

P/14/0341/FP

JHE GLOBAL LTD

WARSASH

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PROPOSED ERECTION OF TWO DETACHED DWELLINGS WITH GARAGING AND
PARKING AND ACCESS FROM GREEN LANE

32 GREEN LANE WARSASH SOUTHAMPTON SO31 9JJ

Report By

Kim Hayler - Ext 2367

Site Description

The application site comprises land within the designated urban settlement area broadly divisible into three parts:

- i) Land to the north-west of the residential property known as 32 Green Lane, including part of the residential curtilage of that dwelling (the development site on which the proposed dwellings would be erected);
- ii) The majority of the unmade private access road Green Lane (classified as a Private Street) leading from the development site to a point close to the lane's junction with Fleet End Road;
- iii) A section of the southern end of the private garden belonging to the residential property 91 Fleet End Road and splays in either direction over the adjacent public highway footpath.

The development site adjacent to 32 Green Lane is open and grassed throughout. Several mature oak trees are on the site and are subject of a tree preservation order (FTPO 431). A low retaining brick wall runs along the south-eastern boundary of the site, the ground levels of the site being approximately 300 - 500 mm higher than the adjacent hardsurfaced driveway, whilst the other boundaries are delineated by close boarded timber fencing.

The development site forms part of an existing housing allocation as identified in Appendix 5 of the adopted Fareham Borough Local Plan Review as "Area 14 - Fleet End Road, Warsash".

Description of Proposal

Permission is sought for the erection of two detached dwellings each with five bedrooms on the development site;

A detached double garage is proposed for Plot 1 whilst the dwelling at Plot 2 would benefit from an integral garage and car port attached to the front elevation;

Parking for three vehicles to each dwelling and turning space is to be laid out within the site, the arrangement of the dwellings, hardsurfacing and garaging being such that three of the mature oak trees would be retained within the frontages of the new properties;

Access to the development site is proposed via Green Lane at its north-eastern end close to the existing access for 32 Green Lane. It is the intention to upgrade the lane in terms of re-surfacing improvement along the entire length;

The proposal also includes the provision of a repositioned vehicular access from Green Lane onto Fleet End Road at its south-western end across the garden of 91 Fleet End Road. The submitted information indicates that the new junction would have a 7.0 metre kerb radius on the north east side and a larger radius to the south west with visibility splays of 2.4 metres back from the edge of the carriageway and 50 metres along Fleet End Road in either direction. The proposal would provide a 1.8 metre wide footpath along Fleet End Road with a crossing, extending the tarmac area of the junction into the lane by 5 metres.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

- CS2 - Housing Provision
- CS5 - Transport Strategy and Infrastructure
- CS6 - The Development Strategy
- CS9 - Development in Western Wards and Whiteley
- CS15 - Sustainable Development and Climate Change
- CS17 - High Quality Design
- CS18 - Provision of Affordable Housing
- CS20 - Infrastructure and Development Contributions

Approved SPG/SPD

RCCPS - Residential Car and Cycle Parking Standards Supplementary Planning Document,

Development Sites and Policies

- DPS1 - Sustainable Development
- DSP2 - Design
- DSP3 - Environmental Impact
- DSP4 - Impact on Living Conditions
- DSP13 - Nature Conservation

Fareham Borough Local Plan Review

- C18 - Protected Species
- DG4 - Site Characteristics
- H1 - Housing Allocations

Relevant Planning History

The following planning history is relevant:

<u>P/13/1064/FP</u>	ERECTION OF TWO DETACHED DWELLINGS WITH GARAGING/PARKING WITH ACCESS VIA GREEN LANE REFUSE 31/01/2014
<u>P/07/1667/CU</u>	CHANGE OF USE OF LAND TO PRIVATE RESIDENTIAL GARDEN AND RETENTION OF NEW DRIVEWAY, SHEDS AND NEW WALL RETAIN DEVLPMT 20/03/2008
<u>P/04/1613/VC</u>	Variation of Condition 2 of P/04/1336/CU (To Erect Double Garage)

PERMISSION 13/12/2004

P/04/1336/CU Change of use of Land to Residential

PERMISSION 22/10/2004

P/03/1707/FP Erection of Detached Dwelling and Double Garage

PERMISSION 06/01/2004

P/02/1334/OA Erection of Detached Dwelling

OUTLINE PERM 18/03/2003

Representations

Thirteen representations have been received raising objections as a result of publicising the application:

Detriment to character and rural outlook of the lane - widening the access will promote speeding traffic and will lose its rural feel;
Increased traffic is unwelcomed;
The existing access is not sub-standard;
Increased deterioration of the land and lane by the use of construction vehicles;
Single carriageway state of the lane;
Noise and disturbance during construction phase and from additional traffic;
No scope for parking of construction traffic;
Lane needs to be accessible at all times;
Damage/removal of long established hedgerow;
Revised proposal has not overcome objections from residents of Green Lane relating to the suitability of the lane;
Similar proposal nearby have caused problems;
Object to proposed surface improvement - surface needs to be taken down a significant depth and re-surfaced properly;
Precedent for further development of Area 14;
Previous applications have been received for more development in Green Lane due to the substandard access;
Impact on privacy;
The proposal would necessitate the repositioning of a telegraph pole;
The Lane is private, owned by the residents of Green Lane. Owners have not been consulted on proposed upgrading or access works;
Loss of mature trees and hedgerows;
No approach has been made to no. 8 which owns the hedgerow to be removed;
Revised access will prevent a trailer being reversed into the lane;
Design and Access Statement is not a true reflection of the condition of the lane;
Area 14 Adopted Brief states development would be from the north; however the DSP says 'potential access'. This has been added at a late stage which is a coincidence;
The site should be described as land rear of 51-61 Fleet End Road, and appropriate access taken from Fleet End Road;
The site is allocated for affordable housing;
The houses are too large, attracting larger cars and more visitors.

Amended plans were received in relation to the access with Green Lane and Fleet End Road. This amendment was advertised and seven further representations were received raising the following comments:

Previous objections still apply, but must emphasise no consultation with residents relating to the new access arrangement and the resurfacing of the lane;
The applicant has no right to change the entrance or cut down the hedge;
All large vehicles are able to only reverse into the lane; the changes will make it worse;
It will be impossible to manoeuvre a boat trailer;
Who would maintain the tarmac?
Residents have a right of way over the existing access; the applicants have no right to block off the exit;
Resident's will be inconvenienced and put at risk;
No mention of construction traffic parking;
The applicant has not confirmed that residents will have continual access to their properties at all times;
Impact on bats from removal of hedgerow.

Consultations

Director of Planning and Development (Arborist) - No objection subject to conditions

Director of Planning and Development (Highways) - no objection

Director of Planning and Development (Ecology) - The application is supported by a Phase I Ecological Survey (Ecosupport Limited, Updated March 2014). This provides an update of the report submitted for a previous application for this scheme at the site.

The revised report provides the results of a further survey of the southern part of the site and reveals no further ecological issues other than those already identified.

The report provides an adequate survey and assessment of the main area of the site to undergo works and the proposals. Overall the site comprises mainly amenity grassland and scattered trees and is of no particular ecological value. Badgers may pass through the site but no setts will be impacted by the proposals.

General mitigation measures have been set out with regards to nesting birds (which may be present within vegetation on site) and any lighting to avoid illumination of adjacent habitats and potential impacts to foraging bats. Measures are also set out with regards to avoiding any impact to badgers.

The scheme shall be implemented in full accordance with the ecological mitigation and enhancement measures set out within the Phase 1 Ecological Survey (PV Ecology, January 2014), and a contribution should be sought towards the Solent Disturbance Mitigation Strategy.

Director of Community (Housing) -

The Council require the provision of affordable housing on all schemes that can deliver a net gain of 5 or more dwellings. On sites that can deliver 15 or more dwellings developers are expected to provide 40% affordable units on site. This site forms part of a wider strategic site identified by the Council for new housing and as such requires 40% of new homes developed to be affordable.

Our preference in line with Government Policy is that affordable housing will be provided on the land which is the subject of the application in order to contribute towards the creation of mixed and balanced communities. The affordable housing provision equates to the transfer

of serviced land, free of cost to a Registered Provider.

The Council's preferred method for determining the affordable housing quota is to base the provision on the number of bedrooms to be developed. This development comprises a total of 10 bedrooms (2 x 5 bedroom houses), the affordable housing obligation therefore equivalent to 4 bedrooms (2 x 2 bedroom houses).

In the context of the proposed development it would not be possible for the affordable housing provision to be made on site. This is regrettable given the size of the site and the desire to facilitate the development of sustainable communities. With no affordable housing proposed on site, the application is not compliant with Policy CS18. Were the Council to accept provision either off site or via a commuted sum then the contribution would need to be based on broad equivalence.

The developer has stated that it is not viable to make a contribution to affordable housing in this instance as it will impact upon developer profit. The figures used to reach this conclusion will need to be disclosed to the Council in full and further investigation undertaken to determine whether the appraisal can be accepted.

Director of Community (Environmental Health) - no objection

Planning Considerations - Key Issues

Main issues

Recent planning history
Principle of development
Provision of affordable housing
Design, appearance and amenity considerations
Access and highway safety
Protected species and habitat
Other matters

Recent planning history

Planning permission was refused on 31 January 2014 for the erection of two detached dwellings with garaging/parking with access via Green Lane. The delegated reason for refusal stated:

The proposed development would be contrary to Policies CS5, CS17 & CS18 of the adopted Fareham Borough Core Strategy and Saved Policy C18 of the Fareham Borough Local Plan Review and is unacceptable in that:

i) the application is made on a site which is demonstrably part of a potentially larger developable site and fails to provide a financial contribution towards the off-site provision of affordable housing;

ii) in the absence of adequate improvements to Green Lane, which is unsuitable in its present form to take the type and amount of traffic which the proposed development would generate, and to the access between Green Lane and Fleet End Road, which is currently substandard and inadequate to safely accommodate this additional traffic, the proposal would be harmful to the safety and convenience of highway users;

iii) insufficient information has been provided to demonstrate that any protected species that may be present on the site will not be harmed or that adequate mitigation will be provided if necessary;

iv) the development would result in additional dwellings and therefore additional recreational pressure upon the nationally and internationally designated natureconservation sites including the Portsmouth Harbour Site Site of Special Scientific Interest(SSSI), the Portsmouth Harbour Special Protection Area (SPA) and RAMSAR site. In the absence of an appropriate assessment to ascertain that there will not be an adverse effect on the integrity of these designated sites or mitigation measures it is considered that the proposed development would result in significant harm to the nature conservation interests of these important sites.

This application has been submitted in order to overcome the previous reasons for refusal.

i) Principle of development

The principle of residential development on this site is supported by Policies CS2 (Housing Provision) and CS6 (Development Strategy) of the adopted Fareham Borough Core Strategy, and by Saved Policy H1 (Housing Allocations) of the Fareham Borough Local Plan Review.

The development site, that portion of the application site adjacent to 32 Green Lane, lies within the urban area and also part of the designated housing allocation identified in Appendix 5 of the Fareham Borough Local Plan Review as "Area 14, Fleet End Road, Warsash". Appendix 5 identifies the housing allocation to have the capacity to provide land for 18 dwellings and the Council's emerging Local Plan Part 2: Development Sites & Policies document gives an indicative figure of the net minimum number of dwellings on the same allocation of 26.

Whilst the density of development hereby proposed falls below that indicative capacity it would not be out of keeping with the surrounding area. The presence of protected trees on the site further supports a lower density on this portion of the wider allocated site owing to the need to accommodate their retention where possible. The proposed layout and means of access into the site from Green Lane would not prejudice the further comprehensive development of the housing allocation.

ii) Provision of Affordable housing

The National Planning Policy Framework (NPPF), at paragraph 50, states that local planning authorities should "where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified...".

Policy CS18 (Provision of Affordable Housing) of the adopted Fareham Borough Core Strategy sets out that: "The Council will require the provision of affordable housing on all schemes that can deliver a net gain of 5 or more dwellings". The policy also explains that: "Should a site fall below the above identified thresholds but is demonstrably part of a potentially larger developable site, the Council will seek to achieve affordable housing on a pro rata basis".

This application proposes the erection of two new dwellings, however the site is clearly part

of the Area 14 housing allocation which has a capacity for a larger number of dwellings to be delivered. The requirement for a pro rata financial contribution as set out in Policy CS18 is therefore triggered.

The applicant has submitted a viability assessment which concludes that the development is not able to provide any affordable housing contribution on top of the CIL contributions. Furthermore the assessment indicates that the deliverability of this scheme is also hindered due to the additional expenses to be incurred for access improvements to the junction with Fleet End Road and the improvements to the road surface of Green Lane itself.

The Council has sought independent scrutiny of the viability assessment which confirms that the proposal cannot support an affordable housing contribution in this instance.

iii) Design, appearance and amenity considerations

The proposed dwellings are considered appropriate in terms of their coverage of the site, scale, design and appearance which would not be out of keeping with the prevailing pattern of development or architectural variety of the surrounding area.

The layout of the dwellings within the site has been arrived at in order to accommodate the retention of three mature trees within the frontages of the two properties. This has dictated the layout so that the front gardens are generous in size, particularly in relation to Plot 1, whilst the rear gardens meet the minimum required separation distance to ensure no adverse overlooking would be created from first floor windows in the rear elevations. Planning conditions could be used to control the glazing in windows on the south-western side elevation of the dwelling at Plot 2 to ensure no adverse overlooking of the garden area of the adjacent property 27 Green Lane. Any loss of light to or outlook from that neighbouring property is not considered likely to be materially harmful to the living conditions of those residents.

The proposal accords with the design and amenity related criteria set out in Core Strategy Policy CS17 (High Quality Design).

iv) Access and highway safety and convenience

Policy CS5 (Transport Strategy and Infrastructure) of the Fareham Borough Core Strategy explains that: "The Council will permit development which: does not adversely affect the safety or operation of the strategic and local road network...". Policy CS17 (High Quality Design) of the Core Strategy expects development will be designed to: "Ensure that the public realm has pedestrian priority, is safe, secure, functional and accessible, and is constructed of quality materials and well maintained".

Green Lane is an unadopted privately owned lane approximately 200 metres in length which is used by both pedestrians and vehicles to access a number of dwellings on both sides of the street. It is unlit and its surface unmade with some notable and significant depressions along certain sections. The lane is between 3 and 4 metres wide, locally widening within 50 metres of the residential part of the site.

The existing vehicular crossover access onto Fleet End Road is substandard having an acute angle where the lane joins the road whilst the intervening hedgerow and boundary treatment severely impedes visibility along Fleet End Road in a north-easterly direction. The standard of the access, in terms of its design and provision of visibility, and the form of the

lane, in terms of its poor surface, is at present unsuitable to take the type and amount of traffic which the proposed development would generate both in terms of large works vehicles during construction of the dwellings and the number of vehicle movements created by the new residents.

The application proposes improvements in the form of a new junction of Green Lane with Fleet End Road over the garden area of no. 91 Fleet End Road, acquired by the applicant, as shown on the submitted drawing. The supporting statement also indicates that Green Lane would be upgraded in terms of surfacing improvements, the details of which would be secured through a Grampian condition, together with confirmation as to how these works would be delivered before development commences.

Officers consider that subject to the implementation of the proposed improvements to Green Lane and its junction with Fleet End Road prior to development commencing, the erection of two dwellings with access from Green Lane is acceptable in highway safety terms.

v) Effect on protected species and habitat

The Director of Planning & Development (Ecology) has advised that further survey work has been carried out which reveals no further ecological issues other than those already identified in the previous application. This further survey work has overcome the previous concerns raised in relation to protected species.

A financial contribution would be sought towards strategic mitigation measures in line with the interim Solent Disturbance Mitigation Strategy (SDMP).

vi) Other matters

The Director of Planning & Development (Arboriculture) has reported no concerns in respect of the mature protected trees on the site subject to relevant conditions being imposed.

Conclusion

Notwithstanding the objections received from local residents, officers consider the proposal overcomes the previous reasons for refusal and as a result complies with adopted Development Plan Policies and is therefore recommended for conditional approval.

Recommendation

Subject to the applicant providing the necessary contribution towards ecological mitigation for the Solent Disturbance Mitigation Project:

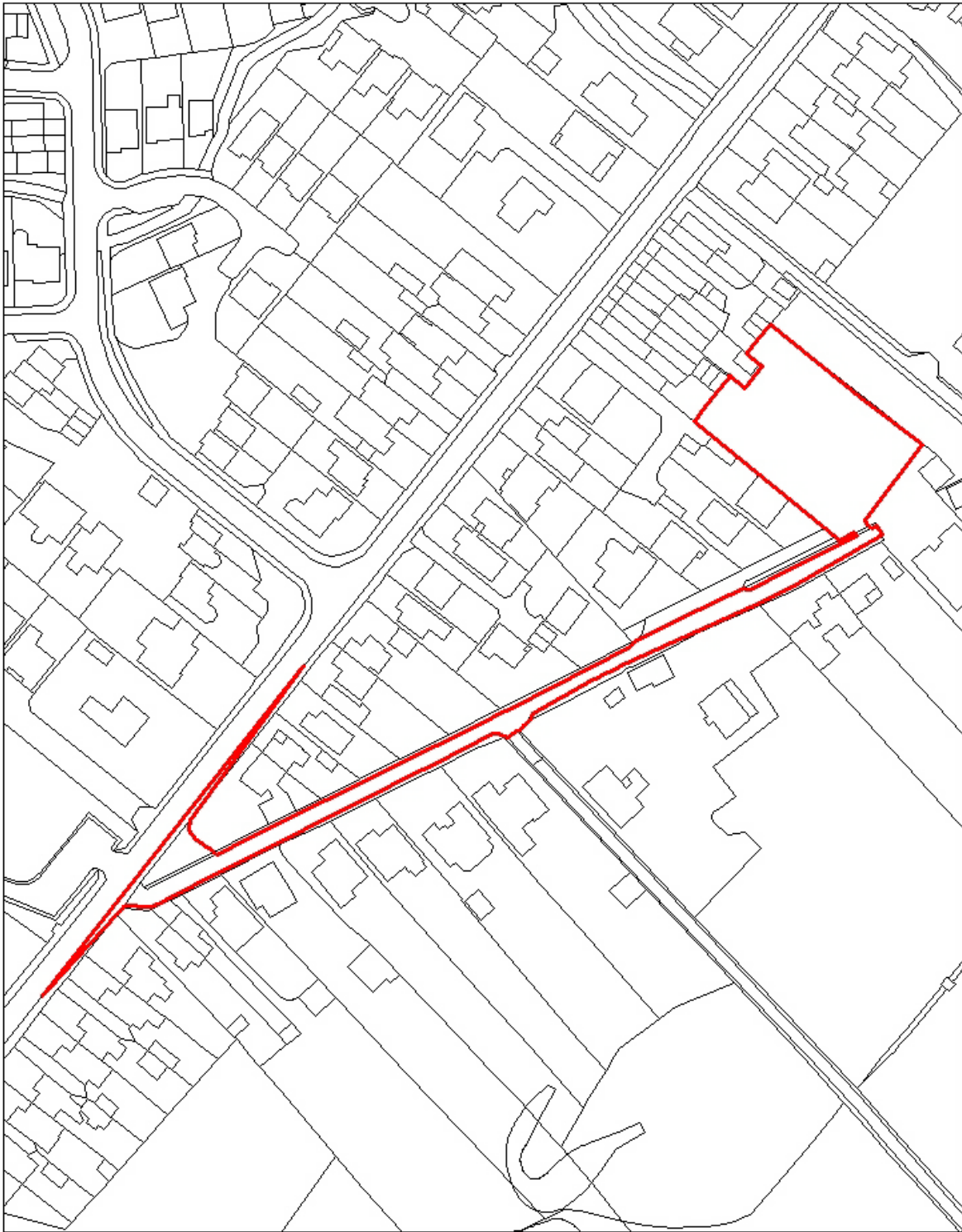
PERMISSION: Materials, levels, tree protection measures; works in accordance with ecological and mitigation strategy; details of improvements to Green Lane to be submitted and carried out before development commences and made good following construction; improvements to Green Lane and Fleet End Road junction to be carried out before development commences; hours of work; construction traffic management plan, including wheel washing; no burning; parking and cycle parking; boundary treatment; landscaping scheme for improved access and its implementation.

Background Papers

See relevant planning history above.

FAREHAM

BOROUGH COUNCIL



32 Green Lane
Scale 1:1,250



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