

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 (AQMA) 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 (AQMA); 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:

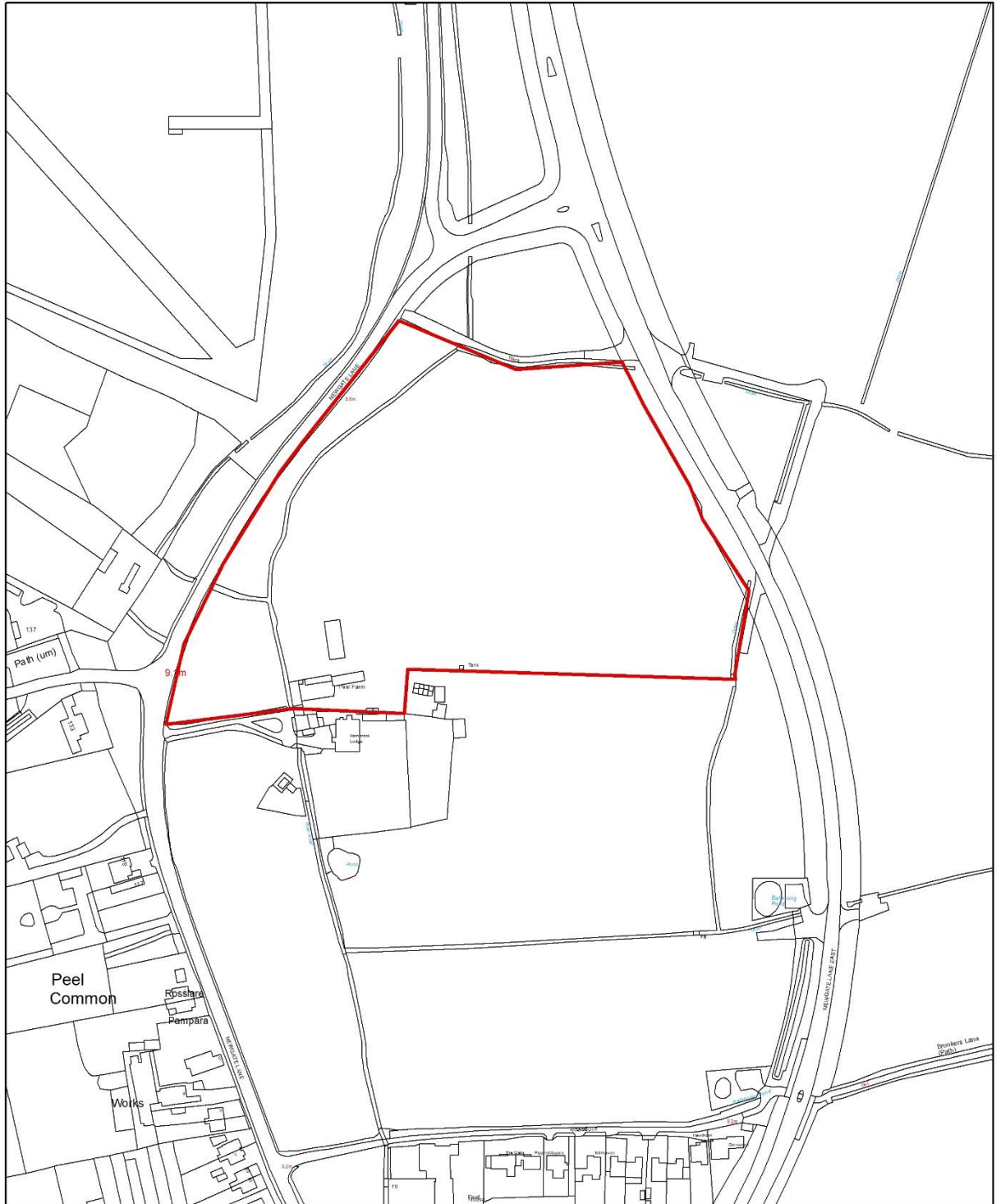
Had it not been for the overriding reasons for refusal to the proposal, and had the Local Planning Authority been in a position to determine the application, the Local Planning Authority would have sought to address points j - n) above by inviting the applicant to enter into a legal agreement with Fareham 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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