

DOCUMENT FL&BH 5.2
APPENDICES TO PROOF
MR DANIEL JAMES WEAVER BA (HONS) MA MRTPI

IN RESPECT OF:

**OUTLINE PLANNING APPLICATION FOR
LAND AT NEWGATE LANE (NORTH), FAREHAM**

AND

**OUTLINE PLANNING APPLICATION FOR
LAND AT NEWGATE LANE (SOUTH), FAREHAM**

ON BEHALF OF FAREHAM LAND LP AND BARGATE HOMES LIMITED

LPA Ref: P/18/1118/OA and P/19/0460/OA

Prepared by: Daniel Weaver



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DESIGN **ENVIRONMENT** **PLANNING** **ECONOMICS** **HERITAGE**

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APPENDIX 1
CONTEXT PLAN

APPENDIX 2

HALLAM LAND MANAGEMENT LOCATION PLAN

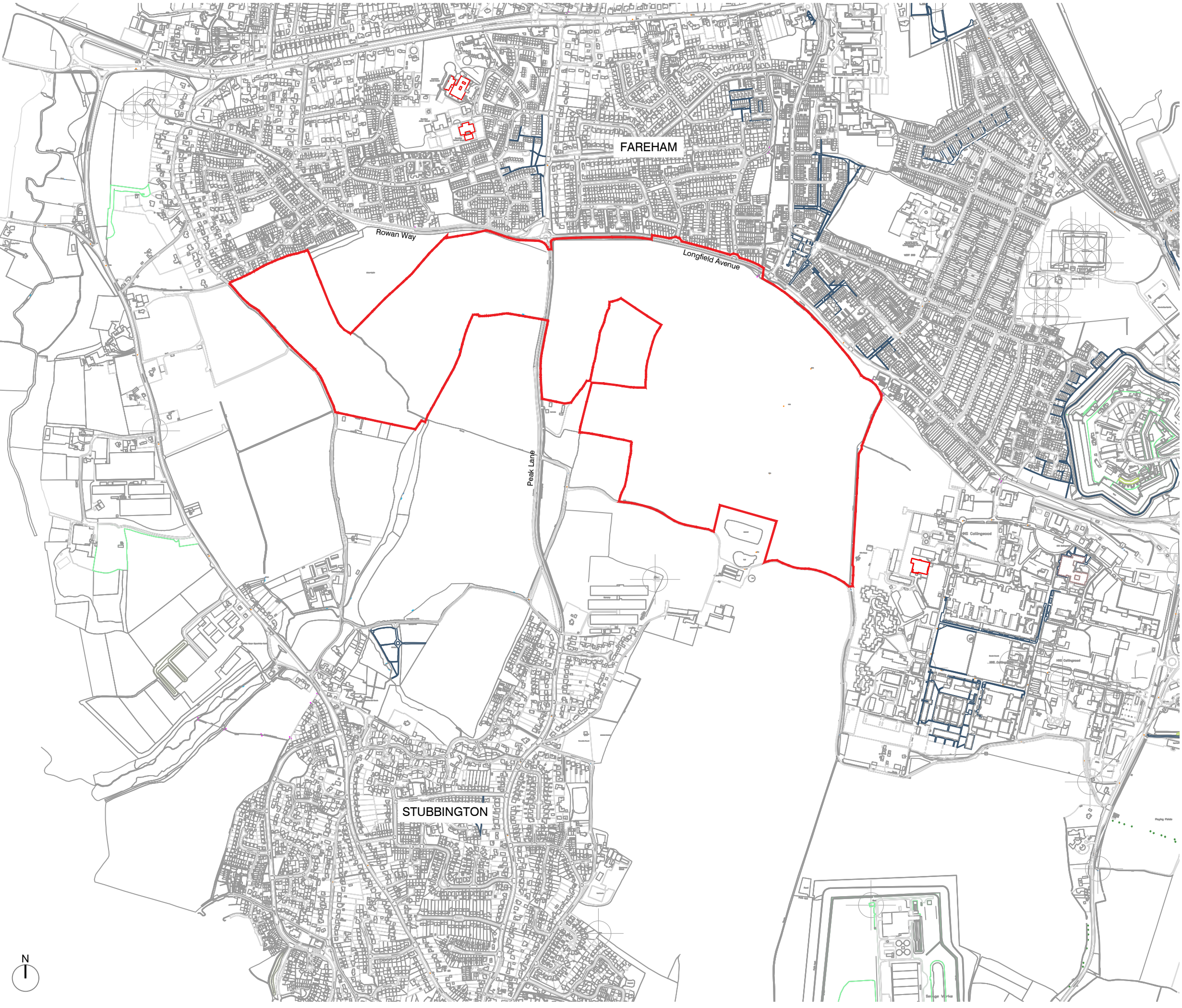
NOTES

All dimensions to be verified on site. Do not scale this drawing. All discrepancies to be clarified with project Landscape Architect.

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KEY

 Application Redline - 77.20Ha



B	Amended in line with client comments	26/06/2020
A	Amended in line with updated highways design	01/06/2020
-	First issue	Mar 2020
rev	details	date



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Hallam Land Management Ltd

project
South Fareham

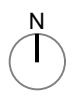
drawing title
Application Redline

drawing status
PLANNING

drawn by	checked by	date
NJE	NJE	Sept 19

scale	paper size
1:10,000	A3


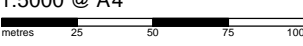
job/dwg no.	rev.
148-AAP-001	B



APPENDIX 3

PERSIMMON LOCATION PLAN AND COMMITTEE REPORT



Drawing Title		Job No	Drawing No	Rev	Rev	Date	Revision Details	Dr	Ch
Location Plan		220	A-02-001-LP	-					
		Drawn br	Checked SC	Date 13.02.19					
Job Title		Scale			 PERSIMMON Together, we make a home				
Oakcroft Lane, Stubbington		1:5000 @ A4							
					<h1>APPROVAL</h1>				
		Status							

Persimmon Homes. No dimensions to be scaled from drawing except for the purposes of Planning Applications. The contractor should check all dimensions on site. It is the contractors responsibility to ensure compliance with Building Regulations.

OFFICER REPORT FOR COMMITTEE**DATE: 21/08/2019****P/19/0301/FP
PERSIMMON HOMES LTD****STUBBINGTON / TITCHFIELD
AGENT: PERSIMMON HOMES LTD**

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

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

Report By

Peter Kneen – direct dial 01239 824363

1.0 *Introduction*

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

2.0 *Site Description*

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

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

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

3.0 *Description of Proposal*

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

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

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

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS2:	Housing Provision;
CS4:	Green Infrastructure, Biodiversity and Geological Conservation;
CS5:	Transport Strategy and Infrastructure;
CS6:	The Development Strategy;
CS11:	Development in Portchester, Stubbington & Hill Head and Titchfield;
CS14:	Development Outside Settlements;
CS15:	Sustainable Development and Climate Change;
CS17:	High Quality Design;
CS18:	Provision of Affordable Housing;

- CS20: Infrastructure and Development Contributions;
 CS21: Protection and Provision of Open Space;
 CS22: Development in Strategic Gaps.

Adopted Development Sites and Policies

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

Other Documents:

Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015
 Residential Car Parking Standards 2009
 Planning Obligations Supplementary Planning Document for the Borough of Fareham (excluding Welborne) April 2016

5.0 *Relevant Planning History*

- 5.1 No recent relevant planning history regarding the site.

6.0 *Representations*

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

Support:

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

Objections:

- 6.3 The objections received raise the following concerns:

6.4 **Principle of Development:**

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

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

6.5 Impact on Strategic Gap:

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

6.6 Impact on character of the area:

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

6.7 Design:

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

6.8 Highways:

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

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

6.9 Right of Way:

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

6.10 Infrastructure:

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

6.11 Flood Risk:

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

6.12 Pollution:

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

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

6.13 Impact on Cemetery:

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

6.14 Ecology:

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

6.15 Impact on trees:

- Removal of and impact on poplar trees

6.16 Impact on Neighbours:

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

6.17 Impact on Heritage Assets:

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

6.18 Contributions:

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

6.19 Concerns regarding Quality of Delivery and Quality of Development:

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

6.20 Other issues:

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

7.0 **Consultations**

EXTERNAL

Hampshire Fire and Rescue Service

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

Historic England

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

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

Natural England

- 7.3 Natural England commented that further advice would be required to address mechanisms to secure the nutrient budget neutrality for the lifetime of the development, and without confirmation of this, would raise an objection. The applicant also provided an Air Quality Ecological Impact Assessment for which Natural England commented that they would raise no concerns regarding the likely significant impact of the development from air quality on the protected sites around the Solent.
- 7.4 Natural England has been re-consulted in light of the status of the land north of Oakcroft Lane being revised to a Secondary Support Area in the Solent Wader and Brent Goose Strategy (SWBGS). Any advice from Natural England will be reported to the Planning Committee by way of a written or verbal update prior to the meeting.

Environment Agency

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

Southern Water

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

HCC Lead Local Flood Authority

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

HCC Archaeology

- 7.8 No objection, subject to conditions.

HCC Highways

- 7.9 Objections raised in respect of the following key elements:
- A review should be conducted on pedestrian crossing points of Mays Lane;

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

HCC Children's Services

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

Portsmouth Water

- 7.11 No comments received

INTERNAL

Affordable Housing Officer

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

Environmental Health (noise/pollution)

- 7.13 No objection, subject to conditions.

Environmental Health (contaminated land)

- 7.14 No objection, subject to informative.

Trees

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

Recycling Co-ordinator

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

Ecology

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

8.0 Planning Considerations

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

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

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

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

- 8.3 The starting point for the determination of this planning application is Section 38(6) of the Planning and Compulsory Purchase Act 2004:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

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

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

- 8.5 Paragraph 59 of the NPPF seeks to significantly boost the supply of housing.
- 8.6 Paragraph 73 of the NPPF states that Local Planning Authorities should identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement including a buffer. Where a Local Planning Authority cannot do so, and when faced with applications involving the provision of housing, the policies of the local plan which are most important for determining the application are considered out-of-date.
- 8.7 Paragraph 11 of the NPPF then clarifies what is meant by the presumption in favour of sustainable development for decision-taking, including where relevant policies are "out-of-date". It states:

"For decision-taking this means:

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

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

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

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

- 8.10 The wording of this paragraph was amended by government in February 2019 rewording the NPPF to clarify that in cases such as this one where no appropriate assessment has been undertaken, the so-called ‘tilted balance’ as it has come to be known, of paragraph 11 is not engaged.
- 8.11 The following sections of the report assesses the application proposals against this Council’s adopted Local Plan policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

b) Residential Development in the Countryside

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

- 8.13 Policy CS14 (Development Outside Settlements) of the Core Strategy states that:

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

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

- 8.15 The site is clearly outside of the defined urban settlement boundary of Stubbington and Hill Head and the proposal is therefore contrary to Policies CS2, CS6 and CS14 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan.

c) Consideration of Policy DSP40: Housing Allocations

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

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

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

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

Policy DSP40 (i)

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

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

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

Policy DSP40 (ii)

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

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

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

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

Policy DSP40 (iii)

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

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

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

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

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

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

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

Policy DSP40 (iv)

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

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

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

Policy DSP40 (v)

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

Likely Significant Effects on the Designated Sites

8.41 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 per cent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within the Solent which are of both national and international importance.

8.42 In light of their importance, areas within the Solent have been specially designated under UK/European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'European Protected Sites'(EPS).

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

8.44 Policy CS4 sets out the strategic approach to biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policy DSP13 confirms the requirement to ensure that designated sites, sites of nature conservation value, protected and priority species populations and associated habitats are protected and where appropriate enhanced.

8.45 Firstly, Natural England has highlighted that there is existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted that increased levels of nitrates entering the Solent (because of increased amounts of wastewater from new dwellings) will have a likely significant effect upon the EPS.

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

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

Ecology on-site

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

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

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

Other Environmental Implications

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

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

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

Amenity

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

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

Traffic

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

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

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

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

d) Other Matters:

Impact on setting of Grade II* Listed Crofton Old Church

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

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

Affordable housing provision

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

e) The Planning Balance:

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

"If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

- 8.82 As set out in paragraph 8.9 above, the effect of Paragraph 177 of the NPPF is that:

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

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

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

- 8.85 Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations, which is engaged as this Council cannot demonstrate a 5YHLS. Officers have also given due regard to the updated 5YHLS position report presented to the Planning Committee in April 2019 and the Government steer in respect of housing delivery. It is acknowledged that the proposal would make a significant contribution to the shortfall of houses in the Borough, including the provision of affordable housing, and that the development could be carried out without delay delivering a substantial number of houses in the short term. However, the proposal fails key tests set out in points (iii) and (v) of Policy DSP40.
- 8.86 The development would have an adverse visual effect on the countryside, would erode the integrity of the strategic gap and would result in a cramped layout of low quality which would fail to respond positively to and be respectful of the key characteristics of the surrounding area. It would have unacceptable ecological, environmental, amenity and traffic implications and would result in less than substantial harm to a designated heritage asset.
- 8.87 In light of this assessment, and taking into account all other material planning considerations, Officers recommend that planning permission should not be granted for this application. A recommendation for refusal is set out below at paragraph 9.1.
- 8.88 This balancing exercise has been made under Section 38(6) of the 2004 Act as set out above, however if the likely significant effects of the development on habitats sites had been addressed and an Appropriate Assessment had concluded no adverse effects on the integrity of the habitats sites, the presumption in favour of sustainable development would apply. The remainder of this report clarifies the Officer advice in that scenario.
- 8.89 Should the presumption in favour of sustainable development apply, Paragraph 11 of the NPPF states:

“For decision-taking this means:

- c) Approving development proposals that accord with an up-to-date development plan without delay; or*
- d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:*
 - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

- 8.90 The proposal does not accord with the development plan (point c). In terms of the first limb of point d), there are two policies within the NPPF which provide clear reasons for refusing the development.
- 8.91 Firstly, the report above has shown how the proposal is contrary to NPPF paragraph 163 in that it has failed to demonstrate that the development is appropriately flood resistant and resilient.
- 8.92 Secondly, the report has also identified that the proposal is contrary to NPPF paragraph 196 in that it will lead to less than substantial harm to the significance of a designated heritage asset.
- 8.93 Finally, even if those reasons for refusal were not in place, Officers consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole.

9.0 Recommendation

- 9.1 REFUSE PLANNING PERMISSION, for the following reasons:

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

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

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

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

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

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

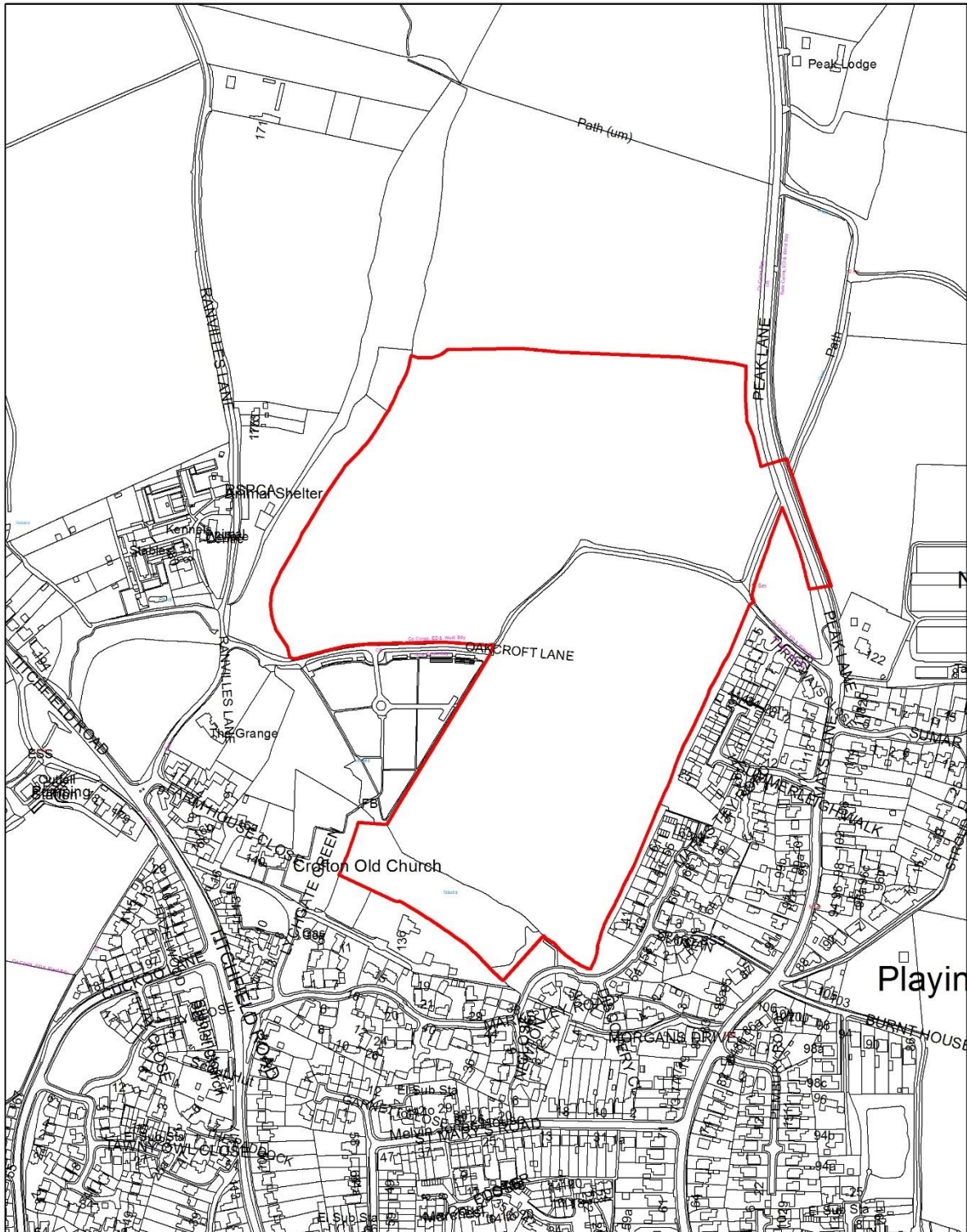
- xxi) in the absence of a legal agreement to secure such, the proposal would fail to provide a financial contribution towards education provision.

10.0 Background Papers

P/19/0301/FP

FAREHAM

BOROUGH COUNCIL



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



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APPENDIX 4

125 GREENAWAY LANE, WARASH COMMITTEE REPORT

OFFICER REPORT FOR COMMITTEE**DATE: 17/07/2019****P/18/0482/OA
BARGATE HOMES LTD****WARSASH
AGENT: WYG**

OUTLINE APPLICATION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS) FOR THE CONSTRUCTION OF UP TO 100 RESIDENTIAL DWELLINGS, ACCESS FROM GREENAWAY LANE, LANDSCAPING, OPEN SPACE AND ASSOCIATED WORKS

LAND ADJACENT TO 125 GREENAWAY LANE, WARSASH, SOUTHAMPTON SO31 9HT

Report By

Jean Chambers - direct dial 01329 824355

1.0 Introduction

- 1.1 This application was first presented to the Planning Committee on 16 January 2019 where Members resolved to defer the application for the following reasons:
- (i). To establish whether access to the scheme could solely be achieved via land to the south: To seek further clarity from Hampshire County Council (HCC) as the Highway Authority regarding the impact of additional traffic on Greenaway Lane and the cumulative impact of development within Warsash and local roads. Request that a HCC Highway Authority officer attend the Planning Committee; and
 - (ii). To seek independent legal advice from a QC following the QC opinion that had been submitted by 'Save Warsash and the Western Wards'
- 1.2 Since being considered by the Planning Committee in January, an Appeal against the non-determination of this application has been submitted to the Planning Inspectorate. The Inspectorate notified the Council on 4 April 2019 that the appeal is valid and has advised that the appeal will proceed by way of an Informal Hearing.
- 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 The report presented to the Planning Committee on 16 January has been updated with the following:

- Planning Committee update Report 16 January
- Third party representations received since 16 January
- The 'Five Year Housing Land Supply Position' as reported to Members at the 24 April 2019 Planning Committee
- Update on the QC's opinion.
- Appropriate Assessment update including Natural England response and incorporation of details about nitrates
- Consideration of the environmental implications; Policy DSP40
- Hampshire County Council response to I-Transport technical note of 31 January 2019.
- Updated Planning Balance section of the report.

1.5 Members will note from the 'Five Year Housing Land Supply Position' reported at the 24 April Planning Committee that this Council currently has a housing land supply of 4.66 years (a shortfall of 186 dwellings within the 5 year period).

1.6 It should also be noted that the Planning Committee have resolved to grant outline planning permission for the following applications on nearby land':

P/17/0746/OA	Taylor Wimpey, outline application for up to 85 dwellings, land to the east of Brook Lane and South of Brookside Drive, Warsash
P/17/0845/OA	Foreman Homes, outline application for up to 180 dwellings land to the East of Brook Lane, Warsash
P/17/0752/OA	Bargate Homes, outline application for up to 140 dwellings, land east of Brook Lane, North of Warsash Road,
P/17/0998/OA	Land and Partners, outline application for up to 157 dwellings land to the East of Brook Lane and West of Lockswood Road
P/18/0107/OA	Hanslip, outline application for up to 30 dwellings, East and West of 79 Greenaway Lane, Warsash

The Planning Inspectorate granted outline planning permission for up to 85 dwellings, land to the east of Brook Lane and South of Brookside Drive, Warsash on 17 May 2018 (P/16/1049/OA), the reserved matters application pertaining to this site is currently under determination (P/19/0313/RM).

A second outline planning application is currently under consideration, reference P/19/0402/OA which relates to the same application site as being considered within this report. That application is not for formal consideration at this time.

2.0 Site Description

- 2.1 The application site is to the south of Greenaway Lane and comprises of 3.4 hectares of land, designated as countryside for planning purposes. There are glasshouses and buildings on the site which reflect the site's former horticultural use. The site is generally flat with the northern half of the site mostly consisting of open grassland. Trees and scrub in the south western corner of the site extend along the western and southern boundaries. The eastern boundary is lined with trees which are located within the adjoining site and are covered by a tree preservation order. There is a telecommunication aerial mast within the south-eastern corner of the site. The site is classified as predominantly Grade 3b agricultural land.
- 2.2 Residential properties are located on the northern side of Greenaway Lane, to the western boundary of the site and north-eastern corner of the site. Beyond the southern boundary is a nursery with fields and glasshouses. Commercial businesses are located beyond the eastern boundary as well as agricultural land.
- 2.3 Existing access to the main part of the site is off Greenaway Lane with an additional access track located further to the east which leads to the telecommunication mast. Greenaway Lane connects to Brook Lane located a short distance to the west.

3.0 Description of Proposal

- 3.1 Outline planning permission is sought for the construction of up to 100 dwellings with all matters reserved apart from the means of vehicular access to the site which would be off Greenaway Lane. The layout, appearance, scale and landscaping of the site are therefore reserved for future reserved matters applications and are not for consideration at this time.
- 3.2 An illustrative masterplan has been submitted which identifies the vehicular access point to the site, areas of public open space, the potential for enhanced landscaping and inclusion of ecological buffers. Pedestrian and cycle links are also indicated.
- 3.3 A number of technical reports accompanied the application.

4.0 Policies

- 4.1 The following policies apply to this application:

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

4.3 **Adopted Fareham Borough Core Strategy**

CS2: Housing Provision
CS4: Green Infrastructure, Biodiversity and Geological Conservation
CS5: Transport Strategy and Infrastructure
CS6: The Development Strategy
CS9: Development in the Western Wards & Whiteley
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

4.4 **Adopted Development Sites and Policies**

DSP1: Sustainable Development
DSP2: Environmental Impact
DSP3: Impact on Living Conditions
DSP4: Prejudice to adjacent land
DSP6: New Residential Development Outside of the Defined Urban Settlement
DSP13: Nature Conservation
DSP15: Recreational Disturbance on the Solent Special Protection Areas
DSP40: Housing Allocations

4.5 **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 There is no recent planning history.

6.0 *Representations*

- 6.1 There have been 43 representations of objection received including from the Campaign to Protect Rural England; of these, 5 people have submitted comments more than once. The main issues raised within the representations can be summarised as follows:

6.2 **Policy/principle**

- Question need for dwellings in Warsash and no evidence of 5YHLS shortage
- Question method for calculating the 5YHLS position
- Applying the 20% buffer (January 2019 report) is premature
- Welborne should be expedited
- Cumulative impact of development needs to be considered and will be severe
- The adverse impacts of granting permission will significantly and demonstrably outweigh the benefits
- New rulings by the European Court of Justice have new implications for such sites and FBC should suspend planning decisions for new residential developments in view of this
- Deviation from draft Development framework
- Countryside location
- Not sustainable development
- Assumptions have been made about the content of the as yet undrafted new Local Plan and its preferences for Greenaway Lane

6.3 Location

- Out of character with the area and loss of identity, heritage and culture
- Overdevelopment of the site/ too high a density
- Adverse impact on landscape character
- Loss of green space
- Overlooking
- Loss of outlook
- Design
- Layout of dwellings too close to neighbouring properties
- The physical interventions on an undeveloped field will hugely adversely detract from the character of Greenaway Lane.

6.4 Highways

- Hazardous access onto Greenaway Lane, no pavements, impact on cyclists, horse riders, walkers
- Hazardous impact exiting Greenaway Lane onto Brook Lane, inadequate visibility
- Cumulative impact on highway congestion
- Insufficient parking on site and in the area
- Lack of cycle paths in the area
- Increased damage to Greenaway Lane surface and risk of accidents
- Impact on parking at Warsash shops and Locks Heath centre
- The road network is grid locked

- Concern over the assessment of Highway matters; even one large vehicle causes havoc when trying to negotiate Greenaway Lane
- The type and width of the lane struggles with the current volume of traffic and would not cope with the huge increase
- Use of alternative access points
- Site should form part of the Master Plan to reduce the number of site accesses
- Closure of the Vero access track will not materialise
- How will the contribution towards the closure of the existing track to the Vero site be achieved when it is private.
- A third-party review of Highway matters and the officer report for Committee of 16 January 2019 considered that the officer report was slanted in favour of the Developer and that although HCC is satisfied that from a safety perspective the access is acceptable, this does not mean that the access is acceptable.
- Concern over the ability to control the enforcement of vegetation at the Greenaway Lane/Brook Lane Junction caused by overhanging vegetation to achieve visibility
- Will bollards (footpath 14) and improvements enable disability scooter access?
- Will people abandon their cars, catch a bus, cycle or walk?
- The "preferred" alternative access to the development to the south via the Land and Partners site is dismissed by officers
- The application should be deferred until connectivity can be secured. The reserved matters applications for both sites (current application and Land and Partners) should be considered together.

6.5 Ecology and Trees

- Loss of wildlife
- Loss of trees
- Impact on SPA, Ramsar and SAC
- HRA does not provide reasonable degree of certainty that the project will not be likely to have an effect on the SPA

6.6 Impact on local services

- Lack of infrastructure – schools, healthcare, doctors, shops, dentists
- Lack of public transport
- Impact on Service providers, gas electric, water, sewerage
- Impact on emergency services

6.7 Other matters

- Noise and light pollution
- Air quality cumulatively impact

- Flooding
- Archaeology
- Affordability of houses
- Discrepancies in submitted information
- The Whiteley to Warsash bus service W2 has been withdrawn
- Post Brexit need for food and agriculture, site should be used for agricultural purposes
- Request to rescind other resolutions to grant due to cumulative impact
- Flooding on the lane
- A legal opinion was received on the approach being adopted by FBC with respect to screening and appropriate assessments
- It would be unlawful for the Planning Committee to resolve to grant outline planning permission as a legal compliant appropriate assessment has not been undertaken.

6.8 **PETITION** (signed by 2,390 people)

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

'We the undersigned petition the council to Stop the building of 1,500 new homes in Warsash, Locks Heath, Park Gate and Titchfield Common. Whilst it is appreciated that the task is not an easy one, there are many sites that we believe the council should be looking at that are more suitable than Warsash and the Western Wards, such as Newlands Farm. We also request that FBC look at SHLAA Ref 3127 and the surrounding area of Fareham north and east of the town centre. This appears to be a prime location as it already has direct access to the motorway and easy access to the public transport links in Fareham town centre and three senior schools. Fareham centre is also an ideal place for leisure facilities and has space for doctors etc. to service the needs of any new houses. It would inject a new lease of life into what is already an established but underused town that is essentially being allowed to slide into disrepair.

Justification:

Below are the sites that we are protesting about.

- HA1 - North and South of Greenaway Lane, Warsash - 700 dwellings
- HA3 - Southampton Road, Titchfield Common - 400 dwellings
- HA7 - Warsash Maritime Academy, Warsash -100 dwellings
- HA9 - Heath Road, Locks Heath- 71 dwellings
- HA11- Raley Road, Locks Heath- 49 dwellings
- HA13- Hunts Pond Road, Titchfield Common- 38 dwellings
- HA14 -Genesis Community Youth Centre, Locks Heath - 35 dwellings

HA15 -Beacon Bottom West, Park Gate -30 dwellings

HA17 -69 Botley Road, Park Gate -24 dwellings

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

Traffic in this area is already at a gridlock during peak hours and since the new Strawberry Fields, Hunts Pond and Coldeast developments it has doubled the time for people to get to work. Improvements on major roads and motorways will try and ease congestion but it's not satisfactory as residents will not be able to actually get to these major roads. Local roads such as Brook Lane, Osborne Road, Warsash Road and Barnes Lane cannot be made wider, they were built to service the traffic and community of small villages and the resulting influx of 3000+ cars in such a small square area will lead to more accidents. Warsash specifically is on a peninsular and the only roads in and out are Brook Lane and Warsash Road. Emergency vehicles will be unable to ensure safe response times - during rush hour it is likely they will not have space to get to their destination. The consequences will be catastrophic. Flooding is inevitable especially with recent climate changes; residents in local back garden developments are already experiencing this. Fareham is presently in trouble for poor air quality due to the amount of rush hour traffic. Bring another 3000+ cars in to the Western Wards and there will be more cases of asthma, lung disease and related illnesses - all for the surgeries with not enough resources to treat. Doctors, schools, hospitals and emergency services are already stretched to breaking point. If the plans go ahead there will be hundreds of children needing school places. New schools might take pressure off the overcrowded ones - then the influx of new children will put it back on again. Children walking to Brookfield already face a perilous journey due to the amount of traffic on Brook Lane. Brook Lane, Lockwood, Jubilee and Whiteley surgeries struggle to cope with the amount of patients they have. They wait an unacceptable amount of time for routine appointments (1 month plus) and often have very long waits when they get to there (30 minutes plus). Emergency appointments are becoming harder to book as there are not enough doctors or time. The very young, elderly and chronically ill are already vulnerable and bearing the brunt of this - add another 1,500 homes and these overstretched surgeries will be at crisis point. There will be an increased need for care homes, for which there is just no space. Residents' health will be at risk and possibly their lives. Warsash is a place of outstanding natural beauty and home to precious wildlife such as badgers, bats and deer. The greenfield land proposed as the area for development also provides a defined strategic gap from neighbouring villages. Residents have the right to breathe clean air, have facilities, space and sufficient infrastructure and the assurance that emergency vehicles have access and can meet response times in life threatening situations. We genuinely fear for the health and safety of people in the Western Wards.'

6.9 **QC Opinion**

- 6.10 On 15 January 2019, the Council received a QC Opinion on behalf of 'Save Warsash and the Western Wards' on the legality of the approach being adopted by the Council with respect to screening and appropriate assessments under the Conservation of Habitats and Species Regulations 2017.
- 6.11 More specifically the QC's opinion advised that at that time it would not have been lawful for the Planning Committee to grant outline planning permission for this application based on the way in which the Appropriate Assessment had been undertaken.
- 6.12 Following the deferral of the planning application by the Planning Committee in January, Officers sought advice from a QC on behalf of Fareham Borough Council. Having considered the opinion submitted by Save Warsash and the Western Wards, the QC acting for Fareham Borough Council recommended some changes to this Council's Appropriate Assessment to ensure its legal robustness. The changes recommended by the QC instructed by Fareham Borough Council have been incorporated in this Council's Appropriate Assessment.

7.0 Consultations

EXTERNAL

7.1 HCC Highways

No objection is raised subject to the imposition of planning conditions and financial contributions to be secured through a Section 106 planning obligation.

Site Access, Parking and Servicing Arrangements - Access to the site is proposed in the form of a bell mouth junction with a proposed foot way of 2m width within the site and across a section of the site frontage to the west tapering down to 1.5m on the approach to the Greenaway Lane/Brook Lane junction. To achieve adequate visibility at the Greenaway Lane/Brook Lane junction, overhanging vegetation needs to be removed, as the vegetation sits within highway land, this can be achieved.

The Highway Authority is satisfied that the proposed carriageway width is sufficient for accommodating the types of vehicles that regularly use Greenaway Lane to access the Vero site to the east. The visibility of private accesses to properties on the lane will not be affected by the proposed realignment of the carriageway.

Walking and cycling - Contributions will be secured towards sustainable travel improvements in respect of walking and cycling route to Swanwick Station. A 3m wide shared footway/cycleway will be provided through the development

site to connect onwards to Footpath 14 with safety bollards to prevent direct access from the site onto the lane. Additional signage of the route and improvements to the footpath should be secured via a financial contribution. The proposed pedestrian/cycle crossing improvement on Brook Lane can be addressed at a detailed design stage as part of the S278 works.

The Highway Authority have requested a contribution towards the closure of the existing access track to the Vero site, they have also confirmed that the proposed impact of the development including the larger vehicular traffic generated as a result of the Veros site is acceptable as submitted. They advise that a vehicular link to the south should be explored at the reserved matters stage.

In respect of the cumulative impact of development, recommend a financial contribution to offset the identified cumulative impact of development for improvements at:

A27/Barnes Lane junction,
Barnes Lane/Brook Lane junction
A27/Station Road roundabout.

The Framework Travel Plan is considered acceptable.

Following receipt of the I-Transport Technical note (31 January 2019), the Highway Authority have commented that the current layout proposed within the application is considered acceptable by the Highway Authority as per their response dated 2nd October 2018. Confirmed that the clarification note reflects the discussions and assessments undertaken by HCC with the applicant. For clarity, states that the £30,000 contribution has been secured towards the following and not solely for improvements to the routes to school and the railway station.

Sustainable travel contribution package of £30,000 to be used flexibly towards the following offsite improvements:

- *A TRO towards the closure of the access road leading to the Vero site on Greenaway Lane;*
- *Improvements to Footpath 14; and*
- *Improvements identified in the Walking and Cycling Audit undertaken as detailed in Figure 4.*

7.2 If any further comment is received from HCC in respect of the cumulative impact of development on the roads around Warsash, this will be reported to Members as an update.

7.3 **Natural England**

Since the January Planning Committee, Natural England have commented that further information is required to determine impacts on designated sites. As submitted, the application could have a potential significant effect on Solent and Southampton Water Special Protection Area and the Solent Maritime Special Area of Conservation. They request confirmation of the nutrient budget for the development. Recommends that the proposals achieve nutrient neutrality.

Officers have carried out a further Appropriate Assessment since the January Planning Committee and consulted Natural England on it. Natural England have made the following comments on the Appropriate Assessment (AA):

- Natural England agrees with the conclusions of the Habitats Regulations Assessment (HRA) and AA with respect to recreational disturbance on the Solent Special Protection Areas (SPAs). Natural England require the Bird Aware Solent contribution to be secured with any planning permission.
- Advises that a best practice Construction Environmental Management Plan is secured with any permission to ensure there is no potential for pollution to enter the groundwater during this phase of the development. Recommends the HRA is amended to address this detail.
- Noted that a SuDS system is proposed post-construction. Provided this is in accordance with best practice and the CIRIA SuDS Manual (C753), it is Natural England's view that this would be sufficient to address any potential risk from the development on the designated sites.
- The HRA should be amended to address detail in respect of environmental protection in the event of an unexpected pollution event or poor system performance.
- Advises that there is a likely significant effect on the European designated sites SPA, Special Areas of Conservation (SAC), potential Special Protection Area (pSPA) due to the increase in waste water from the new housing.
- Existing uncertainty about the deterioration of the water environment must be appropriately addressed. Natural England recommends that the proposals achieve nutrient neutrality.
- Air quality - Natural England has produced guidance on the impacts of road traffic emissions under the Habitats Regulations. It is noted that the site is greater than 200m from any European designated sites (SPA, SAC, pSPA). However, the assessment will need to consider if there are any emissions from development traffic on road links within 200m from European sites.
- Further assessment of road links is required.

7.4 **HCC Flood Water Management Team** - No objection subject to planning condition.

7.5 **HCC Archaeology** - no objection subject to planning condition.

7.6 **HCC Children's Services** - request for contribution towards education facilities.

- 7.7 **Southern Water** - no objection subject to planning condition.
- 7.8 **Crime Prevention Design Advisor** - provided advice in respect of crime prevention.

INTERNAL

- 7.9 **Ecology** - the survey results and mitigation are acceptable subject to the imposition of planning conditions. The Ecology officer recommends that due to the proximity of the site to the Solent and Southampton Water SPA, SAC and Ramsar, the likely significant effects as a result of increased recreational pressure can be mitigated through the Solent Recreation Mitigation Partnership payment which should be secured.
- 7.10 **Trees** - no objection subject to planning conditions.
- 7.11 **Recycling Coordinator** - no comment.
- 7.12 **Environmental Health** - no comment.
- 7.13 **Environmental Health (contamination)** – no objection subject to planning condition.
- 7.14 **Housing Officer** - 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 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) Nitrates Issue and the impact upon 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 and updates titled "Five-year housing land supply position" was reported to Member's at the 24 April Planning Committee. That report set out this Council's local housing need along with this Council's current housing land supply position. The report concluded that this Council has 4.66 years of

housing supply against the new 5YHLS requirement meaning there is a shortage of 186 dwellings.

- 8.3 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

- 8.4 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.

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.'

Policy CS9 of the Core Strategy supports development in the Western Wards within the settlement boundaries. The site is outside of the settlement boundary.

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).

- 8.5 The site is clearly outside of the defined urban settlement boundary and 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) Nitrates Issue and the impact upon European Protected Sites

- 8.6 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.

- 8.7 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.
- 8.8 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).
- 8.9 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.
- 8.10 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.
- 8.11 Natural England has further advised that the effects of emissions from increased traffic along roads within 200 metres of EPS also has the potential to cause a likely significant effect.
- 8.12 The applicant submitted a Report to inform a Habitat Regulations Assessment (HRA) dated March 2019 for consideration in the forthcoming planning appeal. It will be for the Planning Inspector to undertake the Appropriate Assessment.
- 8.13 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. The submitted report to inform the HRA recognises the potential to result in a likely significant effect on the SAC, SPA and Ramsar. The report includes a calculation of the nitrogen budget using Natural England's Draft 2018 Methodology.

- 8.14 The calculation that the appellant has undertaken is based on an average household size of 2.3 persons (the latest Natural England guidance (June 2019) recommends an average household size figure of 2.4 persons is used). The appellant's calculation goes on to measure the total nitrogen load from the current land use, using a mix of horticulture and mixed agriculture land 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 increase in Total Nitrogen output from the site when it is fully occupied.
- 8.15 At this stage officers have not received evidence to substantiate all of the appellant's inputs that have been used to calculate the existing total nitrogen load. Notwithstanding this, the appellant's submission shows that the total nitrogen output will increase above the existing use of the site and no mitigation measures have been put forward. The proposed development would not therefore be nutrient neutral.
- 8.16 In these circumstances the Habitats Regulations provide that planning permission can only be granted if the proposal meets the following tests:
- there are no alternative solutions to the proposed development;
 - there are imperative reasons of overriding public interest; and
 - there are suitable compensatory measures secured
- 8.17 On the evidence presently available, Officers are not satisfied that any of these tests are satisfied. Officers would have recommended that planning permission should have been refused on the grounds of the uncertain but likely adverse effects of waste water from this development, in combination with other developments, on the site integrity of the SPA and SAC and other similarly protected areas around the Solent.
- 8.18 With regard to the consideration of Air Quality effects upon the designated sites, the submitted report considers there to be no potential to result in a likely significant effect. Natural England have produced guidance on the impact of road traffic emissions under the Habitat Regulations. An assessment needs to be undertaken to consider if there are any emissions from the development traffic on road links within 200m from European sites, in combination with other projects. On the basis of the information presently submitted, it is uncertain whether there would be a likely significant effect upon European Protected sites resulting from increased road traffic emissions.
- 8.19 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.

- 8.20 In summary, officers consider the proposal to be contrary to Core Strategy Policy CS4 and Local Plan Part 2 policy DSP13. There would be a likely adverse effect on the integrity of the designated sites due to the impact on ecology and biodiversity from increased wastewater. In respect of impacts from road traffic emissions, at this stage there is insufficient evidence to demonstrate that the development would not have a likely significant effect in isolation or when considered in combination with other projects.

d) Policy DSP40

- 8.21 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".*

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

Policy DSP40 (i)

- 8.23 The proposal for up to 100 dwellings is relative in scale to the 5YHLS shortfall and therefore bullet a) of Policy DSP40 is satisfied.

Policy DSP40 (ii)

- 8.24 The urban settlement boundary is located within relatively close proximity to the north, east and south of the site. The site is near leisure and community facilities, schools and shops. Officers consider that the proposal can be well integrated into the neighbouring settlement including other nearby development

proposals that have resolutions to grant outline planning permission. The proposal would therefore be in accordance with point ii of Policy DSP40.

Policy DSP40 (iii)

- 8.25 The site is within an area of countryside but is not designated as a strategic gap. Policy CS14 of the Core Strategy confirms that built development will be strictly controlled to protect it from development which would adversely affect its landscape character, appearance and function.
- 8.26 The area is identified within the Fareham Landscape Assessment 2017 (LLCA 2.2A) as relatively visually contained from views from surrounding areas. This area is classed as being of a lower sensitivity mainly because the character and quality of the landscape has been adversely affected by urban influences. This area is therefore more tolerant of change and there is scope for development to bring about positive opportunities.
- 8.27 If the development were to go ahead, the main people who would be potentially affected by visual changes would be residents near the site. It is therefore acknowledged that the development of this site would introduce a change in character and outlook particularly from nearby properties and the Greenaway Lane frontage of the site. This change would primarily have a localised visual impact and the visual impact from longer distance views would be limited.
- 8.28 The illustrative masterplan shows how the overall layout and form of the development might be laid out. Whilst acknowledging that this plan is for illustrative purposes only as the layout and design of the site would be the subject of a reserved matters application, Officers consider that this aspect will need to be the subject of careful consideration at the reserved matters stage to ensure that the proposal complies with adopted policy. The layout would need to incorporate areas of accessible public open space, consideration of play provision and ecological mitigation and would need to accommodate a pedestrian and cycle link as well as the opportunity to have vehicular connectivity to land to the south. This is to ensure appropriate green infrastructure in compliance with Policy CS4 and comprehensive development in accordance with Policy DSP4.
- 8.29 Officers consider that subject to more detailed considerations at the reserved matters stage, the development of up to 100 dwellings could be acceptable on this site in accordance with point iii) of Policy DSP40.

Policy DSP40 (iv)

- 8.30 In terms of delivery, the agent has advised that the site can deliver 20 dwellings in 2020/21 and 40 dwellings in 2021/22 and 2022/23. The proposal would therefore be in accordance with point iv of policy DSP40.

Policy DSP40(v)

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

Ecology

- 8.32 An Ecological Appraisal and surveys in respect of reptiles, bats, badgers, overwintering birds and dormouse have been submitted. The Council's Ecologist and Natural England are satisfied with how the proposals deals with species on site and potential disturbance of birds at the coastline, subject to the imposition of planning condition and appropriate mitigation.
- 8.33 As set out in the 'Nitrates Issue and the impact upon European Protected Sites' section of this report, there would be a likely adverse effect on the integrity of the designated sites due to the impact on ecology and biodiversity from increased wastewater. In respect of impacts from road traffic emissions, at this stage there is insufficient evidence to demonstrate that the development would not have a likely significant effect in isolation or when considered in combination with other projects. In addition to Core Strategy Policy CS4 and Local Plan Part 2 policy DSP13, the proposal would also be contrary to Policy DSP40 (v).

Agricultural land

- 8.34 Policy CS16 seeks to prevent the loss of the best and most versatile agricultural land. The NPPF does not place a bar on the development of the best and most versatile agricultural land. The site is classified as Grade 3b which is outside of the 'best and most versatile' agricultural land category.

Amenity

- 8.35 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 100 units that this can be satisfactorily addressed to ensure that the proposal would be policy compliant.

Highways

- 8.36 The Highway Authority comments are set out in the consultation section of this report and conclude that from a highway safety perspective, the proposal would be acceptable subject to the imposition of planning conditions and financial contributions.

- 8.37 Following the deferral of this application at the Planning Committee on 16 January, officers wrote to the planning agent to establish whether access to the scheme could solely be achieved via land to the south. There has been no additional information submitted in respect of this specific issue. The implications of achieving access via land to the south is discussed later in this section of the report.
- 8.38 Since the deferral of the application, the applicant has submitted a Technical Note to provide information and clarification relating to Highway matters. This re-iterates that HCC as Highway Authority have no objection to the application subject to planning conditions and a Section 106 legal agreement. The technical note discusses the advice previously received from this Council's Transport Planner and HCC's Highway response and summarises the various technical considerations.
- 8.39 The Highway Authority sought further clarification on the traffic survey data; the developer's transport consultant undertook video footage and compared this with flows presented in the Transport Assessment. The Highway Authority are satisfied with the submitted information.
- 8.40 In response to the Planning Committee request for further clarity from the Highway Authority regarding the impact of additional traffic on Greenaway Lane and the cumulative impact of development within Warsash and local roads, the Highway Authority consider that their consultation responses have been comprehensive.
- 8.41 A number of representations have raised concern over the impact of the development on the safety of users of Greenaway Lane and at the Greenaway Lane/Brook Lane junction. Reference to the draft local plan has also been made which discusses the preferred approach to ensure that the inherent character of Greenaway Lane is retained. The draft Local Plan carries limited weight currently.
- 8.42 The Highway Authority is satisfied that a safe means of access can be provided; this is a significant material planning consideration. Officers have carefully considered whether the impact on Greenaway Lane in terms of physical alterations are such that it would make the development otherwise unacceptable. The proposed bell mouth junction is located approximately 60 metres east of Brook Lane. The physical alterations would include the access to facilitate the development, a pavement on the southern side of Greenaway Lane which would extend towards Brook Lane and pedestrian crossing points, and a minor realignment of the carriageway. There would also be signage and bollards which would relate to pedestrian and cycle connectivity. It should be noted that the detailed highway works would be the subject of a S278 agreement with the Highway Authority. Officers have concluded that the

physical 'interventions' are not of a level that would adversely detract from the character of Greenaway Lane or justify refusal of outline planning permission.

- 8.43 It is acknowledged that an alternative access to the south of the site would be preferred which would limit the number of vehicles that would enter and exit the proposed Greenaway Lane access. However, this current application needs to be considered as submitted. The applicant's agent has advised that the potential access to the south is on third party land. If a link could be facilitated there would be a "time ransom" and the developer would have to wait for a road link to be built through the site to the south (Land and Partners site).
- 8.44 Following the deferral of the application in January 2019, the applicant has not provided further comment in respect of the alternative access to the south. However, the developer is willing to "downgrade" the Greenaway Lane access to emergency/pedestrian/cycles if an access to the south is secured without a timing and financial ransom to them.
- 8.45 As part of the proposed legal agreement in relation to the Land and Partners site, Officers are seeking to secure a vehicular connectivity link which could facilitate a vehicular route between the two sites. Bargate Homes could then provide a similar link on its land. It is noted that any change to the access routes in terms of trip generation and dispersal of traffic would need to be supported by updated highway technical reports at the reserved matters stage.
- 8.46 This issue is somewhat complex due to the timing and consideration of the separate applications. Officers anticipate that the reserved matters applications for both sites will be submitted but ultimately cannot control this or the resultant actual timing of the delivery of each site.
- 8.47 Policy DSP4 of the adopted plan relates to 'prejudice to adjacent land' and piecemeal development and supports connectivity to adjoining land. The developer's position on a financial ransom is noted but ultimately this is a matter for dialogue between the developer and the various land owners. Officers consider it is important to ensure that vehicular connectivity is secured via a Section 106 planning obligation.
- 8.48 In summary, Members are advised that whilst it is entirely reasonable to seek to secure the vehicular connectivity to the south and a downgrading of the Greenaway Lane access should the latter be achievable, fundamentally this current application needs to be considered as submitted with the access off Greenaway Lane. Based on the Highway Authority advice and noting the discussion above, officers consider that the proposal does comply with point (v) of DSP40, policy CS5 of the Core Strategy and DSP4 of the Local Plan part 2.

- 8.49 In respect of the Highway Authority request for a contribution towards the closure of the access track off Greenaway Lane that serves the Veros site, Officers note that the Highway Authority is satisfied that the proposed access and related traffic implications for this current application are acceptable as submitted without the closure of the track. It is noted that the access to the Veros site is in private ownership and currently serves premises other than the Veros site. The contribution request is on the basis that the closure of the track can be explored through a Traffic Regulation Order process if there are no valid objections. Members are advised that it would be appropriate to secure a financial contribution towards the closure of the access track if this can be achieved, however, this cannot be guaranteed.
- 8.50 In summary, through the imposition of planning conditions and the completion of a planning obligation pursuant to Section 106 of the Town and Country Act 1990, Officers are satisfied that the proposal would not have any unacceptable amenity or traffic implications in compliance with criteria (v) of DSP40.
- 8.51 With regard to environmental considerations (DSP40 (v), having given regard to the matters set out within the 'Nitrates Issue and the impact upon European Protected Sites' section of this report, officers consider the proposal contrary to the environmental criteria (v) of DSP 40.

e) Other matters

Affordable Housing

- 8.52 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, Connectivity and Nature Conservation

- 8.53 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 a swathe of open space links through to land to the south. This is to secure green infrastructure and vehicular, pedestrian and cycle connectivity.
- 8.54 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). It is noted that resolutions to grant planning permission have already sought to secure play provision on land to the south of Greenaway Lane.

8.55 Due to the development proposals coming forwarding at different times, it will be necessary to secure play provision on this application site. In the circumstance that play provision is delivered earlier on other land to the south of Greenaway Lane, a financial contribution towards the provision and maintenance of this equipment should be secured.

8.56 The above could be secured via a Section 106 legal agreement.

Effect upon Local Infrastructure

8.57 Concerns have been raised over the effect of the number of dwellings on schools, doctors and other services in the area. Hampshire County Council have identified a need to increase the number of primary school places within the areas to meet needs generated by the development. A financial contribution can be secured through the Section 106 legal agreement.

8.58 The difficulty in obtaining doctor's appointments and dental services is an issue regularly raised in respect of new housing proposals. It is ultimately for the health provides to decide how they deliver their services. A refusal on these grounds would not be substantiated.

8.59 With regard to concern over drainage and flood risk, the Lead Flood Authority are content with the submitted information. During the course of the application, the Highway Authority requested further information to assess the potential impact of water draining off the proposed development into the carriageway. Sufficient information has demonstrated a fall away from Greenaway Lane to ensure that any surface water drainage occurs internally back into the site, rather than out onto the carriageway. The drainage design will be addressed further at the detailed design stage.

Draft Local Plan

8.60 Members will be aware that the Draft Local Plan which addresses the Borough's development requirements up until 2036 was subject to consultation between 25th October 2017 and 8th December 2017. The site of this planning application was proposed to be allocated for housing within the draft local plan

8.61 With regard to concern over the cumulative effect of development and whether it would be so significant that to grant planning permission would undermine the plan-making process, a number of background documents and assessments support the proposed allocation of the site in terms of its deliverability and sustainability which are of relevance.

Other third-party concerns

8.62 With regard to concern over noise, air and light pollution, the Environmental Health officer has not raised concern in this regard.

f) The Planning Balance

- 8.63 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".

- 8.64 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.

- 8.65 Paragraph 59 of the NPPF seeks to significantly boost the supply of housing. 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 applications are considered out-of-date.

- 8.66 Paragraph 11 of the NPPF 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:

The application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or

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."

- 8.67 Paragraph 177 of the NPPF states that:

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

- 8.68 The following sections of the report assesses the application proposals against this Council’s adopted Local Plan policies and considers whether it complies with those policies or not to weigh up the material considerations in this case. As advised earlier in this report, as the application is now the subject of a Planning Appeal, the Council are not determining this application. In order to be in a position to invite Members to confirm the decision they would have made if they had been able to determine the planning application, it is necessary to consider the policy and legislative implications in order to attach appropriate weight to the material planning considerations.
- 8.69 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.
- 8.70 Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations which is engaged as this Council cannot demonstrate a 5YHLS. Officers have also given due regard to the updated 5YHLS position report presented to the Planning Committee in April 2019.
- 8.71 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 shortfall, well related to the existing urban settlement boundaries such that it can be integrated with those settlements whilst at the same time being sensitively designed to reflect the area’s existing character and minimising any adverse impact on the Countryside.
- 8.72 It is acknowledged that the proposal would have an urbanising impact through the introduction of housing and related infrastructure onto a site which is at present largely undeveloped. However, that impact would be localised. Officers consider that the change in the character of the site and the resulting visual effect would not cause any substantial harm.
- 8.73 Officers are satisfied that there are no outstanding amenity issues which cannot otherwise be addressed through planning conditions. There would be no materially harmful impact on highway safety.

- 8.74 Given the position set out in paragraph 177 of the NPPF the 'presumption in favour of development' as set out in paragraph 11 does not apply in this case. Officer advice is that without the 'presumption in favour of development' there is a sufficiently robust adopted policy basis in which to weigh up the material planning considerations with specific regard to Policy DSP40 which ordinarily would carry significant weight in the determination of this application.
- 8.75 Since this application was reported to the Planning Committee in January 2019, Natural England have advised that waste water from proposed housing would have a likely significant effect upon European Protected Sites.
- 8.76 In this case, the applicant has undertaken a calculation which indicates that the wastewater total nitrogen load arising from the proposed development would not achieve nutrient neutrality. No acceptable mitigation has been put forward by the applicant, therefore it is not possible to ascertain that the proposal will not result in adverse effects on the designated sites.
- 8.77 The Habitat Regulations provide that planning permission can only be granted if a proposal meets the following tests:
- There are no alternative solutions to the proposed development;
 - There are imperative reasons of overriding public interest; and
 - There are suitable compensatory measures secured (for example a replacement habitat).
- In the view of Officers, none of these tests can be satisfied at this time.
- 8.78 This issue is a significant material planning consideration due to the uncertainty but likely adverse effects of waste water from this development in combination with other developments on the designated European sites.
- 8.79 In respect of impacts from road traffic emissions, Officers are not satisfied on the basis of the submitted information that there is no potential to result in a likely significant effect on the designated sites.
- 8.80 In summary, the proposal is considered to conflict with criteria (v) environmental impact of Policy DSP40, Policy DSP13 and Policy CS4 of the adopted Core Strategy.
- 8.81 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.
- 8.82 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 100 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.

- 8.83 The conflict with development plan policy CS14 would ordinarily result in this proposal being considered unacceptable. Ordinarily CS14 would be the principal policy such that a scheme in the countryside should be refused. However, in light of the Council's lack of a five-year housing land supply, development plan policy DSP40 is engaged. Whilst the Council is unable to demonstrate a 5YHLS, more weight should be afforded to policy DSP40 than CS14. Having considered the scheme against the criterion of DSP40, the proposal is considered to satisfy all the criteria within DSP40 except in relation to the impact of the development in respect of environmental ecological matters as set out within this report.
- 8.84 Officers are satisfied that amenity issues and the highway implications are acceptable and can be addressed through the design of the scheme, planning conditions and a section 106 planning obligation. The section 106 planning obligation could also secure an education contribution, highway contribution and connectivity.
- 8.85 Having carefully considered all material planning matters, Officers consider that the likely significant effects upon the European Protected Sites must be given substantial weight, and as such outweigh the benefits which arise from the proposal. Members are invited to confirm that had they had the opportunity to determine the planning application, they would have REFUSED it for the following reason:

9.0 Recommendation

The application is contrary to the National Planning Policy Framework, Core Strategy Policy CS4, Green Infrastructure, Biodiversity and Geological Conservation, Policy DSP13 Nature Conservation of Local Plan Part 2 and Policy DSP40 (v) and is unacceptable in that:

- 9.1 The proposal would have likely significant effects upon designated European Protected Sites in combination with other developments due to the adverse effects of increased waste water.
- 9.2 There is uncertainty in respect of the impact of increased emissions from traffic associated with this development in combination with other developments upon designated European Protected Sites
- 9.3 The Planning Inspectorate should further be advised that had the impacts upon the European sites been satisfactory mitigated and had planning permission been granted, the Local Planning Authority would have first sought a Section 106 planning obligation to secure the following:

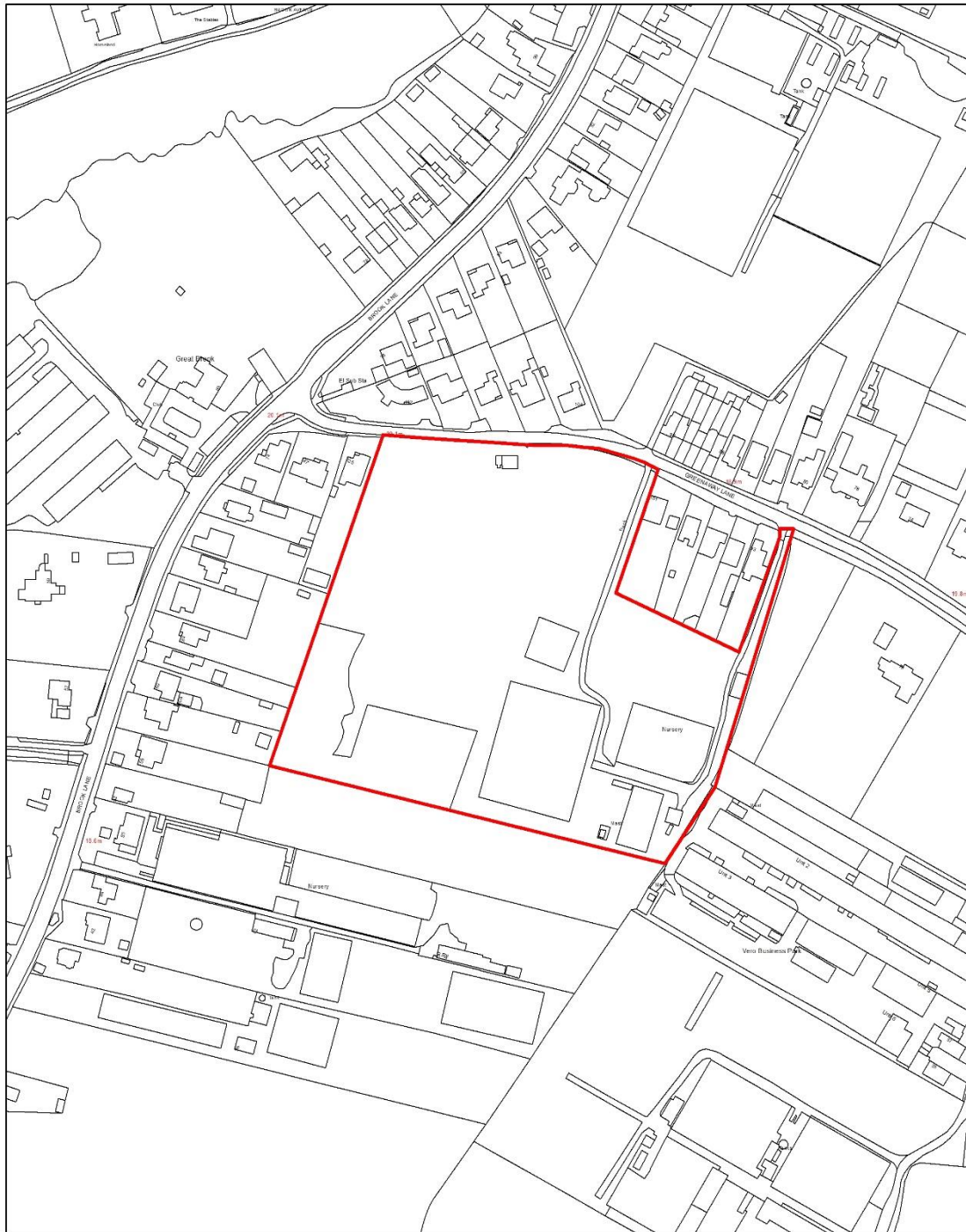
- a) Provision and transfer of the areas of open space to Fareham Borough Council, including associated financial contributions for its future maintenance;
- b) A financial contribution towards the delivery of a play area and associated maintenance;
- c) A financial contribution towards the Solent Recreation Mitigation Partnership (SRMP);
- d) 40% of the proposed units as on-site affordable housing including the Local Housing Affordability cap; the type, size, mix and tenure to be agreed to the satisfaction of officers;
- e) Vehicular, pedestrian and cycle connectivity access to adjoining land for members of the public through the site in perpetuity and a financial contribution towards the maintenance and associated lighting of the pedestrian and cycle link;
- f) A downgrade of the proposed Greenaway Lane access if an alternative access route to the south of the site can be secured subject to there being sufficient specification and capacity and agreement of the Highway Authority.
- g) A financial contribution towards education provision;
- h) A financial contribution towards highway impacts at the following junctions' A27/Barnes Lane Barnes Lane/Brook Lane, A27/Station Road roundabout
- i) A Travel Plan and related monitoring cost and bond.
- j) A sustainable travel contribution to be used towards offsite improvements

10.0 Background Papers

P/18/0482/OA

FAREHAM

BOROUGH COUNCIL



Land Adjacent to 125 Greenaway Lane
Scale 1:2500



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APPENDIX 5

79 GREENAWAY LANE, WARASH COMMITTEE REPORT

OFFICER REPORT FOR COMMITTEE**Date: 10/10/2018****P/18/0107/OA**

MS LORRAINE HANSLIP

WARSASHAGENT: PAUL AIREY PLANNING
ASSOCIATES

OUTLINE APPLICATION FOR THE ERECTION OF UP TO 30 RESIDENTIAL
UNITS AND ASSOCIATED DETACHED GARAGES. REVISED SCHEME
INCORPORATING ACCESS TO THE SOUTH
LAND TO THE EAST & WEST OF 79 GREENAWAY LANE WARSASH
SOUTHAMPTON

Report By

Jean Chambers - Direct dial 01329 824355

Introduction

Members' attention is drawn to the report at the beginning of this Committee agenda titled "Consideration of planning applications on this Agenda."

This planning application was first considered at the Planning Committee meeting on the 20 June 2018. Following consideration of all relevant planning matters, Members resolved to grant planning permission for the proposal subject to the prior completion of a planning obligation and the imposition of relevant conditions.

The following report is an updated version of the report presented to the Planning Committee on the 20 June, 2018. The main updates made to the report can be summarised as followed:

- The "Updates" report presented on the 20 June has now been incorporated into the report. This related to four further letters of representation.
- Three further representations received after the Planning Committee meeting has been incorporated into the Representations section.
- The section of the report titled "Implication of Fareham's Current 5 Year Housing Land Supply Position (5YHLS)" has been updated to reflect the requirements of the revised National Planning Policy Framework (NPPF) and the implications of the recent judgment of the Court of Justice of the European Union (CJEU).
- The section of the report titled "Loss of agricultural land" has been updated to reflect the requirements of the revised NPPF.
- Confirmation that an Appropriate Assessment has been undertaken, and that any adverse impacts from the development can be mitigated, has been inserted into the Ecology Section of this report.
- The section of the report titled "The planning balance" has been updated to reflect the requirements of the revised NPPF and the implications of the recent judgment of the Court of Justice of the European Union (CJEU).
- The 'relevant planning history' section has been updated to reflect current pending applications.

Site Description

The application site measures 1.86 hectares and is located to the south of Greenaway Lane. The site comprises an open field which is predominantly flat with a gentle slope from the north-east corner towards the south-west.

A row of substantial trees fronting Greenaway Lane in addition to a treed western boundary are covered by Tree Preservation Orders. A single detached house with access direct from Greenaway Lane is located in the centre of the field but outside of the application site. Part of the garden of this house would form part of the development site.

Residential dwellings are located to the east, west and north of the application site. To the immediate south east of the site is a private road which links Greenaway Lane to Warsash Road in the south. The Vero Industrial site is located to the south of the site.

The site is located outside of the defined urban settlement boundary and therefore for planning policy purposes is considered to be countryside. It is located approximately 700m north of Warsash local facilities.

Description of Proposal

Outline planning permission is sought for the construction of up to 30 dwellings with all matters reserved apart from the means of access to the site. It is proposed that access for dwellings that front Greenaway Lane would be served off the existing access that serves number 79 Greenaway Lane.

A separate access is proposed to serve the remaining dwellings which would be located in the southern part of the site, with vehicles travelling east to the existing track then south and east onto Lockswood Road. This access is in the same location as that agreed through application reference P/17/0998/OA (Land and Partners) and includes provision for larger commercial vehicles.

The proposed development would incorporate housing types of a maximum 2 storey height and include a range of between 2 and 5 bedroom units and 40 % affordable housing. The six units fronting Greenaway Lane are indicated to be self-build dwellings.

A number of supporting documents, including, ecological report, transport report, landscape appraisal, flood risk assessment and surface water drainage strategy, tree report have been submitted. A master plan has been submitted for illustrative purposes only to show how the site might be laid out.

Policies

The following policies apply to this application:

Approved 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

Development Sites and Policies

DSP1 - Sustainable Development
 DSP2 - Environmental Impact
 DSP3 - Impact on living Conditions
 DSP4 - Prejudice to adjacent land
 DSP6 - New residential development outside of the defined urban settlement boundaries
 DSP13 - Nature Conservation
 DSP15 – Recreational Disturbance on the Solent Special Protection Areas
 DSP40 - Housing Allocations

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

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

Residential Car and Cycle Parking Standards SPD 2009

Relevant Planning History

The following planning history is relevant:

P/12/0158/FP Demolition of existing dwelling, erection of new dwelling and erection of detached triple garage with a room above - approved 28 August 2012

P/12/0158/MA/A non-material amendment to above application - approved 26 June 2013

P/12/0158/DP/A details pursuant condition 7, 8 and 10 of above application - approved 2 July 2013

P/13/0952/FP Construction of access gates, piers and driveway approved 16 December 2013

P/17/0810/FP Side extension to existing triple garage to create boat/car port approved 21 August 2017

P/18/0947/FP Reduction in area of residential curtilage, change to boundary fencing and landscaping (part retrospective). Pending.

P/18/0884/FP Erection of 6 detached residential units and associated detached garages. Pending

Representations

Thirty six letters have been received (some people have written in more than once) raising the following objections:

Contrary to adopted policies

Contrary to NPPF

Loss of Countryside

Loss of agricultural land

Imbalance of development in the western wards and Warsash

Too much development in the area

Cumulative impact of developments must be considered

Too much development proposed off Greenaway Lane which has a special character and is narrow

Agricultural occupancy condition

Newlands Farm would be better

Applications for development should not be entertained on land which is subject to separate public comment regarding policy principle

The revised alternative scheme is contrary to policies in the adopted development plan but reflects the intention of the Council to allocate this site for housing, is this a case of predetermination?

Affordable housing is not viable in this expensive area

Overdevelopment out of character with the lane

Loss of outlook

Overbearing and oppressive

Adverse impact on public views

Highway infrastructure cannot cope

Barnes Lane and Brook Lane Junctions with A27 cannot handle more traffic

Highway safety hazard including pedestrians

Why is access proposed off Greenaway Lane? no access is appropriate.

Track coming from Greenaway Lane will become a rat run

Full traffic assessment is required, insufficient public transport

Inadequate on-site parking provision

Lack of parking in Warsash Village

Impact of construction vehicles on Greenaway Lane

Impact on trees

Health, air and noise pollution

Impact on wildlife

Flooding

Ecology

Consultee responses on Environmental Health and Open Spaces are inadequate.

Shelving of residents' petition is not acceptable

The ecology report refers to a different number of dwellings and so must be invalid and is out of date. How will compliance with ecological report be policed and funded?

Flood risk and drainage plans and report are out of date

Conclusions of Transport Statement cannot be accepted

Infrastructure cannot cope - schools, doctors, dentists

Archaeological artefacts

Inadequate consultation by the applicant

The vehicle access off Greenaway Lane is against the draft local plan. With the piecemeal sites at various stages of planning it would not be possible to stop other sites from using Greenaway Lane.

Hampshire School Places Plan 2017-2019 assumes that the bulk of houses to be built will be in the new Welborne Estate and makes no provision for an increase in school places in any of the schools which will serve the new developments in Warsash, Titchfield, Locks Heath or Sarisbury. This would mean an increase in car journeys and require a review of associated environmental and traffic impact assessments.

With reference to current Department for Education Guidelines relating to disposal or change of use of playing fields, if more classrooms are sought on current playing fields or sports grounds, this will take time beyond the current education plan.

The Fareham and Gosport and South East Hampshire Clinical Commission Group "5 year Strategy for local health services" does not reference the impact of building 3,000 new dwellings on the provision of health care services. There is no evidence of consultation or how this will be addressed with limited budgets.

There is no evidence that FBC has consulted other Local Transport Authorities (LTA). Increase in traffic would limit economic benefits or growth.

PETITION (signed by 2,390 people)

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

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

service the needs of any new houses. It would inject a new lease of life into what is already an established but underused town that is essentially being allowed to slide into disrepair.

Justification:

Below are the sites that we are protesting about.

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

HA3 - Southampton Road, Titchfield Common - 400 dwellings

HA7 - Warsash Maritime Academy, Warsash -100 dwellings

HA9 - Heath Road, Locks Heath- 71 dwellings

HA11- Raley Road, Locks Heath- 49 dwellings

HA13- Hunts Pond Road, Titchfield Common- 38 dwellings

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

HA15 -Beacon Bottom West, Park Gate -30 dwellings

HA17 -69 Botley Road, Park Gate -24 dwellings

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

Traffic in this area is already at a gridlock during peak hours and since the new Strawberry Fields, Hunts Pond and Coldeast developments it has doubled the time for people to get to work. Improvements on major roads and motorways will try and ease congestion but it's not satisfactory as residents will not be able to actually get to these major roads. Local roads such as Brook Lane, Osborne Road, Warsash Road and Barnes Lane cannot be made wider, they were built to service the traffic and community of small villages and the resulting influx of 3000+ cars in such a small square area will lead to more accidents. Warsash specifically is on a peninsular and the only roads in and out are Brook Lane and Warsash Road. Emergency vehicles will be unable to ensure safe response times - during rush hour it is likely they will not have space to get to their destination. The consequences will be catastrophic. Flooding is inevitable especially with recent climate changes; residents in local back garden developments are already experiencing this. Fareham is presently in trouble for poor air quality due to the amount of rush hour traffic. Bring another 3000+ cars in to the Western Wards and there will be more cases of asthma, lung disease and related illnesses - all for the surgeries with not enough resources to treat. Doctors, schools, hospitals and emergency services are already stretched to breaking point. If the plans go ahead there will be hundreds of children needing school places. New schools might take pressure off the overcrowded ones - then the influx of new children will put it back on again. Children walking to Brookfield already face a perilous journey due to the amount of traffic on Brook Lane. Brook Lane, Lockswood, Jubilee and Whiteley surgeries struggle to cope with the amount of patients they have. They wait an unacceptable amount of time for routine appointments (1 month plus) and often have very long waits when they get to there (30 minutes plus). Emergency appointments are becoming harder to book as there are not enough doctors or time. The very young, elderly and chronically ill are already vulnerable and bearing the brunt of this - add another 1,500 homes and these overstretched surgeries will be at crisis point. There will be an increased need for care homes, for which there is just no space. Residents' health will be at risk and

possibly their lives. Warsash is a place of outstanding natural beauty and home to precious wildlife such as badgers, bats and deer. The greenfield land proposed as the area for development also provides a defined strategic gap from neighbouring villages. Residents have the right to breathe clean air, have facilities, space and sufficient infrastructure and the assurance that emergency vehicles have access and can meet response times in life threatening situations. We genuinely fear for the health and safety of people in the Western Wards.

Consultations

EXTERNAL

Natural England - No objection subject to appropriate mitigation being secured as the site is within 5.6km of the Solent and Southampton Water Special Protection Area (SPA) and will lead to a net increase in residential accommodation. Natural England also recommended that the proposal is supported by a Biodiversity Mitigation and Enhancement Plan or equivalent to be agreed by Hampshire County Council Ecologist. This should be secured by planning condition or obligation.

Since the CJEU judgment, Natural England has confirmed to the Council that in cases where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is fully in line with an agreed strategic approach for the mitigation of impacts on European Sites then, provided no other adverse impacts are identified by this authority's Appropriate Assessment, the authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the European Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation.

HCC Archaeology - No objection subject to planning condition.

Ecology - No objection subject to planning conditions and legal agreement to secure payment in respect of the Solent Special Protection Area.

The principles of mitigation in respect of reptiles is considered to be acceptable. However, the Ecology officer has provided advice in respect of reptiles and badgers for further consideration at the reserved matters stage:

With regard to the proposed hedgerow in the centre of the site, whilst acceptable in principle, a hedgerow on its own will not provide a functional green corridor, enabling the movement of wildlife on site. In addition to reptiles, evidence of badgers using the site through established paths was recorded and there are a number of badger setts in the wider landscape. Therefore, a strip of grassland/meadow, of sufficient width (minimum of 2m) is required at the base of the hedgerow. This corridor must not form part of the private residential gardens.

The ecology report states that the reptile receptor site "will be an area of habitat to the north and west of the site measuring 5-10m from the site boundary." In addition to the reptile buffers along the northern and western boundaries, the Site Layout shows green corridors along the eastern and southern boundaries. To ensure the

movement of badgers and provision of sufficient habitat for reptiles, the green corridors along the eastern and southern boundaries should also be a minimum of 5m.

The Site Layout shows the southern boundary being isolated from the remaining habitats on site. Therefore, the provision of a badger/reptile culvert under the proposed access road (south-eastern corner of the site) along the southern boundary should be considered.

Hampshire County Council - Lead Local Flood Authority - no objection subject to planning condition.

Hampshire County Council - Strategic Development Officer - Due to the small number of dwellings, there is no requirement for a contribution towards education infrastructure.

Southern Water - No objection subject to planning condition and informative.

INTERNAL

Transport Officer - The proposed access to serve the six houses off Greenaway Lane is acceptable. The access will need to be not less than 5m wide up to the boundary with no. 79 with 2.4m by 49 visibility splays.

The proposed access (Lockswood Road) to serve the remaining dwellings is considered to be acceptable. The route and junction are suitable for the additional flow and HGV movements. The Transport Officer advises that the northern section of the track should be bollarded to prevent its use by motor vehicles and surfaced for pedestrian/cyclist use.

Affordable Housing Strategic Lead - Has noted the provision of 40% of affordable housing units and the schedule of proposed accommodation. This is acceptable providing that the 65:35 affordable rent to intermediate split is reflected in the final provision with the 4 bedroom units being the priority for affordable/social rent.

Environmental Health (contamination) - no objection subject to planning condition.

Environmental Health - no comment

Recycling Co-ordinator - advised that sweep plans would need to be provided to show safe access for refuse and recycling vehicles and that bin collection points for properties not adjacent to the road should be shown on the plans. Bin stores for flats must be as close to the road as possible with level access.

Tree officer - In arboricultural terms this is the most viable layout with the primary highway access being gained from the southeast corner of the site and a private drive exiting out onto Greenaway Lane. Therefore the tree officer raises no objection.

Planning Considerations - Key Issues

- a) Implication of Fareham's current 5-year land supply housing supply position (5YHLS)

- b) Residential development in the countryside
- c) - g) Policy DSP 40
- h) Local Infrastructure
- i) Other matters
- j) The planning balance

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

Members' attention is drawn to the report titled "Five year housing land supply position" elsewhere on this agenda. That report sets out this Council's local housing need along with this Council's housing land supply position. The report concludes that this Council has 4.95 years of housing supply against the new 5YHLS requirement. Based on the previous resolution of Members, that housing supply of 4.95 years currently includes the dwellings proposed by this planning application.

Members' attention is also drawn to the report titled 'How proposals for residential development should be considered in the context of this Council's 5 year housing land supply position', which is provided elsewhere in this agenda.

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

Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas.

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

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.'

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).

The site is clearly outside of the defined urban settlement boundary and the proposal is therefore contrary to Policies CS2, CS6, and CS14 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan.

POLICY DSP40

Local Policy DSP40 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.

Each of these five bullet points are considered further below.

C) POLICY DSP40 (i)

The proposal for up to 30 dwellings is relative in scale to the 5YHLS shortfall and therefore bullet point i) of Policy DSP40 is satisfied.

D) POLICY DSP40 (ii)

The second test of Policy DSP40 is that "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".

The application site is in close proximity to the defined settlement boundary of Warsash and to leisure and community facilities, schools and shops.

The illustrative masterplan demonstrates that the overall layout and form of the development could be designed to be sympathetic with existing properties and commercial premise which adjoin the site. Up to 30 houses are proposed which equates to a net density of 17.5 dwellings per hectare. The detailed reserved matters application would need to demonstrate and ensure that the scheme complies with the Fareham Borough Design Guidance Supplementary Planning Document (Excluding Welborne). This would ensure that the amenity of future occupiers and existing neighbouring property occupiers would be acceptable.

Subject to the layout of the site and design form and how it might relate to the surrounding built form, officers consider that the development of up to 30 units could be accommodated on this site. It is therefore considered that the development

would be sustainably located and can be well integrated with the neighbouring settlement in accordance with point ii) above.

E) POLICY DSP40 (iii)

The third test 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 site is not located with a designated strategic gap. It is however, located within designated countryside where Policy CS14 of the adopted Fareham Borough Core Strategy confirms that built development will be strictly controlled to protect it from development which would "adversely affects its landscape character, appearance and function".

In assessing the impact on the landscape character of the area, due regard has been given to The Fareham Landscape Assessment 2017 (which is part of the evidence base for the published draft Fareham Local Plan 2036). The site lies within the Lower Hamble Valley (LCA2), Warsash Nurseries and is of lower sensitivity mainly because the character and quality of the landscape has been adversely affected by urban influences. The landscape is more tolerant of change and there is scope for development to bring about positive opportunities.

The site is currently viewed from adjoining residential properties in Greenaway Lane, properties served off the access track on the eastern boundary of the site and commercial premises. The reduction in the proposed number of units has improved the spaciousness of the scheme. Where possible valuable landscape features would be retained and the development could be further mitigated by reinforcing green corridors of vegetation and greenspace.

It is acknowledged that there will be a change in the character of the site when viewed from the immediate vicinity and particularly from the proposed new access arrangements and that the outlook from nearby properties would change if the proposal were to go ahead.

It is important that the frontage development onto Greenaway Lane provides a transition between the established built form in Greenaway Lane and the properties to be located further back in the site and respects the character of the existing access track located to the east as well as the proposed development to the east (Land and Partners outline consent). Officers are satisfied that the quantum and form of development could be sensitively designed to minimise any adverse impact, be appropriate in its context and that the change in character would primarily have a localised visual impact.

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

F) POLICY DSP40 (iv)

In terms of delivery, the agent has advised that it is anticipated that the whole development would be completed within 3 years of outline planning permission being granted.

G) POLICY DSP40 (v)

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

LOSS OF AGRICULTURAL LAND

Parts of the site are classified as Grade 1 and 2 agricultural land which CS16 seeks to prevent the loss of. Paragraph 170 of the National Planning Policy Framework advises that planning decisions should recognise the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality.

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

ECOLOGY

As evidenced within the comments received from Natural England and the Ecology Officer, sufficient information has been submitted to assess the impacts of the proposal on biodiversity matters and the consultees raise no objection subject to the imposition of planning conditions and appropriate mitigation.

To fulfil the requirement under the Habitat Regulations, Officers have carried out an Appropriate Assessment in relation to the likely significant effects on the coastal Special Protection Areas (SPAs) and have concluded that the application's compliance with the Solent Recreation Mitigation Strategy means that there will be no adverse effect on the integrity of the designated sites.

If planning permission is granted, officers are satisfied that the proposal would be acceptable from an ecological perspective subject to planning conditions and a Section 106 planning obligation in accordance with Core Strategy policy CS4, CS20, and policies DSP13, DSP15, DSP40 (v), of Local Plan Part 2.

AMENITY

The proposal is in outline form with matters of scale, appearance and layout reserved for consideration later. At the reserved matters stage, the detailed layout and scale would need to be policy compliant to ensure that there would unlikely be an adverse unacceptable impact on the amenity of neighbouring residents. Officers are satisfied that the development would be acceptable in accordance with Core Strategy policy CS17 and Local Plan Part 2 policy DSP40 (v).

HIGHWAYS

The Transport Planner is satisfied that the existing access onto Greenaway Lane can accommodate the proposed frontage development of 6 dwellings and that the proposed new access onto Lockwood Road is adequate to accommodate the new dwellings as well as commercial traffic from the neighbouring business. The location of the access is in the same position as the Land and Partners proposal for up to 157 dwellings.

The current private road at the eastern side of the site is the main access for the adjacent industrial site to the south and two commercial nurseries. This private road is also used by owners of private dwellings. The ability to access the industrial units via an access off Lockwood Road would result in less use of Greenaway by commercial vehicles.

With regard to third party concern over parking provision, officers are satisfied that sufficient on-site parking can be provided to comply with adopted policy.

With regard to third party concern that the track would become a 'rat run', officers are satisfied that from a technical perspective, the principle of an acceptable internal road layout can be accommodated at the reserved matters stage which could include bollards if appropriate.

Turning to the impact of construction vehicles on Greenaway Lane, a planning condition is recommended for details to be agreed in respect of how construction vehicles will access the site, how provision is to be made on site for the parking and turning of operatives and delivery vehicles and the area to be used for the storage of building materials as well as a condition to prevent spoil and mud being deposited on the public highway.

Taking account of the above, Officers are satisfied that the proposal would not have any unacceptable amenity or traffic implications and would therefore comply with criterion v of Policy DSP40 of Local Plan Part 2 and Policy CS5 of the Core Strategy.

H) LOCAL INFRASTRUCTURE

The strength of local concern relating to the impact of the development on schools, doctors, dentists and other services in the area is acknowledged. The Education Authority have not requested a contribution towards school provision due to the number of units falling below that which would require an education contribution.

In respect of the impact upon doctors/ medical services, the difficulty in obtaining appointments is an issue that is raised regularly in respect of new housing proposals. It is ultimately for the health providers to decide how they deliver health services. Therefore, a refusal on these grounds would be unsustainable.

I) OTHER MATTERS

AFFORDABLE HOUSING

The proposal incorporates 40% (12) on site affordable housing dwellings which would comply with the requirements of Policy CS18 of the Core Strategy. This can be secured via a Section 106 legal agreement.

OPEN SPACE AND PLAY PROVISION

The adopted Planning Obligations confirms that for between 20 and 49 dwellings, on site open space and a Locally Equipped Area of Play may be required depending on the circumstances and location. Officer advice is that in taking account of other development that has been granted outline consent (subject to the satisfactory completion of a legal agreement), it would not be reasonable to insist on such provision for this proposal given the limited number of units proposed.

GREEN INFRASTRUCTURE, CONNECTIVITY AND NATURE CONSERVATION

In accordance with Policy CS5, CS17 of the Core Strategy and DSP4 of Local Plan Part 2, officers recommend that vehicular, pedestrian and cycle connectivity is secured via a Section 106 legal agreement. To ensure appropriate ecological connectivity, the inclusion of ecological corridors will be secured through planning condition in accordance with Policy DSP13 of Local Plan Part 2.

OTHER THIRD-PARTY CONCERNS

With regard to comments about the impact on protected trees, the Tree officer has raised no objection to the proposed scheme and officers are satisfied that appropriate protection can be afforded alongside a landscaping scheme to be considered at the reserved matters stage.

It is noted that third party concerns have been raised over dates of the submitted flood risk and drainage reports. As set out within the consultee responses, the relevant consultees are satisfied that sufficient information has been submitted. Turning to concern over the ecology report which refers to a different number of dwellings to that now proposed, this would not change the ecology advice and conclusion as set out within this report. In addition, any change in ecological survey findings would need to be provided at the reserved matters stage.

Concern over health, air and noise pollution and the cumulative impact of developments are noted. The proposal is not of a scale that would justify refusal of planning permission.

Concern has been raised over a lack of consultation by the applicant; this is noted. However, the Local Planning Authority has undertaken publicity of the application.

In respect of concern over an agricultural tie on the existing dwelling adjacent to the site, planning history records have been checked. The original bungalow on the site was approved in 1951 and was described as 'a smallholding and the erection of a bungalow for domestic accommodation. There were no restrictive planning conditions relating to an agricultural tie.

With reference to vehicle access off Greenaway Lane, The draft Local Plan carries limited weight at this stage. However, the draft does say that "Primary highway access shall be focussed on Brook Lane and Lockswood Road with Greenaway

Lane only used to provide access for dwellings directly fronting onto Greenaway Lane". The dwellings to be served off Greenaway Lane would front it. A planning condition is recommended to limit the number of dwellings to be served off Greenaway Lane. At the reserved matters stage, details of the internal road layout would be considered further including bollards if appropriate to limit the use of the track.

In respect of school places, the School Places Plan is a snapshot in time and details the identified school place planning strategies existing at that time. Others will emerge during the life of the document as more details are obtained on housing developments and pupil forecasts are updated. The Education authority is aware of the legislation about building on school land and takes account of this when planning any school expansions.

Turning to consultation with the Clinical Commission Group, there is no statutory requirement to consult the Clinical Commission Group. It is for the health providers to decide how they deliver health services.

With regard to consultation with neighbouring Local Transport Authorities, there is no requirement to consult neighbouring LTA. FBC did consult with HCC who did not comment due to the number of dwellings proposed. However, the Council's Transport Officer has commented and officers have discussed the implication of the 30 dwellings within the wider context of the outline applications that have resolutions to grant permission.

Members will also be aware that the Draft Local Plan which addresses the Borough's development requirements up until 2036, was subject to consultation between 25th October 2017 and 8th December 2017.

The site of this planning application is proposed to be allocated for housing within the draft local plan. A number of background documents and assessments support the proposed allocation of the site in terms of its deliverability and sustainability which are of relevance. However, at this stage in the plan preparation process, the draft plan carries limited weight in the assessment and determination of this planning application.

J) THE PLANNING BALANCE

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".

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. The proposal would result in the loss of BMV agricultural land, contrary to policy CS16 of the Core Strategy.

Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations which is engaged as this Council cannot demonstrate a 5YHLS.

In weighing up the material considerations and conflicts between policies and the development of a greenfield site weighted against Policy DSP40, officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall and can be delivered in the short term. The site is well related to and can be integrated with the urban settlement boundary.

It is acknowledged that the proposal would have an urbanising impact through the introduction of housing and related infrastructure onto the site and introduce a degree of change in character particular when viewed from Greenaway Lane. Officers consider that the impact would not be substantial and that the proposal can be designed to minimise any adverse impact on the Countryside.

In respect of environmental, amenity and traffic implications, and subject to appropriate planning conditions and mitigation, officers are satisfied that these issues can be appropriately addressed through the design of the scheme, planning conditions and a section 106 planning obligation. When assessing the loss of BMV agriculture land in the context of the NPPF and 5YHLS position, the scale of loss is not considered to be significant.

In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage in housing supply, the proposal would deliver up to 30 dwellings including affordable housing. 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 position.

There is a clear conflict with development plan policy CS14 and CS16 as this development is in the countryside, on agricultural land. Ordinarily, officers would have found this to be the principal policy such that a scheme in the countryside should be refused. However, in light of the council's lack of a 5YHLS, development plan policy DSP40 is engaged and officers have considered the scheme against the criteria therein. The scheme is considered to satisfy the five criteria and in the circumstances, officers consider that more weight should be given to this policy than CS14 and CS16 such that, on balance when considered against the development plan as a whole, the scheme should be approved.

As set out in the report titled 'How proposals for residential development should be considered in the context of this Council's 5 year housing land supply position, Officers consider that the implications of the CJEU judgment (*People Over Wind, Peter Sweetman v Coillte Teoranta*) and paragraph 177 of the NPPF mean that the application of the presumption in favour of sustainable development set out in paragraph 11 of the same Framework is not a relevant consideration.

In the event that this approach is subsequently found to be incorrect as a consequence of a Court decision or a clarification in government policy, Officers have considered the application in the alternative and assessed the proposals having regard to the 'tilted balance' test set out at paragraph 11 of the NPPF.

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

- (i) there are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed, particularly when taking into account that any significant effect upon Special Protection Areas can be mitigated through a financial contribution towards the Solent Recreation Mitigation Strategy; and
- (ii) any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.

Therefore, even if paragraph 11 of the NPPF were a relevant consideration, Officers find that having applied the 'tilted balance', they would have similarly concluded that planning permission should be granted for the proposals.

Having carefully considered all material planning matters, including all new planning considerations arising since the proposal was considered by the Planning Committee on the 20 June, 2018, Officers continue to recommend that planning permission be granted subject to the following matters.

Recommendation

1) Subject to the applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council to secure:

- . Financial contribution to secure satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas.
- . Vehicular, pedestrian and cycle access connectivity to adjoining land
- . The delivery of 40% of the permitted dwellings as affordable housing.

2) Delegate to the Head of Development Management in consultation with the Solicitor to the Council to make any minor modifications to the proposed conditions or heads of terms or any subsequent minor changes arising out of detailed negotiations with the applicant which may necessitate the modification which may include the variation, addition or deletion of the conditions and heads as drafted to ensure consistency between the two sets of provisions.

GRANT OUTLINE PLANNING PERMISSION:

1. Details of the appearance, scale, layout and landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

REASON: To comply with the procedures set out Section 91 of the Town and Country Planning Act 1990.

2. Applications for approval of all reserved matters shall be made to the local planning authority not later than 12 months from the date of this permission.

REASON: To comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun before the expiration of 12 months from the date of the approval of the last of the reserved matters.

REASON: To comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents: Site Location Plan, 170809/MP4/ OS Rev C and Access drawing 116860-TP-0006-01 B.

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

5. Other than initial site preparation, no development shall commence until details of the width, alignment, gradient and type of construction proposed for the roads, footways and accesses, to include all relevant horizontal and longitudinal cross sections showing the existing and proposed ground levels, together with details of street lighting (where appropriate), the method of disposing of surface water, and details of a programme for the making up of roads and footways have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure that the roads are constructed to a satisfactory standard.

6. No development shall proceed beyond damp-proof course level until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are first occupied or in accordance with a timetable agreed in writing with the local planning authority and shall thereafter be retained at all times.

REASON: To protect the privacy of the occupiers of the neighbouring property, to prevent overlooking, and to ensure that the development harmonises well with its surroundings.

7. No development shall commence until a preliminary archaeological survey using trenching and Written Scheme of Investigation (WSI) has been undertaken in order to recognize, characterize and record any archaeological features and deposits that exist and submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Based on the results of the WSI, no development shall take place, until the applicant has secured and implemented an archaeological mitigation strategy in accordance with details that have been submitted to and approved in writing by the local planning authority.

Following completion of archaeological fieldwork, a report will be produced and submitted to the LPA in accordance with an approved programme including where

appropriate post excavation assessment, specialist analysis and reports, publication and public engagement.

REASON: To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets and mitigate and record the effect of the associated works upon any heritage assets.

8. No development shall commence until details of the measures to be taken to prevent spoil and mud being deposited on the public highway by vehicles leaving the site during the construction works have been submitted to and approved in writing by the local planning authority. The approved measures shall be fully implemented upon the commencement of development and shall be retained for the duration of construction of the development.

REASON: In the interests of highway safety and the amenity of the area.

9. No development shall commence until details have been submitted and approved by the LPA of how construction traffic will access the site, how provision is to be made on site for the parking and turning of operatives and delivery vehicles and the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the permitted development. The areas and facilities approved in pursuance to this condition shall be made available before construction works commence on site (other than construction of the site access) and shall thereafter be kept available at all times during the construction period, unless otherwise agreed in writing with the local planning authority.

REASON: In the interests of highway safety and to ensure that the residential amenities of the occupiers of nearby residential properties is maintained during the construction period.

10. Prior to the construction of the dwellings, details of the internal finished floor levels of all of the proposed buildings in relation to the existing and finished ground levels on the site shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: To safeguard the character and appearance of the area and to assess the impact on nearby residential properties.

11. No part of the development accessed from Lockwood Road shall be occupied/brought into use until the access junctions and visibility splays have been constructed in accordance with the approved details 116860-TP-0006-01 B (Lockwood Road). The visibility splays shall thereafter be kept free of obstruction at all times.

REASON: In the interest of highway safety.

12. Prior to commencement of development, details of the access onto Greenaway Lane which shall serve a maximum of 7 dwellings only (including 79 Greenaway Lane) shall be submitted to and agreed in writing with the Local Planning Authority. The access and visibility splays shall be constructed in accordance with the approved plans prior to occupation of the development hereby permitted and retained thereafter. REASON: In the interests of highway safety.

13. No dwelling erected on the site subject to this planning permission shall be first occupied until there is a direct connection from it, less the final carriageway and footway surfacing, to an existing highway. The final carriageway and footway surfacing shall be commenced within three months and completed within six months from the date upon which erection is commenced of the penultimate building/dwelling for which permission is hereby granted. The roads and footways shall be laid out and made up in accordance with the approved specification, programme and details.

REASON: To ensure that the roads and footways are constructed in a satisfactory manner.

14. No development shall commence until a desk study investigation and site walkover has been undertaken, submitted to and approved in writing by the Local Planning Authority to investigate the current and former uses of the site and adjoining land and the potential for contamination with information on the environmental setting including known geology and hydrogeology. The report shall develop a conceptual model and identify potential contaminant - pathway - receptor linkages.

Dependent on the results of the above desk study, an intrusive site investigation and an assessment of the risks posed to human health, the building fabric and the wider environment including water resources should be carried out. The site investigation shall not take place until the requirements of the Local Planning Authority have been established. The results of the intrusive site investigation shall be submitted to and approved in writing by the Local Planning Authority.

Where the site investigation and risk assessment reveals a risk to receptors, a strategy of remedial measures and detailed method statements to address identified risks shall be submitted to and approved in writing by the Local Planning Authority to include the nomination of a competent person (to be agreed with the LPA) to oversee the implementation of the measures.

REASON: To ensure that any potential contamination of the site is properly taken into account before development takes place.

15. Prior to the occupation of the dwellings hereby permitted the contamination remediation scheme shall be fully implemented and shall be validated in writing to the local planning authority by an independent competent person.

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

16. Should contamination be encountered during works that has not been investigated or considered in the agreed scheme of remedial measures, investigation, risk assessment and a detailed remedial method statement shall be submitted to and agreed with the Local Planning Authority. The remediation shall be fully implemented and validated in writing by an independent competent person as agreed with the Local Planning Authority.

REASON: To ensure that any potential contamination of the site is properly taken into account before development takes place.

17. No development shall proceed beyond damp proof course level until details of the finished treatment and drainage of all areas to be hard surfaced have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and the hard surfaced areas subsequently retained as constructed.

REASON: To secure the satisfactory appearance and drainage of the development.

18. The landscaping scheme, submitted under Condition 1 shall be implemented within the first planting season following the commencement of the development or as otherwise agreed in writing with the local planning authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the local planning authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

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

19. No work relating to the construction of any of the development hereby permitted (Including works of demolition or preparation prior to operations) shall take place before the hours of 0800 or after 1800 Monday to Friday, before the hours of 0800 or after 1300 Saturdays or at all on Sundays or recognised public holidays, unless otherwise first agreed in writing with the local planning authority.

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

20. No development shall commence on site until details of foul sewerage and surface water drainage works to serve the development hereby permitted have been submitted to and approved in writing by the local planning authority. Where possible a Sustainable Urban Drainage System (SUDS) shall be used and full details of predicted flows, responsibilities and future management provided. None of the dwellings shall be occupied until the drainage works have been completed in accordance with the approved details.

REASON: In order to ensure adequate drainage is provided to serve the permitted development.

21. No development shall take place until a Biodiversity Enhancement and Management Plan, to be informed as necessary by up-to-date survey and assessment has been submitted to and approved in writing by the Local Planning Authority with each reserved matters application. Such details shall be in accordance with the outline ecological mitigation, and enhancement measures detailed within the submitted reports including the Phase 1 Ecological Assessment and Reptile Survey (Peach Ecology, April 2018) including (but not limited to) a detailed reptile mitigation strategy, a layout of the mitigation areas such as Wildlife Corridors along the boundaries and in the centre of the site, planting scheme, detailed timings and methods of site clearance, long-term biodiversity management plan and details of site-wide biodiversity enhancement features to be incorporated. Any such approved measures shall thereafter be implemented in strict accordance

with the agreed details and with all measures maintained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To provide ecological protection, compensation, management and enhancement.

22. No development shall commence until an Arboricultural Impact Assessment Report and Method Statement for tree/hedgerow protection has been submitted to and approved in writing by the LPA and the approved scheme implemented. The tree/hedgerow protection shall be retained through the development period until such time as all equipment, machinery and surplus materials have been removed from the site.

REASON: To ensure protection of important trees and hedgerows.

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

REASON: In the interests of the living conditions of the occupiers of neighbouring properties.

24. The development fronting Greenaway Lane shall be a maximum of 2 storeys in height and detached dwellings only.

REASON: In the interests of the amenity and character of the area.

INFORMATIVE:

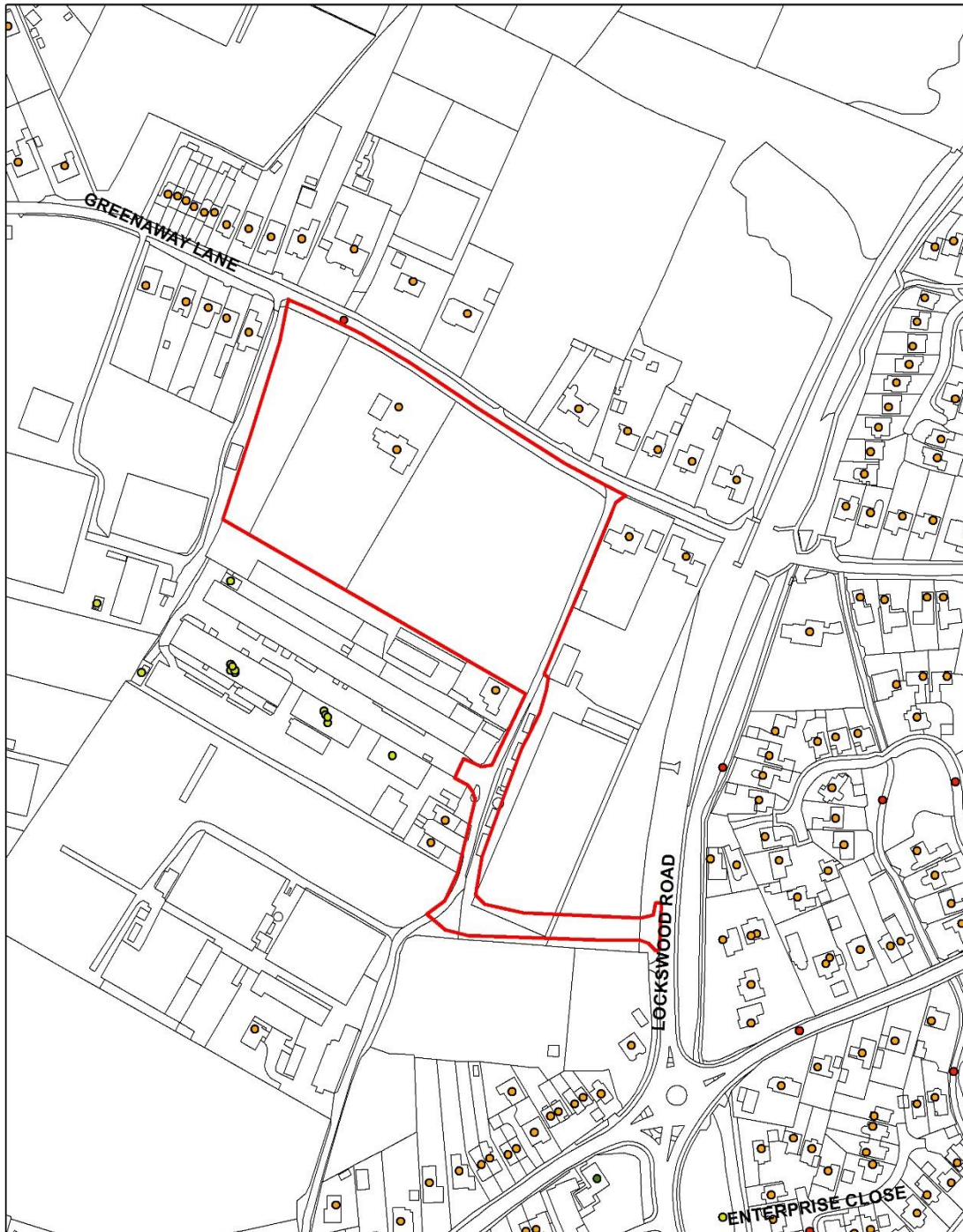
Informative: A formal application for connection to the public sewerage system is required

in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

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

FAREHAM

BOROUGH COUNCIL



Land to the East & West of
79 Greenaway Lane
Scale: 1:2,500



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APPENDIX 6
FUNTLEY COMMITTEE REPORT

OFFICER REPORT FOR COMMITTEE**Date: 10/10/2018****P/17/1135/OA**RESIDE DEVELOPMENTS LIMITED &
ANTHERFOLD INVESTMENTS LTD**FAREHAM
NORTH
AGENT: TURLEY**

OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS), FOR RESIDENTIAL DEVELOPMENT OF UP TO 27 DWELLINGS (USE CLASS C3) WITH ASSOCIATED INFRASTRUCTURE, MEANS OF ACCESS AND DEMOLITION OF AGRICULTURAL BUILDING.

LAND NORTH OF FUNTLEY ROAD FUNTLEY FAREHAM

Report By

Richard Wright - Direct dial 01329 824758

Introduction

Members' attention is drawn to the report at the beginning of this Committee agenda titled "Consideration of planning applications on this Agenda."

This planning application was first considered at the Planning Committee meeting on the 18th July 2018. Following consideration of all relevant planning matters, Members resolved to grant planning permission for the proposal subject to the prior completion of a planning obligation and the imposition of relevant conditions.

The following report is an updated version of the report presented to the Planning Committee on the 18th July 2018. The main updates made to the report can be summarised as followed:

- The Description of Proposal section has been revised to better explain the current status of two further planning applications by the same applicant on land to the south of Funtley Road.
- One further representation has been incorporated into the Representations section.
- The section of the report titled "Implication of Fareham's Current 5 Year Housing Land Supply Position (5YHLS)" has been updated to reflect the requirements of the revised National Planning Policy Framework (NPPF) and the implications of the recent judgment of the Court of Justice of the European Union (CJEU).
- References to the NPPF (2012) have been removed since that document has now been replaced.

- The section of the report considering the proposal against Policy DSP40(iv) has been updated to provide the most recent estimates of the timescale for delivery of the proposed development.
- The section of the report titled “The planning balance” has been updated to reflect the requirements of the revised NPPF and the implications of the recent judgment of the CJEU.
- The Officer recommendation has been revised as follows:
 - Planning obligation (d) has been revised to require in addition associated works to upgrade the bridge over the M27 motorway (including a structural survey);
 - The means of access to the site and provision of the pedestrian footpath link have been secured as a planning obligation (g) through the Section 106 legal agreement as opposed to a planning condition;
 - The design, delivery and management of SUDs on the site would be secured through a planning condition as opposed to a planning obligation through a Section 106 agreement. This requirement has been incorporated into the wording of Condition 3 along with other revisions to the wording of that condition;
 - Conditions 2 & 11 have also been updated following discussions with the applicant.

Site Description

The site measures 0.96 hectares (2.4 acres) in area and is situated immediately to the north of Funtley Road.

To the north and east the site adjoins housing development on the site of the former Funtley Abattoir. To the north west of the site is a designated area of public open space. To the west of the site are a small number of frontage dwellings with long rear gardens.

The site is relatively flat, falling gently to the north. It currently comprises horse paddocks.

There is an existing access to the site in the south eastern corner and an unmade track runs diagonally across the site to an agricultural storage building/stables located in the north west corner.

The existing southern boundary to Funtley Road is marked by a hedgerow containing some trees towards its eastern end. The western boundary is largely defined by an evergreen hedgerow, with the eastern and northern boundaries formed with varying types and sizes of planting.

The site lies outside of the urban settlement boundary.

Description of Proposal

Outline planning permission is sought for up to 27 new dwellings on the site, together with a new vehicle access from Funtley Road, landscaping, and demolition of an agricultural building in the northwestern corner of the site.

The application is submitted in outline with all matters reserved for future approval except for access. The proposed access is shown towards the western end of the frontage.

Members are advised that two further applications by the same applicant on land to the south side of Funtley Road are currently undetermined but have previously received favourable resolutions to grant planning permission at the Planning Committee meeting held on 18th July this year. Planning application reference P/18/0067/OA proposes residential development of up to 55 dwellings (including 3 custom build homes), a community building, accesses and associated landscaping, infrastructure and development works, and is reported elsewhere on this Agenda. Planning application reference P/18/0066/CU meanwhile proposes the change of use of land further south into a community park.

Policies

The following policies apply to this application:

Approved 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

Approved SPG/SPD

RCCPS - Residential Car and Cycle Parking Standards Supplementary Planning Document,

Design Guidance Supplementary Planning Document (Dec 2015)

EXD - Fareham Borough Design Guidance Supplementary Planning Document

Development Sites and Policies

DSP1 - Sustainable Development

DSP3 - Impact on living conditions

DSP13 - Nature Conservation

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

DSP40 - Housing Allocations

Relevant Planning History

An outline planning application was submitted in January 2017 for up to 27 dwellings on the site (planning reference P/17/0045/OA). A report was prepared for the Planning Committee for consideration at the meeting to be held on the 24th May last year however the application was withdrawn before consideration at the meeting

Representations

In response to this application 128 sets of comments have been received from 99 residents. This is because some people chose to comment more than once after revised details were submitted by the applicant.

Seventy seven people objected to the application on the following planning grounds:

- Welborne is enough
- Road is already hazardous to drivers, pedestrians, cyclists and children
- Roads are overcrowded already and unsuitable for additional 250 vehicles with narrow bridges
- Area subject to flooding
- Infrastructure unable to accommodate additional pressure
- Healthcare unable to cope
- Schools are at capacity
- Application previously refused - nothing has changed
- Harm to semi-rural character of Funtley
- Should be viewed in conjunction with P/18/0067/OA
- Support letters are not from Funtley residents
- Countryside in current Local Plan

- Site is not brownfield
- Site is not sustainable
- Impact on Wildlife (NB dormice)
- Loss of trees
- Loss of horse riding and stabling
- Possible contamination due to ex-abattoir
- Sites should not be approved before the new Local Plan is properly considered
- Density of development not in keeping with the remainder of the area
- Percentage of affordable housing is disproportionately high and out of keeping- Inappropriate location for social housing
- Noise pollution
- Problems already with power failures
- Possible subsidence due to type of soil
- Potential for increase in crime
- Already overloaded sewerage system
- Overlooking and loss of privacy- Loss of light

Twenty two people wrote in support of the application with the following comments:

- Land shown in draft Local Plan for development

Consultations

EXTERNAL

Natural England - No objection subject to appropriate mitigation being secured.

Hampshire County Council (Flood and Water Management team) -

Given the information provided within the Flood Risk Assessment it is considered that the general principles for the surface water drainage proposals are acceptable. Additional information is required to fully assess this application and we would recommend that this is covered by condition, as part of a more detailed design phase.

Southern Water - No objection.

Hampshire County Council (Archaeology) - No objection subject to condition.

Hampshire County Council (Children's Services) - The development is too small to generate a significant impact on pupil numbers locally so no contribution is required towards education infrastructure. In order to promote sustainable travel the developer must contribute a total of £15,000 to the production of school travel plans for both schools together with improvements to cycle and scooter storage on the school sites.

INTERNAL

Trees - No objection.

Contaminated Land - No objections subject to planning condition.

Highways - No objection. It is accepted that, whilst the site is fairly remote from a number of facilities, it is served by an hourly bus service and is within walking and cycling distance of most routine travel attractors. To aid pedestrian and bus journeys, a footway is proposed along the north side of Funtley Road, between the site and the existing footway commencing at Roebuck Avenue. In traffic impact terms, whilst the predicted traffic generation from the site is considered to be low, it is accepted that the circa 16 vehicles per peak hour would have no material impact on the surrounding road network. In highway safety terms, the record of personal injury accidents does not indicate there is a particular defect affecting the safe operation of the highway. It is recommended however that the extent of the existing 30mph speed limit zone should be reviewed with a view to including within it the proposed site access or even the bends on Funtley Road to the west of the site. It is considered the location and form of the site access junction, with visibility splays, would be acceptable.

Ecology - No objection. The impacts on commuting/foraging bats can be avoided through the implementation of a lighting strategy and landscape plan which protect the site's northern boundary. Provided the outline mitigation proposals are implemented I would have no concerns over the proposals in relation to dormice. Broad outline measures for the implementation of the mitigation are set out, a detailed strategy should be provided under a planning condition. A condition should be added requiring the applicant to incorporate features into the development that would contribute to biodiversity.

Planning Considerations

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

Members' attention is drawn to the report titled "Five year housing land supply position" elsewhere on this agenda. That report sets out this Council's local housing need along with this Council's housing land supply position. The report concludes that this Council has 4.95 years of housing supply against the new 5YHLS requirement. Based on the previous resolution of Members, that housing supply of 4.95 years currently includes the dwellings proposed by this planning application.

Members' attention is also drawn to the report titled 'How proposals for residential development should be considered in the context of this Council's 5 year housing land supply position', which is provided elsewhere in this agenda.

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.

RESIDENTIAL DEVELOPMENT IN THE COUNTRYSIDE

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

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.'

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).

The site is clearly outside of the defined urban settlement boundary and the proposal is therefore contrary to Policies CS2, CS6, and CS14 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan.

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.

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

POLICY DSP40(i)

The proposal for a development of 27 dwellings is considered to be relative in scale to the identified shortfall and therefore bullet point i) of Policy DSP40 is satisfied.

POLICY DSP40(ii)

The second test of Policy DSP40 is that: "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".

It is acknowledged that the site is located beyond the settlement policy boundary and is therefore contrary to policies which aim to secure the majority of new housing within the urban area. Whilst being located in the countryside for planning purposes the site is bound on its western, eastern and much of its northern side by built form and residential properties. The adjacent housing development of Roebuck Avenue, Deer Leap and Stag Way abuts the site's northern and eastern boundaries. This housing estate, which was granted planning permission in the late 1990s on the site of an abattoir, is also within the countryside in terms of its status within the current adopted local plan however its character and appearance is typical of an area found within the urban settlement boundary.

Bus stops are located close to the site on Funtley Road and the bus service runs approximately once an hour to Fareham and Wickham. However, the service neither starts particularly early nor finishes late and no buses run on a Sunday. There are very limited services within Funtley itself. The closest shop (McColls Newsagent) in Kiln Road for example is in the region of 1,200 metres (3/4 mile) from the site. Furthermore Officers are not convinced that the pedestrian and cycling arrangements from the application site to facilities are ideal at present either in the vicinity of the site itself or taking into account the steep climb up from Funtley into Fareham.

A concurrent application by the same applicant on land to the south side of Funtley Road for a further 55 dwellings also proposes a new pedestrian and cycle route southwards to the urban area of Fareham, including over the existing M27 motorway bridge (planning reference P/18/0067/OA). The applicant has suggested that, whilst the two applications are separate and must be considered on their own individual merits, they would be prepared to provide a similar permissive path through that land to create a new pedestrian footpath from Funtley Road southwards to Thames Drive in order to address any outstanding concerns in relation to the relative sustainability of the application site. The applicant's suggestion is that the details and construction of such a route could be secured through a suitably worded obligation in a Section 106 agreement. Officers agree that providing such a route would offer a significant improvement to the application site on the north side of Funtley Road in terms of sustainable transport links. The new link would bring Orchard Lea Infant and Junior Schools within a walking/cycling distance of approximately 850 metres from the application site and the shops and other services at Highlands Road Local Centre within 1.7km.

The applicant has proposed further measures to improve the site's accessibility and to reduce reliance on the use of private motor vehicles. Through the submitted travel plan the applicant proposes contributions towards the cost of new bikes for new residents to facilitate the use of this new pedestrian/cycle connection with Fareham. Bus vouchers are also proposed as part of that same scheme.

Considering the second test of Policy DSP40, the site does not lie adjacent to the existing urban settlement area as currently defined in the adopted local plan and is not within an easy accessible distance to many services and facilities. Notwithstanding, the site is bound by residential development of an urban nature and measures proposed by the applicant to improve the accessibility of the location would assist in increasing its overall sustainability.

POLICY DSP40(iii)

The third test of Policy DSP40 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".

As mentioned earlier in this report, the site lies within the countryside but does not form part of a strategic gap. The site comprises grassland and vegetation with trees surrounding the boundaries. Glimpsed views of the site can be seen from Funtley Road and the site is currently overlooked by properties in Roebuck Avenue to the east and north. An indicative layout plan submitted with the application shows how development could be undertaken whilst retaining much of the planting around the northern and eastern boundaries.

A section of the existing planting alongside Funtley Road towards the western end of the frontage would need to be removed to enable vehicular access to the site. In addition pedestrian access would be formed through the frontage planting towards the eastern end of the frontage. The applicant has submitted a detailed drawing to show the extent of hedgerow loss that would result from the new access being formed and visibility splays provided (drawing no. 16-0822-SK01e). The drawing demonstrates that the existing hedgerow would be trimmed back to facilitate the access and visibility but would remain in place whilst additional hedgerow planting could be carried out where none currently exists. Views from Funtley Road would therefore still be screened by boundary vegetation with the exception of those possible along the access and footpath into the site. However these views would most likely be from passing traffic, be brief and the houses seen against the backdrop of the adjacent existing housing. The development's layout is a reserved matter however the illustrative site plan demonstrates how houses might be arranged on the site to be set back from the frontage of Funtley Road thereby further reducing the visual impact of the two storey houses.

The proposed development would provide up to 27 houses on a site with a developable area of 0.83 of a hectare. The density of the scheme is therefore approximately 32.5 dwellings per hectare. The scale of the housing is a reserved matter however the applicant indicates in the submission that it would be the intention for the dwellings to be up to two storey in height. This density and scale is broadly consistent with the adjacent housing development at Roebuck Avenue, Deer

Leap and Stag Way is predominantly two storey in scale at a density of approximately 28 - 32 dwellings per hectare.

Matters of scale, appearance, layout and landscaping are reserved for consideration at a later date should outline planning permission be granted. However, based on the parameters set out by the applicant and the above assessment of the development's visual impact, Officers are satisfied that the adverse impact on the countryside would be localised and would not result in substantial harm to the wider landscape character of the countryside. Subject to those reserved matters Officers believe it would be possible to achieve a form of development that would be in keeping with the prevailing characteristics of the neighbouring housing development. Officers consider that the test set out in Policy DSP40(iii) is met.

POLICY DSP40(iv)

The fourth test of Policy DSP40 is that: "It can be demonstrated that the proposal is deliverable in the short term".

The applicant has indicated that should planning permission be granted they envisage the reserved matters would be submitted for consideration within 12 months. The development could then be expected to commence by January 2020 with completion of the houses by April 2021.

Officers consider the development to be deliverable in the short term thereby satisfying this test of Policy DSP40(iv).

POLICY DSP40(v)

The fifth and final test of Policy DSP40 is that: "The proposal would not have any unacceptable environmental, amenity or traffic implications".

ENVIRONMENTAL

The applicant has submitted a Flood Risk Assessment & Drainage Strategy on which Officers have consulted the lead local flood authority Hampshire County Council. Hampshire County Council's Flood and Water Management team have responded and their comments can be viewed in the earlier section of this report which summarises consultation responses. In short the County's advice is that the general principles for the surface water drainage proposals for the development are acceptable. However, further information would be required at a later stage and should be secured through the imposition of a suitably worded planning condition in the event outline permission is granted.

A number of local residents have raised concerns over this issue and that flooding and surface water drainage problems already experienced in the area might be exacerbated by the development. Notwithstanding the positive response from the lead local flood authority, the applicant has produced a non-technical summary of the flood risk assessment. This summary explains that the proposed drainage strategy is to route surface water from the site to the existing watercourse at the northwest which is on lower ground so water will flow under gravity. Funtley Road is

higher than the site and the flooding which occurs there is likely to be caused by debris blocking one or more sewer pipes or possibly a lack of capacity in those pipes. The proposed drainage scheme on the application site will neither help nor hinder this.

The Council's Ecologist is satisfied that reptiles currently present within the site can be translocated to another site and has raised no objection to the proposed development. Natural England has confirmed that measures can be secured which seek to avoid potential impacts on the European Sites, including financial contributions towards the Solent Recreation and Mitigation Partnership.

To fulfill the requirement under the Habitat Regulations Officers have carried out an Appropriate Assessment in relation to the likely significant effects on the coastal Special Protection Areas (SPAs) and have concluded that the application's compliance with the Solent Recreation Mitigation Strategy means that there will be no adverse effect on the integrity of the designated sites.

Subject to above matters being secured through appropriate planning conditions and a Section 106 Planning Obligation no objection is raised in respect of protected species and the potential impacts upon nearby designated European sites.

AMENITY

A small number of properties close to the site in Roebuck Avenue have an outlook across the application site. The outlook from these properties into the site would change from undeveloped grassland to a housing estate if the proposal were to go ahead. Policy DSP3 states that development proposals should ensure that there will be no unacceptable adverse impact upon living conditions on the site or neighbouring development by way of the loss of sunlight, daylight, outlook and/or privacy.

The illustrative layout demonstrates how up to 27 dwellings could be positioned within the site. In the event that outline planning permission were granted the detailed application would need to ensure that this number of dwellings would be built in a manner which meets this Council's requirements in respect of light, outlook and privacy as set out in the recently adopted Fareham Borough Council Design Guidance (excluding Welborne) SPD.

Local residents have expressed concern regarding the impact that the proposed development would have upon their enjoyment of their properties and are very sensitive to changes particularly in views. Officers consider that careful design and boundary landscaping could ensure that these effects are mitigated. In light of this officers believe that development could be undertaken in a fashion which ensures that the light, outlook and privacy of neighbouring properties is not materially harmed.

Concerns have also been raised regarding noise and disturbance during the construction process. In the event that planning permission was granted the timing of construction works could be controlled via condition.

TRAFFIC

A number of the objections received also raise concerns regarding the potential impact that the proposed development would have on local roads in terms of highway safety.

Policy CS5 (Transport Strategy and Infrastructure) states that the Council will permit development which does not adversely affect the safety and operation of the strategic local road network, public transport operations or pedestrian and cycle routes.

The Council's Transport Planner believes that the location and form of the site access with visibility splays would be acceptable and would not have an adverse impact on the safety of the highway. He has recommended that the existing 30mph zone be reviewed with a view to including the proposed site access within it.

In 'technical' highway terms, the vehicular access arrangements are not considered likely to materially harm highway safety.

OTHER MATTERS

The applicant is proposing to deliver 40% affordable homes in accordance with Policy CS18 of the adopted Core Strategy.

Subject to the provision of affordable housing being secured through a Planning Obligation the proposal would be in accordance with Policy CS18 of the adopted Core Strategy.

Members will be aware that the Draft Local Plan which addresses the Borough's development requirements up until 2036, was subject to consultation between 25th October 2017 and 8th December 2017.

The site of this planning application is proposed to be allocated for housing within the draft local plan. A number of background documents and assessments support the proposed allocation of the site in terms of its deliverability and sustainability which are of relevance. However, at this stage in the plan preparation process, the draft plan carries limited weight in the assessment and determination of this planning application.

As referred to earlier in this report, Members will be aware that a further two planning applications have been submitted by the same applicant in relation to proposed development on the land on the opposite side of Funtley Road to the south. The first application (reference P/18/0066/CU) proposes the change of use of an area of land to a community park. The second application (reference P/18/0067/OA) seeks outline planning permission for up to 55 dwellings (including 3 self-build homes), a community building incorporating a local shop, accesses from Funtley Road and associated infrastructure works.

THE PLANNING BALANCE

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".

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. The proposal would result in the loss of best and most versatile agricultural land, contrary to policy CS16 of the Core Strategy.

Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations which is engaged as this Council cannot demonstrate a 5YHLS.

In weighing up the material considerations and conflicts between policies and the development of a greenfield site weighted against Policy DSP40, Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall and the applicant has demonstrated that if the development was granted planning permission it could be delivered in the short term.

The site is not located adjacent to the existing urban area as identified in the adopted local plan and its location has been found by Officers to be relatively poor presently in terms of its accessibility. Notwithstanding, the site is adjacent and would relate well to an existing housing development of 85 two storey houses. The applicant has proposed a new permissive footpath and incentives to increase the connectivity of the site for pedestrians and cyclists.

Taking into account the parameters indicated by the applicant and the site's constraints, the quantum of development proposed would be capable of being delivered at a scale and density in keeping with the character of adjacent existing built up areas. The proposal would have an urbanising impact locally however any adverse impact on the wider landscape character could be minimised by appropriate retention of existing vegetation and careful consideration of the reserved matters of scale, layout, appearance and landscaping such that there would not be any substantial harm.

Officers are satisfied that there are no outstanding amenity and ecology issues which cannot otherwise be addressed through appropriate use of planning conditions and obligations. There would be no materially harmful impact on highway safety.

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 27 dwellings, including affordable housing, in the short term. The contribution the proposed scheme would make

towards boosting the Borough's housing supply weighs in favour of granting planning permission.

There is a clear conflict with development plan policy CS14 as this is development in the countryside. Ordinarily, officers would have found this to be the principal policy such that a scheme in the countryside should be refused. However, in light of the council's lack of a 5YHLS, development plan policy DSP40 is engaged and officers have considered the scheme against the criteria therein. The scheme is considered to satisfy the five criteria and in the circumstances, officers consider that more weight should be given to this policy than CS14 such that, on balance, when considered against the development plan as a whole, the scheme should be approved.

As set out in the report titled 'How proposals for residential development should be considered in the context of this Council's 5 year housing land supply position', Officers consider that the implications of the CJEU judgment (*People Over Wind, Peter Sweetman v Coillte Teoranta*) and paragraph 177 of the NPPF mean that the application of the presumption in favour of sustainable development set out in paragraph 11 of the same Framework is not a relevant consideration.

In the event that this approach is subsequently found to be incorrect as a consequence of a Court decision or a clarification in government policy, Officers have considered the application in the alternative and assessed the proposals having regard to the 'tilted balance' test set out at paragraph 11 of the NPPF.

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

(i) there are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed, particularly when taking into account that any significant effect upon Special Protection Areas can be mitigated through a financial contribution towards the Solent Recreation Mitigation Strategy; and

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

Therefore, even if paragraph 11 of the NPPF were a relevant consideration, Officers find that having applied the 'tilted balance', they would have similarly concluded that planning permission should be granted for the proposals.

Having carefully considered all material planning matters, including all new planning considerations arising since the proposal was considered by the Planning Committee on the 18th July, Officers continue to recommend that planning permission be granted subject to the following matters.

Recommendation

1) Subject to the applicant entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council in respect of the following:

- a) To secure the delivery of 40% of the permitted dwellings as affordable housing;
 - b) To secure a financial contribution towards the Solent Recreation Mitigation Partnership(SRMP) in order to mitigate the 'in combination' effects that an increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas;
 - c) To secure submission and implementation of travel plan;
 - d) To secure the provision of a permissive footpath from Funtley Road to Thames Drive, a scheme for which must be submitted to and approved by Fareham Borough Council before development commences; associated works to upgrade bridge over M27 motorway (including structural survey);
 - e) To secure a financial contribution towards the revision of the existing traffic regulation order (TRO) to allow the speed limit restrictions on Funtley Road to be amended (£5,000);
 - f) To secure a financial contribution towards improvements to sustainable transport links (£21,950);
 - g) To secure the installation of a bell mouth access from the site onto Funtley Road and footpath extension as shown on drawing no. 16/0822/SK01e.
- 2) Delegate to the Head of Development Management in consultation with the Solicitor to the Council to make any minor modifications to the proposed conditions or heads of terms or any subsequent minor changes arising out of detailed negotiations with the applicant which may necessitate the modification which may include the variation, addition or deletion of the conditions and heads as drafted to ensure consistency between the two sets of provisions;

GRANT OUTLINE PERMISSION:

Subject to the following conditions:

- 1) Application for approval of details of the appearance, landscaping, layout and scale of the development (referred to as the 'reserved matters') shall be made to the local planning authority before the expiration of twelve months from the date of this permission. Work shall be commenced in pursuance of this permission no later than twelve months from the approval of the final reserved matter.

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

2) The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents unless otherwise agreed in writing by the local planning authority:

- a) Site location plan - drawing no. CB 95 082 100
- b) Ecological Assessment (Ecology Solutions, September 2017) including part 2 & part 3
- c) Land Use Parameters Plan – drawing no. CB 95 082 103
- d) Proposed Access Design and Visibility Splays - drawing no. 16-0822-SK01e
- e) Arboricultural report

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

3) No development hereby permitted shall commence until a surface water drainage strategy has been submitted to and approved by the local planning authority in writing. The strategy shall include the following elements:

- a) Updated surface run-off calculations for rate and volume for pre and post development using the appropriate methodology;
- b) Evidence of sufficient attenuation on site for a 1 in 100 year plus climate change event;
- c) The detailed design of Sustainable Urban Development Systems (SUDS) to be used on the site as well as details on the delivery, maintenance and adoption of SUDS features.

The development shall be carried out in accordance with the approved details unless otherwise agreed with the local planning authority in writing.

REASON: To ensure satisfactory disposal of surface water.

4) No development hereby permitted shall commence until details of the means of foul water drainage from the site have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details unless otherwise agreed with the local planning authority in writing.

REASON: To ensure satisfactory disposal of foul water.

5) No development in relation to the construction of the dwellings hereby permitted shall commence until a scheme of lighting (during construction and the operational life of the development), designed to minimise impacts on wildlife, particularly bats, has been submitted to and approved in writing by the local planning authority. The scheme of lighting shall propose lighting <1 lux along the full length of the site's northern boundary. The development shall be carried out in accordance with the approved lighting scheme.

REASON: In order to minimise impacts of lighting on ecological interests of the site.

6) No development hereby permitted shall commence until a reptile mitigation strategy has been submitted to and approved by the local planning authority in writing. The strategy shall include:

- (i) Details of the translocation works, including plans showing where reptile fencing will be erected relative to existing reptile habitat, methodology for capture, including timings and capture effort;
- (ii) The results of reptile surveys conducted at the identified receptor site;
- (iii) Details of existing reptile habitat availability and capacity within the receptor site;
- (iv) Appropriate habitat creation options for increasing the receptor sites capacity for the slow-worm population;
- (v) A work schedule for habitat maintenance (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
- (vi) Monitoring and remedial / contingencies measures triggered by monitoring;
- (vii) Personnel responsible for implementation of the plan;
- (viii) Reporting back to the LPA for monitoring and compliance purposes.

The development shall be carried out in accordance with the approved details.

REASON: To avoid impacts to reptiles and to conserve and enhance biodiversity.

7) No development in relation to the construction of the dwellings hereby permitted shall commence until a detailed scheme of biodiversity enhancements to be incorporated into the development has been submitted to and approved by the local planning authority in writing. The scheme shall include a landscaping plan designed with wildlife in mind and measures to ensure that the northern boundary is protected and enhanced. The development shall be carried out, and areas of the site where enhancements are carried out shall be maintained, in accordance with the approved details.

REASON: To enhance biodiversity.

8) No development hereby permitted shall commence until an intrusive site investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority (LPA). The intrusive site investigation and risk assessment shall include assessment of the risks posed to human health, the building fabric and the wider environment such as water resources, and where the site investigation and risk assessment reveal a risk to receptors, it shall include a detailed scheme for remedial works to address these risks and ensure the site is suitable for the proposed use.

The presence of any unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the LPA. This shall be investigated to assess the risks to human health and the wider environment and a remediation scheme implemented following written approval by the Local Planning Authority. The approved scheme for remediation works shall be fully implemented before the permitted development is first occupied or brought into use.

On completion of the remediation works and prior to the occupation of any properties on the development, an independent competent person shall confirm in writing that the works have been completed in full and in accordance with the approved scheme. Such confirmation shall include photographic evidence and, if considered necessary by the local planning authority, as built drawings of the development.

REASON: To ensure that any contamination of the site is properly taken into account before development takes place.

9) No development hereby permitted shall commence on site until a Construction Management Plan (CMP) setting out how provision is to be made on site for the parking and turning of operatives vehicles, wheel cleaning, the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development, has been submitted to and approved in writing by the Local Planning Authority (LPA). The development shall be carried out in accordance with the CMP and areas identified in the CMP for specified purposes shall thereafter be kept available for those uses at all times during the construction period, unless otherwise agreed in writing with the LPA.

REASON: In the interests of highway safety and/or in order to secure the health and wellbeing of the trees and vegetation which are to be retained at the site and/or to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period.

10) No development hereby permitted shall commence until details of the width, alignment, gradient and type of construction proposed for any roads, footways and access, including all relevant horizontal and longitudinal cross sections showing the existing and proposed ground levels, together with details of street lighting (where appropriate), the method of disposing of surface water, and details of a programme for the making up of roads and footways, have been submitted to and approved by the Local Planning Authority in writing. The development shall be subsequently carried out in accordance with the approved details.

REASON: To ensure that the roads are constructed to a satisfactory standard.

11) No development in relation to the construction of the dwellings hereby permitted shall commence until details of the internal finished floor levels of all of the proposed buildings in relation to the existing and finished ground levels on the site have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To safeguard the character and appearance of the area and to assess the impact on nearby residential properties.

12) No development hereby permitted shall commence until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include proposed mitigation measures in

relation to any archaeological remains found as necessary. The development shall be carried out in accordance with the approved scheme.

REASON: In order to ensure that the site, which is located in an area where there is potential for archaeological discovery, is adequately investigated prior to development.

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

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

14) No development shall proceed beyond damp proof course level until details of the proposed bin storage areas (including bin collection points) have been submitted to and approved by the Local Planning Authority. The details shall include the siting, design and the materials to be used in construction. The approved bin storage and collection areas shall be provided before any dwelling is first occupied and shall thereafter be retained and kept available for use at all times.

REASON: To ensure that the character and appearance of the development and the locality are not harmed.

15) No development shall proceed beyond damp proof course level until details (including samples where requested by the Local Planning Authority) of all proposed external facing and hard surfacing materials have been submitted to and approved by the LPA in writing. The development shall be carried out in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development.

16) The development shall be carried out in accordance with the measures set out in Section 5.3.26 of the approved Ecological Assessment (Ecology Solutions, September 2017) unless varied by a European Protected Species (EPS) license issued by Natural England. Thereafter, the replacement habitat shall be permanently maintained and retained in accordance with the approved details.

REASON: To ensure the favourable conservation status of dormice

17) No work on site relating to the construction of any of the development hereby permitted (Including works of demolition or preparation prior to operations) shall take place before the hours of 0800 or after 1800 Monday to Friday, before the hours of 0800 or after 1300 Saturdays or at all on Sundays or recognised public holidays, unless otherwise first agreed in writing with the Local Planning Authority.

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

18) None of the development hereby approved shall be occupied until the means of vehicular access shown on the approved site plan (drawing no. 16-0822-SK01e) have been provided. The access shall be subsequently retained.

REASON: In the interests of highway safety.

19) None of the development hereby approved shall be occupied until a plan of the position, design, materials and type of boundary treatment to be erected to all boundaries has been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatment has been fully implemented. It shall thereafter be retained at all times unless otherwise agreed in writing with the Local Planning Authority.

If boundary hedge planting is proposed details shall be provided of planting sizes, planting distances, density, and numbers and provisions for future maintenance. Any plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

REASON: To protect the privacy of the occupiers of the neighbouring property, to prevent overlooking, and to ensure that the development harmonises well with its surroundings.

20) No dwelling hereby permitted shall be first occupied until the visibility splays at the junction of the estate road/access with existing highway have been provided in accordance with the approved plans (drawing no. 16-0822-SK01e). The visibility splays shall thereafter be kept clear of obstruction (nothing over 0.6m in height) at all times.

REASON: In the interests of highway safety

21) The landscaping scheme, submitted under Condition 1 shall be implemented and completed within the first planting season following the commencement of the development or as otherwise agreed in writing with the Local Planning Authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

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

Notes for Information

a) The applicant is advised to contact Southern Water to discuss the need for a formal application for connection to the public sewerage system. Please contact

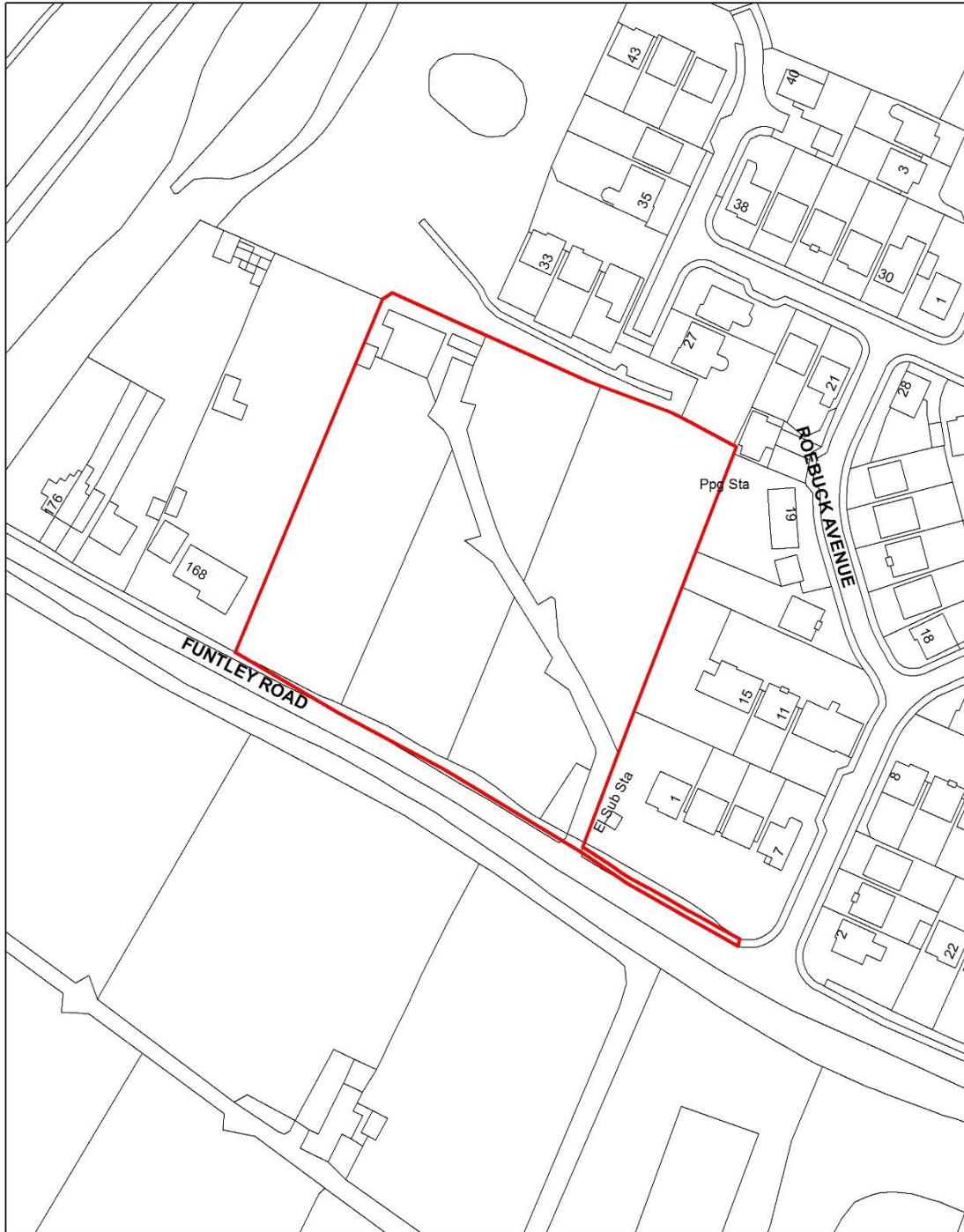
Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire
SO21 2SW (Tel: 330 303 0119) or visit www.southernwater.co.uk.

Background Papers

P/17/1135/; P/17/0045/OA

FAREHAM

BOROUGH COUNCIL



Land North of Funtley Road
Scale 1:1,250



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APPENDIX 7

SUPPORTING LETTER FROM APPLICANTS RE. DELIVERY RATES



Inspector Ian Jenkins BSC CENG MICE MCIWEM
 Planning Inspectorate
 Room 3/J
 Temple Quay House
 2 The Square
 Bristol
 BS1 6PN

28th October 2020

Dear Inspector,

Re: Land at Newgate Lane, Fareham Appeal - APP/A1720/W/20/3252185

As you are aware, the two applications comprising land at Newgate Lane, Fareham consist of:

P/18/1118/OA – Fareham Land LP

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.

P/19/0460/OA – Bargate Homes

Outline Planning Permission For The Demolition Of Existing Buildings And Development Of Up To 115 Dwellings, Open Space, Vehicular Access Point From Newgate Lane And Associated And Ancillary Infrastructure, With All Matters Except Access To Be Reserved.

Bargate Homes can commit to the delivery of the below programme/timeframe for the development of 115 dwellings comprising application P/19/0460/OA.

I acknowledge that the delivery of the 75 dwellings comprising application P/18/1118/OA are not currently under Bargate's or another developer's control. However, Bargate Homes are in negotiation with Fareham Land LP to purchase this land and we would be able to commit to the below programme to develop the combined 190 dwellings if successful. Should the 75 dwellings not be sold to Bargate Homes, it is not unreasonable to suggest that these dwelling could not be delivered in line with this programme.

PROGRAMME	TIMEFRAME/NUMBERS
GRANT OF OUTLINE PLANNING PERMISSION	FEBRUARY 2021
SUBMISSION OF RESERVED MATTERS	AUGUST 2021
APPROVAL OF RESERVED MATTERS	JANUARY 2022
DISCHARGE OF CONDITIONS	APRIL 2022
COMMENCEMENT ON SITE	MAY 2022



BARGATE HOMES LIMITED

The New Barn, Vicarage Farm Business Park, Winchester Road, Fair Oak, Hampshire SO50 7HD

Phone 023 8060 2255 Email info@bargatehomes.co.uk

Registered in England No. 5626135

Registered Office Peninsular House, Wharf Road, Portsmouth, England, PO2 8HB

HOUSING COMPLETIONS	
1 ST UNIT	JANUARY 2023
50 TH UNIT	JANUARY 2024
100 TH UNIT	JANUARY 2025
190 TH UNIT	JANUARY 2026

Yours sincerely,



JONATHAN QUARRELL
LAND AND PLANNING MANAGER

APPENDIX 8
AGRICULTURAL LAND REPORT



August 2020

Bargate Homes (Southampton) and Sustainable Land Products Ltd

Statement on Agricultural Land

at

Land at Newgate Lane (North)
Fareham

Beechwood Court
Long Toll
Woodcote
RG8 0RR
01491 684 233
reading-ag.com

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2	RELEVANT POLICY	2
3	AGRICULTURAL LAND USE AND QUALITY	3
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	Previous ALC surveys	4
4	APPRAISAL AGAINST POLICY CS16	7
5	SUMMARY	9

APPENDIX 1: Appeal Decision Ref: APP/A1720/W/16/3156344

1 Introduction

1.1 Reading Agricultural Consultants Ltd (RAC) is instructed by Pegasus Group on behalf of Bargate Homes (Southampton) and Sustainable Land Products Ltd to provide a statement on the quality of agricultural land at Newgate Lane (North), Fareham, following the non-determination by Fareham Borough Council of outline planning application (P/18/1118/OA). The outline application proposes the construction of up to 75 dwellings.

1.2 The Committee Report describes the site as comprising 3.95 hectares of agricultural land, with the western strip of the site separated from the rest of the site by the River Alver (paragraph 2.1). Paragraphs 8.72 and 8.73 of the Committee Report state:

“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.

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 of 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.”

1.3 The recommendation in section 9.0 of the Committee Report indicated that the development is contrary to Policy CS16 (amongst others) of the Adopted Fareham Borough Core Strategy 2011 and is unacceptable in that:

“e) The proposal would result in the loss of best and most versatile agricultural land; ...”

1.4 An outline planning application for the development of up to 115 dwellings (P/19/0460/OA) on adjacent land at Newgate Lane (South) is also subject to appeal following its non-determination by Fareham Borough Council. This site is described in the Committee Report as comprising 6.08 hectares of Grades 3a and 3b agricultural land which is used for agricultural and equestrian purposes (paragraph 2.1).

1.5 Paragraphs 8.72 and 8.73 of the Committee Report state:

“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.

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.”

1.6 Consequently, the Committee Report did not conclude that the application at Newgate Lane (South) was contrary to Policy CS16.

- 1.7 This statement examines the agricultural land quality of both Newgate Lane North and South, and assesses the proposed development at Newgate Lane (North) against Policy CS16.

2 Relevant Policy

- 2.1 Policy CS16, Natural Resources and Renewable Energy, of the adopted Fareham Borough Core Strategy (2011)¹ states that:

“New development will be expected to safeguard the use of natural resources by: ...

- *Preventing the loss of best and most versatile agricultural land (Grades 1, 2 or 3a of the Natural England Agricultural Land Classifications System); ...”*

- 2.2 The supporting paragraph 6.12 indicates that:

“Fareham has areas which are made up of high quality soil, which is an important finite resource that has helped to shape the character of the Borough's landscape. As well as being essential for agriculture, it also aids biodiversity habitats and stores a large quantity of carbon. The rising costs of buying food and the environmental impact of importing food over long distances, reinforces the need to protect land and soils for agricultural use, now and for future generations.”

- 2.3 Paragraph 170 of the National Planning Policy Framework² (2019) advises that planning policies and decisions should contribute to and enhance the natural and local environment by:

- protecting soils, amongst other matters, in a manner commensurate with their statutory status or identified quality in the development plan; and
- recognising the wider benefits from natural capital and ecosystem services, including the economic and other benefits of BMV agricultural land.

- 2.4 The Inspector in the 2017 appeal against the refusal of Fareham Borough Council to grant outline planning permission on land north of Cranleigh Road and west of Wicor Primary School, Portchester (APP/A1720/W/16/3156344) considered the consistency of Core Strategy Policy CS16 with the Framework, and the weight that should be given to this policy (see Appendix 1).

- 2.5 At paragraph 29, he considered that:

“CS Policy CS16 was predicated on guidance contained in PPS7, which the Secretary of State in his 2006 decision described as containing a strong presumption against the loss of land of high agricultural value. PPS7 is no longer extant and CS Policy CS16, given that it says in a straightforward manner that it will prevent the loss of B&MV agricultural land

¹ <https://www.fareham.gov.uk/pdf/planning/CoreStrategyAdopted.pdf>

²

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

without an opportunity to balance potential harm against potential benefits, is, in my view, inconsistent with the Framework and subject to the guidance contained at Framework paragraph 215.”

- 2.6 Paragraph 215 of the 2012 version of the Framework that was in place at the time of the 2017 decision indicated that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework and that the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

3 Agricultural land use and quality

Introduction

- 3.1 Guidance for assessing the quality of agricultural land in England and Wales is set out in the Ministry of Agriculture, Fisheries and Food (MAFF) revised guidelines and criteria for grading the quality of agricultural land (1988)³, and summarised in Natural England's Technical Information Note 049⁴.
- 3.2 Agricultural land in England and Wales is graded between 1 and 5, depending on the extent to which physical or chemical characteristics impose long-term limitations on agricultural use. The principal physical factors influencing grading are climate, site and soil which, together with interactions between them, form the basis for classifying land into one of the five grades.
- 3.3 Grade 1 land is excellent quality agricultural land with very minor or no limitations to agricultural use. Grade 2 is very good quality agricultural land, with minor limitations which affect crop yield, cultivations or harvesting. Grade 3 land has moderate limitations which affect the choice of crops, timing and type of cultivation, harvesting or the level of yield, and is subdivided into Subgrade 3a (good quality land) and Subgrade 3b (moderate quality land). Grade 4 land is poor quality agricultural land with severe limitations which significantly restrict the range of crops and/or level of yields. Grade 5 is very poor quality land, with very severe limitations which restrict use to permanent pasture or rough grazing.
- 3.4 Land which is classified as Grades 1, 2 and 3a in the Agricultural Land Classification (ALC) system is defined in Annex 2 of the Framework as BMV agricultural land.

³ **MAFF (1988)**. *Agricultural Land Classification of England and Wales. Revised guidelines and criteria for grading the quality of agricultural land*. MAFF Publications.

⁴ **Natural England (2012)**. *Technical Information Note 049 - Agricultural Land Classification: protecting the best and most versatile agricultural land*, Second Edition.

Previous ALC surveys

- 3.5 Both sites at Newgate Lane North and South were subject to a detailed ALC survey⁵ undertaken on behalf of MAFF in 1997. The area surveyed extended to approximately 52.5ha to the east of Newgate Lane, of which approximately 18.4ha were classified as Subgrade 3a, 19.1ha as Subgrade 3b and 15ha as other (non-agricultural) land.
- 3.6 As the ALC system is concerned with the long-term inherent physical characteristics of the soil and land, rather than with the land's current management or nutrient status, the ALC established as part of this survey is definitive and will not have altered since the survey was undertaken in 1997.
- 3.7 RAC has reviewed the ALC data, maps and report specifically for the observations within the Newgate Lane North and South sites, and concluded that they are an accurate representation of agricultural land quality at each site.
- 3.8 The sites are low-lying and level at around 10m above Ordnance Datum. Drainage of the land is via a number of field ditches which direct water to the River Alver in the west of the sites.
- 3.9 The sites have a warm and moist climate with large crop moisture deficits. The number of Field Capacity Days is slightly larger than is typical for lowland England and is slightly unfavourable for providing opportunities for agricultural field work.
- 3.10 The principal underlying geology mapped by the British Geological Survey⁶ across most of the southern site is the Wittering Formation which includes greyish brown clay, sand interbedded with clay or fine- to medium-grained sand. This is overlain by the Whitecliff Sand Member of the London Clay Formation in the north-east of the southern site and across the northern site.
- 3.11 Superficial river terrace deposits of sand and gravel are mapped across the northern site and the north and east of the southern site.
- 3.12 The Soil Survey of England and Wales soil association mapping⁷ (1:250,000 scale) shows the Park Gate association across both sites. Park Gate soils are characterised by deep, stoneless silty soils variably affected by groundwater. Most of the soils are seasonally waterlogged, of Wetness Class (WC) III or IV⁸.

Land at Newgate Lane (North)

- 3.13 Four soil profile observations were made within the site, which is in accordance with Natural England guidelines for ALC survey methodologies.

⁵ **FRCA (1997)**. Fareham Borough Local Plan. Land east of Newgate Lane, Woodcot, Gosport, Hampshire. Agricultural Land Classification ALC Map and Report. Ref: EL 15/00967

⁶ **British Geological Survey (2020)**. *Geology of Britain viewer*, <http://mapapps.bgs.ac.uk/geologyofbritain/home.html>

⁷ **Soil Survey of England and Wales (1984)**. *Soils of South East England* (1:250,000), Sheet 6

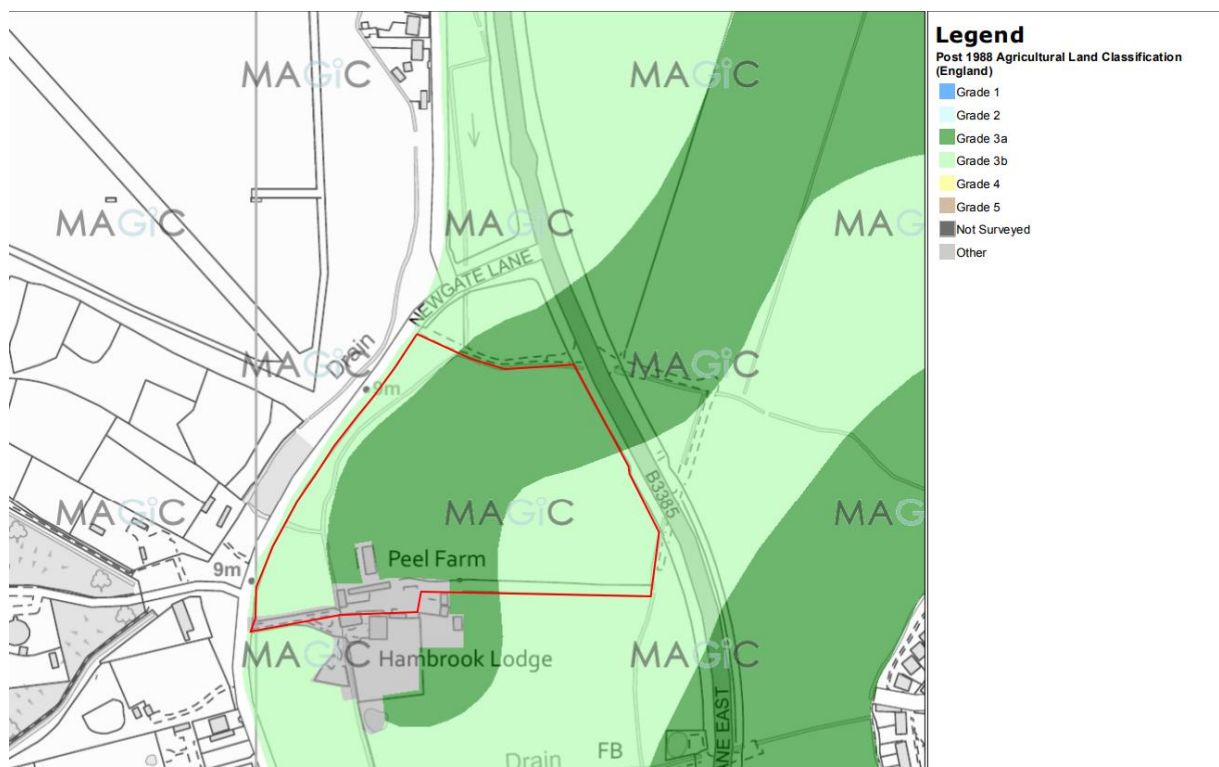
⁸ **Jarvis et al (1984)**. *Soils and Their Use in South East England*. Soil Survey of England and Wales Bulletin 15, Harpenden.

- 3.14 The topsoils are medium or heavy silty clay loam with an average depth of 35cm. The stone content is up to 2% by volume. Upper subsoil is of medium or heavy silty clay loam which is brown or pale brown, and is mottled and gleyed. The lower subsoils heavy silty clay loam occasionally passing to silty clay which becomes greyer with depth. The lower subsoil horizons are also mottled and permeability is poor.
- 3.15 These profiles are limited by soil wetness to varying degrees. Where the profiles are slowly permeable at shallow depth (from 35cm), they are poorly drained Wetness Class (WC) IV and classified as Subgrade 3b. Where the slowly permeable layer occurs slightly deeper in the profile (from a depth of 43cm), they are imperfectly drained (WCIII) and Subgrade 3a.
- 3.16 The ALC distribution is shown in Figure 1 below and the areas of each grade within the site are given in Table 1.

Table 1: ALC of Newgate Lane (North)

Grade	Description	Area (ha)	%
Subgrade 3a	Good quality	2.1	52
Subgrade 3b	Moderate quality	1.6	40
Non-agricultural		0.3	8
Total		4.0	100

Figure 1: ALC Newgate Lane (North) (from magic.gov.uk)



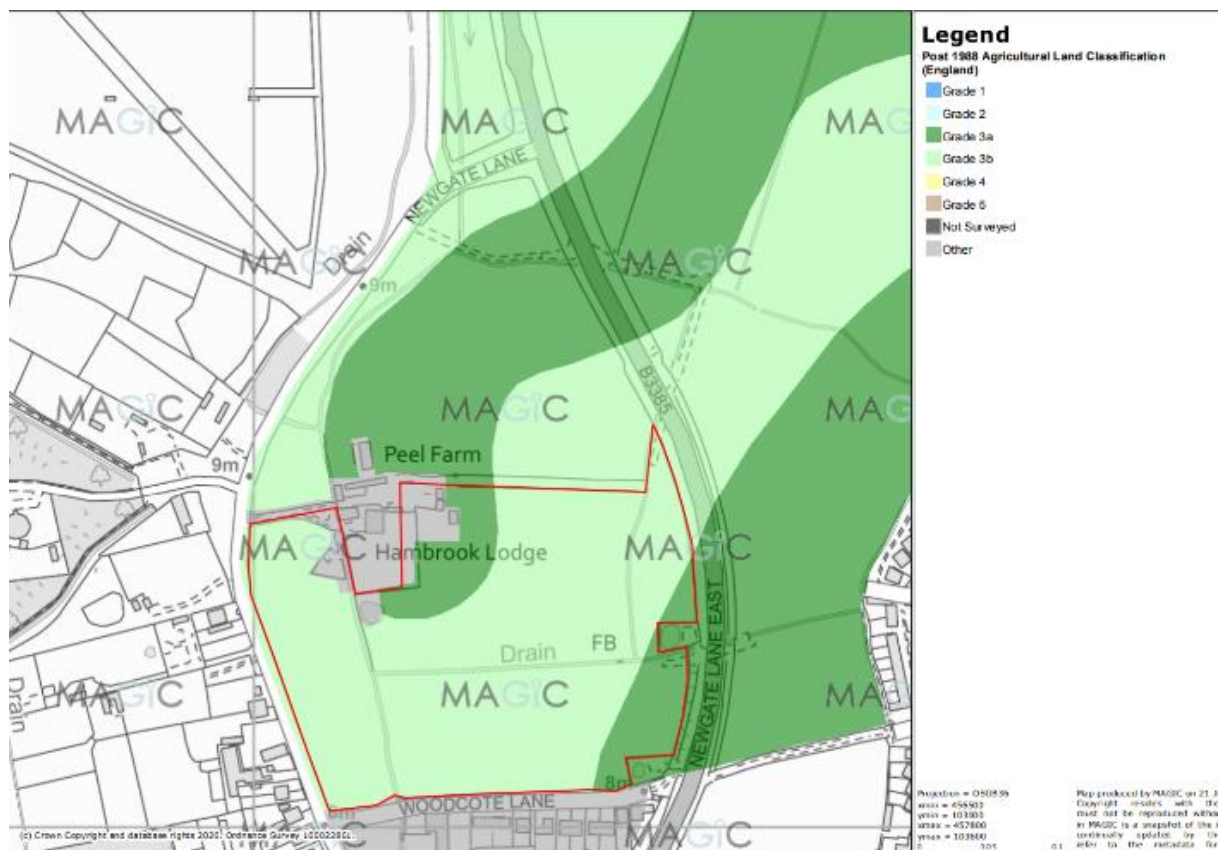
Land at Newgate Lane (South)

- 3.17 Seven observations were made within this site, with an additional observation pit excavated just beyond the boundary.
- 3.18 Most of the topsoil is slightly stony, dark brown or dark greyish brown, medium silty clay loam, with an average depth of 30cm. Similar to the Newgate Lane (North), the upper subsoil medium silty clay loam or heavy silty clay loam, becoming greyer and heavier with depth.
- 3.19 As with Newgate Lane (North), most soil profiles are limited by soil wetness, with the depth to the slowly permeable layer determining the WC and grade. Those where profiles are slowly permeable from depths of 43cm are WC III and Subgrade 3a, and those which become slowly permeable at shallower depths are WC IV and Subgrade 3b.
- 3.20 The areas of each grade at Newgate Lane (South) are given in Table 2 and the distribution shown in Figure 2 below.

Table 2: ALC of Newgate Lane (South)

Grade	Description	Area (ha)	%
Subgrade 3a	Good quality	0.9	15
Subgrade 3b	Moderate quality	4.9	80
Non-agricultural		0.3	5
Total		6.1	100

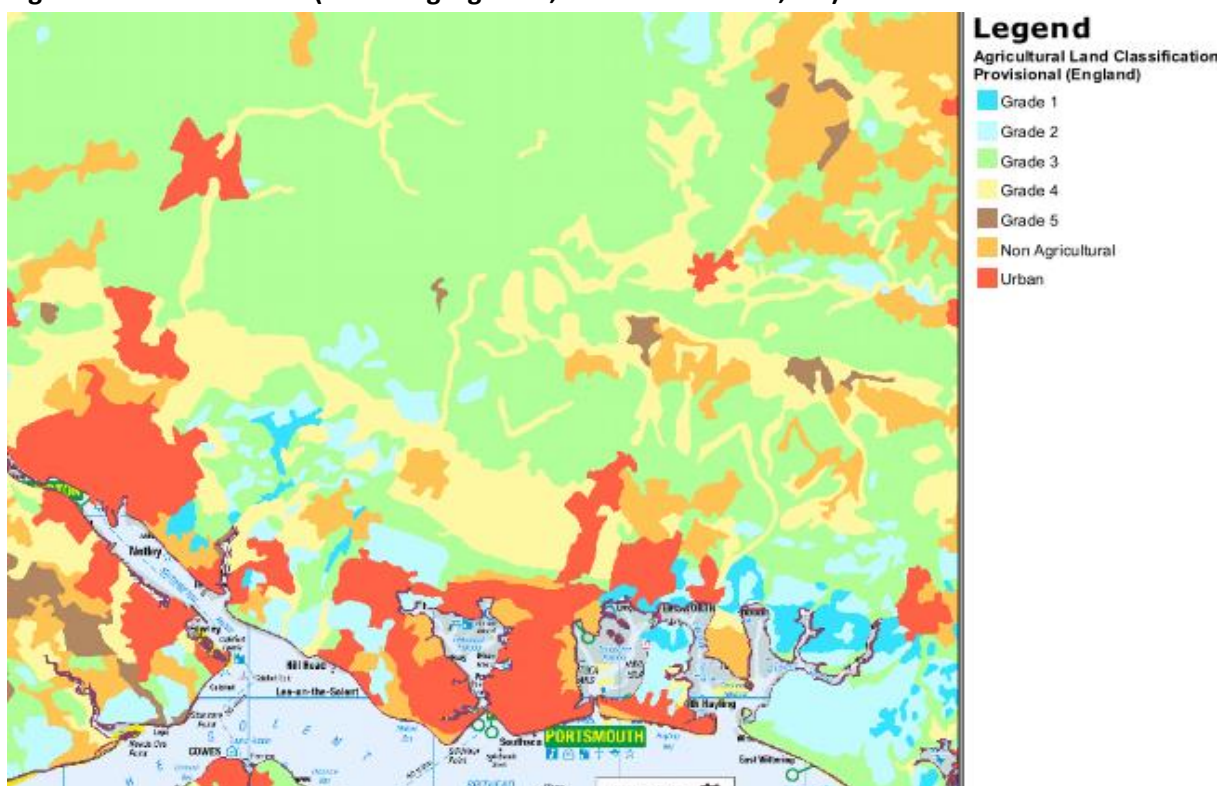
Figure 2: ALC Newgate Lane (South) (from magic.gov.uk)



4 Appraisal against Policy CS16

- 4.1 Policy CS16 of the adopted Fareham Borough Core Strategy (2011) indicates that any proposed developments will be expected to safeguard natural resources by preventing the loss of Grades 1, 2 and 3a (BMV) agricultural land.
- 4.2 Agricultural land in Fareham is predominantly of BMV quality. Defra statistics indicate that, based on the Provisional ALC maps, there are 4,637ha of agricultural land in the Borough, of which 3,082ha (or 66%) is provisionally mapped as BMV land (assuming an even distribution of Grade 3 land between the two subgrades). Moreover, as can be seen from Figure 3 below, the Provisional ALC map shows that the urban area is surrounded by land classified provisionally as Grade 2.

Figure 3: Provisional ALC (from magic.gov.uk, available at 1:250,000)



- 4.3 It is not therefore possible for new developments on agricultural land to prevent the loss of BMV land in the Borough in accordance with Policy CS16. Necessary development on agricultural land is likely to involve the loss of BMV land, and this must be seen as one factor within the planning balance.
- 4.4 The Inspector in the Portchester appeal (see Appendix 1) concluded that Policy CS16 was inconsistent with the policies in the Framework and thus should be afforded reduced weight. In that case, the proposal involved the development of 5.5ha of mostly Grade 1 agricultural land, with the remainder classified as Grade 2. The Inspector noted that the Framework does not place a bar on the development of BMV agricultural land but that, where development would involve the use of BMV land, the economic and other benefits of that land should be taken into account. The Framework goes on to say where significant development is demonstrated to be

necessary, the use of poorer quality land should be used in preference to that of a higher quality (i.e. a sequential approach should be adopted). The sequential approach now applies only to plan making in the 2019 Framework (footnote 53 to paragraph 171) rather than to individual decision taking.

- 4.5 The Inspector did not consider that the proposal at Portchester involving 5.5ha of Grades 1 and 2 land would be a significant development where the sequential approach would be engaged. Nevertheless, it would result in the permanent loss of BMV agricultural land and, as such, would conflict with the provisions of Policy CS16. He concluded that this factor must feature on the negative side of the planning balance but that the scale of the permanent loss would be limited.
- 4.6 The approach taken by the Borough Council and the Local Plan Inspector in allocating land north of Fareham (Welborne Land) for a new community of up to 6000 homes, associated infrastructure and facilities is also consistent with having to balance the loss of BMV land within a range of factors, rather than applying the absolute approach suggested by Policy CS16. The outline application (P/17/0266/OA) was granted consent, with the Officer's Report to Committee indicating at paragraph 8.32.30⁹:

"It is accepted that there is an unmitigated loss of Best and Most Versatile Agricultural Land (B&MVAL) and that this is a negative to be weighed against the scheme. However, this loss is long acknowledged by the Council. Furthermore, the Inspector, in finding the Welborne Plan sound, found that "...it will not be possible to fully heed every specific piece of advice in the NPPF [such as the benefits that high quality agricultural land has and that these benefits should be taken into account]. However, taken as a whole, I am satisfied that the Council has adopted an appropriate balance between competing requirements and I therefore conclude that the proposed boundary of Welborne is justified and in all respects sound" (para 27, Inspectors Report into the Welborne Plan)."

- 4.7 That site is provisionally mapped as Grade 2, with the detailed ALC survey showing that the development would involve the loss of approximately 211a of Subgrade 3a land.
- 4.8 By contrast, the development at Newgate Lane (North) would involve the loss of 2.1ha of Subgrade 3a land. The Borough Council has concluded that this would be contrary to Policy CS16 in not preventing the loss of BMV land. It did not reach the same conclusion for the loss of 0.9ha of Subgrade 3a at Newgate Land (South).
- 4.9 This demonstrates that Policy CS16 cannot be, and has not been applied, in a literal, straightforward manner, when the loss of 1ha of BMV land is acceptable but the loss of 2ha is not; and the loss of a hundred times that amount is found to be compliant with a policy that prevents the loss of any BMV land. It is clear that Policy CS16 cannot be interpreted strictly in preventing the loss of BMV land as this would prevent most greenfield development in the Borough and would be inconsistent with policies in the Framework; instead the loss of BMV land at any site should be included as a negative factor to be weighed in the overall planning balance.

⁹ <https://www.fareham.gov.uk/casetrackerplanning/GetFile.aspx?docref=36f8c57d-677e-4d45-b4c5-38060c37f84c>

- 4.10 In this instance, the weight to be given to the loss of BMV land is very limited. The discussion of ALC factors in section 3 above indicates that the BMV land at this site is classified as Subgrade 3a because the slowly permeable layer occurs at a depth of 43cm in the soil profile; if it occurred 8cm higher up the soil profile, the land would be classified as Subgrade 3b. The land is therefore marginally BMV land and is just within the lowest category of BMV land.
- 4.11 Furthermore, the BMV land at Newgate Lane (North) does not form a coherent management unit. The Subgrade 3a land is found in two separate fields that cannot be amalgamated and that have both been reduced in size and severed by the construction of the B3385 Newgate Lane East. The Subgrade 3a land is sandwiched between two areas of Subgrade 3b land and, given that all this land is limited by soil wetness, will be managed according to the more severe wetness limitation of the Subgrade 3b land, particularly as the land is farmed from a distance of over 30 miles away. For example, if the Subgrade 3b land is too wet at a particular time of the year to carry out agricultural operations without damaging the soil, it will not be possible to manage the Subgrade 3a land separately if it is not as wet.
- 4.12 There are therefore very limited economic and other benefits associated with the presence of BMV land on the Newgate Lane (North) site that amount to the production of arable crops managed principally in line with the requirements of moderate quality Subgrade 3b land.

5 Summary

- 5.1 The site at Newgate Lane (North) extends to 3.95 hectares of agricultural land in three fields. One to the west of the River Alver is grassland and two to the east are in arable production. Both the arable fields have been reduced in size and severed by the construction of the B3385 Newgate Lane East, and are farmed from a base located over 30 miles away.
- 5.2 The site has been surveyed in detail and classified as a mix of Subgrade 3a and 3b. There are approximately 2.1ha of Subgrade 3a, 1.6ha of Subgrade 3b land and 0.3ha of non-agricultural land within the site boundary. The land is limited in its agricultural quality by soil wetness. The Subgrade 3a land is within the category of BMV agricultural land.
- 5.3 It is evident that it is not possible to prevent the loss of BMV land which might be an interpretation of Policy CS16 of the Fareham Borough Core Strategy. The Borough contains a very high proportion of BMV land, and provisional mapping shows BMV land surrounding the urban area. Rather, the presence of BMV land is a factor that needs to be considered and weighed in the overall planning balance.
- 5.4 The Inspector in the Portchester appeal (Appendix 1) concluded that Policy CS16 was inconsistent with the policies in the Framework and thus should be afforded reduced weight. He noted that the Framework does not place a bar on the development of BMV agricultural land but that, where development would involve the use of BMV land, the economic and other benefits of that land should be taken into account. In that case, he concluded that the loss of 5.5ha of Grades 1 and 2 would attract limited weight.

- 5.5 In this instance, it is evident that very little weight should be placed on the loss of 2.1ha of Subgrade 3a land. No weight has been placed on the loss of 0.9ha of Subgrade 3a immediately to the south, and the loss of 100 times this amount was found to be acceptable within the overall planning balance at Welborne Land to the north of Fareham.
- 5.6 There are also very practical limitations on this land being able to achieve its potential as BMV land. The land is marginally Subgrade 3a in that, if the slowly permeable layer occurred slightly higher in the soil profile, it would be classified as Subgrade 3b in common with the surrounding land. However, as the Subgrade 3a land occurs within the same fields as the surrounding moderate quality Subgrade 3b land and is farmed from distance, it has to be managed in accordance with the requirements of the moderate quality land, thereby negating any benefit of the land's inherent quality.

Appendix 1: Appeal Decision Ref: APP/A1720/W/16/3156344

**Land north of Cranleigh Road and west of Wicor Primary School, Portchester,
Fareham, Hampshire**

Appeal Decision

Inquiry held on 25 April 2017

Site visit made on 27 April 2017

by **S R G Baird BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 August 2017

Appeal Ref: APP/A1720/W/16/3156344

**Land north of Cranleigh Road and west of Wicor Primary School,
Portchester, Fareham, Hampshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Persimmon Homes South Coast against the decision of Fareham Borough Council.
 - The application Ref P/15/0260/OA, dated 17 March 2015, was refused by notice dated 24 March 2016.
 - The development proposed is residential development of up to 120 dwellings together with a new vehicle access from Cranleigh Road, public open space including a locally equipped area of play, pedestrian links to the public open space, surface water drainage and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for residential development of up to 120 dwellings together with a new vehicle access from Cranleigh Road, public open space including a locally equipped area of play, pedestrian links to the public open space, surface water drainage and landscaping on land north of Cranleigh Road and west of Wicor Primary School, Portchester, Fareham, Hampshire in accordance with the terms of the application, Ref P/15/0260/OA, dated 17 March 2015, subject to the conditions contained at Annex A of this decision.

Preliminary Matters

2. The application was made in outline with all matters other than means of access reserved. The appellant and the local planning authority (lpa) confirmed that the drawings that comprise the planning application are Drawing Nos. LOC 1 Rev D – Location Plan and J-D1708.00 - Site Access Layout and Highway Improvements. The application plans are supported by 2 Illustrative Plans; Drawing Nos. 01 Rev W- Illustrative Site Plan and 2498-SK-04 Rev P3 – Indicative Landscape Strategy.
 3. The appellant has submitted a signed S106 Unilateral Undertaking (UU) providing for financial contributions towards: (a) mitigation in accordance with the Interim Solent Recreation Mitigation Partnership and (b) the approval and monitoring of a Travel Plan. In addition, the UU provides for the laying out of the public open space and that 40% of the dwellings would be affordable housing units.
-

4. An application for an award of costs was made by Persimmon Homes South Coast against Fareham Borough Council. This application is the subject of a separate Decision.
5. Following the close of the inquiry, the Supreme Court issued a judgement¹ concerning the interpretation of paragraph 49 of the National Planning Policy Framework (Framework) and its relationship with Framework paragraph 14. The parties were given an opportunity to comment on the implications of this judgement for their cases. I have taken the judgement and the parties' comments into account in coming to my decision.

Main Issues

6. These are:
 - (i.) whether the lpa can demonstrate a supply of specific deliverable sites sufficient to provide 5-years' worth of housing land supply (HLS);
 - (ii.) the effect on the supply of Best and Most Versatile (B&MV) agricultural land; and
 - (iii.) the effect on the character and appearance of the area.

Reasons

7. The development plan for the area includes the Core Strategy (CS) adopted in August 2011, the Local Plan Part 2: Development Sites and Policies adopted in June 2015 (LP2) and the Local Plan Part 3: The Welbourne Plan adopted in June 2015 (LP3). The lpa has commenced a Local Plan Review (LPR). It is anticipated that a draft Local Plan will be published for consultation in September 2017.

Issue 1 - Housing Land Supply

8. Framework paragraph 47 seeks to boost significantly the supply of housing. Lpas are enjoined to ensure that Local Plans meet the full, objectively assessed needs (OAN) for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework. Lpas are to identify and update annually a supply of specific deliverable sites sufficient to provide 5-years' worth of housing land against their housing requirements with an additional buffer of 5% or 20% where there has been a record of persistent under delivery of housing.
9. Here, the lpa's 5-year HLS calculation is based on the requirements of the CS, in particular Policy CS2, adopted in 2011. The CS has a plan period running from 2006 to 2026 and was produced in the context of the no longer extant regional strategy (The South-East Plan) and the then emerging South Hampshire Strategy (SHS), a non-statutory sub-regional plan produced by a consortium of several lpas.
10. Given the CS was adopted several months before the publication of the Framework and the CS housing requirement is largely based on the regional

¹ Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) [2017] UKSC 37 on appeals from: [2016] EWCA Civ 168, [2015] EWHC 132 (Admin) and [2015] EWHC 410 (Admin).

strategy it is not a Framework compliant OAN. Although LPs 2 and 3 post-date the Framework, neither plan undertakes the identification of an OAN.

11. Given the above, and in light of the Navigator appeal decision², the appellant submits that the starting point for calculating the HLS position should be based on the April 2016 Objectively Assessed Housing Need Update produced for the PUSH³ authorities and the June 2016 PUSH Spatial Position Update. Both studies identify an OAN for Fareham that is materially higher than the CS housing requirement. The Ipa's position is that as LPs 2 and 3 have been found sound, and in light of PPG and Ministerial guidance on the use of SHMAs the housing requirement used to calculate the HLS is that contained in the CS. The Ipa's position is that until the LPR has been the subject of consultation, examination and adoption it is premature to use the PUSH OAN as the Borough's housing requirement.
12. PPG⁴ advises that housing requirement figures in an up-to-date, adopted LP should be used as the starting point for calculating the 5-year HLS. PPG advises that considerable weight should be attached to the housing requirement figures in adopted LPs, which have successfully passed through the examination process, unless significant new evidence comes to light. However, PPG notes that evidence that dates back several years, such as that drawn from revoked regional strategies may not adequately reflect current needs. Thus, where evidence in a LP has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs i.e. SHMAs should be considered. That said the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints.
13. In December 2014, in a Ministerial letter, the Government clarified the policy position on emerging evidence in the form of SHMAs. The letter notes that the publication of a locally agreed assessment provides important new evidence and where appropriate will promote a revision of housing requirements in LPs. Lpas are expected to actively consider the new evidence over time and, where over a reasonable period they do not, Inspectors could reasonably question the approach to HLS. The Minister goes on to note that the outcome of a SHMA is untested and should not automatically be seen as a proxy for a final housing requirement in LPs or that it does not immediately or, in itself, invalidate housing numbers in an existing LP.
14. Here, the CS housing requirement is largely based on the no longer extant South East Plan, whose evidence base dates back to at least 2000. It is accepted that the CS does not contain a Framework compliant assessment of OAN and neither LPs 2 or 3 purport to set a housing requirement based on an OAN. The 2014 Ministerial guidance, in my view, restates the advice contained in the PPG and does not, in itself, preclude using up-to date SHMA information to assess the 5-year HLS.
15. The latest assessment of the "Policy-Off" OAN is contained in the April and June 2016 PUSH reports. These documents, as the introduction to the April

² APP/A1720/A/14/2220031.

³ Partnership for Urban South Hampshire.

⁴ Paragraph 030 Ref ID: 3-030-20140306.

2016 report says, provide an analysis of housing need, which for Fareham is 420 dpa and 450 dpa respectively. These are substantial bodies of work that have been carried out in accordance with PPG guidance and at least one lpa has adopted the PUSH OAN calculated for its area as the basis for calculating the 5-year HLS. Here, the lpa acknowledges that the PUSH April 2016 OAN is the best evidence on the OAN for Fareham. I have taken careful note of the Minister's reference to lpa's considering the evidence over time and the reference to a reasonable period. Whilst the 2 reports are relatively recent, the lpa was aware during the Navigator appeal in December 2014 that the OAN identified in the 2014 South Hampshire SHMA was materially higher than the CS requirement. The decision in the Navigator appeal, which was not challenged, was predicated on an acceptance that the 2014 OAN provided a more suitable basis for a 5-year HLS calculation. In my experience it is rare in the extreme to conclude that the "Policy-Off" OAN is likely to reduce and it is clear from the April and June PUSH OAN reports that it continues to rise materially.

16. In line with PPG advice, it is, in my view, reasonable to conclude that the CS/LP 2 housing requirement is materially out-of-date and is derived on a basis that is inconsistent with the Framework. Thus, having regard to the case law⁵ referred to, PPG and Framework policy, I consider that the 5-year HLS supply should be assessed on the basis of the PUSH April 2016 OAN.
17. Before dealing with the assessment of the 5-year HLS position, it is appropriate to deal with the matter of whether a 5 or 20% buffer should be added to the housing requirement. The lpa add a buffer to the housing requirement set out in the CS and LP 2, but not to the contribution to be made by the major urban extension at Welbourne (LP 3). The exclusion of Welbourne is predicated on the basis that it is a site specific allocation implementing a large-scale development proposal in the CS. I am not aware that there is support for such an approach either in the Framework or PPG and read on its face the Framework suggests that the buffer should be applied to the requirement as a whole. Accordingly, I consider the buffer figure should be applied to the requirement as a whole.
18. PPG⁶ advises that the approach to identifying a record of persistent under delivery inevitably involves questions of judgement in order to determine whether or not a particular degree of under delivery of housing triggers the requirement to bring forward an additional supply of housing. The guidance indicates that the assessment of a local delivery record is likely to be more robust if a longer term view is taken, since this is likely to take account of the peaks and troughs of the housing market cycle. Here, I have details of net completions for the years 2006/07 to 2015/16 and these figures are not disputed by the lpa. For the period 2006/07 to 2010/11 the CS Policy CS2 requirement is applied and from then until 2015/16 the appellant applies the OAN figure taken from the PUSH April 2016 assessment of OAN. This is on the basis that the PUSH OAN figure is calculated from 2011. On this basis, completions only exceed the housing requirement in 2 out of the last 10 years. However, in the period up until 2014 when the then PUSH SHMA identified an OAN of 395 dpa the lpa could not have been expected to meet a

⁵ City and District of St Albans and The Queen (on the application of) Hunston Properties Limited Secretary of State for Communities and Local Government and anr [2103] EWCA Civ 1610 & Gallagher Homes Limited Lioncourt Homes Limited and Solihull Metropolitan Borough Council [2014] EWHC 1283 (Admin).

⁶ Paragraph 035 Ref ID: 3-035-20140306.

need that it was not aware of. On this basis, allowing for peaks and troughs in the housing market it appears to me that there has been significant under-delivery in only 3 out of the last 10 years. On this basis, the application of a 20% buffer is not, in my view, justified.

19. Turning now to the 5-year HLS, I have considered 2 scenarios. One based on the requirements of CS Policy CS2, the lpa's preferred scenario, and one based on the up-to-date OAN figure. On the CS based approach, the 5-year housing land requirement is some 1,932 dwellings and the lpa claim a deliverable supply of some 2,003 dwellings, a surplus of some 71 units giving a 5.18-years' supply of housing land⁷. However, taking into account my conclusion on the appropriateness of excluding Welbourne from the buffer figure including it within the 5% allowance on the whole of the requirement would still return a HLS marginally above 5-years. The surplus would be reduced to some 13 units; a figure the lpa does not dispute.
20. The appellant disputes the deliverability of 9 of the LP 2 allocations, the deliverability of the brownfield site at Warsash Maritime Academy and the ability of the Welbourne allocation to deliver some 425 dwellings in years 4 and 5 of the HLS calculation. Using the lpa's CS housing requirement figure, the appellant's calculation gives a shortfall of some 1,965 units and estimates a 3.28-years' supply of housing land.
21. In coming to my conclusions on the deliverability of the disputed LP 2 sites, I have taken careful note of the lpa's submissions that the allocated sites were found "sound" by the Inspector when he examined LP 2 and that the sites continue to be listed in the Annual Monitoring Report (AMR). That said, LP 2 was examined in late 2014 based on a draft plan submitted for examination in mid-2014 and no doubt based on evidence obtained during 2013. The November 2016 AMR, other than containing a list, provides no detailed assessment of the sites. These assessments are, in my view, snapshots in time, which in the case of LP 2 were undertaken between 3 and 4 years ago. The deliverability of these sites needs to be kept under robust review and, given the paucity of information contained in the AMR, the value of these in making an up-to-date assessment of the HLS is limited.
22. To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years and in particular that development of the site is viable⁸. PPG⁹ indicates that the 5-year HLS must be underpinned by "...robust, up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out."
23. At the inquiry, the lpa provided an updated assessment of the deliverability of the disputed sites. However, the information provided on each site was limited and indeed the lpa's witness acknowledged that he did not have detailed information on the sites. The appellant's submission that the lpa's evidence regarding deliverability was based on, "...discussions with others about discussions with others" is an apt description. In my view, the lpa's evidence on deliverability relating to the LP 2 sites falls well below the

⁷ Table AB 1 submitted by the lpa at the inquiry.

⁸ Footnote 11, National Planning Policy Framework.

⁹ Paragraph 030 Ref. ID: 3-03020140306.

threshold set by PPG in that it is neither robust nor clearly and transparently set out. I have similar concerns regarding the inclusion within the 5-year supply of 100 units at Warsash Maritime Academy. Although this is a substantial site, the level of detail provided by the lpa on its deliverability is thin and lacks clarity and transparency.

24. LP 3 allocates some 371ha of mainly greenfield land at Welbourne to deliver some 6,000 dwellings and the lpa includes some 425 units within the 5-year supply in years 4 and 5. The delivery of Welbourne is a major undertaking and already the delivery of units has been pushed back in the programme. At one time the lpa considered that the delivery of dwellings would commence in 2016 with 120 units being completed by the end of the first quarter in 2017. Whilst I accept that significant pre-planning work has been carried out, a delivery partner will not be appointed until the beginning of 2018, major planning applications will have to be prepared and already, albeit as a precaution, the lpa is contemplating the use of compulsory purchase powers. Whilst I acknowledge the lpa's commitment to the delivery of Welbourne, on the evidence before me, it would appear that the potential to deliver a significant number of units towards the end of the 5-year period is optimistic.
25. In light of these findings, I am unable to safely conclude that at least 315 units, comprising the disputed list of LP 2 sites and the brownfield site at Warsash Maritime Academy, are capable of being considered as deliverable within the 5-year period. In this context, the lpa cannot demonstrate a 5-year supply of deliverable housing land.
26. In the scenario where the up-to-date OAN is used to derive the 5-year housing requirement and using the lpa's supply figures the lpa accepts that it could not demonstrate a 5-year HLS. At most, the evidence indicates that there would be a supply of some 3.6 years. However, given my conclusions regarding the deliverability of the disputed sites, I consider the HLS would be marginally over 2 years.
27. Drawing all of the above together, on whatever approach is used to identifying the 5-year housing land requirement, the lpa cannot demonstrate a 5-year supply of deliverable housing land. Indeed, on the balance of probabilities the available supply is well below the 5-year threshold.

Issue 2 – Best & Most Versatile Agricultural Land

28. The majority of the site is Grade 1 and the remainder Grade 2 agricultural land and is classed as best and most versatile land¹⁰ (B&MV). CS Policy CS16 seeks to prevent the loss of B&MV. The Framework does not place a bar on the development of B&MV agricultural land. Framework paragraph 112 identifies that where development would involve the use of B&MV land, the economic and other benefits of that land should be taken into account and goes on to say where significant development is demonstrated to be necessary the use of poorer quality land should be used in preference to that of a higher quality i.e. apply a sequential approach. Here, given the appeal site extends to some 5.5ha, this proposal is not, in my view, a significant development where the sequential approach is engaged.

¹⁰ Annex 2, National Planning Policy Framework.

29. CS Policy CS16 was predicated on guidance contained in PPS7¹¹, which the Secretary of State in his 2006 decision¹² described as containing a strong presumption against the loss of land of high agricultural value. PPS7 is no longer extant and CS Policy CS16, given that it says in a straightforward manner that it will prevent the loss of B&MV agricultural land without an opportunity to balance potential harm against potential benefits, is, in my view, inconsistent with the Framework and subject to the guidance contained at Framework paragraph 215.
30. The development would result in the permanent loss of B&MV agricultural land and as such would conflict with the provisions of CS Policy CS16. Accordingly, it must feature on the negative side of the planning balance, albeit the scale of the permanent loss would be limited.

Issue 3 – Character & Appearance

31. The appeal site abuts but lies outside the defined settlement boundary of Portchester. Whilst the development plan treats the area as countryside it is not subject to any landscape designation. Relevant development plan policies are CS Policies CS14 and 17 and LP 2 Policy DSP6. Policy CS14 indicates that development outside the defined settlement boundary will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function. Policy CS 17 seeks high quality design and layout and development should respond positively to and be respectful of key characteristics of the area including landscape. Except for certain categories of development, which do not apply in this case, LP 2 Policy DSP6 has a presumption against new residential development outside the defined settlement boundary. As such the proposal would be in conflict with LP 2 Policy DSP6.
32. Core Principles of the Framework seek to: ensure that planning secures high quality design ensuring that account is had to the different roles and characters of different areas recognising the intrinsic character and beauty of the countryside and a contribution to the conservation and enhancement of the natural environment. Framework paragraph 109 reiterates that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
33. Both parties referred to various landscape character assessments. Of these the Fareham Borough Landscape Assessment examines the finest grain and is, in my view, the most relevant. In terms of landscape character, the appeal site sits on the eastern edge of Local Landscape Character Area (LCA) 12–Cams Wicor Coastal Fringe and to the south and east of LCAs 36 and 38 Urban Areas of Downend and Portchester South. LCA 12 is described as a discrete parcel of open landscape contained by the coast and the urban fringe. Whilst the main feature of this LCA is the extensive parkland and woodland of the Cam Hall Estate on its western edge the description notes that the LCA includes areas of open amenity landscape, fringe pasture and coastal industry to the east. The essential characteristics of the area are: an area of flat or gently undulating land occupied by mixed but open landscapes; a strong coastal influence and a strong fringe character with

¹¹ Planning Policy Statement 7: Sustainable Development in Rural Areas.

¹² APP/A1720/A/05/1176455.

valuable areas of open space with attractive views out across Portsmouth Harbour and to Portsdown Hill and the Cams Hall Estate. The enhancement priorities for the area are to: maintain the open unbuilt character, particularly the estuary and coastal margins and improve the landscape quality of areas which lie between the settlement boundaries and the coast.

34. In terms of landscape and visual impact, whilst the appellant and the lpa use different terminology, in my view they both result in broadly the same outcome. Both parties agree that there would be substantial and adverse landscape and visual impacts. What is in dispute is the spatial extent over which these adverse effects would be experienced and whether the appeal site should be classed as a "valued" landscape.
35. In terms of visual impact, I had the opportunity to extensively walk the roads immediately around the site and the publicly accessible areas to the west. In addition, I visited Portsdown Hill and was able to assess the impact of the development from publically accessible vantage points.
36. Within the immediate area of the site from Cranleigh Road along its southern boundary and from Cranleigh Road southwards towards the junction with Gatehouse Road, the visual impact of the development to be at its highest, i.e. substantial and adverse. Further to the west along Cranleigh Road and from vantage points on the public footpaths and open space to the west, parts of the development, mainly the upper storeys and roof planes would be visible. However, the visual impact of the development would be significantly reduced by the degree of separation and the presence of existing tree/hedge planting and new boundary planting that could be conditioned as part of any permission. The magnitude of this impact would range from moderate to minor adverse depending on distance from the site.
37. Given there is no public access to the site and given the extent of intervening planting and industrial development on the foreshore there would be no material impact on views out over Portsmouth Harbour. In this context, the development would only have a limited adverse impact on views towards Portsdown Hill. The development would be in the foreground of the built-up area to the north and east and would not obscure publically available views of the hill from the east.
38. From public vantage points on Portsdown Hill there are sweeping panoramic views across Portchester and Portsmouth Harbour. Whilst the development would be noticeable, it would be seen as a modest extension of the existing built-up development to the north and east and against the backdrop of the housing area to the south of Cranleigh Road and mature planting beyond. The visual impact of the development would be mitigated by the above factors and the degree of separation from Portsdown Hill. Views of Portsmouth Harbour would not be interrupted or obscured and the wide sweep of the panoramic views would be maintained. In this context, the visual impact of the development from these vantage points would be minor.
39. Turning to whether the appeal site should be identified as a "valued" landscape and in the context of Framework paragraph 109 one whose enhanced planning status should be taken account of in the balancing exercise. I have taken careful note of the submissions made by interested persons and I was left in no doubt about their views on value. All landscapes are valued by someone at some time, particularly countryside

that is threatened by development. However, that does not necessarily make it a valued landscape for the purposes of Framework paragraph 49.

40. Although the Framework refers to valued landscapes it does not provide a definition of what type of landscape that might be. Framework paragraph 109 starts by reiterating the wider objective of enhancing the natural environment, which I take to mean the countryside in general and then it goes on to refer to valued landscapes, which must mean something more than just countryside in general. Case law¹³ and Inspectors' decisions have identified that "valued" means something more than popular, such that a landscape was "valued" if it had physical attributes which took it out of the ordinary. In addition, the Guidelines for Landscape and Visual Impact Assessment (GLVIA3), provides at Box 5.1 a range of factors that can help in the identification of valued landscapes. These include landscape quality/condition; scenic quality; rarity, representativeness; conservation interests recreation value; perceptual aspects and associations. Whilst some of the factors go beyond the threshold identified by case law the Box 5.1 headings provide a useful context within which to assess "value". However, this is not a technical process and relies on subjective, albeit informed professional, judgement/experience.
41. Given the urbanising influence of built development on the northern eastern and southern boundaries and the generally overgrown nature of the site, I consider the landscape quality/condition of the site to be low/medium. For similar reasons, the site displays limited aesthetic appeal and it has low scenic value. Rarity and representativeness can be dealt with together. This is a landscape that does not contain rare landscape types or features. As such in terms of rarity and representativeness, I consider the value of the site/landscape to be low.
42. Given that the site has been neglected for some considerable time, the presence of the badger sett and the submissions regarding its ecology, it attracts a medium value for its conservation interest. There is no public access to the land other than it being a piece of a larger area of open land and has low recreational value and a medium value in terms of perceptual aspects. As far as I am aware the site /landscape has no cultural associations and as such attracts a low value. Reiterating again that this is not a technical exercise, drawing the Box 5.1 factors together, I consider the nature and value of the landscape of the appeal site to be ordinary/low. Combining this "score" with the case law requirement that the landscape should display physical attributes that takes it out of the ordinary, I conclude, that when looked at in the round the appeal site is not a Framework paragraph 109 valued landscape and does not benefit from the enhanced planning status that such an attribution would bring to the balancing exercise.
43. On this issue, the development would have a highly localised substantial and adverse impact on landscape character and visual impact. However, this impact would reduce with distance and for the most part in the wider area the landscape character and visual impact of the development would be

¹³ Stroud District Council v Secretary of State for Communities and Local Government [2015] EWHC 488 (Admin) & Cheshire East Borough Council v Secretary of State for communities and Local Government [2016] EWHC 694 (Admin).

minor moderate. That said the landscape and visual harm resulting from the development would conflict with CS Policies 14 and 17 and LP 2 Policy DSP6.

Other Considerations

Highways

44. I understand the concerns raised by residents particularly regarding the impact of traffic on congestion on the wider network and on Hatherley Crescent/Cornaway Lane at school dropping off/pick-up times. The planning application was accompanied by a robust Transport Assessment (TA) the scope of which was agreed with Hampshire County Council (HCC) as the Highway Authority (HA). In light of this study and its findings, the HA and the Ipa, subject to the imposition of appropriate planning conditions, have no objection to the proposal on highway safety or traffic generation grounds. I have no reason to disagree with those conclusions.
45. In terms of the impact on the wider area, the TA concludes that the capacity of junctions within the study area would not be significantly impacted upon and that the estimated marginal increases in queue lengths would not significantly impact on the operation of the highway network. Congestion occurring at school drop off and pick-up times is restricted to short periods of the day and occurs only on weekdays during term time. Given the location of the site directly abutting the school, the development would be unlikely to generate additional vehicular traffic to and from the school. In my experience, additional traffic generated by the development would only likely to have an impact during the short morning drop-off window. These impacts are not a reason to withhold permission.

Ecology

46. The site is located some 350m from the Portsmouth Harbour Site of Special Scientific Interest (SSSI) which forms part of the wider Portsmouth Harbour Special Protection Area (SPA) and Ramsar Site. The appellant submitted ecological appraisals and produced an Ecological Construction and Management Plan. Given the proximity of the site to the national and internally designated sites referred to above, there is potential for the development to affect the interest features for which they were designated.
47. The appellant submitted to the Ipa a Habitat Regulations Assessment (HRA), which has been assessed by Natural England (NE). Based on what I consider to be a robust study, the HRA concludes that, having regard to measures that could be built-into the scheme and a financial contribution to the Solent Recreation and Mitigation Partnership, significant effects are unlikely to occur either alone or in combination on the interest features of the SPA and Ramsar. In light of these finding, and similar to the conclusion reached by NE, I conclude that an appropriate assessment under the regulations¹⁴ is not required. Similarly, subject to the development being carried out in accordance with the details submitted with the application, NE indicates that the development would not damage or destroy the interest features for which the Portsmouth Harbour SSSI has been notified. Again, I have no reason to disagree with that conclusion.

¹⁴ The Conservation of Habitats and Species Regulations 2010 (As Amended).

48. There is an active badger sett within the site, which the appellant proposes to relocate within the area of public open space to the west. Badgers and their setts are protected by legislation¹⁵. Whilst the lpa has no objection to the relocation, the developer would require a separate licence from NE to remove the badgers. Whilst I note the concerns raised regarding the efficacy of artificial badger setts, they are, in my experience, in common usage and successful. I have no reason in this case to conclude there would be unacceptable harm or loss.
49. From the representations made both orally and in writing, I am in no doubt that the appeal site is highly regarded by local residents and the adjacent primary school as an ecological resource. The school's activities in introducing its pupils to the natural world are substantial and nationally recognised. Although the appeal site is privately owned and there is no public access to it, I recognise that the school views the site as a resource and an indirect source for the wildlife that inhabits the school site. Clearly whilst there would be some loss of habitat, this relates to many species that are common and widespread. The proposed area of public open space albeit it would be divorced from the school grounds by a housing estate, would be publicly available and could be laid out and managed as an improved ecological resource. Moreover, the tending and maturing of private gardens does provide a range of diverse habitats for a wide range of species. Whilst not a direct replacement the variety of habitats provided by private gardens would mitigate any impact on local ecology.
50. Drawing all of the above together, I conclude that the proposed development would not have a materially unacceptable effect on local ecology.

Education and Health

51. The development would generate a demand for 31 primary school places and 22 secondary school places. Research by the appellant identifies that the 5 infant/junior schools in Portchester are full. The Northern Infant school has recently been expanded and the Northern Junior School has a proposal to expand in 2019. HCC as the local education authority (LEA) indicates that the local secondary school has spaces available to meet the needs of the development. Whilst there is pressure on local primary schools, the appellant's submission that some of the existing school places are taken up by pupils from out of the school planning area, which could be used by local children, is not disputed by the lpa. There is no objection from the lpa or LEA on the grounds that the proposal would result in unacceptable pressure on local education infrastructure. I have no reason to disagree.
52. Evidence submitted by the appellant indicates that all primary healthcare centres within some 2 miles of the site are currently accepting patients. Whilst there were submissions that appointments are not easy to obtain, this is not a local problem and is something that occurs nationwide. There is no objection from the local providing body for primary care or the lpa.

Benefits

53. The proposed development would deliver economic, social and environmental benefits. Chief amongst these are that the proposal would

¹⁵ Protection of Badgers Act 1992.

deliver up to 120 homes including up to 48 affordable units. Economic benefits that would flow from the application include those arising from employment during the development phase; a New Homes Bonus payment and increased Council Tax revenues. When undertaking the planning balance factors such as these are generally held to be benefits of development albeit they are benefits that would occur from most developments.

S106 Undertaking

54. Framework paragraph 204 and CIL Regulation 122 say that Planning Obligations should only be sought and weight attached to their provisions where they meet all of the following tests. These are: they are necessary to make the development acceptable in planning terms; they are directly related to the development; and they are fairly and reasonably related in scale and kind to the development.
55. NE's lack of objection to the development is based on the developer making a contribution to the implementation of the Solent Recreation Mitigation Scheme. The purpose of the contribution is to mitigate disturbance of the Portsmouth Harbour SSSI and the wider Portsmouth Harbour Special SPA and Ramsar Site. The UU provides a mechanism for the provision of affordable housing required by development plan policy and the provision and retention of the public open space. These obligations are necessary to make the development acceptable in planning terms, directly related to the development and fair and reasonably related in scale and kind to the development. Accordingly, in this respect, the UU is consistent with the guidance at Framework paragraph 204 and Regulations 122 of the CIL Regulations and where appropriate, I have attached weight to them in coming to my conclusion
56. The UU provides for (i) the submission of a Full Travel Plan; (ii) the payment of £5,750 to Hampshire County Council made up of £750 towards the cost of approving a Full Travel Plan and £5,000 to monitor compliance with it; (iii) the appointment of a Travel Plan Coordinator and (iv) a Travel Plan Bond.
57. The submission of a Travel Plan is a matter that could be dealt with by the imposition of an appropriate condition. Here, the only explanation I have for the monitoring fees is that *"it has been assessed based on the highway authority's experience with regards to monitoring such developments and is justified to ensure that the modal targets within the Travel Plan area achieved and if not there are "punitive" measures within the travel plan that can be instigated to endeavour to achieve the desired modal targets. The monitoring process ensures this check."*
58. The test contained within the Framework and CIL Regulation 122 i.e. "necessary to make the development acceptable in planning terms" is a high threshold in that the obligation has to be necessary and not merely desirable. Moreover, there is nothing in the Planning Acts, the CIL Regulations, the Framework or PPG that suggest that an authority could or should claim monitoring fees as part of a planning obligation. The monitoring of the Travel Plan is, in my view, one of the functions of the County Council. Despite my request for supporting evidence, I conclude that

in the absence of a full justification supported by evidence¹⁶ the payment of a monitoring fee and the provision of a Travel Plan Bond are unnecessary to make the development acceptable in planning terms nor am I in a position to conclude that the requested contribution and Bond are fair and reasonably related in scale and kind to the development. For these reasons, I consider the requested contribution does not accord with the tests set out in the Framework and CIL Regulation 122 and I have not taken it into account in coming to my decision.

The Planning Balance

59. The starting point is that S38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 requires that decisions on applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
60. The site is located outside the settlement boundary of Portchester and does not fall within any of the categories of development that may be permitted by LP Policy DSP6; as such the proposal is in conflict with this policy. Both parties refer to CS Policy CS11, which refers to development within the settlement boundaries of Portchester being permitted. Given the specific nature of this policy and the location of the site outside the settlement boundary, I consider this policy is not relevant to the overall planning balance. I have concluded that the proposed development would have an adverse impact on landscape character and a substantial adverse visual amenity albeit that impact would be highly localised. As such the proposal would be in conflict with CS Policies CS14 and CS17. The proposal would result in the loss of B&MV and would be in conflict with CS Policy CS16.
61. Paragraph 2 of the Framework confirms that it is a material consideration in planning decisions. The fourth bullet point of Framework paragraph 14 has 2 limbs. The first limb indicates that where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless 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. The second limb indicates that development proposals should be granted unless or specific policies in the Framework indicate development should be restricted. Framework paragraph 49 says that relevant policies for the supply of housing should not be considered up-to-date, if the lpa cannot show a 5-year supply of deliverable housing sites. Framework paragraph 215 indicates that due weight should be given to relevant policies in existing plans according to their consistency with the Framework.
62. In relation to housing land supply, the lpa cannot demonstrate a 5-year supply of deliverable housing sites. In this context, the decision of the Supreme Court¹⁷ indicates that such a shortfall triggers the fourth bullet point of Framework paragraph 14. In this case, based on the evidence before me it is only the first limb of the fourth bullet point that is engaged.

¹⁶ Planning Policy Guidance, Paragraph: 004 Reference ID: 23b-004-20150326.

¹⁷ Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) [2017] UKSC 37 on appeals from: [2016] EWCA Civ 168, [2015] EWHC 132 (Admin) and [2015] EWHC 410 (Admin) .

The appellant and the lpa agree that CS Policy CS14 and LP 2 Policy DSP6 are not relevant policies for the supply of housing and I have no reason to disagree. Given, the nature of CS Policy CS 17 – first bullet point, I consider this is not a relevant policy for the supply of housing either.

63. Based on the evidence before me the housing land supply stands at just over 2-years resulting in a significant shortfall. I acknowledge that the lpa is seeking to address its ongoing housing requirements through the preparation of the Local Plan Review and the promotion of the sustainable Urban Extension at Welbourne. That said, a consultation draft of the Local Plan Review is not anticipated to be published until September 2017 and I would not expect that plan to be adopted before mid-2018 at the earliest. Welbourne is the subject of an adopted LP and will be progressed through the appointment of a development partner who will not be identified until early 2018. Once identified the lpa/development partner will subsequently need to involve themselves in land acquisition through negotiation and/or compulsory purchase and to submit/determine major planning applications. On all the evidence before me, it appears to me, given the scale of the development and the constraints involved, which include the provision of a new junction on the M27 (albeit up to 500 units may be permitted before the new junction is required), the potential for significant development within the 5-year period is limited. In these circumstances, the material shortfall in housing land supply will continue and the backlog of housing required to meet local needs will grow.
64. As far as I am aware there are no constraints that would delay this development and as such granting permission would, in line with the clear objectives spelt out at Framework paragraph 47, provide for a significant and material boost/contribution to meeting housing needs within the District, particularly affordable housing. Drawing all this together, I consider that the contribution the appeal site could make to meeting the District's housing needs attracts very substantial weight in the planning balance.
65. Whilst, the objectives of CS Policy C14, CS 17 and LP 2 Policy DSP6 in seeking to protect the countryside from development are consistent with the fifth Core Principle identified at Framework paragraph 17, I conclude in this case that the limited harm in terms of the loss of B&MV agricultural land and landscape character and visual impact would not significantly and demonstrably outweigh the benefits of this scheme in making a material contribution to the significant shortfall in housing land. Accordingly, having regard to Framework paragraph 14, I consider the proposed development represents sustainable development.
66. In coming to the above conclusion, I have had regard to the appeal decision issued by the Secretary of State in 2006. However, I consider this decision was issued in the context of a materially different development plan context. Then, although located in countryside, the area was also identified in the development plan as a Local Gap and a Coastal Zone. Here local policy indicated that development that would physically or visually diminish undeveloped land within the gap would not be permitted. Now, although still defined for planning purposes as countryside, the open area to the west and south of the built-up area of Portchester is no longer classed as a Local Gap or within the Coastal Zone.
-

67. For the reasons, given above and having regard to all other considerations, I conclude that the appeal should be allowed.

Planning Conditions

68. For the avoidance of doubt and in the interests of proper planning and I have imposed a condition relating to the specification of plans (4)¹⁸. Conditions relating the submission of details and the implementation of approved schemes in relation to: the construction of the estate roads (6); boundary treatment (7); archaeological investigations (8); foul and surface water drainage (9); an arboricultural assessment (10); existing and finished ground level and finished floor levels (11); the prevention of mud on the highway (12) construction traffic access (13) and the submission of a Travel Plan (14) are reasonable and necessary in the interests of the appearance of the area, highway safety, the identification and preservation of potential archaeology and the protection neighbours' living conditions. Conditions relating the prevention of fires (15), hours of operation (16); the treatment of hard surfaces (17) and a restriction on eaves height (20) are reasonable and necessary in the interests of appearance and neighbours' living conditions. In the interests of the appearance of the area, a condition relating to landscape implementation and maintenance (18) is necessary. In the interests of ecology, a condition requiring the development to be carried out in accordance with the submitted Ecological Construction and Management Plan (19) is necessary. Where necessary and in the interests of precision and enforceability I have reworded the suggested conditions.
69. At the inquiry, the lpa and the appellant agreed that the suggested conditions relating to boundary treatment, access details, external lighting/floodlighting and the insertion of roof lights were matters that were covered by the submitted plans, were unnecessary , duplicated other conditions or were matters that could be dealt with as part of the reserved matters submissions. I have not imposed these conditions.

George Baird
Inspector

¹⁸ Numbers relate to those in the Schedule of Conditions.

Annex A**SCHEDULE OF CONDITIONS**

1. Details of the appearance, scale, layout and landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of the approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out in accordance with the following approved drawings: Location Plan - Drawing 6132 LOC Rev D and J-D1708.00 Site access Layout and Highway Improvements.
5. No housing development including gardens and roads shall take place to the west of the hedgerow running north to south through the site as shown on Drawing No. 01 Rev W- Illustrative Site Plan.
6. No development shall commence until details of the width, alignment, gradient and type of construction proposed for any roads, footways and/or access/accesses, to include all relevant horizontal and longitudinal cross sections showing the existing and proposed ground levels, together with details of street lighting (where appropriate), the method of disposing of surface water, and details of a programme for the making up of roads and footways have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
7. No development shall commence until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are first occupied or in accordance with a timetable agreed in writing with the local planning authority and shall thereafter be retained at all times.
8. No development shall commence until a preliminary archaeological survey establishing the location, extent, nature and significance of archaeological remains on the site including a mitigation strategy, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the agreed mitigation strategy.
9. No development shall commence on site until details of sewerage and surface water drainage works to serve the development hereby permitted have been submitted to and approved in writing by the local planning authority. None of the dwellings shall be occupied until the drainage works have been completed in accordance with the approved details.
10. No development shall commence until an Arboricultural Impact Assessment Report and Method Statement for tree/hedgerow protection has been

- submitted to and approved in writing by the local planning authority and the approved scheme implemented. The tree/hedgerow protection shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site.
11. No development shall commence until details of the internal finished floor levels of all of the proposed buildings in relation to the existing and finished ground levels on the site and the adjacent land have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 12. No development shall commence until details of the measures to be taken to prevent spoil and mud being deposited on the public highway by vehicles leaving the site during the construction works have been submitted to and approved in writing by the local planning authority. The approved measures shall be fully implemented upon the commencement of development and shall be retained for the duration of construction of the development.
 13. No development shall commence until the local planning authority have approved details of how construction traffic will access the site, how provision is to be made on site for the parking and turning of operatives and delivery vehicles and the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the permitted development. The areas and facilities approved in pursuance to this condition shall be made available before construction works commence on site shall thereafter be kept available at all times during the construction period, unless otherwise agreed in writing with the local planning authority.
 14. Prior to the commencement of construction works a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall include arrangements for monitoring and effective enforcement. Development shall be carried out in accordance with the approved details.
 15. No materials obtained from site clearance or from construction works shall be burnt on the site.
 16. No work relating to the construction of any of the development hereby permitted (including works of demolition or preparation prior to operations) shall take place before the hours of 0800 or after 1800 hours Monday to Friday, before the hours of 0800 or after 1300 hours on Saturdays or at all on Sundays or recognised public holidays, unless otherwise first agreed in writing with the local planning authority.
 17. No development shall proceed beyond damp proof course level until details of the finished treatment of all areas to be hard surfaced have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and the hard surfaced areas subsequently retained as constructed.
 18. The landscaping scheme submitted under Condition 1 above, shall be implemented within the first planting season following the commencement of the development or as otherwise agreed in writing with the local planning

authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of 5 years from first planting, are removed die or become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

19. The development shall be carried out strictly in accordance with the Ecological Construction and Management Plan dated August 2016 and updated November 2016.
20. The dwellings shall not exceed two-storey eaves height.

ANNEX B**APPEARANCES**

FOR THE APPELLANT

Christopher Boyle QC, instructed by the Bryan Jezeff Consultancy.

He called:

Steven Brown BSc (Hons) Dip TP, MRTPI
Woolf Bond Planning.

Liz Bryant MA, CMLI
Allen Pyke Associates.

Michael Knappett BSc (Hons), BTP, MRTPI.
Bryan Jezeff Consultancy.

FOR THE LOCAL PLANNING AUTHORITY

Paul Stinchcombe QC, instructed by Fareham Borough Council

He called:

Andy Blaxland
Director, Adams Hendry Consulting Limited.

Nicola Brown BA (Hons), BLand Arch, CertUD, CMLI
Director, Huskisson Brown.

INTERESTED PERSONS

Mr Mullen.
Mrs Fox.
Ms Sawyer.
Mr Woodman Portchester Civic Society.
Cllr Price.
Cllr Walker.
Cllr Bell.
Cllr Fazackarley.
Cllr Cunningham.
Ms Morton, Wicor Primary School.
Mr Cable.
Mr Britton.
Mrs Kirk.

DOCUMENTS SUBMITTED AT THE INQUIRY

- Doc 1 - Phides Estates (Overseas) Limited and Secretary of State for Communities and Local Government and Shepway Council and David Plumstead [2015] EWHC 827 (Admin).
- Doc 2 - Supplementary Tables AB1, AB2 & AB3 to the evidence of Mr Blaxland.

- Doc 3 - Additional Suggested Condition – Field A.
- Doc 4 - Note in response to question from Mr Boyle.
- Doc 5 - Submissions by Cllr Walker.
- Doc 6 - Submissions by Cllr. Price.
- Doc 7 - Submissions by Cllr. Bell.
- Doc 8 - Submissions by Cllr Fazackarley.
- Doc 9 - Submissions by Cllr Cunningham.
- Doc 10 - Submissions by Portchester Civic Society.
- Doc 11 - Submissions by Mr Cable.
- Doc 12 - Submissions by Wicor Primary School.
- Doc 13 - Submissions by Mrs Kirk.
- Doc 14 - Summary of S106 Unilateral Undertaking.
- Doc 15 - Lpa CIL Compliance Schedule.
- Doc 16 - Email dated 27 April 2017, Response by Hampshire County Council regarding S106 Unilateral Undertaking Travel Plan Contributions.
- Doc 17 - S106 Unilateral Undertaking.
- Doc 18 - Minutes of Planning Committee 24 March 2016.
- Doc 19 - Appellant’s application for coosts.
- Doc 20 - Lpa response to the application for costs.

DOCUMENTS SUBMITTED AFTER THE INQUIRY CLOSED

- Doc 21 - Appellant’s response on the implications of Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) [2017] UKSC 37 on appeals from: [2016] EWCA Civ 168, [2015] EWHC 132 (Admin) and [2015] EWHC 410 (Admin).
- Doc 22 - Lpa’s response on the implications of Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) [2017] UKSC 37 on appeals from: [2016] EWCA Civ 168, [2015] EWHC 132 (Admin) and [2015] EWHC 410 (Admin).

APPENDIX 9

CORRESPONDENCE WITH THE LPA ON CHAMOMILE AND BAP PRIORITY HABITAT

From: [Chambers, Jean](#)
To: [Jim Phillips](#)
Cc: [Kate Holden](#); [Miri, Maral](#); [Charlie Fayers](#)
Subject: RE: Newgate Lane South- Ecology P/19/0460/OA
Date: 05 December 2019 08:46:29
Attachments: [image001.ipg](#)

Dear Mr Phillips

Thank you for the email and the points that you have raised. I will consider further in due course when I am working on the file and committee report.

Yours sincerely

Jean Chambers
Principal Planner (Development Management)
Fareham Borough Council
01329824355
07774946032



From: Jim Phillips <jim.phillips@ethosep.co.uk>
Sent: 20 November 2019 16:20
To: Chambers, Jean <JChambers@Fareham.Gov.UK>
Cc: Kate Holden <Kate.Holden@pegasusgroup.co.uk>; Miri, Maral <Maral.Miri@hants.gov.uk>; Charlie Fayers <charlie.fayers@ethosep.co.uk>
Subject: RE: Newgate Lane South- Ecology P/19/0460/OA

Hi Jean

Kate Holden has forwarded me your email below which there appears to be two main issues you have raised:

1. The requirement for upfront surveys should appropriately cover the habitat value in order to inform potential mitigation;
2. The ability to understand the value of the habitat it surely would be unclear as to how the proposed open space could/would function, i.e. can it be appropriately managed and still function as an open space.

In response to these points, I make the following comments:

We have completed surveys of this land in September and October 2019 and established the presence of chamomile (which is included as a species "of principal importance for the purpose of conserving biodiversity" under Section 41 (England) of the Natural Environment and Rural Communities Act 2006), and other plant species indicating the fields would meet the criteria of a lowland meadow (which is a UK BAP Priority Habitat). It has not been feasible to complete a full NVC survey of the habitat due to its existing use for horse grazing (which is intensive) and presents a significant limitation to this.

The evidence we have to date is sufficient to establish the value of the habitat (which we have) and provides us with sufficient information to prepare management objectives for the land to ensure it can function as both open space and retain its value as a BAP habitat and habitat for chamomile. Indeed, considering the existing heavy poaching of the site from grazing, its proposed use, with appropriate management will significantly increase the opportunity for this habitat to be improved resulting in a biodiversity net gain.

The requirement for upfront NVC surveys in this circumstance is unreasonable and has no legislative requirement as current government standing advice only requires upfront surveys for protected sites and species – this habitat and site is not included on this list (<https://www.gov.uk/guidance/protected-sites-and-areas-how-to-review-planning-applications#types-of-protected-sites-and-areas>).

In my view, it would be reasonable and proportional to accept a management plan based on the evidence we have to date, and then condition a detailed landscape and ecological management plan (LEMP) for this area and the whole site for a reserved matters application. At this outline stage, you only need to establish that the habitat can be retained and managed appropriately – which it can. This approach would enable a detailed botanical survey (NVC) to be completed when grazing ceases and this would be used along with other detail design matters to prepare the detailed LEMP. This is standard practice and I have worked on many hundreds of projects where this has been acceptable. I see no reasonable justification why this approach would not be acceptable for this scheme.

I would hope that my suggestion above would enable you to reconsider your statement below.

Thanks

Jim Philips
Managing Director



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From: Chambers, Jean <JChambers@Fareham.Gov.UK>
Sent: 15 November 2019 12:21
To: Kate Holden <Kate.Holden@pegasusgroup.co.uk>
Cc: Miri, Maral <Maral.Miri@hants.gov.uk>
Subject: RE: Newgate Lane South- Ecology P/19/0460/OA

Kate

Thank you for the email. You will be aware of my overall concern on this application. With regard to the potential for a planning condition in respect of the issues raised below, my advice is that as with any application, upfront surveys should appropriately cover the habitat value in order to inform potential mitigation. Until we understand the value of the habitat it surely would be unclear as to how the proposed open space could/would function, i.e. can it be appropriately managed and still function as an open space? This could then have implications in whether the up to figure of 115 units could be accommodated.

At this point in time, I consider there to be insufficient information to inform the application.

I hope this helps.

Jean Chambers
Principal Planner (Development Management)
Fareham Borough Council
01329824355
07774946032



From: Kate Holden <Kate.Holden@pegasusgroup.co.uk>
Sent: 07 November 2019 14:30
To: Chambers, Jean <JChambers@Fareham.Gov.UK>
Cc: maral.miri@hants.gov.uk; Charlie Fayers <charlie.fayers@ethosep.co.uk>
Subject: Newgate Lane - Ecology

Jean,

Our ecologist has had a helpful discussion with Maral on the phone regarding the latest ecology comments.

The chamomile survey revealed a presence of the plant on the western part of the site, which is proposed for public open space. I understand that Maral is agreeable to a planning condition which will require the approval of a Management Plan to retain and manage the chamomile as appropriate.

However, it is now also alleged that the same western part of the site *may* also be a Priority Habitat (meadow), and that unfortunately we cannot know this conclusively until a survey is carried out in the relevant seasons beginning in April/May. As such, we have suggested a further condition to undertake the survey work (NVC survey) at the appropriate time and if necessary, produce a similar Management Plan.

I understand that the LPA is reluctant to condition the Priority Habitat work, being of the opinion that the application cannot be determined without this information? I note that policy CS4 which deals with biodiversity makes clear that all important habitats should be accorded protection (albeit in line with the hierarchy of sites set out – which does not include Priority Habitats). It goes on to state that *"Green Infrastructure will be created and safeguarded through: Investing in appropriate management,*

enhancement and restoration, and the creation of new resources including parks, woodland and trees, and wildlife habitats; Not permitting development that compromises its integrity and therefore that of the overall green infrastructure framework.” Given that the proposal does not include the development of the part of the site which may be Priority Habitat, and therefore we know that appropriate management is achievable, I fail to see why a condition would not be an appropriate response to adhere to the policy?

Maral has suggested you may be able to throw some more light on this, and I would be grateful for your thoughts.

Regards,

Kate.

Kate Holden
Associate Planner

Pegasus Group

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS | HERITAGE

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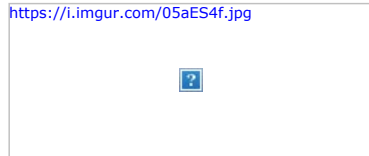
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Subject: FW: P/19/0460/OA - Land at Newgate Lane South

From: Miri, Maral [<mailto:Maral.Miri@hants.gov.uk>]
Sent: 04 November 2019 11:08
To: Chambers, Jean <JChambers@Fareham.Gov.UK>
Subject: FW: P/19/0460/OA - Land at Newgate Lane South

Dear Jean,

P/19/0460/OA - Land at Newgate Lane (South) Fareham - Outline Planning Permission For The Demolition Of Existing Buildings And Development Of Up To 115 Dwellings, Open Space, Vehicular Access Point From Newgate Lane And Associated And Ancillary Infrastructure, With All Matters Except Access To Be Reserved.

Thank you for re-consulting me on this planning application.

Previously, concerns were raised in relation to the presence of a large colony of Chamomile, which is classed as Vulnerable on the vascular plant Red List for England. Following the confirmation of the presence of this notable plant in large numbers and based on consultation with the Hampshire Biodiversity Information Centre (HBIC), it is understood that HBIC is looking to designate this site as a 6A (and potentially a 2A or 2B) SINC for the presence of chamomile. It is understood that the site will be put forward at the next SINC Panel (comprising of Natural England, Hampshire County Council and Hampshire and Isle of Wight Wildlife Trust) in December 2019.

I acknowledge the applicant's submission of further information confirming that the areas with a Chamomile population will be retained as a Public Open Space (POS) and an appropriate management plan will be drawn (subject to a condition) to ensure chamomile thrives in the POS. Whilst this could be acceptable, we have concerns that the site has not been fully surveyed to assess its habitat interest. There is a likelihood that the fields support "Lowland Meadow Priority Habitat". This is based on the information available for the fields on site which showed a high herb content in October, along with the presence of a large population of black knapweed, which is one of the key indicators of meadow habitats (NVC community MG5).

In summary, I am not satisfied that the ecological surveys of the site correctly reflect the site's conditions. The presence of Lowland Meadow will affect the optimal future management of the area, which means the suggested management regime of maintaining a short sward, typical of amenity grasslands, would no longer be appropriate.

Please do contact me if you need any further information.

Kind regards,
Maral

Please note that this advice is given in accordance with the Service Level Agreement that has been signed between Hampshire County Council and your Council. These comments are expressed as a professional view provided to Fareham Borough Council and should not, therefore, be interpreted as those of Hampshire County Council.

Maral Miri (MSc, CEnv, MCIEEM)

**Senior Ecologist
Ecology Team**

Economy, Transport and Environment Department
Hampshire County Council

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E-mail: Maral.Miri@hants.gov.uk;

<https://www.hants.gov.uk/landplanningandenvironment/environment/biodiversity>

Telephone: 01962 832265

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APPENDIX 10
LETTER AND PLAN FROM HBIC

Ms K Holden
Pegasus Group
First Floor, South Wing
Equinox North
Great Park Road
Almondsbury
Bristol
Somerset
BS32 4QL

HBIC
1st Floor
Elizabeth II Court West,
The Castle,
Winchester
SO23 8UD.

Tel 01962 832320

enquiries.hbic@hants.gov.uk
www.hants.gov.uk/hbic

Ref. SC/E35/10/ FA0113

25th May 2020

sharing

Dear Ms Holden

Sites of Importance for Nature Conservation (SINCs) : Meadows North of Woodgate Lane, Peel Common, Fareham Borough

information

I am writing to let you know that the above site, which I believe to be in your ownership, supports wildlife features that the Hampshire SINCs Advisory Panel has agreed meet the criteria for selection as a Site of Importance for Nature Conservation (SINC). The Panel comprises officers from Natural England, the Hampshire & Isle of Wight Wildlife Trust and Hampshire County Council, supported by the Hampshire Biodiversity Information Centre (HBIC) who maintains the SINC system on behalf of the local authorities.

about

SINCs are a UK-wide non-statutory designation intended to identify sites of high nature conservation value. They are also known as Local Sites or Local Wildlife Sites¹. Further details about the purpose of SINCs and sources of advice are given in the enclosed information sheet.

Hampshire's

The basis for the selection of the new SINC is as follows:

Extensive colony of the notable species, chamomile, listed under Section 41 of the Natural Environment and Rural Communities Act (2006), recorded in the fields.

wildlife

If you do not think this reflects the **interest of the site or accords with the selection criteria**, we would be grateful to hear from you by the **19th June 2020**. Evidence to support your comments will then be required by the **31st October 2020**. If we do not hear from you by this date, the

[The Hampshire Biodiversity Information Centre Partnership](#) includes local authorities, government agencies, wildlife charities and species recording groups

original proposal will stand. If you are having trouble finding a consultant to help you gather evidence by the 31st October due to the Covid-19 situation, please get in touch by email by 31st August 2020 to discuss the options. Any evidence you provide will be carefully considered by the SINC's Advisory Panel, along with the original data upon which the proposal was determined. Until then it will be listed as a 'Candidate SINC' (cSINC).

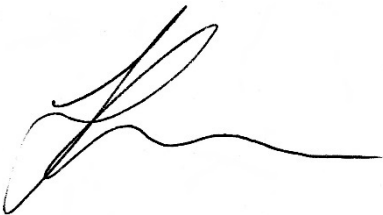
The survey data on which the site has been evaluated was gathered, with permission, by HBIC. If you do not already possess a copy of the data, please contact HBIC at enquiries.hbic@hants.gov.uk. These surveys provide useful information for supporting countryside stewardship schemes.

The boundary of the new SINC is shown on the accompanying map. Other existing SINC's, some of which may be in your ownership, are also shown on the map where they occur in the vicinity. I would be grateful if you could confirm receipt of this letter and the information contained within. You can do this by confirming your ownership in relation to the SINC boundaries on the map and the ownership details on the form, amending as necessary and returning to HBIC. A copy of this letter has also been sent to the landowners.

As the designation and review of SINC's is an on-going process the most recent boundaries will be held by HBIC on behalf of the local authorities, as part of their evidence base to support development management and local plan work. If you would like more information about the planning implications of this designation, please contact the Planning office within your local planning authority.

I look forward to hearing from you in the near future.

Yours sincerely,

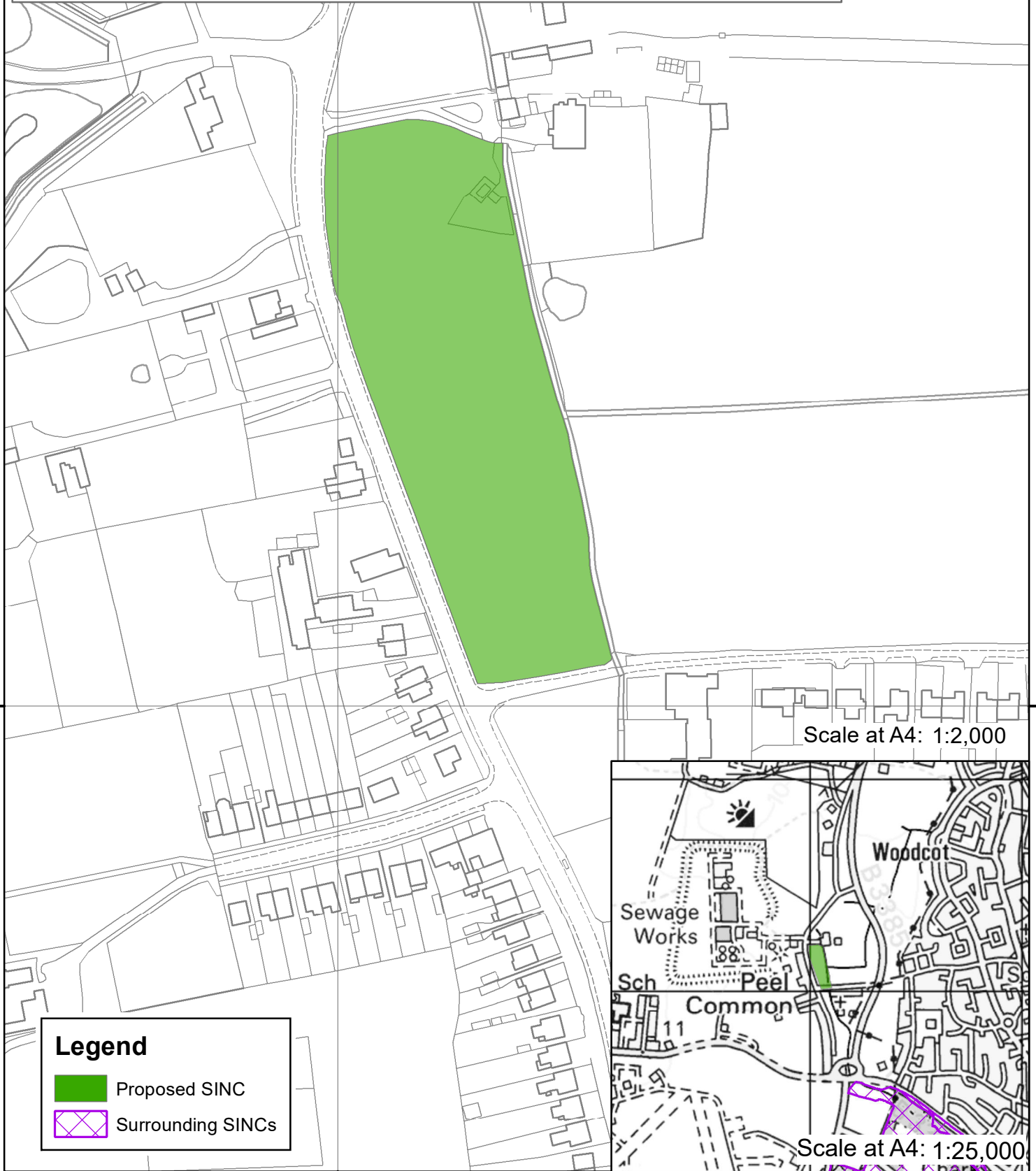


Dr Sarah Callegari
SINC Programme Manager
Email: sarah.callegari@hants.gov.uk
Direct line: 01962 832320

Encs: Site map, SINC leaflet, SINC criteria, Ownership Confirmation & Comments form, Land Management Advisors Note

ⁱ Local Sites; Guidance on their identification, Selection and Management, Defra 2006. See <http://webarchive.nationalarchives.gov.uk/20130402151656/http://archive.defra.gov.uk/rural/documents/protectedlocalsites.pdf>

SINCs Advisory Panel Assessment: May 2020 Proposed SINC



Legend

- Proposed SINC
- Surrounding SINCs

APPENDIX 11
ECOLOGY OFFICER RESPONSE

Subject: P/19/0460/OA - Land at Newgate Lane (South) Fareham

Subject: P/19/0460/OA - Land at Newgate Lane (South) Fareham

Dear Jean,

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.

Thank you for consulting me on this planning application which is supported by an Ecological Assessment by ethos Environmental Planning (April 2019).

The habitats present on site include boundary hedgerows, scattered trees, improved grassland, arable fields and buildings. The River Alver runs through the western side of the site, along with a number of drainage ditches along the field boundaries. The suit of surveys carried out on the site confirmed the likely absence of badger setts, great crested newts, otters and water voles. Reptiles are likely to be present on site; however, the suitable habitats for this group of species, along the river Alver, will be retained and enhanced. The bat activity surveys recorded low levels of foraging and commuting activity of common and soprano pipistrelle, Nathusius's pipistrelle, noctule, Leisler's and brown long-eared bats. The breeding bird surveys recorded a total of 29 bird species, including four red-listed and UK BAP and a number of declining farmland species. Of these, 21 were exhibiting breeding behaviours and were assessed to hold territories within the survey area.

The proposed mitigation and enhancement measures are broadly acceptable and include retention and enhancement of boundary hedgerows, creation of swales and wildflower meadows, creation of log piles, retention of darkened corridors and installation of bird and bat boxes. Therefore, I raise no major concerns. However, I request further information in relation to Hedge 3 which accounted for the majority of Nathusius's pipistrelle calls. This hedge is assessed as being a key commuting route for bats across the site. Whilst this hedge will be retained, review of the illustrative masterplan fails to show if any buffers will be retained/created to the north and south of this hedge. Therefore, further clarification in relation to the width of buffers, if any, is required

The application site is located approximately 2.3km north-east of the Solent & Southampton Water SPA and Ramsar and Solent and Dorset Coast pSPA and 1.3km south-west of Portsmouth Harbour SPA and Ramsar. In the absence of mitigation, a number of Likely Significant Effects (LSEs) are expected and therefore, it is necessary to proceed to the Appropriate Assessment stage. The following LSEs have been identified in relation to the above designated sites:

- Loss of SPA supportive habitat
- Increased Recreational Disturbance
- Hydrological changes from surface water
- Hydrological changes from foul water

The site is known to be a Solent Waders and a Brent Geese Strategy 'Low Use' (F15) site. It is evident that avoidance, mitigation and compensation measures to offset the loss of this habitat cannot be provided. Therefore, a payment towards the management and enhancement of the wider wader and Brent geese ecological network will be required. The level of financial contribution will be decided by Natural England and should be secured through a S106.

The increased recreational disturbance will be mitigated through the Solent Recreation Mitigation Strategy financial contribution, which should be secured through a S106.

The surface water equality changes and an increased flood risk as a result of the proposals will be mitigated through the implementation of the SuDS scheme and a CEMP during the construction phase.

Waste water from the development is likely to add to the nitrogen levels within the Solent and Southampton Water and Portsmouth Harbour. The pathway is via the waste water treatment works. There is potential for all new developments within the Solent catchment to impact on the nutrient levels in the harbours. Therefore, a nitrogen budget calculation for the site will be required. Provided that the calculations confirm nitrogen neutrality or a deficit in the budget, then no impacts are considered likely.

Considering the above, it could be concluded that there will be no adverse effect on the integrity of the Portsmouth Harbour SPA and Ramsar Site, the Solent and Dorset Coast pSPA and the Solent and Southampton Water SPA and Ramsar, provided that the measures summarised above are put in place. More details could be found within the officer's Habitat Regulation Assessment report.

If you were minded to grant permission (provided that the nitrogen budget calculations are acceptable and the buffer to the north and south of Hedge 3 is appropriate), I recommend that the below conditions are added to the decision notice:

- The dark corridors as illustrated by Figure 14 'Biodiversity Mitigation Plan' of the submitted Ecological Assessment by ethos Environmental Planning (April 2019) shall be implemented and retained for perpetuity. **Reason:** to protect key commuting routes for bats in line with Policy DSP13.
- Full details of all necessary ecological mitigation, compensation, enhancement and management measures (to be informed as necessary by up-to-date survey and assessment) shall be submitted for approval to the Local Planning Authority in the form of a mitigation and enhancement method statement with each reserved matters application. Such details shall be in accordance with the outline ecological mitigation, compensation and enhancement measures detailed within the submitted Ecological Assessment report by Ethos Environmental Planning (April 2019). Any such approved measures shall thereafter be implemented in strict accordance with the agreed details and with all measures maintained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. **Reason:** to provide ecological protection, compensation and enhancement in accordance with Conservation Regulations 2017, Wildlife & Countryside Act 1981 (as amended), NERC Act 2006, NPPF and Policy DSP13 of the Fareham Local Plan Part 2.

Please do not hesitate to contact me if you need any further information.

Kind regards,
Maral

Please note that this advice is given in accordance with the Service Level Agreement that has been signed between Hampshire County Council and your Council. These comments are expressed as a professional view provided to Fareham Borough Council and should not, therefore, be interpreted as those of Hampshire County Council.

Maral Miri (MSc, CEnv, MCIEEM)

Senior Ecologist

Ecology Team

Economy, Transport and Environment Department

Hampshire County Council

Elizabeth II Court, 1st Floor West, Winchester, Hampshire SO23 8UD

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APPENDIX 12
ECONOMIC BENEFITS STATEMENTS



LAND TO THE NORTH OF GOSPORT ROAD, FAREHAM – NORTHERN PARCEL

ECONOMIC BENEFITS STATEMENT

ON BEHALF OF FAREHAM LAND LP

Date: September 2018

Pegasus Reference: RC/BRS.4989

Pegasus Group

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APPENDIX 2 – DATA SOURCES

1. ECONOMIC BENEFITS OF THE PROPOSALS

Scope and Purpose

- 1.1 This note outlines the potential economic benefits that could be generated by developing 75 dwellings on the northern parcel of the land at Newgate Lane in Fareham. It quantifies the benefits that could be created by the scheme, including:
- Construction employment opportunities.
 - Contribution of the construction phase to economic output.
 - Household expenditure associated with residents of the new dwellings.
 - Economically active people in employment attracted to live in the new dwellings.
- 1.2 In addition to the benefits for the local area, the proposals will create benefits for Fareham Borough Council via:
- Contribution to Council Tax.
 - Potential New Homes Bonus income (also benefitting Hampshire County Council).

Main Findings

- 1.3 The main economic benefits from the scheme can be summarised as:
- **Direct construction-related employment:** The proposed development could support around 77-person years of direct employment within the construction sectorⁱ. This translates into 51 roles on-site per annum over the estimated 18-month build programme.
 - **Construction impact in the supply chain:** A further 94 jobs could be supported each year locally and across the wider region through indirect and induced effects during the construction phaseⁱⁱ.
 - **Contribution of the construction phase to economic output:** The proposed development could generate an additional £14.5million of gross value added (GVA) for the regional economy during the construction periodⁱⁱⁱ.
 - **Growing labour force:** Approximately 93 economically active and employed residents are estimated to live in the new dwellings once the site is fully built and occupied. These residents, along with those who are not economically active, will be spending money in the local economy, as outlined in the next finding^{iv}.
 - **Household spend:** Once fully built and occupied, the households are estimated to generate expenditure in the region of £2.5million per annum^v.

- **Increased Council Tax income:** The construction of the new homes could generate around £120,000 per annum in additional Council Tax revenue for Fareham Borough Council, once fully developed and occupied^{vi}.
- **New Homes Bonus revenue:** The proposed development also has the potential to generate in the region of £445,000 in New Homes Bonus revenue for Fareham Borough Council, and £111,000 for Hampshire County Council^{vii}.

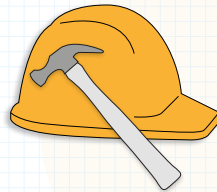
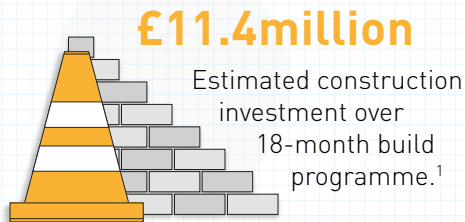
1.4 Appendix 1 presents the main findings as an infographic. Appendix 2 provides details on the data sources used to calculate the economic benefits of the scheme.

APPENDIX 1 – ECONOMIC BENEFITS INFOGRAPHIC

ECONOMIC BENEFITS

LAND TO THE NORTH OF GOSPORT ROAD, FAREHAM
 CONSTRUCTION OF UP TO 75 RESIDENTIAL DWELLINGS ON THE NORTHERN PARCEL

CONSTRUCTION BENEFITS



145

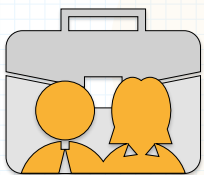
Direct construction roles and indirect/induced jobs supported per annum during build phase.

£14.5million GVA²



Economic output contribution from jobs supported by activities at the site over 18-month.

OPERATIONAL BENEFITS



93

Economically active and employed residents estimated to live in the new housing.



£2.5million

Annual household expenditure.



£445,000

Potential New Homes Bonus Revenue to Fareham Borough Council.

£111,000

To Hampshire County Council.



50%

Half of employed residents estimated to be working in higher value/higher income occupations.

£120,000

Estimated annual increase in Council Tax revenue.



¹ The construction cost has been estimated using the BCIS Online tool and is exclusive of external works, contingencies, supporting infrastructure, fees, VAT, finance charges etc.

² GVA, or gross value added, is the measure of the value of goods and services produced in an area, sector or industry.

APPENDIX 2 – DATA SOURCES

ⁱ The estimated construction cost of around £11.4million has been divided by the average turnover per construction employee in the South East region of £149,000, based on figures derived from the 2017 edition of Business Population Estimates produced by the Office for National Statistics. The construction cost has been estimated using the BCIS Online tool (accessed 24/08/18). The cost is exclusive of external works, contingencies, supporting infrastructure, fees, VAT, finance charges etc.

ⁱⁱ Indirect and induced effects calculated using official guidance – *Homes & Communities Agency, 2014. Additionality Guide, Fourth Edition.*

ⁱⁱⁱ GVA calculated using data from the Office for National Statistics – sub-regional GVA figures (2016) and job estimates from the Business Register and Employment Survey (2016).

^{iv} Number of economically active and employed people calculated using data from the 2011 Census and Annual Population Survey (April 2017-March 2018).

^v Calculated using household spend by region for 2015-17, produced by the Office for National Statistics.

^{vi} Based on Council Tax for 2018/19 in Fareham of £1,599 for a dwelling in Band D.

^{vii} Calculated using the Government's New Home Bonus Calculator. These estimates do not include any additional payments for affordable houses built and are based on the new operating model for New Homes Bonus, which was announced in December 2016. Under the New Homes Bonus scheme, the Government previously matched the Council Tax raised on each new home built in an area for a period of six years. The December 2016 changes set a national baseline figure of 0.4% growth to ensure councils are not rewarded for natural housing growth. Where growth is below the baseline level of 0.4%, new homes are not rewarded with the Bonus and the national average Band D council tax rate of £1,591 is paid thereafter. The number of years in which payments are made has been reduced to four years from 2018/19.



LAND AT NEWGATE LANE (SOUTH), FAREHAM

ECONOMIC BENEFITS STATEMENT

ON BEHALF OF BARGATE HOMES LTD

Date: September 2019

Pegasus Reference: RC/BRS.4989

Pegasus Group

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1. ECONOMIC BENEFITS OF THE PROPOSALS 1

APPENDIX 1 – ECONOMIC BENEFITS INFOGRAPHIC

APPENDIX 2 – DATA SOURCES

1. ECONOMIC BENEFITS OF THE PROPOSALS

Scope and Purpose

1.1 This note outlines the potential economic benefits that could be generated by developing 115 dwellings on the southern parcel of the land at Newgate Lane in Fareham. It quantifies the benefits that could be created by the scheme, including:

- Construction employment opportunities.
- Contribution of the construction phase to economic output.
- Household expenditure associated with residents of the new dwellings.
- Economically active people in employment attracted to live in the new dwellings.

1.2 In addition to the benefits for the local area, the proposals will create benefits for Fareham Borough Council via:

- Contribution to Council Tax.
- Potential New Homes Bonus income (also benefitting Hampshire County Council).

Main Findings

1.3 The main economic benefits from the scheme can be summarised as:

- **Direct construction-related employment:** The Proposed Development could support around 106-person years of direct employment within the construction sectorⁱ. This translates into 35 roles on-site per annum over the estimated three-year build programme.
- **Construction impact in the supply chain:** A further 62 jobs could be supported each year locally and across the wider region through indirect and induced effects during the construction phaseⁱⁱ.
- **Total construction-related employment:** Taking into account on-site roles and the indirect and induced effects, the Proposed Development could support an estimated 97 jobs during the three-year build programme.
- **Contribution of the construction phase to economic output:** The Proposed Development could generate an additional £19.3million of gross value added (GVA) for the regional economy during the construction periodⁱⁱⁱ.
- **Growing labour force:** Approximately 142 economically active and employed residents are estimated to live in the new dwellings once the site is fully built and occupied^{iv}.

- **Higher value occupations:** If residents show a similar employment profile to the existing working age population of Fareham, around 46.0% of the 142 people employed could be working in higher value occupations – managers, directors, senior officials; professional; and associate professional & technical roles^v.
- **Household spend:** Once fully built and occupied, the households are estimated to generate expenditure in the region of £3.9million per annum^{vi}.
- **First Occupation Expenditure:** The 115 dwellings are estimated to generate approximately £575,000 in first occupation expenditure^{vii}.
- **Increased Council Tax income:** The construction of the new homes could generate around £191,600 per annum in additional Council Tax revenue for Fareham Borough Council, once fully developed and occupied^{viii}.
- **New Homes Bonus revenue:** The Proposed Development also has the potential to generate in the region of £615,000 in New Homes Bonus revenue for Fareham Borough Council, and £154,000 for Hampshire County Council^{ix}.

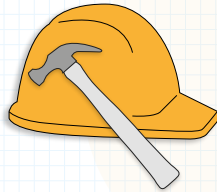
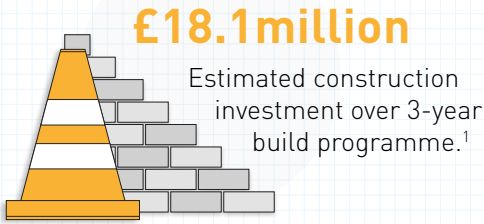
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APPENDIX 1 – ECONOMIC BENEFITS INFOGRAPHIC

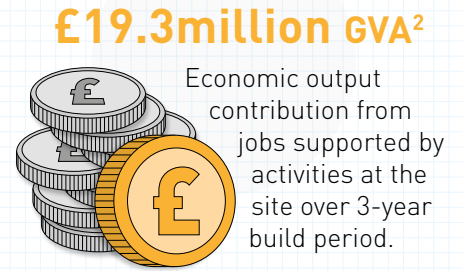
ECONOMIC BENEFITS

LAND AT NEWGATE LANE (SOUTH), FAREHAM
CONSTRUCTION OF UP TO 115 RESIDENTIAL DWELLINGS ON THE SOUTHERN PARCEL

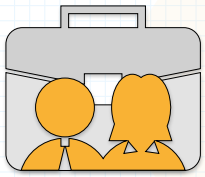
CONSTRUCTION BENEFITS



97
Direct construction roles and indirect/induced jobs supported per annum during build phase.



OPERATIONAL BENEFITS



142
Economically active and employed residents estimated to live in the new housing.

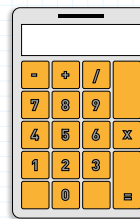


£3.9million
Annual household expenditure.



£615,000
Potential New Homes Bonus Revenue to Fareham Borough Council.

£154,000
To Hampshire County Council.



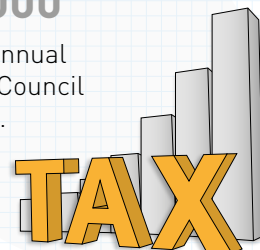
£575,000
Estimated first occupation expenditure.



46%
Half of employed residents estimated to be working in higher value/higher income occupations.

£192,000

Estimated annual increase in Council Tax revenue.



¹ The construction cost has been estimated using the BCIS Online tool and is exclusive of external works, contingencies, supporting infrastructure, fees, VAT, finance charges etc.

² GVA, or gross value added, is the measure of the value of goods and services produced in an area, sector or industry.

APPENDIX 2 – DATA SOURCES

ⁱ The estimated construction cost of around £18.1million has been divided by the average turnover per construction employee in the South East region of £172,000, based on figures derived from the 2018 edition of Business Population Estimates produced by the Office for National Statistics. The construction cost has been estimated using the BCIS Online tool (accessed 24/04/19). The cost is exclusive of external works, contingencies, supporting infrastructure, fees, VAT, finance charges etc.

ⁱⁱ The July 2018 'Economic Footprint of House Building in England and Wales' report by the Home Builders Federation found that for every 1 job in housing construction, the scale of employment supported is equivalent to between 2.4 and 3.1 direct, indirect and induced jobs per new dwelling built. Taking an average of these figures, a multiplier of 2.75 has been used – i.e. for every 1 job, a further 1.75 jobs are supported in the wider economy. Therefore, as well as the 35 on-site jobs supported per annum during the build phase, the Proposed Development could support a total of 62 additional jobs per annum in the wider economy over the three-year build phase.

ⁱⁱⁱ GVA calculated using data from the Office for National Statistics – sub-regional GVA figures (2017) and job estimates from the Business Register and Employment Survey (2017).

^{iv} Number of economically active and employed people calculated using data from the 2011 Census and Annual Population Survey (January 2018-December 2018).

^v Based on data sourced from the Annual Population Survey (January 2018-December 2018).

^{vi} Calculated using household spend by region for 2016-18, produced by the Office for National Statistics.

^{vii} The average homeowner spends approximately £5,000 to make their house 'feel like home' within 18 months of moving in. The figure is referenced in the report Economic Footprint of House Building in England and Wales' report by the Home Builders Federation, published in July 2018.

viii Based on Council Tax for 2019/20 in Fareham of £1,666 for a dwelling in Band D.

ix Calculated using the Government's New Home Bonus Calculator. These estimates do not include any additional payments for affordable houses built and are based on the new operating model for New Homes Bonus, which was announced in December 2016. Under the New Homes Bonus scheme, the Government previously matched the Council Tax raised on each new home built in an area for a period of six years. The December 2016 changes set a national baseline figure of 0.4% growth to ensure councils are not rewarded for natural housing growth. Where growth is below the baseline level of 0.4%, new homes are not rewarded with the Bonus and the national average Band D council tax rate of £1,671 is paid thereafter. The number of years in which payments are made was reduced to four years from 2018/19.