

FAREHAM

BOROUGH COUNCIL

AGENDA PLANNING COMMITTEE

Date: Wednesday, 24 June 2020

Time: 1.00 pm

Venue: Teams Virtual Meeting

Members:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

Councillors F Birkett
T M Cartwright, MBE
P J Davies
K D Evans
M J Ford, JP
Mrs K Mandry
R H Price, JP

Deputies: S Dugan
J S Forrest
Mrs C L A Hockley
Mrs K K Trott



1. Apologies for Absence

2. Minutes of Previous Meeting (Pages 1 - 6)

To confirm as a correct record the minutes of the Planning Committee meeting held on 13 May 2020.

3. Chairman's Announcements

4. Declarations of Interest

To receive any declarations of interest from members in accordance with Standing Orders and the Council's Code of Conduct.

5. Deputations

To receive any deputations of which notice has been lodged.

6. FIVE YEAR HOUSING LAND SUPPLY POSITION UPDATE (Pages 7 - 18)

To consider a report by the Director of Planning and Regeneration which provides an update on the Council's 5-Year Housing Land Supply Position.

7. Planning applications and Miscellaneous Matters including an update on Planning Appeals (Pages 19 - 21)

To consider a report by the Director of Planning and Regeneration on development control matters, including information regarding new planning appeals and decisions.

(1) **P/18/1118/OA - LAND AT NEWGATE LANE (NORTH) FAREHAM** (Pages 22 - 56)

(2) **P/19/0460/OA - LAND AT NEWGATE LANE (SOUTH) FAREHAM** (Pages 57 - 91)

(3) **P/20/0212/FP - FAREHAM LEISURE CENTRE PARK LANE FAREHAM PO16 7JU** (Pages 92 - 105)

(4) **P/19/1193/OA - LAND EAST OF POSBROOK LANE TITCHFIELD** (Pages 106 - 127)

(5) **P/18/0884/FP - LAND ADJOINING 79 GREENAWAY LANE WARSASH S031 9HT** (Pages 128 - 163)

(6) **P/20/0295/FP - 22 BARLETT CLOSE FAREHAM PO15 6BQ** (Pages 164 - 169)

(7) **Planning Appeals** (Pages 170 - 172)

8. Tree Preservation Orders

To consider the confirmation of the following Tree Preservation Order(s) which have

been made by officers under delegated powers and to which no formal objections have been received.

Fareham Tree Preservation Order No. 765 2020 – 229A Highlands Road & 17 Napier Crescent, Fareham West.

Order served on 6 March 2020 and covers two individual oak trees and to which no formal objections have been received. It is recommended for TPO 765 to be confirmed without modification as made and served.



P GRIMWOOD
Chief Executive Officer
Civic Offices
www.fareham.gov.uk
16 June 2020

**For further information please contact:
Democratic Services, Civic Offices, Fareham, PO16 7AZ
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democraticservices@fareham.gov.uk**

FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Wednesday, 13 May 2020

Venue: Teams Virtual Meeting

PRESENT:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

Councillors: T M Cartwright, MBE, P J Davies, K D Evans, M J Ford, JP,
Mrs K Mandry, R H Price, JP and Mrs C L A Hockley (deputising
for F Birkett)

Also Present: Councillor Mrs T L Ellis (Item 6 (2))



1. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor F Birkett.

2. MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee meeting held on 18 March 2020 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

The Chairman used the Chairman's announcements to inform the Committee on how he intended to run the Virtual Planning Committee.

4. DECLARATIONS OF INTEREST

Prior to any Member declaring an Interest the Head of Democratic Services addressed the Committee and made the following statement:

Some members of the Planning Committee have been involved in the formulation and approval of the design of the proposed remodelled Ferneham Hall on behalf of the Council in its capacity as landowner, either as members of the Ferneham Hall Member Working Group or as Members of the Executive. Those Members have been carrying out their functions as appointed by the Council and its Executive and therefore do not need to declare this work as a personal or pecuniary interest. However, those Members are reminded that they must consider the application before them today with an open mind, as Member of the Council in its capacity as the local planning authority, and must arrive at their decision based only on material planning considerations.

In accordance with Standing Orders and the Council's Code of Conduct the following Councillors declared the following interest on the items identified.

Councillor Mrs C L A Hockley declared a personal interest in item 6 (2) – 68 The Avenue, Fareham as she is a resident of Heath Lawns and many of the deputies are known to her. She addressed the Committee to make a representation as a Councillor and She took no part in the discussion or vote on this item.

Councillor Mrs Mandry declared a personal interest in Item 6 (3) – 7 Cottess Way, Fareham as the owner of one of the neighbouring properties and one of the deputies are known to her. She took no part in the debate or vote on this item.

5. DEPUTATIONS

The Committee received a written deputation read out by the committee officer from the following in respect of the applications indicated.

Name	Spokesperson representing the	Subject	Supporting or Opposing the
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	persons listed		Application
ZONE 1 - 2.30pm			
ZONE 2 - 2.30pm			
Mr K Fraser		FERNEHAM HALL OSBORN ROAD PO16 7DB – REMODELLING OF EXISTING MULTI-PURPOSE VENUE FORMERLY KNOW AS FERNEHAM HALL, INCORPORATING PARTIAL DEMOLITION AND EXTENSIONS TO EXISTING BUILDING AND INCLUDING PROVISION OF NEW FLYTOWER	Opposing
Mr R Marshall	The Fareham Society	-Ditto-	-Ditto-
Ms M Howell		68 THE AVENUE FAREHAM PO15 1PB – GARDEN TERRACED AREA (PART COVERED) AND A COVERED STORE (ALTERNATIVE TO PLANNING APPLICATION P/19/0150/FP)	Opposing
Mr & Mrs Coombe		-Ditto-	-Ditto-
Mr and Mrs Cheer		-Ditto-	-Ditto-
Mr & Mrs Clark		-Ditto-	-Ditto-
Mr R Ahmed		-Ditto-	-Ditto-
Mrs J Southwick		-Ditto-	Supporting
Mr I Tindale		-Ditto-	-Ditto-
ZONE 3 - 2.30pm			
Mr R Tutton	Mr & Mrs Hardman	7 COTTES WAY FAREHAM PO14 3NB – TWO STOREY FRONT AND REAR EXTENSION AND REMODEL AND RAISE ROOF HEIGHT	Opposing
Mr P Russ		-Ditto-	-Ditto-
Mrs S Wardale		-Ditto-	Supporting

Mr & Mrs Allen		-Ditto-	-Ditto-
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6. PLANNING APPLICATIONS AND MISCELLANEOUS MATTERS INCLUDING AN UPDATE ON PLANNING APPEALS

To consider a report by the Director of Planning and Regeneration on development control matters, including information regarding new planning appeals and decisions.

(1) P/20/0055/FP - FERNEHAM HALL OSBORN ROAD PO16 7DB

The Committee received the deputations referred to in Minute 5 above.

The Committee Officer also read out a representation from Ward Councillor Mrs K Trott.

The Committee's attention was drawn to the Update Report which contained the following information:-

There is an error at paragraph 8.21 of the Officer report. The report states that:

"The proposed remodeling of the venue would not bring the built form any closer to Osborn Road and there would be no change in the spaciousness afforded on the southern side of the road (the venue is set back from the road by approximately 30 metres at its nearest point)."

The proposed building would in actual fact be extended approximately 2.5 metres further northwards and would be approximately 29 metres from Osborn Road at its nearest point.

One further objection has been received from a resident living in Osborn Road raising the following material planning matters:

- *Impact on Osborn Road Conservation Area;*
- *Visual Impact;*
- *Noise;*
- *Sustainable design;*
- *Pedestrian safety.*

In relation to the potential for loss of light to properties on the northern side of Osborn Road, consideration must be given to the distance between the remodeled venue and these properties, as well as the mature planted southern boundaries of most of those gardens. Officers do not consider that there would be any material harm to the light to or outlook from those properties.

It is not considered that there would be any harmful effect to the safety of pedestrians arising from the proposed development.

Other matters raised in the objection are already addressed in the Officer report to the Planning Committee.

(During the debate on this item Councillor M J Ford lost his connection to the meeting, and, as he was unable to take part in the full debate on this item he took no further part in this item and did not vote on the application.)

A motion was proposed and seconded to accept the Officer recommendation and conditions as set out in the report, with the provision that the details pursuant to Conditions 4 and 5 are reported to the Committee for approval, was voted on and CARRIED.

(Voting: 6 in favour; 2 against)

RESOLVED that, subject to the conditions in the report, and that the details pursuant to Conditions 4 and 5 are reported to Committee for approval, PLANNING PERMISSION be granted.

(2) P/20/0215/FP - 68 THE AVENUE FAREHAM PO14 1PB

The Committee received the deputations referred to in minute 5 above.

At the Invitation of the Chairman, Councillor Mrs T Ellis addressed the Committee on this item.

Councillor Mrs C L A Hockley declared a personal interest in this item as she is a resident of Heath Lawns and many of the deputees are known to her. She addressed the Committee to make a representation as a Councillor and then took no part in the discussion or vote on this item.

The Committee's attention was drawn to the Update Report which contained the following information:-

The reference at paragraph 1.1 of the Officer Report is incorrect. Councillor Mrs Hockley is a Fareham Borough Council Councillor rather than as the described, Local Ward Councillor.

Members were keen to advise the applicant that they had concerns over the issue of smoke affecting the neighbouring properties and were keen to highlight the officer's comments from paragraphs 7.4 and 8.15 of the report.

Upon being proposed and seconded the officer recommendation to grant planning permission subject to the conditions in the report and the addition of a note to applicant stating:

The applicant's attention is drawn to the Environmental Health consultation response to this application. The applicant is encouraged to use smokeless fuels in the approved chimney. The applicant should be aware that if smoke was to continue to be a nuisance and is witnessed by Environmental Health, even after the grant of this planning permission, that the Council has the power to serve a smoke abatement notice under the Environmental Protection Act 1990 limiting or prohibiting the use of chimney.

Was voted on and CARRIED.

(Voting: 8 in favour; 0 against)

RESOLVED that subject to the conditions in the report, and the additional note to the applicant stating:

The applicant's attention is drawn to the Environmental Health consultation response to this application. The applicant is encouraged to use smokeless fuels in the approved chimney. The applicant should be aware that if smoke was to continue to be a nuisance and is witnessed by Environmental Health, even after the grant of this planning permission, that the Council has the power to serve a smoke abatement notice under the Environmental Protection Act 1990 limiting or prohibiting the use of chimney.

PLANNING PERMISSION be granted.

(3) P/20/0282/FP - 7 COTTES WAY FAREHAM PO14 3NB

The Committee received the deputations referred to in Minute 5 above.

Councillor Mrs K Mandry declared a personal interest in this item as the owner of one of the neighbouring properties and one of the deputies are known to her. She took no part in the debate or vote on this item.

Upon being proposed and seconded the officer recommendation to grant planning permission, subject to the conditions in the report, was voted on and CARRIED.

(Voting: 8 in favour; 0 against)

RESOLVED that, subject to the conditions in the report, PLANNING PERMISSION be granted.

(4) UPDATE REPORT

The Update Report was circulated prior to the meeting and considered along with the relevant agenda item.

7. PLANNING APPEALS

The Committee noted the information in the report.

(The meeting started at 2.30 pm
and ended at 6.01 pm).

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date **24 June 2020**

Report of: **Director of Planning and Regeneration**

Subject: **FIVE YEAR HOUSING LAND SUPPLY POSITION**

SUMMARY

The following report provides the latest update on the Council's Five Year Housing Land Supply position, and supersedes the update previously provided to the Planning Committee on 24th April 2019.

RECOMMENDATION

That the Committee note: -

- (i) the content of the report and the current 5-Year Housing Land Supply position;
- (ii) that the 5-Year Housing Land Supply Position set out in the attached report (which will be updated regularly as appropriate) is a material consideration in the determination of planning applications for residential development.

INTRODUCTION

1. The following 5YHLS position updates and supersedes those previously provided to the Planning Committee. It will continue to be regularly updated as appropriate and will represent a material consideration in the determination of planning applications. It should be noted that the Council's housing land supply position can go down as well as up depending on the circumstances relevant at any given time.
2. The requirement of the National Planning Policy Framework is for housing need to be calculated by a standard method, as set out in the Planning Practice Guidance. The standard method uses household growth projections and house-price to earnings affordability data (produced by the Office for National Statistics) to calculate the Local Housing Need figure for a Local Planning Authority. The housing need figure for Fareham, using the standard method, is 514 dwellings per annum.
3. The Housing Delivery Test results were published by the Ministry of Housing, Communities and Local Government (MHCLG) in February 2020. These results require this Council to apply a buffer of 5% to its annual requirement.
4. The National Planning Policy Framework requires Local Planning Authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their local housing need. What constitutes a 'deliverable site' is defined within the National Planning Policy Framework and is an area which has now been tested at many planning appeals around the country, including Fareham.
5. In summary, Planning Inspectors have concluded that 'resolutions to grant planning permission' should not be included within the category of 'deliverable sites'. Members will be aware that there are a large number of dwellings which have a 'resolution to grant planning permission' which are dependent upon nutrient neutrality solutions coming forward. At the present time, in the light of the definition within the National Planning Policy Framework and Planning Inspectors' application of it, the large majority of 'resolutions to grant planning permission' have been removed from the Council's 5 Year Housing Land Supply.
6. Calculation of the Council's 5-Year Housing Land Supply Position based on an annual dwelling requirement of 514 and a 5% buffer gives a projected position of 2.72 years.

RISK ASSESSMENT

7. There are no significant risk considerations in relation to this report.

CONCLUSION

8. That the Committee note the content of the report and the updated 5YHLS position.
9. That the 5YHLS position set out in the attached report (which will continue to be updated regularly as appropriate) is a material consideration in the determination of planning application for residential development.

Enquiries:

For further information on this report please contact Lee Smith. (Ext 4427)

Fareham Borough Council
Five-Year Housing Land Supply Position
JUNE 2020

Introduction

1. The National Planning Policy Framework (NPPF) requires Local Planning Authorities to identify and update annually a supply of specific deliverable sites to provide five years supply of housing against their housing requirements. The NPPF also requires an additional buffer of 5% (or 20% in the case of persistent under-delivery) to ensure choice and competition in the market for land.
2. This document has been prepared to provide the latest position on the 5 Year Housing Land Supply (5YHLS) in Fareham Borough. It will be updated at regular intervals to ensure the most accurate and up-to-date position is available. Updates will be provided to the Planning Committee when relevant and will also be advised on the Council's website.
3. This document is iterative/live and will only provide the most accurate position of 5YHLS at the time of publication. It is possible that sites will be omitted from the 5YHLS and then subsequently, when circumstances change, may feature again in a future iteration of the 5YHLS position (and vice versa). Likewise, delivery rates for included sites are not fixed and are subject to revision following correspondence with site promoters/ developers.

Housing Need

4. The requirement through the NPPF is for housing need to be calculated through a standard method. The standard method is based on household growth projections and house-price to earnings affordability data published by the Office for National Statistics (ONS).
5. Since the last 5YHLS report was presented to the Planning Committee in April 2019, updated house-price to earnings affordability data has been published by the ONS. Use of the 2014-based household growth projections along with the updated house-price to earnings affordability data within the standard method results in the Council having a Local Housing Need figure of 514 dwellings per annum.
6. There remains a requirement in the NPPF to include at least a 5% buffer on top of the 5-year housing requirement, "to ensure choice and competition in the market for land".
7. The level of the buffer (5% or 20%) is determined through the Housing Delivery Test, which has been introduced as part of the NPPF. The NPPF advised that each Council's Housing Delivery Test result will be calculated and published by MHCLG in November of each year.
8. The results for the 2019 Housing Delivery Test (HDT) were published by the MHCLG on 13th February 2020. The results for Fareham showed that the Council achieved 99% in terms of the number of homes delivered.
9. Fareham's HDT results mean that the Council can apply a 5% buffer to its five-year housing land supply position.

Housing Supply

10. The National Planning Policy Framework requires Local Planning Authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their local housing need. As such, this section sets out the different sources which make-up the Council's projected five-year housing supply.

Planning permissions

11. A comprehensive list of all sites with outstanding planning permission at the start of each monitoring year is provided annually to the Council by Hampshire County Council. However, to ensure that this 5YHLS position provides the most accurate and up-to-date position, all new planning permissions as of 1st April 2020 are also taken account of. Sites with planning permission are only included within the projected supply where they meet the definition of 'deliverable'. What constitutes 'deliverable' is set out within Annex 2 of the National Planning Policy Framework:

12. **"Deliverable:** To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years."

13. Where there is some indication that a planning permission will not be implemented then the site has been omitted from the 5YHLS on a precautionary basis. However, this may change if subsequent information comes to light to suggest the development will take place in the five-year period.

14. The monitoring of new permissions and the delivery projections of existing sites with planning permission will continue to be kept regularly up-to-date by Fareham Borough Council Officers, through regular correspondence with site developers.

15. Dwellings completed between 1st April 2019 and the 31st March 2020 have been removed from the 'Details of Projected Housing Supply for the 5-Year Period (1ST APRIL 2020 – 31ST MARCH 2025)' set out at the end of this report.

Resolutions to Grant Planning Permission

16. Housing supply based on sites with a resolution to grant planning permission has previously formed a significant component of this Council's projected supply. These consist of sites which have been approved by the Council's Planning Committee, but the formal grant of planning permission remains subject to matters such as the completion of a legal agreement (i.e. Section 106).

17. As highlighted earlier in this report, the National Planning Policy Framework requires Local Planning Authorities to identify and update annually a supply of specific deliverable sites.
18. What constitutes 'deliverable' has now been the subject of many planning appeals around the country including within Fareham. Many Planning Inspectors have regarded the definition within the National Planning Policy Framework as a 'closed list' i.e. if a site does fall within the definitions at a) or b), set out within the preceding section of this report, it should not be included within the Council's 5 Year Housing Land Supply.
19. Members will be aware that there are a large number of planning applications which have been previously considered by the Planning Committee and Members have resolved to grant planning permissions. These planning applications comprise somewhere in the order of 761 dwellings.
20. Following these resolutions to grant planning permission, Natural England changed its advice to Councils in the light of a decision made by the European Court of Justice (known as the 'Dutch case'). The 'Dutch Case' has implications for the approach which must be taken when assessing the impact of new development upon European Protected Sites. A number of European Protected sites which would be covered by the ruling, are located in and around The Solent.
21. The case reinforced the precautionary principle which must be adopted when assessing the impact upon protected sites. Furthermore, the case also clarified the requirement that where mitigation is needed, it should be identified at the time of carrying out an Appropriate Assessment and appropriately secured before permission is granted. This is in order for the competent authority to conclude with certainty that any mitigation proposed and secured would sufficiently mitigate any adverse effects arising from the development in question.
22. The primary concerns raised by Natural England in respect of development in this Borough, relate to the impacts of increased nitrates entering the European Sites and the impact of exhaust emissions from increased vehicles upon European Sites. Based on the existing condition of The Solent water bodies and taking into account the implications of the more recent Dutch case ruling, Natural England's advice to this Council has been that any new development which would result in an increase in 'overnight' stays, should achieve nitrate neutrality in order to not have any likely significant effects.
23. Work was undertaken by Ricardo on behalf of this Council in respect of the impact of exhaust emissions upon European Sites. This work was completed in December last year and the full report has been published on the Council's website. The report concluded that "Development in Fareham can take place over the period up to 2023 as set out in this report, with no threat due to emissions to air to the ability of any European site to achieve their conservation objectives or maintain their integrity (either alone or in combination)."
24. Since receipt of the Natural England advice considerable work has been undertaken between this authority and a number of statutory bodies including Natural England and the Environment Agency, work has been undertaken by the Partnership for South Hampshire and a number of third parties have brought forward nitrate mitigation schemes.

25. Based on the definition of 'deliverable' within Annex 2 of the National Planning Policy Framework and the manner in which Planning Inspectors have applied it in their decision making, it is considered appropriate to remove "the resolutions to grant" from the Council's 5 Year Housing Land Supply at this time, except those that relate to allocated housing sites within the Council's adopted local plan.
26. A number of third party nitrate mitigation schemes are now well advanced. There is clear evidence that many of the schemes with resolutions to grant may well use these mitigation schemes to ensure that they do not have a likely significant effect upon the European sites. Where an Appropriate Assessment is undertaken by this Authority which concludes that no likely significant effect would occur subject to the mitigation provided through these sites, it is likely that this Authority will be in a position to formally grant planning permissions for a number of schemes in the near future. When this occurs, it may well be appropriate for an updated 5 Year Housing Land Supply to be reported to Members later this year.

Adopted Local Plan Housing Allocations and Emerging Brownfield Sites

27. Officers have undertaken a review of the residual allocations and policy compliant sites from the adopted Local Plan to inform the 5YHLS position. This has been based on correspondence with site promoters and Planning Officer judgement.
28. In October 2019, this Council resolved to grant planning permission for the development at Welborne subject to the completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990. Considerable progress has been made on the Section 106 legal agreement and it is hoped that it will be signed, enabling the formal planning permission to be issued, in the near future.
29. Officers have recently approached the site promoter Buckland Development Limited and sought clarification from them as to what housing completions they anticipate at Welborne and when. In light of the current market conditions, the site promoter has advised the Council that it now anticipates commencements/completions at Welborne to occur approximately two years later than that set out within the information supporting the planning application. The site promoter has advised that they anticipate 30 dwellings would be delivered in 2022-23, 180 in 2023-24, and 240 in 2024-25. This would total some 450 dwellings in the five-year period.
30. In other instances where Officers have gathered information on the timing and delivery rates from site landowners or developers, the Council have in some instances taken a more precautionary approach to delivery than may have been proposed by the site developer. This could be, for example, if they failed to allow sufficient time for planning permissions to be secured, or if the delivery rates were considered too optimistic. It is important that the Council has a robust basis for its 5YHLS calculations, as adopting a set of unrealistic assumptions may result in a 5YHLS figure that may not be accepted by an appeal Inspector.
31. This process of liaison with site promoters and developers will remain ongoing to ensure a robust and evidenced position on 5YHLS can be demonstrated.

Windfall allowance

32. Paragraph 70 of the revised NPPF enables an allowance to be made for housing delivery from windfall sites, providing that there is compelling evidence that they will provide a reliable source of supply having regard to historic windfall delivery rates and expected future trends. An allowance for windfall housing from small sites (1-4 units) has been included within the projected 5-year supply but avoids any small-site windfall development in years 1-3 of that projection and any large-site windfall from the entire 5-year projection.
33. The windfall rates used in the 5YHLS projection are set out in the Council's Housing Windfall Projections Background Paper (2017). The contribution from windfall provision within the 5 year period is modest, being 74 dwellings.

Calculating the 5YHLS

34. In summary, the 5YHLS position in this paper is based on the following: -

- Local Housing Need figure of 514 dwellings per annum.
- Application of a 5% buffer on the Local Housing Need figure.
- Outstanding planning permission data provided by Hampshire County Council as of 1 April 2020
- Sites allocated within the adopted Local Plan and emerging brownfield sites which are expected to deliver housing over the 5-year period 1st April 2020 to 31st March 2025.
- Expected windfall development from small sites (1-4 units) in years 4 and 5 (i.e. 1st April 2023 – 31st March 2025).
- Delivery projections and rates which are derived from detailed liaison with site developers (particularly for larger development sites).

FIVE-YEAR HOUSING LAND SUPPLY POSITION

The following table provides a summary of the Council's current 5YHLS position as per the date of this paper.

HOUSING REQUIREMENT		
A	Local Housing Need: Dwellings per annum 2019-36	514
B	Local Housing Need: Total requirement for 1 st April 2020 to 30 th March 2025 (A x 5)	2,570
C	5% buffer to ensure choice and competition in the market for land (B x 5%)	129
D	Total housing requirement for period from 1st April 2020 to 30th March 2025 (B+C)	2,699
E	Annual requirement for period from 1st April 2020 to 30th March 2025 (D/5)	540
HOUSING SUPPLY		
F	Net outstanding planning permissions for small sites (1-4 units) expected to be built by 30th March 2025 (discounted by 10% for lapses)	155
G	Net outstanding full planning permissions for large sites (5 or more units) expected to be built by 30th March 2025	371
H	Net outstanding outline planning permissions for large sites (5 or more units) expected to be built by 30th March 2025	99
I	Dwellings with a Resolution to Grant Planning Permission that are expected to be built by 30th March 2025	0
J	Dwellings allocated in Adopted Local Plan (LP2) that are expected to be built by 30th March 2025	624
K	Dwellings from emerging brownfield sites (Adopted Local Plan - LP1 & LP2) that are expected to be built by 30th March 2025	145
L	Small site windfall allowance (years 4 – 5) (37 dwellings x 2 years)	74
M	Expected housing supply for the period from 1st April 2020 to 30th March 2025 (F+G+H+I+J+K+L)	1,468
N	Housing Land Supply Position over period from 1st April 2020 to 30th March 2025 (M – D)	-1,231
O	Housing Supply in Years (M / E)	2.72



DETAILS OF PROJECTED HOUSING SUPPLY FOR THE 5-YEAR PERIOD (1ST APRIL 2020 – 31ST MARCH 2025)

Site Address	2020/21	2021/22	2022/23	2023/24	2024/25	Totals
Outstanding Planning Permissions - Small (1-4 dwellings) (10% discount)						
Total across Borough	50	50	55			155
Outstanding Full Planning Permissions - Large (5+ dwellings)						
3-33 West Street, Portchester (07/0042/FP)		16				
New Park Garage, Station Road, Park Gate (09/0672/FP)	14					
100 Wickham Road, Fareham (14/1252/FP)			13			
Swanwick Marina, Bridge Road (15/0424/VC)			25	25		
4-14 Botley Road, Park Gate (16/0295/FP)	23					
Land to rear of 184 Bridge Road (P/17/0697/FP)	3					
1 Station Industrial Park, Duncan Road, Park Gate (P/17/1219/PC)			15			
Willows End, 312 Old Swanwick Lane (P17/1390/FP)		6				
Cranleigh Road, Portchester (Appeal allowed, reserved matters application P/17/1170/RM)		37				
Wykeham House School (P/17/0147/FP)	15					
Hampshire Rose, Highlands Road, Fareham (P/17/0956/FP)	17					
HA3 Southampton Road (Land at Segensworth Roundabout) (P/18/0897/FP)		41				
123 Barnes Lane, Sarisbury Green (P/18/0690/FP)				41		
Land to south of Rookery Avenue, Swanwick (P/18/0235/FP)			6			
94 Botley Road, Park Gate (19/0321/PC)			8			
24 West Street, Fareham (19/0654/PC)			7			
Land North of Funtley Road, Funtley (P/17/1135/OA) (P/19/0864/RM)	10	17				
42 Botley Road (P/19/1275/PC) Prior Approval Granted		5				
Stubbington Lane, Hill Head (LP2 H12)		11				
Corner of Station Road, Portchester (LP2 H20)		16				
Sub-total						371
Outstanding Outline Planning Permissions - Large (5+ dwellings)						
Land to the East of Brook Lane & South of Brookside Drive, Warsash - Taylor Wimpey (P/16/1049/OA)		50	35			
Former Scout Hut Coldeast Way Sarisbury Green (P/17/1420/OA)			7			
Land to East of Bye Road (self/custom build) (P/17/1317/OA)			4	3		
Sub-total						99

Local Plan Policy Compliant Brownfield Sites						
Warsash Maritime Academy				50	50	
Fareham Magistrates Court				45		
Sub-total						145
Local Plan Adopted Housing Allocations						
Wynton Way, Fareham (LP2 H3)			10			
335-337 Gosport Road, Fareham (LP2 H4)				8		
East of Raley Road, Locks Heath (north) (LP2 H6)				20	30	
33 Lodge Road, Locks Heath (LP2 H10)					10	
Land off Church Road				26		
Heath Road, Locks Heath – Hampshire County Council (LP2 H11) (P/17/1366/OA)				35	35	
Welborne (LP3)			30	180	240	
Sub-total						624
Windfall						
Small (1-4 dwellings)				37	37	
Sub-total						74
Total						1468

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date: 24 June 2020

Report of: Director of Planning and Regeneration

Subject: PLANNING APPLICATIONS AND MISCELLANEOUS MATTERS

SUMMARY

This report recommends action on various planning applications.

RECOMMENDATION

The recommendations are detailed individually at the end of the report on each planning application.

AGENDA

The meeting will take place at 1pm.

ALL ZONES

WESTERN WARDS

(Locks Heath, Park Gate, Sarisbury, Titchfield, Titchfield Common, Warsash)

FAREHAM

(Fareham East, Fareham North, Fareham North-West, Fareham South, Fareham West)

EASTERN WARDS

(Hill Head, Portchester East, Portchester West, Stubbington)

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/18/1118/OA STUBBINGTON	LAND AT NEWGATE LANE (NORTH) FAREHAM OUTLINE PLANNING PERMISSION FOR THE DEMOLITION OF EXISTING BUILDINGS AND DEVELOPMENT OF UP TO 75 DWELLINGS, OPEN SPACE, VEHICULAR ACCESS POINT FROM NEWGATE LANE AND ASSOCIATED AND ANCILLARY INFRASTRUCTURE, WITH ALL MATTERS EXCEPT ACCESS TO BE RESERVED.	1 REFUSE
P/19/0460/OA STUBBINGTON	LAND AT NEWGATE LANE (SOUTH) FAREHAM OUTLINE PLANNING PERMISSION FOR THE DEMOLITION OF EXISTING BUILDINGS AND DEVELOPMENT OF UP TO 115 DWELLINGS, OPEN SPACE, VEHICULAR ACCESS POINT FROM NEWGATE LANE AND ASSOCIATED AND ANCILLARY INFRASTRUCTURE, WITH ALL MATTERS EXCEPT ACCESS TO BE RESERVED.	2 REFUSE

P/20/0212/FP FAREHAM NORTH	FAREHAM LEISURE CENTRE PARK LANE FAREHAM PO16 7JU TWO STOREY EXTENSION TO EXISTING LEISURE CENTRE, COMPRISING DOUBLE HEIGHT CLIMBING ZONE, STUDIO SPACE, EXTENSION TO EXISTING FITNESS SUITE, SOFT PLAY AREAS, PARTY ROOMS AND A MULTI-PURPOSE ROOM. REFURBISHMENT OF EXISTING LEISURE CENTRE, SPLASH PAD ADDED TO POOL AREA. SUB-STATION WITHIN CAR PARK AND CAR PARK EXTENSION. ENTRANCE CANOPY ABOVE MAIN LEISURE CENTRE ENTRANCE. HARD LANDSCAPING WORKS TO CONNECT PROPOSED EXTENSION TO EXISTING PATHWAYS.	3 PERMISSION
P/19/1193/OA TITCHFIELD	LAND EAST OF POSBROOK LANE TITCHFIELD FAREHAM OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 57 DWELLINGS, TOGETHER WITH ASSOCIATED PARKING, LANDSCAPING AND ACCESS FROM POSBROOK LANE	4 REFUSE
P/18/0884/FP WARSASH	LAND ADJOINING 79 GREENAWAY LANE GREENAWAY LANE WARSASH SO31 9HT 6 DETACHED RESIDENTIAL UNITS AND ASSOCIATED DETACHED GARAGES, INCORPORATING WETLAND CREATION	5 PERMISSION
P/20/0295/FP FAREHAM NORTH-WEST	22 BARTLETT CLOSE FAREHAM PO15 6BQ DETACHED FRONT GARAGE	6 PERMISSION

Agenda Item 7(1)

OFFICER REPORT FOR COMMITTEE

DATE: 24/06/2020

P/18/1118/OA

STUBBINGTON

FAREHAM LAND LP

AGENT: PEGASUS PLANNING
GROUP

OUTLINE APPLICATION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS) FOR THE DEMOLITION OF EXISTING BUILDINGS AND DEVELOPMENT OF UP TO 75 DWELLINGS, OPEN SPACE, VEHICULAR ACCESS POINT FROM NEWGATE LANE AND ASSOCIATED AND ANCILLARY INFRASTRUCTURE

LAND AT NEWGATE LANE (NORTH), FAREHAM

Report By

Richard Wright - direct dial 01329 824758

1.0 **Introduction**

- 1.1 This application is being presented to the Planning Committee due to the number of third-party representations received.
- 1.2 An appeal against the non-determination of this application has been submitted to the Planning Inspectorate. The Inspectorate notified the Council on 2nd June 2020 that the appeal is valid and has advised that the appeal will proceed by way of an inquiry. The date of the inquiry is yet to be confirmed.
- 1.3 Whilst this Council is no longer able to decide this application it is necessary for Members to confirm the case that this Council will present to the Planning Inspector. This report sets out all the relevant planning policies and relevant material planning considerations and invites Members to confirm the decision they would have made if they had been able to determine the planning application. This will then become the Council's case in respect of the forthcoming appeal.
- 1.4 Members will note from the 'Five Year Housing Land Supply Position' report elsewhere on this agenda that the Council currently has a housing land supply of 2.72 years (a shortfall of 1,231 dwellings within the 5-year period).
- 1.5 It should be noted that a planning application for up to 115 dwellings on land to the immediate south of the site is also under consideration and reported elsewhere on this agenda (P/19/0460/OA). That application is also now the subject of a 'non-determination' appeal. The two applications, now appeals, are being progressed in tandem but have been submitted separately for commercial reasons.

2.0 **Site Description**

- 2.1 This application relates to land at Newgate Lane (North). It comprises 3.95 hectares of agricultural land, bounded by Newgate Lane to the west and the new Newgate Lane relief road to the east. The western strip of the site is separated from the rest of the site by the River Alver. The site boundaries and internal field boundaries are made up of hedgerows and mature trees.
- 2.2 The application site contains two existing disused agricultural buildings to the north of Hambrook Lodge, which itself lies outside the application boundary. Vehicular access to Hambrook Lodge is provided off Newgate Lane.
- 2.3 Overhead electricity cables transect the site diagonally running in a north-west to south-east direction.
- 2.4 Peel Common Wastewater Treatment Works (WWTW) is located approximately 200m to the west of the site.
- 2.5 The Newgate Lane 'relief road', known as Newgate Lane East, runs along the eastern boundary of the site. The relief road diverts traffic travelling between Fareham (via Gosport Road) or Longfield Avenue and Peel Common Roundabout on a new section of road located closer to Bridgemary through the existing Strategic Gap. The existing Newgate Lane, which is immediately west of the site, will continue to provide vehicular access to properties on that road but through-traffic is restricted at Peel Common Roundabout to all but pedestrians and cyclists.
- 2.6 The site falls within the countryside, lying outside the urban settlement boundary as defined in the adopted Local Plan. It is located within the Stubbington / Lee on Solent to Fareham/Gosport Strategic Gap.
- 2.7 Part of the site to the east of the River Alver is identified as a 'Low Use' Brent Geese and Wader site in the Solent Waders and Brent Goose Strategy.

3.0 **Description of Proposal**

- 3.1 Outline planning permission is sought for the demolition of the existing agricultural buildings on the site and the construction of up to 75 dwellings with vehicular access from Newgate Lane.
- 3.2 The application is accompanied by parameter plans on density and building heights and an Illustrative Masterplan. Matters of scale, appearance, layout and landscaping are reserved for future determination.

4.0 **Policies**

4.1 The following policies apply to this application:

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

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
CS21: Protection and Provision of Open Space
CS22: Development in Strategic Gaps

Adopted Development Sites and Policies

DSP1: Sustainable Development
DSP2: Environmental Impact
DSP3: Impact on Living Conditions
DSP6: New Residential Development Outside of the Defined Urban Settlement
DSP13: Nature Conservation
DSP14: Supporting Sites for Brent Geese and Waders
DSP15: Recreational Disturbance on the Solent Special Protection Areas
DSP40: Housing Allocations

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 No relevant planning history.

6.0 ***Representations***

6.1 There have been 128 representations received, of these 126 were objections, one was neutral and one was in support. The main issues raised within the representations can be summarised as follows:

Location and Policy Issues

- Potential for further development of area and associated impacts – would set a precedent for future development
- Located in strategic gap
- Loss of countryside
- Contrary to policy, including statutory development plan
- Contrary to PUSH Spatial Position Statement
- Houses should be first and foremost built on brownfield sites – other brownfield sites are available to build on
- Fareham has duty to cooperate with its neighbours – Gosport BC opposed to building within the strategic gap
- Impact on character of the ‘new’ Newgate Lane and the ‘old’ Newgate Lane
- Impact on green belt
- Runway approach to Solent Airport needs to be kept clear
- Housing should be built where it is needed and building on Newgate Lane is not needed or advisable – Welbourne developments will fulfil Fareham’s housing obligations

General

- Over development of the area, and over development of the site – density too high
- Out of keeping with the area
- Lack of jobs in the area and not enough jobs at Daedalus
- Residents not being listened to
- Not enough involvement/consultation with GBC
- Query whether MoD has been consulted regarding HMS Collingwood playing fields
- New houses not big enough to live in, and have small gardens
- Proposal is a ‘done deal’
- Companies will be reluctant to relocate to and invest in Gosport, depriving local people of jobs
- Loss of open space will have negative impact on mental health and wellbeing of the population of Fareham and Gosport
- Impact on privacy
- Concerns regarding accuracy of Planning Statement and its policy analysis
- Will lead to Gosport becoming isolated/‘blocked in’
- Cumulative impact of development proposed in the area – planning applications should be assessed together and not individually

Highways and transport

- Proposal would negate the benefits of the improvements at Newgate Lane East

- Newgate Lane East is intended to address existing traffic problems on Gosport peninsular and access to the Solent Enterprise Zone, not to be congested by further housing development.
- The proposal will impact the local and strategic highway networks, and will undermine the ability of transport routes to function effectively, including Newgate Lane and the proposed Stubbington Bypass
- Capacity on routes to and from Gosport needs to be available to regenerate the Borough's brownfield sites and stimulate the economy, and new housing development adjacent to these routes will impede this
- Existing roads cannot take the extra traffic and are dangerous
- New link road to motorway junction needed at North Bridgemark
- Additional traffic would negatively impact businesses and the local economy
- Will result in increased traffic in the area and more congestion, and disruption to travel in and out of the peninsula
- Exacerbation of traffic issues would impact access by emergency vehicles and police, and would impact access to services such as the QA Hospital
- Link road needed for Enterprise Zone at Daedalus
- The junction between the new Newgate Lane and the spur into old Newgate Lane will need to be upgraded with traffic lights or a roundabout
- Will lead to additional traffic on residential streets from 'rat running'
- New infrastructure should be provided before new housing is consented/built
- Should wait until the proposed Stubbington Bypass is in place
- Impact on use of old Newgate Lane as a cycling route
- Proposal would be car dependent with little provision for alternative transport options including public transport
- Proposals disregard the arguments, concerns and stipulations of Hampshire CC in approving Newgate Lane East
- Queries regarding traffic impacts, including impact on traffic leaving Gosport at peak times

Impact on local services

- Impact on, and provision of, infrastructure, facilities and services, and concerns regarding capacity and pressure on services – including schools, doctors, dentists, hospitals, bus services, police, public open spaces, and utilities.
- Unfair impact on Gosport – Fareham gets council tax but Gosport will provide the services (GPs, schools, etc.)
- Sewage system cannot cope
- Concern regarding lack of assessment of infrastructure impacts on Gosport residents

Environmental

- Loss of green/open space
- Loss of agricultural land
- Impact on ability to make optimum use of green infrastructure, including providing green linkages from Fareham to the coast
- Impact on wildlife and habitats – including on bats, horses, deer, birds, badgers etc.
- Odour from sewage works already a problem which this proposal would exacerbate and be affected by
- Air quality impacts, including on the AQMA at the north end of Newgate Lane and Gosport Road
- Air quality impacts would conflict with FBC Clean Air Campaign measures
- Concerns regarding adequacy of report on air quality and odour
- Aircraft noise impacts – development located under flight path
- Aircraft noise not mentioned in noise survey
- Increase in road noise, including noise from cars using Newgate Lane which would be harmful
- Building will be noisy
- Flooding impacts, including surface water flooding due to drainage issues, and risk of flooding to property south of the development
- Concerns regarding accuracy of Flood Risk Assessment
- Nitrate levels in the Solent need to be reduced and increasing the population will impede this
- Concerns regarding pollution of River Alver

Support

- More houses are needed for the next generation
- New development would have fast internet access, which could lead to the provision of faster internet for existing Newgate Lane residences

6.2 A petition opposing this development and other development on Land at Newgate Lane (South) and HA2 – Newgate Lane South, Peel Common has been started on www.change.org and as at 9th June 2020 contains 901 signatures. It reads as follows:

Stop building houses on the Fareham / Gosport Strategic Gap!

We, the undersigned, object to building houses on the Gosport / Fareham / Stubbington Strategic Gap, as set out in the planning application

Reference: P/18/1118/OA Land At Newgate Lane (North) Fareham Outline Planning Permission for the demolition of existing buildings and development of up to 75 dwellings, open space, vehicular access point from Newgate Lane and associated and ancillary infrastructure, with all matters except access to be reserved.

And:

Reference: P/19/0460/OA Land At Newgate Lane (South) Fareham Outline planning permission for the demolition of existing buildings and development of up to 125 dwellings, open space, vehicular access point from Newgate Lane and associated and ancillary infrastructure, with all matters except access to be reserved.

And:

HA2 - Newgate Lane South, Peel Common

The reasons for our objection include, but it not exclusive to, the following:-

Nitrate levels:

The Solent is located with a Special Protection Area (SPA), which is protected under the Conservation of Habitats and Species Regulations 2017

The primary concern in the Solent area is the quality of the water, with high levels of nitrogen causing eutrophication (excessive growth of green algae) which can result in oxygen depletion within rivers and groundwater, and therefore a loss in species richness of protected habitats and bird species. An increase in nitrates also leads to an increase in nitrogen oxides, which can impact air quality and raise acidity levels in water. High levels of nitrogen in the atmosphere can also contribute to the greenhouse effect and acid rain, which are both concerns relating to climate change.

Air Quality:

The Environment Agency has named Fareham Borough Council as one of 30 councils in the UK which have excessive levels of nitrogen dioxide, breaching the EU Commissions limit.

Air Quality Management Areas (AQMAs) are declared when there is an exceedance or likely exceedance of an Air Quality Strategy (AQS) objective, which are legally binding pollution limits to which Fareham and Gosport Boroughs must adhere to. The areas identified, include

An area encompassing the junction of Gosport Road, Redlands Lane and Newgate Lane Fareham and the surrounding area up to the Quay Street roundabout Fareham.

Traffic from the proposed development will lead through these areas. This is in addition to the increased air traffic from the development of Solent Airport.

Fareham Borough Council's own policy states: 2.1 Policy CS5, Transport Strategy and Infrastructure, Paragraph 2: "Development proposals which generate significant demand for travel and/or are of a high density, will be located in accessible areas that are or will be well served by good quality public transport, walking and cycling facilities."

Draft Policy INF2 aims to: "g) Positively contributes to the delivery of the Council's Air Quality Action Plan by mitigating the effects of development on air quality within Air Quality Management Areas (AQMAs); and h) Demonstrates good practice and principles of design, minimising emissions and contributing to the reduction of transport impacts on local air quality." This proposed development has its main access through an AQMA. 1.3 Draft Local plan CF1 - Development proposals for new or extended community and leisure facilities

within the urban area boundary, will be permitted where they: “c) Do not have a severe adverse impact on the strategic and/or local road network”

Development of Greenfield and strategic gap

This contravenes Fareham’s own policies. Both Gosport and Fareham adopted protection of the Strategic Gap in 2015.

Partnership for Urban South Hampshire(PUSH) policy as follows: 1.1. Policy C22 (DLP SP6): Development in Strategic Gaps a policy that specifies that:

“Development proposals will not be permitted where they cause severe adverse harm to the physical and visual separation of settlements.”

PUSH Spatial Position Statement, key principle D: Protecting and Enhancing Countryside Gaps, article 5.2L “Locating development in a way which creates a high quality pattern of town and countryside, maintaining the distinct identity and separation of key cities and towns, to avoid urban sprawl.” and the Position Statement S1: “Strategic countryside gaps between settlements are important in maintaining the sense of place, settlement identity and countryside setting for the sub region and local communities.” This premise is policy that applies to all the PUSH signatories.

School Places:

Admissions data shows that the local schools are over-subscribed.

Reception admissions for Reception 2018. Places offered / applications made Peel common reception: 49/81

Rowner 53 / 99

Bedenham 37/53

Woodcot 26/46

Year 7 admissions for 2018. Places offered / applications made

Crofton 218/438

Bridgemary 179/232

Brune Park 293/322

Therefore, this many houses would require the building of a new school that is both nitrate and carbon neutral.

Doctors and medical care:

Dr Ian Bell, of Lee Medical Practice, was reported to have said: “Most people will be aware that the NHS and general practice in particular, is facing unprecedented demands and pressures on its services at a time when there are real challenges on both GP and nurse recruitment and retention, especially In the Gosport area”

Two of eight medical practices have had to close their registers. Residents of the Gosport area were not able to change surgeries over the winter, as medical practices would be left with ‘unsafe to manage’ numbers of patients.

The British Medical Journal review, identified a deterioration in outcome for people that live further or take longer to get to hospital. Increased traffic along the route from Gosport areas to QA will increase the travel time.

Population density and housing:

The Office of National Statistics 2018 records the population density of Gosport as 3372 per km². Therefore, making it one of the most densely populated areas in the UK.

Median house prices to median earnings ratio demonstrate it is one of the more affordable places in the county to live. Therefore, increased housing availability is unlikely to have the same impact of housing prices as exists in other parts of the county.

Gosport has areas ring-fenced as the top 10% most deprived areas in the UK. Without a train service, the routes out of the area, include the ferry and the Newgate Lane route. Clogging the arteries out of the area will further isolate those who need access to work and amenities. Therefore, isolating those residents on the uniquely positioned, peninsula and in deprived areas.

To summarise, it is on the basis of these points raised that we object to the mentioned planning applications and any building on the Strategic Gap. Please see the additional comments for further points made.

- 6.3 A petition entitled 'Fareham and Gosport Residents against the development in the Strategic Gap' was published in March 2020. As at 9th June 2020, there were 132 signatories. It reads as follows:

Fareham and Gosport Residents against the development in the Strategic Gap

We the undersigned petition the council to Stop the development of the Strategic gap between Fareham and Stubbington.

It would appear that in the past promises have been made by certain councillors to preserve the gap between Fareham & Stubbington. The residents now find that consideration is being given to develop the GAP. In a CAT meeting Sean Woodward said that there was a duty to help neighbouring areas (Portsmouth & Gosport) with housing. Gosport Borough Council have said that this is not the case and they do not need Fareham to help with housing. Portsmouth City Council have said that they have a short fall of 3000 houses. This would raise doubts over the numbers needed to be built as Portsmouth Planning Dept say that they are also in negotiation with other councils to provide them with help, Quote

'For us this means Fareham and Havant Borough's and the southern parts of Winchester and East Hampshire District's around the Waterlooville/ Clanfield/ Horndean area.'

With all these areas being looked at and the fact that we already have Welbourne as a development I would suggest that we do not need to take the 1700 houses that Mr Woodward seems to think we need and using up lovely agricultural land and recreation area.

This Petition is on the Council's website with an end date of 30th June 2020.

7.0 **Consultations**
EXTERNAL

Highways (Hampshire County Council)

- 7.1 The applicant has only submitted information on the cumulative highway impact of development proposed as a result of this application together with that to the south (P/19/0460/OA). The highway authority is only able to comment on the submitted information and cannot determine the impact of this development in isolation.
- 7.2 The recent realignment and upgrade of Newgate Lane makes up part of the 'Improving Access to Fareham and Gosport' strategy. The technical assessment for this strategy assumed development of existing brownfield regeneration sites and not development of greenfield sites along the Newgate Lane corridor. The primary aim of the strategy is to stimulate the provision of employment and investment in employment opportunities within Gosport.
- 7.3 The Highway Authority have raised a number of concerns regarding the submitted information and recommends refusal on the following grounds:
- unacceptable site access design;
 - unacceptable impact on the junction of old Newgate Lane/Newgate Lane East; and
 - the lack of an acceptable Travel Plan and no agreement of sustainable transport contributions.

Natural England

- 7.4 Mitigation is required in accordance with the Bird Aware Solent Definitive Strategy and Solent Waders and Brent Goose Strategy Guidance. A per-unit contribution will need to be secured in line with the Solent Recreation Mitigation Strategy to ensure that in-combination recreation impacts are fully mitigated. Further detail is required to demonstrate a clear link between the impact on waders and brent geese and the proposed mitigation i.e. detail of how the financial contributions will be used to maintain and enhance the wider network within the Borough.

Flood Water Management Team (Hampshire County Council)

- 7.5 General principles for the surface water drainage proposals are acceptable. Recommended condition.
- 7.6 Long-term maintenance and responsibility for SuDS should be agreed between the LPA and the applicant before planning permission is granted.

Archaeology (Hampshire County Council)

- 7.7 No indication that archaeology represents an overriding concern, the assessment, recording and reporting of any archaeological deposits affected by construction should be secured by condition.

Children's Services (Hampshire County Council)

- 7.8 Schools are full. No requirement to expand schools but a contribution is required to improve infrastructure and to secure funding to undertaken school travel plans and investment in sustainable travel and address suitability issues. A contribution of £313,874 is required based on £14,267 per primary age place.

Minerals and Waste Planning Authority (Hampshire County Council)

- 7.9 Development lies within mineral and waste consultation area (MWCA) and in close proximity to Peel Common WTW with a small part of the western portion within the safeguarded area.
- 7.10 Any mitigation measures would need to be undertaken by the proposed non-minerals or waste development and reduce potential impacts to and from the safeguarded site to levels that would ensure the safeguarded site could continue its intended minerals or waste use.
- 7.11 In order to discharge the requirements of the safeguarding policy, HCC would expect to see how the nearby safeguarded site was considered, how operator comments were taken into account and what impact that had on the proposed development design. HCC would expect to see a condition requiring such details.

Gosport Borough Council

- 7.12 GBC strongly objects to the application. The site is located in the Strategic Gap separating the settlements of Fareham, Gosport, Stubbington and Lee-on-the-Solent contrary to the Fareham Core Strategy Policy CS22. Gosport BC also identified the settlement gap between Fareham, Gosport, Stubbington and Lee-on-the-Solent.
- 7.13 The site is an important component of green infrastructure which serves existing communities and developments planned in development plans. Would diminish opportunities to make the optimum use of this green infrastructure in providing green linkages from Fareham to the coast via the Alver Valley Country Park.
- 7.14 Proposal has significant potential to negate the benefits being provided by the new improvements to Newgate Lane with a negative impact on traffic flows and increased congestion to the detriment of Gosport

residents and the local economy including accessibility to the Solent EZ at Daedalus.

- 7.15 Proposal would be very car dependent with little provision for public transport. Any additional traffic on Newgate lane is likely to have an impact on the AQMA at the north end of Newgate Lane and Gosport Road.
- 7.16 Proposal would significantly undermine the ability of the transport routes to function effectively including the recently improved Newgate Lane and the proposed Stubbington Bypass. Specific consideration needs to be given to the acute transport and wider economic regeneration issues facing GBC and the need to understand the impact this development would have on the economic performance of the Borough.
- 7.17 Any remaining limited capacity on the routes to and from Gosport needs to be available to regenerate the Borough's brownfield sites and stimulate its economy.
- 7.18 Undermines the PUSH Principle A which seeks to maximise development potential of urban areas and minimise greenfield land take.

Southern Water

- 7.19 The proposed development is located approximately adjacent to the Peel Common Wastewater Treatment Works (WWTW). A precautionary buffer zone distance of 500m from the perimeter fence of the WWTW has been used for the purposes of the consultation response.

Crime Prevention Design Advisor (Hampshire Constabulary)

- 7.20 Provided advice in respect of crime prevention.

INTERNAL

Ecology

- 7.21 The development will result in the loss of an occasional night roost used by a single common pipistrelle bat. Recommends condition attached to any permission requiring details of all necessary ecological mitigation, compensation, enhancement and management measures.

Trees

- 7.22 No objection. More detail will be necessary to determine the viability of any layouts relative to retained trees and hedges. A detailed landscaping and tree planting scheme will be required.

Recycling Coordinator

7.23 No comment.

Environmental Health

7.24 The site is not ideal for residential development however the developer has provided an assessment that predicts that odour from Peel Common Sewage Works will be within acceptable limits. No objection on grounds of odour.

7.25 Intermittent noise of passing aircraft is not likely to require specific mitigation by the developer.

Contaminated Land Officer

7.26 No objection subject to planning condition.

Affordable Housing Strategic Lead

7.27 Advice has been provided in respect of the affordable housing mix to be secured which will be the subject of detailed negotiations.

8.0 *Planning Considerations*

8.1 The following matters represent the key material planning considerations which would 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 land supply position;
- b) Residential development in the countryside;
- c) The impact on European Protected Sites
- d) Policy DSP40;
- e) Other matters;
- f) The Planning balance

a) Implications of Fareham's current 5-year housing land supply position

8.2 A report titled "Five-year housing land supply position" is reported elsewhere on this agenda. That report sets out this Council's local housing need along with this Council's current housing land supply position. The report concluded that this Council has 2.72 years of housing supply against the 5YHLS requirement meaning there is a shortage of 1,231 dwellings.

8.3 Officers accept that the Council cannot currently demonstrate a 5-year supply of deliverable housing sites.

8.4 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".

- 8.5 In determining planning applications there is a presumption in favour of the policies of the extant Development Plan, unless material considerations indicate otherwise. Material considerations include the planning policies set out in the NPPF.
- 8.6 Paragraph 59 of the NPPF seeks to significantly boost the supply of housing.
- 8.7 Paragraph 73 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.
- 8.8 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:

"For decision-taking this means:

- *Approving development proposals that accord with an up-to-date development plan without delay; or*
- *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, 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 proposed⁶; 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."*

- 8.9 Footnote 6 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 176) 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 63); and areas at risk of flooding or coastal change.”

8.10 The key judgement for Members therefore is whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole.

8.11 Members will be mindful of Paragraph 177 of the NPPF which states that:

“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”

8.12 The following sections of the report assesses 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.

8.13 In the absence of a five-year supply of deliverable housing sites, Officers consider that policy DSP40 is the principal development plan policy that guides whether schemes will be considered acceptable.

b) Residential Development in the Countryside

8.14 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. Policy 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.

8.15 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.'

- 8.16 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).
- 8.17 The site is clearly outside of the defined urban settlement boundary and the proposal does not comprise one of the acceptable forms of development listed in Policy CS14. The proposal is therefore contrary to Policies CS2, CS6, CS9 and CS14 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan.

c) The impact upon European Protected Sites

- 8.18 Core Strategy Policy CS4 sets out the strategic approach to Biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policy DSP13: Nature Conservation of the Local Plan Part 2 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.
- 8.19 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.
- 8.20 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 'European Protected Sites' (EPS).
- 8.21 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 European 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 European 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 either the local planning authority or the Planning

Inspectorate, depending on who is determining the application. In this case, because an appeal has been lodged, it is the Planning Inspectorate.

- 8.22 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 European Protected Sites (EPS).
- 8.23 Achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites. Natural England have provided a methodology for calculating nutrient budgets and options for mitigation should this be necessary. The nutrient neutrality calculation includes key inputs and assumptions that are based on the best-available scientific evidence and research, however for each input there is a degree of uncertainty. Natural England advise local planning authorities to take a precautionary approach when addressing uncertainty and calculating nutrient budgets.
- 8.24 The applicant submitted a nitrate budget calculation based on Natural England's methodology dated March 2020. It is noted that this guidance was updated in June 2020, however the changes will not materially affect the previous calculation. It will be for the Planning Inspector to undertake the Appropriate Assessment.
- 8.25 Officers have considered the current situation in order to be in a position to advise Members on the case that the Council should present to the Planning Inspector.
- 8.26 The calculation that the appellant has undertaken is based on an average household size of 2.4 persons in line with the Natural England guidance (March 2020). The appellant's calculation goes on to measure the total nitrogen load from the current land use and then calculates the nitrogen load from future land uses (the proposed development). The appellant's calculation demonstrates that there will be a net decrease in Total Nitrogen output from the site when it is fully occupied and therefore no mitigation is required.
- 8.27 A series of aerial photographs have been submitted to demonstrate that the site has been cultivated for a number of years together with a letter from the farmer confirming that the site has been in crop production since at least 2009. A tenancy agreement has also been submitted, however as the accompanying plan cannot be located, no weight can be attached to this.

Officers are satisfied however that sufficient evidence exists to substantiate the inputs used to calculate the existing nitrogen load. As the application is in outline with layout reserved for future determination, any reliance on the illustrative masterplan to identify the amount of open space / SANG, and therefore calculate the nitrogen budget for future uses, must be treated with caution. It would be necessary to ensure that a minimum of 0.58ha of open space / SANG could be secured as part of any reserved matters application in order to conclude that the development would not have a significant adverse effect on the EPS.

- 8.28 In addition to the impacts set out above, it is recognised that increasing the number of houses close to the Special Protection Areas could result in increased disturbance to over-wintering birds and have a likely significant effect. The Solent Recreation Mitigation Strategy has been developed to address this potential impact. Subject to the appropriate financial contribution being secured, Officers believe this likely significant effect can be satisfactorily mitigated.
- 8.29 The proposed development will result in the loss of part of a Solent Waders and Brent Goose Strategy (SWBGS) Low Use site (F15). The level of mitigation and off-setting required is dependent on the importance of the site within the ecological network and how these non-designated sites support the wider designated Solent SPA network. All Low Use sites have the potential to be used by waders or brent geese and to support the existing network and provide alternative options and resilience for the future network.
- 8.30 In accordance with the SWBGS guidance on off-setting and mitigation requirements (Final Report, October 2018), proportionate mitigation is required for the loss of Low Use sites. Where impacts to Low Use sites cannot be avoided or adequately mitigated on-site, mitigation would comprise off-setting or enhancement measures via payment of £35,610 per hectare towards the management and enhancement of the wider waders and Brent geese ecological network. The payment would need to be secured through a legal agreement under Section 106 of the Town & Country Planning Act 1990
- 8.31 Natural England has made it clear that complete information is required to ensure that the proposal will not affect the integrity of the international sites, citing recent CJEU decisions. Further information is therefore required to demonstrate a clear link between the impact and the proposed mitigation i.e. detail of how the financial contributions will be used to maintain and enhance the wider network within the Borough. In the absence of this information, the determining authority cannot reasonably conclude that the proposal will not adversely affect the integrity of the European site and therefore would not be in a position to lawfully grant consent for the project.

d) Policy DSP40

8.32 Policy DSP40: Housing Allocations, of Local Plan Part 2, states that:

"Where it can be demonstrated that the Council does not have a five-year supply of land for housing against the requirements of the Core Strategy (excluding Welborne) additional housing sites, outside the urban area boundary, may be permitted where they meet all of the following criteria:

- i. The proposal is relative in scale to the demonstrated 5-year housing land supply shortfall;*
- ii. The proposal is sustainably located adjacent to, and well related to, the existing urban settlement boundaries, and can be well integrated with the neighbouring settlement;*
- iii. The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps;*
- iv. It can be demonstrated that the proposal is deliverable in the short term; and*
- v. The proposal would not have any unacceptable environmental, amenity or traffic implications".*

8.33 Each of these five bullet points are worked through in turn below:

Policy DSP40 (i)

8.34 The proposal for up to 75 dwellings is relative in scale to the 5YHLS shortfall and therefore bullet i) of Policy DSP40 is satisfied.

Policy DSP40 (ii)

8.35 The site lies within the designated open countryside approximately 200m at its closest point (as the crow flies) to the settlement of Bridgemary within Gosport Borough. There is a clear physical and visual separation between the site and the urban area of Gosport.

8.36 The land to the north, east and south of the application site is currently in agricultural use. A solar farm is located to the north west, with land to the south in agricultural use.

8.37 Hambrook Lodge adjoins the site to the south, and there is sporadic ribbon development along Newgate Lane, south west of the application site. As discussed previously, a separate application has been submitted for land immediately to the south of the application site for up to 115 dwellings.

- 8.38 The site is not considered to be well related to the existing urban settlement boundary and neither can it be well integrated with the neighbouring settlement. It would essentially appear as an island of development.
- 8.39 It should be noted that the site to the east of the Newgate Lane East relief road has been included in the draft Fareham Local Plan (DFLP) for 475 dwellings (Site HA2 Newgate Lane South, Peel Common). Irrespective of whether this allocation is found sound at a future examination of the DFLP, policy DSP40(ii) requires the proposal to be well related to the 'existing' urban settlement boundary. The application site is some distance from the existing settlement boundary with opportunities for integration with Bridgemary hampered by the existence of the Newgate Lane East relief road.
- 8.40 The application must be considered on its merits and it cannot therefore be assumed that the development proposed immediately to the south of the application site will be approved. In terms of considering accessibility, no reliance can therefore be placed on links with the proposed development to the south. As it stands, the application site is not well related to services in Bridgemary, despite its proximity given the severing effect of Newgate Lane East. Whilst there is a crossing point from Woodcote Lane to Brookers Lane, in order to access that, residents would need to take a very circuitous route down Newgate Lane.
- 8.41 The submitted Transport Assessment (TA) includes an 800m walking isochrone and a 2km cycling isochrone (see Figure 7). However, this is based on the two application sites being considered as one and therefore it is not clear what level of connection has been assumed between the two sites. For the reasons set out above, this is not appropriate, and the conclusions set out in the TA on accessibility cannot therefore be relied upon. Even on this basis, the only facilities within the 800m isochrone are the Peel Common Evangelical Church and a bus stop on each carriageway of Newgate Lane East. This does not suggest that the site is well located to existing services and facilities.
- 8.42 As part of the evidence base for the Fareham Local Plan 2036 a background paper was prepared on accessibility. This included accessibility standards for a number of facilities including schools, shops, GP surgeries etc. By way of example, the accessibility standard for a secondary school is 1200m, yet the actual distance to the closest schools (Crofton School and Bridgemary School) is approximately 1850m. Similarly, the closest primary school (Peel Common Infant and Junior School) is approximately 1200m (via Newgate Lane) from the centre of the application site compared to an accessibility standard of 800m.

- 8.43 The submitted TA states that the site is served by bus routes 21 and 21A between Stubbington and Fareham, which together provide a roughly hourly service from approximately 0700 to 1900 hours Monday to Friday and 0900 to 1400 hours on a Saturday.
- 8.44 The application site is physically severed from facilities and services in Bridgemary by Newgate Lane East which is a significant constraint to sustainable east-west movements. The road comprises a 7.3m wide carriageway with a speed limit of 40mph, designed to reduce journey times and peak hour congestion between Fareham and Junction 11 of the M27 and the Gosport peninsula. It is not designed for pedestrians, being unlit for most of its length, and with no pavements except a very short stretch providing access to a bus stop on the respective sides of the carriageway at the crossing point between Woodcote Lane and Bookers Lane. There is a single informal, uncontrolled and narrow central refuge providing pedestrian and cycle access between Woodcote Lane and Bookers Lane to the south east of the proposed development.
- 8.45 Newgate Lane East severely constrains sustainable, permeable movement patterns between the local services in Bridgemary and the application site. The Highway Authority advise that the informal pedestrian/cyclist crossing between Woodcote Lane and Bookers Lane will need to be improved for the development to be acceptable, to be secured through a S106 agreement. A contribution of £150,000 towards crossing improvements at Woodcote Lane/Bookers Lane is required to be split proportionately between the two developments. This would equate to a contribution of £59,210 from the proposed development. However, notwithstanding any improvement, this single crossing point will only provide a very limited sustainable means of access to the local services in Bridgemary.
- 8.46 For this reason, the proposal fails to accord with Policy DSP40(ii) as it is not located adjacent to or well related to the existing urban settlement boundary, and neither can it be well integrated into the neighbouring settlement. In addition the proposal is considered to be contrary to Policy CS5 (Transport Strategy and Infrastructure) of the adopted Fareham Borough Core Strategy which states that development will be permitted which “is designed and implemented to prioritise and encourage safe and reliable journeys by walking, cycling and public transport”, and Policy CS17 (High Quality Design) which expects development to “ensure permeable movement patterns and connections to local services, community facilities, jobs and shops”.

Policy DSP40(iii)

- 8.47 The third test of Policy DSP40(iii) is that the proposal is *‘sensitively designed to reflect the character of the neighbouring settlement and to minimise any*

adverse impact on the Countryside and, if relevant, the Strategic Gaps'. The application site is located within a Strategic Gap.

- 8.48 The area is identified within the Fareham Landscape Assessment (FLA) 2017 as part of the Woodcot/Alver Valley landscape character area (LLCA 8). The distinctive character of this area relies on its openness, its rural agricultural character and the absence of prominent urban features.
- 8.49 The landscape lacks any strong landform features or a mature framework of woodland that could potentially contain and provide a strong landscape edge to any major extension of built form into this area. There is very limited scope to accommodate development without a significant impact on the integrity of the area's rural, agricultural character and the role it performs in maintaining the separate identity and character of the settlements and their landscape settings.
- 8.50 Overall, the FLA concluded that the area plays an important role in defining the edges, separate identity and settings of Fareham and Gosport and a critical role in preventing their coalescence. Given the area's designation as part of the Strategic Gap the area is highly sensitive to change.
- 8.51 Whilst the FLA was prepared before the construction of the Newgate Lane East relief road, it did consider the impact of this on local landscape character, concluding that with the proposed mitigation, the road may not have an overwhelming urbanising effect across the area as a whole in the longer term. However, it noted that significant further development in addition to the road scheme would almost certainly have this effect, potentially tipping the balance towards a predominantly urban character.
- 8.52 The illustrative masterplan submitted as part of the application shows residential development occupying the vast majority of the site apart from a narrow strip along its western side, immediately adjacent to Newgate Lane. Taken with the draft allocation HA2 referred to previously and given the current application for land to the south the application site, this would mean that almost the entire gap between Bridgemary and Peel Common would be filled with development. The noise attenuation barriers associated with the construction of the Newgate Lane East relief road would prevent any actual physical coalescence, however the sense of separation would be lost as the housing on either side of the road would be perceived as part of a continuous settlement in views from the road and in particular by pedestrians and cyclists using the east-west access route along Woodcote/Brookers Lane. The separate identity of Peel Common (which has been strengthened by the closure of the southern end of Newgate Lane) would effectively be lost as it becomes linked to the expansion of Bridgemary across the gap.

- 8.53 Even if it were assumed that development was limited to the application site alone and the area to the south remained open, development would still lead to an unacceptable erosion of the gap between Bridgemary and Peel Common. This would be exacerbated if the draft allocation HA2 proceeds to adoption.
- 8.54 The Applicant recently submitted a Strategic Landscape and Visual Appraisal (SLVA) of the Stubbington to Fareham Strategic Gap. It does not consider the merits or otherwise of specific development proposals or sites, rather its intention is to broadly consider the appropriateness and constraints in relation to potential development within the landscape.
- 8.55 The Applicant's SLVA takes into account proposals for a Strategic Growth Area South of Fareham as set out in the Council's supplement to the Draft Local Plan 2036 which was published for consultation in January 2020. This Strategic Growth Area overlaps with a large part of the Strategic Gap however the application site is not included within the draft Strategic Growth Area.
- 8.56 Due to the severance and disturbance caused by the construction of the Newgate Lane East relief road and the consolidation of the settlement pattern as a result of implementation of the site allocated in the Draft Fareham Local Plan 2036 for 475 dwellings at Newgate Lane South (Site HA2), the applicants do not consider parcels 10 and 11 (which include the application site) should be included as priority areas of the strategic gap.
- 8.57 Given the early stage in the preparation of the Fareham Local Plan 2036, little weight should be attributed to any draft allocations and therefore as a consequence, to the conclusions of the applicant's SLVA. The FLA concluded that there is very limited scope to accommodate development without a significant impact on the integrity of the area's character and the role it performs in maintaining the separate identity and character of the settlements and their landscape settings. For this reason, Officers consider that the proposed development would be contrary to Policy DSP40(iii).
- 8.58 Policy CS17 of the adopted Fareham Borough Core Strategy sets out a similar, but separate policy test that, amongst other things, *'development will be designed to: respond positively to and be respectful of the key characteristics of the area, including heritage assets, landscape, scale, form, spaciousness and use of external materials'*. Core Strategy Policy CS14 meanwhile seeks to protect the landscape character, appearance and function of the countryside as explained earlier in this report.

8.59 Peel Common is distinctly different in character to a potentially expanded Bridgemary. The existing open countryside comprising part of the strategic gap not only maintains physical and visual separation with Bridgemary but also defines the setting of Peel Common as a separate settlement within the Woodcot/Alver landscape character area. The FLA identifies Peel Common as a low-density fringe and ribbon -development as distinct from the description of Bridgemary in the Gosport Townscape Assessment (Hampshire County Council 2010) as a large, modern residential estate of medium to high density development. The density and building heights parameter plan submitted by the applicant, indicates that the proposed residential development would be akin to a large residential housing estate which is not considered to respect the character of Peel Common as required by Policy DSP(iii). This is particularly the case since the proposed development would be perceived to be more physically and visually related Peel Common than the expanded Bridgemary, given the severance effect of Newgate Road East to the east.

Policy DSP40 (iv)

8.60 In terms of delivery, the agent has advised that the site is capable of delivering 75 dwellings by August 2023. The proposal would therefore be in accordance with point iv of policy DSP40.

Policy DSP40 (v)

8.61 The final test of Policy DSP40 requires that the proposal does not have any unacceptable environmental, amenity or traffic implications. These issues are considered in turn below.

Environmental

8.62 An Ecological Assessment and surveys in respect of badger, dormouse, otter and water vole, bats, breeding and overwintering birds, reptiles and amphibians have been submitted. A biodiversity net gain calculation has also been submitted. The HCC ecologist is satisfied that there will be a net gain in biodiversity and therefore raise no concerns.

8.63 The development will affect bats which receive protection under UK law via the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Habitats Directive, which is transposed into UK law by the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitats Regulations). Where developments affect European protected species (EPS), permission can be granted unless:

- The development is likely to result in a breach of the EU Directive underpinning the Habitats Regulations, and

- The development is unlikely to be granted an EPS license from Natural England to allow the development to proceed under a derogation from the law.
- 8.64 The Ecological Assessment report confirms that one building on site is occasional night roost used by a single common pipistrelle bat. The development will result in loss of this roost and if avoidance measures are not used then the work has the potential to kill/injure individual bats. The development will therefore result in a breach of the EU Directive.
- 8.65 A European Protected Species (EPS) licence can only be granted if the development proposal is able to meet three tests:
1. *the consented operation must be for ‘preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment’; (Regulation 53(2)(e))*
 2. *there must be ‘no satisfactory alternative’ (Regulation 53(9)(a)); and*
 3. *the action authorised ‘will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range’ (Regulation 53(9)(b)).*
- 8.66 Test no. 1: The delivery of 75 dwellings including 40% affordable housing will contribute towards the council’s 5-year housing land supply which is of significant social importance (particularly given the council’s current lack of supply) and to the longer term delivery of housing. Test no. 1 can therefore be satisfied.
- 8.67 Test no 2: The Natural England guidance on licence applications indicates that the second test must account for the ‘do nothing’ scenario. This would leave the building in its existing condition and could prejudice the delivery of the development. An alternative scheme could be provided which preserves the building within the open space but this would represent a safety concern. It is therefore considered that there are no satisfactory alternatives and Test no. 2 can be satisfied.
- 8.68 Test no 3. It has been confirmed that due to the low conservation status of the roost, it will be registered under a bat ‘low impact’ licence (CL21) mitigation class license from Natural England, which is likely to include removing suitable roosting features by hand, overseen by a licensed bat worker, and the installation of suitable units such as bat boxes. The Council’s Ecologist is ‘confident that the development is not unlikely to be licensed’.

- 8.69 The Council's Ecologist and Natural England are satisfied with the proposal subject to the imposition of planning conditions and appropriate mitigation. However, as set out previously in this report, without further details of how the financial contributions towards offsetting the loss of a Low Use Waders and Brent Goose site would be spent, it cannot be concluded that there would not be an adverse effect on the integrity of a EPS.
- 8.70 To fulfil the requirement under the Habitat Regulations, the Planning Inspectorate would need to carry out an Appropriate Assessment in relation to the likely significant effects on the coastal Special Protection Areas (SPAs) as part of the determination of the appeal.
- 8.71 The site is primarily located within Flood Zone 1 with the area to the west of the River Alver within Flood Zone 3. The Lead Local Flood Authority consider the general principles for the surface water drainage proposals acceptable subject to an appropriately worded condition requiring further details of the surface water drainage scheme prior to the commencement of development.
- 8.72 Policy CS16 seeks to prevent the loss of the best and most versatile agricultural land. The NPPF paragraph 170(b) recognises the economic and other benefits of the best and most versatile agricultural land.
- 8.73 The site is classified as predominantly Grade 3a, i.e. best and most versatile (BMV) agricultural land, with a small area of Grade 3b land on the western edge of the site. The proposal would therefore be contrary to Policy CS16 and the permanent loss of BMV agricultural land weighs against granting planning permission in the balance of issues.
- 8.74 The proposal is considered to fail the fifth test of Policy DSP40 as a result of having unacceptable environmental implications.

Amenity

- 8.75 Matters of scale, appearance and layout are reserved for consideration at the future reserved matters application stage. It is at that stage that the detailed consideration of these issues would need to comply with policy CS17 and the adopted design guidance SPD to ensure appropriate amenity standards. Officers are satisfied that there is sufficient flexibility and control in the description of up to 75 units that this can be satisfactorily addressed to ensure that the proposal would be policy compliant.
- 8.76 Southern Water has raised concerns about the proximity of the site to the Peel Common Wastewater Treatment Works given that the majority of the site would be within the 500m precautionary buffer zone distance of 500m from the perimeter fence. The Council's Environmental Health Officer (EHO)

concluded that whilst the site is not ideal for residential development, the developer has provided an assessment that predicts that odour from Peel Common WWTW will be within acceptable limits and would not object to the development on the grounds of odour.

- 8.77 The Council's EHO confirmed that the proposed dwellings in the southern part of the site would be under the flight path of aircraft landing and taking off at Solent Airport. Whilst residents would be impacted by intermittent noise of passing aircraft during the day, the level of noise is not likely to require specific mitigation. Rather good design principles including the orientation and location of dwellings and the use of noise insulation and ventilation measures should be considered at the reserved matters stage.
- 8.78 Officers consider that amenity issues are capable of being addressed through conditions.

Highways

- 8.79 As previously noted an application for 115 dwellings on land adjacent to this site (P/19/0460/OA Land at Newgate Lane South) is also before the Council for consideration by this Committee. The transport statement and accompanying plans submitted in support of this application and for development at Newgate Lane South have only assessed the cumulative impact of both developments on the surrounding highway network. There is no standalone transport assessment for this site individually should it proceed in absence of land to the south. It is therefore not possible to fully assess the highway impacts of the development proposed in this application in isolation. This is a significant omission and a matter that was brought to the applicant's attention prior to the submission of the appeal.
- 8.80 A single point of access to the site from old Newgate Lane is proposed to serve the proposed development. The Highway Authority is satisfied that the junction will operate acceptably in capacity terms, however the design of the site access is inadequate on highway safety grounds as articulated vehicles would overrun the centre line of both Old Newgate Lane and the site access.
- 8.81 The applicant suggests that additional pedestrian connectivity will be achieved via Land to Newgate Lane (South) and Woodcote Lane, with indicative connections shown on the Illustrative Masterplan. However, as the application must be considered on its merits, no reliance can be placed on connections to Newgate Lane south.
- 8.82 The Highway Authority accept that the provision of cycling and walking facilities and access to sustainable transport are generally of an acceptable standard subject to highway contributions towards bus services, crossing

improvements at Woodcote Lane/Brookers Lane and improvements to routes to school. These would need to be secured through a s106 agreement.

- 8.83 Off-site works would be required to improve the vehicular junction of Old Newgate Lane and Newgate Lane East to accommodate the development traffic. Based on the information submitted by the applicant, the Highway Authority are not satisfied that the development traffic can be accommodated adequately on the highway network without detriment to highway safety at the junction of Old Newgate Lane and Newgate Lane East.
- 8.84 In terms of the wider highway network, the Highway Authority advise that the forecast cumulative impact of development traffic at the Speedfields Park roundabout and HMS Collingwood signalised junction, the Peel Common signalised roundabout and the Newgate Lane East/Longfield Avenue/Davis Way roundabout is considered acceptable.
- 8.85 The Highway Authority comments are set out in summary in the consultation section of this report. There are a number of outstanding issues that need to be addressed and as such a recommendation of refusal has been made on the grounds that the proposed access is inadequate to accommodate the development safely resulting in an unacceptable impact on the safety of users of the development and adjoining highway, that there would be an unacceptable impact on the junction of old Newgate Lane/Newgate Lane East and due to lack of an acceptable Travel Plan and no agreement of sustainable transport contributions contrary to the NPPF and Local Plan Policy CS5.
- 8.86 Gosport Borough Council have also raised concern over the potential for the development to negate the benefits of the improvements at Newgate Lane with a negative impact on traffic flows and increased congestion to the detriment of Gosport residents and the local economy including accessibility to the Solent EZ at Daedalus.
- 8.87 In light of the above analysis Officers consider that the proposal would have unacceptable environmental and traffic implications contrary to criteria (v) of DSP40.

e) Other matters

Affordable Housing

- 8.88 The proposal includes the provision of 40% affordable housing comprising a blend of affordable tenures. Subject to appropriate size, mix and tenure being agreed to meet the identified local need to comply with Policy CS18,

officers consider this acceptable and appropriate to secure via a Section 106 legal agreement.

Open Space, Play Provision, Green Infrastructure, Connectivity and Nature Conservation

- 8.89 Public open space will be provided on site and will include informal amenity space and a LEAP as shown indicatively on the submitted plans.
- 8.90 In respect of play provision and in accordance with the Council's adopted Planning Obligation SPD, the proposed number of units would require the provision of a Locally Equipped Area of Plan (LEAP). This can be secured via a Section 106 legal agreement.

Effect upon Local Infrastructure

- 8.0 Concerns have been raised over the effect of the number of dwellings on schools, doctors and other services in the area.
- 8.91 Hampshire County Council have identified a need to improve infrastructure and address suitability issues at local schools so that existing nominal capacity can be fully used to meet the additional demand from the development. A financial contribution can be secured through the Section 106 legal agreement.
- 8.92 The difficulty in obtaining doctor's appointments and dental services is an issue regularly raised in respect of new housing proposals. It is ultimately for the health providers to decide how they deliver their services. A refusal on these grounds would not be substantiated.
- 8.93 The Lead Flood Authority are content with the general principles for the surface water drainage proposals.

f) The Planning Balance

- 8.94 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications:

"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".

- 8.95 As set out above, the effect of Paragraph 177 of the NPPF is that:

"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either

alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site”.

- 8.96 In this instance Officers have identified likely significant effects on a habitats site. Officers acknowledge that likely significant effects could be addressed by securing a payment towards the SRMS to mitigate the impact of recreational disturbance. However, appropriate mitigation for the loss of a low use Brent geese and waders site has yet to be defined and therefore it cannot be concluded that there will not be an adverse effect on the integrity of a EPS.
- 8.97 In light of the overriding reasons for refusal Officers have not undertaken an Appropriate Assessment. Accordingly the presumption in favour of sustainable development set out at Paragraph 11 of the NPPF does not apply.
- 8.98 The site is outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of Local Plan Part 2: Development Sites and Policies Plan.
- 8.99 Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations which is engaged as this Council cannot demonstrate a 5YHLS. Officers have also given due regard to the updated 5YHLS position report presented to the Planning Committee elsewhere on this agenda and the Government steer in respect of housing delivery.
- 8.100 In weighing up the material considerations and conflict between policies; the development of a greenfield site weighed against Policy DSP40, Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall fulfilling the first test of the policy, however it is not well related to the existing urban settlement boundaries such that it can be integrated with those settlements, failing the second test of DSP40.
- 8.101 The site is located within the Strategic Gap and is not sensitively designed to reflect the area’s existing character whilst minimising any adverse impact on the countryside. The FLA concluded that there is very limited scope to accommodate development without a significant impact on the integrity of the area’s character and the role it performs in maintaining the separate identity and character of the settlements and their landscape settings. For this reason, Officers consider that the proposed development would be contrary to the third test of Policy DSP40.

- 8.102 Officers are satisfied that there are no outstanding amenity issues which cannot otherwise be addressed through planning conditions and obligations, notwithstanding that Southern Water have raised concerns regarding the proximity of the site to the Peel Common WWTW. There would be however be an unacceptable environmental impact arising from the loss of BMV agricultural land and through the loss of a Low Use site for Brent geese and waders, for which there is currently no detailed proposals for mitigation. The proposals would also have an unacceptable impact on highway safety. The application is therefore contrary to the fifth test of DSP40.
- 8.103 Affordable housing as 40% of the units, along with the delivery of onsite open space, and play provision can be secured through a planning obligation. The section 106 planning obligation could also secure an education contribution.
- 8.104 In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage in housing supply, Officers acknowledge that the proposal could deliver up to 75 dwellings, including affordable housing, in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply is a substantial material consideration, in the light of this Council's current 5YHLS.
- 8.105 There is a conflict with development plan policy CS14, CS16 and CS22 which ordinarily would result in this proposal being considered unacceptable. However, in light of the Council's lack of a five-year housing land supply, development plan policy DSP40 is engaged and Officers have considered the scheme against the criterion therein. The scheme is not considered to satisfy the five criteria and, in the circumstances, officers consider that the benefits of granting planning permission would not outweigh the harm identified above.
- 8.106 In light of this assessment, and taking into account all other material planning considerations, Officers recommend that planning permission should not be granted for this application. A recommendation for refusal is set out below at paragraph 9.1.
- 8.107 This balancing exercise has been made under Section 38(6) of the 2004 Act as set out above, however if the likely significant effects of the development on habitats sites had been addressed and an Appropriate Assessment had concluded no adverse effects on the integrity of the habitats sites, the presumption in favour of sustainable development, as set out in NPPF paragraph 11, would apply. However, as it stands, the proposal does not accord with the development plan and the report above has shown how the proposal is contrary to the NPPF in that it fails to appropriately secure mitigation of the likely adverse effects on the integrity of European Protected

Sites arising as a result of the loss of a Low Use site for Brent geese and waders, which provide a clear reason for refusing the development.

8.108 Finally, even if those reasons for refusal were not in place, Officers consider that 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.

8.109 Members are invited to confirm that had they had the opportunity to determine the application they would have REFUSED it for the following reasons:

9.0 **Recommendation**

9.1 The development is contrary to Policies CS2, CS4, CS5, CS6, CS14, CS15, CS16, CS17 and CS22 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP6, DSP13 & DSP40 of the Adopted Local Plan Part 2: Development Site and Policies Plan, paragraphs 103, 109 and 110 of the NPPF and is unacceptable in that:

- a) The provision of residential development in this location would be contrary to adopted Local Plan policies which seek to prevent additional residential development in the countryside;
- b) The proposed development fails to respond positively to and be respectful of the key characteristics of the area and would be harmful to the character and appearance of the countryside;
- c) The provision of development in this location would significantly affect the integrity of the strategic gap and the physical and visual separation of settlements;
- d) The application site is not sustainably located adjacent to, well related to or well-integrated with the existing urban settlement boundaries;
- e) The proposal would result in the loss of best and most versatile agricultural land;
- f) Insufficient information has been submitted to adequately assess the highways impacts arising from the proposed development;
- g) The proposed access is inadequate to accommodate the development safely;

- h) The proposed development would have an unacceptable impact on the junction of old Newgate Lane / Newgate Lane East resulting in a severe impact on the road safety and operation of the local transport network;
- i) The proposed development provides insufficient support for sustainable transport options
- j) In the absence of a legal agreement to secure such, the proposal fails to appropriately secure mitigation of the likely adverse effects on the integrity of European Protected Sites which, in combination with other developments, would arise due to the impacts of recreational disturbance.
- k) In the absence of a legal agreement to secure such, the proposal fails to appropriately secure mitigation of the likely adverse effects on the integrity of European Protected Sites which, in combination with other developments, would arise as a result of the loss of a Low Use site for Brent geese and waders.
- l) In the absence of a legal agreement to secure contributions to open space and facilities and their associated management and maintenance, the recreational needs of residents of the proposed development would not be met;
- m) In the absence of a legal agreement to secure contributions to education, the needs of residents of the proposed development would not be met;
- n) 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 the 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;

Note for information:

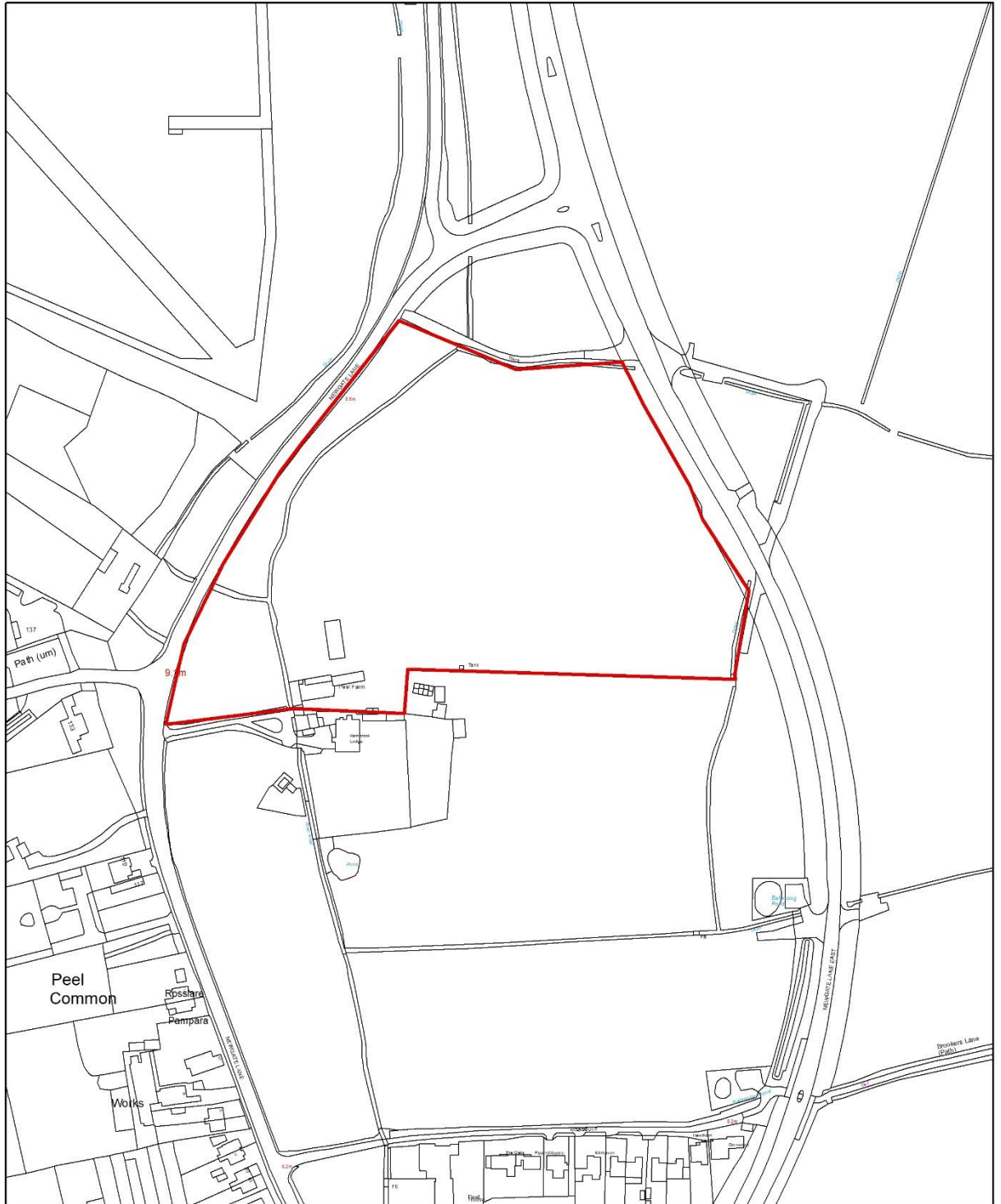
Had it not been for the overriding reasons for refusal to the proposal, and had the Local Planning Authority been in a position to determine the application, the Local Planning Authority would have sought to address points j - n) above by inviting the applicant to enter into a legal agreement with Fareham Borough Council under Section 106 of the Town & Country Planning Act 1990.

10.0 Background Papers

P/18/1118/OA

FAREHAM

BOROUGH COUNCIL



Land at Newgate Lane (North)
Scale 1:2,500

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OFFICER REPORT FOR COMMITTEE

DATE: 24/06/2020

P/19/0460/OA
BARGATE HOMES LIMITED

STUBBINGTON
AGENT PEGASUS

OUTLINE PLANNING PERMISSION FOR THE DEMOLITION OF EXISTING BUILDINGS AND DEVELOPMENT OF UP TO 115 DWELLINGS, OPEN DWELLINGS, OPEN SPACE, VEHICULAR ACCESS POINT FROM NEWGATE LANE AND ASSOCIATED AND ANCILLARY INFRASTRUCTURE, WITH ALL MATTERS EXCEPT ACCESS TO BE RESERVED

LAND AT NEWGATE LANE (SOUTH)

Report By

Richard Wright – Direct Dial 01329 824758

1.0 **Introduction**

- 1.1 This application is being presented to the Planning Committee due to the number of third-party representations received.
- 1.2 An appeal against the non-determination of this application has been submitted to the Planning Inspectorate. The Inspectorate notified the Council on 2nd June 2020 that the appeal is valid and has advised that the appeal will proceed by way of a public inquiry.
- 1.3 Whilst this Council is no longer able to decide this application it is necessary for Members to confirm the case that this Council will present to the Planning Inspector. This report sets out all the relevant planning policies and relevant material planning considerations and invites Members to confirm the decision they would have made if they had been able to determine the planning application. This will then become the Council's case in respect of the forthcoming appeal.
- 1.4 Members will note from the 'Five Year Housing Land Supply Position' report elsewhere on this agenda that the Council currently has a housing land supply of 2.72 years (a shortfall of 1,231 dwellings within the 5-year period).
- 1.5 It should be noted that a planning application for up to 75 dwellings on land to the immediate north of the site is also under consideration and reported elsewhere on this agenda. (P/18/1118/OA).

2.0 **Site Description**

2.1 The application site comprises of 6.08 hectares of grade 3a and 3b agricultural land located within the defined countryside and Strategic Gap. The submitted details indicate that the land is used for agriculture and equestrian purposes with site boundaries and internal field boundaries made up of hedgerows and mature trees.

2.2 Newgate Lane is located to the west, the Newgate Lane East to the east and Woodcote Lane to the south. The nearest residential properties are Hambrook Lodge which is located immediately adjacent to the site, as well as dwellings located on Newgate Lane and Woodcote Lane.

2.3 The River Alver flows in a southerly direction through the western part of the site and is classified as a 'Main River'. Land to the east of the river is principally located in Flood Zone 1, land to the west is principally in Flood Zone 3. The site is identified as 'low value' for Brent Geese.

3.0 **Description of Proposal**

3.1 Outline planning permission is sought for the construction of up to 115 dwellings with all matters reserved apart from the means of access to the site which would be off Newgate Lane. The layout, appearance, scale and landscaping are therefore reserved for a future reserved matters application and are not for consideration at this time.

3.2 The submitted documentation outlines the overarching principles of the proposal and include an Illustrative Masterplan. A number of technical reports accompany the application. Vehicular access would be off Newgate Lane with pedestrian links provided to land at Newgate Lane (North) and Woodcote Lane. Landscaping and ecological enhancements would be provided as well as a children's play area and an acoustic buffer from the new bypass. The development would deliver 40% affordable housing.

4.0 **Policies**

4.1 The following policies apply to this application:

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

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
CS21:	Protection and Provision of Open Space
CS22:	Development in Strategic Gaps

Adopted Development Sites and Policies

DSP1:	Sustainable Development
DSP2:	Environmental Impact
DSP3:	Impact on living conditions
DSP6:	New residential development outside of the defined urban settlement boundaries
DSP13:	Nature Conservation
DSP14:	Supporting Sites for Brent Geese and Waders
DSP15:	Recreational Disturbance on the Solent Special Protection Areas
DSP40:	Housing Allocations

Other Documents:

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

Residential Car Parking Standards 2009

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

5.0 ***Relevant Planning History***

5.1 No relevant planning history.

6.0 ***Representations***

6.1 There have been 391 representations received objecting to the proposal on the following grounds:

Principle

- Brownfield sites would be more appropriate for additional housing
- The application would be contrary to Policies CS6, CS11, CS14, CS22, DSP6 and DSP40.
- The site is not 'well integrated' contrary to policy DSP40.
- The development would undermine the PUSH Spatial Position Statement 2016
- New housing should be focussed to the north of Fareham

- There is no need for more houses

Location

- New development should be focussed north of the M27
- Loss of green land and linkages
- Impact on landscape

Strategic Gap

- Impact on the strategic gap
 - Coalescence of Fareham and Gosport.
 - The proposed development will not strengthen the strategic gap.
 - Development in the strategic gap will set a precedent for further development

Infrastructure

- Impact on doctors, schools, dentists, health services, leisure services and police
- The council tax from the houses would go to Fareham, but infrastructure such as schools and doctors would be funded by Gosport. Impact on Gosport infrastructure.
- Impact on Stubbington.
- The local amenities can't support more housing
- Unacceptable impact on utilities
- Will any contributions be provided towards education?

Highways

- Access dangerous
- Highway safety
- Traffic congestion
- The improvements to Newgate Lane have not had a positive impact
- The proposed development is contrary to the purpose of Newgate Lane East which was to provide a route with fewer side roads and driveway access points so that traffic can flow more smoothly.
- The newly developed Newgate Lane is intended to address existing traffic problems on Gosport peninsular and access to the Solent Enterprise Zone – not to be congested by yet further housing development that will be reliant on this new infrastructure.
- Limited public transport
- FBC advised that there would be no turn offs from Newgate Lane
- The TA states that the unattended pedestrian crossing between Woodcote Lane and Brookers Lane would not experience an increase

in footfall, however this is an inaccurate assumption if children from the site are to walk to the closest schools.

- The TA does not include any alternatives to the use of the Stubbington by-pass in the event that the by-pass doesn't get approved
- Increased traffic congestion will make the roads more dangerous for horse riders.
- Alterations are required to make Newgate Lane safe for cyclists
- The application asserts that the Newgate Lane upgrades were designed to accommodate the emerging residential allocate to the east known as Peel Common or HA2 but this is at odds with the objectives of the Newgate Lane improvement scheme.
- The proposed development would impact Old Newgate Lane which has become very popular with runners and cyclists.
- The interim transport assessment for the previous draft Fareham Local Plan stated that the current volume over capacity exceeds 100% in the pm peak on Newgate Lane and is approaching available practical capacity in the am peak. There is therefore no capacity for additional housing that would rely on Newgate Lane for access.
- Impact on emergency services due to traffic would put lives at risk.
- Impact on companies that want to relocate to Gosport and jobs due to traffic.
- The unattended pedestrian crossing needs further consideration from a safety and pedestrian volume perspective in terms of footfall and the information within the TA.

Pollution

- Increased air pollution which will impact the Air Quality Management Area at the end of Newgate Lane
- How can the application comply with legal limits for NO₂ when readings are more than 40ugm-3?
- Odour from Peel Common is likely to increase as more pressure is put on the water treatment works that are already at capacity
- Noise pollution from Daedalus will impact both existing and proposed dwellings and is likely to increase given FBC's investment.
- Impact of noise from Newgate Lane on future residents
- The Aircraft Noise Survey Report is based on surveys carried out during quiet periods and using limited types of aircraft. The Aircraft Noise Survey Report assumes that take-offs and landings have the same impact in terms of noise disturbance which is not accurate. These assumptions produce a conclusion that is not a genuine reflection of noise levels on the airfield.
- The Aircraft Noise Survey Report states that there is no night time flying after midnight, however there are regular night time flights as the

Solent Airport's terms and conditions allow out of hours flying subject to approval.

Environment and Ecology

- Impact on the environment
- Loss of habitat for birds, mammals, badgers and roe deer
- Nitrates impact on the Solent
- 115 Swift nest bricks should be provided as nest boxes are inadequate.

Flooding

- Loss of open land will result in flooding
- The FRA is out of date (April 2018) and does not account for the change in run-off as a result of the Newgate Lane East development.

Design

- Inappropriate density would be out of keeping with surrounding area

Other Issues

- The level of housing should be policy compliant
- Loss of greenspace will have a negative impact on the mental health and wellbeing of residents
- Large property developers build overpriced, poorly constructed and planned houses to increase profit margins.
- Plots of land should be sold to the community for construction
- Development in the area should be comprehensively planned
- The traffic is so congested it discourages market traders from trading in Gosport
- Increased congestion will discourage investment at Daedalus
- More jobs are required in Gosport to reduce the need to commute out to other areas
- Should more housing be built close to IFA2?
- Loss of grazing land for horses
- The application refers to the draft Fareham local plan which has been withdrawn therefore site HA2 has no status.
- The DAS contains inaccuracies e.g Page 28 reference to Charminster.
- Lack of pre-application consultation with Gosport Borough Council.
- Insufficient new jobs.
- Gosport has a job density ratio of 0.51 therefore to suggest that there are significant job opportunities is inaccurate.
- Proposal would impact on the economic performance of Gosport Borough

- Fareham has duty to cooperate with its neighbours – Gosport opposed to building within the strategic gap

PETITION AUGUST 2019 - Stop building in the Fareham/Gosport Strategic Gap

A petition entitled 'Stop building in the Fareham/Gosport Strategic Gap was published in August 2020. As at 9th June 2020, there were 901 signatories. It reads as follows:

Stop building houses on the Fareham/ Gosport Strategic Gap!

We, the undersigned, object to building houses on the Gosport/ Fareham/ Stubbington Strategic Gap, as set out in the planning application Reference: P/18/1118/OA Land At Newgate Lane (North) Fareham Outline Planning Permission for the demolition of existing buildings and development of up to 75 dwellings, open space, vehicular access point from Newgate Lane and associated and ancillary infrastructure, with all matters except access to be reserved.

And:

Reference: P/19/0460/OA Land At Newgate Lane (South) Fareham Outline planning permission for the demolition of existing buildings and development of up to 125 dwellings, open space, vehicular access point from Newgate Lane and associated and ancillary infrastructure, with all matters except access to be reserved.

And:

HA2 - Newgate Lane South, Peel Common

*The reasons for our objection include, but it not exclusive to, the following:
Nitrate levels:*

The Solent is located with a Special Protection Area (SPA), which is protected under the Conservation of Habitats and Species Regulations 2017 The primary concern in the Solent area is the quality of the water, with high levels of nitrogen causing eutrophication (excessive growth of green algae) which can result in oxygen depletion within rivers and groundwater, and therefore a loss in species richness of protected habitats and bird species. An increase in nitrates also leads to an increase in nitrogen oxides, which can impact air quality and raise acidity levels in water. High levels of nitrogen in the atmosphere can also contribute to the greenhouse effect and acid rain, which are both concerns relating to climate change.

Air Quality:

The Environment Agency has named Fareham Borough Council as one of 30 councils in the UK which have excessive levels of nitrogen dioxide, breaching the EU Commissions limit.

Air Quality Management Areas (AQMAs) are declared when there is an exceedance or likely exceedance of an Air Quality Strategy (AQS) objective, which are legally binding pollution limits to which Fareham and Gosport Boroughs must adhere to. The areas identified, include

An area encompassing the junction of Gosport Road, Redlands Lane and Newgate Lane Fareham and the surrounding area up to the Quay Street roundabout Fareham.

Traffic from the proposed development will lead through these areas. This is in addition to the increased air traffic from the development of Solent Airport. Fareham Borough Council's own policy states: 2.1 Policy CSS, Transport Strategy and Infrastructure, Paragraph 2: "Development proposals which generate significant demand for travel and/or are of a high density, will be located in accessible areas that are or will be well served by good quality public transport, walking and cycling facilities."

2.2 Draft Policy INF2 aims to: "g) Positively contributes to the delivery of the Council's Air Quality Action Plan by mitigating the effects of development on air quality within Air Quality Management Areas (AQMAs); and h)

Demonstrates good practice and principles of design, minimising emissions and contributing to the reduction of transport impacts on local air quality."

This proposed development has its main access through an AQMA. 1.3 Draft Local plan CF1 - Development proposals for new or extended community and leisure facilities within the urban area boundary, will be permitted where they: "c) Do not have a severe adverse impact on the strategic and/or local road network"

Development of Greenfield and strategic gap

This contravenes Fareham's own policies. Both Gosport and Fareham adopted protection of the Strategic Gap in 2015.

Partnership for Urban South Hampshire(PUSH) policy as follows: 1.1. Policy C22 (DLP SP6): Development in Strategic Gaps a policy that specifies that: "Development proposals will not be permitted where they cause severe adverse harm to the physical and visual separation of settlements."

1.2 PUSH Spatial Position Statement, key principle D: Protecting and Enhancing Countryside Gaps, article 5.2L "Locating development in a way which creates a high quality pattern of town and countryside, maintaining the distinct identity and separation of key cities and towns, to avoid urban sprawl." and the Position Statement S1: "Strategic countryside gaps between settlements are important in maintaining the sense of place, settlement identity and countryside setting for the sub region and local communities."

This premise is policy that applies to all the PUSH signatories.

School Places:

Admissions data shows that the local schools are over-subscribed. Reception admissions for Reception 2018. Places offered / applications made Peel common reception: 49/81

Rowner 53 / 99 Bedenham 37/53 Woodcot 26/46

Year 7 admissions for 2018. Places offered / applications made Crofton 218/438

Bridgemary 179/232 Brune Park 293/322

Therefore, this many houses would require the building of a new school that is both nitrate and carbon neutral.

Doctors and medical care:

Dr Ian Bell, of Lee Medical Practice, was reported to have said: "Most people will be aware that the NHS and general practice in particular, is facing unprecedented demands and pressures on its services at a time when there are real challenges on both GP and nurse recruitment and retention, especially In the Gosport area"

Two of eight medical practices have had to close their registers. Residents of the Gosport area were not able to change surgeries over the winter, as medical practices would be left with 'unsafe to manage' numbers of patients. The British Medical Journal review, identified a deterioration in outcome for people that live further or take longer to get to hospital. Increased traffic along the route from Gosport areas to QA will increase the travel time.

Population density and housing:

The Office of National Statistics 2018 records the population density of Gosport as 3372 per km². Therefore, making it one of the most densely populated areas in the UK.

Median house prices to median earnings ratio demonstrate it is one of the more affordable places in the county to live. Therefore, increased housing availability is unlikely to have the same impact of housing prices as exists in other parts of the county.

Gosport has areas ring-fenced as the top 10% most deprived areas in the UK. Without a train service, the routes out of the area, include the ferry and the Newgate Lane route. Clogging the arteries out of the area will further isolate those who need access to work and amenities. Therefore, isolating those residents on the uniquely positioned, peninsula and in deprived areas.

To summarise, it is on the basis of these points raised that we object to the mentioned planning applications and any building on the Strategic Gap.

PETITION MARCH 2020 - Fareham and Gosport Residents against the development in the Strategic Gap

A petition entitled 'Fareham and Gosport Residents against the development in the Strategic Gap' was published in March 2020. As at 9th June 2020, there were 132 signatories. It reads as follows:

"We the undersigned petition the Council to Stop the development of the Strategic gap between Fareham and Stubbington.

It would appear that in the past promises have been made by certain councillors to preserve the gap between Fareham & Stubbington. The residents now find that consideration is being given to develop the GAP. In a CAT meeting Sean Woodward said that there was a duty to help neighbouring areas (Portsmouth & Gosport) with housing. Gosport Borough Council have said that this is not the case and they do not need Fareham to help with housing. Portsmouth City Council have said that they have a short fall of 3000 houses. This would raise doubts over the numbers needed to be built as Portsmouth Planning Dept say that they are also in negotiation with other councils to provide them with help, Quote

" For us this means Fareham and Havant Borough's and the southern parts of Winchester and East Hampshire District's around the Waterlooville/ Clanfield/ Horndean area".

With all these areas being looked at and the fact that we already have Welbourne as a development I would suggest that we do not need to take the 1700 houses that Mr Woodward seems to think we need and using up lovely agricultural land and recreation area."

This Petition is on the Council's website with an end date of 30 June 2020.

7.0 **Consultations** EXTERNAL

Highways (Hampshire County Council)

- 7.1 The recent realignment and upgrade of Newgate Lane makes up part of the 'Improving Access to Fareham and Gosport' strategy. The technical assessment for this strategy assumed development of existing brownfield regeneration sites and not development of greenfield sites along the Newgate Lane corridor. The primary aim of the strategy is to stimulate the provision of employment and investment in employment opportunities within Gosport.
- 7.2 The applicant has only submitted information on the cumulative highway impact of development proposed as a result of this application together with that to the north (P/18/1118/OA). The highway authority is only able to comment on the submitted information and cannot determine the impact of this development in isolation.

- 7.3 The Highway Authority have raised a number of concerns regarding the submitted information and recommends a number of reasons for refusal on the following grounds:
- an unacceptable site access design;
 - an unacceptable impact on the junction of old Newgate Lane/Newgate Lane East; and
 - the lack of an acceptable Travel Plan and no agreement of sustainable transport contributions.

Archaeology (Hampshire County Council)

- 7.4 Advises that the assessment, recording and reporting of any archaeological deposits affected by construction be secured through planning conditions. No objection subject to condition.

Flood and Water Management Team (Hampshire County Council)

- 7.5 The general principles for the surface water drainage proposals are acceptable. No objection subject to condition securing further details.

Children's Services Department (Hampshire County Council)

- 7.6 The development will create pressure for primary and secondary school places in the locality. Contributions towards additional infrastructure is required including school travel plans and additional infrastructure at a local special school or resourced provision places.

Minerals and Waste Planning Authority (Hampshire County Council)

- 7.7 The submitted minerals safeguarding report has been assessed and concluded that extraction on both large and medium to small scale was not practical. The assessment recommended incidental extraction and this is supported. Recommend planning conditions to ensure that minerals can be viably recovered and recorded.

Environment Agency

- 7.8 No objection subject to planning conditions to secure at the reserve matter stage details on the watercourse crossings, potential watercourse realignment, location of the development outside of flood zones 2 and 3 with the latest appropriate climate change allowances, and finished flood levels for all dwellings within the development.

Historic England

- 7.9 No comments. Views of your specialist conservation and archaeological advisors should be sought as relevant.

Natural England

- 7.10 The method of calculating the nutrient budget needs to be re-calculated. Provided that FBC are satisfied that the current land use as cereals is accurate and that the appropriate management of the public open space can be secured in perpetuity, NE have no further concern.
- 7.11 Solent Wader and Brent Goose network - it is advised the appropriate assessments for the above two applications set out further detail that demonstrates a clear link between the impact and the proposed mitigation, i.e. detail of how the financial contributions will be used to maintain and enhance the wider network within the Borough.
- 7.12 Solent Recreation Mitigation Contribution - Provided that the applicant complies with the policy, no objection. A contribution should be secured.
- 7.13 Measures to protect and enhance biodiversity on the site should be secured by condition.

Southern Water

- 7.14 Due to the potential odour nuisance from a Waste Water Treatment Works, no habitable development should be located within the 1.5 OdU odour contour of the WWTW. In determining the application, the Planning Authority should take into account the provisions of National Planning Policy Framework (NPPF) regarding the encroachment of development towards existing potentially polluting uses.
- 7.15 Recommend planning conditions to ensure details of the foul and surface water sewerage disposal are approved in consultation with Southern Water prior to commencement of development.

Gosport Borough Council

- 7.16 GBC raise an objection in the strongest possible on the following grounds:
- Encroachment into the Strategic Gap contrary to FBC Local Plan and loss of green infrastructure.
 - Potential to negate benefits of recent improvements to Newgate Lane East.
 - The site is poorly served by public transport and would be heavily car dependent, the use of which may adversely impact the Air Quality Management Area at the north end of Newgate Lane and Gosport Road.

INTERNAL

Ecology

- 7.17 The Ecology officer originally raised no objection subject to conditions relating to planning conditions relating to the Biodiversity Mitigation Plan and Ecological Assessment being implemented and retained and full details of all necessary ecological mitigation, compensation, enhancement and managements measures being submitted.
- 7.18 During the course of the application, information relating to a significant colony of Chamomile which is classed as Vulnerable on the vascular plant Red List for England was received. Ecologist has now confirmed that the western meadow has been designated as a SINC by the Hampshire Biodiversity Information Centre (HBIC). Lowland meadow habitat is also likely to be present. The Ecology officer is concerned that the ecological surveys of the site do not correctly reflect the site conditions.

Environmental Health (Odour)

- 7.19 Not permitting residential development within the 1.5 OdU odour contour is desirable. However, the submitted odour assessment meets current acceptable limits. No objection on the grounds of odour.

Environmental Health (Noise Pollution)

- 7.20 Details of acoustic mitigation will be required at the detailed design stage.

Contaminated Land Officer

- 7.21 No objection subject to planning condition.

Environmental Health (Air Quality)

- 7.22 No objection. Development should be designed to include the principles of good design in the Planning and Development Control: Planning for Air Quality (2017) including provision for electric vehicle charging points at the reserved matters stage.

Tree Officer

- 7.23 No objection subject to planning condition.

Affordable Housing Strategic Lead

- 7.24 The affordable housing should be provided on a tenure mix of 65:35 (Affordable/Social Rent to Intermediate). No objection if the affordable mix reflects local need to be secured via a s106.

8.0 *Planning Considerations*

- 8.1 The following matters represent the key material planning considerations which would 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 land supply position;
- b) Residential development in the countryside;
- c) Impact on European Protected Sites;
- d) Policy DSP40;
- e) Other matters;
- f) The Planning balance.

a) Implications of Fareham's current 5-year housing land supply position

- 8.2 A report titled "Five-year housing land supply position" is reported elsewhere on this agenda. That report sets out this Council's local housing need along with this Council's current housing land supply position. The report concluded that this Council has 2.72 years of housing supply against the 5YHLS requirement meaning there is a shortage of 1,231 dwellings.
- 8.3 Officers accept that the Council cannot currently demonstrate a 5-year supply of deliverable housing sites.
- 8.4 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".*
- 8.5 In determining planning applications there is a presumption in favour of the policies of the extant Development Plan, unless material considerations indicate otherwise. Material considerations include the planning policies set out in the National Planning Policy Framework (NPPF).
- 8.6 Paragraph 59 of the NPPF seeks to significantly boost the supply of housing.
- 8.7 Paragraph 73 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.
- 8.8 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:

“For decision-taking this means:

- a) Approving development proposals that accord with an up-to-date development plan without delay; or*
- b) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, 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 proposed⁶; 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.”**

8.9 Footnote 6 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 176) 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 63); and areas at risk of flooding or coastal change.”

8.10 A key judgement for Members therefore is whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole.

8.11 Members will be mindful of Paragraph 177 of the NPPF which states that:

“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”

8.12 The following sections of the report assesses the application proposals against national planning policy and 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.

- 8.13 In the absence of a five-year supply of deliverable housing sites, officers consider that policy DSP40 is the principal development plan policy that guides whether schemes will be considered acceptable.

b) Residential Development in the Countryside

- 8.14 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. Policy CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries. The site lies with an area which is outside of the defined urban settlement boundary. 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.”

- 8.15 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).”*
- 8.16 The site is clearly outside of the defined urban settlement boundary and the proposal does not comprise one of the acceptable forms of development listed in Policy CS14. 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) Impact on European Protected Sites

- 8.17 Core Strategy Policy CS4 sets out the strategic approach to Biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policy DSP13: Nature Conservation of the Local Plan Part 2 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.
- 8.18 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.

- 8.19 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 'European Protected Sites' (EPS).
- 8.20 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 European 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 European 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 either the local planning authority or the Planning Inspectorate, depending on who is determining the application. In this case, it is the Planning Inspectorate.
- 8.21 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 European Protected Site (EPS).
- 8.22 Achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites. Natural England have provided a methodology for calculating nutrient budgets and options for mitigation should this be necessary. The nutrient neutrality calculation includes key inputs and assumptions that are based on the best-available scientific evidence and research, however for each input there is a degree of uncertainty. Natural England advise local planning authorities to take a precautionary approach when addressing uncertainty and calculating nutrient budgets.
- 8.23 The applicant submitted a nitrate budget calculation based on Natural England's latest methodology dated March 2020. It will be for the Planning Inspector to undertake the Appropriate Assessment.
- 8.24 Officers have considered the current situation in order to be in a position to advise Members on the case that the Council should present to the Planning Inspector.

- 8.25 The calculation that the applicant has undertaken is based on an average household size of 2.4 persons in line with the latest Natural England guidance (March 2020). The appellant's calculation goes on to measure the total nitrogen load from the current land use, using an average of several farm types and then calculates the nitrogen load from future land uses (the proposed development). The appellant's calculation demonstrates that there will be a net decrease in Total Nitrogen output from the site when it is fully occupied and therefore no mitigation is required.
- 8.26 A series of aerial photographs have been submitted to demonstrate that the site has been cultivated for a number of years together with a letter from the farmer confirming that the site has been in crop production since at least 2009. A tenancy agreement has also been submitted, however as the accompanying plan cannot be located, no weight can be attached to this. Officers are satisfied however that sufficient evidence exists to substantiate the inputs used to calculate the existing nitrogen load. As the application is in outline with layout reserved for future determination, any reliance on the illustrative masterplan to identify the amount of open space / SANG, and therefore calculate the nitrogen budget for future uses, must be treated with caution. It would be necessary to ensure that a minimum of 1.27ha of open space / SANG could be secured as part of any reserved matters application in order to conclude that the development would not have a significant adverse effect on the EPS.
- 8.27 In addition to the impacts set out above, it is recognised that increasing the number of houses close to the Special Protection Areas could result in increased disturbance to over-wintering birds and have a likely significant effect. The Solent Recreation Mitigation Strategy has been developed to address this potential impact. Subject to the appropriate financial contribution being secured, Officers believe this likely significant effect can be satisfactorily mitigated.
- 8.28 The proposed development will result in the loss of part of a Solent Waders and Brent Good Strategy (SWBGS) Low Use site (F15). The level of mitigation and off-setting required is dependent on the importance of the site within the ecological network and how these non-designated sites support the wider designated Solent SPA network. All Low Use sites have the potential to be used by waders or brent geese and to support the existing network and provide alternative options and resilience for the future network.
- 8.29 In accordance with the SWBGS guidance on off-setting and mitigation requirements (Final Report, October 2018), proportionate mitigation is required for the loss of Low Use sites. Where impacts to Low Use sites cannot be avoided or adequately mitigated on-site, mitigation would comprise off-setting or enhancement measures via payment of £35,610 per hectare towards the management and enhancement of the wider waders and Brent geese ecological

network. The payment would need to be secured through a s106 agreement.

- 8.30 Natural England has made it clear that complete information is required to ensure that the proposal will not affect the integrity of the international sites, citing recent CJEU decisions. Further information is therefore required to demonstrate a clear link between the impact and the proposed mitigation i.e. detail of how the financial contributions will be used to maintain and enhance the wider network within the Borough. In the absence of this information, the Planning Inspectorate cannot reasonably conclude that the proposal will not adversely affect the integrity of the European site and therefore it is not in a position to lawfully grant consent for the project.

d) Policy DSP40 (Housing Allocations)

- 8.31 Policy DSP40: Housing Allocations, of Local Plan Part 2, states that:

"Where it can be demonstrated that the Council does not have a five year supply of land for housing against the requirements of the Core Strategy (excluding Welborne) additional housing sites, outside the urban area boundary, may be permitted where they meet all of the following criteria:

- i. The proposal is relative in scale to the demonstrated 5 year housing land supply shortfall;*
- ii. The proposal is sustainably located adjacent to, and well related to, the existing urban settlement boundaries, and can be well integrated with the neighbouring settlement;*
- iii. The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps;*
- iv. It can be demonstrated that the proposal is deliverable in the short term; and*
- v. The proposal would not have any unacceptable environmental, amenity or traffic implications".*

- 8.32 Each of these five bullet points are considered in turn below:

Policy DSP40 (i)

- 8.33 The proposal for up to 115 dwellings is considered relative in scale to the current shortfall and therefore point (i) of Policy DSP40 is satisfied.

Policy DSP40 (ii)

- 8.34 The site lies within the designated open countryside approximately 118 metres at its closest point as the crow flies to settlement of Bridgemary within Gosport Borough. There is a clear physical and visual separation between the site and

the urban area of Gosport.

- 8.35 The land to the north of the application site is currently in agricultural use. The Newgate Lane East Relief Road is adjacent to the site to the east beyond which land is in agricultural use.
- 8.36 Hambrook Lodge adjoins the site to the north, and there is sporadic ribbon development along Newgate Lane and Woodcote Lane, to the south and west of the application site. As discussed previously, a separate application has been submitted for land immediately to the north of the application site for up to 75 dwellings.
- 8.37 The site is not considered to be well related to the existing urban settlement boundary and neither can it be well integrated with the neighbouring settlement.
- 8.38 It should be noted that the site to the east of the Newgate Lane East relief road has been included in the draft Fareham Local Plan (DFLP) for 475 dwellings (Site HA2 Newgate Lane South, Peel Common). Irrespective of whether this allocation is found sound at a future examination of the DFLP, policy DSP40(ii) requires the proposal to be well related to the 'existing' urban settlement boundary. The application site is some distance from the existing settlement boundary with opportunities for integration with Bridgemary hampered by the existence of the Newgate Lane East relief road.
- 8.39 The application must be considered on its merits and it cannot therefore be assumed that the development proposed immediately to the north of the application site will be approved.
- 8.40 The submitted Transport Assessment (TA) includes an 800m walking isochrone and a 2km cycling isochrone (see Figure 7). However, this is based on the two application sites being considered as one. For the reasons set out above, this is not appropriate, and the conclusions set out in the TA on accessibility cannot therefore be relied upon.
- 8.41 As part of the evidence base for the Fareham Local Plan 2036 a background paper was prepared on accessibility. This included accessibility standards for a number of facilities including schools, shops, GP surgeries etc. By way of example, the closest primary school, Peel Common Infant and Junior School, is approximately 750m from the centre of the application site which is within the accessibility standard of 800m. The shops at Tukes Avenue (at approximately 1000m) and Carisbrooke Precinct local centre (at approximately 1100m) are within the 1200m accessibility standard. The Bridgemary Medical Centre is approximately 1300m. The accessibility standard for a secondary school is 1200m and the distance to Bridgemary School is approximately 1.1km. Crofton

School is approximately 1.8km outside the accessibility standard.

- 8.42 The submitted TA states that the site is served by bus routes 21 and 21A between Stubbington and Fareham, which together provide a roughly hourly service from approximately 0700 to 1900 hours Monday to Friday and 0900 to 1400 hours on a Saturday.
- 8.43 It is accepted that the development is within a relatively close walking distance to a range of local services in Bridgemarky. However, the development is physically severed by Newgate Road East which is a significant constraint to sustainable movements east-west. The road comprises a 40mph 7.3m wide carriageway that is designed to reduce journey times and peak hour congestion between Fareham and Junction 11 of the M27 and the Gosport peninsula. It is not designed for pedestrians, being unlit for most of its length, and with no pavements except a very short stretch providing access to a bus stop on the respective sides of the carriageway at the crossing point between Woodcote Lane and Bookers Lane. There is a single informal, uncontrolled and narrow central refuse providing pedestrian and cycling access between Woodcote Lane and Bookers Lane to the south east of the proposed development.
- 8.44 The new road severely constrains sustainable, permeable movement patterns between the local services in Bridgemarky and the proposed development despite its relatively close juxtaposition. The Highway Authority advise that the Woodcote Lane and Bookers Lane informal crossing will need to be improved for the development to be acceptable, to be secured through a S106 agreement. However notwithstanding any improvement, the single pedestrian and cyclist crossing point will only provide a very limited sustainable means of access by foot or bicycle to the local services in Bridgemarky.
- 8.45 For this reason, the proposal fails to accord with Policy DSP40(ii). In addition the proposal is considered to be contrary to Policy CS5 (Transport Strategy and Infrastructure) of the adopted Fareham Borough Core Strategy which states that development will be permitted which “is designed and implemented to prioritise and encourage safe and reliable journeys by walking, cycling and public transport”, and Policy CS17 (High Quality Design) which expects development to “ensure permeable movement patterns and connections to local services, community facilities, jobs and shops”.

Policy DSP40(iii)

- 8.46 The third test of Policy DSP40(iii) is that the proposal is “sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps”. The application site is located within a Strategic Gap.

- 8.47 The area is identified within the Fareham Landscape Assessment (FLA) 2017 as part of the Woodcot/Alver Valley landscape character area (LLCA 8). The distinctive character of this area relies on its openness, its rural agricultural character and the absence of prominent urban features.
- 8.48 The landscape lacks any strong landform features or a mature framework of woodland that could potentially contain and provide a strong landscape edge to any major extension of built form into this area. There is very limited scope to accommodate development without a significant impact on the integrity of the area's rural, agricultural character and the role it performs in maintaining the separate identity and character of the settlements and their landscape settings.
- 8.49 Overall, the FLA concluded that area plays an important role in defining the edges, separate identity and settings of Fareham and Gosport and a critical role in preventing their coalescence. Given the area's designation as part of the Strategic Gap the area is highly sensitive to change.
- 8.50 Whilst the FLA was prepared before the construction of the Newgate Lane East relief road, it did consider the impact of the road on local landscape character, concluding that with the proposed mitigation, the road may not have an overwhelming urbanising effect across the area as a whole in the longer term. However, it noted that significant further development in addition to the road scheme would almost certainly have this effect, potentially tipping the balance towards a predominantly urban character.
- 8.51 The illustrative masterplan submitted as part of the application shows residential development occupying the vast majority of the site apart from a narrow strip along its western, immediately adjacent to Newgate Lane. Taken with the draft allocation HA2 referred to previously, and given the current application for land to the north the application site, this would mean that almost the entire gap between Bridgemary and Peel Common would be filled with development. The noise attenuation barriers associated with the construction of the Newgate Lane East relief road would prevent any actual physical coalescence, however the sense of separation would be lost as the housing on either side of the road would be perceived as part of a continuous settlement in views from the road and in particular by pedestrians and cyclists using the east-west access route along Woodcote/Brookers Lane. The separate identity of Peel Common (which has been strengthened by the closure of the southern end of Newgate Lane) would effectively be lost as it becomes linked to the expansion of Bridgemary across the gap.
- 8.52 Even if it were assumed that development was limited to the application site alone and the area to the north remained open, development would still lead to an unacceptable erosion of the gap between Bridgemary and Peel Common.

This would be exacerbated if the draft allocation HA2 proceeds to adoption.

- 8.53 The Applicant recently submitted a Strategic Landscape and Visual Appraisal (SLVA) of the Stubbington to Fareham Strategic Gap. It does not consider the merits or otherwise of specific development proposals or sites, rather its intention is to broadly consider the appropriateness and constraints in relation to potential development within the landscape.
- 8.54 The Applicant's SLVA takes into account proposals for a Strategic Growth Area South of Fareham as set out in the Council's supplement to the Draft Local Plan 2036 which was published for consultation in January 2020. This Strategic Growth Area overlaps with a large part of the Strategic Gap however the application site is not included within the draft Strategic Growth Area.
- 8.55 Due to the severance and disturbance caused by the construction of the Newgate Lane East relief road, and the consolidation of the settlement pattern as a result of implementation of the site allocated in the Draft Fareham Local Plan 2036 for 475 dwellings at Newgate Lane South (Site HA2), the applicants do not consider parcels 10 and 11 (which include the application site) should be included as priority areas of the strategic gap.
- 8.56 Given the early stage in the preparation of the Fareham Local Plan 2036, little weight should be attributed to any draft allocations and therefore as a consequence, to the conclusions of the Applicant's SLVA. The FLA concluded that there is very limited scope to accommodate development without a significant impact on the integrity of the area's character and the role it performs in maintaining the separate identity and character of the settlements and their landscape settings. For this reason, Officers consider that the proposed development would be contrary to Policy DSP40(iii).
- 8.57 Policy CS17 of the adopted Fareham Borough Core Strategy sets out a similar, but separate policy test that, amongst other things, "development will be designed to: respond positively to and be respectful of the key characteristics of the area, including heritage assets, landscape, scale, form, spaciousness and use of external materials". Core Strategy Policy CS14 meanwhile seeks to protect the landscape character, appearance and function of the countryside as explained earlier in this report.
- 8.58 Peel Common is distinctly different in character to a potentially expanded Bridgemary. The existing open countryside comprising part of the strategic gap not only maintains physical and visual separation with Bridgemary but also defines the setting of Peel Common as a separate settlement within the Woodcot/Alver landscape character area. The FLA identifies Peel Common as a low-density fringe and ribbon -development as distinct from the description of

Bridgemary in the Gosport Townscape Assessment (Hampshire County Council 2010) as a large, modern residential estate of medium to high density development. The density and building heights parameter plan submitted by the applicant, indicates that the proposed residential development would be akin to a large residential housing estate which is not considered to be sensitively designed to respect the character of Peel Common as required by Policy DSP(iii). This is particularly the case since the proposed development would be perceived to be more physically and visually related Peel Common than the expanded Bridgemary, given the severance effect of Newgate Road East to the east.

Policy DSP40 (iv)

- 8.59 In terms of delivery, the agent has advised that the site can deliver 25 dwellings by June 2022, with 40 dwellings per year thereafter with the 115th dwelling completed by September 2024. The proposal would therefore be in accordance with point iv) of policy DSP40.

Policy DSP40(v)

- 8.60 The final test of Policy DSP40: "The proposal would not have any unacceptable environmental, amenity or traffic implications" is discussed below.

Environmental

- 8.61 An Ecological Appraisal and surveys in respect of reptiles, amphibians, dormouse, invertebrates, bats, badgers, otter and water vole, breeding and wintering birds have been submitted.
- 8.62 An initial Phase 1 habitat survey was also carried out on 7th April 2018. The survey incorporated detailed assessment of the land within the development boundary, including a description and mapping of all key features and habitat types. The survey was carried out to identify the range of habitats within the site and the predominant and notable species of flora.
- 8.63 However, during the course of the application, the Ecologist received advice that a colony of Chamomile, which is classed as Vulnerable on the vascular plant Red List for England, may be present on the site which was raised with the applicant. The Ecological Assessment (September 2019) prepared by the applicant does not record the presence of this species.
- 8.64 The applicant has subsequently advised that limited further surveys were undertaken in September and October 2019 that did reveal extensive Chamomile growing in the area to the west of the site. However, that it has not been feasible to complete a full survey of the habitat due to its existing use for horse grazing. The full results of the survey have not been provided.

- 8.65 The Hampshire Biodiversity Information Centre (HBIC) has since identified the meadow to the west of the site as a 6A Site of Importance for Nature Conservation (SINC) in May 2020 based on the significant and extensive population of chamomile. It is also suspected that the site may support Lowland Meadow priority habitat, which would further qualify the site as a 2A or 2B SINC, should adequate survey evidence be available. SINC's are protected by Policy CS4 of the Core Strategy and Policy DSP13 of the Local Plan Part 2: Development Sites and Policies Plan.
- 8.66 The area to the west of the site is proposed for open space (including footpaths and a LEAP). This development together with the new access road proposed from Newgate Lane would transect the SINC north to south and east to west respectively.
- 8.67 The applicant has advised that in its opinion sufficient information is available to prepare management objectives to ensure that the land can function as both open space and retain its value as a BAP habitat and habitat for chamomile and that a supplementary 'Chamomile Management Plan' could be secured via condition.
- 8.68 Having regard to the Applicant's advice, the Ecology officer is concerned that the ecological survey of the site, as reported in the submitted Ecological Assessment September 2019 does not represent an up to date baseline record of the site conditions on which to determine the merits of the application. The limited site survey work that has been undertaken was undertaken at a suboptimal time of the year.
- 8.69 The Ecological Assessment (September 2019) has not been updated by the Applicant to reflect the more recent findings of the further ecological survey work that has been carried out and the high level recommendations for long term management of the site is not considered appropriate to maintain the conservation, restoration and enhancement of the conservation interests on the site in line with the policy advice in NPPF.
- 8.70 For these reasons and based on the advice from the Council's Ecologist, Officers consider the proposal is contrary to Policies CS4, and DSP13 of the adopted local plan. Insufficient baseline information is available properly assess the impact of the development on the Chamomile population and lowland meadow habitat, and/or any other priority habitat species that may be present on the site. In the absence of a full and accurate survey, there is no confidence impacts can be adequately mitigated and on this basis that a long term management strategy for the land west of the site cannot be agreed and secured to protect and enhance the biodiversity interests of the site.

- 8.71 It is considered that the lack of a full ecological survey is a material consideration in the determination of this application in as far as it is not possible to determine whether the illustrative masterplan provides a reasonable basis on which conclude the development of the nature and scale proposed by the applicant could be delivered without harm to the biodiversity interests on the site.
- 8.72 Policy CS16 seeks to prevent the loss of the best and most versatile agricultural land (Grades 1, 2 or 3a of the Natural England's Agricultural Land Classification System). The NPPF paragraph 170(b) recognises the economic and other benefits of the best and most versatile agricultural land.
- 8.73 The site is classified as mainly Grade 3b with a small area of Grade 3a around Hambrook Lodge which the applicant states is around 0.5 ha. In the context of the whole site (6.08ha), this qualitative and quantitative loss is not considered to be significant.
- 8.74 The site is bisected north to south by the River Alver. The indicative masterplan proposes that the area of the site to the west of the river which is located predominantly in Flood Zone 3 (where residential development should not be permitted) is used as open space. All residential development is proposed to be located on the land to the east of the River which is located predominantly in Flood Zone 1 where such land uses are considered appropriate in line with NPPF and its accompanying guidance. On this basis, the Environment Agency raises no objection to the principle of development subject to conditions. For this reason, Officers consider the proposal is in accordance with the NPPF and Policy CS15.

Amenity

- 8.75 Matters of scale, appearance and layout are reserved for consideration at the future reserved matters application stage. It is at that stage that the detailed consideration of these issues would need to comply with policy CS17 and the adopted design guidance SPD to ensure appropriate amenity standards. Officers are satisfied that there is sufficient flexibility and control in the description of up to 115 units that this can be satisfactorily addressed to ensure that the proposal would be policy compliant.
- 8.76 The applicant has submitted various technical reports in support of the proposal including an air quality assessment, road traffic noise assessment and odour assessment. The advice received from the Council's Environmental Health team is that, subject to planning conditions being imposed, there are no concerns over the outline proposals either in terms of the likely impact on future residents or from the development itself.

- 8.77 In respect of noise, mitigation will be required to achieve acceptable internal and outdoor acoustic conditions for residential purposes across the site, in particular properties on the east side of the proposed development in close proximity to Newgate Road East. Appropriate noise mitigation measures including as appropriate acoustic screening (earth bunding or acoustic barriers); careful orientation of buildings and design of internal layouts; and the need for sound insulation and acoustic glazing can be secured at the reserve matters stage.
- 8.78 In respect of odour, the proposed development is located to the east of the Peel Common Waste Water Treatment Works. There is a buffer of 175m between the proposed development site boundary and the WwTW boundary, and over 400m between the closest sensitive residential receptor.
- 8.79 The applicant has carried out an odour assessment. The detailed dispersion modelling, based on a worst case, concludes that the closest proposed residential development is below the 30uE/m³ benchmark. The advice of the Environmental Health Officer is that this level is within current acceptable standards and no objection is raised to the development.

Highways

- 8.80 Hampshire County Council, the highway authority, has provided detailed comments on this application and recommends that the application be refused.
- 8.81 The applicant has only submitted information on the cumulative highway impact of development proposed as a result of this application together with that to the north (P/18/1118/OA). The highway authority has therefore only been able to comment on the submitted information and cannot determine the impact of this development in isolation. The application cannot therefore be assessed by Officers on its individual merits. This is a significant omission and a matter that was brought to the applicant's attention prior to the submission of the appeal.
- 8.82 A single point of access to the site from old Newgate Lane is proposed to serve the proposed development. The Highway Authority is satisfied that the junction will operate acceptably in capacity terms, however the design of the site access is inadequate on highway safety grounds as articulated vehicles would overrun the centre line of both Old Newgate Lane and the site access.
- 8.83 A separate single point of access is proposed onto Newgate Lane to serve the proposed development (Application P/18/1118/OA) on land to the north. There is no through vehicular route between the two sites shown on the respective masterplans. Whilst two vehicular accesses are acceptable to the Highway Authority in the short term should both sites come forward for development, the Highway Authority would wish to see the proposed access to this application

site downgraded to a pedestrian/cycle/ emergency access point only. Notwithstanding the substantive reasons for refusal on highway grounds, Officers advise that this matter could be satisfactorily controlled via planning condition if both developments were to be granted planning permission.

- 8.84 The Highway Authority accept that the provision of cycling and walking facilities and access to sustainable transport are generally of an acceptable standard subject to highway contributions towards bus services, crossing improvements at Woodcote Lane/Brookers Lane and improvements to routes to school. These would need to be secured through a s106 agreement.
- 8.85 Off-site works would be required to improve the vehicular junction of Old Newgate Lane and Newgate Lane East to accommodate the development traffic. Based on the information submitted by the applicant, the Highway Authority are not satisfied that the development traffic can be accommodated adequately on the highway network without detriment to highway safety at the junction of Old Newgate Lane and Newgate Lane East.
- 8.86 In terms of the wider highway network, the Highway Authority advise that the forecast cumulative impact of development traffic at the Speedfields Park roundabout and HMS Collingwood signalised junction, the Peel Common signalised roundabout and the Newgate Lane East/Longfield Avenue/Davis Way roundabout is considered acceptable.
- 8.87 The Highway Authority comments are set out in summary in the consultation section of this report. There are a number of outstanding issues that need to be addressed and as such a recommendation of refusal has been made on the grounds that the proposed access is inadequate to accommodate the development safely resulting in an unacceptable impact on the safety of users of the development and adjoining highway, that there would be an unacceptable impact on the junction of old Newgate Lane/Newgate Lane East and due to lack of an acceptable Travel Plan and no agreement of sustainable transport contributions contrary to the NPPF and Local Plan Policy CS5.
- 8.88 Gosport Borough Council have also raised concern over the potential for the development to negate the benefits of the improvements at Newgate Lane with a negative impact on traffic flows and increased congestion to the detriment of Gosport residents and the local economy including accessibility to the Solent EZ at Daedalus.
- 8.89 In light of the above analysis Officers consider that the proposal would have unacceptable environmental and traffic implications contrary to criteria (v) of DSP40.

e) Other Matters

Affordable Housing

- 8.90 The proposal includes the provision of 40% affordable housing. Subject to appropriate size, mix and tenure being agreed to meet the identified local need to comply with Policy CS18, officers consider this acceptable and appropriate to secure via a Section 106 legal agreement.

Open Space, Play Provision, Green Infrastructure and Connectivity

- 8.91 On site open space is proposed and is shown illustratively on the submitted plans. As part of a Section 106 legal agreement, it is considered appropriate to secure a plan to accompany the agreement to ensure that an area of open space is provided between the River Alver and Newgate Lane. This is to secure green infrastructure and vehicular, pedestrian and cycle connectivity.
- 8.92 In respect of play provision and in accordance with the Council's adopted Planning Obligation SPD, the proposed number of units would require the provision of a Locally Equipped Area of Plan (LEAP). This could be secured via a Section 106 legal agreement.

Effect upon Local Infrastructure

- 8.93 Concerns have been raised over the effect of the number of dwellings on schools, doctors and other services in the area.
- 8.94 Hampshire County Council have identified a need to increase the number of primary and secondary school places within the area to meet needs generated by the development. A financial contribution can be secured through the Section 106 legal agreement.
- 8.95 The difficulty in obtaining doctor's appointments and dental services is an issue regularly raised in respect of new housing proposals. It is ultimately for the health providers to decide how they deliver their services. A refusal on these grounds would not be substantiated.
- 8.96 The Lead Flood Authority are content with the general principles for the surface water drainage proposals.

f) The Planning Balance

- 8.97 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications:

"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".

8.98 As set out above, the effect of Paragraph 177 of the NPPF is that:

"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site".

8.99 In this instance Officers have identified likely significant effects on a habitats site. Officers acknowledge that likely significant effects could be addressed by securing a payment towards the SRMS to mitigate the impact of recreational disturbance. However, appropriate mitigation for the loss of a low use Brent geese and waders site has yet to be defined and therefore it cannot be concluded that there will not be an adverse effect on the integrity of a EPS.

8.100 In light of the overriding reasons for refusal Officers have not undertaken an Appropriate Assessment. Accordingly the presumption in favour of sustainable development set out at Paragraph 11 of the NPPF does not apply.

8.101 The site is outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of Local Plan Part 2: Development Sites and Policies Plan.

8.102 Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations which is engaged as this Council cannot demonstrate a 5YHLS. Officers have also given due regard to the updated 5YHLS position report presented to the Planning Committee elsewhere on this agenda and the Government steer in respect of housing delivery.

8.103 In weighing up the material considerations and conflict between policies; the development of a greenfield site weighted against Policy DSP40, Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS fulfilling the first test of the policy, however it is not well related to the existing urban settlement boundaries such that it can be integrated with those settlements, failing the second test of DSP40.

8.104 The site is located within the Strategic Gap and is not sensitively designed to reflect the area's existing character whilst minimising any adverse impact on the countryside. The FLA concluded that there is very limited scope to

accommodate development without a significant impact on the integrity of the area's character and the role it performs in maintaining the separate identity and character of the settlements and their landscape settings. For this reason, Officers consider that the proposed development would be contrary to Policy DSP40(iii).

- 8.105 Officers also consider that the proposal would be contrary to Policy DSP40(v). In the absence of a full and accurate ecological survey, there is no confidence that a long term management strategy for the land west of the site can be secured to protect and enhance the biodiversity interests of the site which includes a substantial population of Chamomile.
- 8.106 Officers are satisfied that there are no outstanding amenity issues which cannot otherwise be addressed through planning conditions and obligations, notwithstanding that Southern Water have raised concerns regarding the proximity of the site to the Peel Common WWTW. There would be however be an unacceptable environmental impact through the loss of a Low Use site for Brent geese and waders, for which there is currently no detailed proposals for mitigation. The proposals would also have an unacceptable impact on highway safety. The application is therefore contrary to the fifth test of DSP40.
- 8.107 Affordable housing as 40% of the units, along with the delivery of onsite open space, and play provision can be secured through a planning obligation. The section 106 planning obligation could also secure an education contribution.
- 8.108 In balancing the objectives of adopted policy which seeks to restrict development within the countryside and strategic gap alongside the shortage in housing supply, Officers acknowledge that the proposal could deliver up to 115 dwellings, including affordable housing, in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply is a substantial material consideration, in the light of this Council's current 5YHLS.
- 8.109 The conflict with development plan policy CS4,CS14, CS22 and DSP13, would ordinarily result in this proposal being considered unacceptable. However, in light of the Council's lack of a five-year housing land supply, development plan policy DSP40 is engaged and Officers have considered the scheme against the criterion therein. The scheme is not considered to satisfy the five criteria and in the circumstances, officers consider that the benefits of granting planning permission would not outweigh the harm identified above.
- 8.110 In light of this assessment, and taking into account all other material planning considerations, Officers recommend that planning permission should not be granted for this application. A recommendation for refusal is set out below at

paragraph 9.1.

- 8.111 This balancing exercise has been made under Section 38(6) of the 2004 Act as set out above, however if the likely significant effects of the development on habitats sites had been addressed and an Appropriate Assessment had concluded no adverse effects on the integrity of the habitats sites, the presumption in favour of sustainable development, as set out in NPPF paragraph 11, would apply. However, as it stands, the proposal does not accord with the development plan and the report above has shown how the proposal is contrary to the NPPF in that it fails to appropriately secure mitigation of the likely adverse effects on the integrity of European Protected Sites arising as a result of the loss of a Low Use site for Brent geese and waders, which provide a clear reason for refusing the development.
- 8.112 Finally, even if those reasons for refusal were not in place, Officers consider that 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.
- 8.113 Members are invited to confirm that had they had the opportunity to determine the application they would have REFUSED it for the following reasons:

9.0 ***Recommendation***

- 9.1 The development is contrary to Policies CS2, CS4, CS5, CS6, CS14, CS15, CS17 and CS22 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP6, DSP13 & DSP40 of the Adopted Local Plan Part 2: Development Site and Policies Plan, paragraphs 103, 109 and 110 of the NPPF and is unacceptable in that: and is unacceptable in that:
- a) The provision of residential development in this location would be contrary to adopted Local Plan policies which seek to prevent additional residential development in the countryside;
 - b) The proposed development fails to respond positively to and be respectful of the key characteristics of the area and would be harmful to the character and appearance of the countryside;
 - c) The provision of development in this location would significantly affect the integrity of the strategic gap and the physical and visual separation of settlements;
 - d) The application site is not sustainably located adjacent to, well related to or well integrated with the existing urban settlement boundaries;

- e) Insufficient information has been submitted to adequately assess the highways impacts arising from the proposed development;
- f) The proposed access is inadequate to accommodate the development safely;
- g) The proposed development would have an unacceptable impact on the junction of old Newgate Lane / Newgate Lane East resulting in a severe impact on the road safety and operation of the local transport network;
- h) The proposed development provides insufficient support for sustainable transport options;
- i) The proposal provides insufficient information to protect and enhance the biodiversity interests of the site which includes a substantial population of Chamomile;
- j) In the absence of a legal agreement to secure such, the proposal fails to appropriately secure mitigation of the likely adverse effects on the integrity of European Protected Sites which, in combination with other developments, would arise due to the impacts of recreational disturbance;
- k) In the absence of a legal agreement to secure such, the proposal fails to appropriately secure mitigation of the likely adverse effects on the integrity of European Protected Sites which, in combination with other developments, would arise as a result of the loss of a Low Use site for Brent geese and waders;
- l) In the absence of a legal agreement to secure contributions to open space and facilities and their associated management and maintenance, the recreational needs of residents of the proposed development would not be met;
- m) In the absence of a legal agreement to secure contributions to education, the needs of residents of the proposed development would not be met;
- n) 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 the 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.

Note for information:

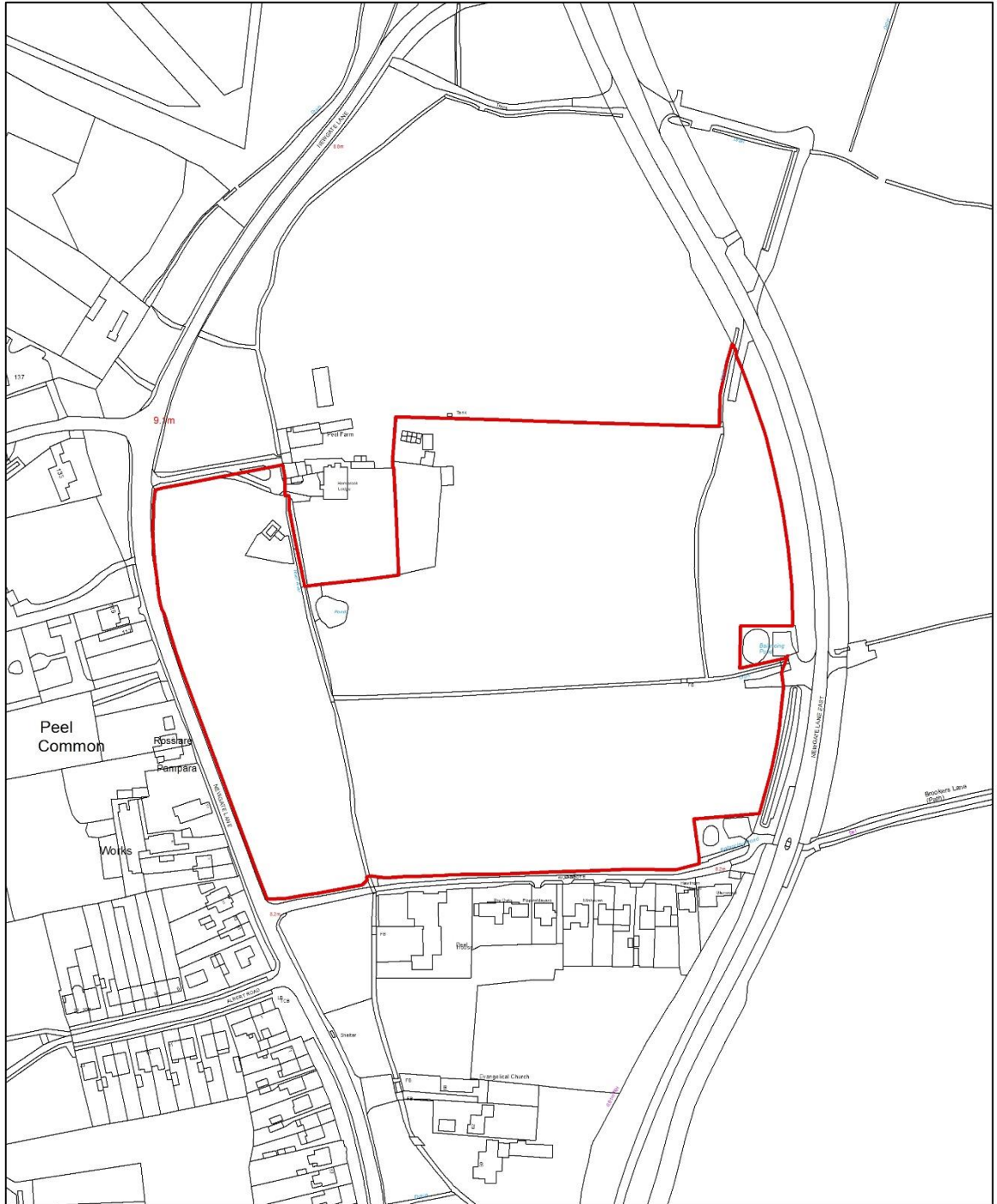
Had it not been for the overriding reasons for refusal to the proposal, and had the Local Planning Authority been in a position to determine the application, the Local Planning Authority would have sought to address points j) - n) above by inviting the applicant to enter into a legal agreement with Fareham Borough Council under Section 106 of the Town & Country Planning Act 1990.

10.0 Background Papers

P/19/0460/OA

FAREHAM

BOROUGH COUNCIL



Land at Newgate Lane (South)

Scale 1:2,500

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Agenda Item 7(3)

OFFICER REPORT FOR COMMITTEE

DATE: 20/05/2020

P/20/0212/FP
EVERYONE ACTIVE – FAREHAM
LEISURE CENTRE

FAREHAM NORTH
AGENT: GT3 ARCHITECTS

TWO STOREY EXTENSION TO EXISTING LEISURE CENTRE, COMPRISING DOUBLE HEIGHT CLIMBING ZONE, STUDIO SPACE, EXTENSION TO EXISTING FITNESS SUITE, SOFT PLAY AREAS, PARTY ROOMS AND A MULTI-PURPOSE ROOM. REFURBISHMENT OF EXISTING LEISURE CENTRE, SPLASH PAD ADDED TO POOL AREA. SUB-STATION WITHIN CAR PARK AND CAR PARK EXTENSION. ENTRANCE CANOPY ABOVE MAIN LEISURE CENTRE ENTRANCE. HARD LANDSCAPING WORKS TO CONNECT PROPOSED EXTENSION TO EXISTING PATHWAYS

FAREHAM LEISURE CENTRE, PARK LANE, FAREHAM, PO16 7JU

Report By

Peter Kneen – direct dial: 01329 824363

1.0 *Introduction*

1.1 The application has received more than five third party letters regarding the planning application, comprising a mix of letters of support, objection and general comments on the proposals.

2.0 *Site Description*

2.1 The application site is located within the designated urban area of Fareham, to the northwest of the main town centre. The site is located within Fareham Park, known as Park Lane Recreation Ground. The site is located on the western side of Park Lane, which forms a key connector road, linking the western end of the Town Centre to the A32 and Junction 10 of the M27. Park Lane is well served by buses and will form a priority bus route linking Fareham town to Welborne.

2.2 The Park is bounded by residential properties and in addition to the leisure centre provides lawn bowls, a skateboard park, outdoor gym equipment, playground and tennis courts. To the north of the main Leisure Centre is the existing main surface car park serving both the leisure centre and the other park users, providing 297 car parking spaces. There is also a smaller surface car park to the western side of the park, accessed via Leigh Road.

3.0 Description of Proposal

- 3.1 The application proposal comprises many separate aspects, including the provision of a large, two storey extension to the southern aspect of the building, a replacement entrance canopy to the northeast corner of the building and replacement enhanced plant equipment.
- 3.2 In addition, the scheme includes a new electricity sub-station to be located on the eastern boundary of the site, adjacent to Park Lane, and the enlargement of the car park to provide an additional 31 car parking spaces.
- 3.3 Internally the Centre will be partially reconfigured to increase the size of the main fitness suite, provision of a new 'spinning' studio and 'holistic' studio, together with a new climbing zone, and enlarged café facility. There will also be a new Splash Pad created adjacent to the swimming pool.
- 3.4 The planning application has been supported by a complete set of plans, detailed Design and Access Statement, Flood Risk and Drainage Report, Tree Report, Ecological Report and Bat Emergence Survey, and a Transport Assessment.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS5	Transport Strategy and Infrastructure
CS6	The Development Strategy
CS7	Development in Fareham
CS15	Sustainable Development and Climate Change
CS17	High Quality Design
CS21	Protection and Provision of Open Space

Adopted Development Sites and Policies

DSP1	Sustainable Development
DSP2	Environmental Impact
DSP3	Impact on Living Conditions
DSP52	Community Facilities
DSP53	Sports Provision

Other Documents:

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

5.0 Relevant Planning History

- 5.1 The following planning history is relevant:

P/14/0467/FP	Proposed new external cladding and decorative features
APPROVED	13/06/2014
P/14/0365/FP	Form 2no. new window openings to West Elevation. Replacement of 2no. means of escape doors to West Elevation. Partial infill of an existing door opening to North Elevation
APPROVED	06/06/2014
P/13/1104/FP	Erection of temporary swimming pool and building until November 2014 on a section of the car park to the north of the building
APPROVED	30/01/2014

6.0 Representations

6.1 Twenty-three third party letters have been received regarding the application proposal. No objections have been received regarding the proposed extension to the building itself. Several of the letters are generally supportive of the proposals, although some have raised comments regarding several aspects of concern for the scheme. The key objections to the proposals and general comments of concern are set out below:

- Loss of the squash courts within the Centre;
- Concern about additional noise disturbance from increased plant equipment for the air conditioning and swimming pool;
- Lack of additional cycle parking provision;
- Concern about noise and pollution bringing the car park closer to Park Lane;
- Land drainage concerns;
- Lack of environmentally friendly provisions in the development; and,
- Loss of green space adjacent to car park.

6.2 In addition to the third party letters, a petition with almost 170 signatories has been submitted seeking the retention of the squash courts within the centre. Further consideration of the petition and the loss of the squash courts is set out in Section 8.0(e) below.

7.0 Consultations

EXTERNAL

Hampshire County Council: Highway Authority

7.1 No objection was raised, subject to conditions.

INTERNAL

Environmental Health (Noise and Pollution)

7.2 No objection, subject to conditions.

Environmental Health (Contaminated Land)

7.3 No objection.

Ecology

7.4 No objection, subject to conditions.

Open Spaces Manager

7.5 No objection to the small loss of underused amenity space. The scheme will increase the natural surveillance across the southern aspects of the Park.

Tree Officer

7.6 No objection, subject to conditions.

8.0 Planning Considerations

8.1 The following matters represent the key material planning considerations which would need to be assessed to determine the suitability of the development proposal. The key issues comprise:

- a) Loss of designated Open Space;
- b) Impact on the living conditions on neighbouring occupiers;
- c) Highways and parking;
- d) Design and visual appearance; and,
- e) Other matters.

a) Loss of Designated Open Space

8.2 The application site, located within Park Lane Recreation Ground is a designated area of public open space, and the construction of the southern extension to the Leisure Centre would result in the loss of approximately 0.06ha of this designation. In total the Recreation Ground extends to some 8.26ha (excluding the Leisure Centre and the two car parks), and therefore the development of the Leisure Centre extension would amount to a loss of 0.7% of the total area, and its loss would be replaced by improved indoor leisure activity.

8.3 The area of the Recreation Ground to be lost represents a small area of grassed open space, intersected by paths accessing fire escapes from the

building. The loss of this area of the site has been subject to consultation with the Council's Open Spaces Manager, who has raised no objection, commenting that this area of the park is underused. Policy CS21 seeks to protect existing open spaces, unless it is of a poor quality, under-used, or has low potential for open space... In accordance with the provisions of Policy CS21, the loss of this under-used area of the Recreation Ground would be better used as part of the Leisure Centre, providing all year use of a poorly used part of the park.

- 8.4 It is therefore considered the loss of this small part of the Recreation Ground complies with the requirements of Policy CS21 and is therefore acceptable.
- 8.5 In addition, it is noted that a third party raised concerns regarding the loss of green space between the car park and Park Lane to create an additional 31 car parking spaces. The need for additional car parking provision is considered later in this report. However, the extension to the car park will result in the loss of approximately 0.07ha of grassed amenity space between the car park and Park Lane. Three mature trees would be protected as would the mature hedgerow along the boundary of the site.
- 8.6 The provision for car parking was amended during the course of the application to allow for the already agreed cycle path which will be created adjacent to the extended car park, to form part of the Welborne to Fareham Town Cycle Path. The loss of this amenity land is considered preferable to further loss of designated open space to the west of the car park and will be well screened by the retained hedging and trees.
- 8.7 Further, compensatory landscaping is subject to an appropriately worded planning condition to mitigate the loss of the grassed amenity spaces. Therefore it is considered that the proposed extensions to the Leisure Centre and car park are acceptable and would not result in a significant loss of well used elements of the Recreation Ground.

b) Impact on Living Conditions of Neighbouring Occupiers

- 8.8 The proposed extensions to the building are located a considerable distance to the nearest residential properties, with the closest to the main extension being over 50 metres away (2 William Prince Gardens), with the properties on Colenso Road over 150 metres away. The relative distance to these properties, together with intervening roads means no unacceptable adverse impact on their living conditions will be created by the proposed extension.
- 8.9 The car park extension will result in additional car parking spaces created closer to Park Lane, reducing the level of separation from the nearest residential property (8 Park Lane) from approximately 46 metres to

approximately 36 metres. The mature trees and native hedgerow along the boundary of the site would be retained. Whilst the car parking provision would be moved closer by 10 metres to the nearest residential property, the site is located on the opposite site of Park Lane, and with the retention of the trees and hedging, the level of separation is considered to be acceptable, and unlikely to result in an unacceptable adverse impact on the living conditions of nearby residents above that of the existing situation.

- 8.10 The primary concern raised by third parties relates to the noise disturbance caused by the potential increase in plant equipment on the building. Several residents have raised concerns regarding the existing noise situation, something which has become more prevalent since the Leisure Centre's closure due to the coronavirus pandemic which has resulted in the switching off of the plant equipment. New and additional plant equipment is proposed for the Leisure Centre. The climbing zone area will be naturally ventilated using windcatchers within the roof. The Council's Environmental Health Officer has raised no objection to the proposals, subject to a condition requiring the plant and ventilation equipment being installed in accordance with British standards to ensure the rating level of the additional plant should be 5dB below background levels at the nearest noise sensitive receptor.
- 8.11 Therefore, having regard to the above, and subject to an appropriately worded planning condition regarding noise attenuation, it is considered unlikely that the proposed development will have an unacceptable adverse impact on the living conditions of nearby residential properties, in accordance with Policies DSP2 and DSP3.

c) Highways and Parking

- 8.12 The planning application has been supported by a Transport Assessment which identifies that the proposed development will not result in a significant impact on the local highway network. Park Lane is a main connector road within the town, linking the A32 to the western part of the Town Centre. Park Lane is well served by buses, and the Fareham Railway Station is located only a 15-minute walk away.
- 8.13 The site is therefore situated in a sustainable location, accessible via buses and trains, whilst also within reasonable walking distance to a large proportion of the residents of the wider Fareham town area.
- 8.14 In terms of car parking provision, the existing car park provides for almost 300 car parking spaces, including 10 disabled car parking spaces. The proposal includes the provision of a further 31 car parking spaces, which would increase to overall total to 316 spaces. The Council's adopted Non-Residential Car Parking Standards does not set a car parking standard for

Gyms and Leisure Centres, with the closest example applicable being Children's Play Centre. This requires the provision of 1 space per 20sqm of play area. The total proposed floor area of the Leisure Centre would equate to approximately 7,400sqm, although only approximately 5,400sqm comprises 'play area', excluding corridors and changing facilities and the reception area. Based to this assessment, the car parking requirement for the site would equate to a provision of 270 car parking spaces. Whilst this assessment is based on the requirement for a children's play centre and not a leisure centre, the additional provision of almost 60 spaces would be considered acceptable to accommodate the requirements of the proposed enlarged Centre.

- 8.15 The Leisure Centre currently has cycle parking comprising 15 'Sheffield' stands, which can secure approximately 30 bicycles. There is currently no covered cycle parking available. The provision of cycle parking has been assessed by the Highway Consultant in discussion with the Leisure Centre Manager. The existing provision is considered to be acceptable to meet existing and future demands at the Centre.

d) Design and Visual Appearance

- 8.16 The design and appearance of the scheme has been carefully considered by the Architects who submitted the application. The existing building was externally renovated following the 2014 planning permission for the replacement of the cladding to the eaves of the building. The 2014 planning permission comprises mixed width bands of colours along the cladding to comprising bands on red, green and grey stripes. The single storey elements comprise only red cladding around the entrance way, with white rendered sections. The main two storey building also comprises two tone red/buff coloured bricks for the majority of the elevations below the striped fascias, with darker bricks for the supporting columns.
- 8.17 The proposed extensions to the building comprise the two storey extension to the southern elevation of the building and the replacement canopy on the northeast side of the building, above the main entrance. These two new elements will introduce additional materials to the existing palette of materials and would comprise additional cladding the for the majority of the new elevations, comprising mixed width vertical stripes, like the existing fascia, but in three synthetic tones of timber, Italian Walnut, Harmony Oak and Elegant Oak. At the lower ground floor area, the proposals includes the provision of a grey brick.
- 8.18 The replacement canopy would see the existing flat roofed grey canopy with a taller, flat roofed structure, with the three tone timber cladding on the elevation and ceiling, and a mix of dark grey and black vertical striped cladding to the ends of the canopy and eaves/fascias.

8.19 The proposals would increase the mixture and palette of materials on the building, however the existing architecture of the building is typical of a building of its age, and the modern use of materials for the proposed extension, making use of natural colours (within the timber effect cladding system) will help integrate the visual appearance of the building within the parkland setting. Primary views of the building from the south, southeast and east along Park Lane will be through the existing hedgerow and tree planting along the eastern side of the park. Therefore, the use of more natural hues will ensure the building sits comfortably within Park Lane Recreation Ground, whilst also creating more interest to views of the building from the surrounding area. The alterations will also enable, for the first time, users within the Centre views out across the open space, increasing natural surveillance.

8.20 The proposed extensions are therefore considered to be acceptable and will sit comfortably with the existing palette of materials, complying with the key requirements of Policy CS17: High Quality Design.

e) Other Matters:

8.21 **Ecology:** The application has been supported by a detailed Ecological Survey and separate Bat Emergence Survey. This identified that the Leisure Centre building does not contain any bat roost which would be affected by the proposed development. Only limited bat movements were noted at the site, foraging along the hedgerow to the eastern boundary of the Park. The Ecology Survey and Bat Emergence Survey have been assessed by the Council's Ecologist, who has raised no objection to the development, subject to the provision of an appropriate biodiversity enhancement scheme to compensate for the loss of the parkland.

8.22 **Trees and Landscaping:** The application has been supported by a detailed Tree Survey of the trees adjacent to the proposed car park extension. Subject to the provision of Method Statement, which is to be required by Condition before works commence, the Council's Tree Officer does not consider that the proposals would have a detrimental impact on the three retained trees along the eastern side of the car park.

8.23 In addition, some compensatory landscaping would be required to address the partial loss of green space within the Park. The proposal includes the provision of additional paths around the proposed extension to maintain connectivity, although no compensatory soft landscaping is proposed, sought by the Council's Ecologist. The provision of additional soft landscaping has been discussed with the applicant and the Council's Open Spaces Manager, and the provision of soft landscaping has been agreed, subject to an

appropriately worded planning condition, whereby suitable details need to be submitted prior to the opening of the proposed extension.

8.24 Loss of the Squash Courts: The application has received a petition to the planning application, and the majority of the third party responses to the application relate solely to the loss of the three squash courts within the Leisure Centre. Several comments have also been raised that the loss of the courts represents a conflict with Policy DSP53. However, Policy DSP53 seeks to protect sports facilities, for which the Leisure Centre is a sports facility. The Leisure Centre is being expanded to meet current demands and in order to remain competitive with other similar local facilities. The Leisure Centre is a D2 Assembly and Leisure use as defined by the Use Classes Order 1987 (as amended), and provided that use does not change, the Council in its capacity as the Local Planning Authority is not able to insist on the types of leisure activities that take place within the building. Whilst some may consider it regrettable that the squash courts will be lost as a result of the development, this does not represent a material consideration to the determination of this planning application. The 'sports facility' as defined by Policy DSP53 is the Leisure Centre as a D2 use, which is proposed to be expanded, meeting the requirements of this policy.

8.25 If the Leisure Centre decided to make internal modifications to retain the squash courts, in part or as a whole, this would not require a further grant of planning permission as the overall use of the facility would be unchanged. It is therefore considered that the proposals accord with Policies of the adopted Local Plan and are acceptable.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development hereby permitted shall be commenced within three years of the date of this decision.

REASON: To allow a reasonable time period for works to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.

2. The development hereby permitted shall be undertaken strictly in accordance with the following approved documents/drawings:
 - a. Existing Location Plan (Drawing: 18052-GT3-02-ZZ-DR-A-(08)0001 – Rev P01);
 - b. Existing Site Plan (Drawing: 18052-GT3-02-ZZ-DR-A-(08)0002 – Rev P01);
 - c. Proposed Site Plan (Drawing: 18052-GT3-02-DR-ZZ-A-(08)0003 – Rev P02);

- d. Existing Lower Ground Floor Plan (Drawing: 18052-GT3-02-00-DR-A-(08)0004 – Rev P01);
- e. Existing Ground Floor Plan (Drawing: 18052-GT3-02-01-DR-A-(08)0005 – Rev P01);
- f. Existing Roof Plan (Drawing: 18052-GT3-02-R1-DR-A-(08)0006 – Rev P01);
- g. Proposed Lower Ground Floor Plan (Drawing: 18052-GT3-02-00-DR-A-(08)0007 – Rev P02);
- h. Proposed Ground Floor Plan (Drawing: 18052-GT3-02-01-DR-A-(08)0008 – Rev P02);
- i. Proposed Roof Plan (Drawing: 18052-GT3-02-R1-DR-A-(08)0009 – Rev P02);
- j. Proposed Extension – Lower Ground Floor Plan (Drawing: 18052-GT3-02-00-DR-A-(08)0010 – Rev P02);
- k. Proposed Extension – Ground Floor Plan (Drawing: 18052-GT3-02-A-(08)0011 – Rev P02);
- l. Proposed Extension – Roof Plan (Drawing: 18052-GT3-02-A-(08)0012 – Rev P02);
- m. Existing Site Elevations (Drawing: 18052-GT3-02-ZZ-DR-A-(08)0013 – Rev P01);
- n. Proposed Site Elevations (Drawing: 18052-GT3-02-ZZ-DR-A-(08)0014 – Rev P02);
- o. Proposed Extension Elevations (Drawing: 18052-GT3-02-ZZ-DR-A-(08)0015 – Rev P02); and,
- p. Proposed Entrance Canopy Elevations (Drawing: 18052-GT3-02-ZZ-DR-A-(08)0016 – Rev P01).

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

3. The development hereby permitted shall be constructed using external materials and finishes to match those as specified within the submitted planning application forms. There shall be no deviation from those approved materials and finishes unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the satisfactory appearance of the development.

4. No development shall commence on site until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). The Construction Management Plan shall address the following matters:

- a) How provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;

- b) the measures the developer will be implementing to ensure that operatives'/contractors/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;
- c) the measures for cleaning the wheels and underside of all vehicles leaving the site;
- d) a scheme for the suppression of any dust arising during construction or clearance works;
- e) the measures for cleaning Park Lane to ensure that it is kept clear of any mud or other debris falling from construction vehicles, and
- f) the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development.

The development shall be carried out in accordance with the approved CMP and areas identified in the approved CMP for specified purposes shall thereafter be kept available for those uses at all times during the construction period, unless otherwise agreed in writing with the LPA. No construction vehicles shall leave the site unless the measures for cleaning the wheels and underside of construction vehicles are in place and operational, and the wheels and undersides of vehicles have been cleaned.

REASON: In the interests of highway safety and to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period. 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 the potential impacts described above.

5. No development shall proceed beyond damp proof course level until a landscaping scheme identifying the species, planting sizes, planting distances, density, numbers, surfacing materials and provisions for future maintenance of all new planting, including all areas to be grass seeded and turfed and hardsurfaced, has been submitted to and approved by the Local Planning Authority in writing.
REASON: In order to secure the satisfactory appearance of the development; in the interests of the visual amenities of the locality and to provide compensatory habitat mitigation for the loss of open space.
6. The landscaping scheme, submitted under Condition 5, shall be implemented and completed within the first planting season following the commencement of the development or as otherwise agreed in writing with the Local Planning

Authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

REASON: To ensure the provision, establishment and maintenance of a standard of landscaping.

7. No development shall proceed above damp proof course level until a scheme of biodiversity enhancements to be incorporated into the development has been submitted to and approved in writing by the Local Planning Authority. The development shall subsequently proceed in accordance with such approved details.

REASON: To enhance biodiversity on the site.

8. The noise from the additional and replacement plant equipment to be installed on the roof of the building must be 5 dB below background level at the nearest noise sensitive receptor when assessed using BS4142:2014 (Methods for Rating and Assessing Industrial and Commercial Sounds). A suitable assessment must be submitted to and approved in writing by the Local Planning Authority within 3 months of the completion of the development demonstrating compliance with the above standard.

REASON: In the interests of residential amenity for neighbouring occupiers.

9. The development hereby permitted shall not be brought into use unless and until the additional car parking provision, as set out on the approved plans has been provided. Once implemented, the car parking provision shall be retained for that use for the lifetime of the development.

REASON: The car parking provision on site has been assessed in light of the provision of visitor parking spaces so that the lack of these additional spaces may give rise to on street parking problems in the future.

10. No development shall commence on the extended car park and electricity sub-station until the measures of tree and hedgerow protection submitted and approved as part of the planning permission have been implemented and these shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the 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. 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 the potential impacts described above.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that order with or without modification), the development hereby approved shall only be used for purposes within Class D2 (Assembly and Leisure) of the Schedule to the Town and Country Planning (Use Classes) Order 1987) (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification, and for no other use permitted by Schedule 2, Part 3, Class T of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

REASON: To protect the occupiers of the nearby residential properties from possible disturbance from permitted uses other than that specifically granted through this permission.

12. The premises shall not be open for customers outside the following hours: -
06:00 hrs to 23:00 hrs Mondays - Fridays

07:00 hrs to 23:00 hrs Saturdays/Sundays/Bank Holidays

REASON: To protect the occupiers of the nearby residential properties from possible disturbance from permitted

13. 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.

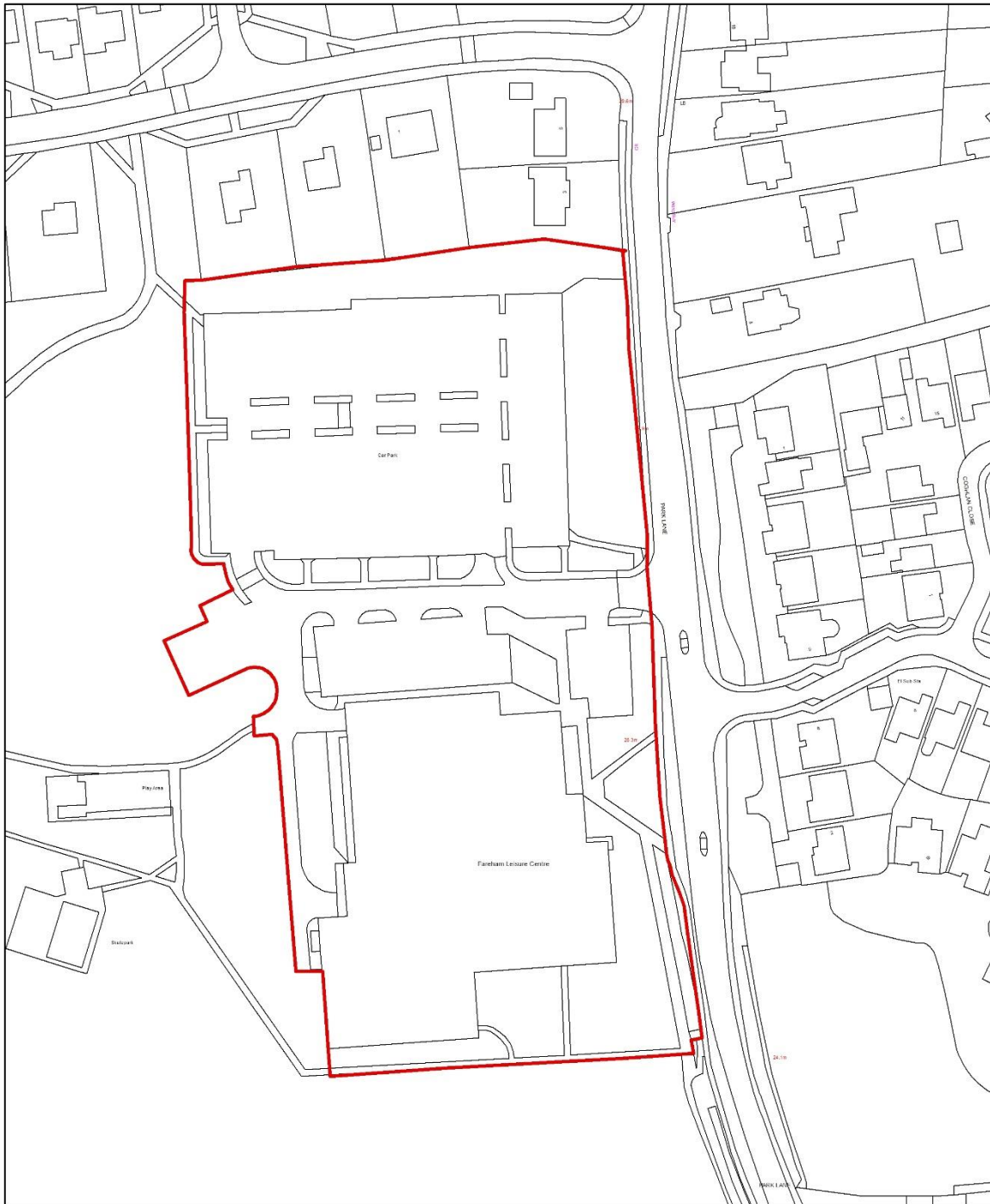
REASON: To protect the occupiers of nearby residential properties against noise and disturbance during the construction period.

11.0 Background Papers

P/20/0212/FP

FAREHAM

BOROUGH COUNCIL



Fareham Leisure Centre
Scale 1:1,250

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Agenda Item 7(4)

OFFICER REPORT FOR COMMITTEE

DATE: 24/06/2020

P/19/1193/OA
FOREMAN HOMES

TITCHFIELD
AGENT: WOOLF BOND PLANNING

OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 57 DWELLINGS, TOGETHER WITH ASSOCIATED PARKING, LANDSCAPING AND ACCESS FROM POSBROOK LANE

LAND EAST OF POSBROOK LANE, TITCHFIELD

Report By

Richard Wright – Direct Dial 01329 824758

1.0 Introduction

- 1.1 This application is being presented to the Planning Committee due to the number of third-party representations received.
- 1.2 In December 2017 the Council refused planning permission for a development of up to 150 dwellings on the land proposed by the same applicant (our reference P/17/0681/OA). A subsequent appeal was dismissed in April 2019 (PINS reference APP/A1720/W/18/3199119). The current application proposes housing development on a smaller part of that same site.
- 1.3 Members will note from the 'Five Year Housing Land Supply Position' report elsewhere on this agenda that the Council currently has a housing land supply of 2.72 years (a shortfall of 1,231 dwellings within the 5-year period).

2.0 Site Description

- 2.1 The planning application site comprises part of a field located to the south of the Bellfield housing estate and public open space on the south edge of Titchfield. The planning application site within the red edge measures approximately 4 hectares in area. A further area of land edged blue on the submitted plans measures approximately 8.4 hectares in area.
- 2.2 The site lies outside of the defined urban settlement boundaries within the countryside. The site forms part of a Strategic Gap (The Meon Gap) as designated within the adopted local plan. The site is also identified in the Solent Waders & Brent Goose Strategy as a Primary Support Area.

- 2.3 The field is currently used for the grazing of horses. Two pedestrian public rights of way (Footpaths 34 & 39) cross the site and the adjacent land to the south.
- 2.4 The western edge of the site runs alongside Posbrook Lane where there is a mature hedgerow with a field gate set within it. Two dwellings set in large plots and agricultural land lie on the opposite side of the lane. Approximately 300m to the north is the junction of Posbrook Lane with Coach Hill/Common Lane. Titchfield village centre lies to the east of this junction, Warsash to the west and access on to the A27 via St Margaret's Lane to the north. In the opposite direction to the south of the site Posbrook Lane leads to the coast and Hill Head.
- 2.5 At the south-western edge of the site is a row of substantial and mature trees along the boundary with a cluster of dwellings at Posbrooke House, Great Posbrook and Barn Close. There are two Grade II* Listed buildings in the Great Posbrook farmstead – the farmhouse and the large aisled barn. Some other houses in Barn Close are locally listed (on the Council's Local List of Buildings of Special Architectural or Historic Interest).
- 2.6 The land on which the planning application site forms part, slopes away gently from west to east towards the Titchfield Canal and River Meon. The adjacent fields to the north-east and south of the application site are shown on the submitted location plan to also be within the applicant's control as indicated by being edged blue. Beyond the application site to the east lies the Titchfield Canal. A line of trees stretches along the western bank of the canal whilst a public right of way (Footpath 48) runs alongside the other side of the canal. Beyond that is the floor of the Meon Valley before the land rises again on the opposite side of the River Meon towards Titchfield Road (B3334).

3.0 Description of Proposal

- 3.1 Outline planning permission is sought for the principle of the development of up to 57 dwellings on the site and the means of access into the site. All other matters, including appearance, landscaping, layout and scale are reserved for subsequent determination at reserved matters stage. An illustrative site plan has been provided to demonstrate how the development could be laid out on the site and the extent of landscape planting which could be provided.
- 3.2 The 'blue edged' land to the east of the application site is proposed as a Bird Conservation Area (BCA). The "red edge" of the application site cuts through the BCA so as to include proposed drainage features including a permanently wet balancing pond.

4.0 Policies

4.1 The following policies apply to this application:

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

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
CS21: Protection and Provision of Open Space
CS22: Development in Strategic Gaps

Adopted Development Sites and Policies

DSP1: Sustainable Development
DSP2: Environmental Impact
DSP3: Impact on Living Conditions
DSP5: Protecting and Enhancing the Historic Environment
DSP6: New Residential Development Outside of the Defined Urban Settlement
DSP13: Nature Conservation
DSP14: Supporting Sites for Brent Geese and Waders
DSP15: Recreational Disturbance on the Solent Special Protection Areas
DSP40: Housing Allocations

5.0 *Relevant Planning History*

5.1 The following planning history is relevant:

P/17/0681/OA	Outline Planning Application for a Scout Hut, Up to 150 Dwellings, Community Garden, Associated Landscaping, Amenity Areas And A Means of Access From Posbrook Lane
REFUSE	14/12/2017 APPEAL DISMISSED 12/4/2019

6.0 *Representations*

6.1 One hundred and thirty-seven objections have been received in response to this application being made raising the following material planning considerations:

General

- Previous appeal decision
- Impact on schools, doctors and other local services
- Other land should be built on instead of this site
- Site is not designated in local plan
- Development in strategic gap
- Loss of privacy
- Loss of footpaths
- Increased recreational pressure on area

Highways

- Posbrook Lane is not suitable for additional traffic
- Increase in traffic more generally
- Lack of public transport links

Environmental

- Impact on wildlife, in particular bird life and that of nearby wildlife sites
- Light and noise pollution
- Loss of agricultural land
- Nitrate pollution of water environment
- Loss of green space
- Concern over retention of boundary hedgerows
- Increased flood risk
- Sewer and drainage problems in area
- Will houses be sustainably designed?

Landscape and heritage impacts

- Visual impact on Meon Valley landscape
- Impact on heritage assets including listed buildings and Titchfield Conservation Area

7.0 Consultations

EXTERNAL

Natural England

7.1 No objection subject to Bird Conservation Area being appropriately secured and any positive nutrient budget being mitigated.

Highways (Hampshire County Council)

7.2 No objection.

Historic England

7.3 Historic England have provided pre-application advice which appears to have been incorporated into the application.

The development would see the urban edge of Titchfield encroach closer to the boundary of this historic farmstead [the two Grade II* Listed Buildings at Great Posbrook Farm] but to a much reduced extent. In Historic England's view this will change the setting of the farmstead. Most notably the medium distance views of the northern boundary of the farmstead when travelling south out from Titchfield will be lost, visually altering the setting of the farmstead by reducing the rural context it sits within.

Historic England consider that the proposals would cause a minor degree of harm to the setting of the listed buildings, which in terms of the NPPF would fall well within the less than substantial level of harm. Historic England highlight that any further encroachment on the historic farmstead's rural setting would likely warrant a greater degree of harm than has been currently identified.

Historic England has no objection to the application on heritage grounds.

Southern Water

7.6 No objection.

Flood and Water Management Team (Hampshire County Council)

7.7 No objection.

Minerals and Waste Planning Authority (Hampshire County Council)

7.8 No objection.

Archaeology (Hampshire County Council)

7.9 No objection.

Countryside Services (Hampshire County Council)

7.10 Comments awaited.

Children's Services (Hampshire County Council)

7.11 Comments awaited.

INTERNAL

Affordable Housing Strategic Lead

- 7.12 No objection subject to affordable housing mix being secured in a Section 106 legal agreement.

Ecology

- 7.13 No objection.

Trees

- 7.14 No objection.

Contaminated Land Officer

- 7.15 No objection.

Environmental Health

- 7.16 No objection.

Recycling Co-ordinator

- 7.17 No objection.

8.0 Planning Considerations

- 8.1 The following matters represent the key material planning considerations which would 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 land supply position;
- b) Residential development in the countryside;
- c) The impact on European Protected Sites
- d) Policy DSP40;
- e) Impact on heritage assets;
- f) Other matters;
- g) The Planning balance

a) Implications of Fareham's current 5-year housing land supply position

- 8.2 A report titled "Five-year housing land supply position" is reported elsewhere on this agenda. That report sets out this Council's local housing need along with this Council's current housing land supply position. The report concluded that this Council has 2.72 years of housing supply against the 5YHLS requirement meaning there is a shortage of 1,231 dwellings.
- 8.3 Officers accept that the Council cannot currently demonstrate a 5-year supply of deliverable housing sites.

8.4 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".

8.5 In determining planning applications there is a presumption in favour of the policies of the extant Development Plan, unless material considerations indicate otherwise. Material considerations include the planning policies set out in the NPPF.

8.6 Paragraph 59 of the NPPF seeks to significantly boost the supply of housing.

8.7 Paragraph 73 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.

8.8 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:

"For decision-taking this means:

- *Approving development proposals that accord with an up-to-date development plan without delay; or*
- *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, 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 proposed⁶; 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."*

8.9 Footnote 6 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 176) 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 63); and areas at risk of flooding or coastal change.”

8.10 The key judgement for Members therefore is whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole.

8.11 Members will be mindful of Paragraph 177 of the NPPF which states that:

“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”

8.12 The following sections of the report assesses 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.

8.13 In the absence of a five-year supply of deliverable housing sites, officers consider that policy DSP40 is the principal development plan policy that guides whether schemes will be considered acceptable.

b) Residential Development in the Countryside

8.14 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. Policy 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.

8.15 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.'

- 8.16 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).
- 8.17 The site is clearly outside of the defined urban settlement boundary and the proposal does not comprise one of the acceptable forms of development listed in Policy CS14. The proposal is therefore contrary to Policies CS2, CS6, CS9 and CS14 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan.

c) The impact upon European Protected Sites

- 8.18 Core Strategy Policy CS4 sets out the strategic approach to Biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policy DSP13: Nature Conservation of the Local Plan Part 2 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.
- 8.19 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.
- 8.20 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 'European Protected Sites' (EPS).
- 8.21 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 EPS 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 EPS. 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 either the local planning authority or the Planning Inspectorate, depending on who is determining the application. In this case, the competent authority is the local planning authority however no Appropriate Assessment is required to be carried out since the application is not being recommended to this committee for approval.

- 8.22 When considering the proposed development there are three main likely significant effects on EPS.
- 8.23 The first of these effects is the loss of part of a Primary Support Area (F48B) for waders and brent geese, qualifying features of the EPS, as identified in the Solent Waders and Brent Goose Strategy (SWBGS). The applicant has proposed an area of adjacent land to the east of the application site (part of the blue edged land) as a Bird Conservation Area (BCA). Outline proposals have been provided as to how the BCA would be set out, managed and maintained. It is also stated by the applicant that the Hampshire & Isle of Wight Wildlife Trust (HIWWT) have agreed to take on the BCA and manage it in perpetuity. Natural England have raised no objection to the proposals in principle.
- 8.24 If this Authority were minded to grant planning permission it would be necessary to secure the provision and future management of the BCA by way of a suitably worded set of obligations in a Section 106 legal agreement. In the absence of such an agreement, the proposal would fail to appropriately secure this mitigation.
- 8.25 The second likely significant effect on EPS relates to deterioration in the water environment through increased nitrogen. 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 EPS.
- 8.26 Achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites. Natural England have provided a methodology for calculating nutrient budgets and options for mitigation should this be necessary. The nutrient neutrality calculation includes key inputs and assumptions that are based on the best-available scientific evidence and research, however for each input there is a degree of uncertainty. Natural England advise local planning authorities to

take a precautionary approach when addressing uncertainty and calculating nutrient budgets.

- 8.27 The applicant has submitted a nutrient budget for the development. Whilst that budget shows the development would result in a reduction in the amount of nitrogen reaching the water environment, the budget has been calculated for the application site plus the adjacent blue-edged land proposed to comprise the BCA and area of public open space. Taken by itself the development would not be nutrient neutral and so would rely on this adjacent land being taken out of its current use for grazing.
- 8.28 Without a Section 106 legal agreement being in place to secure this and to restrict the use of the mitigation land in the future, and for the lifetime of the development, the proposal fails to appropriately secure such mitigation to avoid any adverse effects on EPS. If this Authority were minded to grant planning permission, further information would need to be sought from the applicant on the assumed existing land use which underpins the nutrient budget so as to demonstrate the whole of the land in question is in use for lowland grazing.
- 8.29 The third of these likely significant effects on EPS concerns recreational disturbance on the Solent coastline through an increase in population. Policy DSP15 of the adopted Fareham Borough Local Plan Part 2: Development Sites and Policies explains that planning permission for proposals resulting in a net increase in residential units may be permitted where the 'in combination' effects of recreation on the Special Protection Areas are satisfactorily mitigated through the provision of a financial contribution to the Solent Recreation Mitigation Strategy (SRMP). Had the proposal been found acceptable in all other regards the applicant would have been invited to make a financial contribution through the SRMS. In the absence however of a legal agreement to secure such a contribution, or the submission of evidence to demonstrate that the 'in combination' effects of the development can be avoided or mitigated in another way, the proposal is held to be contrary to Policy DSP15.

d) Policy DSP40

- 8.30 Policy DSP40: Housing Allocations, of Local Plan Part 2, states that:

"Where it can be demonstrated that the Council does not have a five-year supply of land for housing against the requirements of the Core Strategy (excluding Welborne) additional housing sites, outside the urban area boundary, may be permitted where they meet all of the following criteria:

- i. The proposal is relative in scale to the demonstrated 5-year housing land supply shortfall;*
- ii. The proposal is sustainably located adjacent to, and well related to, the existing urban settlement boundaries, and can be well integrated with the neighbouring settlement;*
- iii. The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps;*
- iv. It can be demonstrated that the proposal is deliverable in the short term; and*
- v. The proposal would not have any unacceptable environmental, amenity or traffic implications”.*

8.31 Each of these five bullet points are worked through in turn below:

Policy DSP40 (i)

8.32 The proposal for up to 57 dwellings is relative in scale to the 5YHLS shortfall and therefore bullet i) of Policy DSP40 is satisfied.

Policy DSP40 (ii)

8.33 The northern site boundary immediately abuts the rear gardens of dwellings within the existing adjacent urban area as well as the public open space and play area on the south side of the Bellfield estate. The overall extent of the housing development would be confined to an area all within a close distance of the urban boundary. With this in mind Officers consider that the development would be well related to and well integrated with the neighbouring settlement.

8.34 The site would also be comparatively well located to the services and facilities located within Titchfield village centre as well as the nearest bus stops on Coach Hill being a relatively short distance away.

8.35 It is considered that the second point of Policy DSP40 is satisfied.

Policy DSP40 (iii)

8.36 The third test of Policy DSP40(iii) is that the proposal is *‘sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps’*.

8.37 The proposed development would replace part of the sloping pastoral valley side of the Lower Meon Valley with housing development. It has been established at the previous appeal determined in April 2019 that the site all

forms part of the same Lower Meon Valley landscape, and that this landscape is a 'valued landscape' in terms of the NPPF paragraph 170.

8.38 NPPF paragraph 170 places a greater importance on the protection of what it terms 'valued landscapes'. It advises that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, protecting and enhancing valued landscapes.

8.39 In dealing with the previous appeal the Inspector noted the following:

“From my visit to the site and the evidence presented to me I am of the view that the appeal site shares a number of those attributes [that are above the ordinary] including the nature of the rural landscape and topography, its scenic quality and that is it representative of the valley sides character type. The site does form part of the broad visual envelope of the Lower Meon Valley and part of the landscape compartment and therefore should be considered as part of the valued landscape” (paragraph 28).

8.40 This application proposal is smaller in area to the previous application and appeal proposal for 150 houses which was refused. The current application would not cause as much harm as the appeal proposed would have in landscape and visual impact terms, mainly because it covers a smaller area and would not extend as far into the valley. However, it would still change part of the pastoral field which is an integral part of the valued landscape of the Lower Meon Valley from undeveloped land to housing development causing permanent harm. It would cause adverse effects on views from the Lower Meon Valley for many years, accepting in the long term, if proposed planting establishes and matures successfully, the proposed housing may well be softened. Planting along the eastern edge of Titchfield (north-east of the proposed housing area) would result in positive changes to views of this urban edge in the long term. The proposed development would make it harder to understand that Great Posbrook was originally a separate farmstead as the built form of Titchfield extends towards it as a consequence of the development.

8.41 Overall, the proposals would cause adverse landscape and visual impacts within the Lower Meon Valley, some of which would be permanent. It would cause permanent adverse effects on the character of the valued landscape of the Lower Meon Valley.

8.42 Officers consider that the benefits of softening the existing urban edge have been overestimated by the applicant. The Inspector agreed with the Council's view on such benefits when considering the previous appeal. He said:

“In the context of the urban settlement edge influence it is undeniable that it is there. There is a lack of screening and there is a harsh and readily visible urban edge. This however is a distinct break with the open rural field which then flows to the open agricultural fields beyond the farmstead cluster and the lower valley floor below. In my view in the wider context the urban influence is given too much weight in the appellant’s assessment and in association (?) with the sub division of the site into smaller fields adds to the reduced weight given to the effect of the proposed development” (paragraph 23).

8.43 The application site is located within a Strategic Gap (The Meon Gap). The proposed development would extend the urban edge of Titchfield further into the gap than it presently is. The previous appeal Inspector noted that despite this there would be no perception of coalescence of indeed any visual reduction of the separate settlements. There would be no demonstrable reduction in the physical separation and the gap’s integrity would not be significantly affected. The Inspector’s comments on that larger, more extensive proposal are applicable here and are a material consideration in considering the current application. Officers do not consider that the minor extension of the urban area proposed here would have a significant or material adverse effect on the integrity of the strategic gap.

8.44 In summary, the proposal fails to satisfy point three of Policy DSP40. Whilst the effect on the strategic gap would not be significant there would be adverse landscape and visual impacts on the countryside and this valued landscape which would not be minimised to an acceptable degree resulting in both short term and permanent harm to the landscape character.

Policy DSP40 (iv)

8.45 Officers consider that the proposal for 57 houses could be delivered within the short term. The proposal would therefore be in accordance with point iv of policy DSP40.

Policy DSP40 (v)

8.46 The final test of Policy DSP40 requires that the proposal does not have any unacceptable environmental, amenity or traffic implications. These issues are considered in turn below.

Environmental

8.47 The impact of the development on European protected sites has been set out earlier in this report. There are three main adverse effects on the integrity of EPS contrary to Policies CS4, DSP13 & DSP15 of the adopted local plan.

- 8.48 The Council's Ecologist has raised no objection to the proposals on the basis that any effects on protected species or habitat can either be avoided or mitigated through the use of suitable planning conditions.
- 8.49 Policy CS16 seeks to prevent the loss of the best and most versatile agricultural land. The NPPF (paragraph 170(b)) recognises the economic and other benefits of the best and most versatile agricultural land.
- 8.50 The site contains some Grade 3a, i.e. best and most versatile (BMV) agricultural land. The proposal would therefore be contrary to Policy CS16 and the permanent loss of BMV agricultural land weighs against granting planning permission in the balance of issues. However, on this point the previous appeal Inspector agreed that given the grade of land (not Grade 1 or 2), the small scale and the overall comparative effect on such land in Fareham, whilst the loss of agricultural land is negative it should be afforded only limited weight in the overall planning balance. It would not in itself justify refusing the current application.

Amenity

- 8.51 The application is in outline meaning the layout of the site and therefore relationship and distance between dwellings is yet to be proposed. Consideration of the likely impact on light to, outlook from and privacy enjoyed by neighbouring dwellings is a reserved matter for a subsequent stage of the planning process.
- 8.52 There are no adjacent land uses which would be likely to materially affect the living conditions of future residents, for example by way of noise or odour.

Highways

- 8.53 The Highway Authority Hampshire County Council have raised no objection to the application after further information was provided by the applicant to satisfy various outstanding matters.

e) Impact on heritage assets

- 8.54 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the local planning authority to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 8.55 The proposed development would bring the built form of the southern edge of Titchfield closer to the listed buildings at Great Posbrook and reduce the gap that currently exists. The historic farmstead would not be entirely subsumed by Titchfield; Titchfield and the farmstead would remain separated by a

minimum gap of around 28.5 metres. This is a relatively narrow gap and the proposed development would urbanise part of the rural hinterland of the listed buildings. As a result it would make it harder to understand that Great Posbrook was originally a separate farmstead, surrounded by open farmland, and harm the appreciation of the significance of the listed farmhouse and barn as being part of an ancient farmstead. There would as a result be some harm to the setting of these listed buildings.

- 8.56 The degree of harm to the setting of the farmstead and listed buildings has been reduced since the earlier planning appeal, by retaining a gap between the housing development which extends Titchfield Village southwards and the farmstead, and by removing the proposed housing to the east of the farmstead. The development would therefore cause less than substantial harm (at the lower end of the spectrum) to the listed farmhouse and barn. This view is supported by Historic England.
- 8.57 The proposed development would not harm the Titchfield Conservation Area nor the locally listed buildings within the Great Posbrook farmstead.
- 8.58 Policy DSP5 of the adopted local plan states that *“In considering the impact of proposals that affect the Borough’s designated heritage assets, the Council will give great weight to their conservation... Harm or loss will require clear and convincing justification in accordance with national guidance.”* It continues that *“Listed buildings will be conserved by... ensuring that development does not harm, and if desirable, enhances their settings.”*
- 8.59 NPPF paragraph 196 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.60 Heritage assets are an irreplaceable resource and the approach set out in the NPPF (paragraph 190) requires local planning authorities to take account of the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting) to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal. When considering the impact of a proposal the local planning authority should give great weight to the asset’s conservation and the more important the asset the greater the weight should be (NPPF paragraph 193). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (NPPF paragraph 194).

f) Other matters

Affordable Housing

- 8.61 The proposal includes the provision of 40% affordable housing comprising a blend of affordable tenures. Subject to appropriate size, mix and tenure being agreed to meet the identified local need to comply with Policy CS18, officers consider this acceptable and appropriate to secure via a Section 106 legal agreement.

Open Space, Play Provision and Public Rights of Way

- 8.62 The illustrative site plan does not include any provision for public open space on the application site. There is however an indication that land within the applicant's control to the south of the site would be provided as public open space although no further details are available.
- 8.63 In respect of play provision and in accordance with the Council's adopted Planning Obligation SPD, the proposed number of units would require the provision of a Locally Equipped Area of Play (LEAP). This, along with the public open space overall, could be secured via a Section 106 legal agreement and Officers would have sought clarification from the applicant on this matter had it not been for the other overriding reasons for refusal.
- 8.64 The proposal would result in the loss of a public footpath and partial diversion of another both of which cross the application site. The view of the Countryside Service at Hampshire County Council has been sought and will be reported to the Planning Committee by way of an update once received. It is anticipated however that, like the effect of the previous appeal scheme on these footpaths, the adverse effects on the public rights of way network could be addressed through suitable alternative or diverted routes being proposed and a financial contribution towards improvements to the wider network in the local area being provided by the applicant. These mitigation measures could be secured via a Section 106 legal agreement.

Effect upon Local Infrastructure

- 8.65 Concerns have been raised over the effect of the number of dwellings on schools, doctors and other services in the area.
- 8.66 Hampshire County Council have previously identified a need for improvements to local schools and further clarification and an update on this point is currently awaited from Children's Services. Based on there being a requirement for a contribution towards education provision a financial obligation could be secured through the Section 106 legal agreement.
- 8.67 The difficulty in obtaining doctor's appointments and dental services is an issue regularly raised in respect of new housing proposals. It is ultimately for

the health provides to decide how they deliver their services. A refusal on these grounds would not be substantiated.

- 8.68 The Lead Flood Authority are content with the general principles for the surface water drainage proposals.
- 8.69 Officers consider that all other technical matters raised by consultees in their responses could be addressed by way of suitably worded planning conditions.

g) Planning balance

- 8.70 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications:

“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”.

- 8.71 As set out earlier within this report, the effect of Paragraph 177 of the NPPF is that:

“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site”.

- 8.72 In this instance Officers have identified likely significant effects upon the Solent and Southampton Water Special Protection Area, a Ramsar site, Solent Maritime Special Area of Conservation and that the site is a component of the Solent Wader and Brent Goose network. In order to establish whether these likely significant effects can be sufficiently mitigated it is necessary for an appropriate assessment to be carried out. Officers have judged that the application proposals are contrary to adopted local plan policies and the policies of the NPPF. In light of this, Officers have not undertaken an Appropriate Assessment at this time. Accordingly, the presumption in favour of sustainable development set out at Paragraph 11 of the NPPF does not apply.
- 8.73 The site is outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of Local Plan Part 2: Development Sites and Policies Plan.

- 8.74 Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations which is engaged as this Council cannot demonstrate a 5YHLS. Officers have also given due regard to the updated 5YHLS position report presented to the Planning Committee elsewhere on this agenda and the Government steer in respect of housing delivery.
- 8.75 In weighing up the material considerations and conflict between policies; the development of a greenfield site weighted against Policy DSP40, Officers have concluded that the proposal satisfies three of the five policy tests (points i), ii) and iv).
- 8.76 With regards to Policy DSP40(iii), Officers consider the proposals would cause adverse landscape and visual impacts within the Lower Meon Valley, some of which would be permanent. It would cause permanent adverse effects on the character of the valued landscape of the Lower Meon Valley. The proposal therefore fails to satisfy this policy test and is also considered contrary to Policies CS14 & CS17 as a result of the harm identified to the landscape character and appearance of the countryside.
- 8.77 The development proposal would harm the setting of listed buildings when applying the statutory test under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Officers consider that the level of harm would be less than substantial. NPPF paragraph 196 advises that such harm should be weighed against the public benefits of the proposal. Whilst the harm identified is less than substantial, and at the lower end of the spectrum, the heritage assets are of a high grade (Grade II*) and great weight should be given to the conservation of these assets.
- 8.78 Officers also consider that the proposal would be contrary to Policy DSP40(v) as it would result in adverse effects on European Protected Sites and would result in the loss of BMV agricultural land.
- 8.79 In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage in housing supply, Officers acknowledge that the proposal could deliver up to 57 dwellings in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply is a substantial material consideration, in the light of this Council's current 5YHLS. In addition, the proposals include the provision of forty percent affordable housing. Added to this is the modest benefit of the additional jobs and expenditure in the locality arising from construction activity and the completed development itself. Other benefits purported by the applicant, such as the creation of the Bird Conservation Area and new public footpath, are in reality mitigation measures which offset the harm arising in various matters.

- 8.80 Officers have carefully weighed the benefits which would be delivered by the proposals, having regard for the Council's 5 year housing land supply position, against the conflict with adopted local plan policies and the policies of the NPPF, and the combination of the harm to landscape character and the setting of listed buildings. In the view of Officers, the combination of the harm caused to the character and appearance of this valued landscape and the setting of the Great Posbrook farmstead and its associated listed buildings outweigh the benefits arising from the scheme.
- 8.81 In light of this assessment, and taking into account all other material planning considerations, Officers recommend that planning permission should not be granted for this application. A recommendation for refusal is set out below at paragraph 9.1.
- 8.82 This balancing exercise has been made under Section 38(6) of the 2004 Act as set out above, however if the likely significant effects of the development on habitats sites had been addressed and an Appropriate Assessment had concluded no adverse effects on the integrity of the habitats sites, the presumption in favour of sustainable development, as set out in NPPF paragraph 11, would apply. If that were the case and the 'tilted balance' engaged, then Officers consider that 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.

9.0 Recommendation

- 9.1 REFUSE PERMISSION for the following reasons:

The development is contrary to Policies CS2, CS4, CS5, CS6, CS14, CS16, CS17 & CS18 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP5, DSP6, DSP13 & DSP40 of the Adopted Local Plan Part 2: Development Site and Policies Plan,

And paragraphs 170 and 196 of the NPPF and is unacceptable in that:

- a) The provision of residential development in this location would be contrary to adopted Local Plan policies which seek to prevent additional residential development in the countryside;
- b) The application site lies outside of 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 significant 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;

- c) The proposal would result in less than substantial harm to, and fail to preserve and enhance, the setting of nearby Grade II* Listed Buildings;
- d) The proposal would result in the loss of best and most versatile agricultural land;
- e) In the absence of a legal agreement to secure such, the proposal fails to appropriately secure mitigation of the likely adverse effects on the integrity of European Protected Sites which, in combination with other developments, would arise due to the impacts of recreational disturbance;
- f) In the absence of a legal agreement to secure such, the proposal fails to appropriately secure mitigation of the likely adverse effects on the integrity of European Protected Sites which would arise as a result of the loss of part of a Primary Support Area for Brent geese and waders;
- g) In the absence of a legal agreement to secure such, the proposal fails to appropriately secure mitigation of the likely adverse effects on the integrity of European Protected Sites which, in combination with other developments, would arise due to the additional generation of nutrients entering the water environment;
- h) In the absence of a legal agreement to secure the provision of public open space and contributions towards the associated management and maintenance of the open space, the recreational needs of residents of the proposed development would not be met;
- i) In the absence of a legal agreement to secure such, the proposal fails to make on-site provision of affordable housing at a level in accordance with the requirements of the local plan;
- j) In the absence of a legal agreement to secure contributions to education, the needs of residents of the proposed development would not be met;
- k) In the absence of a legal agreement to secure a financial contribution towards improvements to the local public rights of way network, the proposal fails to mitigate the harm from the increased usage of public rights of way as a direct result of the development.

10.0 Notes for Information

- 10.1 Had it not been for the overriding reasons for refusal to the proposal, the Local Planning Authority would have sought to address points e) - k) 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.

11.0 Background Papers

P/19/1193/OA; P/17/0681/OA

Agenda Item 7(5)

OFFICER REPORT FOR COMMITTEE

DATE: 24th June 2020

P/18/0884/FP

Warsash

Ms Hanslip

AGENT: Paul Airey Planning Associates

SIX DETACHED RESIDENTIAL UNITS AND ASSOCIATED DETACHED GARAGES INCORPORATING WETLAND CREATION.

LAND ADJOINING 79 GREENAWAY LANE, WARSASH

Report By

Rachael Hebden – direct dial 01329 824424

1.0 Introduction

- 1.1. This is a detailed planning application for 6 detached dwellings. The application was previously considered at the Planning Committee meeting in January 2019 where Members resolved to grant Planning Permission.
- 1.2. Following the resolution to grant planning permission, and before a decision notice was issued, Natural England provided new advice to Councils in light of a decision made by the European Court of Justice (known as the 'Dutch case'). The 'Dutch Case' has implications for the approach which must be taken when assessing the impact of new development upon European Protected Sites. A number of European Protected sites which would be covered by the ruling, are located in and around The Solent.
- 1.3. The case reinforced the precautionary principle which must be adopted when assessing the impact upon protected sites. Furthermore, the case also

clarified the requirement that where mitigation is needed, it should be identified at the time of carrying out an Appropriate Assessment and appropriately secured before permission is granted. This is in order for the competent authority to conclude with certainty that any mitigation proposed and secured would sufficiently mitigate any adverse effects arising from the development in question.

- 1.4. The primary concerns raised by Natural England in respect of development in this Borough, relate to the impacts of increased nitrates entering the European Sites through water and the impact of exhaust emissions from increased vehicles, upon European Sites. Based on the existing condition of The Solent water bodies and taking into account the implications of the more recent Dutch case ruling, Natural England's advice to this Council has been that any new development which would result in an increase in 'overnight' stays, should achieve nitrate neutrality in order to not have any likely significant effects.
- 1.5. Work was undertaken by Ricardo on behalf of this Council in respect of the impact of exhaust emissions upon European Sites. This work was completed in December last year and the full report has been published on the Council's website. The report concluded that "Development in Fareham can take place over the period up to 2023 as set out in this report, with no threat due to emissions to air to the ability of any European site to achieve their conservation objectives or maintain their integrity (either alone or in combination).
- 1.6. The application has been amended in response to Natural England's advice to deal with the issue of nitrates within water leaving the site impacting upon European Protected Sites. The site area has been increased by incorporating additional land to the south to enable a reedbed wetland to be included.
- 1.7. The application was re-publicised to allow members of the public to submit further comments in relation to the amended site area and proposed incorporation of a reedbed wetland. The application is included on this

agenda because the application site area has been increased in size and because more than 5 representations have been received.

- 1.8. Members will note from the 'Five Year Housing Land Supply Position' report elsewhere on this agenda that this Council currently does not have a five year housing land supply. Details regarding the scale of the shortfall are contained within the report.

2.0 Site Description

- 2.1. The application site measures 0.820 hectares and is located to the south of Greenaway Lane. The site comprises an open field which is predominantly flat with a gentle slope from the north-east corner towards the south-west.
- 2.2. A row of substantial trees fronting Greenaway Lane in addition to a treed western boundary are covered by Tree Preservation Orders. A single detached house with access direct from Greenaway Lane is located in the centre of the field but outside of the application site.
- 2.3. Residential dwellings are located to the east, west and north of the application site. To the immediate south east of the site is a private road which links Greenaway Lane to Warsash Road in the south. The Vero Industrial site is located to the south of the site.
- 2.4. The site is located outside of the defined urban settlement boundary and therefore for planning policy purposes is considered to be countryside. It is located in close proximity to Warsash local facilities.

3.0 Description of Proposal

- 3.1. Full planning permission is sought for the construction of 6, two storey dwellings with parking and soft landscaping. Access to the dwellings would be via the existing access from Greenaway Lane to no. 79. The application also proposes the creation of 2 wildlife buffers and an area of wetland. One of the wildlife buffers would be along the eastern edge of the site with the other running along the western edge and around the north western corner of the site.

- 3.2. The proposed wetland comprises a drainage ditch which would run along the southern boundary of no. 79 and plots 3-6 and link with 2 larger swales in the west of the site.
- 3.3. The application is supported by an ecological assessment, a tree report, a contamination report, a transport statement, a flood risk assessment and drainage strategy.

4.0 Policies

- 4.1. The following policies apply to this application:

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

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

Other Documents:

Fareham Borough Design Guidance Supplementary Planning Document (Excluding Welborne) 2015

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

Residential Car and Cycle Parking Standards SPD 2009

5.0 Relevant Planning History

5.1. The following planning history is relevant:

5.2. This application forms part of a wider site also submitted for Planning Permission (reference P/18/0107/OA.) The application for the wider site is an outline application which proposes the erection of up to 30 residential units and associated detached garages.

5.3. The Planning Committee on 20th June 2018 resolved to grant outline planning permission for the erection of up to 30 dwellings subject to the completion of a Section 106 legal agreement to secure:

- 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.
- Vehicular, Pedestrian and cycle access connectivity to adjoining land
- The delivery of 40% of the permitted dwellings as affordable housing.
- The application for the wider site has not yet been determined. The land on which the reedbed wetland is proposed (which increased the site area of the

application under consideration) formed part of the wider site. The incorporation of some of the land from the wider site into the application under consideration is likely to result in fewer houses being accommodated within the wider site.

6.0 Representations

6.1. A total of 21 representations have been received (13th June).

Of these representations, 1 supports the application and raised the following points:

- the proposed development is appropriate to the character of the area
- the proposed application provides the opportunity for families to build their own homes
- Natural England support the proposed use of wetlands to create nitrogen neutral schemes

6.2. The remaining 20 representations object to the application and raise the following concerns:

- The transport assessment contains a number of errors regarding local buses
- Cumulative impact of increased traffic from this application and others in the area
- Impact on Brook Lane
- Impact on Greenaway Lane
- The contribution to the 5 year housing land supply is negligible
- The proposed development should provide a contribution towards education as this site is only part of a larger site.
- The presumption in favour of development does not apply as the site is within 0.55km of a SPA and SAC
- S106 payments are unable to mitigate all the impacts of development
- Lack of information regarding: ecology; bin collection points; urban design issues; archaeology and the highway engineer's requirements.

- Doubt as to whether the land has been used for grazing for 10 years.
- The appropriate assessment should be undertaken using a precautionary approach
- The appropriate assessment undertaken in January 2019 is not sufficiently robust
- The proposed development would not be nitrogen neutral
- Further information is required regarding the type of foundations to be used
- The proposed wetlands will attract large numbers of mosquitos
- Bin collection points are out of keeping with the character of Greenaway Lane

6.3. PETITION (signed by 2,390 people)

Members attention is also drawn to the fact that a petition has been received in response to the previous draft local plan consultation. It is titled "STOP the building of 1500 new homes in Warsash, Locks Heath, Park Gate and Titchfield Common" and includes the following Statement:

We the undersigned petition the council to Stop the building of 1500 new homes in Warsash, Locks Heath, Park Gate and Titchfield Common. Whilst it is appreciated that the task is not an easy one, there are many sites that we believe the council should be looking at that are more suitable than Warsash and the Western Wards, such as Newlands Farm. We also request that FBC look at SHLAA Ref 3127 and the surrounding area of Fareham north and east of the town centre. This appears to be a prime location as it already has direct access to the motorway and easy access to the public transport links in Fareham town centre and three senior schools. Fareham centre is also an ideal place for leisure facilities, and has space for doctors etc. to service the needs of any new houses. It would inject a new lease of life into what is already an established but underused town that is essentially being allowed to slide into disrepair.

Justification:

Below are the sites that we are protesting about.

HA1 - North and South of Greenaway Lane, Warsash - 700 dwellings

HA3 - Southampton Road, Titchfield Common - 400 dwellings

HA7 - Warsash Maritime Academy, Warsash -100 dwellings

HA9 - Heath Road, Locks Heath- 71 dwellings

HA11- Raley Road, Locks Heath- 49 dwellings

HA13- Hunts Pond Road, Titchfield Common- 38 dwellings

HA14 -Genesis Community Youth Centre, Locks Heath - 35 dwellings

HA15 -Beacon Bottom West, Park Gate -30 dwellings

HA17 -69 Botley Road, Park Gate -24 dwellings

HA19- 399 - 409 Hunts Pond Road, Titchfield Common- 22 dwellings

Traffic in this area is already at a gridlock during peak hours and since the new Strawberry Fields, Hunts Pond and Coldeast developments it has doubled the time for people to get to work. Improvements on major roads and motorways will try and ease congestion but it's not satisfactory as residents will not be able to actually get to these major roads. Local roads such as Brook Lane, Osborne Road, Warsash Road and Barnes Lane cannot be made wider, they were built to service the traffic and community of small villages and the resulting influx of 3000+ cars in such a small square area will lead to more accidents. Warsash specifically is on a peninsular and the only roads in and out are Brook Lane and Warsash Road. Emergency vehicles will be unable to ensure safe response times - during rush hour it is likely they will not have space to get to their destination. The consequences will be catastrophic. Flooding is inevitable especially with recent climate changes; residents in local back garden developments are already experiencing this. Fareham is presently in trouble for poor air quality due to the amount of rush hour traffic. Bring another 3000+ cars in to the Western Wards and there will be more cases of asthma, lung disease and related illnesses - all for the surgeries with not enough resources to treat. Doctors, schools, hospitals and

emergency services are already stretched to breaking point. If the plans go ahead there will be hundreds of children needing school places. New schools might take pressure off the overcrowded ones - then the influx of new children will put it back on again. Children walking to Brookfield already face a perilous journey due to the amount of traffic on Brook Lane. Brook Lane, Lockswood, Jubilee and Whiteley surgeries struggle to cope with the amount of patients they have. They wait an unacceptable amount of time for routine appointments (1 month plus) and often have very long waits when they get to there (30 minutes plus). Emergency appointments are becoming harder to book as there are not enough doctors or time. The very young, elderly and chronically ill are already vulnerable and bearing the brunt of this - add another 1,500 homes and these overstretched surgeries will be at crisis point. There will be an increased need for care homes, for which there is just no space. Residents' health will be at risk and possibly their lives. Warsash is a place of outstanding natural beauty and home to precious wildlife such as badgers, bats and deer. The greenfield land proposed as the area for development also provides a defined strategic gap from neighbouring villages. Residents have the right to breathe clean air, have facilities, space and sufficient infrastructure and the assurance that emergency vehicles have access and can meet response times in life threatening situations. We genuinely fear for the health and safety of people in the Western Wards.

7.0 Consultations

EXTERNAL

7.1. Flood and Water Management

No objection subject to conditions.

7.2. Archaeology

The archaeological evaluation submitted confirms that no further archaeological work is required. No objection.

7.3. Southern Water

SUDS are not adoptable by sewerage undertakers, therefore the applicant will need to ensure that arrangements exist for their long-term maintenance.

An informative should be included to advise the applicant that a formal application is required for connection to the public sewerage system. The Lead Local Flood Authority need to confirm the acceptability of discharging surface water drainage into a watercourse.

7.4. HCC Children's Services

The application falls below the threshold at which a contribution is sought.

7.5. HCC Highways

No objection subject to conditions.

7.6. Natural England

Further information required.

An appropriate assessment is required to assess proposed avoidance and mitigation measures to offset recreational impact on the Solent & Southampton Water SPA sites and to ensure that the development is nitrogen neutral

Further information is required regarding the long term management and monitoring strategy for the wetland in order to conclude that it will provide effective mitigation for the lifetime of the development and not have an adverse effect on the integrity of the sites. .

No objection to the nitrogen budget provided the site areas are correct and the existing land uses are precautionary.

In addition to a resident's service charge to fund the maintenance of the wetlands, the scheme will require the payment of an agreed commuted sum to your authority to be made available to the management company (or other third party) to cover any shortfall in payments from householders and so ensure the continued delivery of the management plans.

A contribution to the Solent Recreation Mitigation Partnership Strategy is required.

INTERNAL

7.7. Public and Open Spaces

No objection

7.8. Environmental Health

No objection

7.9. Ecology

No objection subject to conditions.

7.10. Environmental Health – Contamination

No objection subject to a condition requiring works to cease if any contamination not accounted for in the remedial statement is encountered.

7.11. Housing

A financial contribution in lieu of on-site provision of affordable housing is acceptable, however it should be 40% rather than 30% as this site forms part of a wider site.

7.12. Refuse and Recycling

No objection subject to provision for a bin collection point at the entrance off Greenaway Lane.

7.13. Urban Design

Landscape character and setting-

The overall proposed layout is acceptable; however the following elements need to be addressed:

Plots 1 and 6 – the garages are too close to the boundaries which undermines the trees, landscape and setting

Construction detail of the access road and its impact on the long term stability of the TPO trees onto Greenaway Lane is required. The standard HCC detail involves significant foundation and reinforcing structures that need careful bespoke design and construction.

Design Quality

The scale and proportions of the dwellings are appropriate, however further variation is required to prevent the existing dwelling appearing awkward.

Access drives should be cellular controlled gravel with native hedging and post and rail fencing for front gardens.

Narrower accesses to each plot are required to avoid a suburban layout. The garages should also be moved further back to enhance the sense of spaciousness between plots.

Details required for all of the rear boundaries and the side boundaries of plots 1 and 6.

7.14. Trees

No objection subject to a condition.

8.0 Planning Considerations

8.1. The application was considered at the Planning Committee in January 2019. Members considered the proposed development in full and resolved to grant planning permission. After the Planning Committee resolved to grant Planning Permission, Natural England issued new advice to councils as detailed in section 1 of this report.

8.2. The site has been increased in size to incorporate a wetland which enables the nitrates to be removed from water to ensure that the proposed development is 'nitrate neutral'. The only material change to the application

since it was previously considered is therefore the increased size of the site to enable the incorporation of a reedbed wetland. All the other issues for consideration remain the same as when the committee previously considered the application in January 2019 and resolved to grant Planning Permission.

8.3. 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 land supply housing supply position (5YHLS)
- b) Residential development in the countryside
- c) Policy DSP 40
- d) Local Infrastructure
- e) Other matters, including affordable housing
- f) The planning balance

A) IMPLICATION OF FAREHAM'S CURRENT 5 YEAR HOUSING LAND SUPPLY POSITION (5YHLS)

8.4. A report titled "Five year housing supply position" is reported for Members' information elsewhere on this agenda. That report sets out this Council's local housing need along with this Council's current housing land supply position. The report concludes that this Council has 2.72 years of housing supply against the new 5YHLS requirement meaning there is shortage of 1,231 dwellings.

8.5. 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"

8.6. In determining planning applications there is a presumption in favour of policies of the extant Development Plan, unless material considerations

indicated otherwise. Material considerations include the planning policies set out in the NPPF.

- 8.7. Paragraph 59 of the NPPF seeks to significantly boost the supply of housing.
- 8.8. 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.
- 8.9. 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: "For decision-taking this means: Approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. The application of policies in this Framework that protect areas or 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."
- 8.10. The Council is currently unable to demonstrate a five year housing land supply therefore the development plan cannot be considered up-to-date. The key judgement for Members therefore is whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole.

- 8.11. Members will be mindful of Paragraph 177 of the NPPF which states that: “The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats sites (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site”.
- 8.12. The Local Planning Authority has carried out an appropriate assessment that concludes that the proposed development would not adversely affect the integrity of the habitats site, therefore the presumption in favour of sustainable development applies and the 'tilted balance' of paragraph 11 is engaged.
- 8.13. The following sections of this report assess the application proposals against the Council's adopted Local Plan 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

- 8.14. 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.
- 8.15. 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.'

- 8.16. 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).
- 8.17. The site is clearly 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) POLICY DSP40

8.18. Local Policy DSP40 states that:

8.19. "Where it can be demonstrated that the Council does not have a five year supply of land for housing against the requirements of the Core Strategy (excluding Welborne) additional housing sites, outside the urban area boundary, may be permitted where they meet all of the following criteria:

- i. The proposal is relative in scale to the demonstrated 5 year housing land supply shortfall;
- ii. The proposal is sustainably located adjacent to, and well related to, the existing urban settlement boundaries, and can be well integrated with the neighbouring settlement;
- iii. The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps
- iv. It can be demonstrated that the proposal is deliverable in the short term; and
- v. The proposal would not have any unacceptable environmental, amenity or traffic implications.

8.20. Each of these five bullet points are considered further below.

POLICY DSP40 (i)

8.21. Members will note from the 5 Year Housing Land Supply Position that the present shortfall of dwellings needed to achieve a 5YHLS is in the region of 1,231. Therefore bullet point i) of Policy DSP40 is satisfied.

POLICY DSP40 (ii)

8.22. The application site is in close proximity to the defined settlement boundary of Warsash (approximately 73 metres) and to leisure and community

facilities, schools and shops and therefore satisfies the first component of policy DSP40 part ii.

- 8.23. The proposed layout comprises 6 detached dwellings which would front Greenaway Lane. The position and orientation of the buildings would be consistent with both 79 Greenaway Lane and the properties to the immediate east and west of the site. The proposed layout would therefore be well integrated with the neighbouring settlement and would accord with the second component of policy DSP40 part ii.

POLICY DSP40 (iii)

- 8.24. 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".
- 8.25. In assessing the impact on the landscape character of the area, due regard has been given to The Fareham Landscape Assessment 2017 (which is part of the evidence base for the published draft Fareham Local Plan 2036). The site lies within the Lower Hamble Valley (LCA2), Warsash Nurseries and is of lower sensitivity mainly because the character and quality of the landscape has been adversely affected by urban influences. The landscape is more tolerant of change and there is scope for development to bring about positive opportunities.
- 8.26. The site is currently viewed from adjoining residential properties in Greenaway Lane, properties served off the access track on the eastern boundary of the site and commercial premises. It is acknowledged that there will be a change in the character of the site when viewed from the immediate vicinity and that the outlook from nearby properties would change if the proposal were to go ahead. Officers are satisfied that the proposed dwellings have been sensitively designed to reflect the spacious layout of the existing neighbouring settlements, that it would be appropriate in its context and that the change in character would primarily have a localised visual impact.

8.27. The visual impact from longer distance views would be limited due to existing built form and vegetation. The proposal would therefore satisfy point iii) of Policy DSP40 and comply with policies CS17 and DSP1.

POLICY DSP40 (iv)

8.28. In terms of delivery, the agent has advised that they intend to commence work within 6 months of the issue of any planning permission.

POLICY DSP40 (v)

8.29. The final test of Policy DSP40: "The proposal would not have any unacceptable environmental, amenity or traffic implications" is discussed below:

Loss of Agricultural Land

8.30. Parts of the site are classified as Grade 1 and 2 agricultural land which CS16 seeks to prevent the loss of. Paragraph 170(b) of the National Planning Policy Framework advises that planning decisions should contribute to and enhance the natural and local environment by (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services -including the economic and other benefits of the best and most versatile agricultural land.

8.31. The conflict with Policy CS16 needs to be considered in context with advice within the NPPF which does not place a bar on the development of best and most versatile agricultural land. Therefore the development opportunity needs to be balanced against the potential harm. Taking account of the site size, the scale of permanent loss would be limited. The loss of agricultural land will be discussed further in the planning balance section of this report.

Ecology

8.32. To fulfil the requirements under the Habitat Regulations, Officers are required to carry out an Appropriate Assessment in relation to the likely significant effects on the European Protected sites (EPS) in the Solent. Officers have

undertaken an appropriate assessment and formally consulted Natural England. The main impacts of development on EPS in the Solent which were assessed are:

Disturbance to Solent Special Protection Areas (SPAs) through increased recreational use by visitors to the sites;

Impact upon European Sites from increased vehicle emissions and

Impact upon water quality at the European Protected Sites resulting from increased nitrates carried in water from the proposed development.

Each of the impacts on the EPS were assessed in turn.

-Disturbance to Solent Special Protection Areas (SPAs) through increased recreational use by visitors to the sites

Disturbance to habitats through increased recreational use by visitors to the sites can be mitigated by securing appropriate financial contributions towards the Solent Recreation Mitigation Strategy which provides a strategic solution by pooling contributions to fund and implement a variety of mitigation measures such as the provision of wardens. The appropriate assessment concludes that the proposed development and mitigation in the form of a contribution towards the SRMS would not have a likely significant effect alone or in combination with other plans on the integrity of the EPS in terms of recreational disturbance.

8.33. Impact upon European Sites from increased vehicle emissions.

8.34. Natural England have developed distance based criteria to identify potential effects from car exhaust emissions. This identifies that protected sites lying in excess of 200m of the edge of a road would not need to be considered any further. Notwithstanding Natural England's distance based criteria, Fareham Borough Council commissioned an air quality report by the specialist Energy and Environment Consultancy, Ricardo.

- 8.35. The air quality report assesses the impact of road traffic emissions associated with proposed short term development within Fareham Borough in combination with anticipated development from neighbouring local authorities in the Partnership for South Hampshire sub-region.
- 8.36. The air quality report concluded that: "Development in Fareham can take place over the period up to 2023 as set out in this report, with no threat due to emissions to air to the ability of any European site to achieve their conservation objectives or maintain their integrity (either alone or in combination)." The findings of the report enables the appropriate assessment to conclude that the proposed development would not have a likely significant effect alone or in combination with other plans on the integrity of the EPS in terms of air quality.
- 8.37. Impact upon water quality at the European Protected Sites resulting from increased nitrates carried in water from the proposed development.
- 8.38. Natural England advise that sites must be 'nutrient neutral', that is there must be no increase in the levels of nitrates in water leaving the site and entering The Solent. To calculate the nitrogen budget for the site a comparison is made between the nitrogen produced as a result of the existing (or likely) use and proposed uses of the site.
- 8.39. The land has most recently been used for grazing horses, therefore this use has been used to calculate the current levels of nitrogen produced by the site (or the levels that would be produced at the site in the event that planning permission is not granted.) This figure is then compared to the levels of nitrogen that would be produced as a result of the proposed development. To calculate the level of nitrogen produced by a development, it is also necessary to include any proposed mitigation.
- 8.40. The nitrogen budget has been based on an assumption that water usage within the new dwellings would be at a level of 110 litres per person per day. To enable this level to be achieved it is necessary to include a condition that restricts water usage by requiring all the houses to meet the more stringent Building Regulations standard.

- 8.41. To assess the impact of nitrogen on the EPS the appropriate assessment calculates the nitrogen budget and considers all of the ways in which nitrogen from the development could enter The Solent. There are three ways in which water from development can enter the EPS: directly via hydrological pathways, via foul water drainage and from run-off during flood events.
- 8.42. The proposed development would not require any deep excavations such as might be required for major infrastructure, therefore there are no hydrological surface water pathways identified that could result in groundwater pollution.
- 8.43. Foul water drainage from the site will be discharged to the existing public foul sewer and treated at the sewage treatment plant. Without mitigation the proposed development would result in an increased level of nitrates entering The Solent.
- 8.44. To counter the potential for increased levels of nitrates to enter The Solent, the applicant has proposed on site wetland provision. The proposed wetland would remove nitrates from surface water and roof water drainage through a combination of physical, chemical and biological processes via interactions between the water, substrate and micro-organisms such as algae. The applicant has demonstrated to Natural England's satisfaction that the proposed wetland would result in an overall decrease in the amount of nitrates entering The Solent from this site.
- 8.45. Nitrate pollution in the event of a flood has been addressed by ensuring that the proposed sustainable urban drainage system, swale and wetland have been designed to cater for future flood events (with an allowance for increased levels of rainfall due to climate change.) The proposed development would therefore not result in increased levels of nitrates entering The Solent in the event of a flood.
- 8.46. Natural England agree with the principle of using a reedbed wetland to remove nitrogen from water and therefore decrease the level of nitrates entering The Solent. Following consultation with Natural England regarding the Appropriate Assessment, Natural England have advised that additional details need to be secured regarding the long term monitoring and

management of the wetlands in order to conclude that there would be no likely significant effect on the Solent Special Protection Areas. The additional details have subsequently been agreed with the applicant and will be secured within the Section 106 legal agreement.

- 8.47. Officers have liaised with Natural England regarding the need for further details to ensure the long term management and monitoring of the wetlands. Natural England have been asked to confirm that the details which will be secured within the Section 106 are sufficient to conclude there is no adverse impact on the integrity of the European protected sites within The Solent and to endorse the LPA's appropriate assessment.
- 8.48. Officers have secured an appropriate level of detail (in line with Natural England's advice) to ensure that the reedbed wetland can be effectively monitored and managed in the long term. The details of the long term monitoring and management have informed the Appropriate Assessment which concludes that the proposed development together with the proposed mitigation measures (the Bird Aware contribution, wetland creation and appropriate planning conditions) would not have an adverse impact on the integrity of the identified sites and that this is demonstrated beyond reasonable scientific doubt.
- 8.49. If planning permission is granted, officers are satisfied that the proposal would be acceptable from an ecological perspective subject to planning conditions and a Section 106 planning obligation in accordance with Core Strategy policy CS4, CS20, and policies DSP13, DSP15, DSP40 (v), of Local Plan Part 2.

Amenity

- 8.50. The proposed dwellings would be spaciouly laid out such that Officers are satisfied that the development would be acceptable in accordance with Core Strategy policy CS17 and Local Plan Part 2 policy DSP40 (v).

Highways

- 8.51. The Transport Planner is satisfied that the existing access onto Greenaway Lane can accommodate the proposed frontage development of 6 dwellings. Officers are satisfied that sufficient on-site parking can be provided to comply with adopted policy.
- 8.52. With regard to third party concern over the impact of the proposed development on the local highway network, the Transport Planner is satisfied that the additional traffic generation would not adversely affect the safety and operation of the strategic and local road network.
- 8.53. Turning to the impact of construction vehicles on Greenaway Lane, a planning condition is recommended for details to be agreed in respect of how construction vehicles will access the site, how provision is to be made on site for the parking and turning of operatives and delivery vehicles and the area to be used for the storage of building materials as well as a condition to prevent spoil and mud being deposited on the public highway.
- 8.54. Taking account of the above, Officers are satisfied that the proposal would not have any unacceptable amenity or traffic implications and would therefore comply with criterion v of Policy DSP40 of Local Plan Part 2 and Policy CS5 of the Core Strategy.

D) Local Infrastructure

- 8.55. The strength of local concern relating to the impact of the development on schools, doctors, dentists and other services in the area is acknowledged. The Education Authority have not requested a contribution towards school provision due to the number of units falling below that which would require an education contribution.
- 8.56. In respect of the impact upon doctors/ medical services, the difficulty in obtaining appointments is an issue that is raised regularly in respect of new housing proposals. It is ultimately for the health providers to decide how they deliver health services. Therefore, a refusal on these grounds would be unsustainable.

E) Other Matters, including affordable housing

8.57. With regard to comments about the lack of information regarding ecology; bin collection points; urban design issues; archaeology and the highway engineer's requirements additional information has been submitted to address each of the consultee's original comments. All of the consultees have confirmed that sufficient information has been submitted to address their initial comments.

Affordable Housing

8.58. A section 106 legal agreement will ensure that appropriate 40% affordable housing (linked to the wider site) is provided or that a financial contribution towards off site affordable housing will be provided.

F) THE PLANNING BALANCE

8.59. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications:

"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".

8.60. The site is outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of Local Plan Part 2: Development Sites and Policies Plan.

8.61. Officers have carefully assessed the proposals against Policy DSP40:

Housing Allocations which is engaged as this Council cannot demonstrate a 5YHLS. In weighing up the material considerations and conflicts between policies; the development of a greenfield site weighted against Policy DSP40,

Officers have concluded that the proposal is: relative in scale to the demonstrated 5YHLS shortfall (DSP40(i)); would be sustainably located adjacent to and well related to the existing urban settlement boundaries and well integrated with the neighbouring settlement (DSP40(ii)); would be sensitively designed to reflect the character of the neighbouring settlement and would minimise any adverse impact on the countryside and strategic gap (DSP 40(iii)) and it can be delivered in the short-term (DSP40(iv)).

- 8.62. The proposed development would not have any unacceptable traffic or amenity implications and therefore accords with two of the three components of DSP40 part v. Part v of DSP40 also requires development to not have any unacceptable environmental implications. Officers have undertaken an appropriate assessment which concludes that the proposed development would not have an adverse impact on the integrity of the European Protected Sites. The proposed development would result in the loss of some grade 1 and 2 agricultural land and would therefore have an environmental implication, however the acceptability of this loss has to be considered together with the objectives of the development plan as a whole.
- 8.63. In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage in housing supply, Officers acknowledge that the proposal could deliver 6 dwellings in the short term.
- 8.64. The contribution the proposed scheme would make towards boosting the Borough's housing supply would be modest but is still a material consideration in the light of this Council's current 5YHLS.
- 8.65. There is a clear conflict with development plan policy CS14 as this is development in the countryside. Ordinarily, officers would have found this to be the principal policy such that a scheme in the countryside should be refused. However, in light of the council's lack of a 5YHLS, development plan policy DSP40 is engaged and officers have considered the scheme against the criteria therein. The scheme is considered to satisfy four of the five criteria and in the circumstances, officers consider that more weight should

be given to this policy than CS14 such that, on balance, when considered against the development plan as a whole, the scheme should be approved.

8.66. As an appropriate assessment has been undertaken Paragraph 177 of the NPPF states that the presumption in favour of sustainable development imposed by paragraph 11 of the same Framework is applied.

8.67. Officers have therefore assessed the proposals against the 'tilted balance' test set out at paragraph 11 of the NPPF.

8.68. In undertaking a detailed assessment of the proposals throughout this report and now applying the 'tilted balance' to those assessments, Officers consider that:

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 proposed;

and

ii) any adverse impacts of granting planning permission, (including the loss of grade 1 and 2 agricultural land) would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.

8.69. Officers therefore conclude that having applied the 'tilted balance', that planning permission should be granted for the proposals. Having carefully considered all material planning matters, Officers recommend that planning permission should be granted subject to the imposition of appropriate planning conditions and the prior completion of planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990.

9.0 Recommendation

9.1. Delegate to the Head of Development Management in consultation with the Solicitor to the Council for the prior completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure:

- a) 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.
- b) A financial contribution of 40% towards the off-site provision of affordable housing or provision of 40% on site affordable housing under planning reference P/18/0107/OA in accordance with Core Strategy Policy CS18
- c) The creation and retention of wetlands on the site prior to occupation of any dwelling;
- d) The creation of a management company to monitor and manage the communal areas of the development including the wetlands for the lifetime of the development.
- 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 residents' service charge to fund the monitoring and management of the communal areas of the development including the wetlands for the lifetime of the development
- g) Suitable monitoring arrangements for the wetlands for the lifetime of the development, to include:
 - Monitoring of wetlands to be undertaken by a qualified drainage specialist
 - Monthly monitoring of the reedbeds for the first 2 years then every 6 months thereafter Inspection of wetlands within a week in the event of unforeseen circumstances and remedial measures where required within a fixed period of such measures being approved by the appropriate body/ies
 - Protocol for reporting results of the monitoring including payment of the costs of FBC and NE involved in reviewing the monitoring reports

-Trigger levels for the implementation of remedial measures, such measures to be implemented by a qualified contractor and inspected by the qualified drainage specialist.

- h) Obligations on owners of individual houses to report misconnections or other issues with the wetlands
- i) Payment of a commuted sum to be made available to the management company (or other third party) to cover any shortfall in payments from householders and so ensure the continued delivery of the management plans.

And

Delegate to the Head of Development Management to make any necessary modification or addition to the proposed heads of terms;

And then;

GRANT PLANNING PERMISSION, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of 3 years from the date of this decision.

REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.

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

Location plan Drawing no. 18.079.100

Site plan Drawing no. 18.079.101 Rev H

Garage plan Drawing no. 206

Car port plan Drawing no. 18.079.208

House type A Plot 2 Drawing no.200A

House type B Plot 3 Drawing no.201A

House type A2 Plot 5 Drawing no.204A

House type B2 Plot 1 Drawing no.205A

House type A1 plot 4 Drawing no.202A

House type B1 plot 6 Drawing no.203A

Landscaping plan Drawing no.PRI22085 12B Sheet 1

Landscaping plan Drawing no.PRI22085 12B Sheet 2

Soft landscaping details Drawing no.PRI22085 11B Sheet 1

Soft landscaping details Drawing no.PRI22085 11B Sheet 2

Streetscene Drawing no. 207 Rev A

Phase 1 Ecological Assessment and reptile survey produced by Peach Ecology dated 14th December 2018

Carriageway detail for construction within the root protection area of retained trees Drawing no. HCC10/C/155 Rev A

No dig footway details for construction within the root protection area of retained trees Drawing no. HCC10/C/160

Greenfix geoweb solutions method statement

Tree protection plan Drawing no. J893.07

Arboricultural Impact Assessment & Tree Survey produced by Sapling Arboriculture Ref: J893.10

Internal access road and turning heads Drawing no. 116860-TP-000801

Transport Statement produced by Sweco UK Ltd dated 8th October

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

3. No development shall take place until the wheel washing facility has been provided in accordance with site plan Ref J and Paul Airey's email dated 9th January 2019. These measures shall be retained for the duration of construction of the development

REASON: In the interests of highway safety and the amenity of the area in accordance with Policies CS15 and CS17 of the Fareham Borough Core Strategy.

4. No development shall take place until space for the parking and turning of contractors' vehicles has been provided in accordance with site plan Ref J and Paul Airey's email dated 9th January 2019. These spaces shall thereafter be kept available at all times during the construction period, unless otherwise agreed in writing with the local planning authority.

REASON: In the interests of highway safety; in order to secure the health and wellbeing of the trees and vegetation which are to be retained at the site; and to ensure that the residential amenities of the occupiers of nearby residential properties is maintained during the construction period; in accordance with Policies CS15, CS16 and CS17 of the Fareham Borough Core Strategy.

5. No development shall take place until the measures of tree and hedgerow protection contained within the Arboricultural Impact Assessment & Tree Survey produced by Sapling Arboriculture ref J893.10 (dated October 2018) and the Tree protection plan Drawing no. J893.07 have been implemented in full. All the approved tree and hedgerow protection measures shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the 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.

6. The biodiversity mitigation and enhancement strategy and management thereof set out in the discharge of condition statement submitted by Peach Ecology (14th December 2018) shall be implemented in full in accordance with the submitted details and shall be subsequently retained in accordance with the approved details thereafter.

REASON: To ensure that protected species are not harmed and that habitat is enhanced as a result of the proposed development.

7. No development shall take place until details of the type of construction proposed for the roads and access and the method of disposing of surface water have been submitted to and approved by the local planning authority in writing.

REASON: To ensure that the roads are constructed to a satisfactory standard; in accordance with Policies CS5 and CS17 of the Fareham Borough Core Strategy.

8. No development shall take place above damp proof course level on any of the development hereby permitted until a Biodiversity Mitigation and Enhancement Scheme has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented and retained thereafter.

Reason: To conserve and enhance biodiversity, in accordance with Policy DSP13 of the Local Plan Part 2: Development Sites and Policies 2015.

9. None of the dwellings hereby approved shall be occupied until the hard and soft landscaping works as approved under Landscaping plan Drawing no.PRI22085 12B Sheets 1 & 2 and Soft landscaping details Drawing no.PRI22085 11B Sheets 1 & 2 have been implemented in full. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

REASON: To ensure the provision, establishment and maintenance of a standard of landscaping.

10. None of the development hereby permitted shall be occupied until the bin collection point has been provided in accordance with the details on Drawing no. 18.079.101 Rev H. The designated area shall thereafter be kept available and retained at all times for the purpose of bin collection.

REASON: To prevent an obstruction of the highway.

11. If, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered all development shall stop on site. An investigation and risk assessment of the identified ground conditions shall be undertaken and details of the findings, along with a detailed remedial scheme, must be submitted to and approved in writing by the Local

Planning Authority. The development will be undertaken in accordance with the approved details.

Prior to the occupation of any of the dwellings hereby permitted the remediation scheme shall be fully implemented and shall be validated in writing to the Local Planning Authority by an independent competent person.

REASON: To ensure any potential contamination found during construction is properly taken into account and remediated where required.

12.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 erection 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; in accordance with Policies CS5 and CS17 of the Fareham Borough Core Strategy.

13.No dwelling shall be occupied until the approved parking and turning areas for that property have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking and turning of vehicles at all times unless otherwise agreed in writing by the local planning authority following the submission of a planning application made for that purpose.

REASON: In the interests of highway safety; in accordance with Policies CS5 and CS17 of the Fareham Borough Core Strategy.

14.No dwelling hereby permitted shall be occupied until 2.4m by 49m visibility splays have been provided at the site access junction with Greenaway Lane in

accordance with the approved details. These visibility splays shall thereafter be kept free of obstruction (nothing over 0.6m in height) at all times.

REASON: In the interests of highway safety; in accordance with Policies CS5 and CS17 of the Fareham Borough Core Strategy.

15.No dwelling hereby permitted shall be occupied until details of water efficiency measures 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 an average of 110l 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

16.No development shall proceed beyond damp proof course level until details of secure cycle storage have been submitted to and approved by the Local Planning Authority in writing. The secure cycle stores shall be provided before any dwelling is first occupied and shall thereafter be retained and kept available for use at all times.

REASON: To encourage cycling as an alternative mode of transport.

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.Notwithstanding the provisions of Class F of Schedule 2, Part 1 and Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no gates, fences, walls or additional hard

surfaced areas shall be constructed within the curtilage of any of the dwelling houses hereby approved unless first agreed in writing with the Local Planning Authority following the submission of a planning application.

REASON: To protect the health of nearby trees and the character and appearance of the locality.

19.No materials obtained from site clearance or from construction works shall be burnt on the site.

REASON: To protect the amenities of the nearby residents; in accordance with Policy DSP2 of the Local Plan Part 2: Development Sites and Policies 2015.

INFORMATIVES

Applicants should be aware that, prior to the commencement of development, contact must be made with Hampshire County Council, the Highway Authority. Approval of this planning application does not give approval for the construction of a vehicular access, which can only be given by the Highway Authority. Further details regarding the application process can be read online via <http://www3.hants.gov.uk/roads/apply-droppedkerb.htm> Contact can be made either via the website or telephone 0300 555 1388.

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House,

Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

The development hereby permitted is subject to a Planning Obligation dated The planning permission hereby granted must be read in conjunction with the planning obligation which was considered essential to allow permission to be granted.

The development hereby permitted is subject to The Community Infrastructure Levy (CIL). The payment is due before development commences and the parties liable to pay the charge will receive a Liability Notice shortly to explain the amount due and the process thereafter. Further details about CIL can be found on the Council's website on the following link:

http://www.fareham.gov.uk/planning/local_plan/ciladopt.aspx

Background Papers

P/18/0884/FP

Agenda Item 7(6)

OFFICER REPORT FOR COMMITTEE

DATE: 24/06/2020

P/20/0295/FP
MR KEVIN HAYTER

FAREHAM NORTH-WEST
AGENT: DWELL DESIGN

DETACHED FRONT GARAGE

22 BARTLETT CLOSE, FAREHAM

Report By

Emma Marks – direct dial: 01329 824756

1.0 Introduction

1.1 This application has been called onto the Planning Committee Agenda at the request of local ward Member, Councillor Peter Davies, on the following grounds:

- a) The development would have a serious visual impact on that cul de sac of Bartlett close, as the application site currently has an open aspect, which provides an amenity value to local residents.
- b) Such a prominent large garage is out of character in that area
- c) It would severely impact on 77 Highlands Road

2.0 Site Description

2.1 This application relates to a linked attached dwelling on the north-east side of Bartlett Close which is to the west of Frosthole Crescent. The property is located at the end of a cul-de-sac. There is a slight change in land levels on the site with the land falling from the north-west to south-east.

2.2 The property is within the designated urban area

3.0 Description of Proposal

3.1 Planning permission is sought for the erection of a detached garage at the front of the property. The garage is proposed to measure 5.5 metres in width, 5.4 metres in depth with a maximum eaves height of 2.4 metres and a maximum ridge height of 4 metres.

4.0 Policies

4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS17: High Quality Design

Adopted Development Sites and Policies

DSP3: Impact on living conditions

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 None

6.0 Representations

6.1 Five representations have been received which raise objection on the following grounds:

- The garage is oversized for the available space and will be dominant in the view of neighbouring properties.
- The ownership of three garages for this modest property appears out of proportion
- There is a covenant to restrict any structures forward of the front wall of the property
- The garage would contravene the frontage borders of the houses in the area breaching the grass frontages
- The proposed double garage bearing in mind its size and height compared to the other properties in the Close would be totally out of character with the estate
- The proposal would mean a significant loss of open green space at the end of the Close, which currently benefits all the neighbours outlook
- The proposed double garage would significantly overshadow a neighbouring conservatory at 77 Highlands Road, due to the position and height of the plan
- The position of the proposed soakaway bordering onto the edge of 77 Highlands Road and 21 Bartlett Close brings the risk of flooding those gardens due to the main substrate of the land being clay.
- Loss of light
- Concern is that the proposed double garage may be used for commercial purposes
- We want a guarantee that the concrete piles of our home will not be compromised.

7.0 Consultations

None

8.0 Planning Considerations

8.1 The following matters represent the key material planning considerations which would need to be assessed to determine the suitability of the development proposal. The key issues comprise:

- a) Design of the proposal and the street scene
- b) Impact on neighbouring property occupiers
- c) Parking
- d) Other matters

a) Design of the proposal and the street scene

8.1 The property is located at the end of a cul-de-sac within Bartlett Close. The style of the estate is made up of 1970's gable end semi-detached and linked detached dwellings with garages. The properties are positioned either side of the road with a grassed area at the end of the cul-de-sac in front of the application site. A separate housing development consisting of detached properties was built to the west of Bartlett Close, which gain access off Highland Road but can be viewed when entering the close.

8.2 Permission is sought to erect a detached double garage forward of the front elevation of 22 Bartlett Close. The garage would be set a minimum 2.5 metres from the front of the dwelling and achieves a minimum distance of 5.2 metres to the pavements edge.

8.3 The representations received have raised the concern that the garage is too large and its positioning on the grassed area would mean a significant loss of open green space, breaching the building line. The garage is proposed with a maximum ridge height of 4 metres with a dual pitched roof. Officers are of the view that the size of the structure is fairly standard for a double garage and it would not result in an overbearing form of development within the road.

8.4 Officers agree that the garage would reduce the amount of grassed area at the end of the cul-de-sac. However, the structure will be positioned close to the main house and a large amount of grass area/openness would still remain within the street scene. There would be no harmful effect on the character or appearance of the streetscene as a result.

b) Impact on neighbouring property occupiers

8.5 The concern has been raised that the garage would reduce the light to a neighbour's conservatory and sitting room. The neighbouring property to the west is a large detached dwelling which has a rear conservatory approximately one metre away from the side boundary at a slightly higher level.

- 8.6 The garage is proposed one metre from the western boundary of the site and would extend in front of the eastern elevation of the conservatory. Officers are of the view that as the conservatory benefits from light/outlook from the rear and the other side elevation, the level of light reduction would not be to a detrimental level that would justify refusal of this application.

c) Parking

- 8.7 As part of the development the drive will be altered, and two car parking spaces will be created in front of the garage. The property has three bedrooms and the council's parking standards require a minimum of two car parking spaces to be provided, therefore the proposal meets the requirements and no parking concerns are raised.

d) Other matters

- 8.8 It has been raised that there is some restriction within the covenants for the Close and the garage is beyond the building line. However, covenants are separate legal restrictions which are not controlled through the planning process and therefore cannot be considered. Officers have assessed the proposal in relation to the building line and are of the opinion that it would not have an adverse impact on the character of the streetscene.
- 8.9 Concern has also been raised that a proposed soak-away would be inadequate to deal with the rainwater off the garage due to the clay soil. The details within the planning application proposes a soak-away which is considered acceptable with regards to planning and due to the size of the structure Building Control could not assess the proposal or rainwater provisions.
- 8.10 One concern raised was the garage would be used for commercial use. The application has been submitted for a building which has been considered on the basis of it being used incidental to the enjoyment of the dwelling. In the scenario that the building was to be used for business purposes, this may trigger the need for a change of use application depending on whether or not a material change of use occurs, the merits of which would be considered at that time.
- 8.11 A guarantee has been requested that the garage doesn't compromise the concrete piles which a neighbour's property has been constructed on. However, if damage does occur to a neighbour home through the result of the development, this is not an issue controlled through the planning process and would be a separate civil matter between the property owners.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development shall begin before the expiration of a period of three years from the date of the decision notice.

REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.

2. The development shall be carried out in accordance with the following approved documents:

a) Proposed site plans – Drawing number (sk)02 revision a

b) Proposed elevations – Drawing number (sk)03 revision a

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

3. The development hereby permitted shall not be brought into use until two car parking spaces have been provided within the curtilage of the site in accordance with the approved site plans. These parking spaces shall thereafter be retained and kept available at all times.

REASON: To ensure adequate parking provision within the site.

10.0 Notes for Information

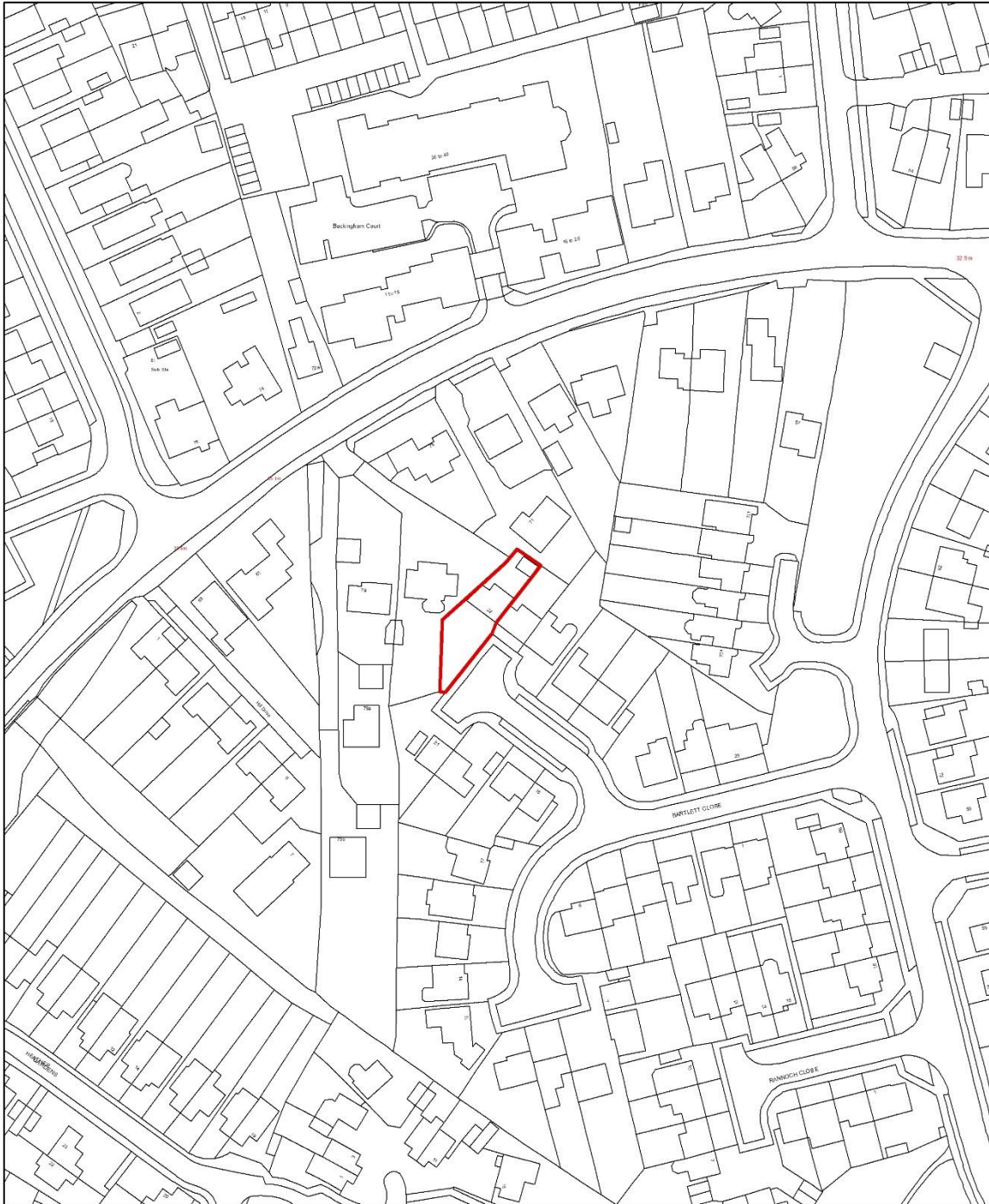
None

11.0 Background Papers

P/20/0295/FP

FAREHAM

BOROUGH COUNCIL



22 Bartlett Close

Scale 1:1,250

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Agenda Item 7(7)

PLANNING APPEALS

The following list details the current situation regarding new and outstanding planning appeals and decisions.

PUBLIC INQUIRY	ENF/56/17 Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	PUBLIC INQUIRY Borderland Fencing Ltd Borderland Fencing New Road Swanwick Southampton SO31 7HE 17 July 2019 AGAINST ENFORCEMENT Unauthorised expansion of site and breach of conditions
WRITTEN REPS	ENF/69/18 Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	WRITTEN REPS Mrs Alicia Bayer WOODCOTE LODGE 6 BRIDGEFOOT DRIVE FAREHAM PO16 0DB 23 April 2020 AGAINST ENFORCEMENT Unlawful material change of use of the land from residential use (use Class C3) to a mixed use comprising residential use and use for car sales and car storage (use Classes C3 and Sui Generis) - Enforcement Notice served on 15 April 2019
HEARING	ENF/82/18 Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	HEARING Mr Patrick Cash 137 Newgate Lane 11 May 2020 AGAINST ENFORCEMENT Unlawful development of two structures
WRITTEN REPS	P/18/0376/FP Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	WRITTEN REPS Reilly Development Ltd Land to the rear of September Cottage Brook Avenue Warsash Committee REFUSE REFUSE 28 January 2020 AGAINST REFUSAL Four detached dwellings with associated garages, parking and landscaping following the demolition of existing industrial and storage buildings

PUBLIC INQUIRY	P/18/1118/OA Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	PUBLIC INQUIRY Fareham Land LP Land at Newgate Lane (North) Fareham REFUSE 2 June 2020 NON DETERMINED Outline Planning Permission for the demolition of existing buildings and development of up to 75 dwellings, open space, vehicular access point from Newgate Lane and associated and ancillary infrastructure, with all matters except access to be reserved.
PUBLIC INQUIRY	P/18/1212/LU Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	PUBLIC INQUIRY Borderland Fencing Ltd Borderland Fencing New Road Swanwick Southampton Officer Delegated Powers REFUSE REFUSE 13 August 2019 AGAINST REFUSAL Lawful Development Certificate for mixed use of the glasshouse for storage & manufacturing (Use Class B8 & B2)
WRITTEN REPS	P/19/0024/LP Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	WRITTEN REPS BERKELEY LEISURE GROUP LTD Hamble Park Fleet End Road Warsash Southampton Officer Delegated Powers REFUSE 17 March 2020 AGAINST REFUSAL Certificate of Lawfulness for Stationing of Two Residential Mobile Homes on Informal Open Space
PUBLIC INQUIRY	P/19/0069/LP Appellant: Site: Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	PUBLIC INQUIRY Mayfair Hampshire Ltd Ellerslie Touring Caravan Park Down End Road Fareham Officer Delegated Powers REFUSE 11 May 2020 AGAINST REFUSAL Application for a Lawful Development Certificate for a proposed use of the land for the siting of caravans for the purpose of human habitation including as a person's sole or main place of residence.
PUBLIC INQUIRY	P/19/0460/OA Appellant: Site: Decision Maker: Recommendation: Council's Decision:	PUBLIC INQUIRY Bargate Homes Ltd Land at Newgate Lane (South) Fareham REFUSE

Date Lodged: 2 June 2020
Reason for Appeal: **NON DETERMINED**
Outline planning permission for the demolition of existing buildings and development of up to 115 dwellings, open space, vehicular access point from Newgate Lane and associated and ancillary infrastructure, with all matters except access to be reserved.

HH APPEAL SERVICE P/19/1073/TO
Appellant:
Site:
Decision Maker:
Recommendation:
Council's Decision:
Date Lodged:
Reason for Appeal:
HH APPEAL SERVICE
Mr Moon
6 Alum Way Fareham
Officer Delegated Powers
REFUSE
REFUSE
4 December 2019
AGAINST REFUSAL
T14 Lime: Fell due to excessive shading and replant an Acer in its place.

HH APPEAL SERVICE P/19/1096/TO
Appellant:
Site:
Decision Maker:
Recommendation:
Council's Decision:
Date Lodged:
Reason for Appeal:
HH APPEAL SERVICE
Mr Ian Collins
4 CROFTON LANE FAREHAM
Committee
REFUSE
REFUSE
20 March 2020
AGAINST REFUSAL
T1 Monterey Pine protected by TPO 545: Fell

WRITTEN REPS P/18/1252/FP
Appellant:
Site:
Decision Maker:
Recommendation:
Council's Decision:
Date Lodged:
Reason for Appeal:
WRITTEN REPS
RGOM
21 Burrige Road Burrige Southampton
Committee
REFUSE
REFUSE
2 October 2019
AGAINST REFUSAL
Six 4-bedroom detached dwellings, amenity areas and a means of access from Burrige Road
Decision:
Decision Date:
DISMISSED
21 April 2020