

OFFICER REPORT FOR COMMITTEE

DATE: 13/12/2023

**P/22/0896/RM
MILLER HOMES LTD**

**PORTCHESTER WEST
AGENT: LUKEN BECK**

PHASE TWO: APPLICATION FOR THE APPROVAL OF ALL OUTSTANDING RESERVED MATTERS FOR THE ERECTION OF 170 RESIDENTIAL DWELLINGS WITH ASSOCIATED INTERNAL ACCESS ARRANGEMENTS; PARKING; LANDSCAPING; OPEN SPACES, INCLUDING PLAY AREA AND SPORTS PITCHES AND ANCILLARY INFRASTRUCTURE WORKS (PHASE TWO PURSUANT TO OUTLINE PLANNING PERMISSION P/20/0912/OA)

LAND EAST OF DOWNEND ROAD, PORTCHESTER

Report By

Richard Wright – direct dial 01329 824758

1.0 Introduction

- 1.1 This application has been reported to the Planning Committee for determination due to the number of third party letters of objection received.
- 1.2 Members will be aware that in October 2021, outline planning permission was granted on appeal for the construction of up to 350 homes on land east of Downend Road, Portchester (our reference P/20/0912/OA, appeal reference APP/A1720/W/21/3272188). That appeal determined the principle of development to be acceptable as well as the means of access.
- 1.3 In January this year Members considered an application for reserved matters relating to the first 180 homes at this site (Phase 1) and approval was granted (our reference P/21/2048/RM).

2.0 Site Description

- 2.1 This application is for the second phase of the development granted outline planning permission on appeal. The application site comprises the eastern part of the wider site.
- 2.2 The site is located on the slopes of Portsdown Hill north of the Portsmouth to Southampton railway line which forms the development's southern boundary. The site comprises agricultural land and paddocks with farm buildings at its centre. It is in the countryside and lies outside of the urban settlement boundary but within a Housing Allocation (HA4) in the adopted local plan. To the west of the site lies land which is to be developed in the first phase of the scheme. To the south is the railway line. To the east lies Portchester

Crematorium, the memorial gardens and the residential park at Northfield Park. To the north are agricultural fields beyond which is the M27 motorway.

3.0 Description of Proposal

- 3.1 Approval is sought for the reserved matters pursuant to the outline planning permission for the appearance, scale and layout of the buildings and the landscaping of the site insofar as it relates to the next 170 dwellings (Phase 2).
- 3.2 The proposed layout of the site is arranged in so-called 'perimeter blocks' of dwellings. Three perimeter blocks lie to the north of a central area of public open space containing a play area and sports pitches. A further five perimeter blocks are located to the south of the public open space between it and a series of drainage infiltration basins along the southern boundary of the site with the railway. A green corridor with pedestrian paths runs north to south through both the northern and southern areas of housing. Pedestrian routes are also provided around the edge of the development and through the centre running west (connecting to the public open space in Phase 1) to east (where a footpath will lead all the way to Upper Cornaway Lane).
- 3.3 The new homes proposed are a mixture of two- and two-and-a-half storey detached and semi-detached houses and three-storey apartment buildings of which there are two located on the southern side of the public open space. Sixty-eight of the 170 homes (40%) are to be affordable homes comprising a mixture of units available for shared ownership and affordable rent.
- 3.5 Officers are of the view that the information submitted with this application is sufficient to consider the discharge of condition 11 (levels) of the outline planning permission granted on appeal (our reference P/20/0912/OA, appeal reference APP/A1720/W/21/3272188).

4.0 Policies

- 4.1 The following policies apply to this application:

Fareham Local Plan 2037

HP1 - New Residential Development

HA4 - Downend Road East

NE1 - Protection of Nature Conservation, Biodiversity and the Local Ecological Network

NE3 - Recreational Disturbance on the Solent Special Protection Area (SPA's)

NE4 - Water Quality Effects on the SPA/SAC and Ramsar Sites of the Solent

NE6 - Trees, Woodland & Hedgerows

NE9 - Green Infrastructure

- TIN1 - Sustainable Transport
- TIN2 - Highway Safety & Road Network
- D1 - High Quality Design & Placemaking
- D2 - Ensuring Good Environmental Conditions
- D4 - Water Quality & Resources
- D5 - Internal Space Standards

Other Documents:

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

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/21/2048/RM Phase One: Application For The Approval Of All Outstanding Reserved Matters For The Erection Of 180 Residential Dwellings With Associated Internal Access Arrangements, Parking, Landscaping, Open Space And Ancillary Infrastructure Works (Phase One Pursuant To Outline Consent P/20/0912/Oa)
APPROVE 10/02/23

P/20/0912/OA Outline Planning Application With All Matters Reserved (Except The Means Of Access) For Residential Development, Demolition Of Existing Agricultural Buildings And The Construction Of New Buildings Providing Up To 350 Dwellings, The Creation Of New Vehicular Access With Footways And Cycleways, Provision Of Landscaped Communal Amenity Space, Including Children's Play Space, Creation Of Public Open Space, Together With Associated Highways, Landscaping, Drainage And Utilities.
ALLOWED ON APPEAL 18/10/2021

P/18/0001/OA Outline Planning Application for Improvements to Cams Bridge and the Approaches to Enable Use by Pedestrians and Cyclists and Continued Vehicle Access to the Workshop Including Lighting, Raising the Bridge Parapets, Signage, Re-Surfacing and New Road Markings

6.0 Representations

6.1 Fifty-nine letters of objection from forty-five individuals have been received in response to this application. Some of the comments made relate to matters of principle and the means of access to the site which were issues considered when the Planning Inspector determined the appeal and granted outline planning permission. However, the following matters were raised which are material to the consideration of this current application for approval of reserved matters:

- Building heights exceed 2.5 storeys contrary to Policy HA4
- Development not high quality
- Some plant specifications are unsuitable, prone to disease or become a nuisance
- Spine road indicates possible further development to north
- Earlier iterations showed an area for more houses in “Phase 3”
- The lack of solar panels on south facing roofs is a missed opportunity
- Homes are not affordable
- Where will overhead powerlines go?
- Inadequate car parking and cycle storage
- Bin storage and collection inadequate
- Sports pitches should not just be football
- Sports pitches should be spread around site
- Houses are characterless
- Internal layout to some houses not appropriate
- More houses should have ‘swift bricks’
- Attenuation ponds and drainage will become blocked, littered and overflow and will be a safety problem

7.0 Consultations

EXTERNAL

Hampshire County Council - Highways

7.1 No objection.

Hampshire County Council - Ecology

7.2 Minor concerns raised in relation to ecology information submitted.

Hampshire County Council – Flood & Water Management Team

- 7.3 The drainage strategy follows the same principles as previously identified however there are changes to layout and drainage runs. As such, revised calculations and exceedance flow route plans should be provided.

Hampshire Police – Designing Out Crime Officer

- 7.4 Advice provided regarding north/south green corridor pathway design and specification (including lighting).

INTERNAL

Trees

- 7.5 No objection.

Housing

- 7.6 No objection. The amount, tenure and size of affordable homes are compliant with the Unilateral Undertaking. The placement of the affordable housing has been improved. Smaller cluster of affordable housing are now integrated and distributed throughout the site, helping to maximise integration of tenures.

8.0 *Planning Considerations*

- 8.1 This reserved matters application provides the detail of the scale, appearance, layout and landscaping proposals for the 170 dwellings in Phase 2 of this development for up to 350 homes. As referred to earlier in this report, the outline planning permission granted on appeal in October 2021 considered the principle of development and the means of access to be acceptable. The reserved matters relating to the first 180 dwellings in Phase 1 were approved earlier this year.
- 8.2 Policy HA4 of the Fareham Local Plan 2037 gives site-specific requirements for development of the site. Those elements of the policy relating to the principle of development (including the quantum) and access have already been considered during the appeal for outline planning permission. However, a number of more detailed requirements are relevant to the determination of this reserved matters application and these are considered below in this report.
- 8.3 The outline planning permission granted by the Planning Inspector requires the development to be carried out in accordance with the approved Landscape Parameter Plan. That plan shows which areas of the site are to be developed, areas of informal and formal open space and surface water attenuation features amongst other things. The outline planning permission granted is also subject to a number of planning conditions covering matters such as archaeological investigation (condition 4), surface water drainage

(conditions 5 & 6), land contamination (conditions 7 & 8), a Construction Environmental Management Plan (condition 9), reptile and great crested newt mitigation (condition 10), finished levels (condition 11), electric vehicle charging (condition 12), permitted hours of construction work (condition 13), ecological mitigation and enhancement measures (condition 14), sound attenuation (condition 15), a Landscape and Ecological Management Plan (condition 16), biodiversity enhancement (condition 17) and water efficiency (condition 18).

- 8.4 Officers have carefully considered the extent to which this reserved matters application broadly conforms with the outline planning permission, specifically the parameters imposed through the approved Landscape Parameter Plan and planning conditions, and are satisfied in this regard. In terms of the development's layout there are one or two areas where for various reasons it has been necessary to deviate slightly from the approved parameter plan. These are considered minor in nature and are both essential and beneficial to achieving a well-designed and functioning layout.

Landscaping, public realm and open space

- 8.5 Officers have worked closely with the applicant Miller Homes and their consultant team to achieve a well thought out and high-quality layout to the scheme. The proposals would deliver an attractive public realm orientated around the central area of public open space, the north/south green corridor running through the site and the north/south corridor between Phases 1 and 2.
- 8.6 A significant amount of time has been spent with the developer working on the proposals for the central area of public open space. This new park would feature a large play area (a neighbourhood equipped area for play) and sports pitches. The park has been designed to respond to the natural gradient of the site. Whilst flat areas are to be created for the proposed sports pitches, the park slopes from north to south but without the need for significant engineering interventions such as high retaining walls. In addition, both the play area and sports pitches have been designed to take account of the likely need and demand generated by the new development and existing patterns of need in the local area, particularly with regards the sports pitches. A series of well connected routes run around the park with a mixture of sensory planting around the play area, amenity grass and sports turf over large areas in the centre and semi-ornamental groundcover and tussocky grassland around the periphery.
- 8.7 Along the eastern boundary of the site with the crematorium and southern boundary where drainage basins are to be located, more native scrubland planting is proposed. Houses are shown to face out onto these areas of open

space which would have a more informal character and arrangement than the park.

- 8.8 Through the centre of the site a north/south green corridor provides an important break in the built form of housing across the site whilst also allowing pedestrian connectivity in a pleasant landscaped setting.
- 8.9 The proposals are for an attractive, well laid out and well connected series of public spaces which accord with the design-led criteria of local plan policy D1. In addition, Officers consider the proposed layout, having been derived from the approved Landscape Parameter Plan, successfully takes account of the site's constraints and context in particular the hillside setting so as to meet criterion b) of local plan policy HA4. The proposed network of green and public access corridors throughout the site with pedestrian and cycle connectivity further complies with criteria d) & e) of that policy also.

Living conditions of future residents

- 8.10 The layout of the site has been carefully considered to ensure a high-quality living environment is being provided for the scheme's future residents. Officers are satisfied that, subject to ensuring that any windows shown to be obscure glazed and fixed shut to a specific height are retained in that manner, there would be no unacceptable overlooking through views from dwelling to dwelling. The arrangement of buildings on the site avoids any unacceptable impacts on light or outlook. Overall, there would be no unacceptable adverse impacts on the environmental conditions of future occupiers as adequate daylight, sunlight and privacy would be ensured.
- 8.11 With regards to external space, each of the houses proposed has a rear private garden which either meets or exceeds 11 metres in length to satisfy the minimum requirement in the Council's adopted Design Guidance (excluding Welborne) SPD. Officers have worked with the applicant to ensure that gardens are not unacceptably overlooked by neighbouring properties and are not excessively overshadowed by other buildings. Because of the significant gradient of the land across much of the site, the proposals have been prepared to ensure that gardens are not created with slopes which would be too severe so as to make them unusable in practice. The applicant proposes to grade the land in a way to avoid unacceptably steep differences in levels between gardens and also within the streetscene. Retaining walls are to be used throughout the development but these have been limited so that large unsightly or unneighbourly retaining structures are avoided.
- 8.12 There are two buildings containing flats proposed. A pleasant external amenity area with small seating area surrounded by shrub planting is shown

to the southern side of each building. Both flatted buildings are however located immediately opposite the southern boundary of the park and so are in very close proximity to public open space. Members will be aware that the Council's Design Guidance (excluding Welborne) SPD recommends flats be provided with at least 25 square metres of private or communal garden each. Whilst neither of the communal gardens would provide enough space to meet the guidance in the SPD some of the proposed flats benefit from Juliet balconies. Taking into account the positioning of flats relative to the park, the provision of good quality communal garden space and Juliet balconies, Officers consider the proposals acceptable in terms of the type, amount and quality of external amenity space being provided.

- 8.13 The applicant has submitted a checklist to demonstrate that all of the proposed homes meet the minimum space standards set out in the government's Nationally Described Space Standards and Policy D5 of the local plan.
- 8.14 In summary, Officers consider the proposals to accord with the relevant criteria relating to living conditions within adopted local plan policies D2 & D5.

Scale, appearance and design of buildings

- 8.15 The proposed housing is predominantly two storey in scale with single storey outbuildings. There are some 2.5 storey dwellings within the development also. The two flatted blocks located just south of the park are three storey in scale albeit the eaves height of the main roof on each building is lowered slightly.
- 8.16 Criterion f) of Policy HA4 requires:
- “Building heights limited to a maximum of 2.5 storeys, except for buildings which front onto the site access or perimeter, where heights will be limited to a maximum of 2 storeys...”*
- 8.17 It is acknowledged that, with the two flatted buildings three storeys high, the proposals do not meet this criterion. Notwithstanding, having regard to the design and appearance of each of the flatted blocks in question, Officers do not consider those buildings to be excessively bulky or visually obtrusive when considered individually or together. These buildings are located on the south side of the park and not, for example, on the highest point of the site further north. The inclusion of these two buildings at a scale in excess of that stated in policy HA4 is not considered to be harmful to the visual appearance of the development or to have any wider landscape implications.

- 8.18 The proposed housing across the wider phase one site is a mixture of traditional and more contemporary styles of architecture as promoted by the applicant Miller Homes. Officers are satisfied that the variety of housing proposed is an appropriate response to the varied character of the surrounding Portchester settlement area. Whilst the applicant has broadly indicated a proposed mixture of materials to be used, the exact details of those materials is recommended as the subject of a further planning conditions attached to the reserved matters approval.

Parking and highways

- 8.19 Every house in Phase 2 has allocated off-street, on-plot parking provided in accordance with the Council's adopted Residential Car & Cycle Parking Standards SPD. Some houses are also provided with garages which is in addition to the standard requirements. The two buildings containing flats each have their own parking courts to the rear with unallocated parking to meet the SPD standards. Every house is shown to have a 13amp wall or pedestal mounted electric vehicle charging point. Unallocated spaces within the parking courts for the flatted blocks are shown to have one charging point for every two spaces. Forty-six visitor car parking spaces are provided in parallel parking bays on the street. A large number of these are concentrated around the edge of the central area of open space.
- 8.20 The Highway Authority Hampshire County Council have raised no objection to the final revised proposals following further information being provided and amendments made by the applicant. It is understood that Miller Homes intend to offer the main estate spine road for adoption by the Highway Authority however other secondary and tertiary routes would likely remain the responsibility of a private management company.

Surface water drainage

- 8.21 The consultation response from Hampshire County Council in their capacity as the lead local flood authority has requested further information in the form of revised calculations and exceedance flow route plans. In any case, a detailed surface water drainage strategy is required to be provided pursuant to condition 5 of the outline permission. With that in mind there is no reason why this reserved matters application cannot be determined with any outstanding information being provided as part of that strategy submitted to discharge condition 5 in due course.

Ecology

- 8.22 The advice from the Council's ecologist raised a number of minor concerns relating to the ecological information provided. These concerns do not relate to the scale, appearance, layout or landscaping proposals for the site and so this reserved matters application could be approved notwithstanding. Conditions applied to the outline permission require, amongst other things, a Construction Environmental Management Plan (condition 9), reptile and great crested newt mitigation (condition 10), ecological mitigation and enhancement measures (condition 14), a Landscape and Ecological Management Plan (condition 16) and biodiversity enhancements (condition 17) to be approved by the Council and the matters raised by the Council's ecologist can be addressed through that separate process.

Impact on Habitat Sites

- 8.23 Local plan Policy NE1 sets out that development will be permitted where designated international, national and local sites of nature conservation value and protected and priority habitats and species are protected and enhanced. Policy NE3 requires a financial contribution to be made towards the Solent Recreation Mitigation Strategy as a result of the net increase in residential units from new housing development. Policy NE4 meanwhile states that planning permission will be granted where the integrity of the designated sites is maintained, having regard to the effect of nutrients on the designated sites arising from increased wastewater production.
- 8.24 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 per cent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within The Solent which are of both national and international importance.
- 8.25 In light of their importance, areas within The Solent have been specially designated under UK/ European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'Habitat Sites' (HS).
- 8.26 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 sites or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated 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.

- 8.27 Officers have undertaken 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.

Recreational Disturbance

- 8.28 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 Section 106 unilateral undertaking provided by Miller Homes for the previous outline planning permission includes obligations on the developer to make the appropriate financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMS) in accordance with Policy NE3.

Water Quality (nitrates)

- 8.29 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.
- 8.30 A nitrates statement has been provided by the applicant to explain that the situation remains the same as when considered for the Phase 1 reserved matters application. At that time, a nitrogen budget was calculated in accordance with Natural England's '*National Generic Nutrient Neutrality Methodology*' (Feb 2022) ('the NE Advice') and the updated calculator (20 April 2022) which confirmed that the development of all 350 homes over phases one and two will generate 212.62 kgTN/year. In the absence of sufficient evidence to support a bespoke occupancy rate, Officers accepted the use of an average occupancy of the proposed dwellings of 2.4 persons in line with the NE Advice. The applicant provided a breakdown summary of the existing use of the land and Officers concurred with the information provided. This showed that the existing land use generates 481.94 kgTN/year. Officers note that no changes have occurred in the overall quantum of the proposal or the methodology used to assess the impacts since Phase 1 at the start of 2023. With that in mind, Officers consider the nutrient budget provided by the applicant previously demonstrates that the development would be nutrient neutral and therefore no further mitigation would be required.

8.31 The Council's appropriate assessment concludes that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the HS either alone or in combination with other plans or projects. Natural England has been consulted on the Council's Appropriate Assessment and their comments are awaited. It is considered that the development accords with the Habitat Regulations and complies with Policy NE1 & NE4 of the local plan.

Summary

8.32 In summary, the reserved matters application from Miller Homes is considered acceptable having regard to the proposed scale, appearance, layout and landscaping of the second phase of this development.

8.33 The application proposes an attractive, well laid out and well connected series of public spaces, internal roads and green infrastructure. The new dwellings proposed would provide adequate internal and external space, sunlight, daylight and privacy for residents and appropriate levels of car parking space in accordance with local plan policy D2. The design and appearance of the proposed buildings is of sufficiently high quality to create a well designed, beautiful and safe quality place in accordance with local plan policy D1. There would be no adverse effects on the integrity of Habitat Sites in compliance with local plan policies NE1, NE3 & NE4.

8.34 The details provided by the applicant in relation to finished internal and external levels are considered acceptable to discharge the requirement for such details under condition 11 of the outline planning permission.

9.0 Recommendation

9.1 DELEGATE authority to the Head of Planning to:

a) consider any comments received from Natural England relating to the consultation on the Appropriate Assessment and to make any minor modifications to the proposed conditions, addition of conditions, or any other subsequent minor changes arising.

9.2 **APPROVE** the reserved matters and details pursuant to condition 11 of the outline planning permission reference P/20/0912/OA, subject to the following Conditions:

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

Note: full list of approved drawings/documents to be provided as an update prior to Planning Committee meeting.

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

2. No development hereby permitted shall proceed beyond damp proof course level until details (including samples where requested by the Local Planning Authority) of all proposed materials to be used in the external facing elevations of buildings, boundary walls and fences and hardsurfaced areas have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development.

3. The following windows shall be:
 - a) Obscure-glazed; and
 - b) Of a non-opening design and construction to a height of 1.7 metres above internal finished floor level;

and shall thereafter be retained in that condition at all times;

- 1) *Note: full list of windows subject to this restriction to be provided as an update prior to Planning Committee meeting.*

REASON: To prevent overlooking and to protect the privacy of the occupiers of the adjacent properties.

THEN:

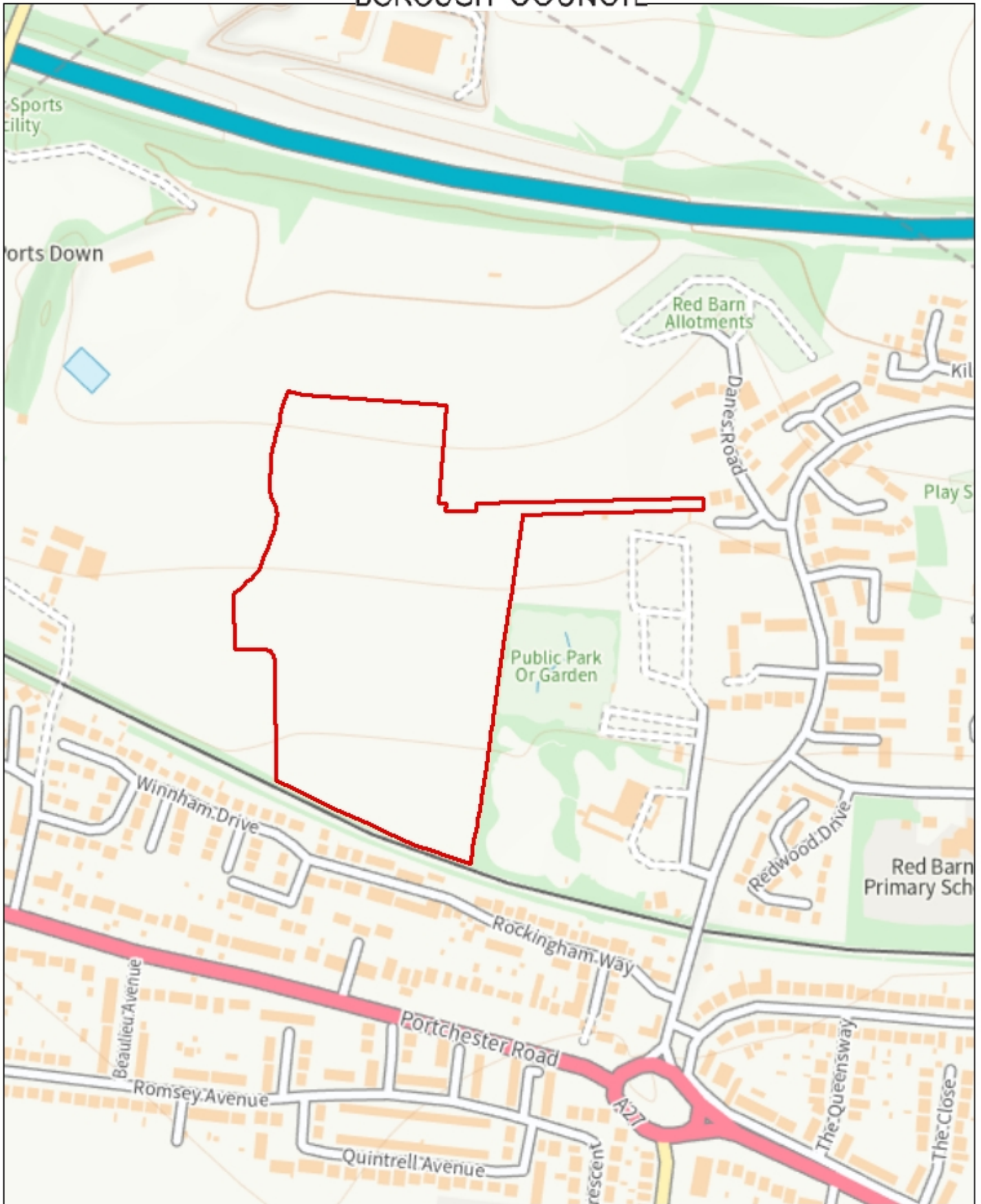
DELEGATE authority to the Head of Planning to make any necessary modification, deletion or addition to the proposed conditions.

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 to the East of Downend Road
Portchester

Scale 1:5,000



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