

OFFICER REPORT FOR COMMITTEE

DATE: 21/08/2019

P/19/0301/FP
PERSIMMON HOMES LTD

STUBBINGTON / TITCHFIELD
AGENT: PERSIMMON HOMES LTD

DEVELOPMENT COMPRISING 261 DWELLINGS, ACCESS ROAD FROM PEAK LANE MAINTAINING LINK TO OAKCROFT LANE, STOPPING UP OF A SECTION OF OAKCROFT LANE (FROM OLD PEAK LANE TO ACCESS ROAD), WITH CAR PARKING, LANDSCAPING, PUBLIC OPEN SPACE AND ASSOCIATED WORKS

LAND EAST OF CROFTON CEMETERY AND WEST OF PEAK LANE, FAREHAM

Report By

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1.0 Introduction

- 1.1 The application has received over 150 letters of objection from the local community.
- 1.2 Members will note from the 'Five Year Housing Land Supply Position' report considered at the April 2019 Planning Committee that this Council currently has a housing land supply of 4.66 years.
- 1.3 To meet the Council's duty as the competent authority under the Conservation of Habitats and Species Regulations 2017 ("the habitats regulations"), a Habitats Regulations Assessment is required to consider the likely significant effects of the development on the protected sites around the Solent. As the proposals are not being supported by Officers, no Appropriate Assessment has been undertaken as part of the consideration of this application. However, the likely significant effects of the development on the protected sites around the Solent have been considered as part of this report.

2.0 Site Description

- 2.1 The application site is located at the northern end of the village of Stubbington, and currently forms two arable pieces of farmland divided by Oakcroft Lane that runs east – west between the two parcels of land.
- 2.2 The southern parcel of land is bounded by residential development to the east, with a line of trees providing an existing buffer between the site and the residential properties to the east. The trees along the eastern boundary are largely protected by individual and group Tree Preservation Orders (including FTPO108). The southern boundary comprises additional residential development (Marks Tey Road), with an area of woodland and a public right

of way forming a break between these two areas. A line of trees along the southern boundary of the site are protected by a group Tree Preservation Order (FTPO80). The western boundary comprises Crofton Cemetery which is separated from the site by a mature hedgerow. The northern part of the western boundary forms part of Oakcroft Lane, dividing by a drainage ditch and a mature line of poplar trees. The northern boundary comprises Oakcroft Lane where the mature line of poplar trees continues along the line of the road.

- 2.3 The northern parcel of land is bounded by Oakcroft Lane to the south, and Peak Lane to the east. To the north of this piece of land the open arable field continues although this will be dissected by the Stubbington By-pass for which the preliminary construction works have commenced. To the west of the site lies the ecological enhancement area owned by Hampshire County Council, created as mitigation for the Stubbington by-pass route.
- 2.4 The two parcels of land are predominantly flat, with Oakcroft Lane set at a slightly lower level than the site to the south, and the northern parcel of land comprises a drainage ditch, watercourse that broadly runs along the northern side of Oakcroft Lane, and contributes towards connecting the new habitat mitigation area to the west of the site to waterbodies to the east of Stubbington.
- 2.5 Stubbington Village is a sustainable settlement comprising a wide range of services and facilities including a well-established village centre, primary and secondary schools, and employment opportunities. The village is well provided for in terms of public transport, with regular buses connecting the village to Gosport and Fareham. The village is surrounded by undeveloped countryside, designated as Strategic Gap, and traffic congestion through the village at peak times has resulted in the provision of a by-pass, which has been recently granted consent from Government, is anticipated to be completed in the next few years.
- 2.6 Works have now commenced on the construction of the Stubbington By-pass, following the Government's approval of the scheme in May 2019, with the archaeological investigations taking place on the land either side of Peak Lane. The Stubbington By-pass would form a northern perimeter of the site and would be situated adjacent to the proposed area of open space.

3.0 *Description of Proposal*

- 3.1 The application proposal, which is submitted in full detail comprises 261 dwellings, to be constructed on the southern part of the site, south of Oakcroft Lane, comprising a mix of 9 x 1 bedroom flats, 114 x 2 bedroom flats and houses, 106 x 3 bedroom houses and 32 x 4 bedroom houses. Public open

space will be created within the site with a local equipped area of play (LEAP) created to the southern part of the site adjacent to the proposed attenuation pond, and a neighbourhood equipped area of play (NEAP) created at the northern end of the site, adjacent to the proposed new access road. The new access road which would be located approximately 175 metres to the north of the existing access from Peak Lane onto Oakcroft Lane. The initial 120 metres section of Oakcroft Lane will be converted into a no through road, with the access to the remainder of Oakcroft Lane being made via the proposed new access road.

- 3.2 The residential development would comprise a mixture of two storey and two and half storey dwellings and two three storey blocks of flats.
- 3.3 The land to the north of Oakcroft Lane is proposed for use as open space, which the applicant suggests could be transferred to the Borough Council to ensure its long term protection from future development.
- 3.4 The planning application was supported by a suite of technical documents and plans comprising: Planning Statement, Design and Access Statement, Preliminary Ecological Survey, Shadow Habitats Regulations Assessment, Tree Protection Plan and Arboricultural Impact Assessment and Method Statement, Environmental Noise Impact Assessment, Transport Assessment and Travel Plan, Five Year Housing Land Supply Position Statement, Archaeological Desk-Based Assessment, Landscape and Visual Impact Assessment, Soft Landscape Management and Maintenance Plan, Soft Landscape Specification, Flood Risk and Surface Water Drainage Strategy and an Air Quality Ecological Impact Assessment, together with detailed plans and elevations of all the proposed dwellings and other buildings, tenure plan, building heights plan, boundary treatment plan and vehicle tracking diagrams.

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;
- CS11: Development in Portchester, Stubbington & Hill Head and Titchfield;
- CS14: Development Outside Settlements;
- CS15: Sustainable Development and Climate Change;
- 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 Boundaries;
DSP13: Nature Conservation;
DSP14: Supporting Sites for Brent Goose 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 Obligations Supplementary Planning Document for the Borough of Fareham (excluding Welborne) April 2016

5.0 Relevant Planning History

- 5.1 No recent relevant planning history regarding the site.

6.0 Representations

- 6.1 175 letters of representation have been received in respect of the planning application. Two are letters of support, with the remainder letters of objection.

Support:

- 6.2 Two letters of support of which one is conditioned on the proposed development including shared ownership flats.

Objections:

- 6.3 The objections received raise the following concerns:

6.4 Principle of Development:

- The site is within a strategic gap and therefore not acceptable in principle
- The proposed housing would be a short-term fix to housing supply.
- Unsustainable location
- Undesirable precedent for further development in the strategic gap

- Contrary to policies CS2, CS6, CS14, CS22, DSP6 and DSP40
- Contrary to CS22 because the impact on wildlife and current residents would constitute significant harm.
- The application states that the site is allocated under the SHLAA, but it isn't.
- Development should not be allowed before the local plan consultation has been carried out.
- Development in the strategic gap would go against the Inspector's appeal decisions for the Grange and Old Street.

6.5 Impact on Strategic Gap:

- Coalescence of Fareham and Stubbington
- Development in the strategic gap

6.6 Impact on character of the area:

- Impact on the character of the area
- Inappropriate density
- Plots 240-243 are 2.5 storeys and would not be appropriate in this location
- Loss of village character

6.7 Design:

- Inappropriate design
- Insufficient space standards would result in social, welfare and domestic problems.
- Inappropriate layout and materials
- Lack of landscaping
- Overdevelopment
- The SHLAA ref 1341 indicates a yield of 144 not 261
- Concerns re quality and safety of Persimmon Homes as they have had to hire a judge to review their build quality procedures.

6.8 Highways:

- The traffic assumptions in the proposal are flawed in terms of volume and direction. The TA does not take the narrow width (4m in places) of Oakcroft Lane into consideration.
- Impact of additional traffic on Mays Lane and Titchfield Road
- Limiting access to one point only will have an adverse impact on the flow of traffic
- Additional parking on adjacent roads blocks manoeuvring for refuse vehicles and other large vehicles.

- It is not clear whether Oakcroft Lane will be closed off near the Peak Lane junction
- Closing Oakcroft Lane would prevent its use when Peak Lane is blocked or congested and would increase congestion on Peak Lane.
- The methods proposed to encourage people not to use their cars won't work
- Inadequate space for parking, loading and turning of vehicles
- Impact on highways safety
- Impact on St Mary's road which will be used as a cut through from Titchfield Road to Mays Lane.
- Inadequate visibility when existing the site
- The Mays Lane cycle lane on the eastern side of the road is 1.1m wide which falls below the recommended width of 2m and the minimum width of 1.5m.
- The Peak Lane shared pedestrian / cycle path is described as being a 3m wide lit footway / cycleway but it is narrower and not lit.
- The proposal will not reduce the dependency on the car as required by policy

6.9 Right of Way:

- The proposal would block existing rights of way / footpaths.

6.10 Infrastructure:

- Impact on doctors, schools, library and other facilities that are already operating above capacity.
- Impact on utilities.

6.11 Flood Risk:

- Impact on flooding.
- Insufficient consideration of impact of the proposed development on surface water drainage
- What mitigation is proposed to prevent flooding?
- The site slopes from north to south with a fall of approximately 3m on a substrate of clay with a very high water table. The site also lies within 0.4km of the Meon Valley SSSI and SPA. No consideration has been taken of the impact of pollutants from surface water onto the SSSI and SPA.

6.12 Pollution:

- Impact on quiet atmosphere of the cemetery
- Impact on health due to increased air pollution
- Concerns re odour emissions

- Impact of noise on future residents because of proximity to Daedalus airfield

6.13 Impact on Cemetery:

- Loss of privacy to cemetery
- Impact of noise on cemetery
- The soft landscaping proposals (sheet 5) for part of the site are missing.
- The proposed development would prevent the cemetery from further expansion

6.14 Ecology:

- Impact on wildlife in the area including badgers, bats, voles and birds
- Loss of habitat
- The NPPF para 177 states that habitat is a material consideration that takes precedent.
- Mitigation measures designed to protect wildlife aren't always enforced and therefore can't be relied on.
- The site provides habitat for several species including Woodlark (a schedule 1 protected species) and a Cetti's Warbler (which is also protected)
- The development would need to secure a contribution towards the SRMP strategy.
- Has the Council's Ecologist calculated the biodiversity net gain?
- The proposed badger corridor is inadequate

6.15 Impact on trees:

- Removal of and impact on poplar trees

6.16 Impact on Neighbours:

- Loss of light and overshadowing
- Overlooking
- Loss of visual amenity

6.17 Impact on Heritage Assets:

- Impact on St Edmunds Church and conservation area
- Impact on archaeology

6.18 Contributions:

- Residents of Summerleigh Walk and The Three Ways pay to maintain Badger Walk to the east of the site. The developer or future residents should contribute towards the maintenance costs.

6.19 Concerns regarding Quality of Delivery and Quality of Development:

- Residents do not want a company like Persimmon to develop properties in Stubbington given that they were ranked as the lowest of all house builders in the Home Builder's Federation annual customer satisfaction survey.
- The planning statement claims that Persimmon have a track record for delivering large scale housing sites along the south coast, however they have also had action taken by Vale of Glamorgan Council for building homes without Planning Permission which casts doubt over any assurances they give.
- How will FBC provide a guarantee of quality of work given the continued dissatisfaction of owners of houses previously built by Persimmon?

6.20 Other issues:

- The development does not provide 5% self-build as required by policy
- Confirmation sought that the development will not be built before the bypass road has been built
- If planning permission is granted:
 - Restrictions should be placed on hours of construction
 - The design should be amended to remove the 3 storey blocks of flats
 - The development should not start until after the completion of the Stubbington bypass.
- The NEAP is close to a busy road which would result in it being noise and polluted and contrary to guidance. The NEAP would also not be visible from adjacent houses or easily accessible from the road. The lack of natural surveillance could result in anti-social behaviour.
- The attenuation pond would be a safety hazard.
- The FRA constantly refers to Gosport Borough Council.
- Impact of hazardous materials
- Accessibility for disabled people
- Housing should be focussed at Welborne and in MOD land
- Impact on animals at the Ark Rescue Centre

7.0 **Consultations**

EXTERNAL

Hampshire Fire and Rescue Service

- 7.1 Comments received highlighting that subject to compliance with the latest building regulations, they would raise no objection to the proposals.

Historic England

- 7.2 Initial comments raised concerns regarding the impact of the development on the setting of Crofton Old Church, as Grade II* Listed building. However, after

further detailed correspondence with the applicant Historic England confirmed that they would not wish to object on heritage grounds, but noted that the development would have a small impact on the setting of the church, due to further suburban development moved closer to the church, closing the gap to the northeast, and will be both partly visible and appreciable on nearby approach roads and paths to the church.

Natural England

7.3 Natural England commented that further advice would be required to address mechanisms to secure the nutrient budget neutrality for the lifetime of the development, and without confirmation of this, would raise an objection. The applicant also provided an Air Quality Ecological Impact Assessment for which Natural England commented that they would raise no concerns regarding the likely significant impact of the development from air quality on the protected sites around the Solent.

7.4 Natural England has been re-consulted in light of the status of the land north of Oakcroft Lane being revised to a Secondary Support Area in the Solent Wader and Brent Goose Strategy (SWBGS). Any advice from Natural England will be reported to the Planning Committee by way of a written or verbal update prior to the meeting.

Environment Agency

7.5 The Environment Agency raised an objection to the proposals in the absence of an acceptable Flood Risk Assessment which failed to accurately assess and take into account the impacts of climate change on the development.

Southern Water

7.6 No objection was raised by Southern Water who have confirmed that they can facilitate sewage disposal to service the development.

HCC Lead Local Flood Authority

7.7 No objection raised following a review of the submitted supporting technical documentation.

HCC Archaeology

7.8 No objection, subject to conditions.

HCC Highways

7.9 Objections raised in respect of the following key elements:

- A review should be conducted on pedestrian crossing points of Mays Lane;

- An agreement must be made to ensure an adequate bus service for the proposed site;
- Amendments to the site access proposals;
- Amendments to the junction modelling;
- Junction modelling should be conducted for A27/Peak Lane, Mays Lane/Titchfield Road/B3334 roundabout, and Stubbington Green/Stubbington Lane/Gosport Road/B3334 roundabout;
- Further details regarding the internal layout of the site; and,
- Amendments required to make the Travel Plan acceptable.

HCC Children's Services

- 7.10 The schools within the catchment area are full. There is no requirement to expand these schools, however a financial contribution is required to improve infrastructure and to secure funding for school travel plans, and for investment in sustainable travel in order to provide adequate addition places to support the proposed development. Developers' contributions will be expected where it is necessary to remove limitations to the delivery of the curriculum, so that existing nominal capacity can be fully used to meet additional demand from a development.

Portsmouth Water

- 7.11 No comments received

INTERNAL

Affordable Housing Officer

- 7.12 Affordable housing provision for the site should equate to 104.4 dwellings (105 on site provision) or a 0.4 off-site financial contribution should be provided. The affordable rent mix should increase the number of 3-bed properties by 8 additional units, in lieu of 2-bed units.

Environmental Health (noise/pollution)

- 7.13 No objection, subject to conditions.

Environmental Health (contaminated land)

- 7.14 No objection, subject to informative.

Trees

- 7.15 Concerns have been raised regarding the proximity of the properties to the protected trees on the eastern boundary. Insufficient space has been created which should require several of the properties of the eastern boundary to be removed and re-sited. More landscaping details are required for new tree planting in the street scene, and their future management.

Recycling Co-ordinator

- 7.16 Details regarding tracking of refuse vehicles needed – scheme acceptable subject to appropriate vehicle tracking.

Ecology

- 7.17 Objection – significant concerns regarding protected species, namely water voles, Great Crested newts, birds, badgers and bats on both the northern and southern parts of the site. Further information regarding the use of the open space (northern part of the site) is required. Insufficient and lack of green buffers have been created to the periphery of the site.

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) Implications of Fareham's current Five Year Housing Land Supply Position (5 YHLS);
- b) Residential development in the countryside;
- c) Consideration of Policy DSP40 – Housing Allocations;
- d) Other matters;
- e) The Planning balance.

a) Implications of Fareham's Current Five Year Housing Land Supply Position

- 8.2 A report titled "Five year housing land supply position" was reported for Member's information in the April 2019 Planning Committee. That report set out this Council's local housing need along with this Council's current housing land supply position. The report concluded that this Council has 4.66 years of housing supply against the new 5YHLS

- 8.3 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".

- 8.4 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.

- 8.5 Paragraph 59 of the NPPF seeks to significantly boost the supply of housing.
- 8.6 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.
- 8.7 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:

- i. Approving development proposals that accord with an up-to-date development plan without delay; or*
- ii. 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 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."**

- 8.8 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.

- 8.9 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".

- 8.10 The wording of this paragraph was amended by government in February 2019 rewording the NPPF to clarify that in cases such as this one where no appropriate assessment has been undertaken, the so-called ‘tilted balance’ as it has come to be known, of paragraph 11 is not engaged.
- 8.11 The following sections of the report assesses the application proposals against this 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

8.12 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.

8.13 Policy CS14 (Development Outside Settlements) 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.”

8.14 Policy DSP6 (New Residential Development Outside of the Defined Urban Settlement Boundaries) of the Local Plan Part 2: Development Sites and Policies Plan states – there will be a presumption against new residential development outside of the defined urban settlement boundaries (as identified on the Policies Map).

8.15 The site is clearly outside of the defined urban settlement boundary of Stubbington and Hill Head 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) Consideration of Policy DSP40: Housing Allocations

8.16 Policy DSP40: Housing Allocations, of the 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”.*

8.17 Each of these five bullet points are worked through in detail below.

Policy DSP40 (i)

8.18 Persimmon Homes have clarified that they have a general build rate of approximately 60 dwellings per year on a particular site. Therefore, for a scheme of 261 dwellings, the applicant has confirmed that a development of this scale could be constructed within approximately four and half years.

8.19 As such, the current position of the Council is that the shortfall amounts to only 186 dwellings, for which this development proposal, if permitted would exceed the shortfall, but would be considered relative in scale.

8.20 It is therefore considered that the proposals accord with DSP40(i).

Policy DSP40 (ii)

8.21 The site is located within the designated countryside but its eastern boundary abuts the adopted Stubbington and Hill Head Urban Settlement Area as defined in the Adopted Local Plan. Existing residential development within the urban area is therefore located to the immediate east of the site (Marks Tey Road and Summerleigh Walk) and, although not physically abutting the site, a short distance from the southern end of the site (dwellings on the south side of Lychgate Green).

8.22 The Local Highway Authority Hampshire County Council have advised that the suitability of walking and cycling routes from the site to the village centre should be reviewed by the applicant and any required improvements

highlighted. They have also raised concerns that the distance from the site to local catchment primary and secondary schools means it is likely that a proportion of families will drive to those schools exacerbating an existing situation. In relation to public transport, nearby Mays Lane is served by the First Bus 21/21A service however bus stops on the road are currently beyond what would be considered a reasonable walking distance from the centre of the application site.

- 8.23 In summary, whilst the eastern site boundary is located immediately adjacent to the existing urban settlement area, the application fails to demonstrate that the development would be accessible with regards to public transport links and walking and cycling routes to local services and facilities. For these reasons the proposal is contrary to Policy DSP40(ii).
- 8.24 For those same reasons the proposal is also contrary to Policy CS5 which seeks to ensure that: *“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”* and Policy CS15 which states that the Council *“will promote and secure sustainable development by directing development to locations with sustainable transport options, access to local services, where there is a minimum negative impact on the environment...”*.

Policy DSP40 (iii)

- 8.25 Officers are of the clear view that the proposal fails to satisfy the third policy point of DSP40.
- 8.26 The proposal is not sensitively designed to reflect the character of the neighbouring settlement.
- 8.27 The planning application has been submitted in full detail where full consideration of the design and appearance of the development, together with the proposed site layout can be considered. The proposal seeks to construct a development of approximately 34 dwellings per hectare (calculated from only the area south of Oakcroft Lane). The site is located in an edge of settlement position, where it would be expected to diminish in density in order to create a looser knit of development for this type of location. However, the relatively high density of the proposal, which includes three storey blocks of flats is considered to be overly dense for this location and fails to have regard to the lower density development in the surrounding area, particularly when compared to the development at Marks Tey Road and Lychgate Green.
- 8.28 It is acknowledged that some higher density development exists near the site, including at Summerleigh Walk, to the immediate east of the site. However,

Summerleigh Walk represents a small pocket of development, which is not consistent with the prevailing pattern of development in the surrounding urban area. The applicant has sought to apply a lower density of development to the periphery of the site, particularly to the northern section. However, even the lower density developments around the northern and western parts of the site are also considered to be overly dense for this edge of settlement location, failing to respect the edge of settlement location, which is exacerbated by the limited level of landscaping and green infrastructure to soften the appearance of the site from the wider, open countryside to the north of the site.

- 8.29 Officers consider that the cramped nature of the development results in a development which would have a detrimental impact on the prevailing character of the settlement of Stubbington. This cramped form of development is notable in many aspects of the proposals. For example, this is evidenced by the limited front garden sizes afforded to a significant number of the proposed dwellings, with many properties opening directly onto hardstanding, paths and car parking bays. Approximately 128 dwellings (49%) of the 261 dwellings comprise little to no front gardens, which results in extensive levels of hardstanding being created to the frontage of the site. Many of these properties also comprise parking bays directly to the front of the properties which when viewed along the street scene would diminish the visual amenity of the area with a number of the trees comprising only token areas of landscaping, resulting in a poor quality of living environment and decreasing the likelihood of the long-term preservation of these small pockets of vegetation.
- 8.30 Related to this is the overall prevalence of hard landscaping across the proposed scheme which Officers considers unacceptably compromises the visual amenities of the development. More appropriate solutions to achieving a mix of parking provisions, which integrates a greater level of soft landscaping is sought in order to create more attractive, walkable neighbourhoods which do not appear dominated by the car, and street scenes that create views and vistas into and out of the site, relating better to the wider countryside beyond have failed to be achieved on this important, edge of settlement location.
- 8.31 In addition, the development proposal includes two, three storey blocks of flats, which whilst located within the centre of the site, represent substantial blocks of built form and increased massing within a site which should form a lower density, well landscaped edge of settlement character. The main three storey block would be partially viewed along the main access road and would be situated adjacent to a cluster of 2.5 storey terraced dwellings. The massing and density of these properties adds to the overdeveloped character of the site, where the presence of a flatted development should be

discouraged in this location. The massing, bulk and form of the flatted developments are akin to a more urban setting and again is at odds with the prevailing pattern of development within the neighbouring settlement area.

- 8.32 The above paragraphs have focussed predominantly on lack of sensitive design which has resulted in a proposal which does not respond positively to, and is not respectful of, the character of the adjacent urban area. The proposal also fails to minimise the adverse impacts of the development on the countryside located to the north and west of the site.
- 8.33 To the west of the site lies Crofton Cemetery, which is designated as an area of public open space within the Adopted Local Plan. At present, the cemetery benefits from a countryside setting, with open countryside to the immediate north, east and west. The southern boundary also forms parts of an established woodland which includes public rights of way linking the cemetery to the low density, residential environment of Marks Tey Road. The cemetery is currently separated from the site by a well-established hedgerow approximately 2 metres high, which with an open, undeveloped field beyond enhances the countryside setting of the cemetery. A great number of third-party letters of objection have raised serious concerns regarding the impact development on the site, in proximity to the cemetery shown would significantly impact on the tranquillity and sense of place the cemetery currently enjoys.
- 8.34 The current proposal includes the gable ends of five dwellings within a few metres of the hedgerow, which would have a significant, and unacceptable overbearing visual impact on the setting of the cemetery. In addition, eight properties would have rear gardens backing up to the hedgerow, with four of the five properties whose gable ends adjoin the hedgerow also having rear gardens comprising the hedgerow as part of the boundary. This is likely to increase pressure on the hedgerow and could result in fencing or other means of enclosure encroaching onto the hedge, further impacting on the possible longevity of the hedgerow and rural character, appearance and setting of the cemetery. These matters, which together with the lack of a habitat buffer within the site adjacent to this boundary which is discussed later in this report, would result in a harmful impact on the visual amenity the cemetery currently enjoys.
- 8.35 In respect of the impact on the landscape character when viewing the site from the north, the site lies within the Fareham/Stubbington Gap as defined in the Council's Landscape Character Assessment 2017, and despite the application being supported by a Landscape and Visual Impact Assessment (LVIA) highlighting only a negligible impact on the landscape, Officers consider that the development of the field to the southern side of Oakcroft

Lane would have a major/moderate landscape effect on the immediate area. It is acknowledged that this impact is relatively contained with the impact on the landscape resources reducing with increased distance from the site. However, views of the development would be evidenced from Peak Lane travelling southwards, which has not been assessed by the applicant's LVIA. The relatively thin line of poplar trees along the northern perimeter of the site, adjacent to Oakcroft Lane would not offer a significant level of screening to the development site in the immediate surrounding landscape context, which has resulted in an underestimation of the effects of the proposals on landscaping character at the site and local levels.

- 8.36 In respect of the impact on the integrity of the Strategic Gap, it is acknowledged that the development of the site would result in the physical construction of new development within an area of undeveloped land within the Gap. Oakcroft Lane acts as a strong defensible boundary behind which the development would be contained, where the existing boundary vegetation along the lane provides some existing visual containment. However, the lack of a robust level of landscaping to the periphery of the site and the access road could lead to a perception of urban creep northwards from Stubbington. The sense of separation between Fareham and Stubbington would be largely maintained through the development of the land to the southern side of Oakcroft Lane, although the perception of where Stubbington begins would be marginally eroded through the introduction of the new access road. Maintenance of existing vegetation cover and additional planting along the new access road would contribute towards reducing this effect. Officers recognise that this is a finely balanced material consideration in the determination of this planning application.
- 8.37 It is therefore considered that the proposal is poorly designed and laid out, failing to reflect the neighbouring settlement character or its location at the edge of the settlement. Whilst the development of the site would not have a significant effect on the integrity of the Strategic Gap and the physical and visual separation of settlements, the overly dense character of the proposal together with the limited levels of landscaping around the periphery would result in a significant landscape effect on the immediate area. The proposal fails to accord with part (iii) of DSP40, and policies CS14 and CS17.

Policy DSP40 (iv)

- 8.38 The applicants have stated in their supporting Planning Statement that the greenfield nature of the site would ensure that the site can be delivered immediately in the event that planning permission is granted. The applicant has also highlighted that Persimmon Homes have a long-established history of delivering large housing sites and the resources to ensure this development is expedited in the short term. The Council has the ability to reduce the

implementation period where there is a shortfall in housing provision, in order to ensure the delivery of housing in the short term. This would mean the delivery of the full number of houses within the five year housing supply period.

8.39 It is therefore considered that the proposal accords with part (iv) of DPS40.

Policy DSP40 (v)

8.40 The final text of Policy DSP40 requires that proposals would not have any unacceptable environmental, amenity or traffic implications. These are discussed in turn below:

Likely Significant Effects on the Designated Sites

8.41 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.

8.42 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).

8.43 The application site is approximately 275 metres from the Solent and Southampton Waters SPA and Ramsar Site, 2.2 km from the Portsmouth Harbour SPA and Ramsar Site, 11.4 km from the Chichester and Langstone Harbours SPA and 5.1 km from the Solent Maritime SAC.

8.44 Policy CS4 sets out the strategic approach to biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policy DSP13 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.

8.45 Firstly, 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.

- 8.46 In respect therefore of the effect on water quality, the development would see the loss of 19.4 ha of active arable farmland, and the applicants have submitted information to demonstrate the proposals would be nitrate neutral (-90kg/TN/year approximately) and would therefore result in an improvement on the existing situation in terms of the level of nitrates being discharged into the Solent. Officers are satisfied that, if the application were to be recommended for approval, the necessary offsetting of the agricultural land could be secured by way of a suitably worded planning obligation in a legal agreement under Section 106 of the Town & Country Planning Act. Subject to that obligation Officers consider the development would not result in adverse effects on the EPS.
- 8.47 Secondly, Natural England has further advised that the effects of emissions from increased traffic along roads within 200 metres of the EPS also has the potential to cause a likely significant effect.
- 8.48 In respect of air quality issues, the applicant has provided an Air Quality Ecological Impact Assessment (AQEIA) which has been considered by Natural England. The AQEIA concludes that the proposed development would not have a significant effect on the integrity of the protected sites and Natural England have raised no objection on this basis. However, Officers have some concerns that the AQEIA does not satisfactorily address the in-combination effects of other developments, specifically in regards to those in the western half of the Borough, nor does it robustly assess the impact of vehicular traffic travelling westwards. The AQEIA assesses vehicular movements from the site to the Titchfield Gyratory (including the Stubbington By-pass) eastwards towards Junction 11 of the M27 but fails to assess the impact westwards from the Titchfield Gyratory towards Junction 9 (Whiteley) of the M27. It is considered likely that the majority of traffic travelling along the By-pass (when constructed) to the Titchfield Gyratory would continue to travel westwards along the A27 (Southampton Road) towards the Segensworth Roundabout, rather than turning eastwards towards Fareham. In the absence of a sufficiently robust assessment of these matters Officers consider that it remains uncertain whether or not the impact of air quality will result in likely significant effects on EPS.
- 8.49 Finally, the Solent coastline (including the River Hamble) provides feeding ground for internationally protected populations of overwintering birds and is used extensively for recreation. Natural England has concluded that where residential development is proposed within 5.6km of the Solent SPAs the likelihood of a significant effect from recreational visits, as a result of the in-combination effects of all new residential development around the Solent, cannot be ruled out.

- 8.50 Policy DSP15 requires appropriate mitigation against the impact of recreational disturbance arising from new housing development on the Solent SPAs, as required by the Solent Recreational Mitigation Strategy (SRMS), which has been formally adopted by the Council. No contribution towards habitat mitigation has been provided to mitigate against increased recreational disturbance, and therefore the development is contrary to Policy DSP15. The applicants have expressed a willingness to make the necessary financial contribution towards the SRMS and this matter could therefore be adequately addressed. If the application were to be recommended by Officers for approval this matter could be addressed through the applicant entering into a suitably worded planning obligation in a Section 106 legal agreement.
- 8.51 In summary, Officers consider that it has not been demonstrated that European Protected Sites would not be adversely affected by the development and the proposal therefore fails to protect those sites. As a result the proposal is contrary to Policies CS4, DSP13 & DSP15 of the adopted local plan.
- 8.52 In this particular case no Appropriate Assessment has been carried out by the Local Planning Authority under the 'habitat regulations'. Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' (in this case the Local Planning 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 is likely to have a 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. However since the application is being recommended for refusal by Officers for other reasons, there is no requirement to carry out an Appropriate Assessment as would otherwise be required.

Ecology on-site

- 8.53 The application has been supported by a number of ecological surveys, however the proposals have been subject to a detailed objection from the Council's Ecologist due to the overall scale of the development, and the lack of habitats being created on site, together with serious concerns regarding the impact on a number of protected species, including wolverines and badgers.
- 8.54 The land south of Oakcroft Lane is classified as a Low Use site in the Solent Waders and Brent Goose Strategy (2018) which highlights that Low Use sites have the potential to support the existing network and provide alternative options and resilience for the future network. The Strategy highlights that in the first instance, consideration should be given to on-site mitigation, off-setting and/or enhancements. Where this is not practical, compensation funding should be considered. Compensation funding may include payment

towards the management and enhancement of the wider waders and Brent geese ecological network. The Council's Ecologist considers that compensation funding would be acceptable in this case to the land south of Oakcroft Lane.

- 8.55 During the course of the application being considered, the land north of Oakcroft Lane has been re-classified as a Secondary Support Area in the Solent Waders and Brent Goose Strategy which highlights that they offer an important function in supporting the Core and Primary Support ecological network. In-combination, these sites are essential to secure a long term, permanent network as this ensures a geographical spread of sites across the wider ecological network. The Secondary Support Areas also provide suitable and favoured sites in years where the population includes high numbers of juveniles, as well as ensuring future resilience.
- 8.56 The Strategy continues to state that the loss of or damage to Secondary Support Areas should be discouraged and on-site avoidance and mitigation measures considered wherever possible. The preference for the use of these sites is for on-site provision to maintain a network of sites across the region. Where the loss or partial loss of Secondary Support Areas is unavoidable, they should be off-set by the provision of suitable replacement habitats which are supported by an agreed costed habitat management plan and funding secured in perpetuity.
- 8.57 Officers have discussed the implications with the applicant and it has been agreed in principle that this land could be converted into habitat more suited to encourage and enhance the use of the land for these protected birds. However, no specific details of this has been formally considered as part of the application proposal.

Other Environmental Implications

- 8.58 The application has been supported by a detailed Tree Protection Plan and Arboricultural Impact Assessment, however, the Council's Tree Officer has raised concerns regarding the proximity and likely pressure the proposed development would have on the trees that currently form the perimeter of the site, and in particular those protected trees along the eastern boundary. The close proximity of the proposed houses, roads and proposed footpath are likely to lead to increased pressure on the preservation of these trees, leaving limited spaces for their growth and future retention.
- 8.59 The Environment Agency have raised an objection due to the lack of resilience to climate change being integrated into the development proposal. The applicant provided a Flood Risk Assessment to support the proposals. However, due to the lack of an adequate assessment on climate change, the

Environment Agency has concerns that the development will be safe for its lifetime, in terms of both the property and its inhabitants. Therefore, the proposal is contrary to NPPF paragraph 163 in that it has failed to demonstrate that the development is appropriately flood resistant and resilient.

- 8.60 The application proposal is therefore considered contrary to point (v) – environmental impact of Policy DPS40.

Amenity

- 8.61 The proposed development abuts the existing urban settlement boundary along its eastern edge giving rise to the potential for adverse impacts on the amenities of existing residents living nearby.
- 8.62 Officers have considered the relationships between the proposed housing and the existing dwellings in neighbouring streets having regard to the advice in the Council's Adopted Design Guidance (excluding Welborne) Supplementary Planning Document and have found that the relative separation distances would exceed the minimum distances sought and would not therefore have unacceptable adverse impacts on the living conditions of these occupiers. However, due to the relative proximity of the proposed dwellings along the eastern edge of the development, the development could result in greater pressure to remove the trees along the eastern boundary. The limited spacing of the buildings along this edge of the development could, in the event that the trees are required to be removed or fail to survive the development, result in the potential loss of a defined green corridor along the eastern boundary, impacting on the outlook from the occupiers to the east.
- 8.63 Officers have also considered the living environment proposed to be created within the site itself. It has been found that approximately 88 dwellings (34%) of the 261 dwellings proposed do not comprise the minimum 11 metre long rear gardens sought in the Design Guidance SPD. This further highlights the cramped nature of the proposal as referred to earlier in this report, but also provides insufficient external amenity space for future residents of the development. It would also result in insufficient back-to-back relationships between some properties where the separation distances fall below the minimum 22 metres required by the Design Guidance SPD. This would cause unacceptable levels of overlooking and result in a lack of privacy for neighbouring occupiers. The flatted scheme, at three storeys would also have only 22 metres separation to the properties to the rear and would result in considerable and constant overlooking from first and second floor flats, including living rooms and bedrooms to the neighbouring properties, resulting in a poor living environment for these future occupiers.

- 8.64 There are further concerns over the amount and quality of public open space proposed. The Council's adopted Planning Obligations SPD requires the provision of a NEAP (Neighbourhood Equipped Area of Play) for developments of 200 houses or more. The applicant proposes to provide a NEAP on part of the area of land to the north of Oakcroft Lane. The NEAP is poorly located away from the proposed houses and is not well integrated into the wider development.
- 8.65 Based on a development of 261 dwellings with the mix of dwellings proposed, the scheme is required to provide 0.913ha of open space to accord with the Council's adopted Planning Obligations SPD. The applicant proposes that the land to the northern side of Oakcroft Lane is dedicated as public open space (approximately 10ha). However, as explained earlier in this report, this land is designated as a Secondary Support Area for migratory SPA birds and so cannot be relied on as providing public open space to meet the requirements of the SPD.
- 8.66 As such, discounting the land to the northern side of Oakcroft Lane, the application proposes approximately 1.29ha of open space, although 1.09ha of that land is already existing open space and would need to be excluded. The 1.09ha of land is designated as open space in the adopted Local Plan (Marks Tey Road Woodland). Therefore, the proposal only includes an area of 0.2ha of open space, which is well below the minimum standard required in the adopted Planning Obligations SPD and highlights the overdevelopment of the site. Further, the Council's adopted Design Guidance SPD makes reference to the positioning of new public spaces for larger developments, highlighting that they will be expected to provide new well designed and thought out public spaces which function successfully. The siting of the main new provision of open space to the northern periphery of the site would be poorly related to the remainder of the development, and existing residents. The NEAP would be poorly overlooked by nearby residential properties resulting in a lack of natural surveillance and would not create a vibrant, active space. The location fails to accord with the advice of the Design Guidance SPD.
- 8.67 In summary, the proposal fails to provide adequate external private amenity space and the separation distances between some dwellings would lead to overlooking and loss of privacy. The public open space proposed is insufficient and poor quality. The development would therefore be contrary to Policies CS17, CS21, DSP2 and DSP3 of the adopted Local Plan and contrary to point (v) – amenity impact of Policy DSP40.

Traffic

- 8.68 In respect of the traffic impact from the development proposal, the application has been supported by detailed Transport Assessment and Travel Plan, both

of which have been considered in detail by the Highway Authority who has raised substantial objections to the proposals, a summary of which is set out in paragraph 7.9 above.

- 8.69 The application proposal will be accessed from a new linked service road into the site directly onto Peak Lane, north of the existing Oakcroft Lane junction. The access road will cross Oakcroft Lane at the northern end of the site where to the east, Oakcroft Lane will be closed off, creating a no through road for the occupiers of Three Ways Close (to the immediate east of the site). There will however be a new westward junction from the new link road onto Oakcroft Lane, maintaining the east-west connection between Peak Lane and Titchfield Road (to the west of the site).
- 8.70 A number of junctions have been modelled to assess the likely impact, including the site access with Peak Lane, Peak Lane/Longfield Avenue/Rowan Way roundabout, Ranvilles Lane/A27 and the proposed Bypass/Peak Lane. These junctions have been considered using a variety of scenarios including other potential developments and whether or not the bypass would be implemented. The Highway Authority has raised concerns that several key junctions have not been considered, particularly those within Stubbington.
- 8.71 In addition to the modelling of the junctions, there are a number of serious concerns regarding traffic implications within the development site itself which the applicant has not addressed. These include the width of some internal roads being inadequate and unable to accommodate the passing of refuse vehicles (or other large lorries) and cars without the need for one vehicle to mount the pavement. This adds to concerns made above that the development proposal is cramped and represents an overdevelopment of the site. This could also be exacerbated by the provision of a significant proportion of the higher density dwellings comprising unallocated car parking spaces, which is likely to result in an increase provision of on-street car parking, some of which might be needed on the main access road.
- 8.72 Additionally, a number of the properties on the main access road comprise tandem parking, including triple tandem parking. Whilst tandem parking may be considered acceptable in some circumstances on side streets where it is accompanied by more generous road widths, this type of parking on the main road could result in increased numbers of vehicle movements, and vehicles reversing onto this road, to the detriment of highway safety for future occupiers.

- 8.73 Further concerns have also been raised regarding the number and distribution of visitors parking, largely located to the periphery of the site, and the lack of provision for electric charging points for vehicles.
- 8.74 The Travel Plan, submitted with the planning application has also been considered by the Hampshire County Council Travel Plan team, and deficiencies have been identified despite considering the overall quality of the Plan being good, following the advice set out in the County Council's evaluation criteria. No amendments to the Travel Plan have been received to address the shortcomings in its content.
- 8.75 The Local Highway Authority maintain an objection to the proposals and as a result of the points set out above Officers consider the application to be contrary to point (v) – traffic implications of Policy DSP40.

d) Other Matters:

Impact on setting of Grade II* Listed Crofton Old Church

- 8.76 Historic England, the statutory consultee in relation to heritage matters, have raised no objection to the proposals on heritage grounds. However they identify that there would be harm to the setting of the listed church through the erosion of its rural setting and describe the level of harm as low.
- 8.77 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires local planning authorities to give special regard to the desirability of preserving a listed building or its setting. The NPPF makes it clear that any harm to a designated asset, including through development in its setting, must be clearly and convincingly justified and weighed against public benefits.
- 8.78 Officers have carefully considered the advice from Historic England and concur with the view expressed over the level of harm being low. Officers consider this harm to be 'less than substantial'. Paragraph 196 of the NPPF states:
- “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.”*
- 8.79 However, even if the harm is less than substantial, the balancing exercise of Paragraph 196 must not ignore the overarching statutory duty imposed by Section 66 which requires considerable importance and weight to be given to the desirability of preserving the setting of all listed buildings. As a result Officers consider that the public benefits do not outweigh the harm to the

setting of the Grade II* listed church. The proposal is therefore contrary to NPPF Paragraph 196 and local plan Policy DSP5.

Affordable housing provision

- 8.80 The development proposes the provision of 40% affordable housing (104.4 dwellings) and Officers have considered that the level set out is appropriate, although 105 dwellings should be provided on site, or the 0.4 unit should be provided as an off-site financial contribution. However, having regard to the identified local need, the Council's Housing Officer considers that the level of 2-bedroom units proposed as affordable housing should be reduced and replaced with 3-bedroom units. The affordable housing offer by the applicant is therefore unacceptable and fails to provide to provide a mixture of dwelling sizes that reflect the identified needs of the local population contrary to Policy CS18 of the adopted local plan.

e) The Planning Balance:

- 8.81 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 purposes 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".

- 8.82 As set out in paragraph 8.9 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 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".

- 8.83 In this instance Officers have identified significant effects on habitats sites and no Appropriate Assessment has been carried out. With that in mind the so called 'tilted balance' of Paragraph 11 of the NPPF is not engaged.

- 8.84 The site is outside of the defined urban settlement boundary and the proposal does not relate to agricultural, 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 the Local Plan Part 2: Development Sites and Policies Plan.

- 8.85 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 in April 2019 and the Government steer in respect of housing delivery. It is acknowledged that the proposal would make a significant contribution to the shortfall of houses in the Borough, including the provision of affordable housing, and that the development could be carried out without delay delivering a substantial number of houses in the short term. However, the proposal fails key tests set out in points (iii) and (v) of Policy DSP40.
- 8.86 The development would have an adverse visual effect on the countryside, would erode the integrity of the strategic gap and would result in a cramped layout of low quality which would fail to respond positively to and be respectful of the key characteristics of the surrounding area. It would have unacceptable ecological, environmental, amenity and traffic implications and would result in less than substantial harm to a designated heritage asset.
- 8.87 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.
- 8.88 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 would apply. The remainder of this report clarifies the Officer advice in that scenario.
- 8.89 Should the presumption in favour of sustainable development apply, Paragraph 11 of the NPPF states:

“For decision-taking this means:

- c) Approving development proposals that accord with an up-to-date development plan without delay; or*
- d) 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 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.”

- 8.90 The proposal does not accord with the development plan (point c). In terms of the first limb of point d), there are two policies within the NPPF which provide clear reasons for refusing the development.
- 8.91 Firstly, the report above has shown how the proposal is contrary to NPPF paragraph 163 in that it has failed to demonstrate that the development is appropriately flood resistant and resilient.
- 8.92 Secondly, the report has also identified that the proposal is contrary to NPPF paragraph 196 in that it will lead to less than substantial harm to the significance of a designated heritage asset.
- 8.93 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.

9.0 Recommendation

9.1 REFUSE PLANNING PERMISSION, for the following reasons:

The development would be contrary to Policies CS2, CS4, CS5, CS6, CS14, CS15, CS17, CS18, CS20, CS21 and CS22 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP1, DSP2, DSP3, DSP5, DSP6, DSP13, DSP14, DSP15 and DSP40 of the Adopted Local Plan Part 2: Development Sites and Policies Plan, and is unacceptable in that:

- i) the provision of dwellings in this location would be contrary to adopted local plan policies which seek to prevent residential development in the countryside.
- ii) the development of the site would result in an adverse visual effect on the immediate countryside setting around the site.
- iii) the introduction of dwellings in this location would fail to respond positively to and be respectful of the key characteristics of the area, in this countryside, edge of settlement location, providing limited green infrastructure and offering a lack of interconnected green/public spaces.

- iv) the quantum of development proposed would result in a cramped layout and would not deliver a housing scheme of high quality which respects and responds positively to the key characteristics of the area.
- v) the proposed development involves development that involves significant vehicle movements that cannot be accommodated adequately on the existing transport network. Insufficient information has been provided to demonstrate that the development would not result in a severe impact on road safety and operation of the local transport network.
- vi) the proposed access arrangement onto Peak Lane is inadequate to accommodate the development safely. This would result in an unacceptable impact on the safety of users of the development and adjoining highway network.
- vii) the proposal fails to demonstrate that the development would be accessible with regards to public transport links and walking and cycling routes to local services and facilities.
- viii) the development proposal fails to provide sufficient provision of, or support for, sustainable transport options. This would result in a greater number of trips by private car which will create a severe impact on the local transport network and the environment.
- ix) inadequate information has been provided to assess the impact of the proposed works on water voles on site and any measures required to mitigate these impacts such as the provision of enhanced riparian buffers. In addition, there is insufficient information in relation to their long-term protection within the wider landscape by failing to undertake any assessment of the impact of the proposals on connectivity between the mitigation pond created as part of the Stubbington Bypass Scheme and the wider landscape. The proposal fails to provide appropriate biodiversity enhancements to allow the better dispersal of the recovering/reintroduced water vole population in Stubbington.
- x) insufficient information has been submitted in relation to the adverse impacts of the proposals on the Solent Waders and Brent Goose Low Use Site and Strategy Secondary Support Area and any mitigation measures required to ensure the long-term resilience of these support networks.
- xi) the development proposal fails to provide adequate wildlife corridors along the boundaries of the site to ensure the long-term viability of the

protected and notable species on the site and avoidance of any future conflicts between the residents and wildlife (e.g. badgers damaging private garden areas) due to the lack of available suitable foraging habitat.

- xii) in the absence of sufficient information, it is considered that the proposal will result in a net loss in biodiversity and is therefore contrary to the NPPF which requires a net gain in biodiversity;
- xiii) the development would result in an unacceptable impact on a number of protected trees around the periphery of the site.
- xiv) the submitted flood risk assessment fails to assess the impact of climate change on the development and therefore fails to demonstrate that the development is appropriately flood resistant and resilient;
- xv) the development would fail to preserve, and would result in less than substantial harm to, the historic setting of the Grade II* Listed building Crofton Old Church;
- xvi) had it not been for the overriding reasons for refusal the Council would have sought to secure the details of the SuDS strategy including the mechanisms for securing its long term maintenance.
- xvii) the development proposal fails to secure an on-site provision of affordable housing at a level in accordance with the requirements of the Local Plan.
- xviii) in the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas.
- xix) the development proposal fails to provide adequate public open space. In addition, in the absence of a legal agreement securing provision of open space and facilities and their associated management and maintenance, the recreational needs of residents of the proposed development would not be met.
- xx) in the absence of a legal agreement to secure the submission and implementation of a full Travel Plan, payment of the Travel Plan approval and monitoring fees and provision of a surety mechanism to ensure implementation of the Travel Plan, the proposed development

would not make the necessary provision to ensure measures are in place to assist in reducing the dependency on the use of the private motorcar.

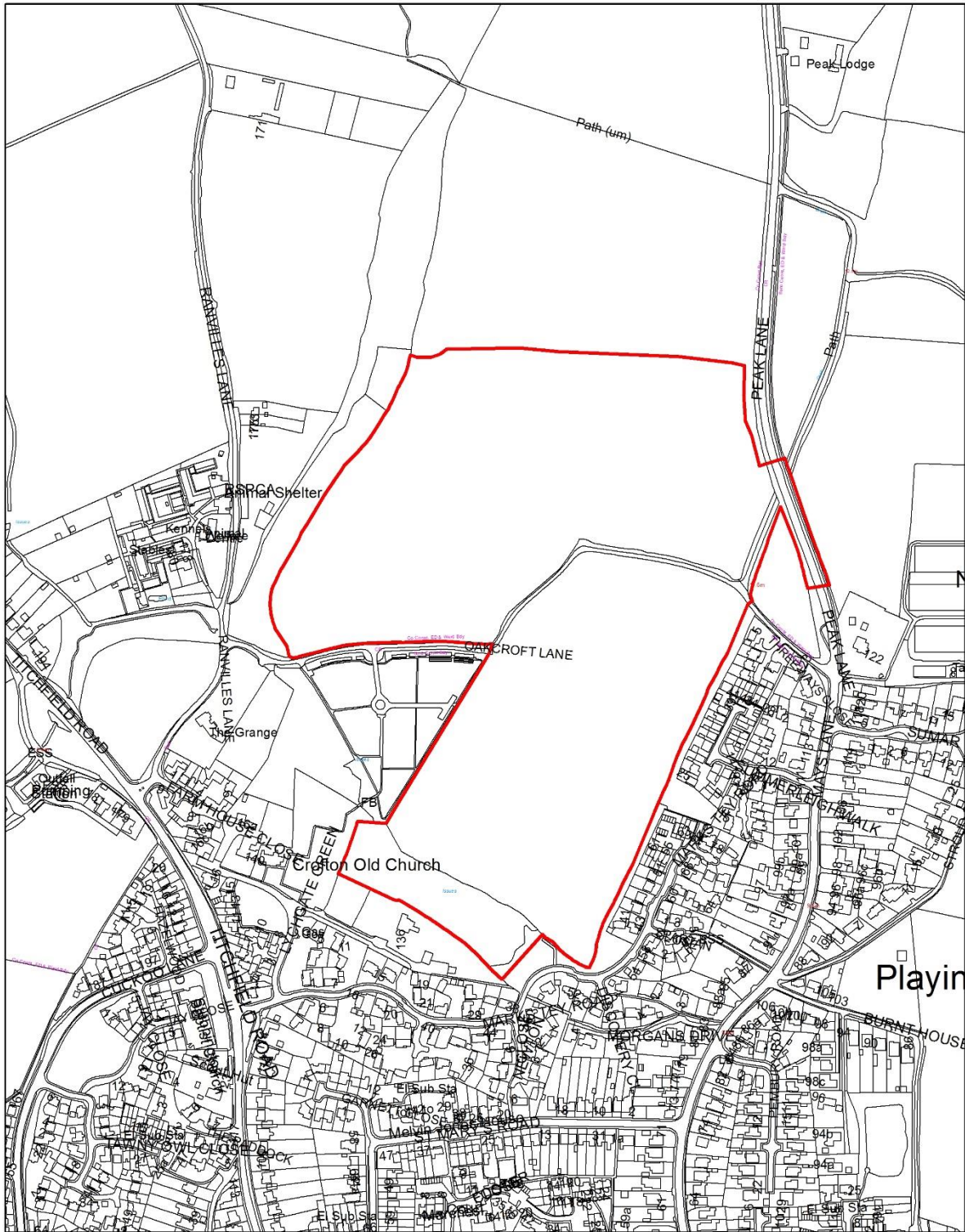
- xxi) in the absence of a legal agreement to secure such, the proposal would fail to provide a financial contribution towards education provision.

10.0 Background Papers

P/19/0301/FP

FAREHAM

BOROUGH COUNCIL



Land East of Crofton Cemetery &
West Of Peak Lane
Fareham
Scale 1:5,000



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