

FAREHAM

BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY (DEVELOPMENT MANAGEMENT
PROCEDURE) ORDER 2015

Planning Decision Notice

Planning Application Reference: P/17/1451/OA

Decision Date: 23rd March 2018

Fareham Borough Council, as the local planning authority, hereby **REFUSE** to permit the **OUTLINE APPLICATION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS) FOR THE CONSTRUCTION OF UP TO 150 RESIDENTIAL DWELLINGS, ACCESS FROM OLD STREET, LANDSCAPING, OPEN SPACE AND ASSOCIATED WORKS** at **LAND WEST OF OLD STREET, FAREHAM** as proposed by application **P/17/1451/OA** for the following reasons:

The development would be contrary to Policies CS4, CS5, CS14, CS16, CS17, CS18, CS20, CS21 and CS22 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP6, DSP13, DSP14, DSP15 and DSP40 of the adopted Local Plan Part 2: Development Sites and Policies Plan;

And, Paragraphs 32 and 109 of the National Planning Policy Framework;

and is unacceptable in that:

- (a) the application site lies outside the defined urban settlement boundary on land which is considered to form part of a 'valued landscape'. As a result the proposed development would result in a range of long term major and moderate adverse landscape and visual effects, harmful to the landscape character, appearance and function of the countryside and failing to respect or respond positively to the key characteristics of the surrounding area. In addition the proposed development would adversely affect the integrity of the strategic gap and the physical and visual separation of settlements;
- (b) the quantum of development proposed would result in a cramped layout and would not deliver a housing scheme of high quality design which respects and responds positively to the key characteristics of the area;

- (c) by virtue of the inadequate access arrangements from Old Street into the northern section of the application site, the development would be harmful to the safety of highway users;
- (d) by virtue of the insufficient provision of, or support for, sustainable transport options, the development would result in a material increase in vehicle movements to and from the site which would have a severe impact on the safety and operation of the local highway network;
- (e) the development would result in a material increase in vehicle movements to and from the site which cannot be accommodated adequately on, and would have a severe impact on the safety and operation of, the existing local highway network;
- (f) had it not been for the overriding reasons for refusal the Council would have sought details of the SuDS strategy including the mechanism for securing its long-term maintenance;
- (g) had it not been for the overriding reasons for refusal the Council would have sought to secure the on-site provision of affordable housing at a level in accordance with the requirements of the local plan;
- (h) had it not been for the overriding reasons for refusal the Council would have sought ecological mitigation, compensation and enhancement measures to ensure that all protected species are taken into account during and after construction. These would include alternative provision for habitats, including networks and connectivity and future management and maintenance arrangements;
- (i) in the absence of a legal agreement to secure such, the proposal fails to provide satisfactory details of the design, long term management and ownership and associated costs of the proposed extension to the nature reserve. As a result the proposal fails to provide adequate mitigation, compensation and enhancement measures in relation to the effects of the development on qualifying features of the Solent and Southampton Water Special Protection Area (SPA) and adjacent Site of Special Scientific Interest (SSSI);
- (j) in the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased

recreational disturbance on the Solent Coastal Special Protection Areas;

- (k) in the absence of a legal agreement securing provision of open space and facilities and their associated management and maintenance, the recreational needs of residents of the proposed development would not be met;
- (l) in the absence of a legal agreement to secure the submission and implementation of a full Travel Plan, payment of the Travel Plan approval and monitoring fees and provision of a surety mechanism to ensure implementation of the Travel Plan, the proposed development would not make the necessary provision to ensure measures are in place to assist in reducing the dependency on the use of the private motorcar;
- (m) in the absence of a legal agreement to secure such, the proposal would fail to provide a financial contribution towards education provision.

Notes to Accompany Planning Decision Notice

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General Notes for Your Information:

- Had it not been for the overriding reasons for refusal to the proposal, the Local Planning Authority would have sought to address point f) above through the imposition of a suitably worded planning condition and points g) - m) above by inviting the applicant to enter into a legal agreement with Fareham Borough Council under Section 106 of the Town & Country Planning Act 1990.
- The documents considered in relation to this application can be viewed online at www.fareham.gov.uk/planning.
- The Council worked positively and proactively with the applicant and their agent to try and address the issues which came up during the course of the application being considered. A report has been published on the Council's website to explain how a decision was made on this proposal.
- Please contact the officer who handled this application Richard Wright on 01329 824758 or at rwright@fareham.gov.uk if:
 - You would like clarification about this notice
 - You are unhappy with this decision or the way it has been reached

Right of appeal:

- The person who made this application has the right to appeal to the Secretary of State against the Council's decision to refuse permission.
- The Secretary of State may decide he will not consider an appeal if it seems to him that, due to statutory requirements, the local planning authority could not have granted permission without the conditions being imposed.
- Appeals must be made within 6 months of the date of this decision notice (so by 23rd September 2018).
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- Appeals are handled by the Planning Inspectorate on behalf of the Secretary of State. Appeals must be made using a form which you can get from:

- Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN;
- Or submit online at The Planning Inspectorate website at
- www.gov.uk/planning-inspectorate

Purchase Notices:

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

- In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land.