

OFFICER REPORT FOR COMMITTEE

DATE: 24/06/2020

P/19/0460/OA
BARGATE HOMES LIMITED

STUBBINGTON
AGENT PEGASUS

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

LAND AT NEWGATE LANE (SOUTH)

Report By

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1.0 **Introduction**

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

2.0 **Site Description**

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

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

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

3.0 **Description of Proposal**

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

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

4.0 **Policies**

4.1 The following policies apply to this application:

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

Adopted Fareham Borough Core Strategy

CS2: Housing Provision

CS4: Green Infrastructure, Biodiversity and Geological Conservation

CS5: Transport Strategy and Infrastructure

CS6:	The Development Strategy
CS14:	Development Outside Settlements
CS15:	Sustainable Development and Climate Change
CS16:	Natural Resources and Renewable Energy
CS17:	High Quality Design
CS18:	Provision of Affordable Housing
CS20:	Infrastructure and Development Contributions
CS21:	Protection and Provision of Open Space
CS22:	Development in Strategic Gaps

Adopted Development Sites and Policies

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

Other Documents:

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

Residential Car Parking Standards 2009

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

5.0 ***Relevant Planning History***

5.1 No relevant planning history.

6.0 ***Representations***

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

Principle

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

- There is no need for more houses

Location

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

Strategic Gap

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

Infrastructure

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

Highways

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

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

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

Pollution

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

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

Environment and Ecology

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

Flooding

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

Design

- Inappropriate density would be out of keeping with surrounding area

Other Issues

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

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

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

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

Stop building houses on the Fareham/ Gosport Strategic Gap!

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

And:

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

And:

HA2 - Newgate Lane South, Peel Common

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

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

Air Quality:

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

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

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

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

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

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

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

Development of Greenfield and strategic gap

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

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

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

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

School Places:

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

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

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

Bridgemary 179/232 Brune Park 293/322

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

Doctors and medical care:

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

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

Population density and housing:

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

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

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

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

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

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

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

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

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

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

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

7.0 **Consultations** EXTERNAL

Highways (Hampshire County Council)

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

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

Archaeology (Hampshire County Council)

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

Flood and Water Management Team (Hampshire County Council)

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

Children's Services Department (Hampshire County Council)

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

Minerals and Waste Planning Authority (Hampshire County Council)

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

Environment Agency

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

Historic England

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

Natural England

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

Southern Water

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

Gosport Borough Council

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

INTERNAL

Ecology

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

Environmental Health (Odour)

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

Environmental Health (Noise Pollution)

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

Contaminated Land Officer

- 7.21 No objection subject to planning condition.

Environmental Health (Air Quality)

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

Tree Officer

- 7.23 No objection subject to planning condition.

Affordable Housing Strategic Lead

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

8.0 *Planning Considerations*

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

- a) Implication of Fareham's current 5-year housing land supply position;
- b) Residential development in the countryside;
- c) Impact on European Protected Sites;
- d) Policy DSP40;
- e) Other matters;
- f) The Planning balance.

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

- 8.2 A report titled "Five-year housing land supply position" is reported elsewhere on this agenda. That report sets out this Council's local housing need along with this Council's current housing land supply position. The report concluded that this Council has 2.72 years of housing supply against the 5YHLS requirement meaning there is a shortage of 1,231 dwellings.
- 8.3 Officers accept that the Council cannot currently demonstrate a 5-year supply of deliverable housing sites.
- 8.4 The starting point for the determination of this planning application is section 38(6) of the Planning and Compulsory Purchase Act 2004:
- "If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".*
- 8.5 In determining planning applications there is a presumption in favour of the policies of the extant Development Plan, unless material considerations indicate otherwise. Material considerations include the planning policies set out in the National Planning Policy Framework (NPPF).
- 8.6 Paragraph 59 of the NPPF seeks to significantly boost the supply of housing.
- 8.7 Paragraph 73 of the NPPF states that local planning authorities should identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement including a buffer. Where a local planning authority cannot do so, and when faced with applications involving the provision of housing, the policies of the local plan which are most important for determining the application are considered out-of-date.
- 8.8 Paragraph 11 of the NPPF then clarifies what is meant by the presumption in

favour of sustainable development for decision-taking, including where relevant policies are "out-of-date". It states:

“For decision-taking this means:

- a) Approving development proposals that accord with an up-to-date development plan without delay; or*
- b) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:
 - i) The application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed⁶; or*
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”**

8.9 Footnote 6 to Paragraph 11 reads:

“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.”

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

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

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

8.12 The following sections of the report assesses the application proposals against national planning policy and this Council's adopted local planning policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

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

b) Residential Development in the Countryside

- 8.14 Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. Policy CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries. The site lies with an area which is outside of the defined urban settlement boundary. Policy CS14 of the Core Strategy states that:

“Built development on land outside the defined settlements will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function. Acceptable forms of development will include that essential for agriculture, forestry, horticulture and required infrastructure.”

- 8.15 Policy DSP6 of the Local Plan Part 2: Development Sites and Policies states –
- “There will be a presumption against new residential development outside of the defined urban settlement boundary (as identified on the Policies Map).”*
- 8.16 The site is clearly outside of the defined urban settlement boundary and the proposal does not comprise one of the acceptable forms of development listed in Policy CS14. The proposal is therefore contrary to Policies CS2, CS6, and CS14 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan.

c) Impact on European Protected Sites

- 8.17 Core Strategy Policy CS4 sets out the strategic approach to Biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policy DSP13: Nature Conservation of the Local Plan Part 2 confirms the requirement to ensure that designated sites, sites of nature conservation value, protected and priority species populations and associated habitats are protected and where appropriate enhanced.
- 8.18 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 per cent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and

other animals within the Solent which are of both national and international importance.

- 8.19 In light of their importance, areas within the Solent have been specially designated under UK/European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'European Protected Sites' (EPS).
- 8.20 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'competent authority' if it can be shown that the proposed development will either not have a likely significant effect on designated European sites or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated European sites. This is done following a process known as an Appropriate Assessment. The competent authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The competent authority is either the local planning authority or the Planning Inspectorate, depending on who is determining the application. In this case, it is the Planning Inspectorate.
- 8.21 Natural England has highlighted that there is existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted that increased levels of nitrates entering the Solent (because of increased amounts of wastewater from new dwellings) will have a likely significant effect upon the European Protected Site (EPS).
- 8.22 Achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites. Natural England have provided a methodology for calculating nutrient budgets and options for mitigation should this be necessary. The nutrient neutrality calculation includes key inputs and assumptions that are based on the best-available scientific evidence and research, however for each input there is a degree of uncertainty. Natural England advise local planning authorities to take a precautionary approach when addressing uncertainty and calculating nutrient budgets.
- 8.23 The applicant submitted a nitrate budget calculation based on Natural England's latest methodology dated March 2020. It will be for the Planning Inspector to undertake the Appropriate Assessment.
- 8.24 Officers have considered the current situation in order to be in a position to advise Members on the case that the Council should present to the Planning Inspector.

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

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

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

d) Policy DSP40 (Housing Allocations)

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

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

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

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

Policy DSP40 (i)

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

Policy DSP40 (ii)

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

the urban area of Gosport.

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

School is approximately 1.8km outside the accessibility standard.

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

Policy DSP40(iii)

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

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

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

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

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

Policy DSP40 (iv)

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

Policy DSP40(v)

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

Environmental

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

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

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

Amenity

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

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

Highways

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

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

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

e) Other Matters

Affordable Housing

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

Open Space, Play Provision, Green Infrastructure and Connectivity

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

Effect upon Local Infrastructure

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

f) The Planning Balance

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

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be

made in accordance with the plan unless material considerations indicate otherwise".

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

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

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

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

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

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

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

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

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

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

paragraph 9.1.

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

9.0 ***Recommendation***

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

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

ensure measures are in place to assist in reducing the dependency on the use of the private motorcar.

Note for information:

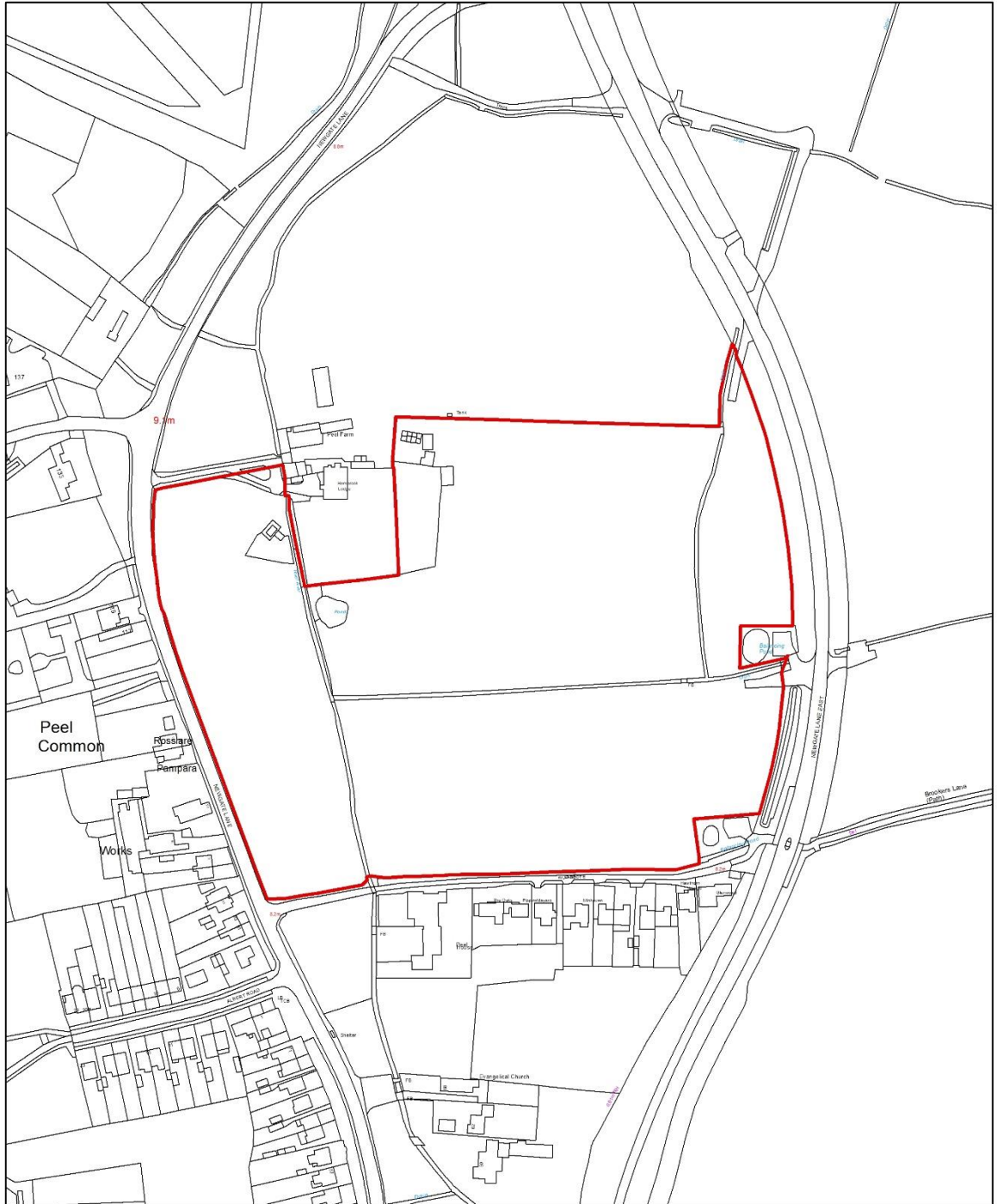
Had it not been for the overriding reasons for refusal to the proposal, and had the Local Planning Authority been in a position to determine the application, the Local Planning Authority would have sought to address points j) - n) above by inviting the applicant to enter into a legal agreement with Fareham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

10.0 Background Papers

P/19/0460/OA

FAREHAM

BOROUGH COUNCIL



Land at Newgate Lane (South)

Scale 1:2,500

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