

OFFICER REPORT FOR COMMITTEE

DATE: 25th January 2023

P/20/0730/OA

APPLICANT: RGOM

WARSASH

AGENT: RGOM

OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS) FOR RESIDENTIAL DEVELOPMENT OF UP TO 6 SELF-BUILD DWELLINGS, ASSOCIATED LANDSCAPING & ACCESS FROM GREENAWAY LANE.

LAND NORTH OF GREENAWAY LANE, WARSASH, SOUTHAMPTON

Report By

Katherine Alger – direct dial 01329 824666

1.0 Introduction

- 1.1 This application is reported to the Planning Committee for determination because of the number of representations which have been received.
- 1.2 Members will be aware that the site is within an area allocated for residential development in the emerging Fareham Local Plan 2037 under Policy HA1. 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 north of Greenaway Lane and comprises 0.49 hectares of land. The site is flat and comprises a paddock that has most recently been used for grazing horses. The northern, western and part of the eastern boundary are defined by hedging. The site is classified as Grade 2 agricultural land.
- 2.2 To the north and west of the site lies a former horticultural nursery for which there is a resolution to grant planning permission for up to 180 dwellings (application reference P/17/0845/OA). To the east of the site is an undeveloped paddock which has outline planning permission for up to 28 dwellings (application reference P/18/0745/OA). To the south of the site lie residential properties, numbers 74 and 78 Greenaway Lane.
- 2.3 Existing vehicular access to the site is from Greenaway Lane to the south. Greenaway Lane connects to Brook Lane located a relatively short distance to the west.

3.0 Description of Proposal

- 3.1 The application is an outline planning application with all matters reserved (except for access) for residential development of up to 6 self-build dwellings and access from Greenaway Lane.

4.0 Policies

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

National Planning Policy Framework (NPPF)

4.2 Adopted Fareham Borough Core Strategy

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

4.3 Adopted Development Sites and Policies

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

4.4 Emerging Fareham Local Plan 2037

The Fareham 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 were the subject of public consultation from 31st October until 12th December. The Council's Local Development Scheme schedules that the new plan will be adopted in Winter 2022/23. 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.

Emerging Publication Fareham Local Plan 2037

DS1:	Development in the Countryside
DS3:	Landscape
H1:	Housing Provision
HA1:	North and South of Greenaway Lane
HP1:	New Residential Development
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:	Co-ordination of Development and Piecemeal Proposals
D4:	Water Quality and Resources

4.5 Other Documents:

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

Planning Obligation Supplementary Planning Document for the Borough of Fareham (excluding Welborne) (April 2016)

Residential Car Parking Standards 2009

5.0 *Relevant Planning History*

5.1 The following planning history is relevant:

P/19/0313/RM	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
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APPROVE 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/18/0590/OA 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
RESOLVED TO GRANT 9th November 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 Representations have been received from 18 households which raise the following issues:

- Impact on the character of Greenaway Lane
- Impact on wildlife
- Inappropriate scale and density of development
- Additional traffic generation
- Impact on highway safety
- Impact on amenities of 78 Greenaway Lane
- Work to and use of the access may cause damage to 78 Greenaway Lane
- Increased air and noise pollution
- Impact on protected trees
- Potential damage to sewer near access
- Insufficient car parking
- Request for multiple internal nest sites for Swifts
- The site is located within the countryside and does not fall within policy HA1
- The tilted balance does not apply as the HRA does not conclude 'no likely significant effect'
- Residents undertook a traffic survey which demonstrates that the application understates traffic movements

- The nitrogen budget includes 110 litres which is contrary to Natural England's advice that water consumption should be limited to 100 litres
- No mitigation to protect designated sites
- No documents from Hampshire Highways
- Policy DSP40 does not apply as the appropriate assessment can't prove that there is no harm to designated sites
- The contribution towards self-build provision is 'cancelled out' by the provision of self-build houses further along Greenaway Lane
- Would the proposal incorporate signage or street lighting?
- Impact of proposed access on driveway serving no. 74 Greenaway Lane
- The development would not provide CIL and therefore would not benefit infrastructure within the area
- Impact on protected trees
- Impact on drainage and flooding within the area
- Access should be via one of the adjacent development sites

7.0 Consultations

EXTERNAL

Natural England

7.1 Comments on HRA outstanding.

Hampshire County Council – Highways

7.2 No objection subject to conditions.

Hampshire County Council – Lead Local Flood Authority

7.3 No objection subject to conditions.

Hampshire County Council – Archaeology

7.4 No objection

Southern Water

7.5 No objection

INTERNAL

Ecology

7.6 No objection subject to the enhancements of the land to the north being secured.

Trees

7.7 No objection subject to conditions.

Environmental Health

7.8 No objection

Environmental Health - Contamination

7.9 No objection

8.0 Planning Considerations

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) Design
- e) Visual Impact
- f) Highways Impact
- g) Ecology
- h) Other matters including affordable housing and local infrastructure
- i) The planning balance

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

- 8.1 An update report on the Council's five year housing land supply position is included on the agenda for this report. The report sets out this Council's local housing need along with the Council's current housing land supply position. The report concludes that the Council has 5.49 years of housing supply against its five year housing land supply (5YHLS) requirement.
- 8.2 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".

- 8.3 In determining planning applications there is a presumption in favour of the policies of the Development Plan unless material considerations indicate otherwise. Material considerations include the planning policies set out in the National Planning Policy Framework (NPPF).
- 8.4 Paragraph 60 of the NPPF seeks to significantly boost the supply of housing.

8.5 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.

8.6 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."

8.7 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."

8.8 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.”

- 8.9 This planning application proposes new housing outside the defined urban settlement boundary. Whilst the Council can demonstrate a five year housing land supply, the Housing Delivery Test results published on 14th January 2022 confirmed that the Council has achieved 62% of its housing target. This means the delivery of housing in the last three years (2018 to 2021) was substantially below (less than 75%) the housing requirement over the previous three years. Footnote 8 to NPPF paragraph 11 is clear that in such circumstances those policies which are most important for determining the application are to be considered out-of-date meaning that the presumption in favour of sustainable development in paragraph 11(d) is engaged.
- 8.10 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.
- 8.11 The following sections of the report assess 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

- 8.12 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.
- 8.13 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.'

- 8.14 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 confirm that none of the exceptions would apply.
- 8.15 The site is outside of the defined urban settlement boundary and the proposal is therefore contrary to Policies CS2, CS6, and CS14 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan.

c) Fareham Local Plan 2037 policy position

- 8.16 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). The progress of the emerging Local Plan is considered to be sufficiently advanced for it to carry weight in the consideration of planning applications.
- 8.17 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. Officers therefore consider that significant weight can be given to this policy in the assessment and determination of this application.

d) Design

- 8.18 The application proposes 6 dwellings which Officers consider to be an appropriate number given the size of the site. The indicative site plan shows how the overall layout and form of the development might be laid out. The site plan is for illustrative purposes only and detailed design issues such as the layout, size, position and form of the dwellings would be the subject of a future reserved matters application. Officers are of the opinion that the proposed dwellings can be designed to be of a

high quality in accordance with policies CS17 of the Core Strategy and D1 and HA1 of the emerging Fareham Local Plan 2037.

e) Visual Impact

- 8.19 The site is not located with a designated strategic gap. It is however, located within designated countryside where Policy CS14 of the adopted Fareham Borough Core Strategy confirms that built development will be strictly controlled to protect it from development which would *"adversely affects its landscape character, appearance and function"*.
- 8.20 If the development were to be approved, the parties who would be potentially affected by visual changes would be residents close to the site and users of Greenaway Lane. 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.
- 8.21 Policy HA1 of the Fareham Local Plan 2037 states that the primary highway access for sites in the Warsash cluster should be focused on Brook Lane and Lockswood Road with limited access to Greenaway Lane. The presence of a badger sett to the north of the site however prevents vehicular access to the north to link with vehicular accesses from either Brook Lane or Lockswood Road via adjacent development sites. The access is therefore proposed from Greenaway Lane via the existing track. Furthermore, the red edge in the allocation in HA1 actually includes the site access to Greenaway Lane. The existing track would provide a shared surface for vehicles and pedestrians. A short section of Greenaway Lane opposite the site is also proposed to be widened on the south side of the Lane to allow a refuse vehicle to enter and exit the site.
- 8.22 Concerns have been raised regarding the visual impact of the access on the character of Greenaway Lane. It is accepted that the proposed development would result in additional traffic using Greenaway Lane and the proposed localised widening of Greenaway Lane would also have a visual impact on the character of the Lane. However, as set out above, the access for this site, between 74 and 78 Greenaway Lane is included in the Local Plan allocation HA1. Given the width of this part of the site it would not conceivably be used for any other purpose in the allocation than an access point off Greenaway Lane. As such Officers do not consider that the proposed alterations at the site access onto and including Greenaway Lane or the generation of additional traffic would have a significant adverse impact upon the lane that warrants the refusal of the application.
- 8.23 Officers consider that subject to more detailed considerations at the reserved matters stage, the development of 6 self-build dwellings in this location would be

acceptable. Although policy HA1 states that access for sites in the Warsash cluster should be focused on Brook Lane and Lockswood Road it does not preclude access from Greenaway Lane and as described above, the allocation in the Fareham Local Plan 2037 includes this access point. Officers consider that in this situation the use of an existing access is justified and would be in accordance with CS17 of the Core Strategy and D1, DS3 and HA1 of the emerging Local Plan.

f) Highways Impact

- 8.24 The application proposes access and egress from Greenaway Lane via the existing track together with the widening of a short section of Greenaway Lane. Details regarding the surfacing of the track would be agreed at the reserved matters stage.
- 8.25 Representations have raised concerns regarding the impact of the development on Greenaway Lane due to disturbance and increased volumes of traffic both during the construction and after completion of the development.
- 8.26 Members will also be aware of the allowed appeal for 28 dwellings to the north side of Greenaway Lane and due east of the application site (application reference P/18/0756/OA). Each application is assessed on its own merits however the appeal is a material consideration and the Inspector's assessment of the impact of traffic on the safety and character of Greenaway Lane is particularly relevant given its proximity to this site.
- 8.27 When considering the appeal proposal due east of the site concern was raised by the Planning Committee regarding the lack of pavements and limited street lighting on Greenaway Lane. However, the Inspector, in allowing the appeal, concluded that the lane has good visibility and generous width with areas of verge that would serve as places for refuge that would allow pedestrians to step off the road surface if necessary. The Inspector also concluded that: *"...the evidence before me suggests that the resulting level of traffic would remain low and the road has the characteristics that mean that it would remain safe for cyclists and pedestrians to use the main area of carriageway. The road would continue to carry only local vehicular traffic and drivers would be naturally cautious of hazards arising from vehicles and pedestrians emerging from numerous domestic accesses."* It is considered that the proposed additional 6 dwellings would not significantly increase the number of vehicles using the Lane to such an extent that interventions would be required or that the character would be materially changed and that a different conclusion should be drawn to that of the Inspector on the adjacent site.

- 8.28 With regard to third party concern over the impact of the proposed development on the safety of the local highway network, 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. The Highway Authority is a statutory consultee and their consultation response is a significant material planning consideration.
- 8.29 Concerns have also been raised regarding the impact of the proposed access on adjacent properties in terms of the impact on boundaries and properties. As with any development, any damage caused to neighbouring properties during the process of upgrading the access would be a private matter.
- 8.30 Taking account of the above, Officers are satisfied that the proposal would not have any unacceptable traffic implications and would therefore comply with Policy CS5 of the Core Strategy and policy HA1 of the emerging Local Plan.

g) Ecology

- 8.31 The application is supported by an ecological report and a biodiversity net gain report that proposes enhancement measures to the land immediately north of the site. Off-site reptile translocation is also proposed which is to be secured within the legal agreement. The Ecology Officer has reviewed the application and is satisfied with the proposal in terms of impact on protected species subject to the proposed enhancement measures being secured. Natural England have been consulted and their comments are awaited.

Appropriate Assessment

- 8.32 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.

- 8.33 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.
- 8.34 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).
- 8.35 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' if it can be shown that the proposed development will either not have a likely significant effect on designated 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.
- 8.36 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.
- 8.37 Firstly, in respect of Recreational Disturbance, the development is within 5.6km of the Solent SPAs and is therefore considered to contribute towards an impact on the integrity of the Solent SPAs as a result of increased recreational disturbance in combination with other development in the Solent area. The appropriate 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.
- 8.38 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 will be required to enter into a legal agreement to secure 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.

- 8.39 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.
- 8.40 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.
- 8.41 A nitrogen budget has been calculated in accordance with Natural England's '*Nutrient Neutrality Generic Methodology*' (February 2022) which confirms that the development will generate 5.19 kg/TN/year. In the absence of sufficient evidence to support a bespoke occupancy rate, Officers have accepted the use of an average occupancy of the proposed dwellings of 2.4 people in line with the NE advice. 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's 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.
- 8.42 The applicant has entered into a contract (conditional on the grant of planning permission) to purchase 5.19kg 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 3rd November 2021, the purchase of the credits will result in a corresponding reduction in nitrogen entering The Solent marine environment.

- 8.43 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.
- 8.44 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.
- 8.45 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.
- 8.46 It is therefore considered that the development accords with the Habitat Regulations and complies with Policies CS4, DSP13 and DSP15 of the adopted Local Plan and NE1, NE3 and NE4 of the emerging Local Plan.

h) Other Matters

Self-Build

- 8.47 The application proposes six houses that will be sold as plots to individuals who wish to build their own homes. Paragraph 62 of the NPPF states that the needs of groups with specific housing requirements (such as those who wish to build their own homes) need to be addressed.
- 8.48 Policy HP9 of the Revised Publication Local Plan also promotes the provision of self-build dwellings however it is not applicable in this case as it relates to the provision of self-build houses in the urban area or to the provision of sites of 40 or more dwellings. The provision of self-build houses is not required in this instance, but it is desirable as it will help meet the demands of those on the Council's Self Build Register.

Effect on Local Infrastructure

- 8.49 Concerns have been raised over the effect of the number of dwellings on infrastructure in the area. The proposed development is for self-build dwellings therefore the future owners of the dwellings can apply for an exemption from Community Infrastructure Levy (CIL).

In terms of the impact on health services in the area, it is ultimately for the health providers to decide how they deliver health services. Therefore, a refusal on these grounds would not be sustainable.

- 8.50 With regard to concerns over drainage and flood risk, the Lead Local Flood Authority are content with the proposed drainage strategy which includes permeable paving structures and an attenuation tank with surface water run off discharged into the ditch that runs along Greenaway Lane. The detailed drainage design will be addressed further at the reserved matters stage.

Agricultural Land

- 8.51 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 Grade 2 agricultural land. Grade 2 is within the category of the 'best and most versatile' agricultural land 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 permissions to grant planning permission together with 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.

i) The Planning Balance

- 8.52 Although this Council currently has a 5YHLS, the delivery of housing falls below the required level therefore in accordance with paragraph 11 of the NPPF the relevant policies of the Local Plan are considered to be out of date and the Local Planning Authority must apply the 'presumption in favour of sustainable development' and grant 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; 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."*

- 8.53 The site is outside of the defined urban settlement boundary and the proposal is therefore contrary to Policies CS2, CS6, and CS14 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan. The site is however within a wider area allocated for development under policy HA1 of the emerging Fareham Local Plan 2037 and is surrounded on all sides by sites that either have planning permission or have resolutions to grant planning permission for residential development.

- 8.54 In balancing the objectives of adopted policies which seek to restrict development within the countryside alongside the shortage in the delivery of housing, Officers acknowledge that the proposal would deliver a net increase of 6 self-build dwellings in the short term which would make a contribution towards boosting the Borough's housing supply. It would also contribute to a specific requirement for the Borough to provide self-build plots for those on the Self-Build Register.
- 8.55 In undertaking a detailed assessment of the proposals throughout this report and applying the '*tilted balance*' to those assessments, Officers consider that:
- 8.56 (i) There are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposal, particularly when taking into account that any significant effect upon Special Protection Areas can be mitigated through a financial contribution towards the Solent Recreation Mitigation Strategy and the impact of nitrogen loading on The Solent can be adequately mitigated; and,
- 8.57 (ii) Any adverse impacts of granting planning permission (including the loss of grade 2 agricultural land) would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the National Planning Policy Framework taken as a whole.
- 8.58 Having carefully considered all material planning matters and assessing the proposal against the adopted and emerging development plan, it is considered that the proposal is acceptable and Officers recommend that planning permission should be granted.

9.0 Recommendation

Subject to:

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

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 preparation and provision of the off-site ecology area;
 - b) To secure the provision of an Ecological Management and Enhancement Plan;

- c) To secure the necessary commuted maintenance sums prior to adoption of the ecology off site area by the Council; or
- d) In the event that the Council does not adopt the delivered off site ecology area, then the creation of a management company to maintain the area in perpetuity including detail of how that management company would be funded to ensure the management and maintenance of the area in perpetuity;
- e) Mechanism for securing appropriate funding of the management company for the lifetime of the development;
- f) Mechanism for ensuring collection and enforcement of the funding stream provided in d) above to fund the management of the ecological area for the lifetime of the development;
- g) A financial contribution to secure satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas;
- h) A financial contribution to secure satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance on the New Forest Special Protection Areas;
- i) Commuted sums towards management of the any trees within the off site ecological area in the event that the public spaces are adopted by the Council.

Then;

DELEGATE authority to the Head of Development Management to:

- (a) make any necessary modification, deletion or addition to the proposed conditions or heads of terms for the section 106 legal agreement; and
- (b) make any necessary changes arising out of detailed negotiations with the applicant which may necessitate the variation, addition or deletion of the conditions and heads of terms as drafted to ensure consistency between the two sets of provisions.

Then;

GRANT OUTLINE 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 constructed in accordance with the following approved documents:

- Location plan Drawing no. 19 115 01
- Phasing plan Drawing no. 19.115.02 Rev A
- Tree Protection Plan Drawing no. 1542-02 Rev A
- Arboricultural Impact Assessment produced by SJ Stephens Associates dated 1st March 2021.
- Biodiversity Net Gain Report dated July 2022

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 6th December 2022

between William Northcroft Butler and James Nicholas Butler, (2) H N Butler Farms Ltd and (3) RGOM 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 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.

8. 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.

9. Not to carry out the development hereby permitted unless as a 'Custom Build' development and by:

- a) individuals;
- b) association of individuals; or,
- c) persons working with or for individuals or associations of individuals;

on the plot(s) to be occupied as homes by those individuals and thereafter the development shall not be occupied by anyone else other than by those same individuals for a continuous period of not less than three years starting from the date of first occupation.

REASON: To ensure that the development is carried out and occupied as a 'custom build' development for which permission was granted.

10. No development shall take place on each individual plot until, a detailed Design Parameters Guide for the proposed housing on that plot has been submitted to and approved in writing by the Local Planning Authority. The Guide shall set out details such as height, scale and materials to be used within the construction of the proposed properties. The development shall be undertaken in accordance with the approved details. Thereafter there shall be no deviation from these requirements without a separate grant of permission for that purpose.

REASON: To ensure a cohesion in the overall design and appearance of the development.

11. No development shall take place until a detailed surface water drainage scheme for the site, based on the principles within the Flood Risk Assessment ref: 19-251, has been submitted and approved in writing by the Local Planning Authority. The submitted details are to include:

- a. A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment;
- b. Infiltration test results undertaken in accordance with BRE365 and a groundwater assessment which includes seasonal variations, providing a representative assessment of those locations where infiltration features are proposed;
- c. Detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole covers, invert levels and pipe diameters, lengths and gradients;
- d. Detailed hydraulic calculations for all rainfall events, including the listed below. The hydraulic calculations should take into account the connectivity of the entire drainage features including the discharge location. The results should include design and simulation criteria, network design and result tables, manholes schedule tables and summary of critical result by maximum level during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. The drainage features should have the same reference that the submitted drainage layout;
- e. Water quality measures in accordance with the Ciria SuDS Manual C753;
- f. Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria;
- g. Maintenance schedules for each drainage feature type and ownership;
- h. Details of protection measures

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.

12. No development shall take place until a survey of any ditches proposed to receive surface water from the development site has been undertaken and the results submitted to and approved in writing by the Local Planning Authority. The survey must provide details and photographs of the condition of the ditch together with any works required in order to receive surface water drainage from the site. Any works to the ditch identified in the report must be implemented in accordance with the approved details prior to occupation of the first dwelling hereby approved.

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. 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

14. 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.

15. The development hereby permitted shall be undertaken in full compliance with the Tree Protection Plan Drawing no. 1542-02 Rev A and the Method Statement within the Arboricultural Impact Assessment produced by SJ Stephens Associates dated 1st March 2021. The tree/hedgerow protection shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from that site.

REASON: To ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period.

16. No development shall take place until details of the boundary treatment to be erected along the northern boundary of the site has been submitted to and approved in writing by the Local Planning Authority. No development shall take place until the boundary treatment shall be erected in accordance with the approved details. The boundary treatment shall be retained thereafter in accordance with the approved details.

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

17. No work on site 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, 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.

18. 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.

19. The development shall be constructed in accordance with the Phasing Plan Drawing no. 19.115.02 Rev A. Phase 1 must be completed before the commencement of any subsequent phases. Notwithstanding the numbering of the subsequent phases (2-7) these phases may be commenced in any order.

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

20. The development shall be carried out in accordance with the measures contained within the Biodiversity Net Gain Report dated July 2022 and shall be subsequently retained in accordance with the details thereafter.

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

10.0 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



Land North of Greenaway Lane
Warsash

Scale 1:1,250



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