

FAREHAM
BOROUGH COUNCIL

Development Sites and Policies Plan

Statement on Issues and Questions

**Issue 8 – Other Housing Issues – including gypsies (DSP41-
DSP47)**

October 2014

DCD-12

8.1 Does the plan do sufficient to meet the needs of the elderly? Should sites be identified which may be suitable for elderly persons housing?

8.1.1 Census 2011 data indicates that 88.8% of persons aged 65 or over (in Fareham) are in outright ownership, or part ownership, of their homes. This would point to a higher proportion of the projected need for Older Persons Housing being met in existing market housing rather than through new specific provision. This is echoed in the *Focus on Older People, 2005 edition, National Statistics* (DHO13) which states that “*Older households are much less likely to move house than younger ones.*”

8.1.2 This is further supported by the fact that when addressing housing need for Older Persons, Hampshire County Council (HCC) recognises that the need is within Extra Care housing as, “*The vast majority of older people in Hampshire live in mainstream housing (87% of people aged 65 and over) and seem likely to continue to do so*” (Housing Provision for Older People in Hampshire, DHO04.)

8.1.3 Moreover, the Extra Care model recognises the possibility for the extra care needs of older persons to be met in part through adaptations to existing stock. Coupled with the likelihood of the majority of older persons preferring to stay in their existing homes, this option may prove to be the most desirable. This was echoed in the Inspector’s decision on an appeal for 14 Older Persons Dwellings at 84 Fareham Park Road¹ (February 2013). The Inspector stated that:

“I find the Council’s arguments persuasive in being recent, specific studies of the particular need for elderly housing in the Borough and County. Moreover, I have not been presented with evidence to suggest that any need for housing for the elderly – be it through ‘extra care housing’ or the provision of market housing as proposed by the appellants – would fail to be met by the Borough Council through the policies contained within the development plan.” (Paragraph 13)

8.1.4 Thus, the Council is of the view that there is no need to assign additional sites for older person’s housing as the need is more than likely to be met through deliverable sites within the first 5-years of the remaining Plan period. Any additional requirement will be met through market housing and other policies within the Plan. The following are deliverable sites within the first 5-years of the projected delivery for Fareham across the Plan period. The phasing for these units has been determined through recent engagement with site promoters and landowners.

¹ APP/A1720/A/13/2203892

	2006-2014	2014/15	2015/16	2016/17	Total
Sheltered Housing		40			40
C2 Care Home	234		55	25	314
Total Confirmed Provision (2006-2017)					354

The following sites have extant planning permissions:

App reference:	Site Name/Address	Settlement	No. of Units	
			C2	C3
P/12/0470/FP	Collingwood House, Gibraltar Close	Fareham		40
P/12/0644/FP	Hinton Hotel & The Limes	Fareham	50	
P/12/0325/FP	Little Brook House 101 Brook Lane	Western Wards & Whiteley	5	
P/12/0201/VC	Tudor Lodge 229 Newgate Lane	Stubbington & Hill Head	25	

8.1.5 The Borough has a past delivery of 234 net completions of C2 Older Person's units (2006-2014). LP2 also makes references for potential care facilities at Fareham Station West and Civic Area. Additionally, the Council is in the early stages of discussions with HCC aimed at securing the delivery of an Extra Care facility at Heath Road in the Western Wards. This is envisaged to be deliverable in the next phase of the HCC Extra Care delivery programme post (2017).

8.1.6 Furthermore, Policy WEL19 of the Submission version of the Welborne Plan (DLP11) makes provision for specialist older person's accommodation (Extra Care or similar) which is intended for delivery by the end of Phase 3 (2022-26). Delivery at Welborne will address the anticipated need for the 16 Extra Care (or similar) units arising from Welborne itself, with the remainder of the provision being intended help to meet the wider need within the rest of the Borough.

8.2 *Is the allocation of land for a gypsy and traveller site at The Retreat, Newgate Lane, justified?*

8.2.1 The Council considers that the allocation of The Retreat, Newgate Lane, for permanent accommodation for gypsies and travellers is justified and appropriate. The Council identified the site for further gypsy and traveller accommodation development following engagement with the landowners. The site was subsequently assessed by Council Officers, who concluded it

was suitable for allocation of up to four permanent pitches, including the two existing pitches. The existence of two pitches on the site was an important consideration for the Council. These pitches comprise two static caravans and two touring caravans, permitted on a temporary basis to 2016 (see planning permission P/09/1045/FP²). This consent also allows for the construction of two ancillary dayrooms, which had not yet been commenced at the time of assessment.

- 8.2.2 Following initial assessment, the draft allocation policy and development brief for the site were included as part of a bespoke consultation held by the Council into its policies for gypsies and travellers during June and July 2013. As set out in the Council's Regulation 22 Statement (DSD05 see paragraphs 5.5 to 5.9), this consultation was held following the completion of the Travellers Accommodation Assessment for Hampshire (DHO09) in April 2013, which was after the Draft LP2 had been published for consultation under Regulation 18 in November 2012.
- 8.2.3 Paragraph 5.8 of the Council's Regulation 22 Statement (DSD05) sets out the outcomes of the consultation. Southern Water was amongst those who objected to the allocation of The Retreat. The company was concerned that the site was close to their Peel Common Wastewater Treatment Works (WTW) and that the permanent occupation proposed and the intensification of the use of the site would be likely to lead to an increase in complaints to the company about odour nuisance from the WTW.
- 8.2.4 In response to these concerns, Council Officers responsible for preparing LP2 discussed Southern Water's comments with the Council's Environmental Health Officer, responsible for the Peel Common site. This Officer confirmed that Environmental Health did not share Southern Water's concerns and the issue of odour was not anticipated to be a problem (see Appendix 1 to this Statement). In relation to previous complaints about odour from Peel Common, the Environmental Health Officer commented that during the past four years, there had been only one substantiated complaint from a Fareham Borough resident, and none coming from the occupiers of The Retreat. He also commented on Southern Water's capital investment work recently carried out at Peel Common. Whilst this was not focused on odour control, Environmental Health considered that an effect of these improvements would be that odour nuisance would be less likely in the areas surrounding the WTW in the future. In conclusion, the Environmental Health Officer stated:
- "It is my belief that given the lack of complaints from the current site occupants coupled with the upgrading of Peel Common WTW, the amenity of future occupants of The Retreat, Newgate Lane will not be unduly affected."* (see Appendix 1)
- 8.2.5 In light of the above views from Environmental Health, the Council progressed further with the proposed allocation, including subjecting it to

² <https://www.fareham.gov.uk/casetracker/casetracker.asp?a=1&public=Y&caseid=59745>

Sustainability Appraisal (DSA05) and to Habitat Regulations Assessment screening. The outcomes of these assessments and the earlier public consultation informed the preparation of the Development Site Brief found on pages 189 and 190 of LP2.

- 8.2.6 Since LP2 was submitted to the Secretary of State, Environmental Health has provided an update on the odour nuisance issue in relation to Peel Common WTW (See Appendix 1). The update confirmed that Southern Water have now completed the improvement works referred to above. In addition, Environmental Health commented that part of the WTW site is now licenced by the Environment Agency as a liquid waste reception facility. This licence includes a condition that the licenced activities should be free from odour outside of the site boundaries. Although this does not relate to the whole site, the view was expressed that it would be difficult to distinguish between odour from normal WTW activities and those activities permitted by the waste management licence.
- 8.2.7 An update was also provided on the odour nuisance complaint record held by Environmental Health. This indicated that that there was a period between August and November 2013 where seven complaints were received, but that during 2014, only a single further complaint had been received by the Council.
- 8.2.8 Throughout the process of preparing Policy DSP47 and the Development Site Brief for The Retreat, the Council has taken full account of relevant national policy. Paragraph 109 of the NPPF is relevant and relates to the need to ensure new and existing development is not put at unacceptable risk from, or is adversely affected by unacceptable levels of air pollution. Given the advice Environmental Health, the Council does not consider that the odour risk from Peel Common is at a level that could be described as 'unacceptable'.
- 8.2.9 In addition, relevant policy within Planning Policy for Traveller Sites (DND02) has been taken into account. Paragraph 11 of DND02 sets out the need for local authorities to ensure that their policies provide for the proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and wellbeing of any travellers that may locate there. The Council took these issues into consideration during the preparation of Policy DSP47 and sought to balance these requirements with the requirement of national policy to ensure that the accommodation needs of gypsies and travellers within the Borough could be appropriately met. Overall, and in light of the evidence, including the advice from Environmental Health, the outcomes of the Council's own assessments (including Sustainability Appraisal) and the views of Southern Water, the Council's view remains that there is insufficient evidence to demonstrate that allowing the site to offer four pitches of permanent accommodation would prove detrimental to the health and wellbeing of the gypsies and travellers that might live there. Therefore, given the pressing need for additional sites to accommodate Gypsies and travellers, the Council considers that allocation of The Retreat, for development as described in

the development brief, is justified.

8.3 *Is criterion (vi) of policy DSP47 sufficiently clear? Does it relate to the living conditions of both existing residents and the gypsies and travellers? Should it include a reference to noise and odour?*

8.3.1 The criteria included within Policy DSP47 are relevant where the Council needs to determine planning applications for gypsy and traveller site developments which have not been allocated by the first paragraph of the policy. The Council has set out with the intention to ensure that the criteria are clear. However, on reflection, the Council considers that criterion (vi) is not required as Policy DSP4 (Impact on Living Conditions) is relevant to all types of development, including for gypsies and travellers. Criterion (vi) of Policy DSP47 effectively duplicates Policy DSP4. Therefore, a **minor modification** is proposed to delete criterion (vi) and to re-number the subsequent criteria of Policy DSP47. Since the Submission of LP2, a minor modification has also been proposed to the wording of Policy DSP4 which clarifies that it relates to both the living conditions of the site and to neighbouring development.

8.3.2 As regards a reference to noise and odour, the Council considers that this should not be included within Policy DSP47. In the case of noise, this is already adequately covered by Policy DSP3 which relates to the environmental impact of all types of development. In the case of odour, this is not currently included within the first paragraph of Policy DSP3, which the Council now considers to have been an unintentional omission. Therefore, the Council proposes a **minor modification** to Policy DSP3 to clarify the meaning of that policy in relation to “air pollution” and to specifically include a reference to odour.

8.3.3 The Council’s proposed **minor modification** to Policy DSP47 (Gypsies, Travellers and Travelling Showpeople) is as follows:

~~**vi. does not have an unacceptable adverse impact upon living conditions or neighbouring development by way of the loss of sunlight, daylight, outlook and privacy;**~~

The criteria currently numbered as (vii), (viii) and (ix) will be renumbered as: (vi), (vii) and (viii).

8.3.4 The Council’s proposed **minor modification** to Policy DSP3 (Environmental Impact) is as follows:

Development proposals should not, individually, or cumulatively, have a significant adverse impact, either on neighbouring development, adjoining land, or the wider environment, by reason of noise, ~~dust, fumes,~~ heat, ~~smoke,~~ liquids, vibration, light or air pollution (including dust, smoke, fumes or odour).

APPENDIX 1

Correspondence from the Fareham Borough Council Environmental Health Officer responsible for the Peel Common Wastewater Treatment Works

From: Gustar, Richard
Sent: 06 October 2014 12:12
To: Chevis, Mark
Subject: FW: Southern Water's response to the Gypsy and Traveller consultation

The information below is still pertinent. Part of the site (Peel Common WTW) is also now permitted by the EA as a liquid waste reception facility which includes a condition that there shall be no odour beyond the site boundary; the actual condition is: "Emissions from the activities shall be free from odour at levels likely to cause pollution outside the site, as perceived by an authorised officer of the Environment Agency..." Now this isn't directly relevant to the whole site, but how do you distinguish between odour arising from different parts of the site, at least that was the view of one EA officer I spoke to.

To update you on the complaint history for this site: since 6 July 2012 complaint, we had a spate of odour complaints at the back end of last year (7 between end of August and November 2013) but have only had a single complaint in 2014. The improvement works are now complete – I visited the site in July to see the new equipment that had been installed.

Richard Gustar
Environmental Health Technical Officer
Fareham Borough Council
01329 824592



From: Gustar, Richard
Sent: 30 July 2013 13:20
To: Nichols, William
Subject: RE: Southern Water's response to the Gypsy and Traveller consultation

William

Hopefully the below is sufficient for your purposes.

Should you require any more detail or clarification on any points just let me now.

Regards

- a) Regarding pollution and suitability of use matters, Environmental Health has no adverse comments to make on the proposed allocations at The Retreat, Newgate Lane and 302A Southampton Road. Both are existing caravan sites, albeit with temporary planning permission till end of 2016. Environmental Health did not object to the previous planning applications to develop either site and would have no objections to an increase in the number of units permitted on either site, where space allows. A new or amended caravan site licence will be required but I do not foresee this as being a problem.
- b) Regarding Southern Water's objection to the inclusion of The Retreat, Newgate Lane, I can comment as follows:

On grounds of pollution and suitability of use, Environmental Health had no objections to the granting of planning permission for a change of use of land for use as small private gypsy site at this address.

The basis for Southern Water's objection appears to be the effect of unpleasant odours from Peel Common WTW on the amenity of the site occupants. I believe Southern Water is concerned that the placing of new receptors (note that the site is already occupied with two units) in close proximity to its wastewater treatment works at Peel Common will open it up to further nuisance complaints, something which it is uneasy about considering the history of odour complaints associated with Peel Common WTW and the capital expenditure the company has already outlaid in part to deal with the odour problem.

I would counter this concern by saying that since The Retreat was granted temporary planning consent in April 2010 the Council has not received any complaints of odour from the occupants of the site. Given the particulars below, there is no reason to think that increasing the length of the planning term or the number of occupants on site would change this. The Council last had a complaint about odour from Peel Common WTW from any residents of Fareham on 6 July 2012. The Council has only received complaints from seven residents (including as far a field as Hill Head and Lee-on-the-Solent) about odours from Peel Common WTW in the past 4 years and only one of those was substantiated. Recently Southern Water has commenced a new programme of investment at its wastewater treatment works at Peel Common including the replacement of the sludge dewatering equipment with Alfa Laval centrifuges and the installation of new sealed skips and conveyers. My understanding is that the abatement of odours is not the main driver for this work, but the improvement works, due to be completed end of 2013, will

reduce the likelihood of odours from Peel Common WTW affecting the local community. In investigating nuisance complaints, one of the factors which the Local Authority has to take into account is the nature of the surrounding area, e.g. a resident living in the countryside in close proximity to a farm might expect to experience 'farmyard-type' smells and crowing cockerels. Similarly, the occupants of land adjacent a wastewater treatment works might expect to experience 'sewage-type' odours from time to time. It is only when such nuisance starts to become more prolonged or affects a greater extent of the community that the Local Authority would have a duty to act. Even then in such circumstances the perpetrator of the nuisance may have a defence in best practicable means.

It is my belief that given the lack of complaints from the current site occupants coupled with the upgrading of Peel Common WTW, the amenity of future occupants of The Retreat, Newgate Lane will not be unduly affected.

Richard Gustar
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From: Nichols, William
Sent: 26 July 2013 12:58
To: Gustar, Richard
Subject: Southern Water's response to the Gypsy and Traveller consultation

Richard

Further to our discussion, please find attached a copy of Southern Water's representation to our recent consultation on Gypsies and Travellers.

Thanks very much for agreeing to provide me with the following:

- a) A general response to the consultation setting out Environmental Health's view on the proposed allocations at The Retreat, Newgate Lane and 302A Southampton Road.
- b) A more specific response setting out your thoughts on Southern Water's objection to the inclusion of The Retreat, Newgate Lane for me to include in a letter.

Neither need to be more than a couple of paragraphs - they just need to set out the issues we discussed earlier.

Would it be possible to provide me with a response by Wednesday 31 July? Ideally I would like to be able to send a letter out to Southern Water before the end of next week.

Thanks very much for your help.

Kind regards

William Nichols
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