Travel Plan (to encourage residents to move towards more sustainable methods of transport), improved crossing points across Lockswood Road; a new footway/cycleway on the western side of Lockswood Road to connect to Greenaway Lane and improvements to several local junctions. The Highway Authority is a statutory consultee and their consultation response is a significant material planning consideration.
- 8.49 Overall, through the imposition of planning conditions and the completion of a planning obligation pursuant to Section 106 of the Town and Country Act 1990, Officers consider that the proposal would not have any unacceptable environmental, amenity or traffic implications in compliance with criteria (v) of DSP40.

#### **e) Other Matters**

##### *Affordable Housing*



- 8.50 The proposal includes the provision of 40% affordable housing of which 65% would be social/affordable rented units and 35% would be intermediate provision such as shared ownership units. It is recommended that the size, mix and tenure of affordable housing is secured by legal agreement in line with identified local need. Officers have liaised with Fareham Housing and consider the proposed level of affordable housing to be acceptable and in accordance with Policy CS18.

#### *Open Space*

- 8.51 On site open space is primarily proposed in the form of areas of retained woodland and is shown illustratively on the submitted plans. As part of the a Section 106 legal agreement, it is considered appropriate to secure a plan as part of the agreement to ensure that appropriate areas of woodland are retained and managed. This is also to secure green infrastructure to support biodiversity. Pedestrian connectivity to the north, south and west of the site will also be secured to enable movement between this site and adjacent sites (P/17/0845/OA to the west and P/18/0756/OA to the south).
- 8.52 In respect of play provision and in accordance with the Council's adopted Planning Obligation SPD, the proposed number of units would require the provision of a Locally Equipped Area of Play (LEAP). It is noted that resolutions to grant planning permission have already sought to secure play provision on other land to the north of Greenaway Lane.
- 8.53 Due to the development proposals in the Cluster coming forward at different times and by different developers and to enable the provision of one well-equipped area to the north of Greenaway Lane rather than a series of smaller, less well equipped play areas, it is appropriate to secure a contribution towards play provision within one of the sites to the north of Greenaway Lane. It is anticipated that the play provision will be provided within open space in phase 1 (to the west of this application) and it is therefore recommended that, a financial contribution towards the provision and maintenance of play equipment is secured within the legal agreement.

#### *Effect on Local Infrastructure*

- 8.54 Concerns have also been raised over the effect of the number of dwellings on schools in the area. Hampshire County Council have identified a need to increase the number of primary and secondary school places within the area to meet needs generated by the development. It is recommended that a financial contribution towards education provision is secured through the Section 106 legal agreement.

- 8.55 Concerns have also been raised by local residents regarding the impact of the development on health services in the area. This is an issue that is raised regularly in respect of new housing proposals however it is ultimately for the health providers to decide how they deliver health services. Therefore, a refusal on these grounds would not be sustainable.
- 8.56 With regard to concerns over drainage and flood risk, the Lead Local Flood Authority are content with the proposed drainage strategy which includes lined permeable paving structures which will flow into an attenuation basin within the south of the site. The detailed drainage design will be addressed further at the reserved matters stage.

**f) The Planning Balance**

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

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

- 8.58 The site is outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of Local Plan Part 2: Development Sites and Policies Plan.
- 8.59 Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations which is engaged as this Council cannot demonstrate a 5YHLS. Officers have concluded that the proposal is: relative in scale to the demonstrated 5YHLS shortfall (DSP40(i)); would be sustainably located adjacent to and well related to the existing urban settlement boundaries and well-integrated with the neighbouring settlement (DSP40(ii)); can be sensitively designed to reflect the character of the neighbouring settlement and would minimise any adverse impact on the countryside and strategic gap (DSP 40(iii)); and can be delivered in the short-term (DSP40(iv)).
- 8.60 The proposed development would not have any unacceptable traffic or amenity implications and therefore accords with two of the three components of DSP40 part (v) and HP4 part (3). Part (v) of DSP40 also requires development to not have any unacceptable environmental implications. Officers have undertaken an appropriate assessment which concludes that the proposed development would not have an adverse impact on the integrity of the Protected Sites. The

proposed development would result in the loss of some best and most versatile agricultural land (which is also contrary to Policy CS16), however the amount is small therefore the environmental implications are limited. The site is also within a larger area allocated for development within policy HA1 of the emerging Local Plan and as explained in section 8(c) of this report, significant weight can be given to this policy.

- 8.61 In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage in housing supply, Officers acknowledge that the proposal could deliver up to 62 dwellings in the short term.
- 8.62 The contribution the proposed scheme would make towards boosting the Borough's housing supply is a material consideration in the light of this Council's current 5YHLS.
- 8.63 There is a 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. Policy HP4 of the emerging Local Plan is also of relevance and can be given significant weight given the advanced progress of the emerging Local Plan. The scheme is considered to satisfy four of the five criteria of policies DSP40 and HP4 and in the circumstances, Officers consider that more weight should be given to these policies than CS14 such that, on balance, when considered against the development plan as a whole, the scheme should be approved.
- 8.64 As an appropriate assessment has been undertaken Paragraph 182 of the NPPF states that the presumption in favour of sustainable development imposed by paragraph 11 of the same Framework is applied.
- 8.65 Officers have therefore assessed the proposals against the 'tilted balance' test set out at paragraph 11 of the NPPF.
- 8.66 In undertaking a detailed assessment of the proposals throughout this report and now 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 proposed;

and

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

8.67 Officers therefore conclude that having applied the 'tilted balance', that planning permission should be granted for the proposals. Having carefully considered all material planning matters, 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 Subject to:

the receipt of comments from Natural England in response to consultation on the Council's Appropriate Assessment;

Delegate to the Head of Development Management to make any minor modifications to the proposed conditions or any subsequent minor changes arising after having had regard to those comments;

**then**

the applicant/owner first entering into a planning obligation 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 timely delivery of the areas of open space and the option for these spaces to be adopted by Fareham Borough Council,
- b) To secure the provision of an Open Space Management and Enhancement Plan
- c) To secure the necessary open space commuted maintenance sums prior to adoption by the Council; or
- d) In the event that the Council does not adopt the delivered open space, then the creation of a management company to maintain the open space in perpetuity including detail of how that management company would be funded to ensure the management and maintenance of the open space in perpetuity
- e) To secure a financial contribution towards a locally equipped area of play;

- f) To secure a financial contribution towards the Solent Recreation Mitigation Partnership (SRMP);
- g) 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;
- h) To secure pedestrian and cycle connectivity access to adjoining land for members of the public through the site in perpetuity and a financial contribution towards the maintenance and associated lighting of the pedestrian and cycle link;
- i) To secure a financial contribution towards primary and secondary education provision;
- j) To secure a financial contribution towards highway improvements
- k) To secure a Travel Plan and related monitoring cost and bond;
- l) To secure a sustainable travel contribution to be used towards offsite improvements;
- m) To secure the provision of ecological buffers along the north, east and south boundaries;
- n) To secure a financial contribution for the maintenance of trees;
- o) To secure the preparation and provision of the off-site reptile translocation area.

**Then**

**GRANT OUTLINE PLANNING PERMISSION:**

Subject to the following 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 12 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 Drawing no. 18.07.01 Rev B
  - b. Proposed land use plan 18.057.06F\_
  - c. Site access to Lockwood Road Drawing no. ITB1370-GA-00 Rev B
  - d. Additional Transport Information Technical Note iTransport SJ/SH/ITB13-007 TN
  - e. Framework Travel Plan iTransport SJ/AI/ITB13705-006C R
  - f. ROAD ALIGNMENT (1 OF 3) 056.5031\_020
  - g. ROAD ALIGNMENT (2 OF 3) 056.5031\_021
  - h. ROAD ALIGNMENT (3 OF 3) 056.5031\_022
  - i. Affordable Housing Statement May 2018
  - j. Reptile Survey & Proposed Mitigation Ecosupport dated June 2018
  - k. Bat Surveys Ecosupport dated July 2018
  - l. Initial Ecological Appraisal Ecosupport dated October 2019
  - m. Ecology Addendum Ecosupport dated November 2020
  - n. Badgers and Bats in Trees Report dated 13<sup>th</sup> July 2021
  - o. Biodiversity Net Gain Report fpcr dated 19<sup>th</sup> January 2022
  - p. Tree Survey Report CBA Trees CBA1028PS v1 dated October 2017
  - q. Arboricultural Statement CBA10528 v2 November 2016
  - r. Arboricultural Impact Assessment & Tree Survey Sapling Arboriculture Ltd J1116.04
  - s. Phase 1 Desk Study Ref 1694/DS May 2018
  - t. Outline Landscape Strategy Plan Deacon Design Drawing no. DD126L02
  - u. Outline Landscape Strategy Plan Deacon Design Drawing no. DD126L02 Rev B
  - v. FRA & Drainage Strategy Paul Basham Associates Oct 2019
  - w. Drainage layout 1 Drawing no. 056.5031\_005
  - x. Drainage layout 2 056.5031\_005
  - y. Drainage layout 3 056.5031\_007
  - z. Drainage layout 4 056.5031\_008
  - aa. Drainage layout 5 056.5031\_009
  - bb. Proposed Surface Water Network (Oct 2019) 056.5031B
  - cc. Proposed SW 100yr+40% (Oct 2019) 056.5031A
  - dd. Proposed SW 1yr30yr100yr (Oct 2019) 056.5031A

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

5. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include construction traffic routes and their management and control, parking and turning provision to be made on site, measures to prevent mud being deposited on the highway and a programme for construction including the areas to be used for the storage of building materials, plant, excavated

materials and huts associated with the implementation of the development. The approved measures shall be fully implemented upon the commencement of development and shall be retained for the duration of construction of the development unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of highway safety and the amenity of the area.

6. No development shall take place until the Council has received the Notice of Purchase in accordance with the allocation agreement dated 31<sup>st</sup> August 2022 between William Northcroft Butler and James Nicholas Butler, (2) H N Butler Farms Ltd and (3) Foreman Homes Ltd

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

7. No development shall take place until a detailed biodiversity enhancement strategy has been submitted to and approved in writing by the Local Planning Authority. Development shall subsequently be carried out in accordance with the approved details.

REASON: To ensure that habitat is enhanced as a result of the proposed development.

8. No development shall take place 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.

9. (i) No development shall take place until the applicant has secured the implementation of a programme of archaeological evaluation and, where necessary, subsequent archaeological mitigation. The assessment shall take the form of trial trenches. The Written Scheme of Investigation shall be submitted to and approved in writing by the Local Planning Authority and the works shall thereafter be undertaken in accordance with the approved details.  
(ii) Following the completion of all fieldwork the post investigation assessment will be submitted to and approved in writing by the Local Planning Authority and the applicant shall make provision for analysis, publication and dissemination of results as well as the deposition of the archive with the relevant receiving body.

REASON: To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these

heritage assets and mitigate and record the effect of the associated works upon any heritage assets.

10. If, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered, all development in the affected area must stop unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence in the affected area before an investigation and risk assessment of the identified material/ground conditions has been undertaken and details of the findings along with a detailed remedial scheme, if required, has 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 the occupation of the dwellings where mitigation measures have been installed.

REASON: To ensure that any contamination of the site is properly taken into account before development takes place.

11. No development shall take place until 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 shall be submitted to and approved in writing by the local planning authority. 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.

12. 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) Updated surface run-off calculations for rate and volume for pre and post development using the appropriate methodology;

b) The detailed design of Sustainable Drainage Systems (SuDS) to be used on the site in accordance with best practice and the CIRIA SuDS Manual (C753) as well as details on the delivery, maintenance and adoption of those SuDS features;

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.



13. 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.

14. No development shall take place on site until a scheme of lighting (in line with the recommendations contained within section 5.0 of the Bat Survey's Report dated July 2018) designed to minimise impacts on wildlife and habitats during and after the construction phase has been submitted to and approved in writing by the local planning authority. The approved lighting scheme shall be implemented in accordance with the approved details and those elements shall be permanently retained at all times thereafter unless otherwise agreed in writing by the local planning authority.

REASON: In order to minimise impacts of lighting on the ecological interests of the site. 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 part of the development shall be occupied/brought into use until the access junctions and visibility splays have been constructed in accordance with the approved details ITB1370-GA-00 Rev B. The visibility splays shall thereafter be kept free of obstruction at all times.

REASON: In the interests of highway safety.

16. 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 construction 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.

17. None of the dwellings hereby approved shall be first 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

18. 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 bank and public holidays.

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

19. Full details of all necessary ecological mitigation and compensation measures (to be informed as necessary by up-to-date survey and assessment) shall be submitted for approval to the Local Planning Authority in the form of a Biodiversity Mitigation Strategy with each reserved matters application. Such details shall be in accordance with the outline ecological mitigation and compensation measures detailed within the approved: Reptile Survey & Proposed Mitigation Ecosupport dated June 2018; Bat Surveys Ecosupport dated July 2018; Initial Ecological Appraisal Ecosupport dated October 2019; Ecology Addendum Ecosupport dated November 2020; Badgers and Bats in Trees Report dated 13<sup>th</sup> July 2021; Biodiversity Net Gain Report fpcr dated 19<sup>th</sup> January 2022

Any such approved measures shall thereafter be implemented in strict accordance with the agreed details and with all measures maintained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To provide ecological protection and compensation in accordance with Wildlife & Countryside Act 1981.

20. Tree protection measures shall be installed on site prior to any site operations (including site clearance and preparation) and in accordance with the recommendations contained within the submitted Tree Survey Report CBA Trees CBA1028PS v1 dated October 2017, the Arboricultural Statement CBA10528 v2 November 2016 and the Arboricultural Impact Assessment & Tree Survey Sapling Arboriculture Ltd J1116.04. 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. There shall be no work undertaken or the storage of plant or materials within the tree protection areas.

REASON: To ensure protection of important trees and hedgerows.

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

REASON: In the interests of the living conditions of the occupiers of neighbouring properties.

INFORMATIVES:

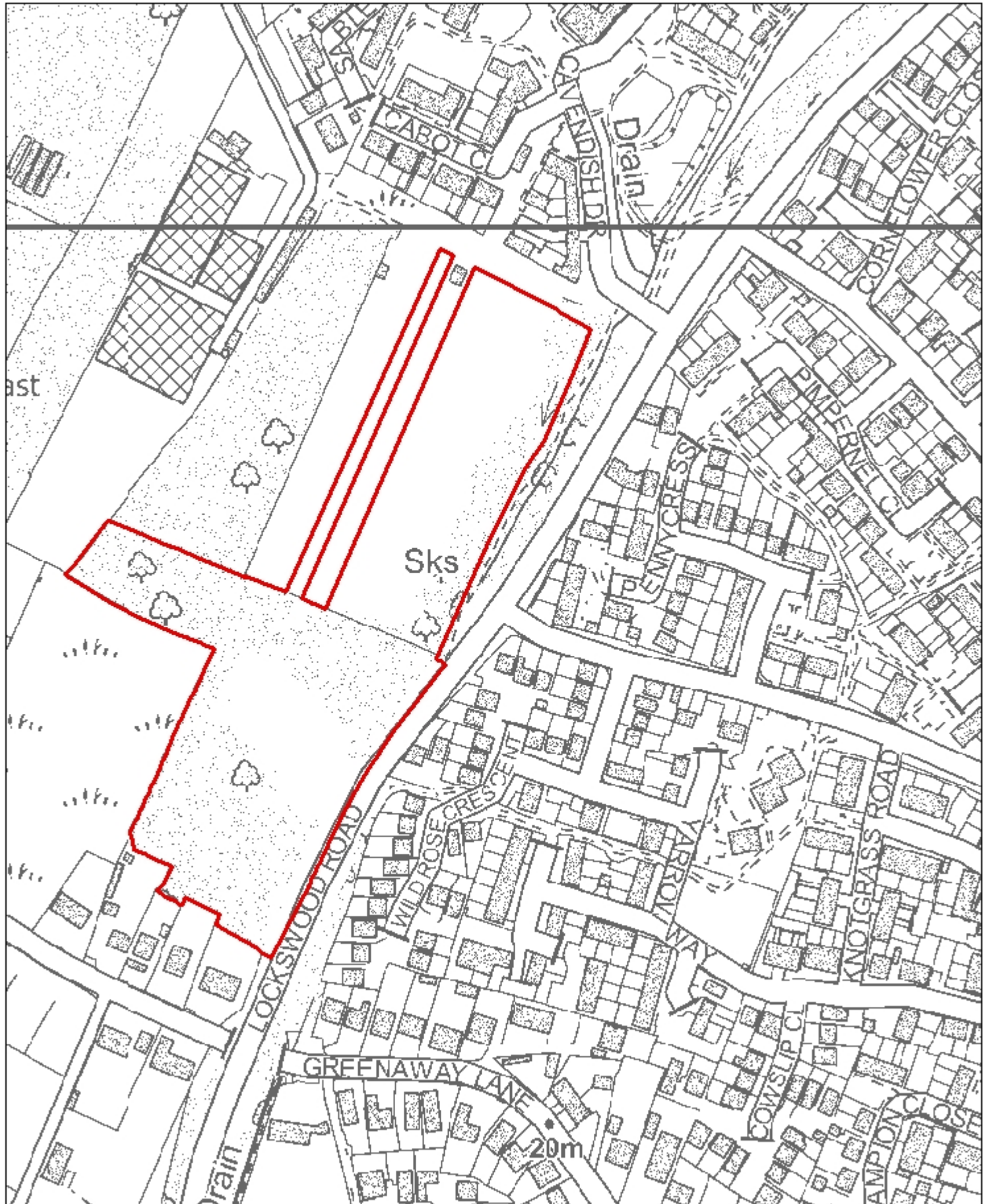
- a) A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".
- b) Applicants should be aware that, prior to the commencement of development, contact must be made with Hampshire County Council, the Highway Authority. Approval of this planning application does not give approval for the construction of a vehicular access, which can only be given by the Highway Authority. Further details regarding the application process can be read online via <http://www3.hants.gov.uk/roads/apply-droppedkerb.htm> Contact can be made either via the website or telephone 0300 555 1388.(II))

## **10.0 Background Papers**

- 10.1 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



Land West of Lockwood Road  
Warsash  
Scale 1:2,500



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